

**CODE OF ORDINANCES, CITY OF SMITHVILLE, TEXAS
CHAPTER 10 SUBDIVISIONS**

ARTICLE 10.01 GENERAL PROVISIONS

Sec. 10.01.001 Purpose

This ordinance is enacted by the City of Smithville for the following purposes:

- (a) To implement the City of Smithville Comprehensive Plan through the regulation of subdivision development;
- (b) To provide for the orderly development of the City and its extraterritorial jurisdiction;
- (c) To ensure adequate provision for streets, alleys, parks, water and wastewater lines, storm drainage, and other facilities indispensable to the community;
- (d) To ensure adequate fire protection and adequate access and egress for fire and other emergency services;
- (e) To ensure access to adequate amounts of light and air; and
- (f) To ensure the overall health, safety, and general welfare of the community.

Sec. 10.01.002 Authority

This Chapter 10 is adopted pursuant to Chapter 212, Texas Local Government Code, the authority granted to the City under the Constitution of the State of Texas, other applicable chapters of the City of Smithville Code of Ordinances, and any other authority provided by law, as such laws, statutes, and authorities may be amended from time to time.

Sec. 10.01.003 Applicability

- (a) The terms of this Chapter 10 apply within the city limits of the City of Smithville. The terms of this Chapter 10 apply within the extraterritorial jurisdiction of the City subject to the terms of any agreement entered between the City of Smithville and Bastrop County pursuant to Texas Local Government Code § 242.001.
- (b) The owner of any tract of land that develops land or who divides any tract in two or more parts to lay out a subdivision of the tract, including an addition to the City, to lay out

suburban, building, or other lots, and to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, or other parts must have a plat of the subdivision prepared that complies with the with the terms of this Chapter 10.

- (c) A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or other executory contract to convey, or by using any other method.
- (d) A division of land under this Chapter 10 does not include a division of land into parts that are greater than five acres, where each part has access to a public street and not public improvement is being dedicated.

Sec. 10.01.004 Permits; Utilities

- (a) No building permit or certificate of occupancy shall be issued for any parcel of land until a plat has been recorded in accordance with this chapter and all other requirements of the Code have been met; and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with this section.
- (b) The City of Smithville shall not serve or connect any land with water, sewerage, or electric service until a plat has been recorded in accordance with this chapter and all other requirements of the Code have been met.

Sec. 10.01.006 Violation; Civil Enforcement

- (a) It is unlawful and a misdemeanor for any person to fail to comply with the terms of this Chapter or to take an action in violation of the terms of this Chapter. Each day that a violation continues constitutes a separate offense.
- (b) Filing of a criminal case in municipal court to enforce the terms of this Chapter does not constitute an election

Sec. 10.01.005 Definitions

- (a) Interpretation. Words, phrases, and terms not defined in this code shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

The text of this chapter shall control captions, titles, and maps. The word “shall” is mandatory and not permissive; the word “may” is permissive and not mandatory. Words used in the singular include the plural and words used in the plural include the singular. Words used in any tense include any other tense.

- (b) Defined terms. The following words, phrases, and terms, have that meaning ascribed to them below:

100-YEAR FLOODPLAIN (ZONE) - That area subject to inundation by a flood having a one-percent probability of occurrence, in any given year based on existing conditions of development within the watershed area, as determined by the base flood elevation (BFE).

ACTION RESPONSE - A response to a plan or plat that has been approved with conditions or disapproved filed pursuant to Texas Local Government Code § 212.0093.

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

BASE FLOOD - The flood having a one-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) - The computed elevation that indicates the water surface elevation resulting from flood that has a 1% chance of equaling or exceeding that level in any given year shown on the then-current City-adopted hydraulic analysis for zones A, AE, AH, AI-A30, AR, V1-V30, or VE, provided that, if there is no then-current City adopted hydraulic analysis pertaining to the affected property, then the BFE is that computed elevation shown on either the applicable flood insurance rate map (FIRM) or established by a flood insurance study (FIS) for the area, whichever is based on the most recent data.

BUILDING FOOTPRINT - The horizontal area measured within the outside of the exterior walls of the ground floor of the main structure.

BUILDING SET-BACK LINES - The lines within a property defining the minimum

horizontal distance between a building and the adjacent property line and governing the placement of structures.

CANTILEVER - Any portion of a structure that extends laterally beyond the foundation that supports it.

CITY MANAGER - The City Manager or his designee.

CODE - The Code of Ordinances, City of Smithville, Texas.

COLLECTOR STREETS - Intermediate streets that serve to connect local streets, other collector streets, or thoroughfare streets. Provides access to neighborhoods or other subregions and serves a collection and distribution function for the thoroughfare system.

COMMON AREA - A parcel or parcels of land, or an area of water, or a combination of land and water, and/or developed facilities and complimentary structures and improvements, including but not limited to areas for vehicular and pedestrian access and recreational facilities within the site.

COMMUNITY OPEN SPACE - Parks and outdoor recreation areas, landscaped pedestrian paths (other than required sidewalks along streets), bicycle paths (separate from a street right-of-way), natural or landscaped stream courses, natural or artificial lakes and other water features, greenbelts, and other landscaped public or common areas which are incorporated into the design of the subdivision and which benefit the community at large rather than being the private domain of individual lot owners.

CONTOUR LINES - Elevation lines drawn upon the plat illustrating general topography and drainage flow.

DEDICATE - To transfer property or interests in property from private to public ownership.

DEDICATION - The transfer of property from private to public ownership.

DISTURBANCE - The placement of impervious surface; the excavation, grading, or filling of the soil, subsoil or bedrock; or the clearing, cutting, or grubbing of vegetation.

DEVELOPER - An individual, firm, partnership, joint venture, corporation, or other legal entity, or their agent, undertaking the division or improvement of land and other activities covered by this Code, including the preparation of a subdivision or development plat showing the layout of the land and the public improvements involved therein. The term “developer” includes the term “subdivider,” even though the individuals or entities in successive stages of a development project may vary.

DEVELOPMENT - The initiation or conduct of any activities related to the platting of land or construction of buildings or structures, the construction of impervious surfaces, the installation of utilities, roadways, drainage facilities or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including without limitation removal of vegetation, grading, clearing, filling, or removal of soil; also the land, structures and improvements resulting from or subject to development.

