

Subdivision Ordinance

Of the

City of Tom Bean

ADOPTED SEPTEMBER 10, 2001

CITY COUNCIL

David Schaab, Mayor
Terry Sorenson, Mayor Pro Tem
Bobbie Moran Council
Ruby Barnes, Council
Rebecca Blomstedt, Council
Jerry Harris, Council

PLANNING & ZONING COMMISSION

Cheryl Masias, Planning & Zoning
John McGraw
Albert Ellis
Barbara Alvarado

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SUBDIVISION REGULATIONS
OF THE
CITY OF TOM BEAN, TEXAS

Whereas, under the provisions of the Constitution and laws of the State of Texas, including particularly Chapters 212, 242, and 43 of the Local Government Code, as amended, every owner of any tract of land situated within the City of Tom Bean who may hereafter divide the same into two (2) or more tracts described by metes and bounds or otherwise for the purpose of laying out any subdivision of such tract of land or any addition to said City; or for laying out suburban lots or building lots, or any lots, and purchasers or owners of lots fronting thereon or adjacent thereto, are required to submit a plat of such subdivision or addition for approval by the Planning and Zoning Commission and the City Council of the City of Tom Bean; and

Whereas, the rules and regulations of the City established by ordinance, governing plats and subdivisions of the land, be and the same are hereby extended to and shall apply to all of the area under the extraterritorial jurisdiction of said City, as provided for in Chapter 42 of the Local Government Code.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS

SECTION 1 GENERAL

1.1. Compliance Required

On and after the passage of this ordinance, any person, firm, or corporation seeking approval of any plat, plan, or replat of any subdivision of land within the City of Tom Bean and its legally established extraterritorial jurisdiction shall be required to comply with the requirements of this ordinance before such approval may be granted.

These regulations shall govern every person, firm, association, or corporation owning any tract of land within the corporate limits or the extraterritorial jurisdiction of the City of Tom Bean who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said City, or for laying out suburban lots or building lots, or any lots, streets, alleys, parks, or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

1.2. Provisions to be Minimum Standards

It is the intention of the City Council that the principles, standards, and requirements provided herein shall be minimum requirements for the platting and developing of subdivisions in the City of Tom Bean and in its extraterritorial jurisdiction. Where other ordinances of the City are more restrictive in their requirements, such ordinances shall control.

SECTION 2 RULES OF CONSTRUCTION AND DEFINITIONS

2.1. Rules of Construction

For the purposes of this ordinance, the following terms, phrases, words, and their derivatives shall have the meanings given in Section 2.2. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural. The word "shall" shall be deemed as mandatory. The word "may" shall be deemed as permissive.

2.2. Definitions

- 2.2.1. Alleys shall mean a minor way used primarily for vehicular and/or utility service to the rear or side of properties otherwise abutting on a street.

- 2.2.2. City or The City shall mean the City of Tom Bean, Texas.
- 2.2.3. City Council, council, or governing body shall mean the City Council of the City of Tom Bean.
- 2.2.4. Commission shall mean the Planning and Zoning Commission of the City of Tom Bean.
- 2.2.5. Easement shall mean a right granted for the purpose of limited public or semi-public use across, over, or under private land.
- 2.2.6. Extraterritorial jurisdiction shall mean that area of land lying outside and adjacent to the corporate limits of the City of Tom Bean over which the City of Tom Bean has legal control as set forth in Chapter 42 of the Local Government Code, as amended.
- 2.2.7. Lot shall mean land occupied or to be occupied by a building and its accessory buildings and including such open spaces as are required by ordinances of the City of Tom Bean and having its principal frontage upon a public street or officially approved place.
- 2.2.7.1. Corner lot shall mean a lot which has frontage upon a side street in addition to a front street.
- 2.2.7.2. Lot of record shall mean any lot which is part of a subdivision the plat of which has been recorded in the office of the County Clerk of the county or counties in which the plat has been recorded.
- 2.2.8. Plat shall mean a complete and exact subdivision plan submitted to the City Council which if approved shall be submitted to the County Clerk of the county or counties in which the plat is located for recording.
- 2.2.8.1. Approved plat shall mean a plat which has been approved in accordance with the requirements of this ordinance and which has been filed for record with the County Clerk of the county (counties) in which the subdivision is located.
- 2.2.9. Street shall mean a way for vehicular traffic and other public uses, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
- 2.2.9.1. Arterial or major streets and highways shall mean streets used primarily for fast or heavy traffic as designated in the Thoroughfare Plan.
- 2.2.9.2. Collector streets shall mean those streets which carry traffic from minor streets to major system of arterial streets and highways, including the principal entrance streets of a residential development or business park and those streets for circulation within such a development as designated on the Thoroughfare Plan.
- 2.2.9.3. Minor, local or residential streets shall mean those streets which are used primarily for access to abutting properties.

- 2.2.9.4 Marginal access streets shall mean those minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- 2.2.9.5. Cul-de-sac shall mean a short minor street having only one vehicular access to another street and terminated by a vehicular turn-around.
- 2.2.9.6. Dead end street shall mean a street, other than a cul-de-sac, with only one outlet.
- 2.2.10. Subdivision shall mean the division of a tract or parcel of land into two (2) or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership with the exception of transfer to heirs of an estate, and shall include re-subdivision.
 - 2.2.10.1. Re-subdivision shall mean the division of an existing subdivision, or the relocation of any street lines.
 - 2.2.10.2. Subdivider shall refer to any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision. Furthermore, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner of land sought to be subdivided. The terms "subdivider" and "developer" are used interchangeably in this ordinance.
- 2.2.11. Zoning Administrator shall mean the Building Inspector of the City of Tom Bean or member of the Planning and Zoning Board or their designee of the City of Tom Bean who shall administer the provisions of this ordinance.

SECTION 3 PURPOSE, AUTHORITY AND JURISDICTION

3.1. Authority

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapters 212, 242, and 43 of the Local Government Code, as amended.

3.2. Purpose

The purpose of this ordinance is to provide for the orderly, safe, and healthful development of the area within the City and within the area surrounding the City and to promote the health, safety, morals, and general welfare of the community by securing adequate provision for traffic, light, air, recreation, transportation, water, drainage, sewage, and other facilities.

3.3. Jurisdiction

Any owner of land located inside the corporate limits of the City of Tom Bean wishing to subdivide such land shall submit to the Planning and Zoning Commission a plan of subdivision which shall conform to the minimum requirements set forth in these regulations.

Any owner subdividing land outside the corporate limits of the City of Tom Bean but within its extraterritorial jurisdiction shall submit a plan of subdivision to the Planning and Zoning Commission and to the appropriate county authorities which shall conform to Chapter 242 and 42 of the Local Government Code, as amended, and the minimum requirements set forth in these regulations, and which is subject to the approval of both.

3.4. Approval Required

No subdivision plat shall be filed or recorded and no lot in a subdivision inside the corporate limits of the City of Tom Bean or within its extraterritorial jurisdiction shall be improved or sold until the plat shall have been approved by the City Council.

