

ORDINANCE NO. 2025-11-001

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PINE ISLAND, TEXAS TO ESTABLISH SUBDIVISION REGULATIONS, STANDARDS AND PROCEDURES FOR PLATTING, REPLATTING, AND VACATING PLATS; STREETS AND BLOCK LAYOUT AND DESIGN; LOT CONFIGURATION; DEDICATION AND CONSTRUCTION OF PUBLIC IMPROVEMENTS; DRAINAGE, WATER, AND WASTEWATER FACILITIES; PARKLAND AND OPEN SPACE REQUIREMENTS; UTILITY EXTENSION, AND OTHER INFRASTRUCTURE AND DEVELOPMENT STANDARDS NECESSARY TO PROMOTE THE ORDERLY AND EFFICIENT DEVELOPMENT OF LAND, TO PROTECT THE PUBLIC HEALTH AND SAFETY, AND TO ENSURE COMPLIANCE WITH CHAPTER 212 OF THE TEXAS GOVERNMENT CODE WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE TOWN OF PINE ISLAND; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH VIOLATION HEREOF AND UP TO TWO THOUSAND DOLLARS (\$2,000.00) FOR HEALTH AND SAFETY VIOLATIONS; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Pine Island, Texas recognizes the need to regulate the subdivision and development of land within its jurisdiction to promote orderly growth, protect public health and safety, and ensure the efficient provision of infrastructure and public services; and

WHEREAS, the Town Council finds it necessary and proper to adopt subdivision regulations consistent with state law in order to guide future development in accordance with the Town's Comprehensive Plan and to preserve the community's character; and

WHEREAS, after proper notice and in accordance with law, the Town Council conducted a public hearing to receive public input on the proposed Subdivision Ordinance; and

WHEREAS, the Town Council has carefully considered the recommendations of staff, consultants, and the public and finds the proposed Subdivision Ordinance to be in the best interest of the Town and its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PINE ISLAND, TEXAS:

Section 1. Incorporation of Premises. The foregoing recitals are hereby incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Adoption. The Town Council . hereby adopts the Town of Pine Island, Texas Subdivision Ordinance, as attached hereto as Exhibit "A" and incorporated herein by reference, to regulate the subdivision of land within the Town and its extraterritorial jurisdiction in accordance with applicable state law.

Section 3. Purpose. This Ordinance is adopted to promote the orderly and healthful development of the community, to ensure the proper layout and improvement of land, to provide for adequate public facilities, and to safeguard the character and value of the Town.

Section 4. Cumulative Repealer Clause. This ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances, except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

Section 5. Severability Clause. If any section, subsection, paragraph, sentence, clause, phrase, or any portion of this Ordinance is, for any reason, declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Penalty. Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offence, but which can increase to Two Thousand Dollars (\$2,000.00) for health and safety violations, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

Section 7. Effective Date. This Ordinance shall take effect immediately upon its passage and approval and publication of the caption, as provided by law.

PASSED AND APPROVED this 1st day of December, 2025.

APPROVED:

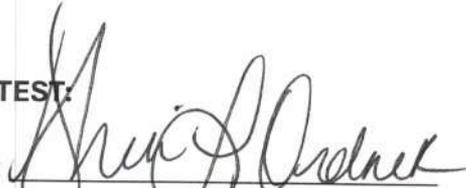


Steve Nagy

Mayor, Town of Pine Island

ATTEST:

By:


Sheri Ordner, Town Secretary

Town of Pine Island | Subdivision Ordinance

Ordinance 2025-11-001

Article 1. IN GENERAL

1.1 Short Title

This Ordinance may be known and cited as the “Town of Pine Island Subdivision Ordinance” and will be referred to herein as “this Ordinance”.

1.2 Authority

This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including Chapter 212 of the Texas Local Government Code. These regulations shall be applicable to the filing of plats and the subdivision of land, as that term is defined herein and in Chapter 212 of the Texas Local Government Code, within the corporate limits of the City of Pine Island as they may be from time to time adjusted by annexation or disannexation and within all of the areas of the extraterritorial jurisdiction of the City of Pine Island as that area may exist as provided by Chapter 42, Texas Local Government Code. The City shall have all remedies and rights provided by such Chapter 212 with regard to the control and approval of subdivisions and plats both within the City and within its extraterritorial jurisdiction.

1.3 Findings and Purpose

This Ordinance was created to provide for the orderly, safe and healthful development of the area within the corporate limits of the City; promote the health, safety and general welfare of the community; establish orderly policies and procedures to guide development of the City; provide for establishment of minimum specifications for construction and engineering design criteria; ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare and to protect against the dangers of fires, floods, erosion, landslides, or other such menaces; provide proper utilities and services for adequate drainage, water supply, waste water systems, disposal of sanitary and industrial waste, and other utility services; provide streets that ensure safe, convenient and functional systems for vehicular and pedestrian circulation; furnish adequate sites, convenient to schools, parks, playgrounds, and other community services, respecting topography and existing vegetation so that the natural beauty of the land shall be preserved.

1.4 Interpretation

In the interpretation and application of the provisions of these regulations, it is the intention of the City Council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City of Pine Island, and, where other ordinances of the City are more restrictive in their requirements, such other ordinances shall control.

1.5 Use of Terms

For purposes of this ordinance and any associated appendices, exhibits, manuals, specifications, or other supporting documents the use of the following words “City” and “City” are interchangeable both referring to the City of Pine Island, Texas:

- a. “City” and “City” are interchangeable both referring to the City of Pine Island, Texas.
- b. “Developer”, “Subdivider”, and “Applicant” all refer to the responsible party listed on the application for subdivision and construction.
- c. “Planning and Zoning Commission”, “Planning Commission”, and “P&Z” all refer to the City of Pine Island, Texas, Planning and Zoning Commission.

1.6 Right to deny filing, hearing, and plat

The City may deny a filing, hearing, and any approval pursuant to this chapter if the applicant does not submit the information and fees required by this ordinance.

1.7 Misrepresentation of facts

It shall be a violation of this chapter for any person to knowingly or willfully misrepresent, or fail to include, any information required by this chapter in any plat application, during any conference with a city official, during any public hearing or meeting of the P&Z, or city council. Such a violation shall constitute grounds for denial of the plat.

1.8 Fees

All fees related to this Ordinance shall be set by the City Council and an officially adopted Master Fee Schedule shall be available at the office of the City Secretary. Fees must be paid in accordance with the City's master fee schedule and all third-party fees that the City incurs for work performed by entities other than the City and individuals other than City employees for reviewing applications or acting with respect to a proposed subdivision must be reimbursed by the Developer.

1.9 Severability and Validity

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

1.10 Amendment

The City Council may from time to time amend this Ordinance, in accordance with appropriate procedures provided by law. It is the responsibility of the Developer to obtain the most current City of Pine Island Subdivision Ordinance as adopted by the City Council.

1.11 Enforcement and Penalties

A. Criminal Penalty

1. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provision hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed Two Thousand and No/100 Dollars (\$2000.00) per day, pursuant to Chapter 54 of the Texas Local Government Code, as amended, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. Prosecution or conviction under this Ordinance shall never be a bar to any other remedy or relief for violations of this Ordinance including but not limited to injunctive or other equitable relief.
2. Each day a violation of this chapter designated as an offense constitutes a distinct and separate offense.

B. Civil Remedies

1. If any building, structure, or land is used, constructed, maintained, repaired, or altered, or any development is commenced or continued, in violation of this article, the City and its officers may institute any appropriate action to prevent, restrain.
2. The City is authorized to seek civil penalties not to exceed \$100.00 per violation, with each day a violation of this article continues constituting a distinct and separate offense.

3. The imposition of any penalty shall not preclude the City and its officers from instituting any other appropriate action to require compliance with this land development code and with administrative orders and determinations made pursuant to this article.

C. Administrative Actions

1. Stop Work Order: When an appropriate authorized official of the City determines that there has been noncompliance with any material term, condition, requirement or agreement under this article, the person obtaining such approved plan or permit shall be ordered by the City in writing to cease and desist from further development or construction material to the alleged noncompliance until corrected by compliance.
2. Withholding of Other Authorizations: The City may refuse to grant development, construction, or occupancy approvals for improvements for a property that does not fully and completely comply with all terms and conditions of this article. Without limiting the type or number of approvals the City may withhold, the City is specifically authorized to refuse to grant site development permits, building permits, utility connections, and certificates of occupancy.
3. Appeals: Said person may appeal an administrative order to the City administrator by giving written notice. The City manager shall hear the appeal within five business days of receiving such notice. Said person may appeal in writing a negative ruling by the City manager to the City Council, which shall hear the appeal at the next regular meeting following receipt of the notice so long as the appeal is received at least five business days before the next regular meeting. If an appeal is received within five business days of the next regular meeting, the appeal will be heard at the Council meeting after the next regular Council meeting

ARTICLE 2 | REVIEW BODIES

2. REVIEW BODIES

2.1 Town Council

The Town Council is responsible for final action regarding:

- a. Text Amendments
- b. Development Agreements
- c. Final Plats

2.2 Planning and Zoning Commission

A. Establishment

A Planning and Zoning Commission is established, which shall consist of three members to be appointed by the Town Council. Members shall be registered voters in the City and must have resided within the City limits for at least one year immediately preceding his or her appointment, but not employees of the Town or elected officials. All members serve without compensation.

B. Terms of Office

Members of the planning commission shall be appointed for two-year staggered terms of office.

C. Removal and Vacancy

- a. The appointment of any member who misses five meetings in any 12-month period may be terminated by the Town Council.
- b. The Town Council may remove any member of the Planning Commission for cause after written notice at any regularly scheduled Town Council meeting.

D. Chair

The Planning Commission shall elect its own chair who shall serve for one year.

E. Secretary

The Town of Pine Island shall provide a Secretary for the Planning Commission. The Secretary shall not be considered a voting member of the Planning Commission. It shall be the duty of the secretary to keep a true and correct record of all proceedings, resolutions, transactions, findings, and determinations of the Planning Commission, which shall be a public record.

F. Rules

The Planning Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Subdivision Ordinance.

G. Meetings

The Planning Commission shall hold at least one regular meeting in each month. Additional meetings may be held at the call of the chair and at such other times as the Planning Commission or Town Council may determine. All meetings shall be open to the public.

H. Quorum

A quorum consisting of a majority of the members of the Planning Commission must be present to conduct any business of the Planning Commission.

I. Conflict of Interest

In the event that a Planning Commission member or member of their family has any financial, ownership, or employment interest in the subject of a vote by the Commission, such member shall disclose such interest and recuse themselves from the vote so that it appears in the official record.

J. Duties

The Planning Commission has the power and it shall be its duty:

- a. To make appropriate surveys, investigations, reports and recommendations relating to community planning and development to the Town Council;
- b. Make formal recommendations to the Town Council on all petitions for variances from the Town's technical codes;
- c. Make formal recommendations to the Town Council on all petitions and the meeting of ordinance requirements for subdivisions and amendments to the text of this ordinance;
- d. To make plans and maps of the whole or any part or portion of the City and of land outside the City located within five miles of the City limits and any other land outside the City, which in the opinion of the commission, bears a relation to the planning of the City and to make changes in, additions to and extensions of such plans or maps when it deems the same advisable;
- e. To act with and assist all other municipal and governmental agencies, and particularly the City Council, in formulating and executing proper plans for municipal development and growth;
- f. To recommend to the City Council the passage of such ordinances as it may deem necessary to carry out its program;
- g. To recommend to the City Council the adoption of a comprehensive community plan for the guidance and control of the future development of the community;
- h. To perform such other duties as may be prescribed by ordinance or State law;
- i. To function as the City zoning commission and exercise all of those powers and duties permitted by Chapters 211 of the Local Government Code, the City Charter and City ordinances, as each may be amended from time to time; and,
- j. If appointed to do so under the Subdivision Ordinance, to function as the municipal authority responsible for approving plats and exercise all of those powers and duties permitted or required by Chapter 212 of the Local Government Code, the City Charter, and City ordinances, as each may be amended from time to time.

K. Consultations

In the performance of their duties, the City Manager and the Planning Commission may call for advice on when evaluating subdivision plats and plans.

2.3 City Manager

A. General Authority

The City Manager is responsible for maintaining written records of all actions taken under this Ordinance and making interpretation of this ordinance.

B. Authority for Final Action

The City Manager is responsible for final action regarding:

- a. Construction Plans
- b. Amending Plats
- c. Minor Plats

C. Review Authority

The City Manager is responsible for review and recommendations regarding:

- a. Preliminary Plats

- b. Final Plats
- c. Text Amendments
- d. Development Agreements

D. Delegation of Authority

The City Manager may designate any staff member to represent the Manager in any function assigned by this ordinance.

ARTICLE 3 REQUIREMENTS AND SPECIAL PROVISIONS

3. REQUIREMENTS AND SPECIAL PROVISIONS

3.1. Compliance with Regulations and Standards

No Developer shall subdivide any tract of land that is located within the corporate limits of the Town except in conformity with the provisions of this Ordinance, the Town's current design standards, and other applicable ordinances, development agreements, and standards.

3.2. Payment of Indebtedness

No person who owes delinquent taxes, delinquent paving assessments, delinquent fees, or any other delinquent debts or obligations to the city, and which are directly attributable to a piece of property, shall be allowed to receive approval for any plat or replat until the taxes, assessments, debts or obligations directly attributable to said property and owed by the property owner or a previous owner, shall have been first fully discharged by payment, or until an arrangement satisfactory to the planning director has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or obligations have been paid at the time of submission for any application for approval under this chapter.

3.3. Development Agreements

Development Agreements affecting land in the City limits and extraterritorial jurisdiction of the Town may be used in accordance with Chapter 212 of the Local Government Code to do the following:

- a. Contract for no annexation for up to an initial term of 15 years and up to two additional extensions for a maximum total term of 45 years.
- b. Extend Town planning authority over the land, including enforcement of not only the same land use, development and environmental regulations applicable in the Town, but specific additional regulations for the land.
- c. Provide for infrastructure for the land including streets, roads, drainage, water, wastewater and other utility systems.
- d. Specify the uses and development of the land.
- e. Other lawful terms and considerations as agreed to by the parties.

3.4. Existing Subdivisions

Any subdivision, as defined herein, which was lawfully recorded in the office of the Waller County Clerk in the form of a plat of subdivision and/or deed prior to the effective date of this article shall be deemed to meet the requirements of this article. Any further division or resubdivision in any such subdivision after the effective date of this article shall, however, comply with all applicable provisions of this article.

3.5. Plat Required

The owner of a tract of land located within the corporate limits of the Town of Pine Island who divides the tract into two or more parts to lay out a subdivision of the tract, including an addition to the Town of Pine Island, to lay out suburban, building or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated for public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts must have a plat of the subdivision prepared. A division of a tract under this Ordinance includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this Ordinance does not include a division of land into parts greater than five (5) acres, where each part has access to an existing or proposed street by frontage on such street, and no public improvement is being dedicated.

3.6. No Plat Changes Without Approval. No changes, erasures, modifications or revisions shall be made to any plat of a subdivision after approval has been given by the Town Council and endorsed on the plat in writing, unless said change, revision or modification is first submitted to and approved by the Town Council.

3.7. Improvements Required

The Developer shall furnish, extend, install and/or construct all infrastructure improvements, including but not limited to, the water and sanitary sewer systems and the street and drainage facilities necessary for the proper development of the subdivision. All such facilities shall be designed and constructed in accordance with the Design Standards included in this Ordinance as Exhibit "A" and other standards, specifications and drawings as may be hereafter adopted, approved by the Town Council and placed on file in the office of the City Secretary.

Where considered necessary by the City Engineer and/or the City Manager, the facilities shall be sized in excess of that dictated by the Design Standards included in this Ordinance as Exhibit "A" to provide for future growth and expansion, and construction of sanitary sewer systems may be required regardless of whether sanitary service is currently provided at the location of the subdivision being constructed.

3.8. Final Plat Required

Final Plat Required. No subdivision plat shall be recorded until a final plat, accurately describing the property, has been approved in accordance with this chapter, and with other applicable city regulations. No certificate of acceptance for required public improvements shall be issued by the city for any parcel of land or plat until a final plat has been approved in accordance with this chapter; and either:

1. All improvements required by this chapter have been constructed and accepted by the city; or,
2. Assurances for completion of improvements have been provided in accordance with this ordinance.

3.9. No Dedication on Disapproved Plats

Disapproval of a plat by the Town Council shall be deemed a refusal by the Town to accept the offered dedications shown thereon. Approval of a plat shall not be deemed acceptance of the offered dedications nor impose any duty upon the Town concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the Town have actually accepted the same by express written acceptance, entry, use or improvement. The Town Council, in any manner provided by law, may vacate any such dedication, before or after actual acceptance.

3.10. Variance

A variance from any such rule or regulation may be granted by Town council, only upon a good and sufficient showing by the owner that:

- a. There are special circumstances or conditions affecting the property in question; and
- b. That enforcement of the provisions of this ordinance will deprive the applicant of a substantial property right; and if a variance is granted it will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Each and every application for a variance shall be decided solely and entirely on its own merits, and the disposition of any prior or pending application for a variance shall not be allowed to enter into or affect any decision on the application in question. Financial interests shall not be considered as a basis for the granting of a variance. No application for a variance shall be considered, unless submitted to the Town council, in writing, no later than the date the application for final plat approval is submitted.

3.11. Certification Regarding Compliance with Plat Requirements

On the written request of a Developer, a utility provider, or a governing body, and in compliance with Section 212.0115 of the Texas Local Government Code, as amended, the City Manager shall make the following determinations regarding the tract of land identified in the request:

- a. Whether a plat is required under this Ordinance for the tract of land; and
- b. If a plat is required, whether it has been prepared and whether it has been reviewed and approved by the Town Council or City Manager, as applicable.

If the City Manager determines that a plat is not required, a written certification of that determination shall be issued to the requesting party. If the City Manager determines that a plat is required and that the plat has been prepared and has been reviewed and approved by the Town Council or City Manager, where administrative approval is authorized, the City Manager shall issue to the requesting party a written certification of that determination.

The City Manager shall make a determination within thirty (30) days after the date the written request is received and shall issue a written certification of that determination, within ten (10) days after the date the determination is made.

3.12. Building Permits

- A. No site plan, building permit, certificate of occupancy, plumbing permit, electrical permit, floodplain reclamation permit, or utility tap within the corporate limits shall be approved without a recorded plat or letter of plat exemption. No construction work shall begin on the proposed improvements in the proposed subdivision prior to the final plat being approved by the Town Council.
- B. No Building Permit without Services. Building permits shall only be issued by the Town for any structure on any lot in a subdivision that is serviceable by OSSF or the Town's sanitary sewer system. All lots and parcels of real property must be connected to the OSSF or the Town's wastewater system. All buildings must have a potable onsite water source and a freshwater distribution system. All onsite facilities must be approved by the duly authorized governmental authority.
- C. No Permits Without Full Compliance. No building permit shall be issued by the Town for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision which the standards contained herein or referred to herein have not been complied with in full.

3.13. Non-maintenance of Streets

The Town shall not repair, maintain, install, or provide any streets or public utility services within any subdivision for which a final plat has not been approved and filed of record and such street or public utility has been accepted by the Town, or within which the standards contained herein or referred to herein have not been complied with in full; unless such streets have been separately accepted for maintenance by action of Town council. In no instance shall the Town or its taxpayers bear any responsibility for repairing, maintaining, installing, or constructing any streets or public utility services within any subdivision located within the extraterritorial jurisdiction of the Town, except as may be provided for by separate agreement.

3.14. Authorized Agent

A person may act as agent for a subdivider/developer upon submission, with each application for preliminary and/or final plat approval, of a notarized power of attorney and such certification being dated not more than 30 days prior to the date of filing such application. Such power of attorney must specifically authorize the applicant to act on behalf of the subdivider/developer, must specifically identify

the tract proposed for subdivision, and must state that the power of attorney authorizes the agent to execute all necessary documents and dedicatory statements necessary to effect final plat approval and recording thereof.

3.15. Restrictive Covenants

An executed and notarized copy of the final restrictive covenants to govern the nature and use of property within the subdivision shall be submitted. In the public interest, the Town council shall require that such restrictive covenants, if any, be filed simultaneously with the final plat and be executed by all parties executing the final plat other than the Town. The applicant shall file for recording with the county clerk the original copy of such restrictive covenants, if any, concurrently with the filing of the plat in accordance with this ordinance. A certified copy of the original restrictions, if any, shall be retained by the Town.

