

Chapter 11 - Subdivision Regulations

ARTICLE I. - IN GENERAL

Sec. 11-1. - Purpose, interpretation.

The purpose of this chapter is to achieve orderly urban development through land subdivision; to promote and develop the utilization of land to assure the best possible community environment in accordance with the master plan of the city; to provide for adequate municipal services and safe streets; and to protect and promote the public health, safety and general welfare. In their interpretation and application, the provisions shall be deemed to be minimal in nature and whenever the principles, standards, or requirements of any other applicable provision of other ordinances of the city are higher or more restrictive, the latter shall control.

Sec. 11-2. - Definitions.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this section. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices.

Alley means a minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

Commission means the City planning committee of the city, shall be the City Council.

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

Engineer means a person duly authorized under the provision of the Texas Engineering Practice Act (Vernon's Ann. Civ. St. art. 3271a), as amended, to practice the profession of engineering.

Extraterritorial jurisdiction means the area adjacent to the city within the distance specified in V.T.C.A., Local Government Code ch.212.

Lot means an 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, or improvement; which is designated as a distinct or separate tract; and which is identified by a tract, or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

Plat means a map or chart of the subdivision. It shall include plan, plat or re-plat, in both singular or plural.

- (1) Preliminary plat means any plat of any lot, tract, or parcel of land that is not to be recorded of record but is only a proposed division of land for review and study by the city.
- (2) Final plat means any plat of any lot, tract, or parcel of land requested to be recorded of record in the Deed Records of the county.
- (3) Re-platting means the re-subdivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot, or tract.

Street means a way for vehicular traffic whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated.

- (1) Major street means a principal traffic artery, more or less continuous across the city, which is intended to connect remote parts of the city or areas adjacent thereto, and act as a principal connecting street with state and federal highways.
- (2) Secondary or collector street means a street which carries traffic from minor streets to the major system or arterial streets and highways, including the principal entrance streets of a residential development and principal streets for circulation to schools, parks, and other community facilities.
- (3) Minor or local street means a street which is intended primarily to serve traffic in a neighborhood or limited residential district and which is not necessarily continuous through several residential districts.
- (4) Cul-de-sac means a short minor street having but one (1) vehicular access to another street and terminated by a vehicular turnaround.
- (5) Dead end street means a street, other than a cul-de-sac, with only one (1) outlet.
- (6) Street width means the shortest horizontal distance between the lines which delineate the right-of-way of a street.
- (7) Roadway or paving width means the portion of a street available for vehicular traffic; when curbs are laid, the portion between the face of curbs.

Subdivision means the division of any lot, tract or parcel of land, whether described as lots and blocks or by metes and bounds, into two (2) or more lots or parcels for the purpose of transfer of ownership or building development; or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Sub-divider or *developer*. The terms "sub-divider" and "developer" are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation, or any officer, agent, employee, servant, and trustee thereof, who does or participates in doing of any act toward the subdivision of land within the intent, scope, and purview of this chapter.

Sec. 11-3. - Land not to be subdivided.

- (a) Land which the commission has found to be unsuitable for subdivision due to flooding, bad drainage and other features likely to be harmful to the safety, welfare, and general health of future residents and which the commission considers inappropriate for subdivision shall not be subdivided, unless adequate methods for correcting the same are formulated by the developer and approved by the commission.
- (b) Land lying partially within the flood hazard zone as determined by the National Flood Insurance Program or by any governmental agency charged with the responsibility of identifying flood prone areas shall be so subdivided that no lot or portion of lot will lie within the area designated as "flood hazard zone" or below the "base flood elevation."
- (c) No land use, improvements or alteration of ground levels shall be permitted within a floodplain or drainage way unless the sub-divider has demonstrated that the same when combined with all other existing and anticipated uses will not increase the water surface elevation of the one-hundred-year flood more than one (1) foot at any point.

Sec. 11-4. - Variances.