SECTION 4 PROCEDURE FOR APPROVAL OF PLAT

4.1. Preapplication

4.1.1. Subdivider of property shall:

- a. Consult early and informally with the Zoning Administrator.
- b. Avail himself of the advice and assistance of the Zoning Administrator.
- c. For property located outside the corporate limits of the City of Tom Bean but within its extraterritorial jurisdiction, consult with the County Judge or his designated appointee in relation to those requirements established by the County for property located outside the corporate limits of the City of Tom Bean.

4.1.2. Zoning Administrator shall:

- a. Informally confer with Subdivider.
- b. Advise and assist the Subdivider in procedure for approval of plats and on regulations and policies of the City regarding development either within the corporate limits of the City or its extraterritorial jurisdiction.

4.2. Approval Procedure For Preliminary Plat

- 4.2.1. Subdivider shall submit to the City of Tom Bean no later than twenty (20) days prior to the Commission meeting at which it is to be considered:

- a. Filing fee.
- b. Ten (10) copies of plat stamped "Preliminary Plat".
- c. Ten (10) copies of a letter of transmittal, stating briefly the type of street surfacing, drainage, sanitary facilities, and water supply proposed, and the name and address of the owner or agent, engineer, and surveyor.
- d. Supplementary materials as applicable in other sections of these regulations.

4.2.2. The Zoning Administrator shall:

- a. Conduct a study of plats and materials submitted.
- b. Request written reports from departments and utilities if deemed necessary.
- c. Make available plats and reports to Planning and Zoning Commission for review.
- d. Consult with City's consulting engineer, Subdivider's engineer, private utility companies, and school district.
- e. Schedule preliminary review with Subdivider.

4.2.3. The Planning and Zoning Commission shall:

- a. Act within thirty (30) days after the filing of preliminary plat.
- b. Submit one of the following recommendations to the City Council:
 - (1) Approve.
 - (2) Approve with conditions.
 - (3) Disapprove.
 - (4) Return to City Staff or Commission for further consideration.
- c. Make notes on two (2) copies of preliminary plat as to action taken.

4.2.4. The City Council shall, within thirty (30) days after the Planning and Zoning Commission has submitted its recommendation, conclude one of the following:

- a. Preliminary plat approved.
- b. Preliminary plat approved with conditions.
- c. Preliminary plat not approved but may be returned for further consideration by the Planning and Zoning Commission.

d. Preliminary plat not approved. The developer may prepare a new concept and resubmit.

4.3. Conditions of Preliminary Plat Approval

Conditional approval shall be considered to be the approval of a plat or replat until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing. If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed to by the Subdivider and Commission, the preliminary plat, as submitted, shall be deemed to be recommended for approval to the City Council.

Approval of the preliminary plat shall be deemed an expression of approval of the layout only and shall not constitute acceptance of the final plat.

Preliminary approval will expire six (6) months after the approval by the City Council of the preliminary plat or of sections thereof. The Subdivider may apply in writing for an extension prior to the end of such six (6) month period. This period may be extended six (6) months but not beyond a total of one (1) year.

4.4. Approval Procedure For Final Plat

4.4.1. Subdivider shall:

- a. Conform to preliminary plat as approved.
- b. Incorporate all changes, directions, and additions imposed by the City.
- c. Submit to the City of Tom Bean no later than twenty (20) days prior to the Commission meeting at which it is to be considered
 - (1) three (3) sets of detailed plans signed by a Registered Professional Engineer showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details; and
 - (2) ten (10) copies and one (1) sepia of the final plat with all conditional changes and proper signatures, prepared and signed by a Registered Public Surveyor.

4.4.2. The Zoning Administrator shall:

- a. Make a study of the plats, engineering plans, and reports, and submit plans to the City Consulting Engineer for written recommendation.
- b. Request written reports from departments and utilities if deemed necessary.
- c. Make available plats and reports to Planning and Zoning Commission for review.

4.4.3. The Planning and Zoning Commission shall:

a. Act within thirty (30) days after the submittal of the final plat and engineering plan.

b. Submit one of the following recommendations to the City Council:

(1) Approve.

(2) Approve with conditions.

(3) Disapprove.

c. Make notes on two (2) copies of the final plat as to action taken.

4.4.4. The City Council shall, within thirty (30) days after the Planning and Zoning Commission has submitted its recommendation, conclude one of the following:

a. Final plat approved.

b. Final plat approved with conditions.

c. Final plat not approved but may be returned for further consideration by the Planning and Zoning Commission.

d. Final plat not approved.

4.4.5. The City Secretary shall, within thirty (30) days after City Council approval:

a. Take action on plats as follows:

(1) For plats located within the corporate limits of the City of Tom Bean, review the file plat for proper signature and approval, and record at County Clerk's Office.

(2) For plats located outside the corporate limits of the City of Tom Bean but within its extraterritorial jurisdiction, review the final plat for proper signature and approval, and forward copies to the County Judge for action and approval by the Commissioner's Court prior to recording at County Clerk's Office.

b. Retain three (3) copies of plat recorded in the County Records for the City files.

c. Distribute copies as directed.

4.4.6. Subdivider shall:

a. Direct his engineer to design, stake and supervise the construction (to be inspected by the City) of facilities in accordance with approved plans and specifications and these regulations.

b. Direct his contractor(s) to construct all improvements as identified in the approved engineering plans and to provide to the City of Tom Bean a one (1) year maintenance

bond in the amount of ten (10%) percent of the contract price, along with three (3) blue line sets and one (1) sepiia set of "AS-BUILT" plans, checked and corrected by the Engineer.

4.4.7. The Zoning Administrator shall, upon completion of said improvements and compliance with these regulations, receive and cause the project to be considered for acceptance by the City Council for approval by the City of Tom Bean, including the title, use, and maintenance of the improvements.

4.5. Conditions of Final Plat Approval

No final plat shall be filed unless and until all requirements of the subdivision regulations have been complied with and until such stipulations as may be set by the City Council have been met. At the discretion of the City Council, recommendation of approval for a final plat may be deferred to the Planning and Zoning Commission where the tract of land is to be subdivided to affect no more than one (1) lot.

Final approval will expire six (6) months after approval by the City Council unless the plat has been filed for record. The Subdivider may apply in writing prior to the end of such six (6) month period for an extension. This period may, at the discretion of the City Council, be extended but not beyond a total of two (2) years.

4.6. Combination Preliminary and Final Plat

The Subdivider may, at his option, elect to combine the preliminary plat and final plat whenever the subdivision:

- (a) involves the division of a tract or parcel into no more than two (2) lots;
- (b) each parcel so subdivided fronts on an existing street and the proposed subdivision shall not require the extension of an existing street or the extension, modification, or creation of municipal facilities and/or public improvements; and
- (c) the proposed development will be of the same type of use and of comparable intensity as adjacent existing or planned development.

