

CHAPTER 22-SUBDIVISIONS

ARTICLE I - ADMINISTRATIVE PROVISIONS

- SEC. 22-1. AUTHORITY AND SCOPE OF RULES
- SEC. 22-2. PURPOSE
- SEC. 22-3. EFFECTIVE DATE
- SEC. 22-4. REPEALER
- SEC. 22-5. SUPERSESSION
- SEC. 22-6. SEVERABILITY
- SEC. 22-7. TERMINOLOGY AND DEFINITIONS

ARTICLE II - GENERAL PROVISIONS

- SEC. 22-8. FEES
- SEC. 22-9. OVERVIEW
- SEC. 22-10. MAIL RECEPTION AND DELIVERY

ARTICLE III - PLATTING PROCESS

- SEC. 22-13. CONCEPT PLAN MEETING
- SEC 22-14. PLATTING PROCEDURES
- SEC 22-15. PRELIMINARY PLAT
- SEC 22-16. FINAL PLAT
- SEC 22-17. GUARANTEE OF PERFORMANCE
- SEC 22-18. MAINTENANCE BOND REQUIRED
- SEC 22-19. "AS BUILT" DRAWINGS
- SEC. 22-20. TIME EXTENSIONS FOR PROVIDING FACILITIES

ARTICLE IV - PUBLIC WORKS DEVELOPMENT STANDARDS

- SEC. 22-21. CONSTRUCTION STANDARDS ADOPTED
- SEC. 22-22. WATER STANDARDS
- SEC. 22-23. SANITARY SEWER STANDARDS
- SEC. 22-24. STORM SEWER STANDARDS
- SEC. 22-25. STREET STANDARDS
- SEC. 22-26. EXCEPTIONS

ARTICLE V – COMPLIANCE

- SEC. 22-27. OVERSIGHT

ARTICLE I - ADMINISTRATIVE PROVISIONS

SEC. 22-1. AUTHORITY AND SCOPE OF RULES

This Chapter shall be cited as the subdivision ordinance of the City of Gatesville, Coryell County, Texas. These rules are adopted under the authority of the Local Government Code, Chapter 212 regarding Municipal Regulation of Subdivisions and Property Development, as amended. The regulations contained herein shall govern every subdivision of land as defined within the corporate limits and extraterritorial jurisdiction of the city. The purpose of this chapter is to provide for the orderly, safe and healthy development of the areas within the city and its extraterritorial jurisdiction. Specifically, this chapter is intended to coordinate the orderly subdivision of property along with other city ordinances relating to flood prevention and protections, zoning, site development review, building codes and other development related codes.

- (a)** Authority of the Planning and Zoning Commission -The Planning and Zoning commission is given the responsibility and authority to review and to approve, conditionally approve, or disapprove subdivision plats and vacated plats within 30 days of from the date of the applicant's complete submission. All land within the city or its ETJ hereafter subdivided into lots, blocks, or other parcels, shall be laid out subject to review and approval by the Planning and Zoning commission. All other subdivisions or plats are illegal and shall not be recognized by the City. The Planning and Zoning commission shall forward all plats to the City Council upon approval.
- (b)** Authority of the City Council-The City Council shall have the responsibility and authority to review and approve, conditionally approve, or disapprove plats for subdivision, selected plats not covered by §22-15 and vacated plats within 30 days of the Planning and Zoning Commission's approval. All land within the city or its ETJ hereafter subdivided into lots, blocks, or other parcels, shall be laid out subject to review and approval by the City Council with the exception of amending plats. All other subdivisions or plats are illegal and shall not be recognized by the City.
- (c)** Other Authority-Amending plats shall be administratively approved by the City Manager. In the event that an amended plat is submitted to the City Manager and the City Manager does not approve the plat, the City Manager shall refer the plat with his rationale to the Planning and Zoning Commission to approve or disapprove within 30 days of the submission date.

SEC. 22-2. PURPOSE

This chapter has been adopted to promote the public health, safety and welfare of the City's residents, and in the ETJ through orderly and beneficial development. The intent of this Chapter is:

- (a)** To encourage the orderly layout and appropriate use of land through a consistently applied subdivision procedure;
- (b)** To maintain or improve the quality of development and redevelopment of land through engineering and design standards;
- (c)** To provide for the fair and expeditious administration of this chapter through a cooperative and coordinated review process.

SEC. 22-3. EFFECTIVE DATE

This Chapter becomes effective on passage by the City Council upon third reading.

SEC. 22-4. REPEALER

- (a) Provisions of Ordinance 2000-03, adopted on the 25th day of April, 2000, are hereby repealed, except as to such sections which are retained herein.
- (b) All other ordinances or parts of ordinances in conflict are hereby repealed to the extent of said conflict

SEC. 22-5. SUPERSESION

These rules supersede any conflicting Ordinances or regulations of the City.

SEC. 22-6. SEVERABILITY

- (a) If any part or provision of these regulations, or application thereof, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.
- (b) The City hereby declares that it would have enacted the remainder of these regulations without any such part, provision or application.

SEC. 22-7. TERMINOLOGY AND DEFINITIONS

The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

- (a) City--The City of Gatesville, Coryell County, Texas. Any reference to an act of the City shall be deemed to include acts of the City Council or other such elected governing body of the City.
- (b) Concept Plan -- The initial project layout that provides an opportunity to review and evaluate the impact of a proposed development on the character of the surrounding area in which it is proposed to be located. The process takes into consideration the general form of the land before and after development, as well as the spatial relationship of the proposed structures, open space, landscape areas, parking, and general access and circulation patterns as they relate to the proposed development and the surrounding areas.
- (c) County -- Coryell County, Texas.
- (d) County Commissioners Court -- The duly and constitutionally elected governing body of Coryell County, Texas.
- (e) Developer -- Any person or persons, firm or corporation subdividing or developing a tract or parcel of land to be sold or otherwise marketed.
- (f) Development -- Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.
- (g) Division -- The result of dividing a tract of land in two (2) or more parts using a metes and bounds description in a deed of conveyance, or in a contract for a deed, by using a contract for sale or other executory contract to convey, or by using any other method.
- (h) Engineer -- A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

- (i)** Engineering Drawings -- typically, where applicable, include, but are not limited to, water layout, sewer layout, drainage and topography, street light layout, street plan and profile sheets, sewer main plan and profile, water utility details, sewer utility details, paving details, drainage details, erosion and sedimentation control plan and standard construction details to provide greater detail to a plat. Engineering drawings shall be prepared and sealed by a Texas Licensed Professional Engineer and shall conform to the general requirements and minimum standards of design and requirements as presented in this chapter.
- (j)** Lot -- A physically undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer, lease or improvement, which is designated as a distinct and separate tract and which is identified by a lot number or tract symbol on an approved subdivision plat which has been officially recorded.

