

Chapter 10 Subdivision Regulations
ARTICLE 10.01 GENERAL PROVISIONS

Sec. 10.01.001 Purpose

The purposes of this Chapter are:

- (a) To protect and provide for the public health, safety and general welfare of the Town.
- (b) To promote and provide for the safe, orderly and healthy development of the Town.
- (c) To guide the future growth and development of the Town in accordance with the Comprehensive Plan and Thoroughfare Plan.
- (d) To ensure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (e) To guide public and private development in order to provide adequate and efficient transportation, water, wastewater, drainage and other public requirements and facilities.
- (f) To provide for the circulation of traffic and pedestrians required for the beneficial use of land and buildings and to avoid congestion throughout the Town.
- (g) To establish reasonable standards of design and procedures for platting to further the orderly layout and use of land to ensure proper legal descriptions and monumenting of platted land.
- (h) To prevent the pollution of streams, ponds and lakes; to ensure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources and enhance the stability and beauty of the community and the value of the land.
- (i) To provide for open spaces through the most effective design and layout of the land.
- (j) To remedy the problems associated with inappropriately platted lands, include premature subdivision, incomplete subdivision and scattered subdivision.

Sec. 10.01.002 Jurisdiction

- (a) Except as provided in Article 10.03 of this Chapter, any owner of land inside the corporate limits or the extraterritorial jurisdiction ("E.T.J.") of the Town wishing to subdivide such land shall submit to the Planning and Zoning Commission a plan of subdivision which conforms to the minimum requirements set forth in these regulations.
- (b) No subdivision plat shall be filed or recorded and no lot in a subdivision inside corporate limits or the E.T.J. of the Town shall be improved or sold until a final plat has been considered by the Planning and Zoning Commission and approved by the Town Council.
- (c) No building permit shall be issued for the erection of any building in the Town or within the Town's E.T.J. on any piece of property other than the original building site or resubdivided lot in a duly approved and recorded subdivision or on an approved building site in accordance with the zoning regulations, without the written approval of a plat by the Town Council in compliance with the provisions of this ordinance.

Sec. 10.01.003 Violations

- (a) It shall be unlawful for any owner, or agent of any owner, to lay out, subdivide, or plat

any land into lots and blocks with or without any easement or rights-of-way within the Town or its E.T.J., or to sell or improve such property, which has not been first platted according to these regulations and rules of the Planning and Zoning Commission.

- (b) Any violation of any provision of this Chapter outside the corporate limits of the Town shall not constitute a misdemeanor under this Chapter nor shall any fine provided for in this Chapter be applicable to a violation within such extraterritorial jurisdiction, however, the Town may petition any court of competent jurisdiction for injunctive relief and damages as allowed by law.
- (c) No officer or employee of the Town shall perform, or cause to be performed, any work upon any streets of any addition or subdivision within the Town unless all requirements of these regulations have been complied with by the owner of the addition or subdivision.
- (d) The Town declares its policy to be that it will withhold improvements of any nature whatsoever, including issuance of building permits, until a final plat of the subdivision has been approved by the Town Council and filed with the County Clerk. No improvements shall be initiated nor any contracts executed until written approval has been obtained by the subdivider.

ARTICLE 10.02 DEFINITIONS

Sec. 10.02.001 Definitions generally

Administrative officers. Every officer referred to by title, i.e., Town Attorney, Town Secretary, Town Engineer, building official, etc., and shall be the person so retained in this position by the Town's duly authorized representative.

Alley. A minor right-of-way used primarily for vehicular service to the rear or side of properties otherwise abutting on a street.

Building line. A line beyond which buildings must be set back from the street or road right-of-way line or property line.

Checklist. A written list of all documentation and other information required to be submitted with a plat application and related to requirements in this Chapter in accordance with Section 212.0081 of the Texas Local Government Code.

Commission or Planning and Zoning Commission. The official Planning and Zoning Commission of the Town as appointed by the Town Council. The Commission is charged with the responsibility of reviewing for approval all subdivisions, preliminary plats, and final plats in the Town. The Commission shall also perform such other duties or functions as the Town Council may delegate to it from time to time.

Collector street. A street which is continuous through several residential or other districts and is intended as a connecting street between such districts and thoroughfares, highways, or business districts.

Commercial street. Denote any street situated so that fifty (50) percent or more of the property abutting it is zoned for other than low-density residential development.

Commercial tract. Any tract containing any type of land use except for single family detached residential. (Requirements and standards for religious and educational land uses shall be the same as the character of the predominant surrounding land uses.) Nothing contained in the definitions set forth shall be considered as limitations to or repeal of the definitions set forth in the building and fire codes adopted by the Town.

Comprehensive plan. The general plan for the growth and development of the Town and its environs; and including any elements of such plan, such as a land use plan, thoroughfare plan, utilities plan, schools and parks plan, and others.

Construction drawings. Those drawings, schematics, plans and other documents that graphically illustrate or depict a proposed building or structure that includes a graphic depiction to scale of the elevation, exterior features, interior lay-out, and other architectural elements.

Cul-de-sac. A short residential street having but one vehicular access to another street, and terminated by a vehicular turn around.

Dead end street. A street, other than a cul-de-sac with only one outlet.

Easement. An area for restricted use on private property upon which any public utility or public entity shall have the right of access and use, as determined by the nature of the easement and the documents which create the easement and shall include the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growth which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems within said area or its proper use of the easement. 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, patrolling, 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. All utilities must notify the Town and the property owners one-week prior to the initiation of any construction or reconstruction project which will exceed \$5,000.00 in projected cost.

Emergency access easement. A private street, alley or paved place dedicated to the public for the purpose of providing access to adjacent structures by emergency vehicles such as fire equipment, police or ambulances, the boundaries of which are continuously and permanently marked.

Engineer. Whenever used with a prefix, shall refer to a registered professional engineer licensed to practice in the state of Texas and retained by a subdivider.

Final plat. A map or drawing prepared according to the provisions of this Chapter and

containing all surveying and legal data, dedications and certificates necessary to the recording of same in the plat records of the county.

Fully developed conditions- For watershed hydrology, fully developed conditions include all existing developed areas which shall reflect current land use or current zoning, whichever yields the greatest runoff, and all existing undeveloped areas which shall reflect anticipated future land use designated by zoning classification, by a Comprehensive Plan, or by an accepted concept plan, or in the ETJ, NCTCOG future land use maps.

Lot. Land occupied or to be occupied by a building and/or accessory building and including such open spaces as are required by ordinances of the Town and having its principal frontage on a public street or officially approved place.

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded with the County Clerk; or a parcel of land, the deed for which was recorded with the County Clerk.

Mayor. The duly elected presiding officer of the Town Council.

Minor plat. A plat or replat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities in accordance with prerequisites defined in this document.

Natural Creek. Those drainageways that are generally unimproved, that often exhibit a meandering course, and which are not proposed to be improved to Town standards for earthen channels. Natural creeks are generally not dredged, mowed or otherwise maintained by the Town and should be contained within floodplain easements rather than drainage easements. Floodplain easements must encompass the fully developed 100-yr floodplain plus ten (10) foot buffer on both sides. Floodplain easements are not routinely maintained by the Town or County.

Open space. That part of any lot or tract that is used for recreational purposes, both passive and active, but not including areas used for parking or maneuvering of vehicles, or drives or approaches to and from parking areas.

Owner. One holding fee simple title to real property or one who, by virtue of a power of attorney or other recordable instrument has the authority to sell, convey or encumber the real estate on behalf of those who hold fee simple title.

Preliminary plat. A map or drawing on which is shown the subdivider's proposed arrangement of streets, lots, easements, and other public spaces and facilities in the subdivision, and which is intended for review and study by the Town and not for recording.