3.16. Oversizing and pro rata reimbursement requirements

- a. The subdivider/developer shall be required to pay all costs of engineering, design, layout, construction and installation of all infrastructure required by this ordinance and other applicable regulations that is necessary and required to serve its development.
- b. There shall be no participation by the Town for payment of any infrastructure within a subdivision except when oversized facilities are required by the Town to serve development beyond the subdivision. In such case, the terms and extent of Town participation will be considered in each case by the Town council, considering the merits of each case and the conditions involved, and shall be in accordance with policies set forth by the Town council, or as required by law.
- c. If it is necessary for the subdivider to extend Town utilities through undeveloped property, the developer may be entitled to recovery of the costs of such extension of Town utilities, as defined in subsection (h) of this section, utilities, as defined in subsection (h) of this section, through agreed pro-rated collection of fees when the property is developed.
- d. The Town council may disapprove a plat whenever it is evident that adequate public facilities cannot, or will not, be supplied within a reasonable time.
- e. For the purposes of this section, the term "oversize" means that the capacity of the facility exceeds the capacity necessary to serve the development being platted. In the case of phased developments, all phases shall be considered in evaluating capacity requirements to serve the development. A determination of whether facilities are required to be oversized shall be reached during the preliminary platting phase of a development or sooner if the subdivision elects to submit a master or concept plan, or to have a pre-submission conference with Town council. Such determination shall be based on engineering reports and analyses, traffic impact analysis, the Town's master plan and other relevant information in the possession of the Town, or requested to be supplied by the subdivider.

3.17. Pro Rata Payments

- a. Should an owner or developer, whose property fronts on a street, alley and/or easement containing an existing water or sewer main, subdivide or develop such property, he shall pay the pro rata charges on all property owned by him for the front footage along the street, alley and/or easement where the Town's mains are located, when applicable.
- b. The developer shall be fully responsible for the construction of oversized or off-site access, utilities, drainage, and other improvements necessary for his subdivision and the surrounding area, unless other provisions are approved by the Town council. Provisions for reimbursement of costs in excess of those necessary to serve his subdivision, and any other provisions, shall be made a part of the facilities agreement. For any subsequent subdivision utilizing such facilities, any costs due prior developers shall be prorated as the use by the new subdivision bears to the amount due. Such prorated amounts

will be made a part of any subsequent facilities agreement, collected by the Town, and repaid to the original developer making such improvements.

- c. All such reimbursements or prorations shall be based on the actual cost of the improvements at the time of their construction, subject to comparison with other current unit and/or project costs. The original developer shall therefore provide the Town with acceptable documentation of actual construction costs from which calculation of reimbursable amounts will be made for inclusion in the facilities agreement.
- d. In the case that the subdivision shall utilize streets, utilities, drainage, or other facilities already constructed through the use of funds of the Town, the developer shall pay to the Town for the use of such facilities an amount equal to that which would be required to serve the subdivision under the requirements of this chapter, based upon policies as may be developed and approved by the Town council.
- e. In the event a developer of property within the Town or the extraterritorial jurisdiction constructs, at his cost, off-site roadway improvements, with prior Town council approval, the developer may be entitled to, and may receive, reimbursement for the costs incurred in constructing or causing to be constructed such roadway improvements.
- f. The reimbursable cost of the roadway improvements shall include, but not be limited to, acquisition of rights-of-way, easements, design, legal and engineering fees, and all costs of construction, including, but not limited to, grading, paving, curbs and gutters, medians and improvements thereto, utilities, utility taps, drainage facilities, sidewalks, pedestrian ways, traffic signing, landscaping, and street lighting. All pro rata payments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

3.18. Chapter 245 Determination

- a. Application for Establishment of Chapter 245 Rights. The provisions of this Section shall apply to any application for a permit or any other approval of a project for which an applicant desires to establish development rights under Chapter 245 of the Texas Local Government Code. There are two basic types of Chapter 245 determinations.
 - i. The first type of Chapter 245 determination involves a demonstration by the applicant that a project is vested with Chapter 245 development rights because the original application for a permit gave Fair Notice of the project to the City and of the nature of the permit being sought and neither a permit nor the project have expired.
 - ii. The second type of Chapter 245 determination involves a demonstration by the applicant that a project or permit is entitled to be reviewed in accordance with the regulations of the City in effect on the date that the original application for the first permit in the series of permits was filed because progress toward the completion of the project has been made by the applicant even though the permit and/or project time limits have expired.
 - iii. An applicant, in order to establish development rights for a particular project, may need to demonstrate both Fair Notice of the project and that progress toward completion of the project has been made.
 - iv. "Fair Notice" under Chapter 245 for purposes of this ordinance means an application that gives the city enough information to identify the project's scope, location, and character, so the city can fairly determine which regulations apply.
- b. Expiration of Existing Permits. Any Site Development Plan (Site Plan) or Concept Plan or other land development approval that has an approval date that is prior to May 11, 2000 and that does not have an expiration date, and for which no progress has been made toward completion of the project as of May 11, 2000, is hereby deemed to have expired as of May 11, 2004 and shall no longer be considered as a valid

project. Any Concept Plan that has an approval date that is after May 11, 2000, and before December 18, 2012, and that does not have an expiration date, and where no progress towards completion of the project has occurred shall have expired on December 18, 2017, and shall no longer be considered valid. Any Site Development Plan (Site Plan) or other land use approval that has an approval date after May 11, 2000, and before December 18, 2012, shall have expired on December 18, 2014, and shall no longer be considered valid. Any Concept Plan with an approval date after December 18, 2012, and that does not have an expiration date shall expire five years after the approval date where no progress towards completion of the project has occurred. Any Site Development Plan (Site Plan) or other land use approval with an approval date after December 18, 2012, shall expire two years from the date of the approval unless extended prior to the expiration date.

c. Applications for Chapter 245 Determination.

- i. An application related to a demonstration that the City has Fair Notice of the project shall be submitted in a form prescribed by the City and shall be initially reviewed for completeness to ensure that all required items are available for technical review purposes. The application shall state the proposed date of applicable rules for the first permit in the series of permits, and the applicant shall supply documentation in support of the request. The burden of proof is on the applicant to provide sufficient written information to substantiate a claim under this Section. One or all of the following items may be considered as part of the Fair Notice Documentation:
 - A. Any of the documentation described in Subsection (iii) below.
 - B. Documentation that clearly shows specific land uses, densities and intensities.
 - C. Documentation that shows the layout of streets, public easements, parking areas and building footprints.
 - D. Any other documentation that the applicant believes provides evidence of Fair Notice.
- ii. Chapter 245 development rights shall only apply to the specified land uses, densities and intensities set forth in the Fair Notice Documentation provided by the applicant. Any modification of the land uses, densities or intensities from those set out in the Fair Notice Documentation shall be considered a new project subject to current City ordinances.
- iii. An application related to a demonstration that a permit or project has not expired because progress has been made toward completion of the project shall be submitted in a form prescribed by the City and shall be initially reviewed for completeness to ensure that all required items are available for technical review purposes. The application shall state the proposed date of applicable rules for the first permit in the series of permits and shall clearly describe each permit that has been issued and the date of approval for each subsequent permit. The applicant shall provide a statement in narrative form that describes the efforts that have been undertaken toward completion of the project and shall supply documentation in support of the request. The burden of proof is on the applicant to provide sufficient written information to substantiate a claim under this Section. One or all of the following items may be considered:
 - A. Copy of an application for a Final Plat or plan that was previously submitted to a regulatory agency;
 - B. Proof that a good-faith attempt was previously made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
 - C. Documentation of costs that have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
 - D. Documentation of fiscal security posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or

- E. Documentation of utility connection fees or impact fees for the project paid to a regulatory agency.
- d. The provisions of Subsection (c) above shall only apply to the project and specified land uses, densities and intensities set forth in the permits that have been previously approved by the City. Any modification of the land uses, densities or intensities shall be considered a new project and subject to current City regulations.
- e. Any application for a Chapter 245 determination that is not deemed complete by the City shall be rejected, and the applicant shall be notified in writing of the missing or incomplete items within 10 working days of the submission of the application. An incomplete application shall expire if the missing or incomplete items are not provided by the applicant within 45 days of the date of initial submission of the application.
- f. Each application shall be reviewed by the City Manager, in consultation with the City Attorney. The application may be denied in whole, granted in whole or denied in part and granted in part. Where the documentation submitted by the applicant is adequate to confirm a determination that rights exist under Chapter 245, then the regulations in place at the time such rights vested shall be applied in the further review and processing of permits for the project as applicable to the portion of the application that was granted.
- g. The City Manager shall provide his or her decision on the application within 45 days of the date of the receipt of a complete application.
- h. The applicant may appeal a final determination by the City Manager under this Section to the City Council within 10 calendar days of the date of the City Manager's decision on the application.
- i. The City may enter into a consent agreement with the applicant that is intended to resolve a good-faith dispute concerning Chapter 245 development rights and applicable regulations to avoid the cost and uncertain.

ARTICLE 4 – GENERAL SUBDIVISION PROCEDURES

4. General Subdivision Procedures

4.1. Pre-application Conference

- A. In General. Applicants shall avail themselves of the advice and assistance of the city staff, including its retained planning and engineering consultants (as applicable), and are required to participate in a pre-application conference before submitting a request for any type of plat as described below. Applicants are encouraged to consult early and informally with those officers and consultants before preparing any plat in order to save time and money, and to avoid potential unnecessary delays.
- B. Pre-application Conference. All applicants shall schedule and attend a mandatory pre-application conference with the appropriate city official(s) in order to become familiar with the city's development regulations and the subdivision process. At the pre-application conference, the applicant may be represented by owner's land planner, engineer and/or surveyor. No development right (if any) shall vest upon participation in any pre-application conferences. Applicant shall inform the city at least five business days prior to any pre-application conference or other meeting if the applicant intends to bring a legal representative to a meeting.
- C. Fees. Prior to the pre-application conference, the applicant must provide a check payable to the city in the amount of the pre-application conference fee, as may be established by the city council.
- D. An applicant or other interested individual may request a planning meeting that is an informal meeting related to land use questions. A planning meeting is a meeting with city staff that does not meet the pre-application conference requirement. No documentation or approvals may be given during a planning meeting.

4.2. Compliance with comprehensive plan, zoning, and development agreement

Any plat submitted for approval by the city shall be in accordance with the city's comprehensive plan and zoning ordinance, as may apply, including all adopted water, sewer, storm drainage, future land use, park, recreation, open space and transportation plans. All plats shall be prepared by a licensed civil engineer or a registered professional land surveyor. Any plat submitted for approval by the city shall be in accordance with any planned development district ordinance or development agreement.

4.3. Classification of subdivisions

Before any plat is filed for recordation with the county clerk, the property owner shall apply for and secure City approval of the required subdivision plat, in accordance with the following procedures, unless otherwise provided within this chapter.

- A. Minor subdivisions may be approved for residential or nonresidential properties. Minor plat approval by the City Manager requires a pre-application conference and the submission of a final plat drawing and other submission materials required by this ordinance. Lots or units may be conveyed or sold only when the plat has been approved by the City Manager, and the plat has been recorded at Waller County. See also, Article 11, Minor Plats.
- B. Major subdivisions may be approved for residential or nonresidential properties. The procedure for approval of a major subdivision typically involves three steps: a pre-application conference, preliminary plat, and final plat. Major plat approval shall be in accordance with this ordinance. Upon completion and final acceptance of the required public improvements, or upon submission and city approval of the appropriate surety for public improvements, the property owner may submit the final plat for approval. All major subdivision plats must be reviewed and approved by the City Manager. Lots or units may be sold only when the final plat has been approved by the City Council and the plat has been filed at Waller County. If the land is required to be platted, no conveyance or sale of any

portion of the property, lot, or unit may occur until after the final plat is approved by the City Council and filed at Waller County.

4.4. Submittal Date and Time

- A. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the City Secretary not later than 3:00 p.m., 15 days prior to the next regular Town Council meeting. Materials received after 3:00 p.m. on the date specified herein shall automatically be placed on the agenda of the next regular meeting of the Town Council following submittal.
- B. Plat submissions which do not include all required information and materials, as outlined below and per other city ordinances that may change from time to time, will be considered incomplete, shall not be approved until the proper information is provided to city officials including the city's retained planning and engineering consultants, if applicable.

4.5. Submission materials

All materials and information listed in this section, Submission Materials, are required to be submitted with a plat application. The City Secretary shall publish a list of all such materials and information on the City's website pursuant to state law.

A. The submission materials shall include the following:

- 1. A complete application form that bears the original notarized signature(s) of the property owner(s) of the subject property;
- 2. The prescribed submission fee;
- 3. For minor plats, two half-sized 11-inch by 17-inch black-and-white reductions of the plat;
- 4. For major plats, sufficient copies as requested by the City Manager, 24-inch by 36-inch black and white paper prints of the original drawing of the plat;
- 5. One copy of any applicable development agreement pertaining to the subject property (if any);
- 6. Copy of soil test turned into Waller county;
- 7. Digital copies of all submittal items including GIS data;
- 8. Proof of ownership as detailed in section 4.9, *Proof of Ownership*.
- 9. A certificate or other satisfactory evidence from the Waller County Central Appraisal District showing that all taxes have been paid on the subject property, and that no delinquent taxes exist against the property. Documentation shall also be included that shows no delinquent assessments, fees, or other debts or obligations to the city and which are directly attributable to the subject property. One copy of the tax status certificate shall be submitted to the city in order for the application to be deemed complete;
- 10. A title opinion or a statement or certificates, either in separate writing or on the plat, executed by the applicant or the person who prepared the plat, which certifies that all existing encumbrances other than liens, such as various types of easements, fee strips, or significant topographical features on the land being platted, are fully shown and accurately identified on the face of the plat and, further, stating whether the plat being submitted includes all of the contiguous land that the subdivider owns directly or indirectly, or has a legal or beneficial interest in, or whether the subdivider owns or has a legal interest in any adjacent property. If the subdivider owns or has a legal interest in any adjacent property, the extent of such ownership and a boundary description of the land involved shall also be provided;

11. The owner shall obtain a Phase I environmental assessment to determine that there are no hazardous materials on the area to be developed. If hazardous materials are found, appropriate remediation should be performed in accordance with the state commission on environmental quality standards;
 12. A preliminary drainage study (Texas Local Government Code, ch. 552; Texas Water Code, ch. 26);
 13. Record of approved variance needed for the project;
 14. Any waivers needed for the project;
 15. Any approved permits that are applicable to the plat application (i.e. driveway permit, TCEQ permit, utility provider permit, etc.);
 16. A written narrative describing how all portions of the site development application meets all requirements of this code and other codes including landscaping, lighting, parkland dedication, site development, water quality protection and zoning, as may be relevant;
 17. All documents in the correct form listed in section 4 (Preliminary Plat Procedures) of this ordinance; and
 18. Any other reasonable and applicable information and materials deemed appropriate by the city engineer or City Manager.
- B. An engineer's summary report electronically and on paper that describes, in as much detail as necessary, the following:
1. The overall nature and scope of the proposed development, including zoning (if applicable);
 2. The proposed use(s) and acreage of each proposed use (if applicable);
 3. Minimum lot or unit sizes, widths and depths, number of lots or units to be created;
 4. Special amenities or facilities that will be included in the development
 5. How the property will be served with required utilities and services reflective of all letters of service availability;
 6. How stormwater drainage will be handled; and,
 7. An itemization and description of any waivers from provisions of this chapter that will be sought
- C. If the proposed development will have access points onto a major thoroughfare, the application shall also include a letter from the appropriate entity, such as TxDOT or Waller County, acknowledging and approving proposed driveway locations and corresponding median openings and left turn lanes, if applicable.
- D. Letters shall also be provided from each of the applicable utility service providers, including the city if applicable, including water, wastewater, gas, electricity, telephone, cable TV and solid waste, verifying their ability and willingness to provide an adequate level of service for the proposed development.
- E. The Waller Independent School District shall be notified (in writing, copy to city) so that the district has the opportunity to document any concerns regarding transportation issues or raise matters regarding efforts to obtain a future school site within any portion of the subject property.

- F. All plat drawings and other corresponding plans and drawings, including construction plans and landscape and screening plans, shall be on sheets equal to 24 inches by 36 inches in size, and shall be drawn to a known engineering scale of not smaller than 100 feet to the inch or a larger scale. In cases of large developments which would exceed the dimensions of the sheet at 100-foot scale, plats may be on multiple sheets or to another known engineering scale, as approved by the City Manager, and in a format that will be acceptable for eventual filing at Waller County.
- G. Plat checklists, applications, and related forms shall be made available on the city's website.

4.6. Technical Review

Upon official filing of a complete application for plat approval, the city shall commence technical review of the development application by forwarding a copy of the application and plat to technical review team members that may include, but shall not be limited to, the City Manager, public works, city engineer, city attorney, city planner, public safety, and building official. City technical review team members shall review the plat and shall determine its compliance with these and other applicable city regulations. Any application that is not administratively complete shall be disapproved by the City Manager and will not be reviewed by the technical review team.

4.7. Extension request by applicant

The City Manager will accept and review a written request for an extension by the applicant. The City Manager may approve an extension on the request of the applicant for up to 30 days. If extended, the application will be reviewed in accordance with the approved extension.

4.8. Variances for plat applications

Before a plat application can be reviewed by the City Manager, any variances needed for plat approval shall first be submitted through the variance process. If it is determined that a variance is needed after a plat application is filed, the plat may be: (1) approved without the variance if it is in complete compliance with all city regulations at the time of submittal; or (2) disapproved if a variance is needed in order for the plat application to comply with all city regulations.

4.9. Proof of land ownership

- A. The city requires proof of land ownership prior to filing of any development application involving real property. Along with the submission, the applicant shall provide written verification, such as a notarized statement or a power of attorney or other evidence satisfactory to the City Manager, that the applicant is the owner of record of the subject land parcel or parcels, or is the property owner's authorized agent. The City Manager shall have the authority to determine what document(s) the city will require to prove ownership, such as one of the following:
 - a. General warranty deed;
 - b. Special warranty deed;
 - c. Title policy; or
 - d. Other documentation that is acceptable to the City Manager.
- B. If ownership cannot be conclusively established, then the submission cannot be deemed administratively complete and will be disapproved by the City Manager.
- C. One copy of the proof of land ownership document(s) shall be simultaneously submitted to the city in order for the application to be deemed complete.

4.10. Lapse of plat approval

The approval of any type of plat shall be effective for a period of 365 calendar days beyond the date that the plat was approved by the approval authority, except as otherwise provided herein. By 12:01 a.m. on the 366th day following the approval of the plat, the applicant must have completed a city-required "progress benchmark" as set forth below. If this is not accomplished, then the approved plat shall be deemed to have expired and shall become null and void and a new plat application (along with all other required paperwork, plans, fees, etc.) must be submitted, reviewed and approved by the city in order to proceed with development of the property. The series of "progress benchmarks" for a project, pursuant to the provisions of this section, are as follows:

Approved Plat or Plan	Next "Progress Benchmark"
Preliminary Plat	All of the following shall occur within the 183 calendar days following preliminary plat approval: 1) city engineer's approval of construction plans for all proposed public improvements; and 2) payment of all applicable fees that are traditionally collected prior to release for site construction. In addition to the above, an application for approval of the final plat shall be submitted to the city within 365 calendar days following approval of the preliminary plat in order to avoid lapse of the approved preliminary plat (unless such is extended or reinstated pursuant to provisions in this chapter).
Final Plat	Final plat approved by the approval authority but not yet filed with Waller County — All materials necessary to file the plat at the county, including plat documents, filing fees, etc., shall be submitted to the city within 30 calendar days of the date of final plat approval (the 30-day period shall commence upon county approval of final plat if the property is in the ETJ). Final plat that has been filed at Waller County — The final filed plat is valid in perpetuity, unless the filed plat is properly amended or vacated pursuant to the provisions of this chapter, or has not been filed with Waller County within one year of final approval by the city.

Extension and reinstatement procedure. Prior to the lapse of approval for a plat, the property owner may make application to the city to extend the plat approval. Such application shall be submitted at least ten business days prior to the expiration of the plat. The application for extension shall be considered by the City Manager, who shall approve or deny the application. If no application for extension of plat approval is submitted by the property owner in a timely fashion prior to the expiration date, then the plat shall be deemed to have expired and shall become null and void.

In considering whether to grant a request for extension, the City Manager shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which newly adopted subdivision regulations would apply to the plat at that point in time. The City Manager shall either extend the plat (either with or without conditions) or shall deny the request, in which instance the originally approved plat shall be deemed to be null and void. The property owner must thereafter submit a new plat application for approval, and shall conform to the subdivision regulations then in effect.

The City Manager may extend the plat approval subject to additional conditions based upon newly enacted city regulations or state legislation, or such as are necessary to ensure compliance with the original conditions of approval or to protect the public health, safety and welfare. The City Manager may also specify a shorter time for extension of the plat than the original 365-day approval period.