DEVELOPMENT PLAT - A development plat required under Subchapter B, Chapter 212, Texas Local Government Code, as the same may be amended from time to time, and Section 10.02.006, below.

EQUIVALENT DWELLING UNIT (EDU) - A measure of utility services required to serve a property that is approximately equal to the services required to serve a typical single-family residence. Also, the population equivalent that is approximately equal to a typical single-family residence. For the purposes of this ordinance, an EDU shall have a population equivalent of 2.75 persons, a water service equivalent of 300 gallons per day average demand, and a sewer service equivalent of 225 gallons per day average flow.

EXTRATERRITORIAL JURISDICTION (ETJ) - that area outside the city limits as determined under Chapter 42, Texas Local Government Code.

FILL - A deposit of material for the purpose of creating a more level building area.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS). An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

HYDROGEOLOGIST - An individual with at least five (5) years of progressively more responsible professional experience, following receipt of a baccalaureate degree, during which full competence has been demonstrated in the application of scientific or engineering principles and methods to the execution of work involving:

- (1) the understanding of the occurrence, movement, and composition of groundwater in relation to the geologic environment;
- (2) the development, management, or regulation of groundwater; or
- (3) the teaching and research of groundwater subjects at the university level.

IMPERVIOUS SURFACE - Any structure, surface, or improvement, that reduces or prevents the infiltration of water into soil or bedrock, such roads, rooftops, sidewalks, and parking lots.

IMPROVEMENT - Any manmade alteration of land, a lot, a building, structure, infrastructure, or facility, owned publicly or privately.

LOT - An undivided tract or parcel of land having frontage on a public or private street and which is designated as a distinct and separate tract or which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

PAVEMENT WIDTH - The portion of a street available for vehicular traffic.

PLANNING AND ZONING COMMISSION - Planning and Zoning Commission of the City of Smithville.

PLAT – A map, drawing, or plan identifying a layout of a subdivision; also the act of mapping or charting the subdivision. The term includes, but is not limited to, a preliminary plat, general plan, final plat, development plat, and replat.

PUBLIC SEWER SYSTEM - Any publicly or privately owned system for the collection, treatment and disposal of sewage that is operated in accordance with the terms and conditions of a valid waste discharge permit issued by the Texas Commission on Environmental Quality (TCEQ) or its successor agency.

PUBLIC WATER SYSTEM - A system for the provision of water for human consumption that serves more than one (1) service connection across property lines. Such term includes (1) any collection, treatment storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system may be a Community or Noncommunity, Transient or Nontransient system as described in Texas Administrative Code, Title 30, Chapter 290. Without excluding other meanings of Individual or Served, an individual shall be deemed to be served by a water system if he resides in, uses as his place of employment, or works in a place to which drinking water is supplied from the system. Public water systems must pay an annual fee and comply with applicable parts of the federal Safe Drinking Water Act and Texas Administrative Code, Title 30, Chapter 290.

REDEVELOPMENT - The construction of structures or improvements on areas which previously contained structures or improvements.

RESIDENTIAL USE - Single-family residential uses only.

RETAINING WALL - A wall exceeding four (4) feet in height, as measured from the bottom of the footing, to the top of the wall, that is designed to resist lateral earth pressures, including any surcharge, such as a road, parking lot, structure, or sloping terrain.

RIGHT-OF-WAY – Land dedicated to public use for streets, roads, and drainageways. Said dedication shall not convey fee title unless clearly stated in the dedication instrument.

STEEP SLOPE - Any slope equal to or greater than 15% as measured over any minimum

run of 10 feet.

STREET OR ROAD - A public or private thoroughfare which provides vehicular access to adjacent land.

LOCAL STREETS - Serve primarily to provide access to property abutting the public right-of-way. Usually used for short trips and low speeds, while discouraging through traffic.

SUBDIVIDER - an individual, firm, partnership, joint venture, corporation, or other entity, that is the owner, or equitable owner, of land, or such owner's agent, that divides or proposes to divide or develop land so as to constitute a subdivision. The term "subdivider" includes the term "developer," even though the individuals or entities in successive stages of a development project may vary.

SUBDIVISION - a division of any lot, tract or parcel of land into two or more parts, the assembly of two or more tracts of land into one tract or lot, or the filing of a development plat and the resulting land that is included in such development plat; also the resulting lots, tracts, and parcels resulting from or subject to such subdivision. For a development with multiple plats, such as a phased development with a master development plan, each plat represents a single subdivision.

SUBDIVISION ORDINANCE - this Chapter 10 of the Code of Ordinances, City of Smithville, Texas.

SURVEYOR - a Registered Professional Land Surveyor as authorized by the relevant state statutes to practice the profession of surveying.

TABLE LAND - any area of land, including land at the top of a bluff or ravine, with a slope less than 5%, as measured over any minimum run of 10 feet.

TCEQ - The Texas Commission on Environmental Quality with the authority granted by the Texas Legislature to establish and enforce regulations codified in Title 30 of the Texas Administrative Code.

TxDOT - Texas Department of Transportation.

THOROUGHFARE STREETS - serve high volume through traffic from collector and local streets with considerable rout continuity usually at higher constant speeds.

UTILITY EASEMENT - easement dedicated for the installation and maintenance of utilities and all the necessary appurtenances thereto installed above, on, or below the surface of the ground.

ARTICLE 10.02 PROCEDURE

Sec. 10.02.001 Administrative Review

- (a) Pre-application conference. Before an application under this Subdivision Ordinance is submitted for administrative review by the city manager, the developer may request a pre-application conference with city staff to provide city staff with general information about the proposed subdivision and to allow city staff to advise the developer of the process that must be followed, the requirements that must be met, and any special considerations that must be given.
- (b) Fees. Review fees will be determined by the city manager and are payable at the time of filing. No application under this Chapter 10 is administratively complete unless and until the applicable fees have been paid.
- (c) Review for Administrative Completeness. Before any application for a plat, plan, action response, or other approval under this Chapter maybe filed, the subdivider must schedule an appointment for administrative review with the city manager. At such appointment, the city manager will review application for administrative completeness. If the city manager determines that the application is administratively complete, then the city manager shall endorse such application as administratively complete and shall file the application with the planning and zoning commission by filing such application with the city secretary. A subdivider may not file any application that is not administratively complete as reasonably determined by the city manager. All applications under this Chapter must be on a form approved by the City and contain all required information prepared in accordance with the terms of this Chapter. If the city manager determines that an application is not administratively complete, then the applicant must address all deficiencies identified and schedule another appointment for administrative review to determine whether the updated

application is administratively complete.