SECTION 5 **PLAT FORM AND CONTENT**

5.1. Preliminary Plat

The preliminary plat shall be drawn on sheets not greater than 24" x 36" and to a scale not smaller than one hundred (100) feet to the inch, and shall contain the following information:

5.1.1. Existing Features Inside Subdivision

- 5.1.1.1. The existing boundary lines (accurate in scale) of the land to be subdivided. Boundary lines shall be drawn in heavy lines for easy identification.
 - 5.1.1.2. The location of existing water courses, railroads, and other similar drainage and transportation features.
 - 5.1.1.3. The outline of wooded area or the location of important individual trees may be required.
 - 5.1.1.4. The location and width of existing streets, alleys, easements, buildings and structures, sewers, water mains, culverts or other underground structures within or adjacent to the tract.
 - 5.1.1.5. Topographical information with contour lines at ten (10) foot intervals, unless otherwise required or permitted by the Planning and Zoning Commission and the City Council due to conditions of terrain involved. All elevations shall be referred to a Geodetic Survey or a City Survey.
- 5.1.2. Existing Features Outside Subdivision
- 5.1.2.1. The name and property lines of adjoining property owners.
 - 5.1.2.2. The name and location of adjacent subdivisions, streets, easements, pipe lines, water courses, etc. In the case of easements, a written statement as to the easement use shall be included with the plat.
 - 5.1.2.3. All lines outside of subdivision boundaries to be dashed lines.
- 5.1.3. New Features Inside of Subdivision
- 5.1.3.1. The proposed name of the subdivision.
 - 5.1.3.2. The location, right-of-way width, and names of proposed streets.
 - 5.1.3.3. The approximate width and depth of all lots. If the side lines are not parallel, the approximate distance between them at the building line and at the narrowest point should be given.
 - 5.1.3.4. The location of building lines, alleys and easements.
 - 5.1.3.5. The location and approximate size of sites for schools, churches, parks, including commercial retail, industrial, office, multifamily, educational, medical, and other special land uses.
 - 5.1.3.6. The approximate acreage of the property to be subdivided.
- 5.1.4. Key Map

A key map showing relation of subdivision to major thoroughfares in all directions to a distance of at least one-half (1/2) mile.

5.1.5. Title, Etc.

The date, scale, north point and title under which the plat is to be recorded, with the name, address, and phone number of the owner, the name of the licensed land surveyor or registered professional engineer platting the tract.

5.2. Final Plat

The final plat shall be sized and contain the information, details and documents as follows:

5.2.1. Sheet Size and Scale

All final plats shall be drawn in permanent reproducible ink on mylar or tracing sheets 8 1/2" x 11", 8 1/2" x 14", 11" x 17", or 24" x 36" and to a scale of one (1) inch equals one hundred (100) feet. Where more than one (1) sheet is required, an index sheet of maximum size, 24" x 36", shall be filed showing the entire subdivision; all sheets shall be of the same size. In addition to the above requirements, final plats shall be submitted in sufficient sheet size, type, and number to meet the requirements of the Grayson County Clerks Office.

5.2.2. Measurements

The length and bearing of all straight lines, radii, arc lengths, tangent lengths, and central angles of all curves shall be indicated along the boundary line of the subdivision and along each block. All dimensions along the lines of each lot shall be shown. The curve data pertaining to block or lot boundary may be placed in a curve table at the base of the plat and prepared in tabular form.

5.2.3. Existing Features Inside Subdivision

5.2.3.1. The existing boundary lines with accurate distances and bearings of the land to be subdivided. Boundary lines shall be drawn in heavy lines for easy identification.

5.2.3.2. An accurate metes and bounds description of the area included in the subdivision, including reference to section or abstract corners, established subdivisions, primary control points, and total acreage being platted, all shall be placed upon the final plat. Where more than one ownership is involved in the area being subdivided, the limits of each owner's land shall be clearly designated on the final plat.

5.2.3.3. The location of existing water courses and other similar drainage features, flood prone land, railroads, highways, and other transportation features.

- 5.2.3.4. True bearings and distances to the nearest established street lines, official monuments, or subdivision corner, which shall be accurately described on the plat.
- 5.2.3.5. The location and width of existing streets, alleys, easements, right-of-ways, buildings and structures to be retained.
- 5.2.3.6. An accurate location of the subdivision with reference to the deed records of the County which shall include the volume and page of the deed of the property to be subdivided.

5.2.4. Existing Features Outside Subdivision

- 5.2.4.1. The name and property lines of adjoining subdivisions and of the adjoining property owners, together with the respective plat or deed references.
- 5.2.4.2. The name and location of adjacent streets, alleys, easements, water courses, etc.
- 5.2.4.3. All lines outside of subdivision boundaries to be dashed lines.

5.2.5. Streets, Alleys, Easements

The lines and names of all proposed streets or other ways or easements to be dedicated to public use, with the following engineering and surveying data:

5.2.5.1. For Streets and Alleys

Complete curve data (delta, length, radius, tangent, point of curve, point of reverse curve, point of tangent) shown on the center line or on each side of street or in a chart on the plat which lists all such data for each curve; length and bearings of all tangents; dimensions from all angle points and points of curve to an adjacent side lot line.

5.2.5.2. For Water Courses and Easements

Distances to be provided along the side lot lines from the front lot line or the high bank of a stream.

Traverse line to be provided along the edge of all large water courses in a convenient location, preferably along a utility easement, if paralleling the drainage easement or stream.

5.2.6. Lots and Blocks

The lines and numbers of all proposed lots and blocks with complete bearings and dimensions for front, rear and side lot lines and area of each lot shall be shown. (Use block numbers only when previous units of same subdivision have numbered blocks, otherwise use continuous consecutive lot numbers throughout subdivision). The location of minimum building setback lines from all streets on lots and other sites shall

conform to the provisions of the Zoning Ordinance for the specific use assigned to the project area.

5.2.7. Reservations

The use and property dimensions of all special reservations identified for the project, including sites for schools, churches, and parks. The Master Plan for public sites, school sites and park sites shall be followed or may be amended to conform to the conditions established by the City Council.

5.2.8. Monuments and Control Points

5.2.8.1. The description and location of all permanent survey monuments and control points.

5.2.8.2. Suitable primary control points to which all dimension, bearings and similar data shall be referred. Dimensions shall be shown in feet and decimals of a foot.

5.2.9. Key Map

A key map showing relation of subdivision to major thoroughfares in all directions to a distance of at least one-half (1/2) mile.

5.2.10. Legend

The final plat shall show a legend including the name of the addition or subdivision, date, scale, and north point; location of subdivision with reference to original land grant or survey; abstract number; name and address of subdivider; name, address and seal of surveyor and/or engineer.

5.2.11. Dedications and Certificates

Such dedications and certificates as are applicable.

5.2.11.1. Dedication Deed

Accompanying the final plat shall be a dedication deed or certificate of dedication executed by all persons, firms, or corporations owning an interest in the property subdivided and platted, and acknowledged in the manner prescribed by the laws of the State of Texas for conveyance of real property. Two (2) true copies must be furnished with the original. The wife of each married man executing such dedication deed or certificate of dedication shall join her husband therein unless satisfactory proof be provided showing that the property to be subdivided does not constitute any portion of such party's homestead and positively designates and identifies such party's actual homestead. In the case of lien holders, there shall be executed a subordination agreement whereby all lien holders subordinate their liens to all public streets, alleys, parks, school sites and any drainage or utility easements, right-of-ways, or other public areas shown on the final plat of such subdivision as being set

aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:

(1) An accurate metes and bounds description of the tract of land subdivided (the description placed on the final plat should be used for this purpose). Also, a description of the limits of each owner's land and the lots, plots, and building sites of the subdivision included within the boundary of each owner's land.

(2) A statement and express representation that the parties joining in such dedication deed or certificate of dedication are the sole owners of such tract of land.