Private driveway. Any area, parcel or strip of land which provides vehicular access to adjacent property or land whether designated as a street, highway, freeway, thoroughfare, avenue, lane,

boulevard, road, place, drive or however otherwise designated, which is not designated as a public right-of-way, is not maintained by the Town and is used by and serves not more than three residences. Property owners of private driveways are responsible for ensuring the driveway is maintained in a manner that insures emergency vehicle access.

Replanning. The re-subdivision or re-designing of any part or all of any lot(s) or block(s) of a previously platted subdivision, addition, or tract of land.

Residential street. A street which is intended primarily to serve a neighborhood or limited residential district and which is geometrically designed to discourage high speed and through traffic.

Residential tract. Any tract of land developed for the primary use by single-family detached residential structures.

Re-subdivision. Shall mean the division of any existing subdivision or lot or tract within an existing subdivision, whether platted or unplatted, or any change in lot size therein, or the relocating of any easements or rights-of-way.

Sanitary sewer. A pipe or conduit for water carried wastes from residences, business building, institutions and industrial establishments, and to which storm, surface and ground water are not normally admitted, and which is a part of the public sewage collection system.

Service line. A water or sewer pipe running from the water or sewer main to the property to which water or sewer service is provided.

Sewer or sewer main. A sanitary sewer (excluding service lines).

Site plan. A scale drawing of any site for which a building permit is sought. The plan shall include but is not limited to the following locations of all existing and proposed structures, utilities, parking area, fences, barriers, roads, driveways, and landscaping. The site plan also includes data to demonstrate compliance with all setback requirements, area coverage ratios, and site development regulations.

Storm sewer or storm drain. A pipe, conduit, or channel which carries storm and surface water and drainage, but excludes domestic sewage and industrial wastes.

Street. An area for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or otherwise.

Street right-of-way width. The shortest distance between the lines which delineate the right-of-way of a street.

Subdivider or developer. An individual, firm, corporation, or other legal entity that owns any interest in land and that directly or indirectly subdivides land into lots as part of a common

promotional plan in the course of business or who divides or proposes to divide land or makes improvements to land so as to affect a subdivision of land hereunder for itself or for another.

Subdivision. The division or alteration of any tract of land situated within the corporate limits in two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition to the Town of Cross Roads, or for laying out or altering an existing building site or any building sites, streets, alleys or part or other portions intended for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto for the purpose, whether immediate or future, of creating building sites. Subdivision includes resubdivision or the alteration of established building sites composed of all or portions of previously established lots or tracts.

Surveyor. A licensed land surveyor or a registered public surveyor, as authorized by the state to practice the profession of surveying.

Thoroughfare. A principal traffic thoroughfare more or less continuous across the Town which is intended to connect remote parts of the Town, or areas adjacent thereto, and act as a principal connecting street with state and interstate highways.

Utility easement. An interest in land granted to the public generally, in order that the Town or private utility corporation, may install or maintain utilities across, over, or under such easement together with the right to enter thereon the easement with machinery, vehicles and personnel necessary for the maintenance of said utilities.

ARTICLE 10.03 PLATTING

Sec. 10.03.001 Procedure

Any owner or developer of any lot, tract, or parcel of land located within the corporate limits of the Town or within its extraterritorial jurisdiction that desires to subdivide or develop any such land shall comply with and conform to the procedures set forth hereinafter.

Sec. 10.03.002 Subdivisions excluded from platting

- (a) Owners of a tract of land who subdivide the tract under the following circumstances and are not required to lay out any part of the tract for streets, alleys, squares, parks, or other parts of the tract to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts of the tract are excluded from the platting requirements of this Chapter.

- (1) Agriculture exclusion. The land is to be used primarily for agriculture use, as defined by Article VIII, Section 1-d, State Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Article VIII, Section 1d-1, State Constitution;
- (2) Family exclusion. The land is to be divided into four or fewer lots or tracts, each with dedicated access easement to a public street described on the survey and deed, and each of the lots or tracts are sold, conveyed, gifted or otherwise transferred to a person who is related to the owner within the third degree of

consanguinity or affinity.

- (3) Retained ownership exclusion. The owner retains title to a lot or portion of the land; the other lot or portion is transferred to another person who will further subdivide the tract subject to the plat approval requirements of this Chapter.
- (b) Any person claiming any exclusion to platting set forth above must provide the following prior to the issuance of any building or development permits by the Town:
- (1) Agriculture exclusion. The owner shall submit an affidavit, in a form provided or approved by the Commission, in which the owner and any person to whom the owner is to transfer an ownership interest, affirms the use of the tract of land as described by Section 1-d or Section 1-d-1 of Article VIII of the State Constitution. The affidavit shall state that that the property is being subdivided under the agriculture exclusion of the Subdivision Regulations of the Town and that the person or persons acquiring the property are aware that the property may not be suitable for any developmental use. In the event the property is subsequently developed or subdivided, the requirements of the ordinances in effect at the time of development will apply.
 - (2) Family exclusion. The owner shall submit an affidavit, in a form provided or approved by the Commission, in which the owner and any person to whom the owner is to transfer an ownership interest, affirms the conditions under which the property was subdivided. In addition to the affidavit, the Commission may also require certified copies of birth certificates, marriage licenses or other governmental or family records which establish the relationship between the owner and the person or persons to whom an ownership interest has transferred.
 - (3) Retained ownership exclusion. The owner shall furnish the Commission copies of the deeds and an affidavit from the person to whom the other lot or tract was transferred which affirms the intent to further subdivide the tract subject to the plat approval requirements of this Chapter.

Sec. 10.03.003 Preapplication conference required

Prior to the filing of a preliminary plat, the subdivider shall meet with the Town Engineer or his designated agent to acquaint himself with the requirements of the Town and the relationship of the proposed subdivision to the zoning ordinance. At such meeting, the density standards, building site requirements and any street, drainage or utility service requirements may be discussed, along with the general character of the building or development in order to identify development requirements. At this meeting, the Town Engineer or his designated representative shall classify the subdivision application as either major or minor and direct the applicant to the appropriate procedures.

Sec. 10.03.004 Preliminary plat filing and time for action

- (a) Any and all subdivisions of property in the Town and within the extraterritorial jurisdiction of the Town shall be reviewed by the Commission and approved by the Town Council with the exception of a Minor Plat, which may be administratively approved by the Mayor or designated agent. Minor Plats may be forwarded to the Planning and Zoning Commission and Town Council at the Mayor's discretion. The

subdivider shall first prepare and submit to the Commission a preliminary plat in accordance with the regulations set forth in this Chapter, together with the information and items required by this Chapter, for the Commission's review and recommendations. After the Planning and Zoning Commission has reviewed the preliminary plat, the Commission shall, within 30 days from the submission date, recommend to Town Council either the:

- (1) Approval of the plat as presented;
- (2) Approval of the plat with conditions that reference the specific ordinance provisions not met; or
- (3) Disapproval of the plat with reasons for denial that reference the specific ordinance provisions not met.

If no action is taken on the plat within 30 days from the submission date, the plat will be considered approved.