The following schedule applies to the appointment for administrative review:

- (1) Initial application – Between 30 and 20 days before the soonest meeting of the planning and zoning commission for applications that require approval of the planning and zoning commission.
 - (2) Action response – Between 15 and 10 days before the soonest meeting of the planning and zoning commission or city council, as applicable.
 - (3) Staff approval – As scheduled by the city manager.
- (d) Administrative Completeness. An application is only administratively complete if it includes all information required by this Chapter provided in the manner required by this Chapter and all fees have been paid.
- (e) Expiration. Pursuant to Texas Local Government Code § 245.002(e), an application under this Article expires on the 45th day after the date the application is submitted if:
- (1) the applicant fails to provide documents or other information necessary to comply with the requirements under this Article.
 - (2) the city provides the applicant not later than the 10th business day after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
 - (3) the applicant fails to provide the specified documents or other information within the time provided by the notice.

Sec. 10.02.002 Action by Municipal Authority

- (a) Municipal Authority for Approval.

- (1) The planning and zoning commission is the municipal authority for approval of all master development plans, preliminary, plats, final plats, vacating plats that vacate final plats, replats that do not vacate a preceding plat, conveyance plats, and all other plats other than those that may be approved by the city manager. Only those plats and plans approved by planning and zoning will be submitted to city council for approval. If a plan or plat approved by the planning and zoning commission is not considered by the city council within 30 days of the approval by the planning and zoning commission, then the city council is deemed to have approved such plan or plat.
- (2) Plans and plats approved by planning and zoning commission do not become final unless approved by the city council.
- (3) The city manager is the authority for approval of all amending plats, minor plats or replats involving four or fewer lots fronting an existing street and not requiring the creation of any new street or the extension of municipal facilities, development plats, and replats that do not require the creation of any new street or the extension of municipal facilities.

(b) Actions.

- (1) The planning and zoning commission may take any of the following actions regarding a plan or plat:
 - (A) Approve.
 - (B) Approve with conditions.
 - (C) Disapprove.
- (2) The council may take any of the following actions regarding a plan or plat:

- (A) Approve.
 - (B) Approve with conditions.
 - (C) Disapprove.
 - (D) Take no action, and such inaction constitutes a deemed approval of the plan or plat.
- (3) The city manager may take any of the following actions regarding a plat for which the city manager is the authority for approval:
- (A) Approve.
 - (B) Refer a plat that does not qualify for approval to the planning and zoning commission within 30 days of receiving the application for such plat.
- (c) Criteria for Approval. A plan or plat may only be approved if such plan or plat, and the associated documents, studies, and analyses:
- (1) Meet the submittal requirements.
 - (2) Conform with the City's general plan for current and future streets, alleys, parks, playgrounds, and public facilities.
 - (3) Conform to the city's general plan for the extension of the city's roads, streets, and public highways within the city and in its ETJ, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.
 - (4) Conform with all applicable City Codes, including but not limited to this Chapter 10 and Chapter 14, Zoning Ordinance. Uses proposed in the plan or plat must comply with the applicable zoning for the property.

- (d) Certificate of Approval. Upon approval of the plat, the approved plat shall be endorsed with a certificate attested by the city secretary substantially in the form below:

I hereby certify that the above and foregoing Plat of _____ Addition to the City of Smithville was reviewed and approved by the City of Smithville on the _____ day of _____ 20__.

Presiding Officer

Attest:

City Secretary

Sec. 10.02.003 Action Response

An applicant may file an action response for any plat or plan that is approved with conditions or disapproved. An action response shall be submitted to the city manager by appointment for administrative completeness review. No person may file an action response that has not been determined to be administratively complete by the city manager. Any action response that materially varies from the initial plat or plan in any manner other than as required to address the items cited in the approval with conditions or disapproval is a new plat or plan and must be submitted as required for the initial review of such plat or plan, including payment of the applicable fee.

Sec. 10.02.004 Bonding and Recordation

- (a) Unless a bond is provided, no final plat may be recorded unless and until completion and acceptance of all improvements required by this ordinance. The city will record the final plat and all other approved plats, other than preliminary plats, upon compliance with all terms of this ordinance and the payment of all recording costs by the applicant to the city.
- (b) Applicant must provide three plats with original notarized signatures for recording purposes. The plats must be printed on uncoated, acid free paper of greater than 20-lb

weight. All seals must be legible and within the margins.

- (c) Upon request, applicant must provide an electronic copy of the final plat in a city approved geographic information system (GIS) compatible format, showing all plat lot lines and street right-of-way in State Plane Grid Coordinates, with lot and block numbers and street names.
- (d) Applicant shall provide the city with an electronic PDF copy of the recorded plat within ten (10) working days of the recordation of such plat.

Sec. 10.02.005 Expiration of Final Plat Approval

- (a) The City Council may revoke its approval of a final plat if construction is not begun within two (2) years after the City Council approval date rather than invoke the use of bonds or other construction financing guarantees.
- (b) If the city council revokes its approval of a final plat under this section, then:
 - (1) The city may not record the revoked final plat.
 - (2) Subdivision of the property subject to a revoked final plat requires a new application to be processed in accordance with this ordinance.

ARTICLE 10.03 PLANS AND PLATS

Sec. 10.03.001 Master Development Plan (MDP)

- (a) Purpose. The purpose of a Master Development Plan is to regulate the phasing of final subdivision plats and the construction of required public improvements within larger, phased subdivisions.
- (b) Applicability. A developer must apply for a master development plan if the property will be subdivided using more than one plat.

- (c) Entire Tract. To ensure the orderly planning of streets, utilities, drainage, and other infrastructure and facilities, all land within the tract proposed for subdivision must be included in the Master Development Plan.