 - 1)** Corner Lot -- a lot abutting two or more streets at their intersection.
 - 2)** Double Frontage Lot -- a lot that fronts and backs on two streets.
 - 3)** Lot Front or Frontage -- that portion of a lot or tract of land which is the principal side of a property and which abuts on a public street. This shall be the same side in which direction a building will face and the side on which there is the main entrance.
- (k)** OSSF -- On-site sewage facilities as that term is defined in rules and/or regulations adopted by TCEQ, including, but not limited to, 30 TAC Chapter 285.
- (l)** Pavement Width – pavement width dimensions include “back-of-curb to back-of-curb”
- (m)** Plat

 - 1)** Amending Plat. A replat addressing minor changes, correction of clerical errors, or limited modifications affecting a limited number of property owners or lots, such as correcting errors and omissions in course or distance, real property descriptions, monuments, lot numbers, acreage, street names, adjacent recorded plats, and other clerical error or omission, in compliance with LGC 212.016.
 - 2)** Final Plat. A final plat is a plat satisfying applicable local regulations for a final plat and is the plat that is recorded. A final plat must be consistent with any approved preliminary plat. The differences between an approved preliminary plat and a final plat are generally surveying details and format.
 - 3)** Preliminary Plat. A preliminary plat is the initial plat prepared by a land surveyor on behalf of a landowner and submitted for "preliminary" City approval as part of the platting process. Usually, it is conceptual in nature.
 - 4)** Replat. A replat is a new plat of all or a portion of a previously approved plat. Replats eliminate the prior plats as to the area replatted.
- (n)** Public Utility

 - 1)** City owned, operated, and maintained utilities, including water, sewer, and drainage.
 - 2)** Utilities such as electric, gas, telephone, and cable television which are regulated by the State of Texas and/or have a franchise agreement with the city to own, operate, and maintain utilities in the public rights-of-way and easements.
- (o)** Sewerage (or wastewater treatment) facilities -- The devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these rules.

- (p)** Sub-divider -- Any owner of land or authorized agent thereof proposing to subdivide or dividing land so as to constitute a subdivision.
- (q)** Subdivision --Any tract of land divided into two or more parts that results in the creation of two or more lots of less than five (5) acres each. A subdivision includes re-subdivision (replat) of land which was previously divided.
- (r)** Surveyor -- A licensed state land surveyor or a registered professional land surveyor, as authorized by the Professional Land Surveying Practices Act (V.T.C.A., Tex. Occupations Code, Ch. 1071).
- (s)** TAC -- Texas Administrative Code, as compiled by the Texas Secretary of State.
- (t)** TCEQ --Texas Commission on Environmental Quality.
- (u)** Water facilities -- Any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment and/or retail distribution of water for safe human use and consumption.

ARTICLE II - GENERAL PROVISIONS

SEC. 22-8. FEES

An application fee shall be paid at the time a Preliminary or Final Plat is submitted for review by the City (there is no fee for a "Preliminary Conference"). The application fee shall be established by the City Council and stated in the City's fee schedule.

SEC. 22-9. OVERVIEW

- (a)** A filed plat shall be required in accordance with the procedures outlined in this chapter in the following circumstances:
 - 1)** Subdivision of land into two or more parts;
 - 2)** Changing the configuration of existing filed plats;
 - 3)** Division of land where there is no access to the tract(s);
 - 4)** Division of land where new public infrastructure is required
- (b)** The subdivider, developer or person requesting plat approval will be required to install, at his or her own expense, all public infrastructure, streets, and street signs within the subdivision, in accordance with City standards governing the same, including all engineering costs covering design, layout and construction. The City's participation in the costs of any underground utility lines or drainage improvements will be considered individually, upon the merits of each facility and the condition involved, and shall be in accordance with policies set forth by the City Council. All utility mains will be sized to meet the acceptable services/pressures adopted by the City.
- (c)** Site Prep Plan required. No excavation of land or construction of any public or private improvements shall take place or commence until the City approves the plans and specifications for such subdivision and the construction of the approved erosion and sediment control measures if the lot exceeds one acre in size.
- (d)** Ownership. Prior to a Final Plat being approved and filed for record, the lots or tracts being created by the Final Plat shall not be sold or have a change in ownership. If a lot or tract of land is in the process of being subdivided, any change in ownership shall render the subdivision application null and void.

SEC. 22-10. MAIL RECEPTION AND DELIVERY

Newly established or extended business or residential customers must request and receive approval of the delivery location and mode of delivery from the local Postmaster or District Designees. These deliveries will not receive mail delivery service until the mail receptacles are installed and the units and locations are approved by local postal management. Options and requirements for modes of delivery are directed by the Postal Service. See the U.S. Postal Service National Delivery Planning Standards for more information.

Sec. 22-11 - 22-12. Reserved

ARTICLE III - PLATTING PROCESS

SEC. 22-13. CONCEPT PLAN MEETING

A Concept Plan meeting with city staff is recommended for all Plat submissions. The following documents are recommended for all concept plan meetings.

- (a) Two (2) copies of a sketch plan of the entire subdivision, drawn approximately to scale, showing proposed streets, lots, utility and drainage layout.
- (b) Two (2) copies of a location map showing the subdivision in relation to existing streets or roadways (i.e. city or county road map)

SEC 22-14. PLATTING PROCEDURES

(a) Amending Plat.

- (1) General. A plat may be considered an amending plat solely for the purposes established in Tex. Loc. Gov't. Code, § 212.016.
- (2) Form and content. The amending plat should depict all information as required for a final plat in §22-16, except for engineering documents as described in §22-16 (b)2. A copy of the original plat is required with the amended plat or the original approved lot lines shall be shown as dashed lines on the amended plat.
- (3) A certificate of approval by the City Manager, in the following format, shall be placed on the final plat:

Approved this ___ day of _____, 20___, by the City Manager of the City of Gatesville, Texas.