(3) An express dedication to the public for public use forever over the streets, alleys, easements, rights-of-way, parks, school sites and other public places shown on the attached plat.

(4) A positive reference and identification of the final plat of such subdivision by the name of such subdivision, date of the plat, and the surveyor who prepared the plat.

5.2.11.2. Surveyor's Certificate, to be placed on the plat:

Know All Men By These Presents:

That I, _____, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Tom Bean, Texas.

(Professional Seal and Date)

Name, Title, & Registration No.

5.2.11.3. Certificate of Approval by the City Council of the City of Tom Bean, to be placed on the plat:

Approved this ___ day of _____, 20___ by the City Council of the City of Tom Bean, Texas.

Mayor

City Secretary

5.2.12. Special Restrictions

Where restrictions of use of land, other than those given in these regulations are to be imposed by the subdivider, such restrictions shall be placed on the final plat or on a separate instrument filed with the plat.

5.2.13. Tax Receipt

Tax receipts and assessment releases showing that all taxes and all assessments have been paid are to be submitted concurrent with the final plat.

5.2.14. Subdivision Improvements

The developer shall install all survey monuments and markers, street paving, curbs and gutters, alley grading, storm drainage, water and sanitary sewer mains and laterals, fire hydrants, water valves, traffic signs, street lights, street signs and sidewalks, within and adjacent to the subdivision, or shall provide cash deposit or other guarantee acceptable to the City for the payment of the cost of such installations prior to the final approval by the City Council.

5.2.15. Park Improvements

Provisions for parks and open space shall be made as set forth in Section 6.1.

SECTION 6 **GENERAL PROVISIONS**

6.1. Parks, School Site, Public Areas

Preliminary subdivision plats shall provide sites for schools, parks or other public areas as set out in the Comprehensive City Plan.

6.2. Easements for Utilities

The Planning and Zoning Commission may recommend and the City Council may require easements for poles, wires, conduits, storm and sanitary sewers, gas, cable TV and water mains, or other utility lines if necessary or advisable in the opinion of the Planning and Zoning Commission and/or the City Council.

6.3. Dedication for Public Use

There shall be no reserved strips of land except those which are conveyed to the governmental entity having jurisdiction.

6.4. Diversity of Ownership

Where the desirable development of a residential neighborhood business park, commercial center or planned development is dependent upon coordination of diverse land ownership, the Planning and Zoning Commission may recommend and the City Council may require that an overall neighborhood study plan be prepared so that individual subdivisions may be developed in harmony with one another and their environs in accordance with the Land Use Plan.

6.5. Partial Development of Large Subdivision

Final plats may be approved on portions of a large area of land for residential or other uses for which a preliminary plat has been approved, provided that the required improvements for said portion are developed as part of the required improvements for the entire area. Water mains, storm sewers, trunk sewers, and any sewage treatment plant shall all be designated and built to serve the entire area owned by the subdivider or designed and built in such a manner that they can easily be expanded or extended to serve the entire area. Construction plans as required in Section 4.4 will be designed to serve the entire area shown on the preliminary plat.

6.6. Comprehensive Group Development

A comprehensive group housing development or commercial project including the construction of two or more buildings, together with the necessary drives and ways of access and which is not subdivided into the customary lots, blocks and streets, may be approved by the City Council if, in the opinion of the Council, any departure from the foregoing regulations can be made without destroying the intent of the regulations. Plans for all such developments shall be submitted to and approved by the Commission, whether or not such plat is to be recorded and no building permits shall be issued until such approval has been given.

SECTION 7 IMPROVEMENTS PRIOR TO ACCEPTANCE

7.1. Monuments

Monuments as prescribed in this ordinance shall be placed at all corners as required herein.

7.2. Streets and Alleys

Before approval and acceptance of any final plat, the developer shall prepare and submit three (3) copies of the complete engineering plans of streets, alleys, curbs and gutters, storm sewers and drainage structures, and water and sanitary sewer

improvements for the area covered by the final plat. The developer shall have these plans prepared by qualified engineer(s), subject to the approval of the plans by the City. The Zoning Administrator shall review the plans and specifications and, if approved, shall mark them "APPROVED" and return one set to the developer. If not approved, two (2) sets shall be marked, with the objections noted, and returned to the developer for corrections. After approval of the plat and of the plans and specifications, the developer shall cause a contractor to install the facilities in accordance with the approved plans and specifications and the regulations of this article. The developer shall cause the engineer(s) to design, stake, and supervise the construction of such improvements, and shall cause the contractor to construct the said improvements in accordance with these regulations. The City will inspect the installation of the improvements after (1) the improvements have been completed and have been found to be installed in accordance with the approved plans and specifications, (2) upon receipt by the City of a one-year maintenance bond in the amount of ten percent (10%) of the contract price from each separate contractor, along with three (3) sets of "as-built" plans and one set of "as-built" sepias, and (3) upon receipts of a letter of the contractor's compliance with these regulations, then the Zoning Administrator shall receive and approve for the City the title, use, and maintenance of the improvements.

7.3. Storm Drainage

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

Areas subject to flood conditions as established by the federal insurance administrator will not be considered for development until both adequate drainage and elevation of lots, streets, and alleys have been accomplished to meet the requirements of the flood plain map.

7.4. Water Supply

All subdivisions shall be provided with an approved water system designed and constructed in accordance with the Comprehensive Plan and Standard Specifications of the City. In the corporate limits of the city, all subdivisions will be connected with the City water supply distribution system or an approved private system.

7.5. Sewer Improvements

7.5.1. All subdivisions shall be provided with an approved sewage disposal system and, where the subdivision is inside the city limits, shall be connected to the City sanitary sewer system.

7.5.2. The developer shall furnish and install the complete sewer system, including the mains, manholes, cleanouts, Y-branches, and service laterals for all lots, lift stations,

and appurtenances. The sewage system shall be designed and constructed in accordance with the Master Plan and Standard Specifications of the City.

- 7.5.3. In locations where sanitary sewers are not available and where there are no immediate prospects for installation of sanitary sewers, septic tanks of approved type may be installed in conformity with the rules, regulations, and ordinances of the City pertaining to public health. In no case shall septic tanks be installed without express approval and inspection by the City.

7.6. Underground Utilities

All public or privately-owned underground utilities shall stub out all services from mains in all directions to the property lines in streets and in alleys where the services shall be stubbed out eighteen inches (18") inside the rear property line of platted lots and to the property line of unplatted property prior to commencing paving operations.

7.7. As-Built Plans

The developer or a qualified engineer shall present the City with a reproducible (sepia) and complete "as-built" set of plans and three (3) sets of blue-line or black-line prints on paper of "as-built" plans for all paving, drainage, structures, water mains, and sewer mains within sixty (60) days after completion of each contract.

SECTION 8 GENERAL REQUIREMENTS AND DESIGN STANDARDS

8.1. Relation to Land Use

All subdivisions shall conform to the Comprehensive Master Plan of the City and to all applicable zoning regulations. No subdivision design shall be approved that requires a change in zoning or an amendment to the Land Use Plan, as adopted, until a corrected Zoning and amended Land Use Plan is approved.

8.2. Streets

8.2.1. Conformity to Major Street Plan

The location of streets shall conform to such Thoroughfare Plan as the City Council may have adopted, as to horizontal and vertical alignment.