- (d) Application Requirements. The items listed below must be submitted at the time an application for a master development plan is filed and such items must be prepared in accordance with the Code. The items below must be submitted in an electronic format unless stated otherwise.
 - (1) The Master Development Plan (MDP). The MDP must be submitted electronically and with 2 paper copies drawn on sheets no larger than 24 inches by 36 inches. When one or more sheet is required, a key map must be provided showing the entire development at a smaller scale than the first sheet with an index of sheets; such MDP show the following:
 - (A) Title or name of development, and the names or titles of individual subdivisions within the development, which shall not have the same spelling as, or be pronounced similar to, the name of any other existing or proposed subdivision located within Bastrop County.
 - (B) The legal description of the property to be subdivided including reference to the original survey of which it is a part, the acreage of the development, the acreage of the original tract and deed references of the original tract.
 - (C) Name and address of the owner(s), subdivider, and lienholder (if applicable).
 - (D) Name and address of Surveyor or other person responsible for the preparation of the Master Plan.
 - (E) Name and address of Engineer responsible for the design of improvements necessitated by the development and required herein.
 - (F) Date of preparation, north arrow, scale of plan (not to exceed one inch to

400 feet) and vicinity map identifying adjacent streets, subdivisions and other landmarks to pinpoint location.

- (G) Boundary of development indicated with heavy lines. Locations, widths, names of existing streets, lots, easements; pipelines, fee strips, survey lines, building lines, watercourses, other important features within and adjacent to the development. Use light dashed lines to indicate features not within the boundary of the development.
- (H) Boundaries of proposed final subdivision plats, proposed lot layouts, proposed uses under Chapter 14 of the Code, proposed existing and proposed streets, with appropriate street classification. Uses proposed in the MDP must comply with the applicable zoning for the property subject to the MDP.
- (I) Proposed utility systems and grades, including water supply and sewer systems, proposed stormwater facility locations including stormwater conveyance ways illustrating flow-path.
- (J) Dimensions of the development and dimensions and locations of all squares, parks, or other portions of land intended to be dedicated to public use, or for the use of purchasers or owners of lots or tracts within the development. Indicate the total length of all collector streets and thoroughfares in linear feet.
- (K) City limits and limits of City's ETJ if lines cross the subdivision.
- (L) Topographical information including contours at a five-foot vertical interval when terrain has an average slope less than or equal to 12 percent and contours at a ten-foot vertical interval when terrain has an average slope greater than 12 percent.
- (M) Areas within the 100-year Flood Zone taken from the latest Department of Housing and Urban Development, Federal Insurance Administration, Flood Insurance Rate Maps.

- (N) Estimate in terms of EDU's of the potential demand for water and sewer service.
 - (O) Delineation of the phases of the development and the order in which the plats for such phases will be filed.
 - (P) Phasing of public improvements and facilities required to be constructed, both on and off-site, including but not limited to roadway improvements, drainage facilities, water and wastewater facilities, and parkland.
- (2) Studies and Surveys. The application for an MDP must include the following analyses and surveys prepared in accordance with requirements of this Article:
- (A) Tree survey.
 - (B) Slope map.
 - (C) Traffic impact analysis.
 - (D) Drainage analysis.
 - (E) Water study and water supply certification as applicable.
 - (F) Sewer study as applicable.
 - (G) Environmental assessment.
- (6) Public Utility Certification. Certificates from public utilities pertaining to the area within the MDP.
- (7) Application for Variances. All applications for variances identified at the time of

submittal of the MDP. Applications for variances must comply with the requirements applicable to such variance, including requirements for the submittal of paper copies, if any.

- (8) Fees. Payment for required fees.

- (e) Completeness Review. City staff will review the application for the Master Development Plan for administrative completeness and provide comments concerning compliance with this ordinance. When staff finds the application is administratively complete, staff will endorse the Master Plan as administratively complete and will file such Master Development Plan with the city secretary.

- (f) Criteria for Approval. In addition to the general criteria for approval of a plan or plat, the location, size, and sequence of phases proposed must assure the orderly and efficient development of the land subject to the MDP.

- (g) Approved MDP. If the Planning and Zoning Commission and City Council approve the Master Development Plan, then the subdivider may submit a final plat for the first phase of development and supporting documentation as provided for herein. All phases of development shall be in accordance with the approved Master Development Plan and any conditions required by the City Council, unless amended in accordance with this Ordinance.

- (h) Amendments. An approved Master Development Plan may be amended with approval of the Planning and Zoning Commission and City Council in the same manner and subject to the same requirements as an MDP.

Sec. 10.03.003 Preliminary Plat

- (a) Purpose. The purpose of a preliminary plat is to present a detailed layout of non-phased subdivisions, to facilitate a review by city staff, the planning and zoning commission, and city council.

- (b) Applicability. The developer must obtain the approval of a preliminary plat for all subdivisions prior to filing a final plat.

- (c) Exemptions. A preliminary plat is not required for minor plats, development plats, conveyance plats, vacating plats, replats without vacating preceding plats, or amending plats.
- (d) Application requirements. A person seeking approval of a preliminary plat must file an application in the format established by the City. The items listed below must be submitted at the time such application is filed and must conform to the regulations set forth below. The items below must be submitted in an electronic format unless stated otherwise.
- (1) The preliminary plat must be submitted electronically in PDF format and with 2 paper copies measuring 18" by 24" with a minimum of a 1/2-inch margin; such preliminary plat must show the following:
- (A) Title or name of the subdivision, which shall not have the same spelling as, or be pronounced similar to, the name of any existing or proposed subdivision located within Bastrop County. The subdivision name shall be located immediately above the caption where the legal description of the property is located.
 - (B) The legal description of the property to be subdivided including reference to the original survey of which it is a part, the acreage of the plat, the acreage of the original tract and deed references of the original tract.
 - (C) Date of preparation, north arrow, scale of the plat (not to exceed one inch to 100 feet) and vicinity map identifying adjacent streets, subdivisions and other landmarks to pinpoint the location of the subdivision.
 - (D) Boundary of the subdivision indicated by heavy lines.
 - (E) Signed and notarized certifications by the owner, developer, lienholder, surveyor, and engineer. An engineer's certification is not required if no improvements are required to be constructed.
 - (F) Name and address of the owner, developer, lienholder, surveyor, and engineer.

(G) A certification prepared for a notarized signature of the dedication of streets, roads, parks and other land intended for public use and dedication of utility easements, rights-of-way and other land to the appropriate utilities. Signatures are not required on the plat until recordation. The certification statement shall read:

“STATE OF TEXAS §

COUNTY OF BASTROP §

KNOW ALL MEN BY THESE PRESENTS:

THE OWNERS OF THE LAND SHOWN ON THIS PLAT WHOSE NAMES ARE SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED”

(H) Dimensions, locations, labels, and acreage of each lot, street, road, park, easement, square, and other portions of land intended to be dedicated to public use, or for the use of purchasers or owners of lots or tracts within the subdivision. All dimensions must include a bearing and distance. Indicate the total length of all roads in linear feet.

