

City of Wallis

Subdivision Ordinance

No. 103A

Replacing Ordinance No. 103



CITY OF WALLIS SUBDIVISION ORDINANCE

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ARTICLE I. IN GENERAL

SECTION I. AUTHORITY/SCOPE

(A) JURISDICTION

The Advisory/Planning Committee of the City has power 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 City's area of extraterritorial Jurisdiction as authorized by the Texas Municipal Annexation Act.

(B) PLAT REQUIRED

Any owner of land within the limits of the City's subdivision jurisdiction who subdivides land must have a plat of the subdivision or lot approved by the City Council as provided in this Ordinance. No improvements to the subdivision or lot shall be commenced until compliance with this Ordinance is fulfilled.

a) Conditions requiring plat approval.

A subdivision application is required in the event of sale or development of a tract of land located within the corporate limits or in the ETJ of the city according to the following:

- a) Every owner of any tract of land who may, subsequent to the adoption of this Ordinance, divide said tract into two (2) or more lots or tracts, or create from said tract one (1) or more lots of record, for the purpose of transfer of ownership, dedication of streets, alleys, easements, parks or other areas dedicated to public use, or for use for building development, shall cause a plat to be made in accordance with this chapter.
- b) The assembly of two or more existing adjacent platted lots in a recorded subdivision into one lot to be under the same ownership and use, where:
 - c) such lots are the minimum necessary to accommodate all facilities required by city ordinance; and,
 - d) the area encompassed by one or more of the original lots is not proposed to be occupied by any portion of a principal building.
- e) A resubdivision of all or part of a recorded subdivision, including the expansion of a platted lot to include adjacent unplatted land, or the creation of a new lot encompassing portions of two or more adjacent platted subdivisions.
 - 1) Any change in the size or shape of a previously unplatted tract through acquisition of adjacent unplatted land for the purpose of development.
- g) Any change in the size, shape, or number of lots in a recorded subdivision.

- h) The relocation of any street or other feature dedicated by a recorded plat, where the relocation alters the boundary of adjacent lots included in the same original plat, and where such lots have not been sold by the owner since the plat was recorded. This does not include simple abandonment or sale by the city of the land included in such dedicated street or other feature.

b) Conditions not requiring plat approval.

This ordinance shall not apply to the following conditions:

- a) A conveyance of land by dedication, lease of sale to a public agency for a roadway, utility lines or drainage facility, provided that said conveyance is accepted and approved by the public agency.
- b) In accordance with Tex. Loc. Govt. Code §212.004(a), the division of land into two or more parts provided the subdivision meets the following requirements:
 - 1) all parts after the division of land are larger than five **acres**;
 - 2) no public improvement is required by this Ordinance to be dedicated; and,
 - 3) after the division, each part has access to an existing public right-of-way abutting each part of the subdivided property, on which right-of-way is constructed a publicly maintained paved street or road, unless access by some other means has been previously approved by the City Council.
 - 4) If the subdivided property will be strictly agricultural and will create no need for new public streets, water, sewer or storm drainage and will not interfere with the extension of such public facilities. Agricultural use does not include the processing of agricultural products or livestock feeding, exhibition or sales facilities.
- c) The division of an existing legal lot, said division being caused by the City's acquisition of a part of said legal lot, when the council finds that the acquisition by the city is in the best interest of the public health, safety, and welfare of the residents of the City and/or its extraterritorial jurisdiction. Upon the Council so finding, the resulting parcels shall be deemed to constitute legal lots for the purposes of developing under the requirements of this chapter and other applicable City regulations. In creating said division, the Council I empowered to attach to the resulting parcels acquired by the City, and the remainder parcels not acquired by the City upon agreement with the owner, such conditions as it finds reasonable and necessary to offset any adverse effects resulting from the City's

acquisition as a part of the original legal lot, insofar as any such condition is not contrary to the spirit and intent of this chapter.

- d) Division of land into two or more parts without a change of actual ownership or a change of ownership only as to or between patties that are related to the second degree of consanguinity or affinity. (Partition Subdivision)

SECTION 2. PENALTIES.

The penalty upon conviction for violation of this chapter shall be by fine of not more than \$200.00.

ARTICLE II. PROCEDURES

SECTION 3. GENERAL INFORMATION

(A) PRE-DEVELOPMENT REVIEW

1) Purpose

The Purpose of a Pre-development review is for the Subdivider and local officials to discuss development patterns and develop a concept plan prior to the applicant preparing extensive engineering drawings needed for the Preliminary Plat. City interest is in the orderly planning and adequate provision of roads, utilities, drainage, and other public facilities, and consistency to the City Comprehensive Plan. The Pre-development Review provides developers with a potential opportunity to reduce engineering costs during the early planning stages of development, enhance communications and improve understanding of regulations governing the subdivision of land, reduce problems, and highlight opportunities. This pre-development review is strongly recommended for all development proposals but is not mandatory. However, the City Council may grant lot coverage, lot density per acre and/or height bonuses to applicants who complete the pre-development review process.

2) Submittal Requirements

The Subdivider should provide to the City Secretary at least one week in advance of a scheduled meeting between Subdivider and City Staff five (5) copies of two scaled representations described in 2a and 2b below. The representations should be in a minimum of 11x17 reproducible format and provided on compact disc in digital format. Names, addresses, and phone numbers of the owner(s) of record and of the developer, if different, as well as the contact person or agent shall be printed on the two representations.

- a. *Area Map* superimposed on an aerial photograph, USGS topo sheet, FEMA floodplain map, tax map or other published source showing the relationship of the proposed site to natural features and development

patterns on properties within one-half mile of the development site. At the minimum, the Area Map should show streets, land uses, improvements, and significant natural features. A scale shall be shown on the map.

- b. *Existing Resources/Site Analysis Plan*: The drawing shall be produced by a physical planner, landscape architect, or a licensed engineer at a minimum scale of 1:200. It shall show all the natural and cultural features located on the property including but not limited to:
 - i. Existing on-site improvements and easements;
 - ii. Existing natural features, including but not limited to, significant vegetation and trees, riparian components and other natural drainage features, and topographic features;
 - iii. Identification of known exceptional topographical, cultural, historical, archeological, hydrological, or any other physical conditions of the property to be developed;
 - iv. A table identifying proposed land uses, including number of residential lots, non-residential uses and parks and open spaces;
 - v. Anticipated off-site improvements;
 - vi. A phasing plan, if applicable
- c. Identifying potential conservation/open space areas, "Greenway lands," in relation to natural and cultural constraints on the property, including mature woodlands, rock outcroppings and associated semi-rare wildflowers, meadows, views into the property from existing town roads, and hedgerows bordering prior uses on the property.
- d. Locating house sites near open space/conservation areas for marketing and quality-of-life advantages
- e. Aligning streets, paths and trails to accommodate multi-modal transportation needs; connect various parts of the neighborhood, connect the neighborhood to adjacent neighborhoods, and to community facilities and/or thoroughfares.
- f. Sketching proposed lot lines.

3) Site Visit

The Subdivider and representation designer; designated city planning official; at least one planning body official; and at least one adjacent property owner shall meet on the site with the Area Map and the Existing Resources/Site Analysis Plan and walk the extent of the property. The purpose of the Site Walk is to receive feedback from city officials and abutting property owners on significant cultural and natural features that should be protected.

4) Existing Resource / Site Analysis Plan Review

The designated planning official will review the sketch plan and provide written feedback based on the following criteria:

- i. Incorporation of ideas discussed in the Site Walk,
- ii. Preservation of natural resources, including drainage ways, mature woodlands, rock outcroppings and associated semi-

- rare wildflowers, meadows, views into the property from existing town roads, and hedgerows bordering prior uses on the property;
- iii. Use of the four-step process outlined above in Part A (4i-iv)
 - iv. The design's efficient provision of services and infrastructure, including the opportunity to reduce length of roads, utility runs, impervious cover; and decrease energy costs by streets having an east-west orientation, if possible.
 - v. Its ability to forward Comprehensive Plan goals of a community-wide conservation network of open spaces to protect the integrity of the town's natural resources for present and future residents.
 - vi. Protection of water quality and reduced erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes;
 - vii. Location of house sites near open space/conservation areas for marketing and quality-of-life advantages
 - viii. Alignment of needed streets, paths and trails to accommodate multi-modal transportation needs; connect various parts of the neighborhood, including the Open Spaces; and connect the neighborhood to adjacent neighborhoods' and to community facilities, schools and/or thoroughfares.
 - ix. Lot density in accordance with the City's Zoning Ordinance.

5) Review expenses

Should the designated planning official deem it necessary to consult the landscape architect, physical planner, or licensed engineer hired by the Applicant, or such a professional of the city's choosing to complete the Sketch Plan review, the Applicant will be responsible for the consultant fee up to, but not exceeding, \$2,000.

6) Development Rights

The voluntary submission of a Pre-development Review Sketch Plan shall not be deemed an application for a permit. Any plan submitted pursuant to this section will not be considered to be a Preliminary Plan or Final Plan in accordance with this Subdivision Ordinance. The City is under no obligation to make any formal decision with respect to completion of the Pre-development Review Development Proposal.

7) Expiration

The results of the Pre-development Review process shall be considered no longer valid if the developer does not submit a preliminary plat application within 18 months of the Pre-development review process' completion

(B) APPLICATION REQUIRED

Whenever any subdivision of any tract of land into two (2) or more tracts is proposed to be made and before any contract for sale of or any offer to sell such subdivision or any part thereof is made and before any permit for the erection of a structure shall be granted by the city government's building inspector to the subdivider, the subdivider or owner thereof, or his agent, shall apply in writing to the City Advisory/Planning Committee for approval of such land subdivision. The application of the subdivider, owner or agent shall conform to the specification outlined in Section 4 through Section 26 of these regulations.

(C) NOTICE AND HEARING REQUIREMENTS

Notice of hearings for preliminary plat approval and other approvals requiring notice and hearings shall be given in advance in the following manner:

1. Publication at least fifteen (15) days in advance of hearing being published in a paper of general circulation in Austin County.
2. If the plat is a re-plat, written notice of the public hearing must be forwarded by the City to owners (as the ownerships appear on the last approved ad valorem tax roll of such governing body) of all lots in the original subdivision not less than fifteen (15) days prior to the date of such hearing; such notice may be served by depositing the same, properly addressed and postage paid, in a post office within the City in accordance with Local Government Code Chapter 212.

(D) FEES

Fees shall be as follows or according to the most recent City fee schedule at the time of application submittal, whichever is greater.

- A. Preliminary plats shall be accompanied by a filing fee of \$100 plus \$2 per lot.
- B. Final plats shall be accompanied by a filing fee of \$100 plus \$2 per lot.
- C. Vacating plats, amending plats and replats shall be accompanied by a filing fee of \$100 plus \$2 per lot.
- D. Minor plats shall be accompanied by a filing fee of \$100 plus \$2 per lot.
- E. Requests for waivers/variances require no fees.

Filing Fees shall be paid by cash or check to the City of Wallis, Texas. These fees shall be charged on all plats, regardless of the action taken by the City Council. The fees and charges set forth and/or established herein may be changed and amended from time to time by resolution of the City Council.

(E) DEFINITIONS.

For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings ascribed to them in this section. When not inconsistent with the context, words used in the present tense include the future, words used in the singular number include the plural; and words used in the plural number include the singular. Definitions not expressly prescribed herein are to be determined according to customary usage.