- (b) Prior to filing a preliminary plat and application for approval, the subdivider shall submit the preliminary plat to all relevant utility providers for review. Proof of submission to the utility providers, as well as a will serve letter shall be included with the application and preliminary plat. When a preliminary plat is filed with the Town for review and approval, if deemed necessary, it shall be forwarded to the Town's consulting engineer, who will make a preliminary review of the plat.
- (c) Prior to filing a preliminary plat and application to the Town, the developer must schedule and attend a predevelopment meeting with Town officials in accordance with Section 10.03.003. At such time, developer and/or developer's engineer shall provide a basic description and sketch of proposed subdivision and improvements. The Town will not accept a preliminary plat application prior to the predevelopment meeting.
- (d) Upon receipt of a preliminary plat, all required documents, and payment of all required fees, the Town Secretary, or designated agent, shall check the preliminary plat for completeness in accordance with Article 10.04. No preliminary plat shall be processed for review that is determined to be incomplete. The Town Secretary shall coordinate the review of the preliminary plat with applicable municipal departments and the Town Engineer as required. Upon determination that the preliminary plat does not meet the minimum requirements of these Subdivision Regulations, the Town Secretary shall give the developer written notice of the revisions required to complete the plat application.
- (e) Preliminary plat submissions which include drainage studies, downstream assessments, or detention pond construction shall require a minimum ten (10) business days for each review. All necessary subsequent reviews regardless of the number of comments shall require ten (10) business days for review. Drainage studies and downstream assessments may be submitted for review prior to official Preliminary plat submission to avoid denial of Preliminary plat application by the Planning and Zoning Commission.
- (f) Upon completion of staff review and the receipt of necessary revisions from the developer, and determination that the preliminary plat has officially been submitted in accordance with the requirements of Article 10.04, the preliminary plat shall be placed on the next available meeting agenda for consideration by the Planning and Zoning Commission.
- (g) Following Commission review, the preliminary plat shall then be submitted to the Town

Council for final action, together with the Commission's recommendations. The Town Council shall act on the preliminary plat within thirty (30) days after the plat is approved by the Commission or is considered approved by the inaction of the Commission. The Town Council shall act on the preliminary plat within thirty (30) days of submission to the Town Council.

- (h) The preliminary plat shall be filed with an application on a form provided by the Town for that purpose. The application and preliminary plat shall be filed with the Town Secretary in accordance with the Town's submissions schedule which may be amended from time to time, but will be not more than thirty (30) consecutive calendar days before the meeting of the Commission at which such preliminary plat is to be considered. No preliminary plat application will be accepted on a day outside of the submission schedule.

Sec. 10.03.004 Final plat filing and time for action

- (a) Upon approval of the preliminary plat and the application for such approval, the owner, developer or sub-divider may then proceed with the filing and submission of a final plat and application for approval thereof for all or a portion of the land or area included in the preliminary plat. No final plat application will be accepted for filing, and no final plat may be approved by the Town Council, unless a preliminary plat has first been approved. The application and plat shall be filed with the Town Secretary in accordance with the submission schedule, which may be amended from time to time, but will be not more than thirty (30) consecutive calendar days before the meeting of the Commission at which such plat is to be considered. After the Planning and Zoning Commission has reviewed the final plat, the Commission shall within 30 days from the submission date recommend to Town Council either the:

- (1) Approval of the plat as presented;
- (2) Approval of the plat with conditions that reference the specific ordinance provisions not met; or
- (3) Disapproval of the plat with reasons for denial that reference the specific ordinance provisions not met.

If no action is taken on the plat within 30 days from the submission date, the plat will be considered approved.

- (b) The Town Council shall act on the final plat within thirty (30) days after the plat is approved by the Commission or is considered approved by the inaction of the Commission. The Town Council shall, within thirty (30) days following submission by the Commission, consider the final plat for acceptance of the dedications to the public therein set forth, provided the plat shall in all things fully comply with the terms and provisions of this Chapter and the ordinances of the Town.
- (c) Final plat submissions which include drainage studies, downstream assessments, or detention pond construction shall require ten (10) business days for each review, including all necessary subsequent reviews.

Sec. 10.03.005 Construction after final plat is approved

- (a) The subdivider or applicant after approval of the final plat shall:

- (1) Direct its engineer to design, stake, and supervise the construction of the facilities in accordance with approved plans and specifications and these regulations;
 - (2) Direct its contractors to construct all improvements as identified in the approved engineering plans;
 - (3) Provide to the Town, prior to final acceptance of the improvements, a two-year maintenance bond in the amount of ten percent (10%) of the contract price or \$50,000, whichever is greater, not to exceed 100% of the total contract for any public improvement, if applicable; and,
 - (4) Provide to the Town, prior to final acceptance of the improvements, one (1) 22" x 34" black line set, one (1) 11"x17" black line set, and one (1) electronic set of "as-built" plans, checked and corrected by the subdivider's engineer.
- (b) After completion of all improvements, franchise utilities, grading, and erosion control measures, the Town or its designated representatives will perform a final inspection before causing the project to be considered for acceptance by the Town. After the Town accepts the improvements, the Town will issue a "letter of final acceptance". The subdivider shall submit this letter to the building official prior to the issuance of a certificate of occupancy for non-residential subdivisions or release of building permits for residential subdivisions. The Town will then file the final plat with the County. Final plats may be filed prior to the completion of construction at the discretion of the Town. If final plat is approved to be filed prior to final acceptance of constructed improvements, a Performance Bond in the amount of 100% of the contract amount shall be provided to the Town prior to filing.
- (c) All improvements within a subdivision shall be installed or constructed at the subdivider's cost and expense.

Sec. 10.03.006 Minor residential plats with four or less lots

All applicants seeking approval of a Minor Plat shall comply with the requirements of this section. Every Minor Plat shall require approval of the Mayor or the Mayor's designated agent. The Mayor, in his discretion, may forward any Minor Plat to the Planning and Zoning Commission and Town Council for review and approval in lieu of granting approval.

(a) Minor Plat Prerequisites:

- (1) The proposed division results in four (4) or fewer lots;
- (2) All lots in the proposed subdivision front onto an existing public street and construction of extension of a street or alley is not required to meet requirements of this Ordinance, or any other ordinance; and,
- (3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision, however, right-of-way widening, and easements shall be permitted as part of a Minor Plat.
- (4) The replatting of existing platted lots much comply with all requirements for a Final plat as outlined in these documents.

(b) Minor Plat Documents Required:

- (1) Minor Plat Application
- (2) Minor Plat Drawings

- (3) Preliminary Drainage Analysis
- (4) Tax and Liens Paid Certificates
- (c) Minor Plat Application: The applicant shall submit a written Minor Plat Application to the Town Secretary in accordance with requirements for Preliminary plat submissions.
- (d) Minor Plat Drawings shall include all information required for a Final plat.
- (e) Preliminary Drainage Analysis – The Town Engineer will review each request for a Minor Plat and determine whether the applicant shall be required to submit a Drainage Study or Downstream Assessment. When required, the drainage study or downstream assessment shall conform to the requirements of the Checklist and specifications contained in this document. The applicant may be exempt from this requirement when the Town Engineer is satisfied that no drainage facilities are necessary.
- (f) A pre-development meeting is required prior to the submission of any Minor Plat.
- (g) Every Minor Plat shall be reviewed for conformity with the Comprehensive Plan, these regulations, and any other applicable ordinance according to the procedures established for Final plats. The Mayor or designee is authorized to approve or approve with conditions a Minor Plat provided such Plat meets all requirements of these regulations. If the Mayor declines to approve the proposed plat, the Minor Plat shall be placed on the agenda for the next regular meeting of the Planning and Zoning Commission for their consideration and forwarding to Town Council.

ARTICLE 10.04 PRELIMINARY PLAT

Sec. 10.04.001 General requirements

- (a) A written application for the approval of the preliminary plat, together with not less than two (2) prints and a digital copy of the complete submittal package shall be filed with the Town Secretary in accordance with the submission schedule, which may be amended from time to time, but will be not more than thirty (30) consecutive calendar days before the meeting of the Commission at which such plat is to be considered. For the purposes of this section, a preliminary plat will be deemed to be filed when all administrative procedures have been completed and notice is posted of the date when the Planning and Zoning Commission will consider the preliminary plat. A plat application which is not accompanied by the prescribed filing fees will not be considered as having been filed.
- (b) All information contained in the Checklist for Preliminary Plats shall be provided, including but not limited to the items identified in Sections 10.04.002, 10.04.003 and 10.04.004.