(I) Setback lines clearly labeled to identify them.

(K) Lot numbers and block numbers for each lot and block depicted in the proposed plat. Letters (A, B, C, etc.) are not allowed for block designations.

(L) Street names for all streets and roads along with copy of approval letter from Bastrop County for new street name designations.

(M) Bearing and distance dimension from a corner of the subdivision to a corner of the original tract or original survey.

(N) A minimum of two corners of the subdivision referenced to State Plane Grid

Coordinates.

- (O) City limits and limits of the City’s ETJ if lines cross the subdivision.
 - (P) Contour lines showing existing elevations at a two-foot contour interval for slopes up to 10 percent and at a five-foot contour interval for slopes greater than 10 percent on the Preliminary Plat. Contour lines shall be gray-scaled to avoid confusion with the subdivision lot lines, right-of-way boundaries, etc.
 - (Q) A reference indicating the datum used for the vertical control to develop the contours shown on the plat.
 - (R) 100-year Flood Zone water surface elevations at a minimum of a two-foot interval and minimum slab elevations for each lot with a portion of the 100-year Flood Zone on the lot.
 - (S) Locations, widths, names of existing streets, lots, easements, pipelines, fee strips, survey lines, building lines, watercourses, and other important features within and immediately adjacent to the subdivision. Use light dashed lines to indicate features not within the boundary of the subdivision.
 - (T) Adjoining ownership information (owner name, acreage, deed record information) to the proposed plat shall be shown on the plat drawing.
 - (U) If the proposed plat is part of concurrent platting, the concurrent plat outlines for the adjacent property shall be shown and labeled as “concurrent platting.” Such lines shall be dashed and gray-scaled to avoid confusion with the subdivision lot lines, right-of-way boundaries, etc.
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- (2) Payment of all required fees.
 - (3) Utility Layout showing all proposed utilities and easements.
 - (4) Traffic Impact Analysis.
 - (5) Application for a floodplain development permit if required under Article 3.04 of the Code.
 - (6) Drainage Study.

- (7) Water Study and Water Supply Certification as applicable.
 - (8) Sewer Study as applicable.
 - (9) Environmental Assessment.
 - (10) Utility certification pertaining to the area within the Preliminary Plat.
 - (11) Evidence that the applicant has submitted the information required by subsection (e), below.
 - (12) All applications for variances identified at the time of submittal of the Preliminary Plat application. Applications for variances must comply with the requirements applicable to such variance, including requirements for the submittal of hard copies, if any.
- (e) Submittal to third parties. An applicant for a preliminary plat shall submit copies of the preliminary plat and the information listed below or otherwise required to all utilities that will provide service to the proposed subdivision and all entities with regulatory authority pertaining to the proposed subdivision including but not limited to the following:
- (1) Electric, gas, and telecommunications – utility layout.
 - (2) Public water system – utility layout, water system study, and water construction plans.
 - (3) Public sewer – utility layout, sewer system study, and sewer construction plans.
 - (4) United States Postal Service – list of street names for approval, Preliminary Plat and address plat.
 - (5) Emergency Services – address plat.
 - (6) Texas Department of Transportation (TXDoT) - utility plan and construction plans for roads intersecting rights-of-way controlled by TXDoT.

Sec. 10.03.004 Final Plats

- (a) Required. A final plat suitable for recording in the plat records of Bastrop County is

required for all subdivisions as the final layout of lots, streets, public dedications, easements and other property features.

(b) Application Requirements. A person seeking approval of a Final Plat must file an application in the format established by the City. The items listed below must be submitted at the time such application is filed and must conform to the regulations set forth below. The items below must be submitted in an electronic format unless stated otherwise.

- (1) The final plat must be submitted electronically and with 2 paper copies measuring 18" by 24" with a minimum of a 1/2-inch margin; such final plat must show all information required by 10.03.003(d)(1)
- (2) Payment of the platting fee, review fee and other required fees.
- (3) The final utility layout showing all proposed utilities and easements.
- (4) The final traffic impact analysis.
- (5) Construction cost projections for improvements required herein. Cost projections prepared without complete and approved construction plans shall include at a minimum a 10% design phase contingency and a 15% construction contingency.
- (6) The approved a floodplain development permit if required under Article 3.04 of the Code.
- (7) The final drainage study.
- (8) The recorded deed of the subject property.
- (9) Approval of the final plat reviewed by all utilities that will provide service to the proposed subdivision and all entities with regulatory authority pertaining to the proposed subdivision, including but not limited to electric, gas, water, sewer, and telecommunication utilities, TXDoT, and the Texas Commission on Environmental Quality.
- (11) Performance Bond or letter of credit (if applicable).
- (12) Orders approving any requested variances.
- (13) Tax certificates showing that all property taxes for the property are current.

- (14) Proof of authority for the signature on behalf of the owner, such as a resolution or power of attorney.
- (15) Other applicable legal documents including deed restrictions and homeowner's association documents.
- (16) Verification of closure of the outer boundary of the plat.
- (17) If utility services must be extended beyond the outer boundary of the proposed subdivision across privately owned land to provide service to the lots in the proposed subdivision, then those utility service extensions must be contained in easements. Copies of the recorded easements for said utility extensions must be provided along with a map view showing the extensions from the outer boundary of the proposed subdivision to their ultimate connection points to be able to provide service.
- (18) Lienholder's acknowledgement if applicable.
- (19) Utility certification pertaining to the area within the Final Plat.

Sec. 10.03.005 Minor Plat

- (a) Purpose. The purpose of a minor plat is to simplify divisions of land under certain circumstances pursuant to Texas Local Government Code § 212.0065.
- (b) Applicability. The minor plat procedure under this section is only available when all of the following circumstances apply:
 - (1) The proposed division results in four (4) or fewer lots:
 - (2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Subdivision Ordinance; and
 - (3) Except for right-of-way easements and widening dedicated to the public, the minor plat does not require the extension of any municipal facilities to serve any lot within

the subdivision.