- a) ALLEY. An "alley" is a minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for

vehicular traffic to the rear or side of properties which otherwise abut on a public street.

- b) **BLOCK.** A "block" is a tract or parcel of land designated as such on a duly recorded plat and may be entirely surrounded by public streets or by a combination of public streets and public parks, cemeteries, railroad rights-of-way, or natural or man-made physical features that disrupt what would otherwise be an unbroken landscape (for example, ditches, gullies, ridges, etc.)
- c) **BUILDING.** A "building" is any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, machinery, equipment, or movable property of any kind.
- d) **BUILDING LINE OR BUILDING SETBACK LINE.** The term "building line" or "building setback line" shall refer to a line parallel to the frontal street right-of-way line and the building line within which no building shall be constructed.
- e) **CITY.** The word "City" shall refer to the municipal corporation, City of Wallis, Texas.
- f) **CITY COUNCIL.** The words "City Council" shall mean the duly and constitutionally elected governing body of the City of Wallis, Texas.
- g) **CITY ADVISORY/PLANNING COMMITTEE.** The words "City Advisory/Planning Committee" shall mean the duly organized body of citizens of the City of Wallis, Texas, appointed the City Council, which Planning Committee charged with the responsibilities prescribed by the state statutes and as directed by the City Council. Advisory/Planning Committee may also mean the Mayor, City Council or City Engineer on an as-needed basis.
- h) **CITY ATTORNEY.** The words "City Attorney" shall mean the person employed as City Attorney of the City of Wallis, Texas, duly appointed by the City Council.
- i) **CITY ENGINEER.** The words "City Engineer" shall mean the person employed as City Engineer of the City of Wallis, Texas.
- j) **COMPREHENSIVE PLAN.** The term "comprehensive plan" shall refer to the comprehensive urban plan for Wallis and adaptations, amendments, or supplements thereto, which has or have been adopted in principle by the City Advisory/Planning Committee as a guide to future development of the City of Wallis and its surrounding area.
- k) **COUNTY.** The word "county" shall refer to the County of Austin, Texas.
- l) **COUNTY COMMISSION.** The words "county commission" or "commissioner's court", as generally termed, shall mean the duly and constitutionally elected governing body of Austin County, Texas.

- m) CROSSWALK. A public right-of-way not more than six (6) feet in width between property lines which provides pedestrian circulation.
- n) CUL-DE-SAC. A street having but one outlet to another street and terminated on the opposite end by a vehicular turn-around.
- o) DEVELOPER. The word "developer" shall mean any person or person, firm, or corporation subdividing a tract or parcel of land to be sold or otherwise handled for their own personal gain of use.
- p) DEAD-END STREET. The term "dead-end street means a street, other than a cul-de-sac, with only one outlet.
- q) DOUBLE FRONT LOT. A "double front lot" means a building lot, not a corner lot, which has frontage on two streets that are parallel or within forty-five (45) degrees of being parallel to each other.
- r) ENGINEER. The word "engineer" means a person duly authorized and licensed under the provision of the Texas Engineering Registration Act, as heretofore or hereinafter amended, to practice the profession of engineering.
- s) EASEMENT. The word "easement" means a strip of land reserved for the use of the public by the grantor, usually at the rear or side of lots or parcels of land, in which to install and maintain utility lines, drainage ditches or channels, or for other city or public services; the ownership or title to the land encompassed by the easement, the grantor is in effect vesting the public with authority to control the use of land within the easement and, in exercising such control, the City may specify that no building or part of a building or other permanent structure or fence, shrubbery or trees, may be located within the limits of the easement.
- t) EXTRATERRITORIAL JURISDICTION. Within the terms of the Texas Municipal Annexation Act, the term "extraterritorial Jurisdiction" means the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City of Wallis, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated City of Wallis, in which area, with the terms of the act, the City may enjoin the violation of its subdivision control ordinance.
- u) FILING DATE. The term "filing date" shall refer to the date which is five (5) days prior to the regular meeting of the City Advisory/Planning committee at which the subdivision plat (preliminary or final) is to receive consideration.
- v) FILING FEE. The term "filing fee" shall refer to the prescribed plat and lot fee rates, as hereinafter stipulated, to accompany the filing with the City Advisory/Planning Committee or preliminary and final subdivision plats.

- w) FINAL PLAT. The term "final plat" shall refer to the map or plan of the proposed subdivision submitted to the City Advisory/Planning Committee on or before the "filing date", as the term is defined herein, for approval by the City Advisory/Planning Committee, and said plat shall be prepared in accordance with this chapter.
- x) FRONT OR FRONTAGE. The term "front or frontage" shall be that of a tract of land which abuts on a public street to which it has direct access.
- y) LIVING AREA. The term "living area" shall refer to the floor area of main structure, to be constructed on such lots, exclusive of open porches, steps, screened porte cocheres, breeze-ways, garages, and other out buildings, shall be no less than twelve hundred (1200) square feet, unless it is a VA or FHA loan and requires less or other governmental agency or government owned or sponsored housing authority or housing program. Also excluded from the requirement herein of a minimum twelve hundred (1200) square feet living area shall be residences to be constructed in a subdivision designed for retired, handicapped or aged persons, or subdivision designed primarily for duplex, triplex or fourplex residences.
- z) LOT. The word "lot" refers to a physically undivided tract or in the future may be, offered for sale, conveyance, transfer, lease, or improvement, which is designated as a distinct and separate tract and which is identified by a lot number or tract symbol on a duly approved subdivision plat which has been properly recorded.
- aa) LOT DEPTH. The "lot depth" is the length of a straight line connecting the mid-point of the front and rear lot lines.
- bb) LOT WIDTH. The "lot width" is the average length of the front and rear property lines.
- cc) MAJOR STREET OR THOROUGHFARE PLAN. The term "major street" or "thoroughfare plan" shall mean the comprehensive plan of major and secondary streets and highways as a part of the city's comprehensive plan and adaptations, amendments, or supplements thereto as adopted by the City Advisory/Planning Committee and the City Council.
- dd) MAJOR THOROUGHFARE. The term "major thoroughfare" shall refer to a public street which is designed for and used for fast or heavy traffic, or is intended to serve as major roadway of considerable continuity, and is designated as such upon the most recent plan for major thoroughfares of the City of Wallis, Texas, as adopted by the City Advisory/ Planning Committee and City Council.
- ee) MAY. The word "may" is permissive.
- ff) MINOR STREET. The term "minor street" shall refer to any public street which is not classified as a major thoroughfare or secondary street.

- gg) PLAT. The term "plat" means a map, drawing, chart, or plan showing the layout of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainage ways, building lots, easements, alleys, or any similar type of plat, which a developer submits for approval and a copy of which he intends to record in final form.
- hh) PAVEMENT WIDTH. The term "pavement width" means the portion of the surface of a street available for vehicular traffic, and, where curbs are laid, it is the portion between the face of curbs.
- ii) PERSON. The term "person" means any individual, association, firm, corporation, governmental agency, or political subdivision.
- jj) PRELIMINARY PLAT. The term "preliminary plat" means the first or introductory plat of a proposed subdivision where a developer intends to submit, from time to time, additional fractional final plats.
- kk) PUBLIC EASEMENTS. A "public easement" is a right granted or dedicated to the public or governmental agency in, on, across, over, or under property for specified use or uses by an instrument or map duly recorded in the records of the Clerk of Austin County, Texas.
- ll) PUBLIC STREETS. A "public street" is a right-of-way dedicated to public use for pedestrian and vehicular traffic and public utility purposes.
- mm) RESERVE. The word "reserve" shall refer to a tract, parcel, or unit of land not physically divided, having frontage on a public street, which is proposed and intended for other than single-family residential use and which is, or in the future may be, offered for sale, conveyance, transfer, lease, or improvement, and which is designated as a distinct separate tract and which is identified by reserve symbol on a duly approved subdivision plat which has been properly recorded with the County Clerk of Austin County, Texas.
- nn) RESIDENTIAL BUILDING. The term "residential building", as herein used, shall mean main structures, porches, whether screened or unscreened, breeze-ways, attached garages, detached garages, porte cocheres, steps, and projections covered by roof.
- oo) SHALL. The word "shall" is always mandatory.
- pp) STREET. The word "street" means public right-of-way, however designated, which provides vehicular circulation and access to adjacent property.
- (a) A "major street", "major thoroughfare", or "arterial street" means a principal traffic artery or trafficway, usually of more or less continuous routing over long distances, whose function is to serve as a principle connecting street with state and federal highways, and shall include each street designated as a major "thoroughfare" or "street" on the major street or thoroughfare plan of the city or so designated by the City Advisory/Planning

Committee and City Council. Minimum width of right-of-way shall be eighty (80) feet.

(b) A "secondary street" or "collector street" means a street whose function is to collect and distribute traffic between major thoroughfares and minor streets, is not necessarily of continuous routing for long distances, has intersections at grades and provides direct access to abutting property, and shall include each street designated as a "secondary street" on the major street of thoroughfare plan or so designated by the City Advisory/Planning Committee and City Council. Minimum width right-of-way shall be seventy (70) feet.

(c) A "minor street" means a street whose function is to provide access to abutting residential property within neighborhoods, with all intersections at grade, and not of continuous routing for any great distance so as to discourage heavy, through traffic. Minimum width of right-of-way shall be sixty (60) feet.

qq) SIDEWALK. The word "sidewalk" means a minimum forty-eight (48) inch width Portland cement paved pedestrian walkway extending for the entire length of a block of blocks parallel to a street right-of-way line of street pavement edge, which walkway shall be constructed with the right-of-way of any public street.

rr) SUBDIVISION. A "subdivision" is any division of property for which a plat is required to be approved and recorded under the provision of Article 974a, Vernon's Texas Civil statutes, Article 970a, the Texas Municipal Annexation Act, and under this chapter. The word "subdivision" shall mean any division of any tract of land situated within the corporate limits of the City of Wallis, Texas, or within the City's extraterritorial area of such limits, into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition of the City of Wallis of for laying out suburban lots or building lots, or any lots, streets, alleys, or parts or other portions intended for public use of the use of purchasers or owners of lots fronting thereon of adjacent thereto. "Subdivision" shall include re-subdivision and, when in context, shall relate to the process of subdividing of the land or areas subdivided. Re-subdivision shall mean the division of any existing subdivision, together with any change of lot size therein, or with the relocation of any street lines; however, it does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new street, alley or easement of access. A partition subdivision is excluded from the definition herein.

ss) SURVEYOR. The term "surveyor" means a licensed state land surveyor or a registered public surveyor, as authorized by the Texas Land Surveyors Registration Act.

SECTION 4. REQUIRED IMPROVEMENTS

After the effective date hereof, the City Council will require that all land subdividers and developers shall, on all new subdivisions of land in the city and for a distance of one-half mile beyond its corporate limits, adhere to and be governed by the policies as have been established for the provision and construction of underground utilities; street improvements; alleys or easements.

(A) MONUMENTS AND LOTS MARKERS

Monuments shall be set at each corner of the survey boundary of the subdivision, and permanent lot markers shall be placed at each lot corner. Monuments and lot markers shall be set immediately after completion of utility installations and street construction, or as the Utility Manager may require.