4.11. Lapse of construction plan approval

The approved construction plans shall be valid for a period of 365 calendar days following approval by the city engineer. The City Manager may, upon written request by the applicant, grant an extension of up to an additional 365 calendar days, after which the construction plans shall be subject to reapproval by the City Manager in consultation with the city engineer if no substantial construction has been completed.

4.12. Concept plan

Submission of a concept plan is voluntary. Submission of a concept plan may be done at the pre-application conference. City review of a concept plan has many benefits for both the city and the applicant. The applicant benefits by obtaining preliminary review and scrutiny, as well as input and suggestions, on the overall conceptual layout of the proposed development from the city's development review team. The city benefits in that it is allowed to become familiar with and involved in the project early in the development process, which is particularly important for large-scale developments and subdivisions. This allows the city to plan for and closely coordinate the provision of public facilities and services, thereby potentially avoiding future problems such as undersized utility lines, inadequate roadway capacities, unanticipated shortfalls in public services, and fiscal inefficiencies resulting from lack of planning and coordination.

A. Extent of area in a concept plan.

When the overall development project is to be developed in phases, the concept plan area should include the entire property from which the phases are being subdivided and an approximate development schedule. Where significant natural or man-made features, such as thoroughfares or creeks, make inclusion of the entire property in the concept plan unnecessary to adequately review the items listed in the preceding paragraph, the concept plan may include a smaller study area. Boundaries such as major thoroughfares, whether existing or proposed, creeks and major drainageways, political subdivisions, or other such natural or man-made features may be used to delineate the smaller study area.

ARTICLE 5 – PRELIMINARY PLAT PROCEDURES

5. Preliminary Plat Procedures

5.1. Pre-Application Conference

Following the pre-application conference regarding the overall general development strategy for the property, the applicant may submit a preliminary plat and other supplementary materials, as required by this chapter or by the city. The preliminary plat submission shall not be considered a filed application until the uniform submittal date after it has been submitted.

5.2. Application for Preliminary Plat

Any person desiring approval of a preliminary plat shall first file an application for preliminary plat approval. Forms for such application shall be kept on file with the City Secretary. Consideration of the preliminary plat shall not occur unless a fully completed and executed application, with all required documents and fees, has been filed in accordance with this ordinance. If the forms of the application or plat submitted does not conform or with or meet the minimum requirements of the

A. Submittal Date and Time:

All plats, maps, copies, fees, applications, and related materials shall be submitted to the City Secretary not later than 3:00pm, 15 days prior to the next regular Town Council meeting. Materials received after 3:00 p.m. on the date specified shall automatically be placed on the agenda of the next regular meeting of the Town Council.

B. Copies Required

The applicant shall provide sufficient copies as requested by the City Secretary or City Manager, 24-inch by 36-inch paper prints from the original drawing of the plat.

C. Environmental Assessment

The owner shall obtain a Phase I environmental assessment to determine that there are no hazardous materials on the area to be developed. If hazardous materials are found, appropriate remediation should be performed in accordance with the TCEQ.

D. Special Studies

The owner shall comply with all federal and state laws pertaining to archaeological, geological, wetlands, and endangered species applicable to the property.

5.3. Portion

The preliminary plat shall only be effective over that portion of the property or subdivision which the applicant proposes to construct and record provided such portion conforms to all the requirements of this chapter and with any other applicable regulations and codes of the city.

5.4. Approval of Preliminary Plat

Approval of a preliminary plat by the City Manager shall be deemed general approval of the street and lot or unit layout shown on the preliminary plat (approval for construction of the necessary streets, water lines, sewer lines, and other required improvements and utilities shall be authorized only through the city engineer's approval of the construction plans), and to the preparation of the final or record plat when construction of all required public improvements is nearing completion (or when appropriate surety for completion is provided to the city).

5.5. Standards for Approval

No preliminary plat shall be approved by the City unless the following standards have been met:

1. The layouts for required public improvements and city utilities have been submitted by the applicant for approval by the city engineer (whether specifically stated or not, preliminary plat approval shall always be subject to any additions or alterations to the construction plans, if

submitted as deemed necessary by the city engineer, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision); and,

2. The plat conforms to applicable zoning and other city regulations.

5.6. Non-permitted Construction Work

- A. No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the preliminary plat and construction plans by the City Manager or appropriate approval authority, nor prior to issuance of all appropriate construction permits by the city and other appropriate entities or agencies.
- B. Any clear-cutting or tree removal must be performed in compliance with the city's landscape regulations, as may be applicable.
- C. No excavation, grading, tree removal or site clearing activities shall occur prior to approval of the preliminary plat and the construction plans. However, preliminary grading or site preparation activities, such as limited excavation, filling, and removal or clearing of brush, undergrowth or man-induced debris, may be authorized by the City Manager, at the director's discretion, if such request is submitted in writing by the property owner or applicant, if such activities are in conformance with all applicable city ordinances and codes, and if such activities will not be detrimental to the public health, safety or general welfare.

5.7. Information Required

The proposed preliminary plat and associated preliminary construction plans shall show the following information:

1. A vicinity, or location, map that shows the location of the proposed preliminary plat within the city (or within its ETJ) and in relationship to existing roadways;
2. Boundary lines, abstract/survey lines, corporate and other jurisdictional boundaries, existing or proposed highways and streets (including right-of-way widths), bearings and distances sufficient to locate the exact area proposed for the subdivision, and all survey monuments including any required concrete monuments (per the city engineer); the length and bearing of all straight lines, radii, arc lengths, tangent lengths and central angles of all curves shall be indicated along the lines of each lot or unit (curve and line data may be placed in a table format); accurate reference ties via courses and distances to at least one recognized abstract or survey corner or existing subdivision corner shall be shown;
3. The name, location and recording information of all adjacent subdivisions (or property owners of adjacent unplatted property), including those located on the other sides of roads or creeks, shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys, building setbacks, lot and block numbering, easements, and other features that may influence the layout of development of the proposed subdivision; adjacent unplatted land shall show property lines, the names of owners of record, and the recording information;
4. The location, widths, and names, of all existing or proposed streets, roads, alleys, and easements, within the plat boundaries or immediately adjacent thereto, the location of all existing permanent buildings within the plat boundaries, and all existing easements and other important features, such as section lines, political subdivision, or corporate limit lines, on all sides for a distance of not less than 200 feet. A traffic impact analysis may also be required. on recommendation by the City Manager or his designee to ensure that adequate public facilities for transportation generated by the proposed development are being provided. If a traffic impact analysis is required the analysis will be commissioned by the City and the cost of which will be included as a reimbursable expense to the applicant ;

5. The location of all existing property lines, existing lot and block numbers and date recorded, easements of record (with recording information), buildings, existing sewer or water mains (can be shown on a separate sheet, if preferred), gas mains or other underground structures, or other existing features within the area proposed for subdivision;
6. Proposed arrangement and square footage of lots or units (including lot, unit numbers, or block numbers) proposed use for nonresidential uses, the location and size of buildings, existing and proposed. This information may be provided on a separate sheet, such as on a concept plan or the final site plan; refer to the city's zoning ordinance);
7. A title block within the plat (and construction plans) which shows the title or name under which the proposed subdivision is to be recorded; the name, address and phone number of the property owner(s); the name, address and phone number of the licensed engineer or registered professional land surveyor who prepared the plat/plans; the scale of the plat/plans; the date the plat/plan was prepared; and the location of the property according to the abstract or survey records of Waller County, Texas; the subdivision name shall not duplicate (or too closely phonetically replicate) the name of any other platted subdivision in Pine Island, its ETJ, or other surrounding communities in Waller County, but phasing identification is allowed to be similar to previous phases of that particular development (it is the property owner's responsibility to check the plat records of Waller County to ensure that the proposed subdivision name will not duplicate or sound too much like a subdivision name already in existence — the city may, at its discretion, require a different subdivision name if there is potential for confusion by public safety officials or the general public);
8. Sites, if any, to be reserved or dedicated for parks, schools, playgrounds, other public uses or for private facilities or amenities;
9. Scale (including a graphic scale), date, north arrow oriented to the top or left side of the sheet, and other pertinent informational data;
10. Contours with intervals of two feet or less shown for the area, with all elevations on the contour map referenced to sea level datum; and the limits of any portion of the floodplain (pursuant to the flood study, if required by the city engineer) that may be within or adjacent to (i.e., within 200 feet of) the property (final monumentation of the floodplain shall occur, and shall be shown, on the final plat prior to approval and filing at the county) — if no floodplain is present, then a note stating this shall be shown on the plat;
11. The location and approximate width of existing and proposed watercourses, ravines, and drainage easements, topographical elevations; and the boundaries of designated flood zones, as provided in the latest edition of the federal insurance rate map as published by the Federal Emergency Management Agency. All such information required herein shall be certified by a registered professional land surveyor and/or a registered professional engineer authorized to do business in the state;
12. Areas contributing drainage to the proposed subdivision shall be shown in the construction plans; locations proposed for drainage discharge from the site shall be shown by directional arrows;
13. All physical features of the property to be subdivided shall be shown, including:
 - a. The location and size of all watercourses
 - b. Floodplain and floodway according to Federal Emergency Management Agency (FEMA) information;
 - c. U.S. Army Corps of Engineers flowage easement requirements;

- d. All critical environmental features (CEFs) such as karsts, springs, sinkholes, caves, etc., to be located and documentation to be signed and certified by a geologist. All CEF to have a minimum setback of 150 feet. All designated wetlands to be certified as such by an accredited wetland biologist relying of [on] the presence of wetlands plant species. Applicant to include a slope map identifying the breakdown of all lands in categories from zero percent to 15 slope, 15 to 30 slope, and over 30 percent slope;
 - e. Ravines;
 - f. Bridges;
 - g. Culverts;
 - h. Existing structures;
 - i. Drainage area in acres or area draining into subdivisions (only in the construction plans); and,
 - j. Outline of major wooded areas or the location of major or important individual trees (excluding cedar trees smaller than eight-inch DBH) with trunk diameters exceeding 12 inches measured four feet above the ground, and other features pertinent to subdivision; is defined in the city's technical construction standards and specifications, and the city's landscape ordinance.
14. Schematic engineering plans of water and sewer lines and other infrastructure (including sizes) to be constructed in the subdivision; the proposed connections to distribution mains shall be indicated;
 15. Proposed phasing of the development: Where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the preliminary plat, shall provide a schedule of development, the dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision. The city engineer shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the entire project or for such phases as the city engineer determines to be necessary to adjudge whether the subdivision will be served by adequate streets and thoroughfares.
 16. All preliminary plats shall be submitted in a legible format that complies with Waller County requirements for the filing of plats;
 17. Existing zoning of the subject property and all adjacent properties if within the city limits;
 18. Construction traffic plan showing proposed routes for construction vehicle traffic and points of ingress and egress of such vehicles during construction; temporary construction easement approvals if needed, this shall be sealed by a registered engineer;
 19. Certificates and other language shall be included on the plat, pursuant to the following subsections:
 - a. A statement signed by the property owner(s) and acknowledged before a notary public that the subdivided area is legally owned by the applicant;
 - b. An accurate legal, such as by metes and bounds, description by bearings and distances (including necessary curve and line data), accurate to the nearest 100th of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument;
 - c. The registered professional land surveyor's certificate, with a place for his or her signature and notarization of his or her signature;
 - d. A place for plat approval signature of the Mayor and the approval dates by the Mayor;
 - e. Appendices and exhibits to this chapter contain certificates and languages to be used on the plat to accommodate the above requirements; and,
 20. A letter certifying that water and sewer service is available to the subdivision, and that such services will be provided, from the appropriate utility provider, or a letter certifying that

private wells and on-site sewage facilities (OSSF) including septic systems will work on the property.

21. If any amount of groundwater is to be used by the subject property, the applicant must provide documentation to the city establishing that the applicant has notified the following entities of the applicant's plans for the project: Bluebonnet Groundwater Conservation District.
22. If any amount of groundwater is to be used by the subject property, the applicant shall include a statement that the plat/plan:
 - a. Is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state; and
 - b. Certifies that adequate groundwater is available for the subdivision.

5.8. Construction Plans

After approval of a preliminary plat, the applicant shall submit the required number of sets of the complete construction plans for all streets, alleys (if any), storm sewers and drainage structures, water and sanitary sewer facilities, screening and retaining walls, landscaping and irrigation, and any other required public improvements for the area covered by the approved preliminary plat. The construction plans shall also contain any plans deemed necessary to show or document compliance with the city's ordinances pertaining to nonpoint source pollution control, and any other applicable codes and ordinances of the city that are related to development of a land parcel. Cost estimates for the completion of all public improvements shall also be submitted with the construction plans for review (and approval, if necessary) by the city engineer.

- A. For the purposes of this chapter, complete sets of construction plans shall include the following plans or sheets (generally in this order), as well as any additional plans or sheets deemed necessary and requested by the city engineer:
 1. Cover or title sheet (with list of all plans)
 2. Preliminary plat
 3. Existing conditions plan (unless these items are shown on the Preliminary Plat itself), which shows existing topography, vegetation, tree inventory of those trees with a diameter of eight inches or greater (when measured four feet above the natural grade) located within 20 feet of intended rights-of-way (streets and utilities), existing natural and man-made physical features, etc.
 4. Existing tree and vegetation protection plan
 5. Grading, erosion control, and water quality control plans (including a SWPPP)
 6. Paving and storm drainage plans
 7. Utility plans for water, sanitary sewer, etc.
 8. Traffic control plans (if necessary)
 9. Landscaping and irrigation plans.
- B. The applicant shall have these plans prepared by their own professional engineer(s), subject to approval of the plans by the city engineer. The city engineer shall review, or cause to be reviewed, the plans and specifications and if approved, shall mark them "approved" and shall return one set to the applicant, and at least two sets shall be retained in the city's files. If not approved, then one set shall be marked with the objections noted (on the plans themselves and/or in memo format, a copy of which shall also be sent to the city) and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and shall resubmit them back to the city engineer for re-review. Once the construction plans are approved by the city engineer (as documented by an approval letter addressed to the applicant and copied to the city), the property owner shall provide additional sets of the approved plans to the city, as specified by the city engineer, for use during construction. A full set of the city-approved and stamped construction plans must be available for inspection on the job site at all times).

- C. After approval of the preliminary plat by the City Manager, approval of the construction plans and specifications by the city engineer, and following procurement of all applicable permits from other appropriate agencies (such as TxDOT, TCEQ, U.S. Army Corps of Engineers, FEMA, and/or Waller County), USFWS, the applicant shall cause a contractor(s) to install or construct the public improvements in accordance with the approved plans and the city's standard specifications, and at the applicant's expense. The applicant shall employ engineers, surveyors or other professionals as necessary to design, stake, supervise, perform and complete the construction of such improvements, and shall cause his or her contractor to construct the said improvements in accordance with this chapter and with the city's, and any other applicable agencies, design standards. If the project will require a FEMA map revision, then the proposed plans shall also be reviewed for compliance with the city's flood damage prevention ordinance, as amended, prior to approval of the preliminary plat and prior to any construction activities (including but not limited to grading, clearing, grubbing, brush removal, etc.) on the site.
- D. Construction plans shall be prepared by or under the direct supervision of a professional engineer licensed in the State of Texas, as required by state law governing such professions and in accordance with this chapter and the city's ordinances. All construction plans submitted for city review shall be dated and shall bear the responsible engineer's registration number, and the designation of "professional engineer" or "P.E.," and the engineer's seal. Construction plans shall be approved by the city engineer only when such plans meet all of the requirements of this chapter and the ordinances.
- E. Construction plans shall be in conformance with the ordinances and with the requirements set forth herein. Construction plans (in complete sets, as described above) showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers, sidewalks, screening and retaining walls, landscape and irrigation plans (if appropriate), and other engineering details of the proposed subdivision at a scale of one inch equals 20 or 40 feet horizontally and one inch equals two, five, or ten feet vertically shall be submitted to the city engineer along with a copy of the preliminary plat of the subdivision. The number of copies as specified by the city shall be submitted along with the preliminary plat submittal.
- F. A landscape architect may prepare the landscaping and irrigation plans.
- G. As part of the construction plans, a drainage plan showing how the drainage of each lot relates to the overall drainage plan for the plat under consideration shall be submitted. The drainage plan shall be made available to each builder within the proposed subdivision and all builders shall comply with the drainage plan.

5.9 Effect of Approval

Approval of a preliminary plat authorizes the property owner, upon fulfillment of all requirements and conditions of approval and upon construction of all required improvements (or submission of the proper assurances for construction of same), to submit for final plat approval. All public improvements required by this ordinance shall be completed or supported by complete fiscal security in accordance with approved construction plans prior to submission for final plat approval. A final plat shall not be filed until all improvements and/or fiscal security has been accepted.

5.10 Revisions to the Preliminary Plat

It is generally recognized that revisions to the preliminary plat may be needed before the final plat application can be filed with the city.

- A. Preliminary plat revision procedure. To request a revision to an approved preliminary plat, the applicant must file an application with the city.
 1. Minor revisions. An application shall include the signatures of all lot owners directly affected by the revision. Applications for minor revisions shall be reviewed by the development review committee.

2. Major revisions. A new application for a preliminary plat is required including signatures of all lot owners affected by the revision, compliance with amendments to this chapter which occurred since original preliminary plat approval, and other requirements. Major revisions shall require notification to all lot owners within the approved preliminary plat by mail prior to the City Manager's review of the major revisions.

B. Minor revisions. Minor revisions are slight enlargement or shifting of easements or lot lines, unit lines, addition of private or franchise utility easements, correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, etc. Minor revisions also can include an increase in density by no more than ten percent so long as the increase is allowed under all city ordinances and agreements with the city. Minor revisions also cannot negatively impact the provision of public facilities. Determination of whether or not revisions are "minor" in nature is subject to the judgment of the City Manager in consultation with the development review committee.

C. Major revisions. Major revisions include obvious reconfiguration of easements, relocation of interior road connections to exterior roadways or access easements or fire lanes, any modification to the perimeter or boundary of the property, increase in density not considered a minor revision, decrease in parkland or open space, and relocation or addition or deletion of any public improvement (including corresponding easement) or any other change to a preliminary plat that is not a minor revision.

ARTICLE 6 – FINAL PLAT APPROVAL

5. Final Plat Approval

5.1. Substantial Compliance with Preliminary Plat

The final plat shall be in accordance with the preliminary plat or revised preliminary plat, as approved, and shall incorporate all applicable conditions, changes, directions and additions imposed by the City upon the preliminary plat. The final plat shall not be submitted prior to approval of the preliminary plat except as otherwise specifically allowed by this ordinance. The final plat shall be approved by the City in accordance with this subdivision ordinance if it is in compliance with the preliminary plat and all city and other regulations.

5.2. Incomplete

Final plat applications which do not include the required data, completed application form, submission fee, number of copies of the plat, record drawings, "letter of satisfactory completion" (of the public improvements) from the city, and other required information, including documentation that all required public improvements have been constructed and installed in accordance with city standards, letters from utility companies verifying their easements, and submission of the proper assurances or escrow funds for the completion of the improvements will be considered incomplete, and will not be submitted for review and consideration by the review bodies.

5.3. Information for Final Plat

- A. All information that is required for a preliminary plat; and except that physical features of or on the land (such as topography, buildings, utility structures, water bodies and tree cover) shall be shown on the final plat. In addition to these items, the final plat shall also provide a place for the county clerk of Waller County to stamp the date and location where the plat will be filed ("Volume or Cabinet ____, Page or Slide ____") in the lower right-hand corner of all sheets of the plat drawing near the title block.
- B. All aspects of the final plat shall conform to the standards of Waller County for plats with respect to clarity, sheet size, lettering size and reproducibility, and the county's formatting requirements for same shall control if different from this chapter. It is the applicant's responsibility to be familiar with the county's standards for filing plats and to comply with same.

5.4. Standards for Approval

No final plat shall be approved by the City unless the following standards have been met:

1. The plat substantially complies with the approved preliminary plat and other studies and plans, as applicable;
2. The construction and installation of required public improvements and city utilities has been completed and the improvements have been accepted by the city as conforming to the city's regulations and design standards (or the proper assurances for construction of the improvements have been submitted and approved by the city); and,
3. The plat conforms to applicable zoning, subdivision and any other applicable codes or ordinances of the city that are related to development of a land parcel.

5.5. Letter of Compliance

When all of the improvements are found to be constructed and completed in accordance with the approved plans and specifications and with the city's standards, and upon receipt by the Town of Pine Island of a maintenance bond or certificate of deposit from each contractor (for those subdivisions in the city limits), one sealed set of "as-built" or "record drawing" plans and a digital copy of all plans (in a format as determined by the city engineer) shall be submitted with a letter stating the contractors' compliance with this chapter, and bearing sealed certification by the design engineer that all public

improvements have been constructed in compliance with all city construction standards set forth in the ordinances and other applicable city design documents. After such letter and certification is received, the city council shall receive and accept for the Town of Pine Island the title, use and maintenance of the improvements. The maintenance bond or certificate of deposit shall be reviewed and may be accepted by the public works director or the director's designee. The final plat shall not be approved or filed at the county prior to receipt of the above letter and certification and any other required items, nor prior to acceptance of the improvements by the city.