Sec. 10.04.002 Existing features

The preliminary plat shall be drawn to scale of one hundred feet to the inch (1"=100'). The information to be included and the procedures for submittals are as follows:

- (a) Subdivision boundary lines indicated by heavy lines, and the computed acreage of the subdivision shall be noted. (The subdivision boundary shall be construed to include the part of adjacent boundary streets, which were previously established by dedication or purchase from the tract being subdivided).

- (b) The widths and names of all existing or platted streets or other public rights-of-way or easements within or adjacent to the tract, shall be located together with any existing permanent buildings, railroads, and other important features, such as abstract lines, political subdivision or corporate lines, and school district boundaries.
- (c) Existing sewer mains, water mains, drainage culverts, channels, ponds, inlets, storm drains, or other underground structures within the tract and within two hundred feet (200') with pipe sizes and grades.
- (d) Contours at intervals of two feet (2') or less with reference to mean sea level datum.
- (e) The names of adjacent subdivisions and/or the names of record owners of adjoining parcels of unsubdivided land. (If there is no adjacent subdivision, a map on a small scale shall be included with the preliminary plat, and oriented to show the nearest subdivision in each direction, together with a plan of how the streets, alleys, or highways in the subdivision submitted may connect with those in any subdivision within 2,000 feet of the proposed subdivision).
- (f) Permanent structures and uses within the subdivision including location of any houses, barns, wells, tanks, and other significant features.
- (g) The exact location, dimension, description, and flow line of existing drainage structures and the location flow line and floodplain of existing watercourses within the subdivision. The 100-year flood line source information will be referenced.
- (h) Utilities on the tract with notations of line sizes, including the identification of transmission lines.
- (i) Any other conditions adjacent to the tract affecting the design of the subdivision including such information as may be available from field observation, aerial photographs and available maps.

Sec. 10.04.003 New features

The preliminary plat shall, in addition to the requirements set forth in Section 10.04.002, shall include the following information and shall be subject to the following procedures:

- (a) The proposed name of the subdivision.
- (b) North point, scale, dates, and approximate acreage of the proposed subdivision.
- (c) The names and addresses of the subdivider and of the engineer, surveyor, or planner.
- (d) The tract designation and other description according to the real estate records of the Town, County, or central appraisal district as well as the designation of the proposed uses of land within the subdivision.
- (e) All parcels of land and areas intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservations.
- (f) Right-of-way dedications in accordance with the Town's Comprehensive Plan for future roadway widenings, including streets adjacent to the subject tract.
- (g) The layout, names, and width of proposed streets, alleys, and easements.
- (h) The layout, numbers, setback lines, and dimensions of proposed lots, blocks, parks, etc.
- (i) A legal description of the property to be subdivided, and metes and bounds description of the subdivision's perimeter.
- (j) The primary control points of description and ties to such control points to which all

dimensions, angles, bearings, block numbers and similar data shall be referred.

- (k) The locations of Town limit lines, and the extraterritorial jurisdiction and zoning district boundaries if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.
- (l) Any proposed changes in topography shown by contour lines on a basis of two feet (2') vertical in terrain with a slope of two (2) percent or more, and on a basis of two (2') feet vertical interval in terrain with a slope of less than five percent (5%) (public agency source of datum shall be specific on the plan).
- (m) A number or letter to identify each lot or site and each block.
- (n) Data specifying the gross area of the subdivision, the proposed number of lots and area thereof, and the approximate area in any nonresidential use.
- (o) Proposed zoning and boundaries of new zoning districts.
- (p) Front building setback lines on all lots and tracts together with side yard building setback lines at street intersections and crosswalks.
- (q) A copy of all existing protective covenants regulating the use of the land or the construction of improvements.
- (r) A layout and plan indicating compliance with and understanding of the Town's tree preservation ordinance, codified in Chapter 3, Article 3.08 of this code.
- (s) A preliminary drainage study and/or downstream assessment shall be required to be submitted when required by the Town Engineer. Requirements for the study shall be per this document and the Checklist. The preliminary drainage study and/or downstream assessment must be approved by the Town Engineer prior to approval of the Preliminary plat.

Sec. 10.04.004 Additional Items Required

- (a) Road and drainage maintenance plan. A plan for the perpetual maintenance of roads and all drainage facilities, including but not limited to conduit, culverts, headwalls, rip rap, detention ponds, outlet structures, swales, earthen channels, and any and all other drainage facilities necessary to maintain proper drainage for the improvements associated with the proposed subdivision shall be included on the preliminary plat.
- (b) Utilities. A plan of the proposed water and sanitary sewer mains and proposed drainage facilities, including drainage areas, location of lines, inlets, culverts, bridges, and calculated run-off and points of concentration shall be submitted with the preliminary plat.
- (c) Location map. A location map of the proposed subdivision drawn on a scale of one inch to one thousand feet (1"=1000') showing existing and proposed streets and thoroughfares covering an area at least one (1) mile outside the proposed location shall be submitted with the preliminary plat.
- (d) Cross sections. Typical cross-sections of proposed streets showing the width of pavement, type of pavement, and location and width of sidewalks shall be submitted with the preliminary plat.

- (e) Approval block. The following notice shall be placed on the face of each preliminary plat by the subdivider:

“Preliminary Plat for Review Purposes Only”

The following certificates shall be placed on the preliminary plat by the subdivider:

Recommended for Approval

Chairperson, Planning and Zoning Commission
Town of Cross Roads, Texas

Date

Approved For Preparation of Final Plat

Mayor, Town of Cross Roads

Date

Sec. 10.04.005 Approval

- (a) The approval of the preliminary plat by the Town Council shall be effective for a period of one hundred eighty (180) days after the approval date, unless reviewed by the Town Council in light of new information which would necessitate the revision of the preliminary plat, such revision being subject to the same procedures as the original preliminary plat. If a final plat for the subdivision, or portion thereof, has not been submitted prior to the expiration of one hundred eighty (180) days after approval, then the preliminary plat is null and void unless the subdivider has, in writing, requested and received an extension of time to prepare and file a final plat. Any extensions of approval granted to a preliminary plat shall be in increments of one hundred eighty (180) days.
- (b) If the final plat is to be submitted or completed in phases, a schedule of submissions may be filed for acceptance by the Town Council with the preliminary plat. If the Town Council accepts the schedule, then the preliminary plat will remain in effect as long as each phase of final plat submission is filed by the scheduled date. In the event any phase is not submitted by the scheduled date, then the preliminary plat shall be null and void in its entirety unless the subdivider has, in writing, requested and received an extension of time to prepare and submit a final plat. An extension of one phase of submissions shall not automatically extend the schedule for the remaining phases. The Town Council is not obligated to accept the phased submission of final plats or grant extensions and the extension of one phase shall not obligate the Town Council to grant an extension for any other phase. Any extension granted will extend the scheduled submission date of that phase by an increment of one hundred eighty (180) days.

Sec. 10.04.06 Disapproval

If the proposed plan of subdivision as shown by said preliminary plat is disapproved by the Commission, the application shall be returned to the owner within fifteen (15) days after disapproval. Such disapproval shall be final. The owner or developer may appeal directly to the Town Council within thirty (30) days from the date of the disapproval and the Town

Council shall then consider the preliminary plat and the Commission's reasons for disapproval. However, in no event shall the failure of the Council to consider and act on the preliminary plat within thirty (30) days of the Commission's disapproval be construed to constitute an approval of the preliminary plat. If the Council determines that the preliminary plat should be approved, then it shall approve same in accordance with the provisions of this Chapter.