1. Monuments shall be made of an iron rod one-half($\frac{1}{2}$) inch in diameter and three (3) feet long, securely set in the ground until its top is flush with the natural surface of the ground. A block of concrete four (4) inches square or five (5) inches in diameter and eighteen (18) inches deep shall be set around the upper end, flush with the top of the rod. Where, due to topographical conditions, permanent structures, or other conditions, the view is obstructed between any two (2) adjacent monuments intermediate monuments shall be so set as to assure a clear view between adjacent monuments.
2. Lot Markers. Lot markers shall be iron pins no less than eighteen (18) inches long nor less than one-half($\frac{1}{2}$) inch in diameter set flush with the ground at every corner, at all angle points, and at all points of curves not otherwise designated under subparagraph a above.

(B) WATER LINES, SEWER LINES AND STORM SEWERS

1. The subdivider or developer, in the case of any subdivision of land, will be required to install, at his own expense, all water lines and taps, sewer lines and taps, storm sewer lines and drainage ditches and structures in accordance with the City standards and specifications governing the same, including all engineering costs covering design, layout and construction supervision. All taps must be stubbed out to property line of each lot at developer's expense. Tap fees will be paid as each connection is activated. Preliminary layouts for all such utility lines shall be submitted by the subdivider or developer to the City Advisory/Planning Committee for study by the city engineer 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 City Advisory/Planning Committee in the same number of copies as required of the subdivision plat. (Must be in compliance with City Plumbing Ordinance No. 62)
 - 1a. The City currently uses Badger "E" series Smart Meters. Meters installed must be The same brand and model to be compatible. Public Works must be notified if any Deviations are to be considered.
2. 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.

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

(C) STREET IMPROVEMENTS, CURB AND GUTTER, PAVEMENT

1. The subdivider of each tract of land will be required to construct, at his own expense and to install flexible base of select material and surface the streets according to the City standards, specifications and guidelines as set out in (B) (4) including all engineering costs covering design, layout and construction supervision. Preliminary plans for such improvements shall be submitted to the City Advisory/Planning Committee for study by the city engineer and for tentative approval before any work is started in the subdivision. Detail 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.
2. Each street installation project will be considered by the city upon the individual merits of each project prior to construction.
3. Sidewalks are not a specific requirement in new subdivisions. However, should a subdivider or developer elect to install sidewalks in a subdivision, preliminary plans shall be submitted along with the preliminary plat of the development and detail construction plans shall be filed for approval of the City Advisory/Planning Committee and city engineer at the time of submission of the final plat.
4. Street Guidelines
 - a) All streets within the City shall be constructed so as to comply with and conform to the road construction standards in effect for Austin County, Texas at such time that the City grants initial approval to the developer as to the subdivision identified in the developers application, and such streets shall be paved.
 - b) At such time as the streets are constructed and completed the developer must notify the City in writing that the streets have been built in accordance with the specifications required by the City and that an inspection of the streets for approval by appropriate City official is requested by developer.
 - c) Once the inspection by the City is complete a formal report by the City inspector recommending approval and acceptance by City Council shall be presented to City Council.
 - d) The developer shall remain solely responsible for the maintenance of all streets constructed by him so as to comply with the standards required by City for a period of one year after formal City Advisory/Planning Committee action to accept the street is made. The City may as a condition of acceptance

of the streets require of developers a security bond to insure performance by the developer in an amount not to exceed 25% of all actual construction including engineering, labor and materials of all streets constructed by developer in the subject subdivision. The option of a required bond will be waived in any case where the financial condition and stability of the developer is sufficiently established to City Council to be adequate enough to evidence the future performance and financial capability of the developer.

- e) In conjunction with proposed street construction by a developer the developer must also submit a drainage plan to be submitted for approval prior to acceptance of subdivision by the City Advisory/Planning Committee

(D) ALLEYS AND EASEMENTS

The City will require in new subdivisions twenty foot wide easements in lieu of alleys except in conditions as set out in Section 13, hereafter. If a subdivider desires to include alleys in a subdivision, then the expense of development of the same, at not less than twenty feet (20') in width, will be borne by the owner of the subdivision or the developer, and the same shall be construed in accordance with City standards and specifications. Any construction plans related to this type of improvement shall be submitted to the City Advisory/Planning Committee along with the final plat of the subdivision at the time the final plat is submitted to the City Advisory/Planning Committee for approval.

(E) STREET LIGHTS

Street lights shall be installed by the subdivider at all street intersections and at all adjacent intersections according to the design standards specified in Section 1.15.

The developer shall be responsible for the cost of street light installation including the cost of service lines to supply electricity to the street lights and all engineering costs not borne by the electrical service provider. Developers may decrease their installation costs by completing all or part of the installation of street lighting to include the necessary trenching and installation of conduit to the location of required street light placement, as acceptable to the electric utility provider and as required by the street lighting plan.

Once satisfactorily installed, approved, and accepted, the street lights of subdivisions located within the City of Wallis incorporated limits shall be dedicated to public use with maintenance of the street light being provided by the electric utility company serving the area. The electric utility company providing service to the area shall furnish electric energy to installed and dedicated street lights. The City will pay the energy costs of dedicated street lights located within its incorporated limits.

(F) STREET SIGNS

Street signs shall be installed by the developer at all intersections within or abutting the subdivision. Such signs shall be of a type approved by the City and shall be installed in accordance with City standards.

(G) FLOCK CAMERA SYSTEM

Flock (Flock Safety License Plate Camera System) style cameras will be required at each Subdivision entrance and exit. Monthly operational costs of the system will either be paid By the city or the homeowner HOA fees. To be determined by the city.

(H) OTHER UTILITIES

Adequate provision for all utilities shall be provided to the entire subdivision. All distribution and service lines of electrical, telephone, television, and other wire-carrier type utilities shall be underground. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground or below ground level. Where the underground placement of such facilities is not a standard practice of the utility involved, the subdivider or developer shall make arrangements with the applicable utility for payment of all costs associated with the non-standard installation.

SECTION 5. PRELIMINARY PLAT

(A) FORM.

Four copies, or prints, of the preliminary plat of any proposed subdivision shall be submitted to the City Advisory/Planning Committee for approval before the preparation of the final plat for record. The time required to complete the initial review and process the preliminary plat shall be a maximum of thirty (30) calendar days following receipt of the complete application, preliminary plat, required support documents, and all required fees. Plats shall not be reviewed by the City Advisory/Planning Committee until all required documents have been received.

(B) CONTENTS.

This plat shall be drawn to a scale of one inch equals one hundred feet (1"=100'), on a sheet of 24" x 36" in size, and shall show or be accompanied by the following data and information:

1. General

- a) Certificate Of Ownership and Dedication in the form found in Section 30. Preparation date, legend, graphic scale and true North arrow.
- b) Proposed name and location of subdivision, the name and address of the adjacent property owners, name and title of plat preparer.
- c) Location map at a scale of one inch to one thousand feet (1":1,000').
- d) Number of all lots and blocks for each lot or tract.
- e) Tax Certificate.

2. Improvements

The location and size of existing and proposed improvements within, adjacent to, or for use by the subdivision, whether above or below grade, including but not limited to:

- a) Streets and alleys,

- b) parks,
- c) buildings,
- d) watercourses, dry creek beds, caves, springs, wells, sinkholes and other similar drainage features
- e) railroads,
- f) bridges and culverts,
- g) the present and/or proposed zoning classifications, if applicable
- h) private easements,
- i) public utilities easements and facilities,
- j) Utility locations including sanitary sewers, storm sewer, water, petroleum pipelines, gas, electricity, telephone, and television/ communication cable, surface water drainage, and fire hydrants. Existing and proposed lines and appurtenances and proposed connections to existing systems. The layouts shall to show the relationship between existing and proposed utilities and other features on the map.
- k) The names, locations, and dimensions of existing and proposed rights-of-way, parks and other open spaces, reservations, lot lines, building setback lines, boundary lines. Distances from the centerline of any adjoining street to the proposed platted property shall also be shown.

3. Boundaries

- a) The legal description of the lot, tract, or parcel of land to be subdivided, including an accurate boundary survey of the property, with bearings and distances, referenced monuments or benchmarks where available and established subdivisions.
- b) The location of City limit lines if the city limit boundaries traverse the subdivision or are contiguous to the subdivision boundary;
- c) The location of existing property lines.
- d) The total acreage to be subdivided. Projects developed in phases should indicate each phase on the plat.
- e) Lot sizes in acres.
- f) For each adjoining unplatted parcel, the deed reference and name of the owner of record or, for each adjoining platted lot, the subdivision name and lot and block reference and owner of record.

4. Natural Features

- a) Existing and proposed topographic contours at vertical intervals of not more than two (2) feet. Topographic contours shall extend a minimum of fifty (50) feet beyond the boundaries of the subdivision.
 - b) The limit of the "100-year" flood hazard area boundary and the regulatory floodway if applicable as determined by the most current map published by the Federal Emergency Management Agency (FEMA). If neither encroaches upon the subject property, a note to that effect must be placed upon the drawing.
 - c) The location of existing water courses, dry creek beds, caves, springs, wells, sinkholes and other similar drainage features including existing drainage structures.

5. Classification of land uses

Designation of the intended uses of land within the subdivision proposed, setting out residential, retail business, industrial, off-street parking, and all other parcels of land intended to be dedicated to public use, such as schools, parks and playgrounds, and any other special uses or semi-public uses.

(C) CITY APPROVAL

The City Advisory/Planning Committee shall render a decision on the preliminary plat at the meeting at which it is to be considered unless a postponement is agreed upon by the developer and the City Advisory/Planning Committee. The decision may consist of approval, disapproval, or conditional approval. Conditional approval shall be considered to be approval subject to conformity with conditions prescribed by the City Advisory/Planning Committee but shall be deemed to be a disapproval of such plat until such conditions are met.

(D) EFFECT OF APPROVAL

It is to be understood that the approval of the preliminary plat by the City Advisory/Planning Committee does not constitute official acceptance of the proposed subdivision by the City, but does constitute an authorization to begin and proceed with the preparation of the final subdivision plat. There shall be no work in the field on the proposed subdivision until the final plat has been approved and accepted in an official action by the City Advisory/Planning Committee and the City Council, and the instrument recorded in the office of the county clerk, except and unless upon the written approval of the City Advisory/Planning Committee with the City Council being cognizant of such approval.

(E) DURATION OF APPROVAL

Approval of the preliminary plat shall lapse unless a final plat is submitted within one (1) year from the date of initial approval. The City Council may extend the preliminary plat approval for not more than one year if no material change has occurred in the preliminary plat and the Council (a) receives a written request from the developer submitted prior to the lapse of preliminary plat approval and (b) finds that the developer is actively pursuing approval of construction plans and/or a final plat. A preliminary plat whose approval has lapsed under the conditions described above and has not been changed since its approval may be reinstated as an approved preliminary plat upon the payment of all fees for a preliminary plat application.

SECTION 6. FINAL PLAT

(A) FORM AND SUBMITTAL

The final plat represents the City Advisory/Planning Committee's final opportunity to assure that the development conforms to the requirements of this ordinance, that it is consistent with all the conditions identified in the preliminary plat, and that there is

compliance with all provisions of this ordinance. The developer shall submit to the Committee four (4) copies of the final plat.

The final plat shall be drawn at the same scale and same sheet size as the preliminary plat. All figures and letters shown thereon shall be plain, distinct and of sufficient size that they can be easily read. Should more than one sheet be required for the layout, there shall be included with the several large-scale drawings, a key map showing the entire subdivision, drawn at a smaller scale, with block numbers and street names, this key map to be included upon the first sheet or separately upon a cover sheet of the same size as the large-scale sheets.