5.6. Effect of Approval

Approval of a final plat authorizes the property owner, upon fulfillment of all requirements and conditions of approval and upon completion of construction of all required improvements (or submission of the proper assurances for construction of same), to submit the final copies of the plat for filing at Waller County. Lots or units may be sold only when the final plat has been approved by the City and the plat has been filed at Waller County. No conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the City Manager and filed at Waller County.

5.7. Revisions to Final Plat Prior to Filing

Occasionally, minor revisions are needed before the final plat can be filed at the county. Such minor revisions as correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, etc. may occur on the record plat prior to filing it without the planning and zoning commission having to reapprove the final plat. Determination of whether or not revisions are "minor" in nature is subject to the judgment of the city. Major revisions, such as obvious corrections or reconfiguration of lot lines, unit boundaries or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvement (including corresponding easement), shall necessitate resubmission and reapproval of the plat as a "revised final plat" unless otherwise approved by the city. The procedures for such reapproval shall be the same as for a final plat, and such reapproval may constitute a new project thus necessitating submission of a new application form, payment of new fees, compliance with amendments to this chapter which occurred since original final plat approval, and other requirements.

5.8. Returns to City

After approval of the final plat, the applicant shall return copies of the final plat, as approved and recorded, along with any other required documents and necessary fees, to the City Manager within 30 calendar days following approval, in accordance with requirements established by the city. The applicant can apply to the City Manager for an extension for the time of recording the final plat. If the plat is not recorded within the time required in this section or as provided by an extension, the final plat shall expire.

ARTICLE 7 – CONSTRUCTION PLAN APPROVAL PROCEDURES

7. CONSTRUCTION PLAN APPROVAL PROCEDURES

7.1 Substantial Compliance with Preliminary Plat

The construction plan shall be in accordance with the preliminary plat as approved, and shall incorporate all applicable conditions, changes, directions and additions imposed by the City upon the preliminary plat. The construction plan shall not be submitted prior to approval of the preliminary plat. The construction plan shall be approved:

- A. By the City Manager if the City Manager finds the construction plan substantially complies with the preliminary plat approved by the City Council; or,
- B. By the City Manager in accordance with this subdivision ordinance if the City Manager finds the construction plan does not substantially comply with the preliminary plat.

7.2 Incomplete

Construction plan applications submissions which do not include the required data, completed application form, submission fee, number of copies, record drawings, "letter of satisfactory completion" (of the public improvements) from the city, and other required information, including documentation that all required public improvements have been constructed and installed in accordance with city standards, letters from utility companies verifying their easements, and submission of the proper assurances or escrow funds for the completion of the improvements will be considered incomplete, shall not be accepted for submission by the city, and shall not be considered filed by the city for review by the City Manager until the proper information is provided to city staff.

7.3 Standards for Approval

No construction plan shall be approved by the City Manager unless the following standards have been met:

- A. The plan substantially complies with the approved preliminary plat and other studies and plans, as applicable; and,
- B. The plan conforms to applicable zoning, subdivision and any other applicable codes or ordinances of the city that are related to development of a land parcel.

ARTICLE 8 – REPLATTING

8. Replatting

8.1. Replat Required

Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved and filed final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the final platting of land by this chapter. All improvements shall be constructed in accordance with the same requirements as for a final plat, as provided herein. The City Manager may waive or modify requirements for a replat under certain circumstances where the proposed replat does not involve a large land parcel or an existing structure or business on the subject property, and where the proposed plat revisions are relatively simple in nature.

8.2. Replatting without Vacating

A replat of a final plat or portion of a final plat 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 of interest and citizens have an opportunity to be heard, by the City Manager
3. Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat
4. When evaluating the size of lots requested by an applicant seeking to replat all or a portion of a single-family residential subdivision without vacation, the city's determination shall include consideration of:
 - a. The minimum lot area required for the particular zoning district;
 - b. The average size of existing platted lots or units in the subdivision; and,
 - c. The size of the smallest developable (i.e., "buildable") lot or unit in the subdivision.
5. If a replat requires a variance then the variance must be approved by the planning and zoning commission prior to submission of the filing of the application for the replat. Any waiver requests may be considered concurrently with the replat application
6. In addition to compliance with the other requirements of this section, a replat without vacation of the preceding plat must conform to the requirements of this subsection if:
 - a. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or,
 - b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
7. If a replat under subsection (6) requires a variance a notice of the hearing 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 the notice attached, forwarded by the city 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 county 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.

- c. The notice of a replat approval required by this subsection must include: (A) the zoning designation of the property after the replat; and (B) a telephone number and e-mail address an owner of a lot may use to contact the city about the replat.
8. If a proposed replat described under this section does not require a variance, the city shall, not later than the 15th day after the replat is approved by the City Manager, provide written notice by mail of the consideration of the replat to each owner of a lot in the original subdivision to be replatted according to the most recent county tax roll.

Notice of the public hearing required under subsection 7.2.7 for a variance for a replat shall be given no earlier than the 30th day nor less than the 15th calendar day before the date of the hearing by publication in the city's official newspaper. Notice of the public hearing shall also be given by written notice no earlier than the 30th day nor less than the 15th calendar day before the date of the hearing, with a copy or description of any requested waivers, sent to the property owners, as documented on the most recently approved ad valorem tax roll of the city, of lots that are in the original subdivision and that are within 300 feet of the lot(s) to be replatted. In the case of a subdivision in the ETJ, the most recently approved county tax roll shall be used. The written notice may be delivered by depositing the notice, properly addressed with appropriate postage paid, in a post office or postal depository within the boundaries of the city.

8.3 Reference to Previous Subdivision

Any replat which adds or deletes lots or units must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information, and must state on the replat the specific lots which have changed along with a detailed "purpose for replat" statement.

8.4 Vacated Plat

If the previous plat is vacated as prescribed in section 212.013 of the Texas Local Government Code, as amended, a public hearing is not required for a replat of the area vacated. It would, instead, be submitted as a "final plat" and reviewed accordingly, and signed by all owners of the existing subdivision.

8.5 Other Requirements

The replat of the subdivision shall meet all the requirements under current regulations for a final plat for a new subdivision that may be pertinent, as provided for herein.

8.6 Submittal

A submission for a replat shall be the same as for a final plat, and shall be accompanied one copy of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property, and all other documentation needed for a final plat. The replat shall also bear a detailed "purpose for replat" statement which describes exactly what has been changed on the plat since the original (or previous) plat was approved by the city and filed at the county.

8.7 Materials

A copy of all application materials for a replat shall be submitted to the city for review in the same manner as for a final plat, or the application shall be deemed incomplete.

8.8 Filing with County

The replat shall be filed at the county in the same manner as prescribed for a final plat, and approval of a replat shall expire if all filing materials are not submitted to the city secretary, and if the replat is not filed at the county within the time periods specified for a final plat.

ARTICLE 9 - AMENDED PLATS

9. AMENDED PLATS

9.1. Requirements

- A. An amending plat shall meet all of the informational requirements set forth for a final plat, and shall be accompanied by the copy of the plat, a completed application form, the required submission fee, and a certificate or some other acceptable form of verification from the Waller County Central Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.
- B. For the purpose of these regulations, the "official filing date" shall be the date upon which a submission for approval of an amending plat. To be considered complete, the submission must be accompanied by a check payable to the city in the amount of all applicable fees. It is only after the official filing date that any statutory period required for approval or disapproval of the plat shall commence to run. The "official filing date" shall become the next uniform submittal date following initial receipt of the application by the city. If the application is deemed incomplete by the City Manager then the City Manager shall disapprove the application.
- C. Official Filing Date
 - a. For the purpose of these regulations, the "official filing date" shall be the date upon which a complete submission for approval of an amending plat is filed according to the city submittal requirements. To be considered complete, the submission must be accompanied by a check payable to the city in the amount of all applicable fees.
 - b. Plat applications submissions which do not include all required information and materials, as outlined below and per other city ordinances that may change from time to time, will be considered incomplete, and shall be disapproved by the City Manager.

9.2. Materials

A copy of all application materials for an amending plat shall be submitted to the city for review in the same manner as for a final plat, or the application shall be deemed incomplete.

9.3. Administrative Approval

- A. Upon review and a finding that the amending plat is in full conformance with this and all other applicable city ordinances, the City Manager may approve, disapprove, or approve with conditions the amending plat. The amending plat may be recorded and is controlling over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and if the amending plat is for one or more of the purposes set forth in this section. The procedures for amending a plat shall apply only if the sole purpose of the amending plat is to:
 - a. Correct an error in a course or distance shown on the preceding plat;
 - b. Add a course or distance that was omitted on the preceding plat;
 - c. Correct an error in a real property description shown on the preceding plat;
 - d. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - g. Correct an error in courses and distances of lot lines between two adjacent lots if:
 - i. Both lot or unit owners join in the application for amending the plat;
 - ii. Neither lot or unit is abolished;

- iii. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and,
 - iv. The amendment does not have a material adverse effect on the property rights of the owners in the plat;
 - h. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or unit boundary or easement;
 - i. Relocate one or more lot lines or unit boundaries between one or more adjacent lots or units if;
 - i. The owners of all those lots or units join in the application for amending the plat;
 - ii. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and,
 - iii. The amendment does not increase the number of lots or units.
- B. All amending plat applications that were disapproved by the City Manager, shall be provided to the applicant with a written statement of the reasons for disapproval that clearly articulates the reason for disapproval including citation to the law, a statute or city ordinance, that is the basis for the disapproval.
- C. If the applicant amends its filed plat application in response to the City Manager's initial disapproval, the applicant may file its amended application at the city on a date or day on which the city is accepting amended filings. The city will then have up to 15 days to approve or disapprove the amending plat application. The City Manager may either: (1) approve plat if the response adequately addresses each reason for the disapproval; or (2) disapprove plat if the response does not adequately address each reason for disapproval or creates new reasons for a violation of a statute or city ordinance. Any disapproval shall include a written statement of the reasons for disapproval that clearly articulates the reason for disapproval including citation to the law, a statute or city ordinance, that is the basis for the disapproval. A plat that is disapproved after the city has reviewed the response in the form of an amended application may be resubmitted to be processed under the 15-day timeline delineated in this section.

9.4. Title

The amending plat shall be entitled and clearly state that it is an "amending plat", and it shall include a detailed "purpose for amending plat" statement which describes exactly what has been changed on the plat since the original (or previous) plat was approved by the city and filed at the county. It shall also state the specific lots or units affected or changed as a result of the amending plat, and shall include the original subdivision plat boundary. All references to "final plat" or "replat" shall be removed.

9.5. Process

Other than noted above, the procedure for approval of plat amendment(s) shall be the same as for final plats.

9.6. Filing with County

The amending plat shall be filed at the county in the same manner as prescribed for a final plat, and approval of an amending plat shall expire if all filing materials are not submitted to the city secretary, and if the plat is not filed at the county within the time periods specified for a final plat.

ARTICLE 10 – PLAT VACATION

10. PLAT VACATION

10.1. By Property Owner

The property owner of the tract covered by a plat may vacate, upon review by the Planning and Zoning Commission and approval by the planning and zoning commission, the plat at any time before any lot or unit in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat (instrument language is available from the city, upon request).

10.2. By All Lot or Unit Owners

If some or all of the lots or unit covered by the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots or units in the plat with approval obtained in the manner prescribed for the original plat.

10.3. Criteria

The P&Z shall review the application for vacation on such terms and conditions as are in accordance with section 212.013 of the Texas Local Government Code (as amended), and as are reasonable to protect the public health, safety and welfare. As a condition of vacation of the plat, the P&Z may direct the applicants to prepare and seek approval of a revised final plat in accordance with this chapter such that the property does not become "unplatted.

10.4. Effect of Action

On the execution and recording of the vacating instrument, the plat that has been vacated as a result of this instrument shall have no effect. Regardless of the P&Z's and city council's action on the application, the property owner will have no right to a refund of any monies, fees or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to by the P&Z.

10.5. City-initiated Plat Vacation

- A. General Conditions: The planning and zoning commission, on its motion and following a public hearing on the matter, may vacate the plat of an approved subdivision or addition when:
- a. No lots or units within the approved plat have been sold within five years following the date that the plat was signed by the city; or,
 - b. The property owner has breached an improvement agreement and the city is unable or does not desire to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by property owner or its successor; or
 - c. The plat has been of record for more than five years and the city determines that the further sale of lots or units within the subdivision or addition presents a threat to public health, safety or welfare, except that the vacation shall apply only to lots or units owned by the property owner or its successors.
- B. Procedure: Upon any motion of the P&Z or city council to vacate the plat of any previously approved subdivision or addition, in whole or in part, the city shall publish notice in the city's official newspaper no sooner than the 30th day nor later than the 15th day prior to the date of the public hearing at which the plat vacation shall be heard by the P&Z. The city shall also provide written notice to all property owners within the subdivision or addition, and to all members of the planning and zoning commission. The notice shall state the time and place for a public hearing before the P&Z on the motion to vacate the subdivision or addition plat. The P&Z shall approve the plat vacation only if the criteria and conditions cited above are satisfied.

- C. Record of Notice: If the planning and zoning commission approves vacating a plat, the city secretary shall record a copy of the plat vacation instrument in the office of the county clerk of Waller County along with an exhibit showing a drawing of the area or plat vacated. The county clerk shall write legibly on the vacated plat the word "vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded. If the planning and zoning commission vacates only a portion of a plat, it shall cause a revised final plat drawing to also be recorded which shows that portion of the original plat that has been vacated and that portion that has not been vacated. On the execution and recording of the vacating instrument the plat that has been vacated as a result of this instrument (or the vacated portion of the plat) has no effect.

ARTICLE 11 – MINOR PLATS

10. MINOR PLATS

10.1. Requirements

- A. A minor plat, as defined by this ordinance, shall meet all of the informational and procedural requirements set forth for an amending plat, and shall be accompanied by:
 - a. One half-sized copy to scale of the plat;
 - b. A completed application form;
 - c. The required submission fee; and,
 - d. A certificate or some other acceptable form of verification from the Waller County Central Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

B. Official Filing Submission Date

For the purpose of these regulations, the "official filing date" shall be the date upon which a complete submission for approval of a minor plat. To be considered complete, the submission must be rendered to the city within the timelines established by this chapter and accompanied by a check payable to the city in the amount of all applicable fees. It is only after the official filing date that any statutory period required for approval or disapproval of the plat shall commence to run. No application shall be deemed officially filed until the City Manager determines that the submission is complete and a certificate of completeness is issued by the City Manager. Failure by the City Manager to make a determination of incompleteness within ten business days following the date on which the submission was first received by the city, shall result in the submission being deemed complete, the submission becoming an application, and the "official filing date" shall become the next uniform submittal date.

10.2. Multiple Minor Subdivisions

Development of two or more single-lot subdivisions, for the purpose of circumventing the requirements of this ordinance shall not be permitted.

10.3. Materials

A copy of all application materials for a minor plat shall be submitted to the city for review in the same manner as for a final plat, or the application shall be deemed incomplete.

10.4. Drainage Plans

Applicant must submit a drainage plan to city engineer, unless expressly waived in writing by the city engineer.

10.5. Administrative Approval

- A. Upon review and a finding that the minor plat is in full conformance with this and all other applicable city ordinances, the City Manager may approve, disapprove, or approve with conditions. Any decision made on the minor plat by the City Manager shall be final.
- B. All minor plat applications that were disapproved by the City Manager, shall be provided to the applicant with a written statement of the reasons for disapproval that clearly articulates the reason for disapproval including citation to the law, a statute or city ordinance, that is the basis for the disapproval.
- C. If the applicant amends its filed plat application in response to the City Manager's initial disapproval, the applicant may file its amended application at the city on a date or day on which the city is accepting amended filings. The city will then have up to 15 days to approve or disapprove the amending plat application. The City Manager may either: (1) approve plat if the response adequately addresses each reason for the disapproval; or (2) disapprove plat if the response does not adequately

address each reason for disapproval or creates new reasons for a violation of a statute or city ordinance. Any disapproval shall include a written statement of the reasons for disapproval that clearly articulates the reason for disapproval including citation to the law, a statute or city ordinance, that is the basis for the disapproval. A plat that is disapproved after the city has reviewed the response in the form of an amended application may be resubmitted to be processed under the 15-day timeline delineated in this section.

10.6. Notice and Hearings

Notice, a public hearing, and the approval of other lot owners are not required for the approval of a minor plat.

10.7. Title

The minor plat shall be entitled and clearly state that it is a “minor plat”.

10.8. Filing with Waller County

The minor plat shall be filed at the county in the same manner as prescribed for a final plat, and approval of a minor plat shall expire if all filing materials are not submitted to the city and if the plat is not filed at the county within the time periods specified for a final plat.

ARTICLE 11 – MINOR PLATS

11. MINOR PLATS

11.1. Requirements

- A. A minor plat, as defined by article 14 of this ordinance (Definitions), shall meet all of the informational and procedural requirements set forth for an amending plat, and shall be accompanied by:
 - a. One half-sized copy to scale of the plat;
 - b. A completed application form;
 - c. The required submission fee; and,
 - d. A certificate or some other acceptable form of verification from the Waller County Central Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

B. Official Filing Submission Date

For the purpose of these regulations, the "official filing date" shall be the date upon which a complete submission for approval of a minor plat. To be considered complete, the submission must be rendered to the city within the timelines established by this chapter and accompanied by a check payable to the city in the amount of all applicable fees. It is only after the official filing date that any statutory period required for approval or disapproval of the plat shall commence to run. No application shall be deemed officially filed until the City Manager determines that the submission is complete and a notice of completeness is issued by the City Manager. Failure by the City Manager to make a determination of incompleteness within ten business days following the date on which the submission was first received by the city, shall result in the submission being deemed complete, the submission becoming an application, and the "official filing date" shall become the next uniform submittal date.

11.2. Multiple Minor Subdivisions

Development of two or more single-lot subdivisions, for the purpose of circumventing the requirements of this ordinance shall not be permitted.

11.3. Materials

A copy of all application materials for a minor plat shall be submitted to the city for review in the same manner as for a final plat, or the application shall be deemed incomplete.

11.4. Drainage Plans

Applicant must submit a drainage plan to city engineer, unless expressly waived in writing by the city engineer.

11.5. Administrative Approval

- A. Upon review and a finding that the minor plat is in full conformance with this and all other applicable city ordinances, the City Manager may approve, disapprove, or approve with conditions. Any decision made on the minor plat by the City Manager shall be final.
- B. All minor plat applications that were disapproved by the City Manager, shall be provided to the applicant with a written statement of the reasons for disapproval that clearly articulates the reason for disapproval including citation to the law, a statute or city ordinance, that is the basis for the disapproval.
- C. If the applicant amends its filed plat application in response to the City Manager's initial disapproval, the applicant may file its amended application at the city on a date or day on which the city is accepting amended filings. The city will then have up to 15 days to approve or disapprove the amending plat application. The City Manager may either: (1) approve plat if the response adequately addresses each reason for the disapproval; or (2) disapprove plat if the response does not adequately address each reason for disapproval or creates new reasons for a violation of a statute or city

ordinance. Any disapproval shall include a written statement of the reasons for disapproval that clearly articulates the reason for disapproval including citation to the law, a statute or city ordinance, that is the basis for the disapproval. A plat that is disapproved after the city has reviewed the response in the form of an amended application may be resubmitted to be processed under the 15-day timeline delineated in this section.

11.6. Notice and Hearings

Notice, a public hearing, and the approval of other lot owners are not required for the approval of a minor plat.

11.7. Title

The minor plat shall be entitled and clearly state that it is a "minor plat".

11.8. Filing with Waller County

The minor plat shall be filed at the county in the same manner as prescribed for a final plat, and approval of a minor plat shall expire if all filing materials are not submitted to the city and if the plat is not filed at the county within the time periods specified for a final plat.

ARTICLE 12- PARKLAND DEDICATION REQUIREMENTS

12. PARKLAND DEDICATION REQUIREMENTS

A. Purpose

- 1) The purpose of this section is to provide recreational areas in the form of neighborhood and regional parks and trail systems linking public areas and subdivisions, as a function of subdivision development within the city and its extraterritorial jurisdiction. It is hereby declared that recreational areas in the form of neighborhood parks are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedure for planning and development property or subdivisions within the city.
- 2) Neighborhood parks are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from a majority of the residences to be served thereby. Park zones shall be recommended by the mayor or his designee or as delegated by city council and shall be prima facie proof that any park located therein is within such a convenient distance from any residence located therein. The primary cost of neighborhood parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. Therefore, the following requirements are adopted to effect the purposes stated.
 - a. Regional parks are those parks not primarily serving a specific neighborhood, but rather designed to serve the entire city and its extraterritorial jurisdiction, such as ballparks and soccer field complexes, and trail systems which connect various neighborhoods.