ARTICLE 10.05 FINAL PLAT

Sec. 10.05.001 General requirements

- (a) After approval of the preliminary plat by the Commission and Town Council, a final plat prepared by a registered public surveyor bearing his seal shall be submitted to the Commission.
- (b) The Final plat and accompanying data shall substantially conform to the Preliminary plat as approved by the Planning and Zoning Commission and Town Council, incorporating any and all conditions, changes, modifications, alterations, corrections and stipulations imposed by the Planning and Zoning Commission and Town Council. Any submittals of a Final plat which contains only part or portions of the area as shown on the Preliminary plat are considered phases and must be consistent with the Preliminary plat, as approved, in design and layout. Additional review time may be required where a Final plat does not constitute a full phase as shown on the Preliminary plat.
- (c) A written application for the approval of the final plat, together with not less than two (2) prints and a digital copy of the complete submittal package with all accompanying documents, including the drainage models, if required, shall be filed with the Town Secretary in accordance with the submission schedule, which may be amended from time to time, but will be not more than thirty (30) consecutive calendar days before the meeting of the Commission at which such plat is to be considered. A plat application which is not accompanied by the prescribed filing fees will not be considered as having been filed. The final plat may constitute all or only a portion of the approved preliminary plat, but any portion thereof shall conform to all of the requirements of this Chapter. If final plats are submitted for approval for a portion or section of the proposed subdivision, each portion or section shall carry the name of the entire subdivision but shall bear a distinguishing letter, number, or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivision might be finally approved in sections.
- (d) For the purposes of this section, a final plat will be deemed to be filed when all administrative procedures have been completed and notice is posted of the date when the Planning and Zoning Commission will consider the final plat.
- (e) The final plat shall be drawn on sheets measuring twenty-four inches (24") by thirty-six inches (36") and shall be drawn to a scale of one hundred feet to the inch (1"-100"). A summary sheet/key is required when the project exceeds the required sheet size.
- (f) Two (2) direct prints, and one (1) set of plans and specifications for water, sanitary sewer, paving, and drainage improvements, for use by the building official, prepared

by a registered professional civil engineer, shall be approved and retained by the Town prior to any construction in the subdivision.

- (g) All information contained in the Checklist for Final plats shall be provided, including but not limited to the following:

Sec. 10.05.002 Final plat contents

The final plat shall contain or have attached the following information and exact layout:

- (a) The boundary lines with accurate distances and bearings, a metes and bounds description of the boundary (error of closure shall not exceed one (1) in ten (10) thousand for adjusted boundary and one (1) in fifty (50) thousand for the plat boundary), exact acreage to hundredths, and exact location and width of all existing or recorded streets intersecting the boundary of the tract. One (1) copy of the traverse closure shall be enclosed;
- (b) True bearings and distance to the nearest established street lines, official monuments, or subdivision corner, which shall be accurately described on the plat. Municipal, town, county, or abstract lines shall be accurately tied to the lines of the subdivision by distance and bearings;
- (c) An accurate location of the subdivision in reference to the deed records of the County which shall include the volume and page of the deed of the property to be subdivided.
- (d) Street and/or alley names;
- (e) Access points for each lot to a dedicated street or public right-of-way. Where lots abut a state highway or roadway, prior to final plat approval, the plat shall be submitted for review to the Texas Department of Transportation for conformance with its Access Management Plan;
- (f) The length of all arcs, radii, internal angles, and points of curvature, length and bearings of the tangents. All horizontal alignments shall be in accordance with the Checklist and AASHTO guidelines whichever is more stringent shall apply;
- (g) All easements for public services and utilities and any limitation of the easements;
- (h) All lot and block numbers and lines, with accurate dimensions in feet and hundredths and with bearing and angles to street and alley lines to the nearest second;
- (i) The accurate location, material and approximate size of all monuments and the accurate location, material and size of all sight barrier fences where required to separate commercial and industrial from residential areas;
- (j) The accurate outline description of all property which is offered for dedication for public use such as parks, etc., with the purpose indicated thereon, and all property that may be reserved by deed covenant for the common use of the property owners in the subdivision;
- (k) Building setback lines;
- (l) Private restrictions;
- (m) The name of the proposed subdivision;
- (n) The name and address of the subdivider;
- (o) North point, scales, and dates;

- (p) A location map of the proposed subdivision on a scale of one inch to one thousand feet (1"-1000') showing existing and proposed streets and thoroughfares covering an area at least one (1) mile outside the proposed subdivision;
- (q) Construction plans and profiles shall be drawn on sheets measuring twenty-two inches (22") by thirty-four inches (34") for full-size prints, shall be the same size as the final plat, and shall include all applicable information provided on the Checklist, including but not limited to, the following information:
 - (1) A plan and profile of each street with top of curb grades shown. Each sheet shall include north point, scale, date, and benchmark description to sea level datum. Unless otherwise approved by the Town, scales shall be one-inch equals forty feet (1"= 40') horizontally and one inch equals four feet (1"=4') vertically when printed at half-size (11"x17"). Each plan shall show the seal and signature of the registered professional civil engineer that prepared the plans.
 - (2) The cross section of proposed streets showing the width of roadways, location of the proposed grade line, utility typical locations, type of pavement and location and width of sidewalks.
 - (3) A plan and profile of proposed sanitary sewers, if required, with grades and pipe sizes indicated and showing locations of manholes, clean out, etc., and plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings, etc., in conformance with the applicable criteria presented in "improvements." Unless otherwise approved by the Town, scales shall be one-inch equals forty feet (1"= 40') horizontally and one inch equals four feet (1"=4') vertically when printed at half-size (11"x17"). Each plan shall show the seal and signature of the registered professional civil engineer that prepared the plans. Each sheet shall include north point, scale, date, and benchmark description on the mean sea level datum.
 - (4) A plan and profile of proposed storm sewers, if required, showing hydraulic data and gradients, pipe grades and sizes, manholes, inlets, pipe connections, outlet structures, etc., in conformance with the applicable criteria as shown in "improvements."
 - (5) Unless otherwise approved by the Town, scales shall be one-inch equals forty feet (1"=40') horizontally and one inch equals four feet (1"=4') vertically when printed at half-size (11"x17"). Each shall show the seal and signature of the registered professional civil engineer that prepared the plans. Each street shall include north point, scale, date, and benchmark description on the mean sea level datum;
- (r) Identification of each lot or site and block by number and letter;
- (s) Exact acreage of each lot or site;
- (t) Exact location of each fire hydrant, showing the required distance, for that zone, between the hydrants;
- (u) All final plat applications shall include an approved final drainage plan and study in accordance to Section 10.07.006;
- (v) FEMA floodplain and floodway with panel number, zone and effective date;
- (w) Fully developed 100-yr floodplain delineated and floodplain easement provided;

- (x) Minimum finished floor elevations 2' above fully developed 100-yr water surface elevation for lots affected by or adjacent to floodplain, open channels, ponds or overflow structures or flumes;
- (y) Reference to recorded subdivision plats of adjoining platted land by record name, county recorder's book and page numbers, and the names of owners of adjoining unsubdivided land together with deed references;
- (z) Restriction to occupancy.
 - (1) If the subdivision is not to be immediately served by a sewage collection system and a treatment plant installed by the developer (where required by zone) or an approved septic system, then a restriction prohibiting occupancy of any lot until such systems have been installed, inspected and approved by the health officer having jurisdiction shall be required.
 - (2) Unless and until a final plat is approved in accordance herewith, it shall be unlawful for any official of the Town to serve or connect the owners with any public utilities.
 - (3) Any special restrictions required by the Commission for the protection of public health or safety or to insure substantial enjoyment of property rights of present and prospective owners of property within or adjoining the subdivision;
- (aa) The final plat shall be accompanied by one set of surveyor's closure notes for the boundary of the subdivision and each block thereof. The notes shall be referenced in the same manner as the plat. They shall be submitted in the form prescribed by and for the approval of the Commission and when approved, the notes shall be recorded as public documents in the records of the Town and the County;
- (bb) Certification of title and certificate of dedication or, in lieu thereof, a dedication deed, signed and acknowledged in the same manner prescribed by law for conveyances of real property by the owner and all others having an interest in the property being subdivided and platted, certifying the identity of all owners and persons having any interest in the property, including lienholders, and dedicating the streets, alleys, easements, parks and other spaces to public use, or when the subdivider has made provision acceptable to the Town Council for perpetual maintenance thereof, to the inhabitants of the subdivision;
- (cc) Certification by a licensed land surveyor, registered in the State of Texas, to the effect that the plan represents a survey made by him or under his direct supervision and that all monuments shown thereon actually exist, and that their location, size, and materials are correctly shown;
- (dd) The following certificate on the plat, in a manner that will allow the filling in of the certificate by the proper parties.