City Manager

Attest: City Secretary

- (4) Processing. The City Manager may approve and issue an amended plat, which may be recorded with the County Clerk and controls over the preceding plat without vacation of the plat, if the amended plat is signed by the applicant(s) and is solely for one or more of the following purposes as established by Tex. Loc. Gov't. Code, § 212.016:
 - a. To correct an error in a course or distance shown on the preceding plat;
 - b. To add a course or distance that was omitted on the preceding plat;
 - c. To correct an error in the description of the real property shown on the preceding plat;
 - d. To indicate monuments set forth after death, disability or retirement from practice of the Engineer or surveyor responsible for setting monuments;
 - e. To show the proper location or character of any monument which has been changed in location or character or which originally was shown incorrectly as to location or character on the preceding plat;
 - f. To correct any other type of scrivener's, clerical error or omission previously approved by the Planning and Zoning Commission and/or City Council, including

lot numbers, acreage, street names and identification of adjacent recorded plats;

- g.** To correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished; provided, that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
- h.** To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
- i.** To relocate one or more lot lines between one or more adjacent lots where the owner(s) of all such lots join in the application for the plat amendment; provided, that such amendment does not attempt to remove recorded covenants or restrictions or increase the number of lots; and
- j.** Replatting lots on an existing street if:
 - 1. All owners join in the application;
 - 2. The amendment does not remove deed restrictions;
 - 3. The number of lots is not increased;
 - 4. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(b) Replat.

- (1) General.** A replat is a revision of a previously platted subdivision and is controlling over all or a portion of the preceding plat without vacation of the plat in accordance with Tex. Loc. Gov't. Code, Ch. 212.
- (2) Processing.** A replat that requires the construction of new public infrastructure shall follow the same procedures as are required for a New Subdivision Plat and shall comply with Tex. Loc. Gov't. Code, Ch. 212, including requirements for public hearings and notifications.
- (3) Form and content.** The proposed replat shall depict all the information as required for final plats as presented in Section § 22-16. A copy of the original plat shall be provided or the original approved lot lines shall be shown as dashed lines on the new plat. If a replat does not require the construction of new infrastructure, the City may waive the required engineering drawings, described in §22-16 (b)2, in order for the application submission to be considered complete and become eligible to be acted upon by the Municipal Authority or Governing Body.
 - a.** If a proposed replat requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the municipality. In accordance with LGC Sec 212.015

(c) New Subdivision Plat.

- (1) General.** A new subdivision plat is a plat of a tract of land that has not been previously platted. A new subdivision plat shall comply with Tex. Loc. Gov't. Code, Ch. 212, including any requirements for public hearings and notifications.
- (2) Processing.** New Subdivision Plats shall follow the review and approval process for Preliminary and Final Plats.

- (3) Form and content. A New Subdivision Plat will include the form and content required for Preliminary Plats in Sec. 22-15(c) and Final Plats in Sec. 22-16(b).
- (d) Vacating a plat. A replat to eliminate the subdivision of property reflected by a prior plat. Vacating plats may not be used without the consent of all property owners in the plat, even if only a portion of the plat is to be vacated. Once recorded, the vacating plat has the effect of returning the property to raw acreage
- (e) Additional Information. The City may, at its option, require additional information necessary for the approval process. Such information may include, but not be limited to:

 - (1) Subdivision ingress and egress;
 - (2) Existing and/or proposed area features;
 - (3) Topography;
 - (4) Flood plains;
 - (5) Layout of other utilities;
 - (6) Notation of deed restrictions;
 - (7) Public use areas.

SEC 22-15. PRELIMINARY PLAT

- (a) General. The preliminary plat and preliminary engineering drawings shall show all proposed phases of development of an area of land under the same ownership.

 - (1) Preliminary Plats shall be required for any subdivision plat requiring new infrastructure.
 - (2) Preliminary plats and preliminary engineering drawings shall be deemed approved by the Planning and Zoning Commission if no action is taken by the Commission within 30 days of submittals considered to be administratively complete.
 - (3) Preliminary plats and preliminary engineering drawings shall be deemed approved by the City Council if no action is taken by the Council within 30 days of Planning and Zoning Commission approval.
- (b) Changes to preliminary plat. An approved preliminary plat and/or preliminary engineering drawings may be amended at the request of the developer, or required by the city per this section. Substantial amendments or changes to an approved preliminary plat or preliminary engineering drawings must be reviewed and approved by the Planning and Zoning Commission as well as by the City Council. Minor amendments may be approved by the City Manager. Minor amendments are those that:

 - (1) Increase by 10% or less the number of lots or potential structures that can be accommodated by the infrastructure;
 - (2) Reduce the number of lots; and
 - (3) Any proposed change in infrastructure is considered a major amendment, unless deemed by the City Manager as a minor amendment.
- (c) Form and content. A complete submission for approval shall contain all items on the application. Failure to submit the plat and engineering drawings together in the quantities as stated on the application checklist shall be deemed an administratively incomplete submission. The submission shall not be filed until all required documents (plat and engineering documents) in their respective quantities as stated herein are submitted.