B. General requirement for land to be used for single-family, duplex, and/or multifamily residential purposes

- 1) Whenever a final plat is filed of record with the county clerk for development of a residential area in accordance with this article, such plat shall contain a clear fee simple dedication of an area of land to the city (or to a municipal utility district) for neighborhood park purposes, which area shall equal one acre for each 100 proposed dwelling units. Any proposed plat submitted to the city for approval shall show the area proposed to be dedicated under this section. The city shall not issue any permits for construction within the subdivision, except permits to construct public improvements, until such time as the requirements of this section are submitted to and accepted by the city.
- 2) In instances where an area of less than five acres is required to be dedicated, the city shall accept or reject the dedication of such public park within 60 days following approval of the preliminary plat after consideration by the mayor or his designee and the city council. In the event the city determines that sufficient park area already is in the public domain in the area of the proposed development, or if the recreation potential for that zone would be better served by expanding or improving existing parks, then the proposed dedication will be disallowed and the developer shall be required to make payment of cash in lieu of land, as provided by subsection C of this section.
- 3) The dedication required by this section shall be made by filing of the final plat or contemporaneously by separate instrument unless additional dedication is required subsequent to the filing of the final plat. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, such additional dedication shall be required, and shall be made by payment of the cash in lieu of land amount provided by subsection C. (3) of this section, or by the conveyance of an entire numbered lot to the city.

C. Money in Lieu of Dedication for Neighborhood Parks

- 1) Subject to approval of the city council and the provisions of subsection B. (2) of this section, a developer responsible for dedication of neighborhood parkland under this section may elect to meet the requirements of subsection B of this section, in whole or in part, by a cash payment in lieu of land, in the amount of land appraisal value at the time of purchase per dwelling unit. Such payment in lieu of land shall be made at or prior to the time of final plat approval; provided, however, the developer

may elect to record upon the final plat the following notation: ""N" building or other permit, except permits for construction of public improvements, will be issued by the city, for construction within the subdivision until such time as the payment of money in lieu of park land required under the provisions of this section has been submitted to and accepted by the city." In the event the developer places the above notation upon the final recorded plat of the subdivision in lieu of making the payment of money in lieu of park land, the city shall not issue any permits for construction within the subdivision, except permits to construct public improvements, until such time as the payment of money in lieu of park land required by subsection C of this section is submitted to and accepted by the town.

- 2) The city may, from time to time, decide to purchase land for parks in or near the area of actual or potential development. If the city does purchase park land within a park zone, subsequent park land dedications for that zone shall be in cash only, and calculated to reimburse the city's actual cost of acquisition and development of such land for parks. The cash amount shall be equal to the sum of:
 - a. The average price per acre of such land; and,
 - b. The actual cost of adjacent streets and on-site utilities, or an estimate of such actual cost provided by the mayor or his designee. Once the city has been reimbursed entirely for all such park lands within a park zone, this subsection shall cease to apply, and the other subsections of this section shall again be applicable.
- 3) To the extent that subsection (c)(2) of this section is not applicable, the dedication requirement shall be met by a payment in lieu of land computed on the basis of land appraisal value at the time of purchase per dwelling unit.

D. Contribution for Regional Parks

In addition to the provisions for neighborhood parks by dedication of land or the payment of fees in lieu thereof as described in subsections C and C of this section, a developer shall contribute an additional amount based on land appraisal value at the time of purchase per dwelling unit for the development of regional parks. Such payment shall be made in the manner described in subsection C. (1) of this section.

E. Land Suitable for Development

Land shown as being suitable for development by the city for a major recreation center, park, or other public use, shall be reserved for a period of one year after the preliminary plat is approved by the city if within two months after such approval the city council advises the subdivider of its desire to acquire the land or of the interest of another government unit to acquire the land, for purchase by the interested governmental authority at land appraisal value at the time of purchase. A failure by the city council to so notify the subdivider shall constitute a waiver of the right to reserve the land. Any waiver of the right to reserve the land shall no longer be effective if the preliminary plat shall expire without adoption of a final plat.

F. Special Funds, Right to Refund

- 1) There is hereby established special funds for the deposit of all sums paid in lieu of land dedication under this section, which funds shall be known as the "Park Land Dedication Fund" and the "Regional Park Fund." Additional subfunds may be established as appropriate to track funds for different zones, if established, or different regional parks.
- 2) The city shall account for all sums paid in lieu of land dedication under this section, with reference to the individual plats involved. Any funds paid for such purposes must be expended by the city within five years from the date received for acquisition or development of a neighborhood park, or ten years for a regional park, as defined herein. Such funds shall be considered to be spent on a first in, first out basis for each park zone. If not so expended, then on the last day of such period, the then current owners of the property for which money was paid in lieu of land dedication shall be entitled to a pro rata refund of such sum, computed on a square footage of area basis. The owners of such property must request such refund within one year of entitlement, in writing, or such right shall be barred.

G. Additional Requirements; Definitions

- 1) Any land dedicated to the city or provided as private neighborhood park land under this section must be appropriate for park and recreation purposes. The city reserves the right to reject any land that it deems as unsuitable for such purposes.
- 2) Drainage areas may be accepted as part of a park if the channel is constructed in accordance with city construction standards, the land is appropriate for park use, and if no significant area of a park is cut off from access by such channel.
- 3) Each park must have ready access to a public street.
- 4) Unless provided otherwise herein, an action by the city shall be by the city council.

ARTICLE 13 – REQUIREMENTS FOR ACCEPTANCE

13. REQUIREMENTS FOR ACCEPTANCE

13.1 Withholding City Services and Improvements

The city hereby defines its policy to be that the city will withhold all city services and improvements of whatsoever nature, including the maintenance of streets and the furnishing of all other city services from any subdivision or property until all of the street, utility, storm drainage and other public improvements, as well as lot or unit improvements such as retaining walls and grading and installation of improvements required for proper lot or unit drainage and prevention of soil erosion on the individual residential lots or units, are properly constructed according to the approved construction plans and to city standards, and until such public improvements are dedicated to and accepted by the city.

13.2 Guarantee of Public Improvements

A. Property owner's guarantee.

Before approving the final plat of a subdivision located all or partially within the city or its ETJ, the city council must be satisfied that all required public improvements have been (or soon will be) constructed in accordance with the approved construction plans and with the requirements of this chapter.

B. Waiver.

The City Manager may waive performance guarantees for subdivisions in the ETJ that are subject to county performance guarantees and are in compliance with the county regulations.

C. Improvement agreement and guarantee.

The city council may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final plat, and may permit the property owner to enter into an improvement agreement by which the property owner contracts to complete all required public improvements no later than two years following the date upon which the final plat is approved. The city council may also require the property owner to complete or dedicate some of the required public improvements prior to approval of the final plat, and to enter into an improvement agreement for completion of the remainder of the required improvements during such two-year period. The improvement agreement shall contain such other terms and conditions as are agreed to by the property owner and the city.

D. Improvement agreement required for oversize reimbursement.

The city shall require an improvement agreement pertaining to any public improvement for which the applicant shall request reimbursement from the city for oversize costs. The city council, as it deems appropriate, has the authority to authorize the approval of such agreement as meeting the requirements of the city, and the city shall not withhold approval as a means of avoiding compensation due under the terms of this chapter. The City Manager is authorized to sign an improvement agreement on behalf of the city after approval of the agreement by the city council.

E. Security.

Whenever the city permits an applicant to enter into an improvement agreement, it shall require the applicant to provide sufficient security, covering the completion of the public improvements. The security shall be in the form of cash escrow or, where authorized by the City Manager, a performance bond or other security acceptable to the public works director and the city attorney, as security for the promises contained in the improvement agreement. Security shall be in an amount equal to 100 percent of the estimated cost of completion of the required public improvements and lot or unit

improvements. The issuer of any surety bond shall be subject to the approval of the City Manager and the city attorney.

F. Performance bond.

If the City Manager authorizes the applicant to post a performance bond as security for its promises contained in the improvement agreement, the performance bond shall comply with the following requirements:

- a. All performance bonds must be in the forms acceptable to the City Manager and the City Attorney;
- b. All performance bonds must be executed by such sureties as are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", as published in Circular 570, as may be amended, by the Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury;
- c. All performance bonds must be signed by an agent, and must be accompanied by a certified copy of the authority for him or her to act;
- d. All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized in the State of Texas to issue performance bonds for the limits and coverage required; and,
- e. Approval of bonding company as per ratings of the Texas Department of Insurance, or a successor agency.

G. Bankruptcy or insolvency.

If the surety on any performance bond furnished by the applicant is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the State of Texas, or the surety ceases to meet the requirements listed in Circular 570, the developer shall, within 20 calendar days thereafter, substitute another performance bond and surety, both of which must be acceptable to the city.

H. As portions of the public improvements are completed in accordance with the ordinances and the approved construction plans, the applicant may make written application to the City Manager to reduce the amount of the original security. If the City Manager/City Engineer is satisfied that such portion of the improvements has been completed in accordance with city standards, he or she may, but is not required to, cause the amount of the security to be reduced by such amount that he or she deems appropriate, so that the remaining amount of the security adequately insures the completion of the remaining public improvements.

I. At the same time as acceptance by the city of all required public improvements, the applicant shall file a maintenance bond with the city for the full cost of the public improvement in a form approved by the city. The maintenance bond shall be security for the applicant's covenant to maintain the required public improvements and to warrant that the improvements are free from defects for two years thereafter. When the required security for maintenance and warranty is provided through the maintenance bond the city will release the entire amount of the developer's security.

13.3 Temporary Improvements

- A. The applicant shall build and pay for all costs of temporary improvements required by the city, and shall maintain those temporary improvements for the period specified by the city. Prior to construction of any temporary facility or improvement, the applicant shall file with the city a separate improvement agreement and escrow in an appropriate amount for temporary facilities, which agreement and escrow shall ensure that the temporary facilities will be properly constructed, maintained and removed.

- B. Any temporary public improvement (e.g., a temporary cul-de-sac, alley turnout, drainage swale, erosion control device, etc.) shall be placed within an easement established specifically for that purpose. The recording information of the instrument establishing the temporary easement shall be clearly shown on the final plat for the subdivision prior to approval of the final plat. A temporary easement for a required public improvement shall not be abandoned without the city engineer's approval and without written consent by the city.

13.4 Government Units

Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agents authorized to act in their behalf, agreeing to comply with the provisions of this section.

13.5 Failure to Complete Improvements

For plats for which no improvement agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the city, the plat approvals shall be deemed to have expired. In those cases where an improvement agreement has been executed and security has been posted, and the required public improvements have not been installed within the terms of the agreement, the city may:

- a. Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- b. Suspend final plat approval until the public improvements are completed, and may record a document to that effect for the purpose of public notice;
- c. Obtain funds under the security and complete the public improvements itself or through a third party;
- d. Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the property; or,
- e. Exercise any other rights or remedies available under the law.

13.6 Acceptance of Dedication Offers

Acceptance of formal offers for the dedication of streets, public areas, easements or parks shall be by authorization of the City Manager. The approval by the City Manager of construction plans shall not, in and of itself, be deemed to constitute or imply the acceptance by the city of any street, public area, easement or park shown on the plat. Acceptance of the Final Plat by the City Council shall be the means for final approval. The city may require the plat to be endorsed with appropriate notes to this effect.

13.7 Maintenance and Guarantee

The property owner shall maintain all required public improvements for a period of two years following acceptance of the subdivision by the city, and shall also provide a two-year maintenance bond (warranty) that all public improvements will be free from defects for a period of two years following such acceptance by the city.

13.8 Construction Procedures

- A. A site development permit is required from the city prior to beginning any site development related work in the city or its ETJ that affects erosion control, storm drainage, vegetation or tree removal, or a floodplain.
- B. Pre-construction conference.

The city shall require that all general and site development contractors (e.g., excavation, utilities, roadways) participating in the construction meet with the city for a pre-construction conference to discuss the project prior to any grading, filling, excavation, clearing or removal of vegetation and any trees that are larger than six-inch caliper; discussion shall also include the required construction traffic plan. All contractors shall be familiar with, and shall conform with, applicable provisions of the city's zoning ordinance as well as the city's building code.

C. Conditions prior to authorization.

Prior to authorizing release of a site development permit, the city engineer shall be satisfied that the following conditions have been met:

- a. The preliminary plat has been approved by the City (and any conditions of such approval have been satisfied);
- b. All required engineering documents are completed and approved by the city engineer;
- c. All necessary off-site easements and dedications required for city-maintained facilities and not shown on the plat must be conveyed solely to the city, such as by filing of a separate instrument, with the proper signatures affixed. The original of the documents and the appropriate fees for filing the documents at the county (per Waller County requirements and the city's submission guidelines, as may be amended from time to time) shall be returned to the City Secretary prior to approval and release of the construction plans by the city engineer;
- d. All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the city engineer, and at least one set of these plans shall remain on the job site at all times;
- e. A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the city;
- f. All applicable fees must be paid to the city; and,
- g. All required approvals and permits have been obtained from all local, state, and federal entities/agencies.

13.9 Nonpoint Source Pollution Controls and Tree Protection

All nonpoint source pollution controls, erosion controls, and tree protection measures and devices shall be in place, to the city engineer's satisfaction, prior to commencement of construction on any property.

13.10 Review and Acceptance of Public Improvements

A. General procedure.

Construction observation and daily on-site representation shall be supervised and provided by the developer's engineer at the developer's expense. Construction shall be in accordance with the approved construction plans and the ordinances of the Town of Pine Island (and other applicable codes and ordinances). Any change in design that is required during construction should be made by the licensed professional engineer whose seal and signature are shown on the plans. All revisions shall be reviewed and accepted by the city engineer. If the city engineer finds that any of the required public improvements — which include but are not limited to streets, drainage, water improvements, wastewater improvements, electrical, natural gas, and communication improvements — have not been constructed in accordance with the city's standards and ordinances, then the property owner shall be responsible for completing and correcting the deficiencies such that they are brought into conformance with the applicable standards.

B. Prior to final acceptance of the required public improvements the applicant shall ensure the provision/completion of the following:

- a. A signed statement from the design engineer that the public improvements have been constructed in conformance with the construction drawings, contract documents, and specifications.
- b. Shop drawing submittals of all materials, structures, etc., with approvals by the design engineer.
- c. Laboratory and field testing reports certified by a geotechnical firm or the testing laboratory(s) that are involved with the project.
- d. A certificate from the general contractor that all bills for materials, services, and subcontractors have been paid.
- e. Site visit/construction representation daily (or otherwise) reports signed by the design engineer or an acceptable representative as approved by the Town of Pine Island.
- f. A listing of the elevation of at least four permanent benchmarks located at the project site.
- g. A walk-through of the public improvements with Town of Pine Island officials, during which a complete final "punch list" of any additional/incomplete items will be developed. Once the punch list has been completed, there shall be a final walk-through with Town of Pine Island officials.
- h. Submission of final written approvals of the completed infrastructure improvements by county, state, and local entities.

13.11 Letter of Satisfactory Completion

- A. The city will not deem required public improvements satisfactorily completed until the applicant's engineer or surveyor has certified to the city engineer or the engineer's designee, through submission of detailed sealed "as-built", or record, drawings of the property which indicate all public improvements and their locations, dimensions, materials and other information required by the city engineer, and until all required public improvements have been completed. The "as-builts" shall also include a complete set of sealed record drawings of the paving, drainage, water, sanitary sewer and other public improvements, showing that the layout of the lines and grades of all public improvements are in accordance with construction plans for the plat, and showing all changes made in the plans during construction, and containing on each sheet an "as-built" stamp bearing the signature and seal of the licensed professional engineer and the date. One reproducible drawing of the utility plan sheets containing the as-built information shall also be submitted. The engineer or surveyor shall also furnish the city with a copy of the approved final plat and the construction plans, if prepared on a computer-aided design and drafting (CADD) system, in such a digital format that is compatible with the city engineer's CADD system. When such requirements have been met to the city engineer's satisfaction, the City Manager shall issue the letter of satisfactory completion.
- B. Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the city for use and maintenance. The city council may, at its option, accept dedication of a portion of the required public improvements if the remaining public improvements are not immediately required for health and safety reasons, and if the property owner has posted a performance bond or cash bond in the amount of 100 percent of the estimated cost of those remaining improvements for a length of time to be determined by the city engineer or the engineer's designee. If the remaining public improvements are greater than \$10,000.00 and are not completed within the determined length of time, the city will impose a penalty that equals ten percent of the performance bond or cash bond. The obligation to complete the improvements remains with the developer, and all future building permits or certificates of occupancy will be withheld until the improvements are complete. If the remaining public improvements are less than \$10,000.00, the developer shall pay the actual dollar amount. The length of time may be extended due to inclement weather or unforeseen delays by mutual agreement between the developer and the city.

- C. Upon acceptance of the required public improvements, the City Manager shall submit a certificate to the developer stating that all required public improvements have been satisfactorily completed.

13.12 Deferral of Required Improvements

- A. The City Manager may, upon application of the property owner and favorable recommendation of the city engineer, defer at the time of plat approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not required in the immediate interests of the public health, safety and general welfare.
- B. Whenever an application to defer the construction of any public improvements required under this chapter is granted by the City Manager, the property owner shall deposit in escrow his or her share of the costs (in accordance with city participation and oversizing policies) of the future public improvements with the city prior to approval of the plat, or the property owner may execute a separate improvement agreement secured by a cash escrow guaranteeing completion of the deferred public improvements upon demand of the city.

13.13 Building Permits and Certificates of Occupancy

- A. A building "foundation only" permit may be issued for a nonresidential or multifamily development provided that a preliminary plat has been approved by the City Council, and provided that the construction plans have been released by the City Engineer and City Manager. However, the building permit shall not be issued and building construction shall not be allowed to surpass the construction of fire protection improvements. In other words, the building shall not proceed above the slab level until all required fire lanes have been completed, and until all water lines serving fire hydrants have been completed, inspected and tested.
- B. The City Manager may release some residential building permits for not more than ten percent of the lots within a new residential subdivision, provided that a preliminary plat has been approved by the City Council and the construction plans have been approved by the City Engineer, and provided that all public improvements have been completed for that portion of the development including, but not limited to, those required for fire and emergency protection, such as streets providing at least two points of emergency access, alleys, water lines serving fire hydrants, and other similar, required public safety improvements. No lot may be sold nor title conveyed until the final plat has been approved by the City Council and recorded at Waller County.
- C. No certificate of occupancy shall be issued for a building or the use of property unless all subdivision improvements have been completed and a final plat has been approved by the City Council and recorded at the county. Notwithstanding the above, the City Manager may authorize the conditional or partial occupancy of a structure provided that an agreement providing cash escrow or other sufficient surety is approved by the City Council for the completion of all remaining public improvements, and provided that the structure is safely habitable in accordance with the city's building codes.

ARTICLE 14 | DEFINITIONS

Addition: See Subdivision.

Administrative Minor Plat: A plat, having three (3) lots or fewer and adjacent to an existing street, where all required infrastructure is present, may be approved by the City Manager.

Alley: A minor public right-of-way generally twenty (20) feet in width, having no official name and not intended to provide the primary means of access to abutting lots which is used primarily for public utilities and vehicular service access to the back or sides of properties otherwise abutting on a street. The alley shall extend only secondary access to the abutting property unless approved by site plan or existing zoning.

Applicant: A person or entity who submits to the Town of Pine Island an application for an approval required by this article. To be qualified as an applicant under this article, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this article. The term shall be restricted to include only the property owner(s), or a duly authorized agent and representative of the property owner. In other jurisdictions, the term is sometimes referred to as the "developer", "subdivider", "builder", or other similar title

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year, determination based upon Federal Emergency Management Agency (FEMA) guidelines and as shown in the current effective Flood Insurance Study.

Block: An identified tract or parcel of land established within a subdivision surrounded by a street or a combination of streets and other physical features and which may be further subdivided into individual lots or reserves.

Building: Any structure built for support, shelter or enclosure of persons, or personal or movable property of any kind.

Building Official: The position charged and designated by the Town Council with the responsibility for issuing building permits and enforcing the various building and other technical codes of the Town of Pine Island, Texas.

Building Permit: An official certificate issued by the Town through the City Manager that indicates that the structure has been approved, the plat has been recorded and that construction may begin.

Building Setback Line: The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street line or property line.

Certificate of Occupancy: An official certificate issued by the Town through the City Manager which indicates conformance with Town standards, regulations and conditions of zoning variances, if applicable, and that authorizes legal use of the premises.

City: See "Town"

City Attorney: City Attorney shall apply only to such licensed attorney or law firm that has been specifically designated as such by resolution of the Town Council or the person so retained in this position by the Town or their duly authorized representative.