(B) CONTENTS

In addition to the information required for the preliminary plat, the final plat shall show or be accompanied by the following information:

1. General

- a. A certificate of dedication of all rights-of-way, easements, and property to be dedicated for public use, signed by the owner(s) of the property and all lien holders.
- b. Certification by a Registered Professional Land Surveyor or Registered Professional Engineer, registered in the State of Texas, to the effect that such plat represents a complete and accurate survey.
- c. Certification that the ownership has not changed since submittal of the preliminary plat.
- d. Other certificates as needed, as set forth in Sections 1.21 and 1.22.
- e. Letter of service indicating that the following entities and/or utilities will provide services to the proposed subdivision:
 - i. Electric
 - ii. Natural Gas
 - iii. Telephone
 - iv. Telecommunications provider
 - v. Any other holder of dedicated easements or rights-of-way within or immediately adjacent to property.
- f. If the final plat is not a minor plat as defined in this ordinance, a note referencing the date of approval of the preliminary plat by the City Council and its location in city records.

2. Boundaries

- a. The right-of-way lines of all streets and alleys, property lines of lots, reservations, easements, and any areas to be dedicated to public use, and sites for other than residential use with notes stating their purpose and limitations.
- b. Name and right-of-way width of each street.
- c. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight. This shall include accurate dimensions, bearing or deflecting angles and radii, area, and central angle,

degree of curvature, tangent distance and length of all curves where appropriate.

- d. Location and description of monuments in the subdivision.
- e. The location of minimum building setback lines from all streets, in accordance with the zoning ordinance.

3. Natural Features

- a. Final plat shall include note stating that the plat conforms to all provisions of the National Flood Insurance Program (NFIP).
- b. The boundaries of all drainage easements and the one hundred (100) year flood plain and designated flood way. A registered Professional Engineer must certify on the plat:
"The fully developed, concentrated storm water runoff resulting from the one hundred (100) year frequency storm is contained within the drainage easements shown and/or public rights-of-way dedicated by this plat"
- c. On each buildable lot in said flood plain the required base flood elevation (BFE) shall be indicated.
- d. Certification by the appropriate sanitation official or health department official for any subdivision containing one or more lots for which on-site sewage disposal is proposed (see Section 31).
- e. Certification by the appropriate groundwater district official for any subdivision containing one or more lots for which potable water is obtained from private water wells (see Section 31).
- f. The signature and seal of the subdivider's engineer.

(C) APPROVAL BY CITY ADVISORY/PLANNING COMMITTEE

The City Advisory/Planning Committee shall take action on all complete plat submittals within thirty (30) calendar days following receipt of the final plat, all required support documents, and all required fees. Plats shall not be reviewed by the Council until all required documents have been received and all required fees have been paid. The Council's action may consist of approval, conditional approval, or disapproval. In accordance with state law, a subdivision plat is deemed approved if the City does not disapprove the plat within thirty (30) calendar days of the submittal of a complete application. Conditional approval shall be deemed to be a disapproval of such plat until the Council determines that the specific conditions to which the approval of the plat is subject have been met. Within ten (10) working days after the Council's receipt of written affirmation from the developer that the conditions have been met, the Council shall determine whether the conditions have been met.

Prior to final approval of the plat, the City Engineer or a licensed engineer acting on behalf of the City shall furnish the City with a written letter indicating that the final plat conforms to the standards set forth in this ordinance. In applicable situations, the reviewing official shall certify to the City Council that the appropriate cash or bond guarantees have been secured from the owner/developer by the City of Wallis to insure the completion of all improvements required by the City Council.

Approval of the final plat by the City Advisory/Planning Committee shall constitute the acceptance by the public of the dedication of any streets or other public way or ground subject to the construction and maintenance guarantees of the developer.

(D) DURATION OF APPROVAL

Approval of the plat shall expire if the subdivision is not developed within a two year period from the date of final approval.

SECTION 7. CONSTRUCTION PLANS AND CONSTRUCTION GUARANTEES

(A) IMPROVEMENTS REQUIRED

The developer shall bear the entire cost of construction of all on-site improvements, monuments, streets, water mains, sewage collection systems, drainage systems, utility systems, street signs and, where applicable, sidewalks, curbs, alleys, traffic control, and street lighting, in accordance with specifications established by the City, or, if in the case that the City has not established specifications, in accordance with those of Austin County.

(B) CONSTRUCTION PLANS

1. General.

Construction plans and specifications shall be submitted for every subdivision in which new streets, alleys, water mains, sewer mains, or major drainage structures, as determined by the Building Official and/or the City's water and wastewater utility, are required. These construction plans shall accompany the final plat and shall clearly and concisely describe the manner in which the improvements are to be constructed. They shall be legible, complete and accurate.

2. Filing Time.

The time required to review and process the construction plans shall be a maximum of thirty (30) calendar days.

3. Form and Content.

Construction Plans shall be prepared and submitted to the City for review. The developer or his or her engineer shall submit three (3) sets of the proposed construction plans which shall be drawn at a scale of one (1) inch to one hundred (100) feet or larger on 24" x 36" sheets. Specific information to be included on the proposed construction plans shall include the following:

- a. The proposed subdivision name and location, the name and address of owner or owners, and the name and seal of the Registered Professional Engineer preparing the plans.
- b. Date, approximate north arrow and graphic scale, actual datum references and bench marks.

- c. Location sketch map drawn at a scale of one (1) inch to one thousand (1,000) feet.
- d. Sizes and types of all water system lines, fittings, valve boxes, and the location of fire hydrants. The plan shall show the location and elevation on bench marks referred to city datum. The plan shall show location and sizes of existing mains and the location of connection points to the proposed system.
- e. Sizes, types, flow line elevations and horizontal assignments of all sewer system lines. The construction plan will show the location and flow line elevations of all manholes, cleanouts, lift stations, or any other public facilities.
- f. A plan of the proposed street system that shows the right-of-way and pavement width of all streets and grades of all streets with the elevations indicated. The location of all proposed curbs and sidewalks shall be identified.
- g. A topographic map showing existing and proposed contours of the ground at intervals of not more than two (2) feet.

4. Drainage Study

A drainage study will not be required if the city administrator, city engineer, or other qualified professional determines that there will be no adverse impacts resulting from increased runoff caused by the construction of the proposed subdivision without any drainage mitigation measures. The city official or qualified professional shall provide the City Advisory/Planning Committee! with a letter stating that no drainage mitigation measures will be required.

The drainage study shall outline general provisions to handle storm water both during and after construction and describing how and where water will be received from adjacent higher areas; how and where it will be collected and handled within the property to protect existing stream channels; and how and where it will be discharged to a recognized drainage way in a lower area to prevent flooding downstream properties. The drainage study will describe Best Management Practices to be employed to minimize adverse impacts the development may have on the watershed. The Drainage Study shall include:

- a. A map showing:
 - 1) The 100 Year Flood Plain based upon conditions of the projected ultimate development of the subdivision.
 - 2) Pre-development and post development acreage areas and run off rates for the required storm frequencies for each drainage sub-basin in the subdivision.
 - 3) Location of open ditches, pipes, culverts, intersection drains, drop inlets, bridges, etc. Twenty-five (25) and one hundred (100) year flows shall be indicated on the outlet and inlet side of all drainage structures.
- b. A plan showing required erosion and sedimentation controls including:

- 1) Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.
 - 2) The location, size, and character of all temporary and permanent erosion and sedimentation control facilities.
 - 3) Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas.
 - 4) A plan for restoration in all areas disturbed during construction.
- c. A plan detail sheet shall show all details associated with the above set of construction plans, including but not limited to: details of the proposed inlets, manholes, cleanouts, sewer and water service connections, typical street cross sections, curb size and type, and fire hydrant assemblies, concrete junction boxes, and headwalls.
 - d. Plan-profile sheets drawn to a legible scale and showing the finished plan and profile of the proposed water and sewer mains and street construction.
 - e. "As Built" Construction Plans. Upon acceptance of the subdivision improvements for maintenance by the City, the owner shall furnish the City with one (1) complete set of reproducible drawings on Mylar and one (1) copy of the plans in digital format on compact disc of the improvements as constructed, including any changes made during the construction process to a scale of one hundred (100) feet to the inch or larger. Such drawings shall show the water system, sewer system, drainage and street improvements and any other permanent subdivision improvements "As Built."

All construction plans shall be subject to approval by the Building Official or a designee of the City Council. The approval shall be in writing and a copy of the written approval shall be filed with the final plat in the City office.

(C) GUARANTEES OF PERFORMANCE

- I. Construction Guarantee. No subdivision plat of record shall be filed with the County Clerk of Austin County until the earlier of:
 - a. Such time as the subdivider or developer of such subdivision has complied with all provisions of this Ordinance and such conditions of the City applicable to the final plat regarding installation of all required improvements and for which required improvements the subdivider or developer has received acceptance by City Council for the start of the one (1) year maintenance period; or
 - b. Such time as an escrow deposit has been made with the City Secretary sufficient to pay for one hundred percent (100%) of the estimated cost of such improvements as determined by the City Engineer or a designee and computed on a private commercial rate basis. The escrow deposit shall be accompanied by written authorization by the subdivider or developer authorizing the City to make such improvements at prevailing private commercial rates or have the same made by a private contractor and pay for

the same out of the escrow deposit, should the subdivider or developer fail or refuse to install the required improvements within the time stated in such written agreement. Such deposit also may be used by the subdivider or developer as progress payments upon written certification by the Building Official or a City designee that work for which payment is sought has been completed and that sufficient funds remain in the escrow account to complete remaining work. Any and all funds remaining from any such escrow deposit upon completion of the work and acceptance thereof by City Council shall be promptly released by the City to the depositor; or

- c. Such time as the subdivider or developer files a corporate surety bond with the City Secretary executed by a surety company licensed to do business in the State of Texas and acceptable to the City Council, in an amount equal to one hundred twenty percent (120%) of the cost of installation of all required improvements as determined by the Building Official computed on a private commercial rate basis, guaranteeing the installation of such required improvements by the subdivider or developer within the time stated in the bond, which time shall be fixed by the Commission.
2. Construction Inspection: All plans and actual construction of required improvements shall be inspected by a state-certified engineer. No plans or completed construction will be considered for approval or acceptance by the Building Official until such plans and calculations and such construction are complete and that they are in accordance with specifications and standards contained or referenced herein, and/or with plans previously approved for the subject subdivision.
 3. The Building Official shall make field inspections during the construction period and arrange for testing in accordance with accepted civil engineering practice. The costs of such tests and inspections shall be paid by the subdivider prior to approval of the final plat in accordance with this ordinance. The final responsibility for the adequacy and acceptability of all construction shall rest with the subdivider.

(D) ACCEPTANCE OF CONSTRUCTION

The Building Official shall inspect such improvements upon completion of construction and shall notify the subdivider in writing as to his or her acceptance or rejection of the construction. He shall reject such construction if it fails to comply with the City's standards and specifications for construction of subdivision improvements.

(E) MAINTENANCE GUARANTEE

Prior to approval of improvements, the subdivider shall either deposit money in escrow or file with the City a bond or other such guarantee acceptable to the City, executed by a bank or a surety company holding a license to do business in the State of Texas, and acceptable to the City, in an amount equal to ten (10) percent of the

estimated construction cost of the improvements required, as estimated by the subdivider and approved by the Building Official, conditioned that the subdivider will maintain such improvements in good condition and without cost to the City for a period of two (2) years after acceptance of completed construction. Guarantees other than money in escrow or bonds shall be approved as to form, legality, and acceptability by the City Attorney.