 - (1) Preliminary plat. The preliminary plat shall be prepared and sealed by a Texas Registered Professional Land Surveyor and plotted at a scale of one inch to 100 feet or

larger. The plat shall conform to the general requirements and minimum standards of design and requirements, and shall include the following elements as applicable:

- a. A cover sheet is required for all plats involving three or more sheets. All plan sheet numbers shall be placed on the cover along with the corresponding plan sheet titles. This cover sheet should include a listing of all plan sheet numbers and plan sheet titles in the engineering drawings as well. A vicinity map should always be included on the cover sheet to show the project location;
- b. Title block including proposed subdivision name, phase, block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the plat;
- c. Index sheet for plats with more than one sheet that shows the entire subdivision drawn to a scale of not less than one-inch equals 100 feet;
- d. Legal description, existing boundary, lot lines and right-of-way lines of streets and easements with accurate dimensions, bearings, deflection angles, radii and central angles of all curves;
- e. Phasing plan if subdivision is to be constructed in phases;
- f. Lot lines shall have line dimensions clearly displayed within the lot along with the lot's respective lot number. Groups of lots that are considered within a block shall have the block number clearly displayed;
- g. All right-of-way lines and easements shall be clearly displayed on the plat. The plat shall clearly display the location, size and purpose of all existing and proposed easements on or adjoining the property;
- h. Location of existing and proposed streets, alleys, bikeways and sidewalks on or adjoining the site. Such information shall include name, right-of-way widths, type and width of surfacing. All private streets shall be clearly labeled;
- i. Any areas reserved or dedicated for public uses;
- j. Easements and street stub-outs necessary to serve adjacent properties;
- k. Location and size of all existing and/or proposed city utilities, and all other utilities where known. All city utility lines six inches in diameter or larger within the right-of-way shall be shown on the profile view. All utility lines, regardless of size, should be shown in the plan view, where known;
- l. Street light layout;
- m. Adjacent property information including legal descriptions (recorded volume and page) and property lines within 100 feet;
- n. Primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data shall be referred. The plat shall be located with respect to a corner of the surveyor tract, or an original corner of the original survey of which it is a part. Temporary benchmarks and NGS datum shall be described on each sheet;
- o. Scale, basis of bearing and benchmarks (datum) and description shall all be clearly displayed on the plat; and a north arrow is required on all sheets and should be oriented either upward or to the right. It is the intent of this

requirement that all stationing should start from cardinal points of the compass and proceed in the direction of construction.

- (2)** Preliminary engineering drawings. Preliminary engineering drawings shall be prepared and sealed by a Texas Licensed Professional Engineer and plotted at a scale of one inch to 100 feet or larger. The preliminary engineering drawings shall match the features found on the preliminary plat and they shall conform to the general requirements and minimum standards of design and requirements in accordance with the most current edition of the Standards for Public Works adopted by the City, and shall include the following elements as applicable:
 - a.** Title block including proposed subdivision name, phase(s), block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the preliminary engineering drawings;
 - b.** Water layout plan view to include rough locations of service connections, pipe diameters, valves, hydrants and flush assemblies;
 - c.** Sanitary sewer layout plan to include rough locations of service connections, pipe diameters, cleanouts and manholes;
 - d.** Street and sidewalk layout plan view; and
 - e.** Storm water drainage layout plan (drainage calculations are only necessary on major drainage structures at this step).
- (d)** Processing preliminary plat.
 - (1)** Submission of preliminary plat application along with all items required in §22-15(c).
 - (2)** The preliminary plat and preliminary engineering drawings shall be reviewed by the City staff for conformity with the city's plans, thoroughfare plan, utility master plan, engineering standards and specifications, city ordinances and other applicable city standards before the Planning and Zoning Commission meet to review the preliminary documents.
 - (3)** The Planning and Zoning Commission shall review the preliminary plat, preliminary engineering drawings and all staff's recommendations. Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, lot sizes and arrangement, water and sewer lines, drainage, the further development of adjoining lands and the requirements of city ordinances, policies and plans.
 - (4)** The Planning and Zoning Commission shall act on the preliminary plat and preliminary engineering drawings and may advise the developer of any specific changes or additions they will require in the layout, or comment on the character and extent of improvements and dedications that will be required prior to infrastructure construction and as a prerequisite to the approval of the final plat and final engineering drawings.
 - (5)** The Planning and Zoning Commission shall forward the preliminary plat and preliminary engineering drawings with their approval to the City Council for their consideration. The Planning and Zoning Official shall inform the developer in writing of the decision of the Planning and Zoning Commission and City Council including any conditions for approval or reasons for disapproval. If conditionally approved or disapproved by the Planning and

Zoning Commission or the City Council, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response. In accordance with LGC 212.0093. Upon receiving a written response, the municipal authority or governing body that receives a response under LGC 212.0093 shall determine whether to approve or disapprove plan or plat not later than the 15th day after the response was submitted.

- (6) A preliminary plat and preliminary engineering drawings shall expire 24 months after approval unless:
- a. An extension is applied for and granted by the City Manager if the city's regulations and requirements have not changed;
 - b. Final plat submittal, on at least one phase, occurs within 24 months following the initial approval; or
 - c. Preliminary plats and preliminary engineering drawings will also expire if there is a more than a 24-month period of time between subsequent submittal and approval of any phase of the preliminary plat.
- (7) The Planning and Zoning Commission has the responsibility to act on the preliminary plat and preliminary engineering drawings within 30 days of the complete submission of the application and all necessary documents. The preliminary plat and preliminary engineering drawings shall be considered approved if no action is taken by the Planning and Zoning Commission within 30 days. The plat and engineering drawings shall be presented to the City Council within 30 days of action being taken by the Planning and Zoning Commission for their consideration. The plat and engineering drawings shall be considered approved if the Council does not act on it within 30 days after the Planning and Zoning Commission has acted on it.

SEC 22-16. FINAL PLAT

- (a) General. The final plat and final engineering drawings for the subject phase of construction shall be substantially consistent per requirements in § 22-15(c)(1) with the approved preliminary plat and preliminary engineering drawings. At the option of the applicant, the final plat may constitute only that portion of the approved preliminary plat that the applicant proposes to develop and record at that time. The first phase of a subdivision shall have its final plats and final engineering drawings submitted within 24 months of approval of preliminary plat and preliminary engineering drawings after which time, a new preliminary plat and preliminary engineering drawings may be required.
- (b) Form and content. A complete submission for approval shall include the Final Plat Application provided by the City and all items listed and required therein. The submission shall not be considered administratively complete until all required documents (plat and engineering documents) in their respective quantities as stated in the application are submitted.
- (1) Final plat. Shall be prepared and sealed by a Texas Licensed Professional Engineer or Texas Registered Professional Land Surveyor and plotted at a scale of one inch to 100 feet or larger. The plat shall conform to the general requirements and minimum standards of design and requirements, and shall include the following elements as applicable:

- a.** A cover sheet is required for all plats involving three or more sheets. All plan sheet numbers shall be placed on the cover along with the corresponding plan sheet titles. Cover sheet shall include all plan sheet numbers and plan sheet titles shown in the engineering drawings as well. A vicinity map should always be included on the cover sheet to show the project location;
- b.** Title block including proposed subdivision name, phase, block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the plat;
- c.** Legal description, existing boundary, lot lines and right-of-way lines of streets and easements with accurate dimensions, bearings, deflection angles, radii and central angles of all curves;
- d.** Index sheet for plats with more than one sheet that shows the entire subdivision drawn to a scale of not less than one-inch equals 100 feet;
- e.** Lot lines shall have line dimensions clearly displayed within the lot along with the lot's respective lot number. Groups of lots that are considered within a block shall have the block number clearly displayed;
- f.** All right-of-way lines and easements shall be clearly displayed on the plat. The plat shall clearly display the location, size and purpose of all existing and proposed easements on or adjoining the property;
- g.** Location of existing and proposed streets, alleys, bikeways and sidewalks on or adjoining the site. Such information shall include name, right-of-way widths, type and width of surfacing. All private streets shall be clearly labeled;
- h.** Any areas reserved or dedicated for public uses;
- i.** Notes addressing how lots with low wastewater service tolerances will be served;
- j.** Delineation of the Federal Emergency Management Association (FEMA) Special Flood Hazard Area as well as any hazards from adjacent detention facilities or as required by the City;
- k.** Easements and street stub-outs necessary to serve adjacent properties;
- l.** Adjacent property information including legal descriptions (recorded volume and page) and property lines within 100 feet;
- m.** Primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data shall be referred. The plat shall be located with respect to a corner of the surveyor tract, or an original corner of the original survey of which it is a part. Temporary benchmarks and NGS datum shall be described on each sheet;
- n.** Scale, basis of bearing and benchmarks (datum) and description shall all be clearly displayed on the plat;
- o.** A north arrow is required on all sheets and should be oriented either upward or to the right. It is the intent of this requirement that all stationing should start from cardinal points of the compass and proceed in the direction of construction;

p. Tax Certificate Title Block;

q. Signature/certification blocks. All final plats shall have affixed to the first page of the plat sheets to be recorded the following elements as applicable:

1. A surveyor's certificate, in the following format, shall be placed on the final plat:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision and Property Development Regulations of the City of Gatesville, Texas.

Signature

Texas Reg. No.

2. An original certificate of ownership and of dedication of all streets, alleys, easements and lands to public use forever, signed and acknowledged before a notary public by the owner of the land, shall appear on the face of the map, containing complete and accurate description of the property being platted and the streets dedicated;
3. A certificate of approval by the Planning and Zoning Commission, in the following format, shall be placed on the final plat:

Approved this ___ day of _____, ____, by the Planning and Zoning Commission of the City of Gatesville, Texas.

Chairperson, Planning and Zoning Commission

Secretary, Planning and Zoning Commission

4. A certificate of approval by the City Council, in the following format shall be placed on the final plat:

Approved this ___ day of _____, by the City Council of the City of Gatesville, Texas.

Mayor

City Secretary

5. A tax certification block, in the following format, shall be placed on the final plat:

The Coryell County Tax Assessor, the taxing authority for all entities in Coryell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this _____ day of _____, A.D.

Coryell County Tax Assessor/Collector's Office

By:

6. A recordation block, in the following format, shall be placed on the final plat:

FILED FOR RECORD this _____ day of _____, _____ in Cabinet _____, Slide(s) _____, Plat Records of Coryell County, Texas.

- (2) Final engineering drawings. Engineering drawings shall be prepared and sealed by a Texas Licensed Professional Engineer and plotted at a scale of one inch to 100 feet or larger. The engineering drawings shall match the features found on the final plat and they shall conform to the general requirements and minimum standards of design and requirements in accordance with Gatesville's adopted Standards for Public Works, and shall include the following elements as applicable:
- a. Title block including proposed subdivision name, phase, block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the engineering drawings;
 - b. Lot layout showing the area in square feet of each lot proposed;
 - c. Water layout plan, fire flow/water design report, details;
 - d. Sanitary sewer layout plan and profiles, a wastewater design report, details, specifications, lift station capacity and a detailed engineering estimate;
 - e. Street plan and profiles, to include paving details and a traffic control plan (if applicable);
 - f. Street light layout;
 - g. Display natural ground profiles of each right-of-way or easement line. Centerline profiles will be satisfactory for right-of-way or easements, except where there is a difference of 0.50 foot or more from one right-of-way or easement line to the other line measured parallel at any point along the right-of-way or easement;
 - h. Storm water plan and profiles of culverts and channels, a grading plan with two-foot contours, a drainage report, an erosion and sedimentation control plan, delineated drainage basins, details for all structures, specifications and a detailed engineering estimate;
 - i. Existing contours at intervals of two feet for grades up to 5% and not more than five feet for grades over 5%;

- j. Drainage information and calculations required the City of Gatesville Drainage Criteria Manual, including, but not limited to, drainage channel and detention pond locations and approximate size of facilities. Flow line elevations shall be shown along with direction of flow of all existing or proposed drainage features;
- k. Drainage structures, 100-year floodplain, floodway, watercourses, railroad, structures and other physical features on or adjacent to the site;
- l. Location and size of all existing and/or proposed city utilities, and all others where known. All city utility lines six inches in diameter or larger within the right-of-way shall be shown on the profile view. All utility lines, regardless of size, should be shown in the plan view, where known;
- m. Major thoroughfare plans and profiles shall be drawn at a scale of one-inch equals two feet vertically and one-inch equals 20 feet horizontally. Minor streets and easement plan and profiles shall be drawn at a scale of one-inch equals five feet vertically and one-inch equals 50 feet horizontally or one-inch equals four feet vertically and one-inch equals 40 feet horizontally. Label each plan sheet as to street widths, right-of-way widths, pavement width and thickness, type of roadway materials, curbs, intersection radii, curve data, stationing, existing utilities type and location. Stationing must run from left to right, except for short streets or lines originating from a major intersection where the full length can be shown on a single plan and profile sheet;
- n. Texas Department of Transportation (TXDOT) approvals for driveway and drainage into their jurisdiction, if applicable;
- o. Existing conditions such as marshes, wooded areas, buildings and other significant features;
- p. Significant features on adjacent properties such as slopes, structures and power lines;
- q. Grading, erosion and sedimentation control plan;
- r. Details of all special structures and standard details, such as drainage features, streams and gully crossing, special manholes and the like, shall be drawn with the vertical and horizontal scales equal to each other; and
- s. Station all point of curvature (P.C.'s), point of tangency (P.T.'s) radius returns and grade change point of intersection (P.I.'s) in the profile with their respective elevations.