City Council: See "Town Council"

City Engineer: Town Engineer shall apply only to such licensed professional engineer or firm of licensed professional engineers that has been specifically designated as such by resolution of the Town Council or the person so retained in this position by the Town or their duly authorized representative.

City Manager: the person in charge of day-to-day operations of the Town, and who also exercises the powers and duties set forth herein and pursuant to applicable state law

City Secretary: the person in charge of the official records and files for the Town, and who also exercises the powers and duties set forth herein and pursuant to applicable state law

Comprehensive Plan: The general plan for growth and development of the city and its environs, including any and all applicable elements of such plan, such as a land use plan, transportation plan, utilities plan, drainage plan, infrastructure master plan, parks plan, and others.

Concept plan. A drawing of the overall conceptual layout of a proposed development, superimposed upon a topographic map which generally shows the anticipated plan of development, and which serves as a working base for noting and incorporating suggestions of the city's administrative officers, the Technical Review Committee, the P&Z, the city council, and others who are consulted prior to preparation of the preliminary plat. In other jurisdictions, the term is sometimes referred to as a "preliminary site plan" or a "land study".

Construction Plans: A set of drawings and/or specifications, including paving, water, wastewater, drainage or other required plans, submitted to the Town for review in conjunction with a subdivision or a development.

County: Waller County, Texas.

Cul-de-sac: A street having but one outlet to another street and terminated on the opposite end by a vehicular turnaround.

Design Standards: The design criteria and construction standards provided in this Ordinance attached as "Exhibit A".

Developer: Any person, corporation, other entity or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "developer" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner of land to be divided.

Development: The construction, reconstruction, conversion, structural alteration, relocation, renovation, or enlargement of any structure on land. The term also includes any mining, excavation, landfill, or land disturbance.

Easement: An area for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance or operation of its respective systems on any of these easements. Any public utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing,

inspecting, operating, patrolling, repairing, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

Engineer: A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans and specifications for subdivision development.

Extraterritorial Jurisdiction (ETJ): The unincorporated area of the Town that is contiguous to the corporate boundaries of a municipality, more specifically described in Section 42.021 of the Texas Local Government Code, as may exist or be amended in the future.

Facilities agreement: A contract entered into by the city and a developer or subdivider of property, where the developer is constructing oversized public improvements designed to serve the owner of the adjacent property whose owner will be required to make pro rata reimbursements.

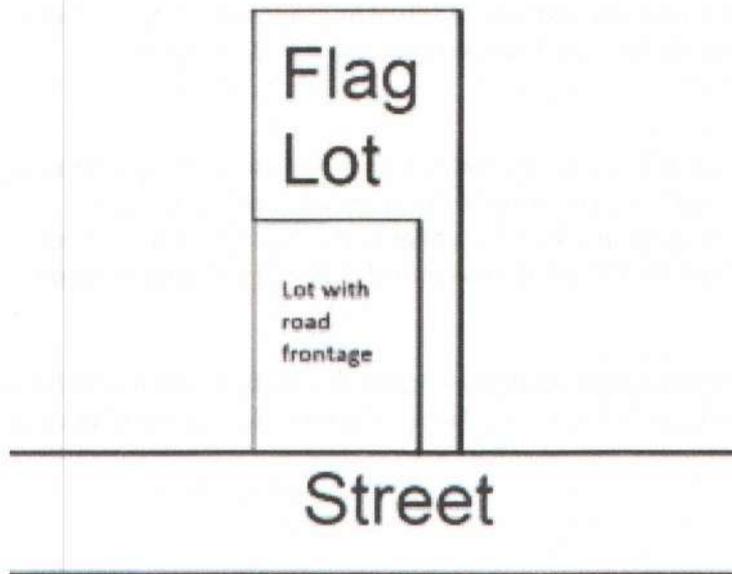
Fee Schedule: The officially adopted Fee Schedule, as may be amended from time to time by the Town Council.

Final Acceptance: Acceptance by the Town of Pine Island of all infrastructure improvements constructed by the Developer in conjunction with the development of land.

Final Plat: (Also known as Record or Filing Plat) The one official plat and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Surveyor or Engineer with the subdivision location referenced to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references.

Angular measurements and bearings shall be accurate to the nearest minute. Distances shall be accurate to the nearest tenth of a foot. The Final Plat of any lot, tract or parcel of land, if approved by the Town Council, shall be recorded in the Official Records of Waller County, Texas.

Flag Lot: A flag lot is a subdivision parcel characterized by a long, narrow access strip (the "flag pole") connecting the main part of the lot (the "flag") to the street.



Flood Plain: The area subject to be inundated by water from the base flood.

Floodway: A drainage area designated on a plat to accommodate the design flood for existing creeks and open drainage ways.

Infrastructure: All streets, alleys, storm drainage, water and wastewater facilities, utilities, lighting, transportation and other facilities as required by the Town of Pine Island.

Lot: An undivided tract or parcel of land under one ownership having frontage on or access to a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement which is designated as a distinct and separate tract and which is identified by a tract or lot number or symbol in a duly approved subdivision final plat which has been properly filed of record.

Off-site: Located outside the boundary of a subdivision.

On-site: Located within the boundary of a subdivision.

O.S.S.F: On-site sewage facility

Open space: Within parkland, open space is parkland that is to be kept essentially unimproved and dedicated for the public or private use. The primary functions of this type of parkland are the protection of hill country scenic vistas, protection of quiet rural lifestyle, and conservation of native wildlife. Open space may feature, but is not limited to, minimal improvements such as walking trails, picnic sites, and/or benches. Open space may include, but is not necessarily required to include, land restricted by conservation easements.

Park fund: The fund in which fee-in-lieu and other park funds are deposited and which can only be used for the development, maintenance, or acquisition of parks, trails, and related facilities.

Pavement Width: The portion of a street available for vehicular traffic is the portion between the edges of the pavement.

Plat: A map of a subdivision showing the location and boundaries of actual or proposed tracts and/or lots as well as other information including streets and alleys, contours, easements, survey, distance information and other required items.

Preliminary Plat: The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scaled drawing of the proposed land division on a topographic map and showing in the plan existing and proposed drainage features and facilities, street layout and other pertinent features with notations sufficient to substantially identify the general scope and detail of proposed subdivision.

Replat: A map or drawing of all or a portion of an existing subdivision, prepared in accordance with the provisions of this article, where the purpose is to alter the original layout of streets, lots, or other features of the development.

Resubdivision: See Subdivision.

Right-of-Way: That portion of the subdivision dedicated for public streets or public right-of-way purposes with the adjacent lot lines being the boundaries of the right-of-way.

Street, private: A privately owned and maintained street or right-of-way, which provides vehicular access to adjacent land. Private streets are not allowed.

Street, public: A public right-of-way, however designated, which provides vehicular traffic access to adjacent lands.

Subdivision: (Includes Resubdivision and Additions) A subdivision is the division of a tract of land within the Town of Pine Island, Texas into two or more parts (by lots, by metes and bounds or by any other method of subdivision or conveyance) for the purpose of thereby creating separate lots for ownership, usage or building purposes; for laying out any suburban lots or building lots, or any lots, streets, alleys or parks; or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent to the streets, alleys and parks. The term does not include a division of land into parts greater than five (5) acres, where each part has access to an existing or proposed street by frontage on such street, and no public improvement is being dedicated. The term includes any other subdivision or resubdivision of land contemplated by the provisions of Chapter 212 of the Texas Local Government Code.

Surveyor: A Registered Professional Land Surveyor as authorized by applicable Texas law to practice the profession of surveying.

Title Certificate: A certificate prepared and executed by a title company authorized to do business within the state, or an attorney licensed with the state, describing all encumbrances of record that affect the property, together with all recorded deeds. Such certificate shall include a description of all property included within the platted area, and such certificate shall not have been executed more than 30 days prior to submission of same to the mayor or his designee.

Town: The Town of Pine Island, Texas, an incorporated municipality in Waller County, Texas, together with all its governing and operating bodies. Unless otherwise states, the term includes both the city limits and the extra-territorial jurisdiction (ETJ). See also, "City"

Town Council: The duly elected governing body of the Town of Pine Island, Texas.

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Appendix A – DESIGN AND CONSTRUCTION STANDARDS

1. DESIGN STANDARDS

A. All streets, utilities, and drainage improvements constructed in the city shall, at a minimum, be constructed to the same standards and specifications set forth in the most recent Waller County Subdivision Regulations adopted by Waller County, Texas. Where such design standards or this ordinance are silent, the design and construction standards of the county shall apply. Where there is a conflict between any two such standards, the more stringent requirement shall apply.

B. Compliance with standards.

No plat shall be approved and no permit shall be issued for the construction of any improvement intended for public use, or for the use of purchasers or owners of lots fronting or adjacent to such improvement, and no improvement intended for public use shall be accepted by the town, unless any such improvements shall comply with the town's design standards.

C. Compliance with Other Regulations

All improvements required by this ordinance shall conform to the town's comprehensive plan, this ordinance, and any other ordinance or regulation of the town applicable thereto. All improvements shall further conform to all regulations established by any other governmental entity having jurisdiction over development of land within the county.

2. STREET DESIGN STANDARDS

A. Adopted Plans

The arrangement, character, extent, width, grade and location of all streets shall conform to the Town of Pine Island's Comprehensive Plan and ordinances, and shall be considered in their relation to existing and planned streets or driveways (whether within the Town of Pine Island, within its ETJ area, or within adjacent municipal or county areas), to topographical conditions, to public safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Reserve or residual strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or which will not be taxable or accessible for improvements shall not be permitted in any subdivision unless such are required by the city in the public interest (such as to enhance public safety or other public interest). All streets shall be constructed in accordance with this section and with the city's ordinances.

B. Requirements

Proposed streets shall provide a safe, convenient and functional system for vehicular and pedestrian circulation, shall be properly related to the transportation plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. All streets shall be open and unobstructed at all times. The layout of the street network shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction, thereby helping to reduce stormwater runoff and preserve natural, scenic characteristics of the land.

C. Adequacy of Streets and Thoroughfares

1. Responsibility for adequacy.

The property owner shall assure that the subdivision is served by adequate streets and thoroughfares and shall be responsible for the costs of rights-of-way and street improvements, in accordance with the following policies and standards, and subject to the city's cost participation policies on oversized facilities, and in accordance with the technical standards and transportation plan.

2. General adequacy policy.

Every subdivision shall be served by improved streets and thoroughfares adequate to accommodate the vehicular traffic to be generated by the development. Proposed streets shall provide a safe, convenient and functional system for traffic circulation; shall be properly related to the city's transportation plan, road classification system, comprehensive plan and any amendments thereto; and shall be appropriate for the particular traffic characteristics of each development.

3. Road network.

Pursuant to chapter 212 of the Texas Local Government Code and chapter 311 of the Texas Transportation Code, the city has the authority to regulate the road network within the city and extraterritorial jurisdiction. New subdivisions shall be supported by a road network having adequate capacity, ingress/egress, and safe and efficient traffic circulation. The adequacy of the road network for developments of 200 or more dwelling units or for developments generating 2,000 or more "one-way" trips per day, shall be demonstrated by preparation and submission, prior to the preliminary plat application, of a traffic impact analysis prepared, which takes into consideration the need to accommodate traffic generated by the development, land to be developed in common ownership and other developed property. In the event that the property to be developed is intended as a phase in a larger development project or constitutes a portion of the land to be ultimately developed, the City Council may require a demonstration of adequacy pursuant to this section for additional phases or portions of the property as a condition of approval for the proposed preliminary plat. In the event that the applicant submits a traffic impact analysis for an entire phased development project, the city may require an update of the study for each subsequent phase of the development which reflects any applicable changed conditions. If the preliminary plat is in conformance with the transportation plan and if the preliminary plat is for a development that will generate fewer than one hundred (100) peak-hour trips, then a traffic impact analysis is not required.

4. One-foot Reserves

In those instances where a public street is dedicated by a plat submitted to the town and such public street forms a stub street onto adjacent unplatted acreage, or where such street lies along and parallel with a subdivision boundary and is adjacent to unplatted acreage, a one-foot wide reserve shall be established within the street right-of-way at its dead-end terminus, or along the right-of-way adjacent to such unplatted acreage, to form a buffer strip, dedicated to the public, between the public street right-of-way and the adjacent unplatted acreage, to prevent access to such public street from the adjacent unsubdivided acreage, unless and until the town has reviewed the development proposals for such adjacent acreage, and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot reserve on a plat are contained in the following notation that shall be placed upon the face of any plat where a one-foot reserve is to be established:

"One-foot reserve dedicated to the town in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided pursuant to a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes."

5. Approach roads and access.

All subdivisions with 50 or more lots or units must have at least two points of vehicular access and must be connected via improved roadways to the improved thoroughfare and street system (city, county and state, as may be applicable) by one or more approach roads of such dimensions and improved to such standards as are hereinafter set forth. Requirements for dedication of right-of-way and improvement of approach roads may be increased depending upon the size or density of the proposed development, or if such need is demonstrated by traffic impact analysis. This requirement

shall be waived by the city upon demonstration by the applicant that the required access points are prohibited by TxDOT.

- a. "Two points of vehicular access" shall be construed to mean that the subdivision has at least two improved roads accessing the subdivision from the improved thoroughfare system, and the subdivision has at least two road entrances. The City Council may, at its discretion and upon a finding that such will not compromise public safety or impede emergency access, accept a single median-divided entrance from the city's improved thoroughfare system provided that the median extends into the subdivision for an unbroken length of at least 200 feet to an intersecting internal street which provides at least two routes to the interior of the subdivision. For example, the entrance street is not a dead-end or cul-de-sac, and it does not create a "bottleneck" allowing only one emergency route into the interior of the subdivision.
- b. The subdivision shall be designed to provide adequate emergency access for public safety vehicles. Each residential lot in the subdivision shall have a minimum frontage on a dedicated public street as required by applicable zoning or 70 feet, whichever is greater, unless other provisions have been authorized through planned development district approval. Each nonresidential lot shall have a minimum frontage on a dedicated public street as required by applicable zoning or 70 feet, whichever is greater, unless other provisions have been authorized through planned development approval.
- c. At the discretion of the city engineer, the second access point may take the form of an unimproved dedicated public right-of-way without requiring improvement. The city engineer may waive the requirement for a second access point if justified by the presence of a multiple-lane entrance and exit, the width of the single access point, and any geographical or topographical considerations.

6. Off-site Improvements

Where a traffic impact analysis (TIA) demonstrates the need for such facilities, or where the city believes public safety is at risk, the property owner shall make such improvements to off-site collector and arterial streets and intersections as are necessary to mitigate traffic impacts generated by the development or in conjunction with related developments. The city may participate in the costs of oversize improvements with the property owner as set out herein, and subject to the city's cost participation policies on oversized improvements. The extent of the public exaction for off-site improvements, and the city's level of participation in cost-sharing, may be established through an agreement.

D. Street Dedications

1. Dedication of right-of-way.

The property owner shall provide all rights-of-way required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads, as shown in the transportation plan and as required by the ordinances or by other valid development plans approved by City Council. In the case of perimeter streets, half of the total required right-of-way width, as measured from the centerline, for such streets shall be provided unless the proposed development is on both sides of the street, in which case the full right-of-way width shall be provided, or unless there is some other compelling reason to require more than half of the right-of-way width (such as avoiding the infringement upon or demolition of existing structures, avoiding crossing a creek or floodplain or some other obstacle, or other similar circumstance). In some instances, more than half of the required width shall be required when a half-street is impractical or unsafe and depending upon the actual or proposed alignment of the street, such as in the case of a curved street, as may be required by the planning and zoning director or other approval authority.

2. Perimeter streets.

Where an existing half-street is adjacent to a new subdivision or addition, the other half of the street shall be dedicated, and an appropriate amount of the street shall be improved, by the developer of the new subdivision or addition.

E. Street Construction

All streets and thoroughfares shall be paved to city standards and within rights-of-way as required by the transportation plan and this chapter, and in accordance with the ordinances and other city standards as may be from time to time amended or adopted. The City Manager may approve alternate paving designs for residential subdivisions in accordance with the ordinances.

F. Intersections and Devices

Intersection improvements and traffic-control devices shall be installed as warranted in accordance with the traffic impact analysis required by this ordinance, or as may be required by the city for traffic safety and efficiency. Construction and design standards shall be in accordance with city standards and the ordinances.

G. Phased Development

Where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the preliminary plat, shall provide a proposed schedule of development. The schedule shall set forth the intended plan of development and dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision. The City Manager /City Engineer shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the entire project or such phases as the City Manager/City Engineer determines to be necessary to adjudge whether the subdivision will be adequately served by streets and thoroughfares.

a. Private Streets

Private Streets are not allowed.

b. Traffic Impact Analysis

Any proposed development project or plat involving a significant change to a proposed roadway alignment from that shown in the Town of Pine Island Comprehensive Plan or other adopted plan (or generating more than 100 peak-hour trips shall be preceded by submission, city staff and P&Z review, and City Council approval of a traffic impact analysis. Such a proposed roadway alignment change shall also be preceded by (or simultaneous with) an amendment to the city's comprehensive plan and/or transportation plan showing the new proposed alignment. Failure to provide for such approvals prior to submission of a preliminary plat shall be grounds for denial of the plat submission as incomplete. The Traffic Impact Analysis will be conducted by the city. The applicant will reimburse the city for all expenses related to developing and analyzing the Traffic Impact Analysis.

A. Required analysis components. A traffic impact analysis shall include the following elements:

- a. General site description. The traffic impact analysis shall include a detailed description of the roadway network within one mile of the site, a description of the proposed land uses, the anticipated states of construction, and the anticipated completion date of the proposed land development shall be provided. This description, which may be in the form of a map, shall include the following items: (1) all major intersections; (2) all proposed and existing ingress and egress locations; (3) all existing roadway widths and rights-of-way; (4) all existing traffic signals and traffic-control devices; and (5) all existing and proposed public transportation services and facilities within a one mile radius of the site.

- b. Proposed capital improvements. The traffic impact analysis shall identify any changes to the roadway network within one mile of the site that are proposed by any government agency or other developer. This description shall include the above items as well as any proposed construction project that would alter the width or alignment of roadways affected by the proposed development.

B. Roadway impact analysis:

a. Transportation Impacts:

- i. Trip generation. The average weekday trip generation rates (trip ends), the average weekend trip generation rates (for uses other than residential or institutional), the highest average a.m. and p.m. hourly weekday trip generation rates, and the highest hourly weekend generation rates (for uses other than residential or institutional) for the proposed use shall be determined based upon the trip generation rates contained in the most recent edition of the Institute of Transportation Engineers' Trip Generation book; or shall be based upon data generated by actual field surveys of area uses compatible to the proposed use and approved by the City Manager and the City Engineer.
- ii. Trip distribution. The distribution of trips to arterial and collector roadways within the study area (general site description) above shall be in conformity with accepted traffic engineering principles, taking into consideration the land use categories of the proposed development; the area from which the proposed development will attract traffic; competing developments (if applicable); the size of the proposed development; development phasing; surrounding existing and anticipated land uses, population and employment; existing and projected daily traffic volumes; and existing traffic conditions identified.

- b. Adequacy determination. The roadway network included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing roadways identified as arterials and collectors can accommodate the existing service volume, and the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at a level of service "C" or above (refer to the city's transportation plan for discussion of levels of service).

C. Intersection analysis:

- a. Level of service analysis. For intersections within the roadway traffic impact analysis area (general site description), a level of service analysis shall be performed for all arterial to arterial, arterial to collector, collector to arterial, and collector to collector intersections, and for any other pertinent intersections identified by the City Manager or by the City Engineer. Also, level of service analyses will be required on all proposed site driveway locations for all nonresidential developments. The city may waive analysis of minor intersections and site driveway locations within the one-mile radius. The level of service analysis shall be based upon the highest hourly average a.m. or p.m. peak weekday volume or highest average hourly peak weekend volume as determined from a two-day survey of weekday volumes and, where necessary, a one-day survey of weekend volumes. The level of service analysis shall take into consideration the lane geometry, traffic volume, percentage of right-hand turns, percentage of left-hand turns, percentage (and typical size) of trucks, intersection width, number of lanes, signal timing and progression, roadway grades, pedestrian and bicycle flows, school routes, number of accidents, and peak hour factor.
- b. Adequacy analysis. The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the proposed development,

and the service volume of approved but unbuilt developments holding valid, unexpired building permits at level of service "C" or above.