8.2.2. Relation to Adjoining Street System

The proposed street system shall extend all existing major streets and such existing secondary and local access streets as may be desirable for convenience of

circulation. Where possible, the width and the horizontal and vertical alignment of extended streets shall be preserved.

8.2.3. Street Jogs

Where off-sets in street alignment are unavoidable, in the opinion of the Planning and Zoning Commission and/or City Council, such off-sets may be employed, provided the distance between center lines is not less than one hundred twenty-five (125) feet.

8.2.4. Large-Lot Subdivisions

If the lots or tracts of land in the proposed subdivision are large enough to accommodate resubdivision in the future, or if part of the tract is not subdivided, consideration must be given to possible future street openings and access to future lots which could result from such resubdivision.

8.2.5. Through Traffic

Local streets shall be designed so as to discourage high-speed or through traffic. Where a subdivision abuts or contains an existing or proposed arterial street, the council may require marginal access streets, reverse frontages, deep lots with rear-service alleys, or such other treatment as may be necessary for adequate protection to residents of property and to afford separation of through and local traffic.

8.2.6. Topography

The street system shall bear a logical relationship to the natural topography of the ground.

8.2.7. Street Widths

"Street Right-of-way Width" shall be measured from front lot line to front lot line of opposite lots. "Street Paving Width" shall be measured from outside to outside of pavement or curb lines.

8.2.7.1 Marginal Access or Service Streets (Service Streets)

Service streets are intended to provide limited public access to buildings or structures for the purpose of occasional utility or commercial maintenance. Traffic is only occasional, the streets are often dead-ended. Parking is generally not permitted on service streets. Minimum number of lanes, minimum right of way and minimum paving width are in accordance with Table 1.

8.2.7.2 Local Streets

Local streets are intended to provide access to property. Parking is typically allowed along local streets. Local streets may be categorized as residential or commercial. Minimum number of lanes, minimum right of way and minimum paving width are in accordance with Table 1.

8.2.7.3 Minor Collector Streets

Minor collectors are intended to collect traffic from local streets and distribute it to major collector streets. Minor collectors may also provide access to land. Parking is generally not permitted along minor collectors. In addition to two driving lanes, a third lane should be used as a center turning lane. Minimum number of lanes, minimum right of way and minimum paving width are in accordance with Table 1.

8.2.7.4 Major Collector Streets

Major collectors are intended to allow major movements of traffic through the city and provide access to the freeway and expressway networks. Parking is not allowed along major collectors.

Major collector streets shall be divided with a raised or sunken divider of a minimum width of 13 feet separating opposing lanes of traffic. In addition to driving lanes, turning lanes with a minimum paved width of 10 feet shall be provided at all intersections and may be incorporated into the dividing median. When the turning lane is incorporated into the dividing median, a minimum median width of three feet shall remain. Minimum number of lanes, minimum right of way and minimum paving width are in accordance with Table 1.

Street Classification	Number of lanes (minimum)	Right of way (Minimum)	Paved Width (Minimum)
Service Streets	2	40 feet	20 feet
Local Streets (Residential zone)	2	50 feet	32 feet
Local Streets (Commercial zone)	2	60 feet	32 feet
Minor Collectors	3	60 feet	37 feet
Major Collectors	4	80 feet	2 x 24 feet

Table 1 Street Widths 8.2.7.1.

8.2.8. Street Alignment

The maximum deflection in alignment permitted without use of curve shall be ten (10) degrees.

8.2.9. Major Street Curves

Curves in major streets shall have a center line radius of two thousand (2,000) feet or more with exceptions to this standard granted only by the City Council.

8.2.10. Secondary Street Curves

Curves in secondary or feeder streets shall have a center line radius of eight hundred (800) feet or more, with exception to this standard granted only by the City Council.

8.2.11. Local Street Curves

Curves in local streets are to have a center line radius of three hundred (300) feet or more, except for "loop" or partial "loop" streets.

8.2.12. Reverse Curves

Reverse curves (double curve or S-curve) on major thoroughfares and collector streets shall be separated by a minimum tangent of one hundred (100) feet.

8.2.13. Dead-End Streets/Cul-De-Sacs

8.2.13.1. Turn-arounds

Turn-arounds are to have a circular driving surface that has a minimum radius of forty-five (45) feet and a street right-of-way that has a minimum radius of sixty (60) feet.

8.2.13.2. Maximum Length

The maximum length of a dead-end street with a permanent turn-around shall be six hundred (600) feet, measured from the right-of-way line of the intersecting street to the center point of the turn-around circle, except in conditions of unusual topography.

8.2.13.3. Temporary Turn-Arounds

Temporary turn-arounds are to be provided at the end of streets more than four hundred (400) feet long that will be extended in the future. The following note should be placed on the plat: "Cross-hatched area is temporary easement for turn-around until street is extended (give direction) in a recorded plat."

8.2.14. Street Intersections

8.2.14.1. Angle of Intersection

Except where existing conditions will not permit, all streets, major and minor, shall intersect at a ninety (90) degree angle. Variations of more than ten (10) degrees on minor streets and more than five (5) degrees on major or secondary streets must first be recommended by the Planning and Zoning Commission and approved by the City Council.

8.2.14.2. Radius at Acute Corners

Acute angle intersections recommended by the Planning and Zoning Commission and approved by the City Council are to have twenty-five (25) feet or greater radii at acute corners.

8.2.14.3. Center-Line Tie With Existing Streets

Each new street intersecting with or extending to meet an existing street shall be tied to the existing street on center line with dimensions and bearings to show relationship.

8.2.15. Partial or Half-Streets

Partial or half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of these regulations, and where the Council finds it will be practical to require the dedication of the other one-half of the street when the adjoining property is subdivided. Whenever a partial street exists along a common property line, the other portion of the street shall be dedicated. Where part of a street is being dedicated along a common property line and the ultimate planned width is sixty (60) feet, the first dedication will be thirty-five (35) feet; where the ultimate planned width is seventy-five (75) feet, the first dedication will be forty (40) feet. The following note shall be used in all such dedication: "This _____ foot strip is dedicated as an easement for all public utilities and such other utilities as may be permitted by the City and subject to such limitations as may be required by the City and shall automatically become dedicated for street purposes when and insofar as a _____ foot strip adjacent to it is so dedicated and the required improvements are installed."

8.2.16. Reserve Strips

Reserve strips controlling access to streets shall be prohibited except where definitely placed in City control under conditions recommended by the Planning and Zoning Commission and approved by the City Council. When provisional one (1) foot reserves are used along the side or end of streets that abut acreage tracts, the following note shall be used in all such dedication: "One (1) foot reserve to become automatically dedicated for street purposes when adjacent property is subdivided in a recorded plat", and access to dedicated tract is hereby prohibited until such action occurs.

8.2.17. Street Names

New streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the City.

8.2.18. Private Streets

Dedicated streets and rights-of-way shall not be designated or used as private streets and such use is prohibited.

8.2.19. Access to Major Streets

Where a subdivision borders on or contains the right-of-way of a freeway, major thoroughfare, drainage way or railroad, the Planning and Zoning Commission and/or the City Council may require a service street parallel to and on both sides of such right-of-way, or they may require that residential or other type land use lots back up to said right-of-way without means of access. However, reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions recommended by the Commission and approved by the City Council.