(F) USE OF CONSTRUCTION AND MAINTENANCE GUARANTEES

Security guarantees shall not be released by the City until all required improvements have been made consistent with the approved construction plans and have been inspected and approved by the Building Official. If it becomes apparent that the subdivider is not going to complete the construction of any or all of the required improvements in accordance with the previously approved plans and ordinance requirements, the Building Official shall so inform the City Attorney in writing, and the City Attorney shall take necessary action against the guarantees and security posted by the subdivider to complete such construction at no cost to the City.

If the subdivider fails to provide the necessary maintenance within the stipulated two (2) year period after acceptance of the improvements by the City, the Building Official shall so inform the City Attorney in writing, and the City Attorney shall take necessary action against the guarantees and security posted by the subdivider to complete such maintenance at no cost to the City.

SECTION 8: OFFICIAL RECORDING OF PLAT

(A) CONDITIONS FOR RECORDING PLAT

A subdivision plat shall not be filed of record until it has been approved by the City Council or its designee, the Developer has completed improvements and provided required maintenance bond(s), and such improvements have been properly inspected, approved and dedicated to the City. Any actual recording shall be void unless such approval shall be endorsed on the face of the plat as hereinafter provided. Once approved, the final plat will be signed by the Mayor and City Secretary.

(B) RECORDATION WITH AUSTIN COUNTY

The Subdivider shall record the final plat with Austin County in the Office of the County Clerk after receiving signatures on the plat from the Mayor and City Secretary. The Subdivider shall pay the required County filing fees.

(C) SUBMITTAL TO CITY AFTER RECORDATION.

Prior to any building permits being issued on the Subdivision property; the Subdivider shall submit to the City the following:

1. a copy of the filing receipt from the County Clerk's office, noting the County Plat number, date of filing and proof of filing fee payment; the signed mylar plat with

- appropriate county recordation seals and signatures from the Office of the Austin County Clerk;
2. three copies of the approved and signed plat, on a permanent reproducible medium; and
 3. a compact disc containing a copy of the signed plat in Portable Exchange Format (.pdf) and digital drawings providing a complete and accurate representation of the subdivision in Drawing Exchange File (.dxf) and/or AutoCAD (.dwg) formats.

SECTION 9: REPLAT

(A) RESTRICTIONS

Property shall not be replatted which has been previously platted by a common dedication except in compliance with the Texas Local Government Code.

(B) REQUIREMENTS.

The replat of the subdivision shall meet all the requirements for a new subdivision that may be pertinent, as provided for herein. It shall show the existing property being re-subdivided. No preliminary plats will be required on replats.

(C) REPLATTING WITHOUT VACATING PRECEDING PLAT

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; and
3. Does not attempt to amend or remove any covenants or restrictions.

(D) ADDITIONAL REQUIREMENTS FOR CERTAIN REPLATS

- I. A replat without vacation of the preceding plat must conform to the requirements of this section 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. Notice of the hearing required shall be given before the 15th day before the date of the hearing by:
 - a. Publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and

- b. By written notice, with a copy of subsection (D)(3) hereof attached, forwarded by the municipal authority responsible for approving plats 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 or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.
3. 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 City Council or its designee, 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 City Secretary.
4. In computing the percentage of land area under subsection (D) (3) the area of streets and alleys shall be included.
5. Compliance with subsections (D) (3) and (D) (4) is not required for 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.

SECTION 10: AMENDED PLAT

Notwithstanding any other provision of this article, the chief city staff person, upon the recommendation of the Building Official, is authorized to approve and issue an amending plat that is signed by the applicants only, and that is for solely one or more of the following purposes, and such approval and issuance shall not require notice, hearing or approval of other lot owners:

- A. The purpose of the amendment is to correct an error in any course or distance shown on the prior plat.
- B. The purpose of the amendment is to add any course or distance that was omitted on the prior plat.
- C. The purpose of the amendment is to correct an error in the description of the real property shown on the prior plat.
- D. The purpose of the amendment is to indicate monuments set after death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments.
- E. The purpose of the amendment is to show the proper location or character of any monument that has been changed in location or character or that originally was shown at the wrong location or incorrectly as to its character on the prior plat.

- F. The purpose of the amendment is to correct any other type of scrivener or clerical error or omission as previously approved by the planning and zoning commission or the town council; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent recorded plats.
- G. The purpose of the amendment is to correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the owners in the plat.
- H. The purpose of the amendment is to relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement.
- I. The purpose of the amendment is to relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:
 - 1) Attempt to remove recorded covenants or restrictions;
 - 2) Increase the number of lots; or
 - 3) Alter orientation to a street.
- J. The purpose of the amendment is 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, provided that such amendment does not:
 - 1) Affect applicable zoning and other regulations of the municipality;
 - 2) Attempt to amend or remove any covenants or restrictions; and
 - 3) Change an area that is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area.
- K. The purpose of the amendment is to replat one or more lots fronting on an existing street if:
 - 1) The owners of all those lots join in the application for amending the plat;
 - 2) The amendment does not attempt to remove recorded covenants or restrictions;
 - 3) The amendment does not increase the number of lots; and
 - 4) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- L. A public hearing and the approval of other lot owners are not required for the approval and issuance of an amending plat.

SECTION 11: VACATED PLAT

A recorded plat may only be vacated per the provisions of Section 212.013 of the Texas Local Government Code. A Vacated Plat must meet the following requirements:

- A. If any lot has been sold to an individual property owner, the vacation application shall include the signatures of 100% of all property owners within the recorded subdivision.
- B. No partial plat may be vacated without the consent of all property owners encompassed by the prevailing recorded plat.
- C. No plat may be vacated unless access is provided to individual platted lots and public street and alley rights of way, parks, public sites and facilities, and utility and drainage easements and improvements are provided in the accompanying replat.

- D. No Vacated Plat may be recorded in the county of jurisdiction without a public hearing and approval of the City Plan Commission.

SECTION 12: MINOR PLAT

- A. Eligibility. A plat that meets the definition of a minor plat may be processed in one step and approved administratively thereby combining the preliminary plat and final plat requirements.

A minor plat is a plat involving three (3) or fewer lots fronting on an existing public street and as per the Council's determination that:

- 1) required subdivision improvements are routine in design;
- 2) proposed lot sizes and lot configurations will comply with this ordinance and the zoning ordinance or, if not subject to zoning, are in conformance with the comprehensive plan;
- 3) provisions for required subdivision improvements are made in accordance with this ordinance; and
- 4) the subdivision does not necessitate the extension of any municipal utilities, other than the installation of service lines to the individual lots, because either existing mains of adequate capacity are accessible or the subdivision is suitable for on-site water supply and wastewater disposal.

- B. Application Procedure. The submittal of an application for a minor plat shall be made to the Building Official at a preliminary conference. An application shall be made on forms provided by the City and include the submittal of fees for Minor Plats, according to the most recent City Fee Schedule; and Austin County tax certificates stating that no taxes are delinquent against the property. Upon determination by the Building Official that the proposed subdivision meets the definition of a minor plat, the applicant shall submit a final plat consistent with the requirements of this ordinance for preliminary and final plats.

- C. Review Procedures. The City Advisory/Planning Committee or its designee shall review the proposed minor plat to insure compliance with all applicable requirements. Within ten (10) working days after the submitted date of the complete application, the minor plat shall be returned to the subdivider with written comments.

- D. Recordation. Upon completion of plat review by City staff and corrections by the applicant, the applicant shall record the plat with the Austin County Clerk, and submit to the City within ten (10) working days the items listed in Section 1.9 (3).

If the items listed above are not submitted within ten (10) working days after receipt of staff comments, the minor plat application will be considered null and void.

ARTICLE III. DESIGN STANDARDS

SECTION 13: STREETS:

(A) ARRANGEMENT AND WIDTH

The arrangement of streets in the subdivision shall provide for the continuation and extension of major and secondary thoroughfares as are shown on the major street plan of the City Advisory/Planning Committee. Such thoroughfare shall be of the width designated on the major street plan or as recommended by the City Advisory/Planning Committee. Minor residential streets in the subdivision shall provide convenient circulation of land traffic within the subdivision and adequate access to all building lots within the subdivision. Off-center street intersections will not be approved except in unusual cases. Parkways and boulevards shall be of such width as may be designated by the planning commission. As a general rule, street type, pavement and right-of-way widths for all streets within and adjacent to the subdivision must be as specified by the Subdivision Ordinance and approved by the Building Official and in all cases shall be in the following ranges:

STREET TYPE	RIGHT-OF-WAY WIDTH	PAVEMENT WIDTH
Arterial*	50 to 80'	24 to 48'
Local**	30 to 50'	14 to 24'

* Arterial Street. The primary function of an "Arterial Street" is to carry as much traffic as possible through the City at as high a speed as is safely possible.

** Local Street. A "Local Street" is a street used primarily for access to abutting property, especially residential areas.

(B) PROJECTION OF STREETS/RELATIONSHIP TO ADJOINING

Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided area. The spacing of street projections shall be in conformance with maximum block lengths allowed by this ordinance and subject to the discretion of the Council.

In order that proper relationship of new subdivision streets may be maintained with adjoining streets and land, the system of streets in a new subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions that have been platted. There must, in general, be a reasonable projection of streets in the nearest subdivision tracts, and the same must be continued to the boundaries of the tract subdivided, so that other subdivisions may be connected therewith.

(C) STREET JOGS

Street jogs with center-line offsets of less than one hundred fifty (150) feet should be discouraged.

(D) STREET INTERSECTIONS

Street intersections shall be as nearly at right angles as practicable, and no intersection shall be at an angle of less than sixty (60) degrees. Property line radii at street intersections shall not be less than twenty (20) feet and where the angle of

street intersection is less than seventy-five (75) degrees the Council or its designated official may require a greater curb radius. Intersections with arterial streets shall be located for optimum visibility of the intersection by arterial street traffic with regard to vertical and horizontal curves, and for optimum stopping distance with regard to the arterial street grade.

Curb Radii at Intersections. Curb radii at street intersections shall be not less than twenty (20) feet and property lines shall be adjusted accordingly.

(E) DEAD-END STREETS

Dead-end streets shall be prohibited except as short stubs to permit future extension, and shall not exceed the depth of one lot on each side of said street, provided that in no case shall such depth exceed two hundred fifty (250) feet. A reserve strip deeded to the City shall be required separating the terminus of the dead-end street and the property line. Such reserve strips can be removed only through the subdivision of adjacent property that includes an extension of the dead-end street.

(F) CUL-DE-SAC

Courts, cul-de-sacs or "places" 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 courts, cul-de-sacs or "places" shall be so arranged as to provide access to all lots and shall, generally, not exceed four hundred (400) feet in length. A turn-around must be provided at the closed end having an outside radius of not less than fifty (50) feet. In residential areas, the turn-around shall have a minimum right-of-way radius of fifty (50) feet and a minimum driving surface outer radius of forty (40) feet. In commercial or industrial areas, the turn-around shall have a minimum right-of-way radius of one hundred (100) feet and a minimum driving surface outer radius of eighty (80) feet.