(3) Resolution/dedication/field notes. The applicant will furnish the city with a signed, original copy of the dedication, resolution and field notes, as applicable, at the same time the final plat and final engineering drawings are submitted for approval.

(c) Processing final plat.

(1) Submission of application as provided under §22-16(b).

(2) The final plat and final engineering drawings shall be reviewed by the City staff for conformity with the approved preliminary plat and preliminary engineering drawings, city's plans, thoroughfare plan, utility master plan, engineering standards and specifications, city ordinances and other applicable city standards. Upon completion of this review, the final plat and final engineering drawings shall be submitted to the Planning and Zoning Commission for review.

- (3)** The Planning and Zoning commission shall study the final plat and final engineering drawings and all recommendations. Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, lot sizes and arrangement, water and sewer lines, drainage, the further development of adjoining lands and the requirements of city ordinances, polices and plans.
- (4)** Final plats and final engineering drawings shall be deemed approved if no action is taken by the Planning and Zoning Commission within 30 days of submittal, and if no action is taken by the City Council within 30 days of Planning and Zoning Commission approval.

 - a.**The Planning and Zoning Commission shall forward the Final Plat and Final Engineering drawings upon approval to the City Council for their consideration.
 - b.**The Planning and Zoning Commission shall inform the developer in writing of the decision of the Planning and Zoning Commission and City Council including any conditions for approval or reasons for disapproval.

 - 1.** If conditionally approved or disapproved by the Planning and Zoning Commission or the City Council, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided.
 - 2.** The municipal authority or governing body may not establish a deadline for an applicant to submit the response. In accordance with LGC 212.0093.
 - 3.** Upon receiving a written response, the municipal authority or governing body that receives a response under LGC 212.0093 shall determine whether to approve or disapprove plan or plat not later than the 15th day after the response was submitted.
- (5)** The final plat and final engineering drawings shall not be approved, conditionally approved or filed for record and no permits shall be issued until the applicant posts with the city a letter of credit/performance bond for any infrastructure construction remaining.

SEC 22-17. GUARANTEE OF PERFORMANCE

- (a)** General. In order to record an approved final plat in which public infrastructure improvements are required, the developer shall construct the improvements to the approval of the city or file a guarantee of performance in lieu of completing the infrastructure prior to recordation of the plat. All such construction shall be coordinated while in progress by the City Building Inspector(s). If the infrastructure has not been completed and no letter of credit/performance bond posted within 5 years of approval, the approved final plat is considered null and void.
- (b)** Filing a guarantee. If the developer elects to file a guarantee of performance in lieu of completing construction prior to recording the plat, one of the following methods of posting security shall be used, while the City does reserve the right to select which of the following guarantees of performance is utilized.

 - (1)** Unconditional letter of credit from a local bank or other financial institution in a form acceptable to the city and signed by a principal officer of the institution, agreeing to pay

to the city, on demand, a stipulated sum of money to apply to the estimated costs of completion of all required improvements, cost of completion of the required improvements being verified by the City Engineer.

a. The letter of credit shall be dated to expire not less than one year from the recordation of the final plat.

b. If the required infrastructure is not complete within six months of acceptance of the letter of credit, the City shall use the funds to construct the improvements.

(2) Performance bond submitted with the city by a surety company holding a license to do business in the State of Texas, in a form acceptable to the City, in an amount equal to the estimated costs of completion of required improvements verified by the City Engineer.

a. It shall be dated to expire not less than one year from the recordation of the final plat.

b. If the required infrastructure is not complete within six months of acceptance of the letter of credit, the City shall use the funds to construct the improvements.

(c) Guarantee of performance. For the guarantee of performance, as described in this section, the Engineer whose stamp and signature are found on the final plat and final engineering drawings shall prepare a detailed estimate of outstanding infrastructure items to include the cost of each item, the cost of installation of each item and the total cumulative cost of all outstanding infrastructure items. This detailed estimate should be stamped and signed by the Engineer.

(1) The City's Engineer shall review this detailed estimate to ensure that all items are accounted for and are valued at costs that are reasonable given the market at the time of which the project occurs.

(2) The City may request that the developer make modifications to the detailed estimate to reflect comments from the City's Engineer. Once approved by the City's Engineer, the City will accept the guarantee of performance, as described in this section, for the total cumulative cost as shown on the detailed estimate, and the final plat shall be filed with the county.

SEC 22-18. MAINTENANCE BOND REQUIRED

(a) Before the issuance of any building permit, the subdivider shall furnish the City with a maintenance bond, or other surety instrument such as a letter of credit or escrow account. The purpose of the maintenance bond/surety instruments is to assure the quality of materials and workmanship and maintenance of all required improvements including the city's costs for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements in the event the subdivider defaults. The maintenance bond or other surety instrument shall be satisfactory to the city as to form, sufficiency and manner of execution.

(1) For water and sewer related improvements, the bond or other instrument shall be in an amount equal to 20% of the cost of improvements verified by the city Engineer and shall run for a period of one calendar year.

(2) Bonds or other instruments for streets and drainage facilities shall be in an amount equal to 40% of the improvements verified by the city Engineer and shall run for a period of two calendar years.

- (3)** Effective time frame for bonds or other instruments will be measured from the date of release of the performance surety instrument, or signing and recording of the final plat whichever is later.
 - (4)** In an instance where a maintenance bond or other surety instrument has been posted and a defect or failure of any required improvement occurs within the period of coverage, the city may declare the bond or surety instrument to be in default and require that the improvements be repaired or replaced.
- (b)** Whenever a defect or failure of any required improvement occurs within the period of coverage, the City shall require that a new maintenance bond or surety instrument be posted for a period of one full calendar year, except streets and drainage channels and structures which will be for two calendar years.
- (1)** The amount of the bond or instrument will be equal to the amount required to correct the fault or failure.
 - (2)** Effective time frame for the new maintenance bond or other instrument shall begin on the date the city inspects and approves the required correction.