8.2.20. Fire Lanes

The City may require the subdivider to provide areas reserved and identified for fire lanes or emergency access ways for certain commercial, retail, apartment, industrial and other uses.

8.2.21. Traffic Engineering Studies

Where traffic conditions require, traffic engineering studies may be required by the Planning and Zoning Commission or the City Council from the developer to provide technical data.

8.3. Lots

8.3.1. Lot Size

On the basis of the land use district (single-family, residential, duplex, multi-family, commercial, retail, office, mobile home, industrial, etc.) in which they lie and the use to which they are to be put, all lots or tract sizes must conform to the regulations of the Zoning Ordinance, including minimum area, width and depth.

8.3.2. Lot Width Definition

The lot width is the minimum distance between the side lot lines of a building lot measured along a straight line at the rear of the required front yard and parallel to the street line or a line tangent thereto, unless otherwise defined.

8.3.3. Corner Lots

Corner lots with a width of less than sixty-five (65) feet are to be at least five (5) feet wider than average of interior lots in the block. Corner lots with a width of less than seventy-five (75) feet adjacent to a major thoroughfare are to be at least fifteen (15) feet wider than the average of interior lots in the block.

8.3.4. Key Lots

Where corner lots are key lots, the corner lot shall have a front building line on both streets, unless said key lot is separated from other lots by a dedicated street or alley.

8.3.5. Lot Depth

No lot shall be platted less than one hundred (100) feet in depth. In cases where an irregularly-shaped tract is platted into lots and remnant piece of property is of sufficient area to plat one or more lots, the council may waive the depth requirement to prevent a hardship on the developer.

8.3.6. Lots on Major Streets

Lots facing or backing on major streets shall be at least ten (10) feet deeper than average lots facing on adjacent minor streets.

8.3.7. Lots on Drainage Easements

Minimum usable lot depths for lots backing on natural drainage easements shall be not less than one hundred (100) feet measured between front lot line and drainage easement.

8.3.8. Lot Shape

Lots should be rectangular insofar as practicable. Sharp angles between lot lines should be avoided. The ratio of depth to width should not ordinarily exceed two and one-half (2 1/2) times. Irregular shaped lots shall have sufficient width at the building line to meet frontage requirements for the appropriate zoning district.

8.3.9. Lot Lines

Side lot lines should be perpendicular or radial to street frontage.

8.3.10. Lot Facing

8.3.10.1. Street Frontage

Each lot shall be provided with adequate access to an existing or proposed public street by frontage on such street not to be less than forty (40) feet.

8.3.10.2. Double Front

Double frontage lots are prohibited except when backing on major thoroughfares. Where lots have double frontage, a front building line shall be established for each street.

8.3.10.3. Front Facing

Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing adjacent lots at right angles to each other should be avoided.

8.3.11. Lot Numbering

All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat. Use block numbers only when previously platted units of the same subdivision have numbered blocks.

8.3.12. Driveway Restrictions

Rear and side driveway access to major thoroughfares shall be prohibited.

8.3.13. Replating

Any person who wishes to revise a subdivision plat which has been previously filed for record must make an application of the proposed revised plat to the City Council. The replat of the subdivision shall meet all the requirements for a subdivision that may be pertinent. However, if the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no engineering plans will be required.

In the event the proposed replat involves property which has been previously developed or zoned as single family or duplex residential use then special requirements are as follows:

a. After an application is filed for a replat affecting single family and duplex property, the City Secretary shall cause a notice of the application to be published in the official newspaper of the City at least fifteen (15) days before the date of the City Council meeting at which it is to be considered. Such notice must include a statement of the time and place at which the City Council will meet to consider the replat and to hear protests to the revision at a public hearing. Additionally, written notice must be sent to all owners of property located within two hundred (200) feet of the property upon which the replat is requested. Such notice may be served by depositing the notice, properly addressed and postage paid, at the local post office.

b. If twenty percent (20%) or more of the area to whom notice has been required to be given above file a written protest of the replating before or at the public hearing, then the affirmation vote of at least three-fourth (3/4) if the City Council members required to approve the replat.

8.4. Block

8.4.1. Block Length

Blocks shall not be more than one thousand three hundred twenty (1,320) feet in length.

8.4.2. Block Width

Blocks shall be wide enough to allow two (2) tiers of lots with a block width no less than two hundred twenty (220) feet, except when prevented by the size of the property or the need to back-up to a major thoroughfare. Where no existing

subdivision controls, the block width of depth shall be platted to give lots with a depth-to-width ratio of generally not more than two and one-half to one (2.5:1).

8.4.3. Crosswalks

Crosswalk easements of fifteen (15) feet in width across blocks exceeding eight hundred (800) feet in length shall be dedicated where deemed necessary by the City Council.

8.4.4. Block Numbering

Blocks are to be numbered consecutively within the overall plat and/or sections of a overall plat as recorded only when previous units of subdivision have numbered blocks, otherwise blocks shall not be numbered.

8.5. Building Lines

Building lines along all streets shall be shown on the final plat on lots and shall provide the minimum setback for front, side, and rear streets as required by the Zoning Ordinance for the relevant district (single-family, residential, duplex, multifamily, commercial, retail office, mobile home, industrial, etc.).

8.6. Alleys

8.6.1. Alleys Required

Alleys shall be required along the rear line of all lots to be used in all residential, commercial, and industrial districts, except that the City Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the use proposed.

8.6.2. Alley Width

Where provided, alleys in residential districts shall not be less than twenty (20) feet in right-of-way width. Service alleys in commercial and industrial districts shall be a minimum of twenty-five (25) feet in right-of-way width and must be concrete paved fifteen (15) feet in width.

8.6.3. Cut-Offs

In case of intersecting alleys, a cut-off shall be required at each corner. Cut-offs shall be triangles having two (2) equal sides each of which shall not be less than twenty (20) feet in length or of such greater distance to provide safe vehicular movement.

8.6.4. Dead-End Alleys

No permanent dead-end alleys shall be permitted. Alleys in new subdivisions shall connect to and/or be aligned with alleys in adjacent subdivisions wherever feasible.

8.6.5. Paving

Alleys may be paved in accordance with City Specifications. If any alley is paved, it shall be paved according to paving specifications provided for in this ordinance and adopted by the City Council.

8.6.6. Access from the Alley

Access to residential property shall be permitted from any alley. Access from the alley shall not exclude another means of access from the front or side. No side lot access to residential property shall be allowed from any arterial street.

8.7. Easements

8.7.1. Size

The size of easements where alleys are not provided shall not be less than ten (10) feet on each side of rear lot lines. Easements along side lot lines shall be not less than ten (10) feet in width. However, while deemed necessary by the Planning and Zoning Commission and/or the City Council, such easements may be required to be twenty (20) feet in width.

8.7.2. Use

Where necessary, easements shall be retained for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines or other utilities. Such easements may be required across parts of lots (including side lines) other than as described above if the City Council determines that same is needed. Any easements so established shall be maintained by the property owner. All easements may be included in the computation of lot sizes, with the exception of drainage easements, which will be in addition to the specified lot size.