(G) EXISTING STREETS NOT IN COMPLIANCE

In the case of a subdivision which is served by existing streets, and the right-of-way widths of such streets do not meet the minimum requirements of this ordinance, the developer shall dedicate the following right-of-way, as appropriate to the situation as described below:

- one hundred percent (100%) of the right-of-way necessary to bring the street into conformance for a local or collector street, whichever is needed to serve the development, when the subdivision abuts both sides of the existing street; or
- one-half(½) of the right-of-way necessary to bring the streets into conformance for a local or collector street, whichever is needed to serve the development, when the subdivision abuts only one side of the existing street.

(H) RESERVE STRIPS

There shall be no reserve strips controlling access to streets, except for dead-end streets and where the control of such strips is definitely placed with the City under conditions approved by the City Advisory/Planning Committee.

(I) HORIZONTAL CURVES

Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonable long radius shall be introduced. On streets with rights-of-way of sixty (60) feet or more in width, the centerline radius of curvature shall be not less than four hundred (400) feet; on other streets, no less than two hundred (200) feet. A tangent of at least one hundred (100) feet long shall be provided between reverse curves on arterial and collector streets.

(J) STREET GRADES

To assure adequate drainage a minimum gradient of 0.35% is necessary. Maximum grades will vary according to street classification and function. To reduce traffic hazards, grades should not exceed 15% on local streets and 10% on collector and arterial streets.

(K) STREET NAMES

Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of, or in alignment with, existing streets, in which case names of existing streets shall be used.

SECTION 14. BLOCKS

(A) ARRANGEMENT

Block length shall not exceed five hundred (500) feet. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. Where the developer desires to facilitate the optimum solar orientation of residential structures, side lot lines may be placed at an angle of not less than sixty (60) degrees to the right of way, provided that all lots on a block face are similarly oriented. Each lot shall have access to a public street.

(B) MINIMUM SIZE

- a. General. The subdivision design shall provide for lots of adequate width, depth, and shape to achieve efficient use of land, to provide adequate open area, to be appropriate for the location of the subdivision and for the type of development and use contemplated in accordance with the City's Zoning Ordinance.
- b. Unsewered Lots (ETJ, if applicable, only). Where off-lot sewerage is not required and is not provided, the lot size shall be determined to be in accordance with the requirements of this ordinance.

(C) BUILDING SETBACK LINES

The minimum depth of building setback lines from the property lines of developments located within the City shall meet the minimum requirements of the City's Zoning Ordinance. Building setbacks for developments located within the ETJ, if applicable, shall conform to the proposed zoning classification(s) contemplated by the developer.

(D) EXTRA DEPTH AND WIDTH IN CERTAIN CASES

Where a lot in a residential area backs up to a high-pressure gasoline, oil or gas line, electric transmission line (69 KV or higher), an arterial street, an industrial area or other land use which has a depreciating effect on the residential use of the property, additional depth may be required by the City Council. It is recommended that the depth of such lots be twenty-five (25) percent greater than other residential lots in the neighborhood, but in no case shall an excess depth over one hundred fifty (150) feet be required. Where a lot sides to any of the above, additional width may be required by the City Council. It is recommended that the width of such lots be twenty-five (25) percent greater than other residential lots in the neighborhood, but in no event shall an excess width over one hundred (100) feet be required.

(E) PROTECTION OF NATURAL RESOURCES

All natural features such as large trees and watercourses, sites of historical, cultural or archaeological significance, and similar community assets shall be preserved in the design of the subdivision. Where the City Advisory/Planning Committee finds that the preservation of such features poses a hardship on the developer, the Committee may cite the hardship and the benefit of the preserved features as the basis for approval of variances from particular design standards of this ordinance.

SECTION 15. ALLEYS, LOADING COURTS

Alleys, or loading courts, of a minimum width of twenty (20) feet paved surface or, in lieu thereof, adequate off-street loading space, shall be provided in business blocks. Alleys are not required in residential districts, except that same shall be provided where alleys of adjacent subdivision already platted would be closed or dead-ended by failure to provide alleys in the new subdivisions.

SECTION 16. STREETLIGHTS

Street lights shall be installed by the subdivider at all street intersections and at all adjacent intersections.

1. Determination of safe and adequate illumination levels shall follow recommendations in The Lighting Handbook, Illuminating Engineering Society of North America (IESNA) in regards to illuminance, uniformity, glare, light trespass and light pollution, and energy efficiency.

2. The installation of any unshielded non-cutoff mercury vapor fixture or lamp, low-intensity neon, krypton, or argon discharge tubes for use as outdoor lighting is prohibited.
3. Full cutoff luminaries are required.
4. The light source should be designed to be downcast and fully shielded with no light emitted above the horizontal plane
5. Lighting Plans shall take into consideration the following:
 - a. Minimization of energy use, including Solar Photovoltaic, LED, and other forms of energy efficient lighting
 - b. Selection of lighting that provides high lumens per watt
 - c. Light distribution to avoid excessive glare that impedes motorist or pedestrian visibility and compromises safety, light trespass and light pollution that shines directly on property not intended as the lighting target, or unwanted light in the atmosphere that contributes to sky glow.
 - d. Pole heights and spacing that meet Engineering Society of North America criteria
 - e. The avoidance of excessive number of luminaries, poles, wiring and trenching
6. All street light infrastructures shall be in dedicated utility easements or rights of way.
7. Installation procedures and acceptable standards for street lights shall be governed by the design and specification standards of the electric utility company serving the subdivision. The use of special non-standard poles or fixtures from sources other than the electric utility shall not be accepted for dedication to the public.

SECTION 16. STORM DRAINAGE SYSTEMS

A. STORM DRAINAGE SYSTEMS

1. The Council shall not recommend approval or approve any plat which does not meet the requirements of this ordinance for control of the quantity of stormwater runoff to protect the public health, safety and property, and benefit the present and future owners of property within the development, and other lands within the City and neighboring areas.
2. It shall be the responsibility of the developer to design and construct a system for the collection and transport of all stormwater runoff following into, and generated within the development in accordance with:
 - a. Good engineering practices.
 - b. Approved engineering plans for construction.
 - c. The regulations and principles of law established pursuant to the Texas Water Code and the Texas Commission on Environmental Quality.
3. Run-off Standards. Subdivisions with a minimum lot size of twenty (20) acres or fewer than five (5) lots shall be exempt from this section. Subdivisions with a minimum lot size of twenty (20) acres or fewer than five (5) lots may

not be developed with more than 20% impervious cover OR the developer must document that the development will have no adverse effects on downstream properties.

The criteria set forth under this section are intended to provide guidelines for drainage calculations. The registered professional engineer that signs and seals the drainage plans, drainage calculations, drainage structures designs, drainage facilities designs, and all other drainage requirements is responsible for all drainage calculations.

Subdivision drainage calculations for subdivisions with minimum lot size of five (5) acres or greater:

The post-construction runoff flow rates at the point of flows leaving the subdivision for each drainage basin should be calculated based on the area of the pre-development drainage basin plus any added or subtracted area due to subdivision construction or layout. All runoff flow rate flow calculations shall be done in cubic feet per second (cfs). The runoff flow rate shall be calculated for the five (5), ten (10) and one hundred (100) year storm frequency, respectively. Exit velocity runoff flow rates should not be greater than eight (8) fps from any storm detention structure.

- a. If the post-development drainage basin area is five (5) acres or less, the calculated post-construction runoff rates at the point of flow leaving the subdivision should not exceed a twenty percent (20%) increase in the maximum flow for the drainage basin for each calculated storm frequency.
- b. If the post-development drainage basin area is greater than five (5) acres and less than twenty-five (25) acres, the calculated post-construction runoff rates at the point of flow leaving the subdivision should not exceed a ten percent (10%) increase in the maximum flow for the drainage basin for each calculated storm frequency.
- c. If the post-development drainage basin area is twenty-five (25) acres or greater, the calculated post-construction runoff rates at the point of flow leaving the subdivision should not exceed the pre-construction runoff rate for the post-construction drainage basin for each calculated storm frequency;
- d. Drainage channels, storm sewers, detention structures or other devices shall be constructed to maintain the flow rates set forth in above. Vegetative improvements may be considered in calculating the runoff rates within a drainage basin.

Subdivision drainage calculations for subdivisions with minimum lot size of less than five (5) acres:

The calculated post-construction runoff flow rates at the point of flows leaving the subdivision for each drainage basin should be calculated based on the area of the pre-development drainage basin plus any added or subtracted

area due to subdivision construction or layout. All runoff flow rate flow calculations shall be done in cubic feet per second (cfs). The runoff flow rate shall be calculated for the five (5), ten (10) and one hundred (100) year storm frequency, respectively. Exit velocity runoff flow rates should not be greater than eight (8) fps from any storm detention structure.

- a. If the post-development drainage basin area is five (5) acres or less, the calculated post-construction runoff rates at the point of flow leaving the subdivision should not exceed a ten percent (10%) increase in the maximum flow for the drainage basin for each calculated storm frequency.
 - b. If the post-development drainage basin area is greater than five (5) acres and less than twenty-five (25) acres, the calculated post-construction runoff rates at the point of flow leaving the subdivision should not exceed a five percent (5%) increase in the maximum flow for the drainage basin for each calculated storm frequency.
 - c. If the post-development drainage basin area is twenty-five (25) acres or greater, the calculated post-construction runoff rates at the point of flow leaving the subdivision should not exceed the pre-construction runoff rate for the post-construction drainage basin for each calculated storm frequency.
 - d. Drainage channels, storm sewers, detention structures or other devices shall be constructed to maintain the flow rates set forth above. Vegetative improvements may be considered in calculating the runoff rates within a drainage basin.
4. Erosion Control. Disturbed areas must be stabilized to prevent the introduction of sediment to adjacent wetlands or water bodies during wet weather conditions (erosion). At least one of the following Best Management Practices (BMPs) as recommended by TCEQ must be maintained and remain in place until the area has been stabilized.
- Temporary Vegetation
 - Blankets/Matting
 - Mulch
 - Sod
 - Erosion Control Composts*
 - Compost Filter Berms and Socks*
 - Mulch Filter Berms and Socks*

ECC and compost and mulch filter berms and socks should be of quality materials and meet performance standards and compost specification data. To ensure the quality of compost used as an ECC, products should meet all applicable state and federal regulations, including but not limited to the United States Environmental Protection Agency (USEPA) Code of Federal Regulations (CFR), Title 40, Part 503 Standards for Class A biosolids and TCEQ Health and Safety Regulations as defined in the TAC, Chapter 332, and all other relevant requirements for compost products outlined in TAC, Chapter 332. Testing requirements required by the TCEQ are defined in TAC Chapter 332, including Sections §332.71 Sampling and Analysis Requirements for Final

Products and §332.72 Final Product Grades. Compost specification data approved by TxDOT are appropriate to use for ensuring the use of quality compost materials or for guidance.