Recommended for Approval

Chairperson, Planning and Zoning Commission Date

Approved for Construction

Mayor, Town of Cross Roads

Date

The undersigned, Town Secretary, of the Town of Cross Roads, Texas, hereby certifies that the foregoing final plat of the _____ Subdivision or Addition to the Town of Cross Roads was submitted to the Town Council on the _____ day of _____, 20_____, and the Council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public parks, and water and sewer lines, as shown and set forth in and upon said plat, and said Council further authorizes the Mayor to note the acceptance thereof for construction by signing his/her name as herein above subscribed.

Witness my hand this _____ day of _____ AD, 20_____,

Town Secretary

Sec. 10.05.003 Approval

The approval of construction drawings and the final plat by the Town Council shall expire after a period of one (1) year from the approval date, unless substantial construction has been completed, or the subdivider has requested in writing and received an extension of time. Any extensions of approval granted to a final plat shall be in increments of one hundred eighty (180) days. Construction drawings which have expired shall be resubmitted to the Town for approval before any construction is begun. The design of the proposed improvements shall be based on the construction requirements, which are in effect at the time of re-submittal.

Sec. 10.05.004 Filing of Final Plat

Once the final plat has been approved by the Town in accordance with the requirements of this Chapter, the sub-divider shall provide the Town with a sufficient number and size of documents as required by the County Clerk, along with certified tax statements and the Town shall file the final plat with the County Clerk. If the plat is filed prior to the acceptance of the constructed improvements by the Town, the developer shall provide to the Town a Performance Bond in the amount of 100% of the construction costs until such time that construction is complete and accepted. One (1) copy of the recorded final plat shall be retained by the Town Secretary for the Town's records.

ARTICLE 10.06 ADDITIONAL REQUIREMENTS FOR CERTAIN REPLATS

Sec. 10.06.001 Replats without vacating previous plats

- (a) In addition to compliance with the provisions of this Chapter, a replat without vacating the previous plat shall comply with the provisions of this article if.
 - (1) During the preceding five (5) 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 (2) residential units per lot, or
 - (2) Any lot in the preceding plat was limited by deed restrictions to residential use

for not more than two (2) residential units per lot.

- (b) Notice of a public hearing shall be given before the fifteenth (15th) day before the date of the hearing by:
- (1) Publication in an official newspaper or a newspaper of general circulation in the county;
 - (2) By written notice, with a copy of this article attached, forwarded by the Town to the owners of property in the original subdivision as indicated on the most recently approved county or municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll, within two hundred feet (200') 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 Town.
- (c) If the proposed replat is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of all members of the Town Council. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred feet (200') from that area, but within the original subdivision, must be filed with the Town Council prior to the close of the public hearing.
- (d) In computing the percentage of land area under subsection (c), the area of streets and alleys shall be included.
- (e) Compliance with this article is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

ARTICLE 10.07 DEVELOPMENTAL REQUIREMENTS

Sec. 10.07.001 Streets to conform to thoroughfare plan

The arrangement, character, extent, width, grade, and location of all proposed streets shall conform to the comprehensive plan and thoroughfare plan of the Town, to the relationship of the existing and planned streets to the topographical conditions, to the public convenience and safety, and to the appropriate relation to the proposed uses of the land to be served by such streets. Right-of-way for adjacent streets shall be dedicated to account for future widening in accordance with the comprehensive plan and thoroughfare plan of the Town except as otherwise provided for in State law.

Sec. 10.07.002 Abutting streets and drainage

When a proposed subdivision of land abuts both sides of an existing road, street, or highway, or drainage easement that is substandard according to the current specifications of this Chapter, the developer shall be required to improve the existing road and drainage to current standards or to replace it with a standard road at the developer's expense. The developer shall also be required to dedicate the necessary rights-of-way for the particular roadway, which shall be not

less than sixty (60) feet.

Sec. 10.07.003 Adjacent streets

- (a) When the proposed subdivision is located adjacent to a substandard road or street, the developer shall:
 - (1) Be required to construct the developer's one half (1/2) share of said improvements as a condition for the approval of the final plat; and,
 - (2) Be required to dedicate the necessary right-of-way for one half of that particular roadway, but not less than thirty (30) feet.
- (b) The developer may submit a request to the Town Council to pay the Town the developer's portion of said improvements in lieu of construction of said improvements and submit a full set of engineering plans and specifications for the improvement to the rights-of-way, and shall dedicate the appropriate rights-of-way. When considering this request, the Council may take into consideration timing of construction, constructions costs, and timing of surrounding developments in making their determination.

Sec. 10.07.004 Street requirements

Where it is not shown in the comprehensive plan or thoroughfare plan of the Town, the arrangements of streets in a subdivision shall:

- (a) Provide for the continuation or appropriate projection of existing streets in surrounding areas;
- (b) Conform to a plan for the neighborhood approved or adopted by the Town to meet a particular situation where topographical or other conditions make continuation of or conformance to an existing street impracticable;
- (c) Be aligned so that they will intersect, as nearly as possible, at right angles.
- (d) Residential streets shall be laid out so that their use by through traffic is discouraged.
- (e) Street jogs with centerline offsets of less than one hundred twenty-five feet (125) shall be avoided.
- (f) Street right-of-way widths shall conform to the following:

TYPE OF STREET	MINIMUM RIGHT- OF- WAY WIDTHS
Major Thoroughfare	125'
Collector	90'
Residential	60'

- (g) Utility easements shall be at least ten (10) feet wide on each side of the road, shall not lie within the street right-of-way, and no primary utilities will be located within the street right-of-way.
- (h) Half streets shall be prohibited.
- (i) Cul-de-sacs shall not exceed eight hundred feet (800') from the nearest intersecting street, and there shall be provided at the closed end a turnaround having an outside

roadway diameter of at least eighty feet (80') and a street right of way diameter of at least one hundred feet (100').