8.7.3. Drainage Easements

Where a subdivision is traversed by a water course, drainage way, channel or street, there shall be provided a storm easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the Zoning Administrator that will be reasonably adequate for the purpose. Parallel streets or parkways may be required in connection with these easements. The drainage shall be designed to eliminate erosion of adjoining property and to facilitate routine maintenance.

8.8. Flood Areas

Areas within the jurisdiction of the regulations herein subject to flood conditions as established by Federal and State agencies and the City Engineer of Tom Bean and for which the limits of such flood conditions have been adopted by the City of Tom Bean will not be considered for subdivision until adequate drainage or other approved protection has been provided.

8.9. Mobile Homes Parks and Subdivisions

The development of all mobile home parks and mobile home subdivisions shall be in accordance with all city ordinances for mobile homes and vacation travel trailer parks.

8.10. Required Improvements

8.10.1. Streets

All streets shall be paved with a permanent type of pavement in accordance with City Specifications. Paving widths shall be in accordance with the standards set forth in the Thoroughfare Plan of the City and shall be constructed under the supervision of the City Engineer.

8.10.2. Curbs and Gutters

Curbs and gutters shall be provided along both sides of all streets within the subdivision in accordance with City Specifications.

8.10.3. Sidewalks

Sidewalks not less than four (4) feet in width shall be provided around the perimeter of all blocks.

8.10.4. Alleys

All alleys shall be graded, improved, and leveled in accordance with City Specifications.

8.10.5. Water

Water mains of size adequate to provide a domestic water supply, fire hydrants, and water valves shall be installed to serve all lots within the subdivision in accordance with the Comprehensive Plan and City Specifications.

8.10.6. Sanitary Sewer

Sanitary sewers shall be provided to serve all lots within a subdivision in accordance with the Comprehensive Plan and City Specifications.

For those areas where the City determines that a connection to the central sewer system is not practical, then individual on-site treatment shall be provided.

It is the purpose of this ordinance to ensure compliance with the Texas Department of Health requirements so that on-site sewerage facilities shall be designed, constructed, permitted, and operated to provide adequate sewage treatment and disposal that will not contaminate potable water supplies or threaten the health and welfare of the public. The design, construction, permitting, and operation of on-site sewerage system for use by individual homes, small business establishments, recreational areas, institutions, and other areas shall be in accordance with the "Construction Standards for On-Site Sewerage Facilities", Texas Department of Health, effective January 1, 1988, or as may be amended. These construction standards are adopted under the authority of the Texas Sanitation and Health Protection Law, Texas Civil Statutes, Article 4477-1.

All new development and construction, either in the City or its extraterritorial jurisdiction (ETJ), shall conform to these requirements. Existing individual disposal facilities should be upgraded to comply with the Standards, in order to protect the public health and welfare. On-site sewerage facilities must be upgraded by the owner, at the owner's expense, if the operation of the facility does not comply with government regulations or results in objectionable odors, unsanitary conditions, pollution, etc.

The developers of subdivisions, mobile home (manufactured housing) parks, or commercial and industrial establishments that are remote from organized sewage collection systems shall consider the method of sewage disposal in the determination of lot size and arrangement. A sewage disposal plan shall be submitted to the appropriate local regulatory authority as a part of the construction plans prior to the consideration of approval of the final plat.

Platted subdivisions served by a public water supply but utilizing individual subsurface methods for sewage disposal shall provide for individual lots having surface areas of at least one-half (1/2) acre.

Platted subdivisions served by an individual water supply well and an individual sewage disposal system shall maintain a minimum of a 150 foot radius around the well in which no subsurface sewerage system may be constructed, and each lot shall contain not less than one (1) acre.

8.10.7. Storm Drainage

Underground storm drainage facilities shall be provided where the run-off storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage. All drainage facilities shall be constructed in accordance with the Comprehensive Plan and City specifications.

8.10.8. Monuments

- 8.10.8.1. Monuments consisting of three-quarter inch (3/4") diameter steel rods twenty-four inches (24") long shall be placed at all corners of block lines, the point of intersection of alley and block lines, and at points of intersections of curves and tangents of the subdivision.

8.10.8.2. Lot markers consisting of one-half inch (1/2") diameter steel rods shall be placed at all lot corners.

8.10.9. Street Name and Traffic Signs

All street name signs and traffic signs shall be provided by the subdivider and shall meet the type and erection standards of the City.

8.10.10. Street Lighting

Street lighting shall be provided and shall meet the design standards for intensity, location, type, and erection of the City of Tom Bean.

8.10.11. Public Parks and Open Space

Public parks and open space shall be provided in accordance with location, size, and design standards as established by the City of Tom Bean.

8.11. Standard Specifications Adopted

The Standard Specifications for Construction of Public Facilities and Improvements, as adopted by the North Central Texas Council of Governments, 1990 edition, a copy of which is on file in the office of the City Secretary, as amended by this chapter, is hereby adopted by reference and designated as the Standard Specifications of the City of Tom Bean, the same as though such specifications were copied at length herein.

8.12. Restrictions for Permit

No building permit nor any water, sewer, plumbing, or electrical permit shall be issued by the City to the owners or any other person with respect to any property in any subdivision covered by this ordinance until:

(a) Such time as the developer and/or owner has complied with the requirements of this ordinance and the approved final plat regarding improvements with respect to the block facing the street and/or streets on which the property abuts, including the installation of streets with proper base and paving, curbs and sewers and alleys;

(b) An escrow deposit has been made with the City Secretary, such deposit being sufficient to pay for the cost of such improvements and being accompanied by an agreement signed by the developer and/or owner authorizing the City to make such improvements at prevailing private commercial rates, or to have the same made by a private contractor and pay for the same from the escrow deposit. Cost of such improvements is to be determined by the Zoning Administrator and computed on a private commercial rate basis. Should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, the City shall in no case be obligated to make such improvements itself, except that such deposit may be used by the owner and/or developer as a progress payment as the

work progresses by making certified requisition to the City Secretary when supported by evidence of work done; or

(c) The developer and/or owner files a corporate surety bond with the City Secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof with the time stated in the bond, which time shall be fixed by the Zoning Administrator.

8.13. Participation of the City in Improvements

The City shall not be required to participate in the cost of any improvements where such improvements required by this ordinance are outside the corporate limits of the City. The City shall not be required to participate in the cost of any improvements unless it agrees to do so after a specific request for such participation is made and the cost of such participation is identified.

8.13.1. Right-of-way

The subdivider shall dedicate right-of-way for streets in accordance with the requirements set forth in Section 8.2.

8.13.2. Paving

8.13.2.1. The subdivider shall pave all residential and collector streets up to forty-one (41) feet in width in accordance with City Specifications. Paving beyond forty-one (41) feet in width shall be the responsibility of the City, County, or State.

8.13.2.2. All underground utility lines shall be installed prior to paving.

8.13.2.3. All excess excavated material from dedicated streets and alleys not used in the development of the land being platted shall be removed from the site and deposited at disposal sites designated by the City of Tom Bean.

8.13.3. Curbs and Gutters

Curbs and gutters shall be provided by the subdivider.

8.13.4. Sidewalks

Sidewalks, if required, shall be provided by the subdivider.