- (a) Where the commission finds that extraordinary hardships due to engineering considerations may result from strict compliance with the regulations of this chapter, it may vary the regulations of this chapter so that substantial justice may be done, and the public interest secured; provided that such variation will not have the effect of nullifying the interest and purpose of the general community plan or regulations. In granting a variance, the commission shall prescribe only conditions that it deems necessary or desirable to the public interest. In making the findings herein below required, the commission shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance on traffic conditions and upon public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the commission finds:
 - (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
 - (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
 - (3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.
 - (4) That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.
- (b) Pecuniary hardship to the sub-divider, standing alone, shall not be deemed to constitute undue hardship.

Sec. 11-5. - Appeals to planning.

Any sub-divider contesting any disapproval or the interpretation or application of any rule, standard, regulation, determination, requirement or necessity set forth in this chapter, directly or by delegation of authority, shall have the right, after filing a written request with the secretary of the commission, to have a hearing thereon before the commission within twenty-one (21) days after the date of filing such request. The commission shall be final judge in all such cases and the substantial evidence rule shall apply.

Sec. 11-6. - Enforcement.

- (a) No building, repair, plumbing, or electrical permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full.
- (b) The city shall not repair, maintain, install, or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- (c) The city shall not sell or supply any water or sanitary sewer service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- (d) In behalf of the city, the city attorney shall, when directed by the city council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of the chapter or the standards referred to herein with respect to any violations thereof which occurs within the city, within the extraterritorial jurisdiction of the city or within any area subject to all or part of the provisions of this chapter.
- (e) If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, and the city council of the city shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that provisions of paragraphs (a), (b), and (c) of this section will apply to the subdivision and the lots therein, the city secretary shall, when directed by the city council of the city, cause a certified copy of such resolution under the corporate seal of the city to be filed in the deed records of the county. If full compliance and final plat approval are secured after the filing of such resolution, the city secretary shall forthwith file an instrument in the deed records of the county stating that paragraphs (a), (b), and (c) no longer apply.
- (f) Provided, however, that the provisions of this section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of this chapter, nor to prohibit the repair, maintenance or installation of any street or public utility services for, to, or abutting any lot, the last recorded conveyance of which prior to the passage of this chapter was by metes and bounds, or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this chapter.

Sec. 11-7. - 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 thereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as provided in section 1-5 of this Code.

Secs. 11-8—11-25. - Reserved.

ARTICLE II. – PLATS

Sec. 11-26. - Compliance prerequisite to recording plat, transfer of land.

No plan, plat, or re-plat of a subdivision or addition of land inside the city or within the extraterritorial jurisdiction of city shall be recorded with the county clerk until the same has been approved by the city commission in conformity with V.T.C.A., Local Government Code ch.212 and the provisions of this chapter, and no transfer of land in nature of a subdivision as defined herein shall be exempt from the provisions of this chapter even though the instrument or document of transfer may describe the land so subdivided by metes and bounds. The filing of any plan, plat or re-plat without complying with the provisions of this chapter or the transfer of land by the filing of any instrument in the nature of a conveyance without first complying with the requirements of this chapter shall be deemed a violation of the provisions of this chapter.

Sec. 11-27. - Preliminary conference.

Previous to the filing of a preliminary plat, the sub-divider shall consult with and present a proposed plan of subdivision to the city secretary for comments and advice on the procedures, specifications, and standards required by the city for the subdivision of land.

Sec. 11-28. - Preliminary plat.