- (c) Application requirements. The requirements for the submittal of a Minor Plat are the same as the requirements for a Final Plat.

Sec. 10.03.006 Development Plat

- (a) Authority and Purpose. This section is adopted pursuant to Texas Local Government Code, Chapter 212, Subchapter B, §§ 212.041–212.050, as the same may be amended from time to time, for the purpose of regulating development of land inside the city limits and in the ETJ that is not subject to the general platting requirements adopted pursuant to Texas Local Government Code, Chapter 212, Subchapter A, §§ 212.001-212.018 to promote the health, safety, morals, or general welfare of the city and the safe, orderly, and healthful development of the city.
- (b) Applicability. This Section 10.03.005 applies to all land within the City limits and the ETJ, provided that nothing in this section requires a development plat in addition to a master development plan, preliminary plat, final plat, vacate and re-plat, re-plat, amendment to plat, or amending plat. To the extent, and only to the extent, that they do not conflict with the provisions of this section, all provisions of the City of Smithville Subdivision Ordinance apply to development plats.
- (c) Development. In this section only, “development” means the new construction or the enlargement of any exterior dimension of any building, structure, or improvement. All development of a tract of land for which a development plat is required shall conform to the approved development plat for such tract.
- (d) Development plat required. Any person who proposes the development of a tract of land located within the City limits or the ETJ must have a development plat of the tract prepared in accordance with Texas Local Government Code, Chapter 212, Subchapter B, §§ 212.041–212.050, as the same may be amended from time to time. Such development plat shall conform to this section and the City’s general plans, rules, and ordinances concerning its: (a) current and future streets, sidewalks, alleys, parks, playgrounds, public use facilities; and (b) the extension, improvement, or widening of city roads, streets, and public highways within the city limits and the ETJ.
- (e) Prohibition on development. No person may conduct any development, and no City, county or official of another governmental entity may issue a building permit or any other permit

for development on land subject to this section, without a required development plat.

- (f) Contents. A development plat shall conform to the same specifications as a final plat, except the drawing shall be labeled as “Development Plat.” In addition to the specifications required of final plats, a development plat must be prepared by a surveyor as a boundary survey showing:
 - (1) each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
 - (2) each easement and right-of-way within or abutting the boundary of the surveyed property; and
 - (3) the dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part.

- (g) Application of Other Regulations. Notwithstanding anything to the contrary, the provisions of this Subdivision Ordinance pertaining to impervious cover, drainage and flood protection, and right of way dedication apply to all development plats.

- (h) Approval. The City Manager is authorized to review, approve, or deny applications for development plats, or take other action relative to such applications as determined by the City Manager. The City Manager shall endorse approval on a development plat if the development plat conforms to:
 - (1) The general plans, rules, and ordinances of the City concerning current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities;
 - (2) The general plans, rules, and ordinances of the City for the extension of the City or the extension, improvement, or widening of the City’s roads, streets, and public highways within the City and in the City’s extraterritorial jurisdiction, taking into account access of sewer and water mains and the instrumentalities of public utilities; and
 - (3) The general plans, rules, or ordinances of the City adopted under Section 212.044, Texas Local Government Code, including but not limited to this section.

Sec. 10.03.007 Conveyance Plats

- (a) Purpose. The purpose of a conveyance plat is to subdivide land and to provide for recordation of same for the purpose of conveying the property without developing it. A conveyance plat may be used to convey the property or interests therein; however, a conveyance plat does not constitute approval for any type of development on the property. A conveyance plat is an interim step in the subdivision and development of land. A conveyance plat is not a required permit or authorization for development of any land or project.

- (b) Applicability. A conveyance plat may be used in lieu of a Final Plat to record the subdivision of property in the following instances:
 - (1) To record the remainder of a tract that is larger than five (5) acres, and that is created by the final platting of a portion of the property, provided that the remainder is not intended for immediate development.

 - (2) To record the subdivision of property into parcels, five (5) acres or smaller in size, that are not intended for immediate development, provided all required public improvements exist to the city's current standards prior to approval and minimum frontage requirements are met. All public rights-of-way must be dedicated and all abutting streets and utilities must be installed and accepted by the city. Installation of on-site improvements may be delayed if development of other tracts is not affected.

- (c) Review and Consideration. Unless otherwise specified within this section, a conveyance plat shall be processed and approved using the same timing and procedures, including recordation, as specified for a Final Plat. Procedures to appeal a decision on a conveyance plat shall also be processed and considered the same as a Final Plat.

- (d) Subsequent Filing of a Final Plat. No final plat processed and approved in association with a conveyance plat shall be filed without the concurrent or prior filing of the associated approved conveyance plat.

- (e) Standards for Approval.
 - (1) Access. All lots created by a Conveyance plat shall have frontage and access to an existing public street or a proposed public street that connects to the existing City street system. All lots created by a Conveyance plat shall provide points of access as required by the Zoning Ordinance and by this Ordinance.

- (2) Dedication of Rights-of-Way. Dedication of rights-of-way shall be required in accordance with the City's general plans, rules, and ordinances concerning its: (a) current and future streets, sidewalks, alleys, parks, playgrounds, public use facilities; and (b) the extension, improvement, or widening of city roads, streets, and public highways within the city limits and the ETJ.
- (f) Effect of Approval. The approval of a Conveyance Plat authorizes conveyance of the lot(s) created thereby, but does not authorize any type of development on the property. The applicant and future owner(s) of the property remain obligated to comply with all provisions in this Ordinance upon future development of the property including, but not limited to, all requirements for platting, required public improvements, utility extensions, street improvements or assessments, right-of-way and easement dedications, and all other requirements in this Ordinance. No building or development permits shall be issued nor permanent utility service provided for land that has only received approval as a conveyance plat; a Final Plat must be filed for building and development permits and for utility service. Notwithstanding the above, the Chief Building Official may authorize temporary building permits, temporary occupancy permits, and temporary utility service. A conveyance plat may be superseded by a revised Conveyance plat or a Final Plat in total or in part through compliance with the procedures and requirements of this Ordinance.
- (g) Acknowledgment. All conveyance plats must include "Conveyance Plat" in their title and must carry the following acknowledgment:

"This conveyance plat is a record of property approved by the City of Smithville, Texas for the purpose of sale or conveyance only. No building permit shall be issued, nor development begin, nor permanent public utility service provided until a final plat is approved and filed of record in accordance with the Code of Ordinances of the City of Smithville, Texas."