D. Effect of adequacy determination.

If the adequacy determination for roadways and intersections indicates that the proposed development would cause a reduction in the level of service for any roadway or intersection within the study area that would cause the roadway to fall below the level of service required hereto, the proposed development shall be denied unless the developer agrees to one of the following conditions:

- a. The deferral of building permits until the improvements necessary to upgrade the substandard facilities are constructed;
- b. A reduction in the density or intensity of development;
- c. The dedication or construction of facilities needed to achieve the level of service required herein; or
- d. Any combination of techniques identified herein that would ensure that development will not occur unless the levels of service for all roadways and intersections within the traffic impact analysis study are adequate to accommodate the impacts of such development.

c. Streets not included in adopted plans

For streets that are not shown on or included in plans adopted by the Town, such as local residential streets, the arrangement of such streets within a subdivision shall:

- a. Provide for the continuation or appropriate projection of existing streets from or into surrounding areas;
- b. Conform to a plan for the neighborhood approved or adopted by the city council to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
- c. Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use; and,
- d. Not conflict in any way with existing or proposed driveway openings (including those on the other side of an existing or planned median-divided arterial, in which case new streets shall align with such driveway openings such that median openings can be shared).

d. Reserve strips

Reserve strips controlling access to streets shall be prohibited except where their control is required by the city and approved by the City Manager and City Engineer.

e. Intersecting streets

Intersecting, undivided streets with centerline offsets of less than 150 feet shall be avoided. Intersecting streets onto an existing or future divided roadway must be configured such that the centerline offset will accommodate the appropriate median opening and left turn lanes (with required transition and stacking distances) on each divided roadway, and shall be aligned with any existing or proposed streets or driveways on the opposite side of the divided roadway (in order to share the median opening).

f. Intersections with major highways

A street intersection with a major thoroughfare shall be at a 90-degree angle and shall be tangent to the intersecting street for at least 100 feet. All other street intersections shall be laid out so as to intersect as nearly as possible at a 90-degree angle or radial to the centerline of the intersecting street for the full right-of-way of the intersecting street, and tangent to the intersecting street for at least 50 feet. No street shall intersect at an angle that is less than 85 degrees.

g. Rights-of-way

The width of the right-of-way to be dedicated for any street shall be at least 60 feet. In those instances where a subdivision plat is located adjacent to an existing public street

h. Half-streets

Construction of half-streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of this chapter and the transportation plan, and where the city council makes a determination that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision in question. The city council may also find that it would be more practical, or cost effective, to delay construction of the other half of a street until when the adjoining property is developed.

i. Owner's Responsibility

If the property owner is responsible for one-half of the street, then the property owner shall either construct the facility along with the development or shall provide escrow for the construction cost of his or her share of the facility (including all applicable street appurtenances such as median openings, left turn lanes into the development, sidewalks with barrier-free ramps, drainage structures, etc.) unless the city participates in the construction of the facility. Whenever a partial street has been previously platted along a common property line, the other portion of the street right-of-way shall be dedicated such that the right-of-way is increased to the street's ultimate planned width. Improvements shall be made to all on-site facilities.

j. Maximum Block Length

The following applies to subdivision block or street segment design (including a looped street) as measured along the street centerline and between the point(s) of intersection with other through streets, but does not include blocks with cul-de-sacs or dead-ends:

- a. Urban subdivisions. Residential blocks in an urban subdivision shall not exceed 1,200 feet between the centerlines of street intersections; however, if blocks are parallel to and adjacent to an arterial road as defined by the county, such blocks shall not exceed 1,600 feet between the centerlines of street intersections. Commercial and industrial blocks in areas zoned for each shall not exceed 2,000 feet between the centerlines of street intersections.
- b. Rural and suburban subdivisions. Residential and suburban subdivision blocks shall not exceed 2,000 feet between the centerlines of street intersections.
- c. Minimum block length is 400 feet.

k. Cul-de-sac

In general, a cul-de-sac street shall not be longer than 2,000 feet, and at the closed end shall have a turnaround bulb with an outside pavement diameter of at least 80 feet and a right-of-way diameter of at least 110. The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of the cul-de-sac bulb. Cul-de-sacs may be up to 3,000 feet in length if each lot accessing the cul-de-sac has at least 200 feet of street frontage.

- a. The P&Z may approve, waivers for overlength streets or cul-de-sacs, whether temporary or permanent, upon considering the following:
 1. Alternative designs which would reduce street or cul-de-sac length;
 2. The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in traveling to and from their homes; and,
 3. Means of mitigation, including but not limited to additional mid-block street connections, limitation on the number of lots to be served along an overlength street

segment or cul-de-sac, temporary (or permanent) points of emergency access, and additional fire protection measures.

l. Dead end streets

Except in unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets on adjacent land. In the case of dead-end streets which will eventually be extended into the adjacent subdivision, no more than one lot or unit (per side) can front onto the dead-end street stub unless a temporary turnaround bulb (with the appropriate temporary street easement) is provided at the end. A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed like a cul-de-sac (the city engineer may authorize the use of asphalt or other durable paving material than concrete for the arc, or "wing", portions of the temporary turnaround bulb in order to minimize the cost of removing those portions later on). A note shall be placed on the final plat clearly labeling any temporary dead-end streets (if any) that will at some point be extended into the adjacent property, and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Signage and lettering must be large enough to be legible by a person with normal vision at a 20-foot distance. Any required temporary turnaround easements shall be shown on the final plat along with their appropriate recording information, if they are off-site or established by separate instrument.

m. Extension of existing streets

New streets which extend existing streets shall bear the names of the existing streets, and shall be dedicated at equal or greater right-of-way widths than the existing streets for an appropriate transition length, if applicable.

n. Construction of new streets

All new streets dedicated within a subdivision shall be constructed in accordance with paving widths and specifications as set forth in the ordinances of the Town of Pine Island at the time at which the preliminary plat application is officially submitted and deemed a complete application.

3. ALLEYS AND EASEMENTS

3.1. Alleys

- A. Service alleys in nonresidential districts, if provided or constructed by the developer, shall be a minimum right-of-way width of 30 feet and a pavement width of 24 feet.
- B. Residential alleys shall be permitted in single-family subdivisions within the city and its ETJ under the following standards:
 - a. In residential districts, alleys shall be parallel, or approximately parallel, to the frontage of the street;
 - b. Alleys in residential districts shall provide a minimum of 20 feet of right-of-way and 12 feet of pavement.
- C. General Alley Design Standards
 - a. Alleys shall be paved in accordance with the Town of Pine Island adopted technical specifications and construction standards that are in effect at the time the preliminary plat application is officially submitted and deemed a complete application.
 - b. Where the deflection of alley alignment occurs, the design of the paving and property line shall be as established by the technical specifications and constructions standards.
 - c. Dead-end or "hammerhead" alleys shall not be allowed. Alleys must have adequate turnouts and street entrances such that vehicular traffic flow is continuous and efficient. Where a temporary dead-end alley situation is unavoidable, a temporary turnaround bulb or turnout onto a street, either of which will need a temporary easement for street or alley purposes, shall be provided as determined by the city engineer.
 - d. Alleys may not exceed a maximum length of 1,600 feet, as measured along the centerline of the alley and between intersections with other alleys or entrances onto streets (at the right-of-way line of the street at the alley entrance). The City Manager may recommend, and the planning and zoning commission may approve, variances for overlength alleys upon consideration of the following:
 - i. Alternative designs which would reduce alley length;
 - ii. The effect of overlength alleys upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in accessing rear driveways and in driving around to the front of their homes; and,
 - iii. Means of mitigation, including but not limited to additional mid-block alley turnouts, limitation on the number of lots to be served along a single alley segment, temporary points of access, and additional fire protection measures.
 - e. Alley intersections shall be perpendicular and at a 90-degree angle or radial to the intersecting alley centerline for the full alley right-of-way width, and intersection pavement shall be of sufficient width and inside radius to accommodate waste collection and emergency vehicles. Intersections shall be three-way wherever possible and four-way intersections shall be avoided. No alley intersection serving more than four directions shall be allowed

3.2. Easements

- A. The minimum width for city utility easements shall be 20 feet or as otherwise required by the city engineer. The width of easements for other utility providers, such as for gas, electric, telephone or cable television, shall be as required by that particular entity. It shall be the applicant's responsibility to determine appropriate easement widths required by other utility companies.
- B. Where a subdivision is traversed by a watercourse, drainageway or channel, there shall be provided a storm drainage easement conforming substantially with the floodplain of such course and of such

4. BLOCKS

A. Length, width, and shape

The length, width and shapes of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
2. Zoning requirements as to lot or unit sizes, setbacks and dimensions (if within the city's limits); and,
3. Needs for convenient access, circulation, control and safety of street traffic and for pedestrians or bicyclists traveling to a public park or school site or other facility within or close to the neighborhood.

B. Intersecting Streets

Intersecting streets, which determine the lengths and widths of blocks, shall be provided at such intervals as to serve cross-traffic adequately, to provide adequate fire protection, and to conform to customary subdivision practices. Where no existing subdivision or topographical constraints control, the block lengths shall not exceed 1,200 feet in length. Where no existing subdivision or topographical constraints control, the blocks shall not be less than 400 feet in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased (through issuance of a waiver by the planning director with plat approval) to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

5. LOTS

A. Requirements

Lots or units shall conform to the minimum requirements of the established zoning district, if located within the city's city limits.

B. Frontage

Each lot or unit on a subdivision plat shall front onto a dedicated, improved public street unless platted as an approved private street subdivision in accordance with this chapter. Lot width and access shall conform with the provisions of the Town of Pine Island Zoning Ordinance (if within the city's limits), comprehensive plan, and any other applicable city code or ordinance. Commercial properties shall utilize joint use access easements to limit curb cuts along streets and provide cross access easements for adjacent commercial properties.

In all cases, lots or units shall have a minimum of 100 feet along a dedicated, improved street.

For subdivisions developed under the city's conservation development option, minimum lot or unit frontages shall be 70 linear feet if served by private, on-site sewage disposal systems, and 50 linear feet if served by a public or private centralized sewer system.

C. Irregular-shaped lots

Irregular-shaped lots or units shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate zoning district (if within the city's limits) and shall provide a reasonable building pad without encroachment into front, side or rear yard setbacks or into any type of easement. Also, the rear width shall be sufficient to provide access for all necessary utilities, including access for driveways and solid waste collection when alleys are present (minimum 20-foot alley frontage). Flag lots are prohibited. In general, triangular, severely elongated or tapered lots or units shall be avoided, and the city reserves the right to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended, which is an obvious attempt to circumvent the purpose and intent of lot or unit configuration or lot or unit width minimums, or which is so oddly shaped as to create a hindrance to the logical lot or unit layout of surrounding properties.

D. Side lots or units

Side lot lines or unit boundaries shall be at 90-degree angles or radial to street right-of-way lines to the greatest extent possible. The city reserves the right to disapprove any lot or unit which, in its sole opinion, is shaped or oriented in such a fashion as to be unsuitable or undesirable for the purpose intended, or which is not attractively or appropriately oriented toward its street frontage.

E. Double frontage

Double frontage lots or units shall be avoided, except where they may be essential to provide separation of residential development from higher volume roadways or to overcome a specific disadvantage or hardship imposed by topography or other factors. Where lots or units have double frontage, building setback lines shall be established for each street side, and rear yard screening shall be provided.

F. Minimum Lot Sizes or Unit

The minimum lot size or unit in the city limits or ETJ shall be one and one half acres (1.5 ac).

6. BUILDING LINES

A. Minimum Building Setback Lines

Front, rear, side and street side building lines shall be consistent with the zoning ordinance requirements for the district in which the development is located (if subject to the city's zoning regulations) and with any other applicable city ordinance, respectively. Any city limit plats shall identify all setbacks via a plat note that states "setbacks shall comply to the zoning regulations at the time of permitting." For property that is not subject to the city's zoning regulations, such as property that lies within the city's ETJ, the minimum front and rear building lines (for residential and nonresidential lots) shall be one hundred feet (100') and the minimum side building lines (for residential and nonresidential lots) shall be thirty feet (30').

B. Encroachments

No person shall construct an auxiliary structure or building, porch, roof, or swimming pool encroaching into the building setback lines. It shall be an offense for any part or appurtenance of auxiliary structure or building, porch, or swimming pool to encroach into the building setback lines, unless authorized by the city's zoning or building codes.

7. UTILITY SERVICES

A. Definitions

For purposes of this section, the following meanings shall apply:

- a. Utility services: The facilities of any person, firm or corporation providing electric, natural gas, telephone, cable television, or any other such item or service for public use approved but not provided by the Town of Pine Island.
- b. Feeder or feeder/lateral line: High voltage supply electric lines carrying more than 69,000 volts that emanate from substations used to distribute power through an area to an unspecified number of customers.
- c. Lateral lines: Those electric or telephone lines used to distribute power from a feeder line to a single subdivision. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.
- d. Service lines: Those electric lines used to connect between the utilities' supply system or lateral lines and the end user's meter box.

B. Provision for Utility Services

All major subdivision plats and construction plans submitted to the Town of Pine Island for approval of land that will be residential in use shall provide for utility services such as electrical, gas, telephone and cable television utility lines, including lateral or service distribution lines, and wires to be placed

underground. Feeder and other major transmission lines may remain overhead within the appropriate easements. However, an applicant shall endeavor and, whenever practical, the city shall require that feeder lines are placed away from major or minor thoroughfares or arterials, as shown on the transportation plan. Whenever practical, feeder lines which are to be placed overhead shall not be placed along both sides of the street right-of-way. Verification of acceptance of easement locations and widths by the public utilities shall be provided to the city, by the applicant, prior to final plat approval by the City Council, and all easements shall be reviewed by the utility companies and by the city engineer (for those to the city) prior to granting final approval for any residential subdivision affected by this section. The applicant shall also, prior to final plat approval, provide a letter of commitment from each utility provider, such as those providing electricity, gas, telephone and cable television, who will serve the development that said utility providers will ensure the provision of necessary infrastructure and service to all portions of the proposed development within 12 months following final plat approval. Failure to submit such letters of commitment from utility providers shall constitute grounds for denial of the final plat application on the basis that there is no written assurance that the development can be served by essential utility services.

C. Utility Company Criteria

Each of the utility companies shall be responsible for developing administrative policies, criteria for easement size, and cost reimbursement procedures for the installation and extension of their underground utilities. Nothing herein shall prohibit or restrict any utility company from recovering the difference in cost of overhead facilities and underground utilities from the property owner in accordance with the provisions of such utility's approved tariff. No utility company shall be required or permitted to begin construction of underground facilities unless and until the property owner or developer of the subdivision has made arrangements satisfactory to the specific utility company for the payment of such difference between the cost of overhead facilities and underground facilities.

D. Temporary Construction Service

Temporary construction service may be provided by overhead electric lines and facilities without obtaining a waiver or special exception, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines and facilities are promptly removed.

D. Underground

Nothing in this section shall be construed to require any existing facilities in place prior to the effective date of this chapter to be placed underground.

E. Meters

The metering for utilities such as water, gas and electricity shall be located on the individual lots or units to be served, not grouped together in a centralized location(s), such as "gang-box" style metering stations, which shall not be permitted.

F. Easements

The locations, widths and configurations of easements for any utility service provider other than the Town of Pine Island shall be determined, approved and acquired (if necessary) by the applicable utility service provider.

8. WATER FACILITY DESIGN

8.1. Water Supply

A. Public water supply for all new subdivisions shall be connected with the appropriate publicly certified water when available, reasonable and practical, and shall be capable of providing water for health and emergency purposes.

- B. Individual wells may be used in accordance with the rules of Waller County and the Bluebonnet Groundwater Conservation District.
- C. Alternative sources of water, such as rainwater collection systems, are highly encouraged.
- D. **Minimum standards.**
Water system with mains of sufficient size and having a sufficient number of outlets to furnish adequate and safe domestic water supply and to furnish fire protection to all lots or units shall be provided. Water lines shall extend to the property line in order to allow future connections into adjacent undeveloped property, and a box for the water meter(s) for each lot or unit shall be installed either in the right-of-way or immediately adjacent to the right-of-way in a water meter easement.
- E. An alternative source of water may be used subject to city approval and provided that all appropriate permits are procured from the city, the U.S. Army Corps of Engineers, the TCEQ, BRA, USFWS, the Bluebonnet Groundwater Conservation District, and any other applicable agency(s). The design and construction of water system improvements and alternative water sources shall comply with the following standards:
 - a. Design and construction of a water source on the site shall be in accordance with applicable regulations of the USFWS, TCEQ, Waller County, the Bluebonnet Groundwater Conservation District, and the Brazos River Authority (BRA) standards, whichever is the most stringent requirement.
 - b. Design and construction of water service shall be in accordance with the standards in the city's ordinances, and in accordance with TCEQ, Waller County, the Waller-Trinity Groundwater Conservation District, and the Brazos River Authority (BRA) standards, whichever is the most stringent requirement.
 - c. Design and construction of a fire protection and suppression system shall be in accordance with the standards in the ordinances, and in accordance with the fire department and applicable fire code.
 - d. Water wells may be used if approved by Waller County and if the requirements enacted by the Bluebonnet Groundwater Conservation District (or other applicable district) are met, and water is not available from a surface provider.

8.2. Wastewater Facility

- A. Wastewater treatment for all new subdivisions shall be served by an appropriate wastewater collection and treatment system. The design and construction of the wastewater system improvements shall be in accordance with the standards in the city's ordinances, and in accordance with TCEQ, Waller County, and the Brazos River Authority (BRA) standards, whichever is the most stringent requirement.
- B. The applicant shall be responsible for:
 - a. Phasing of development or improvements in order to maintain adequate water and wastewater services;
 - b. Extensions of utility, water, and wastewater lines to connect to existing utility services;
 - c. Providing and/or procuring all necessary easements for the utilities (whether on-site or off-site);
 - d. Providing proof to the city of adequate water and wastewater service;
 - e. Providing provisions for future expansion of the utilities if such will be needed to serve future developments, subject to the city's oversize participation policies, if applicable;

- f. Providing all operations and maintenance of the utilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the utilities;
 - g. Providing all fiscal security required for the construction of the utilities;
 - h. Obtaining approvals from the applicable utility providers if other than the city; and,
 - i. Complying with all requirements of the utility providers, including the city.
- C. Extension of water and wastewater lines shall be made along the entire frontage of the subdivision adjacent to a street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the City Council may waive the requirement for adjacent utility line construction at the time of preliminary plat approval and prior to construction of the subdivision.
- D. Installation, operations and maintenance of utilities not specifically referenced herein shall comply with regulations of the USFWS, TCEQ, Waller County, and the BRA standards, and with any other applicable state rules and regulations, whichever is the most stringent requirement.
- E. For all new subdivisions that are intended to use on-site septic facilities (OSSFs), the applicant shall, prior to final plat approval, provide the following:
- a. A letter from the Town's OSSF designated representative state the proposed subdivision design has been reviewed.
 - b. An approval by the city of a drawing that is representative of the intended layout of a typical lot within the proposed subdivision, specifically showing how the OSSF would be positioned on and how it would serve the lot. This drawing shall be reviewed by the OSSF designated representative and/or city engineer prior to its approval or denial by the city.

8.3. Stormwater Systems

- A. System design requirements.
- Drainage improvements shall accommodate runoff from the upstream drainage area in its anticipated maximum "build-out" condition and shall be designed to prevent overloading the capacity of the downstream drainage system. The city may require the phasing of development, the use of control methods such as retention or detention, or the construction of off-site drainage improvements in order to mitigate the impact of the proposed development. Any stormwater collection system constructed shall be designed in accordance with the city's ordinance by a licensed professional engineer, shall be reviewed and approved by the city engineer, and shall be in accordance with the Town of Pine Island Flood Damage Prevention Ordinance, or the Waller County Flood Damage Prevention Ordinance, as applicable. All plans submitted to the city engineer for approval shall include a layout of the drainage system together with supporting calculations for the design of the system.
- B. All erosion and sedimentation controls shall conform to the ordinances.
- C. No person, individual, partnership, firm or corporation shall deepen, widen, fill, reclaim, reroute or change the course or location of any existing ditch, channel, stream or drainageway without first obtaining written permission of the city engineer and any other applicable agency (such as FEMA or the U.S. Army Corps of Engineers) having jurisdiction. The city engineer may, at his or her discretion, require preparation and submission of a FEMA or flood study for a proposed development if there are concerns regarding storm drainage on the subject property or upstream or downstream from the

subject property as authorized by chapter 26 of the Texas Water Code and chapter 212 of the Texas Local Government Code. The costs of such study, if required, shall be borne by the developer.