- (a) *Filing required.* The sub-divider shall cause to be prepared a preliminary plat by a licensed surveyor or engineer in accordance with this chapter.
- (b) *Submission.* The sub-divider, or his engineer or surveyor shall submit to the city secretary a reproducible sepia and eight (8) blue or black line copies of the plat. All plats must be received at least ten (10) days prior to the commission meeting at which they are to be considered for approval. If, after approval of a preliminary plat, changes thereto are required or desired, a revised preliminary plat shall be submitted following the same procedure as required for an original preliminary plat.
- (c) *Form and content of preliminary plat.* The plat shall be drawn on a scale of one hundred (100) feet per inch or larger and shall show the following:
 - (1) Names and addresses of the sub-divider, owner of record, engineer or surveyor.
 - (2) Proposed name of the subdivision.
 - (3) Name of contiguous subdivisions and the owners of contiguous parcels of un-subdivided land, and an indication of whether or not the contiguous properties are platted.
 - (4) Description, by metes and bounds, of the subdivision.

- (5) Primary control points, or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
- (6) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision.
- (7) Existing sites as follows:
 - a. The exact location, dimensions, name and description of existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.
 - b. The exact location, dimensions, description, and name of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision.
 - c. The exact location, dimensions description and flow line of existing watercourses and drainage structures within the subdivision or on contiguous tracts.
 - d. Boundaries of flood hazard zones and one-percentile probability flood elevations, if known.
- (8) The exact locations, dimensions, description and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision.
- (9) A preliminary plan for providing water, sanitary sewer, electrical and other utility service to the subdivision.
- (10) A preliminary plan for the drainage system.
- (11) Date of preparation, scale of plat and north arrow.
- (12) Topographical information shall include contour lines at intervals of two (2) feet or less.
- (13) A number or letter to identify each lot or site and block.
- (14) Location of city limits line, the outer border of the city's extraterritorial jurisdiction and zoning district boundaries if they traverse the subdivision, form a part of the boundary of the subdivision or are contiguous to such boundary.
- (15) A vicinity sketch or map at a scale of not more than four hundred (400) feet to an inch which shall show existing subdivisions, streets, easements, rights-of-way, parks, and public facilities in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, and possible water, gas, electric and sanitary sewer connections by arrows.
- (16) If the city secretary determines that the preliminary plat as submitted is substantially incomplete and requires a significant amount of work by the developer's engineer, the incomplete plat will be immediately returned to the developer requesting that it be completed before resubmission.

Sec. 11-29. - Approval or disapproval of preliminary plat.

- (a) Following review of the preliminary plat and supplementary information filed in accord with the provisions of section 11-28, the commission shall, within thirty (30) days act thereon and, if approved, the commission shall express its approval and conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.
- (b) The actions of the commission shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the sub-divider and the other retained by the commission.
- (c) Conditional approval shall be considered to be approval of a plat or re-plat subject to conformity with prescribed conditions but shall be deemed to be disapproval of such plat or re-plat until such conditions are complied with.

Sec. 11-30. - Final plat.

- (a) *Filing required.* Two (2) mylar drawings not more than twenty-four (24) inches by thirty-six (36) inches plus six (6) copies of the final plat and one (1) eight and one-half (8½) inches by fourteen (14) inches copy of the final plat and other exhibits required for approval shall be prepared as specified in this section and shall be submitted to the commission within six (6) months after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the commission. Application for approval of the final plat shall be submitted in writing to the commission at least ten (10) days prior to the meeting at which it is to be considered.
- (b) *Conformance required.* The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the sub-divider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the same time, provided however, that such portion conforms to all requirements of the chapter.
- (c) *Form and content of final plat.* The final plat shall be drawn on a scale of one hundred (100) feet per inch or larger and shall show the following:
 - (1) The title or name by which the subdivision is to be identified, north point, the scale of the map, and the name of the registered professional engineer or licensed state land surveyor responsible.
 - (2) A definite legal description and identification of the tract being subdivided; this description shall be sufficient for the requirements of title examination. The plat shall be a descriptive diagram, drawn to scale, and shall show, by reference, that the subdivision is a particular portion or part of a previously filed plat or an original grant, which diagram and description shall show as being included in the subdivision, plat or grant, out of which the instant subdivision is divided, or so much thereof, as is owned by the sub-divider.
 - (3) The boundaries of the subdivided property, the location, or designation of all streets, alleys, parks, easements or other areas intended to be dedicated or deeded to the

public use, with proper dimensions shall be indicated and tied by dimension to the established centerline of all existing boundary streets.