SEC 22-19. "AS BUILT" DRAWINGS

- (a)** As built drawings. The purpose of this requirement is to document the subdivision improvements as they were actually built. These drawings are required to replace the approved plans that are on file at the City and as such should contain all of the sheets presented in the final plat and final engineering drawings. These plans shall be labeled "as built" or "record drawings". These drawings shall minimally include:
- (1)** An index sheet listing all plan sheets presented in the as built drawings;
 - (2)** Drawings shall contain information within tolerances pertinent to the intended function of the design;
 - (3)** Waterlines and appurtenances shall be field located with a horizontal and vertical location within a tolerance of one foot, more or less;
 - (4)** Gravity wastewater lines and manholes shall be field located with a vertical location within a tolerance of 0.1 foot, more or less, and a horizontal location within a tolerance of one foot, more or less;
 - (5)** Pressure wastewater lines and appurtenances shall be field located with a horizontal and vertical location within a tolerance of one foot, more or less;
 - (6)** Drainage facilities shall be field located with a vertical location within a tolerance of 0.1 foot, more or less, and a horizontal location within a tolerance of one foot more or less;
 - (7)** Roadway and sidewalk paving shall be field located with a vertical location within a tolerance of 0.1 foot, more or less, and a horizontal location within a tolerance of one foot, more or less;
 - (8)** All public facilities shall be shown to be located within public rights-of-way or appropriate easements; and
 - (9)** The as built drawings shall be prepared by a Texas Licensed Professional Engineer and shall bear a certification from the Engineer as follows:
 - a.** "To the City of Gatesville: I certify that the subdivision improvements shown on this sheet reflect any revisions of design as approved by the city and which I authorized, and/or any and all field changes of which I am aware."; and

b. The certification shall be executed by, and shall bear the seal and original signature of the professional Engineer licensed in the State of Texas at the date of such certification that directly supervised the construction of the project pursuant to the Texas Engineering Practice Act.

(b) As built drawing submittal requirements.

(1) The developer shall provide the city with a digital copy and a single set of drawings of the constructed infrastructure. A digital copy of the as built plat and its as built engineering drawings must be submitted.

(2) Digital as-built files should be submitted in PDF, DXF, DWG or GIS shapefile/feature class/coverage format. This digital format shall be an exact replica of any required and/or included data represented on the submitted hard copy drawing/document. The submitted media shall be labeled with the project name (subdivision name) and filing date.

SEC. 22-20. TIME EXTENSIONS FOR PROVIDING FACILITIES

(a) Reasonableness. The City Council may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer service facilities must be fully operable if:

(1) Any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that comply with Section 22.-17 are submitted which will be effective for the period of the extension; and

(2) The City Council finds the extension is reasonable and not contrary to the public interest.

(b) Timeliness. If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.

(c) Unreasonableness. An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards of Article IV of this chapter.

ARTICLE IV - PUBLIC WORKS DEVELOPMENT STANDARDS

SEC. 22-21. CONSTRUCTION STANDARDS ADOPTED

All infrastructure constructed as a result of a subdivision of land shall be in accordance with the approved final plat and other infrastructure design, development and the *Standard Details Drawings* adopted by the City.

SEC. 22-22. WATER STANDARDS

- (a) Water Mains – in no case shall any water main be less than six (6) inches in residential areas and eight (8) inches in nonresidential areas. All water mains shall be designed to maintain the minimum pressures and flow rates for both domestic and fire protection purposes as required by TCEQ and the International Organization for Standardization Fire Suppression Rating System (ISO FRS).
- (b) Water Distribution – the water distribution system shall be designed to afford effective circulation of water with a minimum of dead-end mains. All dead-end mains shall be provided with flush valves and discharge piping or fire hydrants at the end of the water main.
- (c) Extending Requirements – All water utilities shall be required to extend across the full width of the subdivision or development (defined by a plat or lot of record) in such an alignment that it can be extended to the next property.
- (d) Fire Hydrant Spacing – the maximum spacing between fire hydrants shall not exceed 600 feet.
- (e) Water Valves – water valves shall be installed at all water line intersections to minimize interruption to customers.
- (f) Water mains shall be located within a dedicated easement behind the curb.

SEC. 22-23. SANITARY SEWER STANDARDS

- (a) Sanitary Sewer Mains – sewer gravity mains shall be six (6) inches or larger as directed by the city engineer, and located within a dedicated easement behind the curb. Services shall be four (4) inches or larger.
- (b) Sanitary Sewer Manholes – manholes shall be placed at all points of change of alignment, grade or size of wastewater main, intersection of two (2) or more wastewater mains, at the end of the line, and any locations to provide accessibility for maintenance ease. The maximum spacing between man holes shall not exceed 500 feet.
- (c) Floodplain Requirements – for wastewater manholes located in the 100-year floodplain, manhole covers and rings shall have gaskets and shall be bolted or have other city approved means of preventing inflow.
- (d) Extending Requirements – All sanitary sewer utilities shall be required to extend across the full width of the subdivision or development (defined by a plat or lot of record) in such an alignment that it can be extended to the next property where the depth and capacity of the line permits such extension.
- (e) Lots within the City limits and in the ETJ with OSSF must be a minimum of one-half acre in size.

SEC. 22-24. STORM SEWER STANDARDS

- (a) Storm Sewer Mains – storm sewer mains shall be six (6) inches or larger as directed by the city engineer.

- (b) Storm Sewer Manholes – manholes shall be placed at all points of change of alignment, grade or size of storm sewer main, intersection of two (2) or more storm sewer mains, and any locations to provide accessibility for maintenance ease. The maximum spacing between manholes shall not exceed 600 feet.