5. Sedimentation Control. Prior to project initiation, the project area must be isolated from adjacent wetlands, water bodies and tributaries by the use of BMPs to confine sediment. At least one of the following BMPs must be maintained and remain in place until project completion.
 - Sand Bag Berm
 - Silt Fence
 - Triangular Filter Dike
 - Rock Berm
 - Hay Bale Dike
 - Erosion Control Compost*
 - Compost Filter Berms and Socks*
 - Mulch Filter Berms and Socks*

6. Post-construction TSS Control. After construction has been completed and the site is stabilized, total suspended solids (TSS) loadings shall be controlled by *at least one* of the following BMPs:
 - Retention/Irrigation
 - Extended Detention Basin
 - Vegetative Filter Strips
 - Constructed Wetlands
 - Wet Basins

7. Drainage Structures.
 - a. No pipe less than 18 inches in diameter or comparable flow area shall be used, excluding driveway crossings. No driveway culvert will be accepted unless it has a minimum diameter of 15 inches and a minimum length of 30 feet unless authorized by the Building Official. Larger or longer culverts shall be installed if necessary to handle drainage based upon the design frequency. Use of "dip type" driveways are permitted as long as the grade breaks are less than 15%.
 - b. Drainage easements shall be provided as necessary and shall be maintained by the property owner unless specifically noted on the Final Plat.
 - c. All drainage structures crossing roads within a subdivision shall be sized based on calculated storm frequency as established by standard engineering practices as follows:
 - i. Ten (10) year for equalizer and minor drainage channel culverts that drain an area from one (1) to one hundred (100) acres.
 - ii. Twenty-five (25) year for medium drainage channel culverts that drain an area from one-hundred one (101) acres to five hundred (500) acres or unnamed stream tributary culverts.
 - iii. Fifty (50) year for major channels that drain an area over 500 acres and named stream culverts.
 - iv. One hundred (100) year for river crossing culverts or bridges.

- d. All drainage structure installation and construction shall be inspected and tested during construction to insure installation and construction is in accordance with the approved plans and design. Inspections and testing should be performed by or under the direction of the design engineer at the sole cost and expense of the developer. Inspections and testing shall include verification of materials used, compaction tests, grade calculations and other testing requirements as may be required to verify construction. A copy of all testing shall be provided to the City within 15 days of completion of testing. All test results must be submitted to the City at least 15 days prior to the request for Final Plat approval. The City's designated Subdivision administrator shall be notified in writing 48 hours prior to any inspections and testing.
- e. All drainage structures shall be covered by letter of credit or performance bond for the same term of roads.

B. FLOOD PLAIN DEVELOPMENT

Lands that are to be platted for development that are susceptible to flooding shall be developed with finished flood elevations a minimum of one (1) foot above the established flood criteria. Areas subject to inundation under design storm conditions (the "floodplain") shall be indicated on the preliminary and final plat, with the minimum floor elevation for each lot so affected shown on the final plat. Areas subject to forces of erosion and horizontal forces from fast-moving water shall be designated as either drainage right-of-way, if owned by the City, or restricted use areas.

Where a subdivision is traversed by a drainage way or natural channel there shall be provided a restricted use area or right-of-way conforming substantially to the limit of such water course plus additional width to accommodate future needs. Drainage easements shall be approved by the Floodplain Administrator both as to location and width.

The Council may disapprove a preliminary plat if, in the judgment of the Council, a lot containing a drainage area does not contain sufficient area for a viable use allowed under the existing or proposed zoning. The Council shall not approve the subdivision if, from adequate investigations conducted by all public agencies concerned, it is determined that in the best interest of all the general public, the site is not suitable for platting and development of the kind proposed.

SECTION 17. PRIVATE AND PUBLIC UTILITIES

(A) PLACEMENT

The placement and separation of the various utilities within an easement shall be subject to approval by the Building Official. If a sanitary sewer, storm sewer, or water main is to be placed in an easement, the location of the main in relation to the other utilities shall be determined by the City's water and wastewater utility.

(B) PERIMETER EASEMENTS

In a perimeter easement where overhead primary electric lines and/or feeders are proposed, such overhead power poles shall be located as near as possible to the perimeter property line of the subdivision.

(C) RIGHT-OF-WAY

The placement of any utilities within a street right-of-way or alleys shall be subject to approval by the Building Official and the City's water and wastewater utility.

SECTION 18. EASEMENTS FOR PUBLIC UTILITIES

(A) GENERAL

For utilities not located entirely within a public right-of-way, the subdivider shall dedicate easements to the public that shall allow every lot within a subdivision to have access to all available essential public, private, and franchised utilities as described above.

(B) WIDTH

The City may require easements for poles, wires, conduits, storm and sanitary sewers, gas, water or other utility lines, along any necessary lot lines. Easements shall be a minimum of fourteen (14) feet in width. Easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities.

If a sanitary sewer, storm sewer, or water main is to be included in an easement with other utilities, such easement shall be at least twenty (20) feet in width.

When an easement is required along a boundary abutting an unplatted area under separate ownership or other property under separate ownership on which no easements exist, and the developer cannot arrange for one half($\frac{1}{2}$) of the 15-foot easement to be dedicated by separate instrument, a 15-foot easement shall be required along such boundary abutting such areas. When an easement is required along a boundary between a current and future phase of a proposed subdivision, one-half($\frac{1}{2}$) shall be dedicated by separate instrument.

If conditions exist which make it impractical to serve certain lots with utilities from rear easements or at the front of properties, easements may be required along side lot lines. The width of a side yard easement may be reduced to a total of ten (10) feet, centered on the lot lines, if approved by the Building Official.

(C) MAINTENANCE OF EASEMENTS

Maintenance of the easement is the responsibility of the owner of the property upon which it is located. It shall be the duty of the property owner to keep the area clear of any structure, debris, vegetation, trees, shrubs or landscaping whatsoever, except that lawn grass which shall be regularly mowed and controlled may be grown thereon.

(D) ADDITIONAL EASEMENTS

Easements of greater widths than specified above may be required as deemed necessary by the Building Official and/or the City's water and wastewater utility. Wider easements may be necessary for the extension of utility mains, storm sewers and drainage, or the accommodation of utilities in other unique situations. Where utility easements are not straight within each block or do not connect on a straight course with the utility easements of adjoining blocks, then an additional easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way or alleys.

SECTION 19. LOTS: SIZE, AREA

(A) GENERALLY.

The minimum dimensions for residential lots in subdivisions shall be fifty (50) feet in width and generally not less than one hundred twenty (120) feet in length, unless the planning commission, for reasonable cause or for special reasons, may otherwise approve. In no case shall a rectangular or irregularly shaped lot contain less than six thousand (6,000) square feet of area.

(B) CORNER LOTS.

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 of each street in accordance with the zoning ordinance requirements.

(C) DOUBLE FRONTAGE LOTS.

Double frontage lots are undesirable and should not be allowed if at all possible to avoid them.

SECTION 20. SIDE LOT LINES

Side lot lines, insofar as practicable, shall be at right angles or radial to street lines.

SECTION 21. BUILDING LINES

Building lines shall be shown on all lots intended for residential usage. Whenever required by the City Advisory/Planning Committee, building lines must be shown on lots intended for business usage.

Building lines or setback lines shall be established and so indicated on all subdivision plats as below stipulated:

(A) SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL LOTS

1. Corner Lots

- a) 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 single-family and multi-family residential lots where such lots side upon minor streets.
- b) 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 single-family and multi-family residential lots where such lots side upon secondary streets.
- c) 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 single-family and multifamily residential lots where lots side upon major streets.

2. Interior Lots. A minimum building setback of twenty-five (25) feet shall be provided on the front ten (10) feet on each side of all interior single-family and multi-family residential lots fronting on minor, secondary and major streets.

(B) COMMERCIAL AND INDUSTRIAL LOTS IN OUTLYING AREAS (OTHER THAN CENTRAL BUSINESS, INDUSTRIAL, SHOPPING DISTRICTS)

1. Corner Lots

- a) A corner building setback of twenty-five (25) feet shall be provided on the front and fifteen (15) feet on the side of all corner commercial and industrial lots that side upon minor streets.
- b) 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 commercial and industrial lots that side upon secondary streets unless specific building lines are otherwise established by City of Wallis ordinance upon designated secondary streets.

2. Interior Lots. A minimum building setback of twenty-five (25) feet shall be provided on the front of all interior commercial and industrial lots that front upon minor, secondary or major streets unless specific building lines are otherwise established by City of Wallis Ordinance upon a designated secondary or major street.

SECTION 22. LAND SUBJECT TO FLOODING, OTHERWISE UNINHABITABLE

Land subject to flooding and land deemed by the planning 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, 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, or shall not produce unsatisfactory living conditions.

SECTION 23. PARKLAND AND OPEN SPACE

(A) GENERAL

Sites suitable for parks, schools, playgrounds or other public usage, should be carefully considered in collaboration with the City Advisory/Planning Committee and so indicated upon the preliminary plat so that it can be determined as to site conformity to the recommended locations and as are indicated upon the master plan and so that they can be duly placed upon the final record plat for dedication. Such sites should be in conformity to the general requirements of the planning principles and shall be of adequate size as recommended by the planning commission and as may be required by the city under its policies and specifications.

(B) FEES AND PARK LAND DEDICATION IN LIEU OF FEES

A fee shall be paid to the City by the subdivider to be combined with other funds dedicated for the acquisition of park land or recreational facilities. At its option, the City Council may accept land dedicated for parks by the subdivider in lieu of park fees if such land conforms with the policies of the Comprehensive Plan. Minor Plats are excluded from park fees.

Park Land Dedication/ Fee Requirements

Type of Development	Land Requirement	Required Fee
Single family	1 acre/30 dwelling units	\$500/dwelling unit
Multifamily	1 acre/60 dwelling units	\$350/dwelling unit
Less than 10 units	None	None

SECTION 24. PHASING

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 to the entire area, showing the tentative proposed layout of street, blocks, drainage, water, sewerage, and other improvements for such areas. The overall layout, if approved by the planning commission, shall be attached to and filed with a copy of approved subdivision plat in the permanent files of the city. Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout, unless changed by the planning commission. However, except where the subdivider agrees to such change, the planning commission may change such approved overall layout only when the planning 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 the provisions of this chapter;
or

- (B) That adherence to the previously approved overall layout will be detrimental to public health, safety or welfare, or will be injurious to other property in the area.

SECTION 25. REGULATIONS FOR TOWNHOUSE SUBDIVISION

(A) DEFINITIONS

1. TOWNHOUSE. The term "townhouse" and "row house" shall be used interchangeably and shall mean a structure which is one of dwelling units designed for single-family occupancy, which are connected or immediately adjacent to each other.
2. TOWNHOUSE SUBDIVISION. The term "townhouse subdivision" shall apply to those developments in which it is proposed to partition land into individual lots and construct townhouses which may be individually owned and where the minimum lot sizes are to be less than those required under section 15 of this chapter.
3. INTERIOR STREET. The term "interior street" shall apply to public streets not more than six hundred (600) feet long within a townhouse subdivision which streets are located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.
4. ACCESS STREET. The term "access street" shall apply to those public streets within or bounding a townhouse subdivision which serve a townhouse subdivision and other adjacent property.
5. OPEN SPACE. The term "open space" shall apply to private property under common ownership designated for recreation area, private park, play lot area, plaza area, building setbacks and ornamental area open to general view within the subdivision. Open space does not include streets, alleys, utility easements and required building setbacks.

(B) REQUIREMENTS

1. GENERAL. All those persons proposing or intending to develop a townhouse subdivision within the City of Wallis or within its area Jurisdiction shall comply with the procedural requirements set out in section 4 through 6 of this chapter.
2. STREETS.
 - a) Interior streets, if dedicated to public use, shall have minimum right-of-way width of sixty (60) feet and shall be developed with a minimum of thirty-six (36) foot paving section with concrete curbs and gutters in accordance with City of Wallis construction standards.