- (4) The location of all adjacent streets and alleys, with their names and the names of adjoining subdivisions with exact location and designation by number of lots and blocks.
- (5) All lots, block, and street boundary lines, with blocks and lots numbered or lettered consecutively. Easements shall be shown and shall be defined by dimensions. The actual width of all streets shall be shown, measured at right angles or radially when curved. All principal lines shall have the bearing given and deviation from the norm indicated.
- (6) Accurate dimensions, both linear and angular, of all items on the plat. The boundary survey on the site shall close within one (1) and ten thousand (10,000) and the plat for record shall so show. All linear dimensions shall be expressed in feet and the plat for record shall so show. The angular dimensions may be shown by bearings. Curved bearings shall be fully described, and all essential information given. Circular curves shall be defined by actual length of a radius and not by degree of curve. Complete dimensional data shall be given on fractional lots.
- (7) The description and location of all lot and block corners and permanent survey reference monuments shall be shown.
- (8) A certificate of ownership in fee of all land embraced in the subdivision, and of the authenticity of the plat and dedication, signed and acknowledged by all owners of any interest in the land. The acknowledgement acceptance of all lienholders shall be included.
- (9) A certificate by a registered professional engineer or licensed land surveyor duly authenticated, that the plat is true and correct and in accordance with the determination of all surveys actually made on the ground. If the engineer or surveyor who proposed the plat did not make the original boundary survey, this fact should be noted on the certificate. Also, the certificate should show the distance the tract is from the city limits measured in a straight line from the nearest point on the city limits, unless the information is shown in a suitable manner elsewhere on the face of the plat.
- (10) In addition to other required certificates, the following form shall be printed on the plat: (included once P&Z is authorized)

"STATE OF TEXAS COUNTY OF ORANGE:

This Plat of _____ subdivision (Addition) approved; date rule; (date) by the City Commission of the City of Pine Forest, Texas. This the _____ day of _____, 20_____. _____ " Chairman

- (11) If a subdivision is located outside the city limits within the extraterritorial jurisdiction of the city the plat shall be further processed in accordance with the resolution of the county commissioners' court regarding acceptance of plats for filing in the plat and deed/real property records of the county, as amended.

- (12) The final plat submitted to the commission and to be filed for record with the county clerk shall not show the construction features such as curb lines or public utility lines or other lines not involved in the title covenant.
- (d) *Site improvement data.* When filed, the final plat shall be accompanied by the following site improvement data. All plans and engineering calculations shall bear the seal and signature of an engineer. Such site improvement plans, and cost estimates shall be approved by the city secretary.
- (1) Plans and profiles of all streets, alleys, sidewalks, cross walkways, and monuments and detailed cost estimates.
 - (2) Plans showing two (2) foot contours; location, depth and dimensions of existing sanitary sewer lines; plans and profiles of proposed sanitary sewer lines, indicating depths and grades of lines; and detailed cost estimates.
 - (3) Plans showing two (2) foot contours; location and size of existing waterlines and fire hydrants; location and size of proposed waterlines and fire hydrants, showing depths of lines; and detailed cost estimates.
 - (4) The proposed plat showing two (2) foot contours; all street widths and grades, runoff figures for the outlet and inlet sides of all drainage ditches and storm sewers, and at all points in the street at changes of grade or where water enters another street or storm sewer or drainage ditch.
 - (5) A general location map of the subdivision showing the entire watershed. (A U.S.G.S. quadrangle is satisfactory.)
 - (6) Calculations showing the anticipated storm water flow, indicating watershed area, percent runoff and time of concentration when a drainage ditch or storm sewer is proposed, calculations shall be submitted showing basis for design.
 - (7) When a drainage channel or storm sewer is proposed, complete plans, profiles, and specifications shall be submitted showing complete construction details with detailed cost estimates.
 - (8) When conditions upstream or downstream from a proposed channel or storm sewer do not permit maximum design flow, high water marks, based on a twenty-five (25) year frequency, shall be indicated based on existing conditions.
- (e) *Processing of final plat.*
- (1) If desired by the sub-divider and approved by the commission, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop; however, such portion shall conform to all the requirements of this chapter.
 - (2) When the final plat is submitted to the commission, it shall be accompanied by a check or checks payable to the county clerk in the amount of the recording fee for filing the final plat.