- D. In order to help reduce stormwater runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction.
- E. No cross-street flow (i.e., perpendicular to traffic flow) of stormwater runoff shall be permitted unless approved by the city engineer. When and if such drainage flow is allowed, it must be across a concrete street (i.e., valley gutter) and as approved by the city engineer.
- F. All stormwater retention or detention facilities shall be designed using materials and techniques as established in the city's TCSS Manual or as may be required by the city engineer.
- G. Requirements.
An adequate storm sewer system consisting of inlets, pipes and other underground structures with approved outlets shall be constructed where runoff of stormwater and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions or inadvertent stormwater retention, such as standing or pooling water, as established by the city engineer, will not be considered for development until adequate drainage has been provided.
- H. Criteria.
The criteria for use in designing storm sewers, culverts, bridges, drainage channels, and drainage facilities shall conform to section 3.10 [section 18.3.1] of this chapter. In no case shall drainage areas be diverted artificially to adjacent properties or across roadways. Stormwater drainage from one lot onto another shall not be allowed unless such does not pose any harm or inconvenience to the downstream property owner(s), unless specifically approved by the city engineer, and unless the necessary off-site drainage easement is procured on the affected property(s).
- I. Proper function.
The developer shall ensure that all drainage improvements within public easements or rights-of-way are functioning properly prior to the expiration of the maintenance bond. The developer shall be responsible for removing any significant build-up of sediment or debris from drainage improvements, with the exception of back-lot and side-lot drainage swales, at the 11th month of the second year for the required two-year maintenance bond for the applicable facilities. The city shall inspect the improvements to determine any maintenance or correction of deficiencies at the conclusion of this period.

8.4. Reuse of Effluent

The city may enact programs to encourage or reward the reuse of effluent by individual property owners on residential tracts.

8.5. Land for Plat

No final plat shall be approved for any subdivision within the city or its ETJ until the applicant has made adequate provision for a water system and a sanitary sewer system of sufficient capacity to adequately provide service to all tracts and lots, individually or collectively, within the area to be subdivided. The design and construction of the water system and of the sanitary sewer system to serve the subdivision

shall be in conformance with the city's, water district's, and Waller County's master plans for water and wastewater facilities and with the ordinances and shall be approved by the city engineer.

8.6. Ease of Access

Services for utilities shall be made available to the property line of each lot or unit in such a manner as will minimize the necessity for disturbing the street pavement and drainage structures when connections are made.

8.7. Fire Chief

Fire protection shall be provided in accordance with this chapter, with the city's ordinance, and with any other city policy or ordinance pertaining to fire protection or suppression. The fire chief or fire marshal, as appropriate, shall have the authority to approve the locations and placement of all fire hydrants and fire lanes and the chief or marshal may, at the chief's or marshal's discretion, modify fire hydrant spacing or fire lane placement based upon special design or distance circumstances. All required fire lanes shall be shown as "fire lane easements" on the construction and final plats, along with the applicable fire lane language block. Vertical construction (i.e., any building construction above foundation/slab level) shall not commence until all required fire lanes are properly installed and accepted by the city, nor until all fire hydrants have been installed, inspected, tested and accepted by the city.

8.8. Water District Requirements

Any requirements of publicly approved underground water districts shall also be incorporated into the water and/or wastewater system.

8.9. Pollution Abatement

Nonpoint source pollution shall be abated through the employment of structure controls, the provision of open space for overland flow, and the utilization of best management practices (BMPs) with regard to the use of pesticides, herbicides, and fertilizers for both residential sites and commercial tracts.

9. PUBLIC SITES AND OPEN SPACES

A. Areas for Public Use

The applicant shall consider suitable and adequate sites for schools, parks, playgrounds, and other areas for public use or service so as to conform with the recommendations contained in the city's comprehensive plan; park and open space plan; and other applicable plans. Any provision for schools, parks or other public facilities shall be indicated on the preliminary and final plat and shall be subject to approval by the City Council and the applicable governmental entity.

B. Protection of Drainage and Creek Areas

A. All creeks and drainage areas shall be preserved and protected in their natural condition wherever possible, unless significant storm drainage improvements are required by the city in these areas. All development adjacent to creeks and drainage areas shall be in accordance with the city's ordinances, and with any other city policies or ordinances related to aesthetics or public access or enjoyment of creeks and waterways.

B. Floodway management area (FMA). The definitions for "floodway" and "floodway fringe" shall correspond to those set forth by the Federal Emergency Management Agency (FEMA). For purposes of the National Flood Insurance Program, the concept of a floodway is used as a tool to assist the local community in the aspect of floodplain management. Under this concept, the area of the 100-year flood is divided into a floodway and floodway fringe. The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights as defined by FEMA. The area

between the floodway and boundary of the 100-year flood is termed the floodway fringe. The floodway fringe area cannot be reclaimed (elevated, infilled) for development (for exceptions to this, refer to the flood damage prevention ordinance).

- C. For the purposes of this chapter, the floodway management area (FMA) will correspond to the floodway, as defined by FEMA, or as may be modified pursuant to a flood study that is approved by FEMA.
- D. Areas where an FMA is required. All drainage areas or regulated floodways as referenced on the applicable floodway and flood boundary map (flood insurance rate map, or FIRM) shall be included in the FMA. If FEMA does not specify a floodway zone in any of the creeks or their tributaries, it shall be the developer's responsibility to establish and identify the FMA. The determination shall be made by a licensed professional engineer and approved by the city engineer. Where improvements to a drainage area are required by other ordinances of the city for the purpose of safety or other reasons related to drainage, those ordinances shall also be observed. The FMA is intended to apply to a creek or channel which is to remain open or in its natural condition. The creek shall remain in its natural state unless improvements are permitted or required by the city due to the pending development of properties adjacent to or upstream of the required improvements.
- E. Ownership and maintenance of the FMA. The area determined to be the FMA shall be designated on both the preliminary plat and final plat. Approximate locations shall be shown on zoning change requests and accurate locations of the FMA shall be established on the preliminary plat and final plat prior to site construction. At the city's option, the FMA shall be protected by one of the following methods:
 - a. Dedicated to the Town of Pine Island; or
 - b. Easement(s). Creeks or drainageways on tracts which have private maintenance provisions, other than single- or two-family platted lots, can be designated as the FMAs by an easement to the city on the preliminary plat (with the appropriate plat language, as required by the city). Subdivisions with platted single-family or two-family lots may designate the FMA by easement provided there are adequate access and maintenance provisions (such as by a mandatory homeowners' association), but no lots or portions of lots may be platted in the easement portion required for access unless specifically allowed by the city engineer. The area designated as FMA may be identified by a tract number; or,
 - c. Certain recreational uses normally associated with or adjacent to flood-prone areas (no structures allowed in the FMA), such as golf courses or certain types of parks. The uses allowed shall be in conformance with the zoning ordinance and approved by the P&Z.

Prior to acceptance of any drainageway as an FMA by the city, the area shall be cleared of all debris and brush (except for mature trees) and placed in a maintainable state. Floodway management areas dedicated to the city shall be left in a natural state except those areas designated for active recreational purposes and unless storm drainage requirements do not permit this to occur.

F. Design Criteria

The following design criteria shall be required for development adjacent to the FMA:

- a. Adequate access shall be provided to and along the FMA for public and/or private maintenance. An unobstructed area a minimum of 20 feet wide with a maximum 5:1 slope (five feet horizontal to one foot vertical), the length of the floodway shall be provided adjacent to or within the FMA. On the opposite side of the drainage area, an unobstructed area having a minimum width of five feet shall be provided.

- b. Lots or units in a single-family, or duplex residential zoning district shall not be platted within the FMA, and no more than ten percent of the linear length of the FMA (on each side) shall be allowed to have lots or units backing or siding onto it. If lots back or side onto an FMA, at least two reasonable points of access to the FMA, each a minimum of 20 feet in width, shall be provided. Streets, alleys and open-ended cul-de-sacs may qualify as access points if designed such that they are navigable by maintenance vehicles (e.g., alleys must be 20-foot width). All areas of the FMA shall be accessible from the access points and shall be visible from access points. Lots used for multifamily dwellings may be platted in the FMA if the FMA is identified as an easement and is maintained as open space for use by the residents, and provided that access to the FMA is possible by city maintenance vehicles, should that need arise. If the FMA is to be public park land, then adequate public access and good public visibility shall also be provided to all portions of it.
 - c. Public or private streets may be approved in the FMA by the P&Z (if they conform to applicable engineering standards).
 - d. Linear public streets may be required to be constructed adjacent to some (or all) portions of the FMA to allow access for maintenance or recreational opportunities, and/or to allow increased visibility into creek areas for public safety and security purposes.
 - e. Alternate designs to facilitate equal or better access may be permitted if approved by the P&Z.
- G. Drainage areas which have been altered and are not in a natural condition can be exempted from an FMA and this section at the discretion of the P&Z.

C. Property Owners', Homeowners', or Condominium Associations

- A. **Applicability.** When a subdivision contains either common open space or other improvements which are not intended to be dedicated to the Town of Pine Island for public use, such as a private recreation facility, landscaped entry features or other private amenities, a property owners', homeowners', or condominium association agreement consistent with state and other appropriate laws, must be submitted to and approved by the City Council during the preliminary plat process. The conditions, covenants and restrictions (CCRs) and the association documents, such as the articles of incorporation and association bylaws, shall be submitted to the city for review and approval along with the final plat application, and shall be filed of record at the county simultaneously with the final plat in order to ensure that there is an entity in place for long-term maintenance of these improvements. Said documents must, at a minimum, include provisions which allow the city, at its discretion, to take over the maintenance of common property, including but not limited to common elements, private streets and private recreation facilities, using association funds, if such action becomes necessary due to nonperformance or inaction by the association or if the association goes defunct. To the extent allowed by law, provisions shall also be included which would, in the latter instance, convey ownership of the private streets (if any) and all other common areas to the city, and which would allow the city to remove any improvements or amenities from the common areas and sell any buildable land area, as residential lots, to recoup the city's expenses for maintenance or demolition of the improvements. Any monies that remain after the city has recovered all of its expenses shall be retained for future maintenance or upgrading of the streets, common elements, common areas (if any remain), screening walls, or other improvements within the subdivision. These provisions are not intended to allow the city to profit in any way from taking over the association's responsibilities or funds; they are only intended to allow the city to recoup its actual incurred expenses such that the general public, the taxpayers of the city, does not have to bear these costs.

D. Park Land and Public Facility Dedication

- A. The applicant shall consider suitable sites for parks, playgrounds and other areas, as required by the city, for public use so as to conform with the recommendations of the city's park and open space

plan. Any provision for parks and public open space areas shall be indicated on the preliminary and final plat, and shall be subject to approval and acceptance by the City Council.

- B. Applicants shall dedicate parkland, or render money in lieu of land donations, in accordance with the city's parkland dedication requirements included in Article 12 of this ordinance, as may be amended.
- C. No individual, partnership, firm, or corporation shall deepen, widen, fill, reroute or change the course or location of any existing ditch, channel, stream or drainageway, without first obtaining written permission of the city and any other agency having jurisdiction.

11. IMPROVEMENTS FOR ACCEPTANCE

11.1. General

- A. The requirements as set forth below are designed and intended to ensure that, for all subdivisions of land within the scope of the subdivision ordinance, all improvements as required herein are installed properly and:
 - a. The city can provide for the orderly and economical extension of public facilities and services;
 - b. All parcels of land in the subdivision are useable for the intended purpose or are developable; and
 - c. All required improvements are constructed in accordance with city standards.
- B. Adequate public facilities policy.

The land to be divided or developed must be served adequately by essential public facilities and services. No subdivision shall be approved unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities, electricity and street facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being platted or off-site. This policy may be defined further and supplemented by other ordinances adopted by the city. Wherever the subject property adjoins undeveloped land, or wherever required by the city to serve the public good, utilities shall be extended to adjacent property lines to allow connection of these utilities by adjacent property owners when such adjacent property is platted and/or developed.
- C. Public improvements that are required by the Town of Pine Island for the acceptance of the subdivision by the city shall include, but are not limited to, the following:
 - a. Water and wastewater facilities;
 - b. Stormwater drainage, collection, and conveyance facilities;
 - c. Water quality, erosion, and sedimentation controls;
 - d. Streets;
 - e. Streetlights (all streetlights must be Dark Skies friendly);
 - f. Street signs;
 - g. Sidewalks on both sides of the street in both residential and nonresidential developments utilizing curbs (not open ditches). Sidewalks shall be required in conjunction with sewer line installation. Sidewalks shall include barrier-free ramps at street intersections and other appropriate locations, as well as root barriers if necessary due to the close proximity of trees;
 - h. Screening and/or retaining walls;
 - i. Traffic-control devices or treatments required as part of the project; and,
 - j. Appurtenances to the above, and any other public facilities required as part of the proposed subdivision.
- D. All aspects of the design and implementation of public improvements shall comply with the city's current design standards and any other applicable city codes and ordinances, including preparation

and submittal of construction plans and construction inspection. The construction of all of the improvements required in this chapter shall conform to the latest edition of the city's ordinances, as may be amended, and to any other applicable city standards.

All public improvements required by this ordinance shall be completed or supported by complete fiscal security in accordance with approved construction plans prior to submission for final plat approval. A final plat shall not be filed until all improvements and/or fiscal security has been accepted.

11. MONUMENTS

A. Placement

In all subdivisions and additions, monuments shall be established at the corner of each block in the subdivision consisting of an iron rod or pipe not less than one-half-inch in diameter and 18 inches deep, and set flush with the top of the ground. Lot corner monuments shall be placed at all lot corners except corners which are also block corners, consisting of iron rods or pipes of a diameter of not less than one-half-inch and 18 inches deep, and set flush with the top of the ground. In addition, curve point markers shall be established of the same specifications as lot corners. Each block corner monument shall include a cap with the surveyor's name and registration number attached to it. All block corners shall be installed prior to the final review of the subdivision by the city. Lot corners shall be installed prior to issuance of a building permit.

B. Minimum

A subdivision shall have at least two concrete monuments set by the surveyor, if not already existing, for two corners of the subdivision, and such concrete monuments shall be located at opposite ends (or at widely separated corners) of the subdivision and clearly shown on the final plat prior to filing at the county. The final plat shall also show clear ties to existing concrete monuments in the vicinity of the subdivision.

12. STREETLIGHTS

A. General

All street lighting shall be in keeping with the rural character of Pine Island and shall be in conformance with the lighting (i.e., "dark sky" or illumination) ordinance and any other applicable city codes. Street lighting shall be of a design that casts light downward to the greatest extent possible and shall minimize light overspill onto adjacent properties.

13. STREET NAMES AND SIGNS

A. Approval of Street Names

Street names must be submitted to Waller County for review and approval in accordance with the county's guidelines for the naming of streets. The county shall forward all proposed street names to others for review, including the U.S. Postal Service, the county, and any other applicable emergency service providers. Proposed street names shall be submitted for review along with (and as a part of) the preliminary plat application, and shall become fixed at the time of approval of the preliminary plat. On the final plat, street names shall not be changed from those that were approved on the preliminary plat unless special circumstances have caused the major realignment of streets or a proposed street name(s) is discovered to have already been used elsewhere in the city (or some other similar eventuality). If additional street names are needed for the final plat, then they must be submitted for review and approval by the city, and applicable emergency service providers, including 9-1-1 dispatch, along with the final plat application. A fee may be established by the city for the changing of street names after approval of the preliminary plat. The rules established in this section shall be in addition to any rules promulgated in the city's interlocal agreement with Waller County for 9-1-1 addressing services.

- B. Surnames
Surnames of people or the names of corporations or businesses shall not be used as street names, unless approved by the City Council. The city or county will maintain a list of existing street names (and "reserved" street names that have been approved on a preliminary plat), and will update the list as new streets are platted.
- C. New Street Names
New street names shall not duplicate existing street names either literally or in a subtle manner (for example, Smith Street vs. Smythe Street; Oak Drive vs. Oak Place vs. Oak Court vs. Oak Circle; Cascade Drive vs. Cascading Drive); shall not be so similar as to cause confusion between names (for example, Lakeside Drive vs. Lake Side Drive vs. Lake Siding Drive); and shall not sound like existing street names when spoken (for example, Oak Drive vs. Doak Drive vs. Cloak Drive; Lantern Way vs. Land Tern Way).
- D. Existing Streets
New streets which extend existing streets shall bear the names of the existing streets. Streets crossing thoroughfares or other roadways shall bear the same name on both sides of the thoroughfare, wherever practical, unless otherwise approved by City Engineer.
- E. Documentation
The developer shall provide the city with documentation evidencing that the street signs were installed.
- F. Guidelines
Street name signs shall be installed in accordance with the city's guidelines before issuance of a building permit for any structure on the streets approved within the subdivision.

14. STREET AND ALLEY IMPROVEMENTS

- A. Responsibility of Developer
All on-site, such as internal, streets and alleys shall be constructed by the developer at the developer's expense, unless otherwise allowed by this chapter. If the subdivision is adjacent to a planned or future or substandard street and derives access, whether direct or indirect, from said roadway, then the developer shall be required to design and construct a reasonable portion of the roadway as well as any required median openings and left turn lanes needed to serve his or her subdivision. The City Manager may, at the Manager's option, accept escrow funds in lieu of immediate roadway construction if the subdivision derives principal access from another improved roadway and if delaying construction or improvement of the road will not harm or otherwise inconvenience neighboring property owners or the general public.
- B. Requirements
All streets and alleys shall be constructed using the materials, products and procedures outlined in the specification of the city's ordinance.
- C. Minimum
The minimum street and alley paving standards for which the construction shall be made by the developer are shown in the ordinance.
- D. Barrier-free Ramps

In addition to the above-mentioned minimum standards, barrier-free ramps for physically challenged persons shall be constructed at all street corners, driveway approaches, appropriate mid-block crosswalks, and in locations where accessible parking spaces are provided. All barrier-free ramps and other accessibility considerations shall comply with section 228 of the Highway Safety Act, as currently amended, and with the Americans with Disabilities Act (ADA), as amended.

E. Signs and Barricades

All signs and barricades shall be in conformity with ADA standards, and with specifications for uniform traffic-control devices, as adopted by the city, by Waller County, by the Texas Department of Transportation, and by the Texas Department of Public Safety, as applicable.

F. Driveway Connections

Approval is required prior to the installation of any driveway connecting to a public street. The City Engineer shall approve all driveway cuts. The minimum distance, as measured from the edge or curb to the edge or curb of driveways, and not from the centerlines of the driveways, between driveway openings for multifamily and nonresidential developments shall be as set forth in the city's ordinances, unless otherwise approved by City Engineer. Driveways shall not be within the transition or stacking portion of a right turn lane and shall be no closer than 100 feet to an intersecting thoroughfare or arterial street, as measured from the intersecting street's end of curb radius, and no closer than 50 feet to an intersecting residential or collector street. Residential driveways shall not be allowed on a major roadway (over 60 feet in right-of-way width).

G. Existing On-site Facilities

When a proposed subdivision, whether residential or nonresidential, abuts on one or both sides of an existing substandard street, or on a planned or future road as shown on the transportation plan, being substandard according to the then existing current transportation plan, the developer shall be required to improve his or her reasonable share of the existing on-site facility as that term is defined herein, including appurtenant sidewalks, barrier-free ramps, screening and landscaping, median openings and/or left turn lanes (if a divided thoroughfare), storm drainage structures, water quality or erosion controls, and other utilities, to bring the same to city standards, or to replace it with a standard city street as determined by the traffic impact analysis, if required, at no cost to the city.

H. Developer's Share

The developer's share of improvements to a substandard perimeter road shall be 14 feet of pavement (including curb, if any), which is approximately equivalent to half of a collector street width (i.e., two through traffic lanes), along the entire front footage of the subdivision, unless the traffic impact analysis, if required, indicates that some other pavement width is needed to achieve and maintain an acceptable level of service on the roadway. If the subdivision is to be located on both sides of the roadway, 14 feet of pavement shall be constructed by the developer on each side of the road along the entire front footage of the subdivision on each respective side of the road, unless the traffic impact analysis determines otherwise. Design and construction of the roadway shall be in accordance with the city's transportation plan (with respect to right-of-way width and general location), the ordinances, and with any other applicable city codes and ordinances. Depending upon the specific roadway in question, and upon the traffic impact analysis results, any oversizing above the 14-foot width shall be borne by the city, the county, the state or by some other entity. The city council may, at its option, accept escrow funds in lieu of immediate roadway construction if the subdivision derives principal access from another improved roadway and if delaying construction and improvement of the road will not harm or otherwise inconvenience neighboring property owners or the general public.

I. Dead-ends

Streets which dead-end at power lines or similar rights-of-way or easements, and which are intended for future extension across these rights-of-way or easements, shall be constructed in the right-of-way or easement for half the distance across the right-of-way or easement, and shall be further restricted as set forth in this chapter. As with any other dead-end street, a note shall be placed on the final plat clearly labeling the dead-end streets that will, at some point, be extended across the power line easement (or right-of-way), and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Signage size and lettering shall be large enough to be legible by a person with normal vision at a distance of 20 feet. No dead end street will be allowed unless it is preliminary platted with a one foot dedication to the City of Pine Island.