8.13.5. Water

Where the City requires larger mains and branches than are necessary to serve the subdivision in order to provide for future development, the subdivider may be entitled to participating aid from the City, in accordance with current policy and availability of current funds.

8.13.6. Sanitary Sewers

Where the City requires larger sewer lines than are necessary to serve the subdivision in order to provide for future development, the subdivider may be entitled to participating aid from the City, in accordance with current policy and availability of funds.

8.13.7. Storm Drainage

8.13.7.1. Where the City requires larger storm drainage facilities than are necessary to serve the subdivision in order to provide for future development, the subdivider may be entitled to participating aid from the City, in accordance with current policy and availability of current funds.

8.13.7.2. Where the City does not participate in storm drainage improvements and the cost of necessary storm drainage construction is prohibitive for the subdivider to bear, all areas affected by such drainage may be omitted from the development.

8.13.8. Monuments

Monuments shall be provided by the Subdivider.

8.13.9. Lot Markers

Lot markers shall be provided by the Subdivider.

8.13.10. Street Name Signs and Traffic Signs

Street name signs and traffic signs shall be provided by the Subdivider.

8.13.11. Street Lights

Street lights shall be provided by the Subdivider.

8.13.12. Public Parks and Open Space

Public parks and open space shall be provided by the Subdivider in the manner set forth in Section 6.1 herein.

8.13.13. Building Permits

No building permit shall be issued until all improvements are in place, unless otherwise authorized by City Council

8.14. Reservations

8.14.1. Permitted Purposes

No land contained in the proposed subdivision shall be reserved for any use other than a use permitted by the Zoning Ordinance for the district in which the land to be reserved is located.

8.14.2. Designation on Plat

The specific use for which each piece of land is to be reserved must be shown by appropriate label or description on the subdivision plat. Provision for future abandonment of a reservation as may be appropriate must likewise be shown on said plat.

8.14.3. Parks and Playgrounds

The location and size of parks and playgrounds shall be in accordance with the City's Park Sites Plan.

8.14.4. Schools

The location and size of school sites shall be in accordance with the City's School Sites Plan, if any, and with the requirements of the School District.

8.15. Variances

When a subdivider can show that a provision of these regulations would cause unnecessary hardship if strictly adhered to and where, because of some condition peculiar to the site, in the opinion of the Planning and Zoning Commission and/or the City Council a departure may be made without destroying the intent of such provisions, the City Council may authorize a variance. The council shall consider the nature of the proposed usage of land involved, the existing usage of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of a such variance on traffic conditions and public health, safety, convenience, and welfare of individuals in the vicinity. No variances will be granted unless the council finds the following:

(a) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of his land.

(b) The variances are necessary for the preservation and enjoyment of a substantial property right of the applicant and the granting of the variance will not be detrimental to the public health, safety, or welfare of individuals, or injurious to other properties in the area.

(c) The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this ordinance.

Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

Any variance thus authorized is required to be entered in writing into the minutes of the Commission and/or the City Council and the reason which justified the departure to be set forth, and such variance must be authorized by affirmative vote of not less than two-thirds (2/3) of the entire members of the City Council.

8.16. Inspection of Construction

The City shall be given opportunity to inspect all phases of the construction of improvements for subdivisions. The subdivider, or his contractor, shall maintain daily contact with the City Engineer, or his representative, during construction of improvements.

No sanitary sewer, water, or storm sewer pipe shall be covered without approval of the City Engineer or his representative. No concrete shall be poured for streets, structures, or curbs and gutters without said approval. No flexible base material shall be placed on the street subgrade, or asphaltic surface applied to the flexible base of a street without said approval.

8.17. Penalty

Any person violating this ordinance or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined any sum not exceeding one thousand dollars (\$1,000.00) and each day that such violation continues shall be considered a separate offense and punishable accordingly.

SECTION 9 **FILING FEES AND CHARGES**

The following schedule of fees and charges shall be paid to the City when any plat is tendered to the Planning and Zoning Commission, City Council, or any other authorized board or agency of the City. Each of the fees and charges provided herein shall be paid in advance, and no action of the Commission, the City Council or any other board or agency shall be valid until the fee or fees shall have been paid to the officer designated therein.

These fees shall be charged on all plats, regardless of the action taken by the Planning and Zoning Commission and the City Council, and whether the plat is approved or denied.

The subdivider shall cause a check to be made payable to the City of Tom Bean to cover all recording fees involved in finishing the platting process and have this delivered to the City Secretary prior to the submission for approval.

The City Engineer shall calculate the fees and charges, in accordance with the following schedule.

9.1. Preliminary Plats

\$50.00 per plat, plus \$3.00 per lot.

9.2. Final Plats

\$100.00 per plat, plus \$3.00 per lot.

9.3. Combination Preliminary and Final Plats

\$20.00 per plat, plus \$1.00 per lot.

9.4. Multiple Dwelling, Commercial, or Industrial Areas

For approval of multiple dwelling areas, commercial or industrial areas not subdivided into lots, the preliminary plats shall carry a fee of \$50.00 per plat, plus \$5.00 per acre. The fee for the final plat shall be \$100.00 per plat, plus \$5.00 per acre.

9.5. Modular Homes

\$100.00 per plat, plus \$3.00 per lot.

9.6. Mobile Home Subdivision

\$100.00 per plat, plus \$3.00 per lot or mobile home space.

9.7. Mobile Home Parks

\$100.00 per plat, plus \$3.00 per mobile home space.

9.8. Replat

In the event of a replat, the subdivider shall reimburse the City for all costs incurred in the process of carrying out all replatting requirements as outlined in Section 8.3.

SECTION 10 **MAINTENANCE BOND**

In the event a subdivider develops independently of the City of Tom Bean furnishing engineering and inspection of required improvements, the subdivider shall furnish a good and sufficient maintenance bond with a reputable and solvent corporate surety, in favor of the City, to indemnify the City against any repairs which may become necessary to any part of the construction work performed in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of one year from the date of final

acceptance of the entire project. Final acceptance will be withheld until said maintenance bond is furnished to the City Attorney for approval. The maintenance bond shall have attached thereto a copy of the contract for such improvements and such other information and data necessary to determine the validity and enforceability of such bond. When the bond has been examined and approved, the City Attorney shall furnish the City Council with a written certification that the maintenance bond is valid and enforceable as regards all improvements required by subdivisions, which have not been approved as provided by law and further, no permits shall be issued by the Building Inspector of the City on any piece of property other than an original or a re-subdivided lot in a duly approved and recorded subdivision or on a lot of separate ownership of record prior to the adoption of the subdivision ordinance.

SECTION 11 CONFLICT WITH OTHER ORDINANCES

Whenever the standards and specifications in this ordinance conflict with those contained in another ordinance, the most stringent or restrictive provision shall govern.

SECTION 12 SAVING CLAUSE

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof, or provision or regulation contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provision of this ordinance.

PASSED AND APPROVED by the Planning and Zoning Commission of the City of Tom Bean, Texas, on this 10th day of September 2001.



Cheryl Masias
Chairman, Planning & Zoning Commission

Attest:



Catherine Robles
City Secretary

PASSED AND APPROVED by unanimous vote of the City Council of the City of Tom Bean, Texas, on this the 10th day of September, 2001.



David Schaab
Mayor

Attest:



Catherine Robles
City Secretary

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