SEC. 22-25. STREET STANDARDS

- (a) Entrances to Subdivisions – new subdivisions with 51 to 100 lots must have at least two access streets; new subdivisions with 101 or more lots require three access streets. In cases where a subdivision will be developed in phases, the number of access streets required will be based on the number of developed lots.
- (b) Projection of Streets – where adjoining areas are not subdivided; the developer shall design and construct abutting short stub-outs or temporary turnarounds for the projection of streets into such unsubdivided areas.
- (c) Street Design Standards
 - (1) Local Streets. Streets that serve individual residential lots. They carry low traffic volumes at low speeds. Local Streets shall have a right-of-way width of 50 feet and a pavement width of 30 feet. Sidewalks on local streets shall be a minimum of four feet wide, meet Texas Accessibility Standards, and must be constructed between the curb and 12 inches away from the property line. Where entrances to subdivisions are not part of a collector street, they shall be 42 feet wide with 70 feet of right-of-way for a distance of 100 feet from the intersection.
 - (2) Minor Collectors. Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to major collectors. Residential lots may front on these streets. Minor Collectors shall have a right-of-way width of 70 feet and a pavement width of 42 feet. Sidewalks on minor collectors shall be a minimum of four feet wide and cannot be placed beyond the property line.
 - (3) Major Collectors. Streets generally located along borders of neighborhoods and within commercial areas to collect and to channel this traffic to the arterial system. These are limited access roads on which no single-family or two-family residential lots may front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot. Major Collectors shall have a right-of-way width of 80 feet and a pavement width of 48 feet. Sidewalks on major collectors shall be a minimum of six feet wide and cannot be placed beyond the property line.
 - (4) Cul-de-sacs. Street with only one outlet which terminates in a vehicular turnaround at the other end. Cul-de-sacs shall be provided at the closed end with a turnaround having a minimum pavement diameter of 96 feet and a right-of-way diameter of 116 feet.
 - (5) Major Arterial. Serve corridor movements having trip lengths and travel densities indicative of substantial statewide or interstate travel. These are limited access roads on which no single-family or two-family residential lots may front. Major Arterials will follow TxDOT design standards.
 - (6) Minor Arterial. Provide service to corridors with trip lengths and travel density greater than those served by rural collector or local systems. They should have high overall travel speed with minimum interference to through movements. These are limited access roads on which no single-family or two-family residential lots may front.

- (d)** Reserve Strips – reserve strips controlling access to streets shall be prohibited except where their control is dedicated to the city.
- (e)** Street Jogs – street jogs with centerline off-sets of less than 125 feet shall be avoided.
- (f)** Street Intersections – streets shall be laid out so as to intersect at right angles, or as close as possible to 90 degrees. Six-foot concrete valley gutters are required at street intersections where cross drainage will occur.
- (g)** Dead End Streets – dead-end streets shall be prohibited except for short stub-outs for future roadway extensions. Temporary turnarounds are required if they exceed 150 feet in length.
- (h)** Street Names – no street names shall be used which will duplicate or be confused with the names of existing streets. Street extensions shall use the existing street names. Street names shall be subject to the approval of the City.
- (i)** Street Lights – It shall be the policy of the city that adequate street lighting for traffic safety be installed in all new subdivisions within the city limits or those in its ETJ requesting voluntary annexation.
 - (1)** Street lights shall generally be limited to intersections, curves, dead ends, cul-de-sac and where spacing exceeds six hundred (600) feet.
 - (2)** Installation procedures and acceptable standards for street lights shall be governed by the design and specification standards of electric utility company serving the subdivision.
 - (3)** The use of special non-standard poles or fixtures from sources other than the electric utility shall not be accepted for dedication to the public for city maintenance.
 - (4)** Street lights on collector and minor residential streets shall be at least 100-watt high pressure sodium vapor. Street lights on major collectors and higher shall be at least 250-watt high pressure sodium vapor.
 - (5)** The city engineer shall approve the street lighting plan.
 - (6)** The developer shall be responsible for the cost of such street lighting installation, including the cost of service lines to supply electricity to the street lights, and all engineering costs. Once satisfactorily installed, approved, and accepted, the ownership and maintenance of the street lights shall be provided by the electric utility serving the area.
 - (7)** The furnishing of electric energy to the street lights shall be provided by the electric utility providing service to the area. The city will pay the energy costs of street lights located in the city limits
- (j)** Sidewalks – sidewalks shall be required on all new streets. Sidewalks are not required on existing streets, streets without curb and gutter, or in a subdivision where all lots are greater than one (1) acre in size. Sidewalks that are currently present on existing streets shall be retained when a parcel of land/lot on an existing street is subdivided. Sidewalks shall be constructed before any Certificates of Occupancy are issued by the City.
 - (1)** The subdivision developer may be required to install sidewalks when the City determines that in the interest of connectivity, accessibility, and/or public safety sidewalks are necessary.
 - (2)** All required public sidewalks shall be located in the City's right-of-way.
 - (3)** Subdivision developers are only responsible for installing sidewalks on property that is under construction.

- (4) All Sidewalk elevations shall not be less than the top elevation of the existing curb, nor more than twenty-four (24) inches above the height of the street curb.
- (5) Obstructions such as, but not limited to, fire hydrants, telephone poles, and street signs, shall not be located within a sidewalk, unless approval of such is obtained from the City Engineer.
- (6) Sidewalk ambulatory ramps shall be constructed within each curb return at all street intersections within the subdivision prior to the granting of a certificate of occupancy for the applicable lot. The ramp dimensions and surface finish shall be uniform throughout the subdivision.
- (7) The developer shall establish a uniform ground surface not to exceed the top of curb elevation for all right-of-way inside each curb return requiring sidewalk ambulatory ramps prior to the release of the subdivision.

SEC. 22-26. EXCEPTIONS

- (a) The City Council may modify the requirements of this section and may elect to participate in the cost of such developments if it finds that the circumstances taken as a whole would make it inappropriate to require the developer/property owner to comply with this section, or any portion thereof, and such modification or participation would accomplish a legitimate public purpose which would benefit the city.
- (b) Each request for exception by a developer/property owner pursuant to this section shall be considered separately in accordance with such criteria as recommended by the City engineer, and the approval of any such request shall be accompanied by such considerations as may be necessary to ensure that a legitimate public purposed beneficial to the city is accomplished.
- (c) Nothing in this section is intended to authorize the use of public funds or credit for a private purpose.

ARTICLE V - COMPLIANCE

SEC. 22-27. OVERSIGHT

The owner, by submitting a plat, acknowledges the authority of the City and state agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these rules.