- (j) All streets shall be paved, and the paving shall conform to “improvements” of these regulations.
- (k) Street grades shall be established regarding topography, proposed land-use and the facilities in the area surrounding the land to be subdivided. An absolute minimum grade of five tenths (0.50%) will be allowed on concrete streets; however, where it is possible, a grade of eight-tenths percent (0.80%) shall be used.
- (l) Pavement markings shall be installed in accordance with TxDOT specifications, TxDOT standard details, and manufacturer’s recommendations unless otherwise directed by the Town. Pavement markings and the erection thereof will be at the expense of the subdivider.
- (m) Residential lots shall not face major thoroughfares. Driveways or alley pavement cuts shall not be permitted on major thoroughfares. Alleys may be provided alongside and/or rear lot lines on major thoroughfares for rear entrance.
- (n) All testing in accordance with NCTCOG and Town requirements shall be conducted by a State approved testing lab approved by the Town at the developer’s expense. The State approved lab tests shall include, but will not be limited to, inspection, testing compaction, moisture content, and lime application rate of the subgrade, inspection and testing plasticity index (pi) and lime application rate of the foundation course, and testing application rates, thickness, density, and inspection of the installation of the roadway surface course. The Town shall employ a registered professional engineer and/or qualified inspectors to independently act as quality control agents for each project. The Town and developer will receive reports of all items and those not in compliance with the specifications shall have recommendations for corrective action. The Town will have full authority to ensure that the corrective action required will be made. The developer will bear the cost of the quality control agent(s), and the required testing, and any required retesting. To ensure prompt payment for these services, the Town shall establish an account for this purpose at the time of final plat approval, and the developer shall maintain a minimum account balance as determined by the Town Council. Samples and testing results shall be furnished simultaneously directly to the quality control agent, Town and the developer.
- (o) When the developer completes the construction of improvements in the development and has satisfactorily completed all necessary quality control tests and reports, and the final cleanup is performed, the developer will notify the Town for a “final inspection”. Such final inspection will be made within ten (10) business days after notification. After the final inspection, if the work is found to be satisfactory, the developer will be notified in writing of acceptance. If not satisfactory, the developer will be notified in writing of the corrective action required for approval.
- (p) No concrete or asphalt pavement shall be placed without the Town’s quality control agent present to inspect material, thickness, rebar, and adherence to required testing and placement methods. Any concrete or asphalt pavement placed outside the presence of the Town’s quality control agent may be subject to removal or additional testing requirements including but not limited to coring of the pavement section at the

discretion of the Town.

- (q) All road maintenance, repair and upkeep in subdivisions will be the absolute and sole responsibility of the developer and/or homeowners association. Subdivision covenants and deed restrictions shall contain clear and express provisions that require the formation and continuation of a homeowner's association and shall impose upon such association the obligation for such street repair, maintenance and upkeep. The subdivision covenants and deed restrictions shall be filed with the final plat as a condition of plat approval.

Sec. 10.07.005 Alleys

- (a) Alleys may be required in commercial and industrial districts and shall be paved with reinforced concrete. The Town may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses provided.
- (b) Alleys may be required in residential districts and shall be paved in concrete and shall be constructed in accordance with the requirements of this Chapter.
- (c) The minimum right-of-way width of an alley shall be twenty (20) feet in industrial and commercial areas and fifteen (15) feet in residential areas. The alley turnouts shall be paved to the property line and shall be at least two (2) feet wider than the alley paving. The radii of the turnouts for the alleys intersecting thoroughfares shall be sixteen (16) feet and shall be ten (10) feet at intersections with all other streets. Concrete for all alleys shall be 7-inch thick with minimum #4 bars at 24-inch on centers each way with a compressive strength of 4,000 psi when tested at 28 days.
- (d) Alley intersections and sudden changes in alignment shall be avoided, but, when necessary, lot corners shall be cut off at least fifteen (15) feet on each tangent to permit safe vehicular movement. Site visibility triangles shall be calculated and shown on the plan per AASHTO criteria. No fences, signage, or landscape that interferes with site visibility shall be permitted to be installed within the site visibility triangle.
- (e) Dead-end alleys shall be avoided where possible, but if unavoidable, they shall be provided with adequate turn-around facilities, as determined by the Town.
- (f) Where driveways connect to alleys in commercial, industrial, or residential areas, fences may be constructed along the rear lot line of any line of any lot to a point within five feet (5) of a point where the driveway would intersect the alley pavement at ninety degrees (90').

Sec. 10.07.006 Drainage

- (a) Every drainage improvement intended to convey water from or along a road shall be designed and constructed to required specifications as delineated in the current County Subdivision Rules and Regulations, Engineering plans, as may be amended. References to centralized road and bridge shall, for the purposes of the Town, mean either the Town Engineer or quality control agent as determined by the Town Council. Additional requirements provided in the Checklist for drainage analysis and improvement shall also apply.
- (b) In all cases, perimeter drainage engineering plans for the subdivision or total

development (project) shall be required with the preliminary plat. Where a subdivision will have interior roads or ingress/egress easements, the developer will be responsible for perimeter drainage improvements to the existing and adjacent Town roads.

- (c) Complete engineering plans for storm drainage facilities shall be prepared, signed and sealed by an Engineer.
- (d) All drainage plans shall contain adequate provisions for drainage and shall provide no greater risk, hazard, or damage potential, in speed or volume, from rainfall and stormwater runoff than existing prior to development.
- (e) An erosion and sedimentation control plan may be required by the Commission and/or the Town Council to provide for adequate protection from erosion and sedimentation nuisances that may occur as a result of the construction of the development or subdivision.
- (f) All drainage facility repair and upkeep in subdivisions will be the absolute and sole responsibility of the developer and/or homeowners association unless or until the Town adopts an ad valorem property tax and assumes the responsibility for maintenance of subdivision drainage facility by action of the Town Council. Under such condition, private drainage facilities including but not limited to, detention ponds, earthen channels, natural creeks, etc. shall remain the responsibility of the developer and/or homeowners association. Subdivision covenants and deed restrictions shall contain clear and express provisions that require the formation and continuation of a homeowner's association and shall impose upon such association the obligation for such drainage facility repair, maintenance and upkeep. The subdivision covenants and deed restrictions shall be filed with the preliminary plat as a condition of plat approval.

Sec. 10.07.007 Lots

- (a) All lots shall conform to the regulations as set forth in the Town's Comprehensive Zoning Ordinance.
- (b) All lots shall have a minimum width adjacent to the street of sixty (60) feet. Corner lots in residential areas shall be wider than inside lots so as to allow the required set-back from both streets. Each lot shall face onto a public street or a private drive, except in a planned unit development. Lots with street frontage at both front and rear shall be avoided, except when the lot backs onto a highway or thoroughfare. Sidelines of lots shall be approximately at right angles to straight streets and radial to curved street lines.
- (c) In subdivisions where buildings are to be served by septic tanks, the size of lots shall be sufficiently large to accommodate adequate drainage fields and to meet the standards set forth by all appropriate regulatory authorities including the state department of health, the Texas Commission on Environmental Quality (TCEQ), the County and the Town.
- (d) Lots which are to be served by septic systems, and which include land within the one hundred (100) year flood plain, shall have a minimum of one (1) acre (43,560 sq. ft.) of land exclusive of the flood plain. Lots which include any part of the one hundred (100) year flood shall have the required minimum floor elevation designated on the plat.

Sec. 10.07.008 Easements

- (a) Easements shall be provided 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 building, fences, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems within its said area. Any public utility shall at all times have the right for ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity, at any time, or procuring the permission of anyone. All utilities must notify the Town and the property owners one-week prior to the initiation of a construction or reconstruction project, which exceed five thousand dollars (\$5,000.00) in projected cost.
- (b) In new subdivisions, the developer shall provide all the necessary easements and right-of-way required for drainage structures, including storm sewer and open or lined channels. Easement width for storm sewer pipe shall not be less than sixteen (16) feet, and easement width for open or lined channels shall be at least twenty (20) feet wider than the top of the channel, fifteen (15) feet of which shall be on one side to serve as an access for maintenance purposes. Required easement width may be adjusted depending on geometric variables at the discretion of the Town.
- (c) Floodplain easements shall be provided on sites along natural creeks to encompass the fully developed 100-year floodplain plus a ten (10) foot buffer on both sides.

Sec. 10.07.009 Blocks

The lengths, widths, and shapes of blocks shall be determined with regard to the following criteria:

- (a) Zoning requirements relating to lot sizes and dimensions.
- (b) Limitation of topography.
- (c) Where no restrictive covenants exist, the blocks shall not exceed one thousand two hundred feet (1,200') in length nor be less than five hundred feet (500') in length, except in certain instances where topographical features warrant special consideration. These limits may be exceeded only upon specific approval by the Town. Blocks longer than six hundred feet (600') shall be avoided in business districts.