- b) Access streets shall have minimum right-of-way width of sixty (60) feet and shall be developed with a minimum of thirty-two (32) foot pavement section.
- c) All townhouse subdivisions shall have direct access streets to at least one dedicated and accessible public street having a right-of-way width of not less than sixty (60) feet.
- d) Alleys shall have a minimum right-of-way of twenty (20) feet and shall be developed with a concrete pavement in accordance with City of Wallis construction standards.

3. BUILDING SETBACK

- a) Building setback lines of twenty (20) 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 records.
- d) Where townhouse lots and dwelling units are designed to face upon an open or common access court rather than upon a public street, said open or common court shall be at least forty (40) feet wide and not more than two hundred (200) feet long, measured from the public street upon which the court must open. Said court may not include vehicular drives or parking area in front of dwelling units.

4. 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, as defined herein, 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

0	2,500 SF
100	2,300
200	2,100
250	2,000

5. UTILITIES. All utilities such as sanitary sewer, water, gas, telephone, TV cable and electrical, shall be placed overhead or underground.

SECTION 26. REGULATIONS FOR MOBILE HOMES

The location, development and control of mobile homes or travel trailer parks and/or subdivisions and the parking of mobile homes and travel trailers outside parks and subdivisions designed for those purposes shall be governed by the regulations established by the City of Wallis Ordinance.

SECTION 27. LARGE SCALE NEIGHBORHOOD DEVELOPMENT

The standards and requirements of the regulations contained in this chapter may be modified by the planning commission in the case of a plan and program of development of a new town, a complete large residential community of neighborhood unit, 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 these regulations in this chapter and which also provides such covenants or other legal provisions as will assure conformity to the comprehensive plan of the City of Wallis and/or Austin County.

SECTION 28. RESTRICTIONS

1. The city at its discretion may require the developer to create and execute an HOA. HOA fees are to cover the subdivision expenses such as mowing common areas, Electricity costs, landscaping, general maintenance and Flock Camera contracts. This may not include all subdivision expenses which are to be determined by The Council per subdivision.
2. No trailer, mobile home, modular home old house or structure, tent, shack, lean-to, garage, barn, bus or other out building erected on the property shall at any time be used as residence, either temporarily or permanently, nor shall any structure of a temporary character be used as a residence. Under no circumstances will house trailers be permitted to be used for a residential purpose on any of the above described property at any time whether the same be left upon its running gear and installed upon permanent footings or blocks.
3. No yard toilet or privy shall be erected or maintained on any of said lots (City Ord. No. 62).
4. No building materials of any kind or character shall be placed or stored in the streets. All building materials to be used in the construction of buildings in this Subdivision shall be placed within the curb line of the premises upon delivery, and no building materials shall be placed on any lot until after the owner has executed a building contract.

5. No garbage, trash, ashes, or other refuse may be thrown or dumped on any vacant lot in the Subdivision; nor shall same or any container therefore be left in the street line or public view except as the same may be maintained in a neat and

sanitary manner in the rear of the residence of out buildings constructed on said lots.

6. No trash burners, barrels or any type of trash burning device no closer than twenty-five (25) feet of any property line.
 7. No nuisance, junk cars, or advertising signs, billboards, or other advertising device shall be placed on or suffered to remain upon any of the premises in this Subdivision except those signs erected for street purposes of safety, direction and identification and that the developer of said Subdivision may maintain a sign or billboard to advertise said Subdivision, and except that the owner may place on such premises such advertising signs or devices that they may deem appropriate, having to do with the sale of the property and except that any lot owner may place on a lot owned by him for resale a sign so indicating, having an area of not more than five (5) square feet and a height of not more than four (4) feet from the surface of the ground.
 8. Grass and weeds on each site conveyed must be kept mowed at regular intervals as may be necessary to maintain such site in a neat and attractive manner. Curb lines abutting said property must be kept in good condition. Until a home or residence is built on lot or lots, Declarants shall have the right to have the grass and weeds cut and curb lines maintained when and as often as in their judgment. The same is necessary if the owner or owners fail to do so and the owner or owners of said lots shall be held by the acceptance of such deed to be obligated to pay the Declarants for the cost of such work a reasonable price prevailing for the same in the neighborhood (City Ord. No. 27).
 9. No fence constructed around lots in the Subdivision shall be nearer than the building line, as shown on said plat, and no fence shall be constructed of materials other than chain-link or red-wood. No fence, well, hedge, or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the road shall be placed or permitted to remain on any corner lot wherein the triangular area formed by the street property lines and line connecting them at points twenty (20) feet from the intersection of the street lines and no tree or shrubs shall be permitted to remain within such distance of such intersection unless the foliage line is maintained at a sufficient height to prevent obstruction of such sight lines.
 10. No vicious animals, cattle, sheep, goats, hogs, horses, or poultry shall be kept in any part of this Subdivision.
- IO. Any residence constructed in City Limits of Wallis can be constructed of wood frame, but must be on a slab.
- I I. All driveway culverts shall conform in size and capacity to the requirements of the City of Wallis, Texas. Driveways shall be constructed of concrete, asphalt or similar hard road base surface materials.

12. The slab foundation on all structures shall be a minimum of twelve (12) inches above natural land grade or elevation.

ARTICLE IV. ADMINISTRATION

SECTION 29. GENERAL

1. Any subdivision of land within the City of Wallis's corporate limits or extra-territorial jurisdiction shall comply with this ordinance.
2. It shall be the duty of the City Secretary, Building Official, or other person designated by the City Council to enforce this ordinance and to bring to the attention of the City Attorney or other appropriate authority any violations or lack of compliance herewith.
3. No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Council in accordance with the provisions of this ordinance and filed with the Austin County Clerk.
4. The subdivision of any lot or parcel of land by the use of metes and bounds description shall not be permitted.

(A) CIVIL ENFORCEMENT

Until a final plat has been approved by the City Council and filed for record in the office of the County Clerk, no person, firm, corporation, or other entity, whether owner, developer, agent or otherwise, shall transfer title of any parcel of such land, nor shall there be initiated any construction of residences, or other buildings, or private sewage disposal systems. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this ordinance; to prevent unlawful construction; to recover damages; to restrain, correct, or abate a violation; or to prevent illegal occupancy of a building, structure, or premises; and these remedies shall be in addition to the penalties described above.

(B) VARIANCES

The City Council may accept a variance from these regulations when undue hardship will result from strict compliance. In the granting of a variance, the City Council shall prescribe conditions that it deems necessary to or desirable in the public interest. In arriving at their findings, the City Council shall consider the nature of the proposed uses of the land, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of the requested variance on traffic conditions, on natural and cultural features, and on the public health, safety, convenience, and welfare in the vicinity.

Variations shall not be granted unless the City Council finds one or more of the following:

1. That there are special circumstances or conditions affecting the land involved so that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of this land.
2. That the variance is necessary for the preservation of environmental or cultural features that would be affected by a strict application of the ordinance. These features would include trees, geologic formations, springs, historical sites, archaeological sites and other similar circumstances.
3. That the variances would enable a more efficient use of the land of previously subdivided parcels which meet or exceed the area requirements of the City Zoning Ordinance (deep lots, unusual shapes).
4. That the granting of a variance would serve to minimize or correct previous development deficiencies (utility line placement, drainage course, transmission line location, septic systems).
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

Such findings of the City Council, together with the specific facts upon which findings are based, shall be incorporated into the minutes of the City Council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of the ordinance so that the public health, safety and welfare may be secured and substantial justice done. Financial hardship to the developer shall not constitute grounds for a variance.

All requested variances from the ordinance shall be submitted in writing at the time of formal application of all plats. Final approval for variances must be authorized by an affirmative vote of a majority of the City Council.

(C) SEVEREBILITY

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

SECTION 30. PLAT NOTES

(A) CERTIFICATE OF OWNERSHIP AND DEDICATION.

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, that no other person or entity has any interest in the property either by lien, lease, or other equitable interest, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building set-back lines, and dedicate all public streets, alleys, walks, parks, water courses, easements, and other open space to public use forever and agree for myself (ourselves) and my (our) heirs and assigns to abide forever by all lines, dedications, and other restrictions shown hereon.

_____ 20

Owner

Owner

This instrument was acknowledged before me on this the day of, by:

_____ 20

Notary Public in and for the State of TX

Printed Name of Notary: _____
Commission Expires: _____

If the plat is a replat under Sections 212.014, 212.015, or 212.016 of the Texas Local Government Code, the following paragraph shall be added to the Certificate of Ownership and Dedication:

Further, I (we), the undersigned, do hereby certify that this replat does not attempt to amend or remove any covenants or restrictions.

If the plat is a replat without public notice under Section 212.014 of the Texas Local Government Code, the paragraph above shall be added to include the following:

...; and I (we) further certify that the lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

(B) SURVEYOR'S OR ENGINEERS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I----- do hereby certify that I made an actual and accurate survey on the ground of the hereon platted land that the corner monuments shown hereon were properly placed under my personal supervision, in accordance with the Subdivision Ordinance of the City of Wallis, Texas.

_____ 19

Surveyor
(Engineer or Surveyor Seal)

Registered Professional Engineer or Registered Public

(C) CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for the City of Wallis, Texas, with the exception of such variances, if any, as are noted on the plat and that it has been approved for recording in the office of the County Clerk.

.....20

County Clerk/ County Secretary

(D) OTHER PLAT NOTES

1. The following note shall be placed on the plat and indicate all private drives, private access facilities, and private common areas with the affected areas clearly delineated: "ALL MAINTENANCE OF THIS AREA SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS OF THE SUBDIVISION THROUGH THE (Name of Subdivision) PROPERTY OWNERS ASSOCIATION."
2. The applicant shall place the following note on the City's certified copy of the final plat containing areas within the regulatory floodplain as designated within the most current FEMA Study Report: "FLOOD HAZARD AREA. THIS HAS BEEN DESIGNATED AS SUBJECT TO INUNDATION BY THE BASE FLOOD." The affected area, according to the most current FEMA Flood Insurance Rate Map (FIRM), shall be clearly indicated, along with the FIRM panel number and date.

SECTION 31. OTHER CERTIFICATIONS AND WAIVERS

(A) CERTIFICATION OF THE APPROVAL OF WATER AND SEWAGE SYSTEMS

I hereby certify that the water supply and sewage disposal utility systems installed, or proposed for installation, in the subdivision plat entitled _____ fully meet the requirements of the City of Wallis and are hereby approved.

_____20 _____
Utility Manager

(B) CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

I hereby certify: (1) That streets, utilities and other improvements have been installed in an acceptable manner and according to City of Wallis Subdivision Ordinance in the subdivision entitled _____ or, (2) That a surety bond in the amount of \$_____ has been deposited with the City of Wallis to assure completion of all required improvements in case of default.

_____20 _____

(C) WAIYER OF CLAIMS FOR DAMAGES

In accordance with the Code of Ordinances of the City of Wallis, Texas, and in consideration of the approval of

(Name of Subdivision)

(Owner of Subdivision)


does hereby waive any and all claims for damages against the City of Wallis, Austin County, Texas, occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the above named subdivision.

_____ 20

Name of Owner of Subdivision

PASSED AND APPROVED this 20th day of December, 2023

ATTEST:
BY:


SHEILA MOSLEY
CITY SECRETARY

BY: 
PRESTON LITTLE,
MAYOR