- (3) If the city secretary determines that the final plat or supplementary material is substantially incomplete, the plat and supplementary material will immediately be returned to the developer, requesting that it be completed before it is resubmitted.
- (4) Within thirty (30) days after the final plat is formally filed, the commission shall approve or disapprove such plat. If the final plat is disapproved, the commission shall inform the sub-divider in writing of the reasons at the time such action is taken.
- (5) The final plat shall not be approved until it has been presented to the city council and the council has authorized such approval by majority vote.
- (6) After the final plat has been finally approved and the sub-divider has constructed all the required improvements and such improvements have been approved, and a maintenance bond provided; or after the plat has been finally approved and the subdivider has filed the security and maintenance bond provided, the commission shall cause the final plat to be recorded with the county clerk. The commission shall also cause the check or checks for the recordation fee to be delivered with the final plat to the county clerk. No plat shall be filed for record without written consent of the sub-divider. If the sub-divider fails to give such written consent within thirty (30) days of the date of final approval of the plat, the commission may at any time thereafter cancel such approval.

(f) *Guarantee of performance.*

- (1) If under this chapter, the sub-divider chooses to construct the required improvement prior to recordation of the final plat, all such construction shall be inspected while in progress by an engineering testing firm approved by the city secretary and such construction must be approved upon completion by the city secretary. Cost of all tests required by the city secretary shall be paid by the contractor. Prior to approval of final plat, the sub-divider shall file with the commission an irrevocable bond, executed by a surety company holding a license to do business in the state and acceptable to the commission, in an amount equal to twenty (20) percent of the cost of the improvements required as determined by the engineer's estimate approved by the city, conditioned that the sub-divider will maintain such improvements in good condition for a period of one (1) year after approval of the final plat. Such bond shall be approved as to form and legality by the city attorney.
- (2) If the sub-divider chooses to file security and maintenance bond in lieu of completing construction prior to final plat approval, he may utilize either of the following methods of posting security. If the sub-divider chooses to file security, the plat shall not be approved unless the sub-divider has done one of the following:
 - a. Has filed with the commission an irrevocable bond executed by a surety company holding a license to do business in the state acceptable to the commission, in an amount equal to the cost of the improvements required by this chapter as determined by the engineer's estimate approved by the city, conditioned that the sub-divider will complete such improvements within two (2) years after approval of such plat, such bond to be approved by the city attorney; or

- b. Has placed on deposit in a bank or trust company selected by the sub-divider and approved by the commission, in a trust account a sum of money equal to the estimated cost of all site improvements required by this chapter, conditioned that the sub-divider will complete such improvements within two (2) years after approval of such plat. The estimated cost shall be the engineer's estimate of cost approved by the city. Selection of the trustee shall be subject to approval by the commission and the trust agreement shall be approved as to form and legality by the city attorney.
- (3) If either type of security is filed under this section, the filing of such security shall be accompanied by a bond executed by a surety company holding a license to do business in the state and acceptable to the commission, in an amount equal to twenty (20) percent of the cost of the improvements required as determined by the engineer's estimate of cost approved by the city, conditioned that the sub-divider will maintain such improvements in good condition for a period of one (1) year after final acceptance of the completed construction by the city as provided in this section. Such bond shall be approved as to form and legality by the city attorney.
- (4) If either type security is filed by the sub-divider under this section, the construction shall be inspected while in progress by an engineering testing firm approved by the city secretary and such construction must be approved upon completion by the city secretary. Cost of all tests required by the city secretary shall be paid by the contractor. After final inspection he shall notify the sub-divider and the city attorney in writing as to his approval or rejection of the construction. He shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. If he approves such construction, he will report the same to the city council who may accept the improvements and release the sub-divider's bond or guarantee collateral by resolution. If he rejects the construction, the city attorney may, on direction of the city council, proceed to enforce the guarantees provided in this chapter.
- (5) Where good cause exists, the city council may extend the period of time for completion under this section for an additional period of time not to exceed six (6) months.