Sec. 10.07.010 Survey monuments and lot markers

Concrete monuments shall be placed in all corners of boundary lines in subdivision or at no more than fourteen hundred-foot (1,400') intervals. These monuments will be installed before recording of the final plat. Intermediate property corners, curve points, and angle points of each lot in the subdivision shall be marked by iron stakes of not less than one half inch (1/2") in diameter, not less than twenty-four inches (24") in length, driven flush with the ground or counter-sunk, if necessary, in order to avoid being disturbed. No utility construction shall be allowed until permanent lot pins are in place.

ARTICLE 10.08 IMPROVEMENTS

Sec. 10.08.001 Design Criteria

Construction plans shall include all applicable information and adhere to all criteria noted in the Checklist. In a case where local criteria conflicts with stated NCTCOG, TxDOT, Denton County, and AASHTO criteria, the most stringent criteria shall apply.

Sec. 10.08.002 Standard specifications and construction details

- (a) All improvements proposed for any subdivision shall be constructed in accordance with the current "Standard Specification for Public Works Construction" published by the North Central Texas Council of Governments. No improvements will be constructed prior to acceptance and approval of the final plans.
- (b) From and after December 8, 1997, all streets and roads constructed in nonresidential areas of the Town shall be constructed of concrete, and new residential subdivision streets and roads shall be constructed of concrete, in accordance with the standards of the Town, the requirements and specifications imposed by the Town, the standards promulgated by the North Central Texas Council of Government's "Standard Specifications for Public Works Construction," current edition, and applicable standards published by the Texas Department of Transportation. All sidewalk and pedestrian facilities shall be designed and constructed in accordance with the Texas Department of Transportation's most recent design specifications for pedestrian facilities, curb ramps, a copy of which shall be kept and maintained in the office of the Town Secretary and the Building Official.
- (c) Asphalt streets in low impact residential subdivisions (minimum lot size two (2) acres) may be considered on an individual basis.
- (d) All improvements to any existing subdivision street may be constructed of concrete or asphalt in accordance with the standards of the Town, the requirements and specifications imposed by the Town, the standards promulgated by the North Central Texas Council of Government's "Standard Specification for Public Works Construction," latest edition, and applicable standards published by the state department of transportation.
- (e) All improvements in previously approved but still unimproved subdivisions shall conform to the Town's current regulations and specifications for street, drainage, and utility construction.
- (f) Before construction of any streets, drainage, or utilities in any properly platted subdivision, a contract must be executed by the Town, the developer, and the general contractor and which must contain the following provisions.
 - (1) A summary description of the improvements to be constructed and the incorporation by reference of all specifications, plans, and plats as approved by the Mayor of the Town, or the Town Council where required;
 - (2) A statement of the total consideration to be paid for the work to be performed;
 - (3) A statement of the date that works to be performed will be completed;
 - (4) A statement sufficiently identifying the subdivision involved; and
 - (5) A section providing for the approval on the face of each contract by the Town.

Sec. 10.08.002 Record drawings (as-built plans)

- (a) Within thirty (30) days of acceptance of the subdivision, the engineer for the developer shall submit to the Town a complete set of reproducible drawings of the paving, drainage, water, and sewer improvements, if any, showing all changes made in the plans during construction and containing on each sheet a “record drawing” stamp bearing the signature of the engineer and date. In addition, a reproducible drawing of the utility plan sheets, containing the record drawing information, shall be submitted to the Town along with a complete set of cadd files in .dwg format.
- (b) No final acceptance of the subdivision will be made by the Town until the foregoing requirement has been accomplished to the satisfaction of the Town. It shall be the responsibility of the developer to furnish copies of the record-drawing plans to the appropriate state agencies.

ARTICLE 10.09 FILING FEES AND CHARGES

Sec. 10.09.001 Fee structure

- (a) The Town shall determine the base fees and charges for plat review. The Town Council shall adopt a fee schedule.
- (b) Fees shall be charged on all plats, regardless of action taken by the Planning and Zoning Commission and whether the plat is approved or denied by the Town Council.
- (c) If the amount deposited is less than the actual cost of reviewing and processing the plat, the balance shall be collected before final consideration of the plat. An administrative fee and processing costs as established in the fee schedule in excess of the original fee will be charged.
- (d) The Town may also assess against the applicant, developer or subdivider additional costs incurred by the Town for engineering fees and legal fees associated with the review and consideration of a plat in the amount incurred by the Town. The payment of these additional fees shall be a condition of plat approval or a prerequisite to the acceptance of any improvements or the issuance of any building permits.

Sec. 10.09.002 Procedure

All fees or charges shall be paid in advance and no action of the Planning and Zoning Commission or any other board or agency shall be valid until the fee or charge has been paid to the Town.

ARTICLE 10.10 MAINTENANCE BOND

Sec. 10.10.001 Bond required

The developer shall furnish a good and sufficient maintenance bond in the amount of ten percent (10%) of the total cost or contract price for the public improvements associated with each job or \$50,000 whichever is greater but not to exceed the total cost for the project, with reputable and solvent corporate surety licensed to write insurance in the state, in favor of the Town, to indemnify the Town against any repairs which may become necessary to any part of the construction work performed in connection with the subdivision, arising from defective

workmanship or materials used therein, for a full period of two (2) years from date of final acceptance of the entire project. Final acceptance shall be withheld until said maintenance bond is furnished to the Town.

ARTICLE 10.11 EXTENSION TO EXTRATERRITORIAL JURISDICTION

Sec. 10.11.001 Extension of rules to extraterritorial jurisdiction

This Chapter and all subdivision regulations and ordinances of the Town as it now exists or may hereafter be amended is hereby extended to all of the area lying within the extraterritorial jurisdiction of the Town and the rules and regulations within this Chapter governing plats and subdivision of land shall be applicable to such area within said extraterritorial jurisdiction from and after the effective date of the adoption of this Chapter regulating subdivisions.

Sec. 10.11.002 Requirement

No person shall subdivide or plat any tract of land within the E.T.J. of the Town except in conformity with the provisions of this Chapter.

ARTICLE 10.12 OTHER REQUIREMENTS

Sec. 10.12.001 Inspections

- (a) A letter of acceptance is required from the Town before any improvement will be considered complete.
- (b) No acceptance will be given on any work covered before the official representing the Town has inspected the work.
- (c) A minimum of twenty-four hours advance notice must be given before the designated Town Official is expected at the job site. Any work or improvements covered before inspections must be uncovered.

Sec. 10.12.002 Variance in standards

Where strict compliance with the standards of design or the required improvements specified in this Chapter would cause unnecessary hardship because of topographical or other conditions peculiar to the site or adjacent area, the Commission may recommend, and the Town Council may approve, a variance. All variances must be approved in writing and the reason for which the variance was granted shall be stated therein.

Sec. 10.12.003 Buildings within proposed major street extensions

After April 2, 2003, no permanent building or structure shall be erected within the extended street lines of proposed extensions of major streets shown on the thoroughfare plan adopted as part of the official plan of Town.

Sec. 10.12.004 Enforcement of Chapter

The Town shall appoint an enforcement officer/or Town Official to enforce the provisions hereof. The enforcing Town Officer/Official may call upon any department or official of the

Town to furnish him with such information and assistance as he may deem necessary for the observance or enforcement of this Chapter and it shall be the duty of such department or official to furnish such information and assistance whenever requested.

ARTICLE 10.13 PENALTY

Sec. 10.13.001 Penalty

Any person, firm, or corporation who shall violate any of the provisions of this Chapter 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 in accordance with the general penalty provision found in Section 1.01.009 of this code, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. In addition, the town reserves its rights to seek declaratory and injunctive relief, together with any other legal or equitable relief to which the town may be entitled in a court of competent jurisdiction, in order to enforce the provisions of this Chapter. The remedy and penalties provided for herein shall be cumulative of any other remedy allowed by law.