Sec. 10.02.008 Vacating Plat

- (a) No lots sold. The owners of a tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
- (b) Lots sold. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- (c) Application. An application to vacate a plat, or a part of a plat, must be submitted on a form

established by the city and, in addition to any other required information, must include the following:

- (1) Three copies of the instrument vacating the plat or portion of plat signed by all of the owners of the land in the plat with a notarized signature.
- (2) Certified copy of the current tax roll or other sworn evidence establishing that all the owners of lots in the plat have duly signed the instrument vacating the plat.
- (d) Effect. On the execution and recording of the vacating instrument, the vacating plat has no effect.

Sec. 10.02.009 Replatting Without Vacating Preceding Plat.

- (a) Applicability. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
 - (1) is signed and acknowledged by only the owners of the property being replatted;
 - (2) is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard by the municipal authority responsible for approving plats;
 - (3) does not attempt to amend or remove any covenants or restrictions; and
 - (4) does not attempt to include any land not contained within the preceding plat.
- (b) Application. An application for a replat under this section must include the information required for a final plat, with the following exceptions:
 - (1) When notification is required, the application must include a map of the lots in the original subdivision within 200 feet of the replat accompanied by a list of property owners of the lots from the most current tax roll and a fee required by the City for the required notices.
 - (2) If the replat does not increase the number of lots from the original plat:
 - (A) No traffic impact analysis is required, and
 - (B) No environmental assessment is required.
 - (3) If the replat does not increase the number of water and sewer service units required to serve the property:
 - (A) A water system study is not required, and
 - (B) A sewer system study is not required.
 - (4) If the replat does not increase the impervious cover a drainage study is not required.
- (c) Residential Replats.
 - (1) *Applicability*. In addition to other requirements, a replat without vacating the

preceding plat must comply with this subsection if:

- (A) during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - (B) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
- (2) *Hearing.* The planning and zoning commission will conduct a public hearing on a proposed replat within 30 days of filing an administratively complete application.
- (3) *General notice.* This subsection only applies to a replat that does not require a variance or exception. No later than the 15th day after the hearing, the city shall mail written notice of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the replatted lots according to the most recent municipal or county tax roll. The notice will include:
- (A) the zoning designation after the replat; and
 - (B) the telephone number and email address an owner of a lot may use to contact the municipality about the replat.
- (4) *Variance.* This subsection applies to a proposed replat that requires a variance or exception.
- (A) Notice of the hearing shall be given before the 15th day before the date of the hearing by:
 - (i) publication in an official newspaper of general circulation in Bastrop County; and
 - (ii) written notice sent via U.S. mail, postage prepaid, to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll, such written notice to include the following statement as an attachment:

“If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the municipal planning commission or governing body, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the municipal planning commission or governing body, or both, prior to the close of the public hearing.”

- (B) A variance may be protested by filing a protest that is:
 - (i) filed with the planning and zoning commission or the city council, or both;
 - (ii) filed prior to the close of the hearing;
 - (iii) signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area but within the original subdivision, the percentage of land area being computed with the area of streets and alleys included.
- (C) If the variance is protested in accordance with this ordinance, then the affirmative vote of at least three-fourths of the members present of the planning and zoning commission and city council is needed to approve the replat.
- (D) Subsection (C), immediately above, does not apply to the approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single- or duplex-family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

Sec. 10.02.010 Amending Plat

- (a) Availability. The City Manager, or approved designee, may approve and issue an amending plat, which may be recorded and is controlled over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:
 - (1) to correct an error in a course or distance shown on the preceding plat;
 - (2) to add a course or distance that was omitted on the preceding plat;
 - (3) to correct an error in a real property description shown on the preceding plat;
 - (4) to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - (6) to correct any other type of scrivener or clerical error or omission previously approved by the Planning and Zoning Commission, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (7) to correct an error in courses and distances of lot lines between two adjacent lots if:

- (A) both lot owners join in the application for amending the plat;
 - (B) neither lot is abolished;
 - (C) the amendment does not attempt to remove recorded covenants or restrictions; and
 - (D) the amendment does not have a material adverse effect on the property rights of the other owners in the plat as established by the information included in the application;
- (8) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9) to relocate one or more lot lines between one or more adjacent lots if:
- (A) the owners of all those lots join in the application for amending the plat;
 - (B) the amendment does not attempt to remove recorded covenants or restrictions; and
 - (C) the amendment does not increase the number of lots;
- (10) to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
- (A) the changes do not affect applicable zoning and other regulations of the City;
 - (B) the changes do not attempt to amend or remove any covenants or restrictions; and
 - (C) the area covered by the changes is located in an area that the Planning and Zoning Commission has approved, after public hearing, as a residential improvement area; or
- (11) to replat one or more lots fronting on an existing street if:
- (A) the owners of all those lots join in the application for amending the plat;
 - (B) the amendment does not attempt to remove recorded covenants or restrictions;
 - (C) the amendment does not increase the number of lots; and
 - (D) the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (c) Application. The application must include one (1) copy of the amending plat, an electronic PDF copy of the amending plat, an 11 by 17 reduction of the amending plat, a completed application to plat form, the appropriate application fees, a copy of the recorded deed, and a lienholder's acknowledgement (if applicable).

- (b) Notice. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.
- (c) Approval. If review by City staff confirms that the amending plat meets the requirements of this section, the City Manager, or approved designee, will approve the amending plat.

ARTICLE 10.04 SUBDIVISION DESIGN

Sec. 10.04.001 Conformity with Plans

No plat or plan may be approved unless such plat or plan conforms with the city's comprehensive plan, as the same may be amended, restated, or otherwise modified from time to time, and the city's general plans for current and future streets, alleys, parks, playgrounds, and public facilities; and for extension of the city's roads, streets, and public highways within the city and in its ETJ, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.

Sec. 10.04.002 Improvements

Developers must provide all improvements required under this ordinance or approved as part of a plan or plat at developer's sole cost and expense. Approval of plans and specifications for construction of improvements does not relieve the developer of the responsibility to comply with this ordinance, the city's code of ordinances, or the regulations of other local, county, state, federal authorities having jurisdiction. The city will not accept improvements that do not conform to the standards and specifications of this ordinance.

Sec. 10.04.003 Blocks

- (a) Blocks. A block within a subdivision consists of a portion of the property to be subdivided that is bounded on all sides by existing or proposed streets, the property boundary of the property being subdivided, or a combination thereof.
- (b) Dimensions. Block dimensions are measured from one corner of a block where it intersects with either a street or the property boundary to another corner of the block that intersects a street or the property boundary in accordance with the following:

- (1) Block length is the distance from one corner of the block to another corner measured along the property line abutting a public right of way that is of the greatest dimension.
 - (2) Block width is the smallest distance from one property corner to another property corner measured along the property line abutting the public right of way. that is of the smallest dimension.
- (c) Block Design. Blocks must be configured to promote safe traffic circulation and public safety. Street intersections must be provided at such intervals necessary to provide adequate access for fire, police, and emergency services. Blocks must conform to the following:
- (1) Intersecting streets must be provided at such intervals as necessary to be compatible with existing subdivisions and serve traffic adequately. Intersecting streets must align with existing streets.
 - (2) Block lengths may not exceed 600 feet.
 - (3) Block widths may not be less than 300 feet.
 - (4) If the approved TIA indicates that physical barriers, property ownership, property configuration, existing uses of the surrounding property, or other factors create conditions where it is appropriate for block length and width standards to vary from the standards in this subsection, then, upon approval by the city manager, block lengths and widths may be varied in accordance with the TIA, having due regard for connecting streets, circulation of traffic, and public safety.
- (d) Numbering. Blocks must be numbered sequentially within a plat. Blocks which are continuations of blocks in prior approved plats of a phased subdivision must have the same block number as in the prior. No two blocks within the same plat may have the same number.

Sec. 10.04.004 Lots

- (a) Design. Lot size and configuration must comply with the applicable zoning regulations and other applicable codes, laws, and regulations.

- (b) Numbering. Each lot must have a unique number within its block so that reference to the subdivision plat name, block number, and lot number will refer to a single unique lot.

Sec. 10.04.005 Alleys

- (a) Defined. An alley is a minor right of way, dedicated to public use, that affords a secondary means of vehicular access to the back side of lots otherwise abutting a street. Alleys are not considered streets when determining block dimensions.

- (b) Standards.

- (1) When required by the city's zoning regulations or other ordinance, law, or regulation, alleys must conform to the provisions pertaining to such required alleys.
- (2) Alleys provided in blocks zoned for residential use at the option of the developer may be no less than twenty feet in width and must be paved and brought to an established grade.
- (3) Alleys must intersect streets at right angles, provided that alleys may intersect radially to curved streets. Radii for turnouts for alleys intersecting a street must be 5 feet.
- (4) The intersection of an alley with a street must be separated by at least one lot from the intersection of two streets.
- (5) Alleys may not intersection with a street that is designated as an arterial or a highway.

Sec. 10.04.006 Streets

- (a) Generally. Streets within a subdivision must be configured and constructed in conformance with the city's general plans for current and future streets, alleys, parks, playgrounds, and public facilities; and the city's plans for extension of the city's roads, streets, and public highways. Street categories will be determined by the city's transportation plan and by the

recommended street categories set forth in the approved TIA.

(b) Categories. Streets within a subdivision are categorized as follows:

(1) Local streets – primarily intended to serve traffic within a neighborhood, a subdivision, or residential district, and that are not necessarily continuous through several residential districts.

(2) Collector streets – Intended to connect local streets and residential neighborhoods with arterials, other residential neighborhoods, and commercial districts. Collector streets can be minor or major collectors.

(3) Arterial streets - major thoroughfares for vehicular traffic that are more or less continuous across the city, intended to connect remote parts of the city, or adjacent areas, and acting as a principal connecting street with state and federal highways.

(4) Highway – a state or federal highway.

(c) Alignment. Arterials and collector streets must be continuous or in alignment with existing streets, unless variations are warranted by the TIA and review by the city manager. Off-center street intersections are prohibited.

(d) Grades. Arterials must have a maximum grade of five (5) percent for a maximum continuous distance of two hundred (200) feet. All streets must have a minimum grade of at least one-half (1/2) of one (1) percent. Centerline grade changes with an algebraic difference of more than two (2) percent must be connected with vertical curves of sufficient length to provide a minimum of six hundred (600) feet sight distance on arterials and four hundred (400) feet sight distance on collector streets and local streets. All vertical curves must be of such length so as to provide comfortable flow of traffic. Wherever a cross slope is necessary or desirable from one curb to the opposite curb, such cross slopes shall not be less than one-tenth (0.1) inch in one (1) foot nor more than one-half (1/2) inch in one (1) foot.

(e) Pavement. Pavements must be designed and constructed in accordance with the latest edition of the AASHTO Guide for Design of Pavement Structures and the TXDOT Pavement Design Manual. Pavement design must be prepared and sealed by a professional engineer licensed in the State of Texas.

(f) Widths. Street widths must be consistent with the table below:

STREET TYPE	R-O-W WIDTH	PAVEMENT WIDTH ¹	CURB AND GUTTER REQUIRED ²
Divided Highway (4 lanes)	200'	2 x 48'	No
Highway, 4-Lane Undivided	150'	80'	No
Arterial	90'	64'	Yes
Major collector	70'	40'	Yes
Collector	60'	30'	Yes
Local	60'	26'	Yes

1 For curbed sections, pavement width is measured from back of curb to back of curb.

2 One-foot flat curb and 4:1 slope bar ditches may be substituted for curb and gutter with approval by the city manager.

(g) Intersections. Arterials have a minimum . . .

Sec. 10.04.006 Drainage

Sec. 10.04.007 Parkland Dedication

Sec. 10.04.008 Tree Preservation

ARTICLE 10.05 UTILITIES

Sec. 10.05.001 Utilities

(a) Generally. All lots must obtain water, wastewater, electricity, and garbage service from the city before a building permit will be issued. The developer must enter into an agreement

with the city covering the installation of the necessary water, sewer, and electricity facilities to properly serve the development. The developer will bear all costs associated with the extension of utilities to the development.

ARTICLE 10.06 CONSTRUCTION

Sec. 10.06.001 **Generally**

ARTICLE 10.07 STUDIES

Sec. 10.07.001 **Generally**

ARTICLE 10.08 STUDIES

Sec. 10.08.001 **Generally**