Sec. 11-31. - Short form for new subdivisions and re-subdivisions.

A short form procedure, omitting the filing of the preliminary plat may be followed when:

- (1) *For new subdivisions.*
 - a. The proposed subdivision contains four (4) lots or less, all fronting on a previously dedicated street or streets of adequate width and is so situated that no new streets, alleys, easements, or public property are required in order to meet the requirements of these regulations; and
 - b. The utilities and drainage facilities as required in these regulations are in place to serve each lot in the proposed subdivision and require no alterations, or satisfactory arrangements have been made to affect any necessary alterations; and

- c. The proposed subdivision abuts property which has previously been subdivided.
- (2) *For re-subdivision of existing platted and approved subdivisions.*
- a. The proposed re-subdivision has been prepared by a registered engineer or licensed surveyor; and
 - b. Staff review by appropriate city departments confirms all engineering data remains accurate and that any other requirements of this chapter shall otherwise be complied with; and
 - c. The proposed re-subdivision constitutes no change in the exterior configuration of more than one (1) side of any block in the subdivision previously submitted.
- (3) The re-plat shall be drawn to a scale of not less than two hundred (100) feet to one (1) inch and shall show existing streets, alleys, and other public properties with dimensions, adjoining tracts of land, known marked or monumented corners, length of lot lines, north arrow and other pertinent information, and a certificate of ownership.

Secs. 11-32—11-50. - Reserved.

ARTICLE III. - GENERAL REQUIREMENTS AND DESIGN STANDARDS

Sec. 11-51. - Required improvements.

- (a) *Cost.* The developer shall bear the entire cost of and furnish all public works improvements required for normal neighborhood development within his subdivision including minor and secondary streets and alleys, all utilities, sanitary sewer and drainage facilities required to serve the area within the subdivision.
- (b) *Utility and street improvements plans and specifications.*
 - (1) All streets, roadways, public utilities drainage and other public works improvements shall be designed and constructed in accordance with minimum specifications promulgated by the commission and filed with the city secretary.
 - (2) Before beginning any construction of the improvements outlined in this section, one (1) complete set of plans and specifications of such construction in the form of plats, maps, sketches, or other satisfactory written description shall be filed with the city secretary. These shall show such features as roadways cross sections and longitudinal slope of drainage, full description of proposed pavement or street improvements, its grade or slope, dimensions and specifications concerning public utilities to be installed, showing proposed positions on the ground, specifications of materials and construction and profile maps of all sanitary and storm sewers showing both ground surface and flowline, and any other pertinent information of similar nature.
 - (3) If any part of the proposed construction is deemed unsatisfactory by the city secretary, construction operation shall not be started on the affected portions until

alterations are made, so that the completed work will comply to the standards approved by the commission.

(c) *Minimum standards for improvements.* The following minimum standards for improvement shall apply to each subdivision lying within the city limits or within the extraterritorial jurisdiction of the city:

(1) *Street and roadway pavement.* All streets and roadways shall be curbed and paved to the following pavement widths:

Major streets 48 to 64 feet

Collector streets 40 feet

Residential streets 32 feet

(2) *Alleys.* Alleys, when provided; shall be paved to their full width.

(3) *Sidewalks.* Sidewalks may be required when the commission decides that the safety of pedestrians require such sidewalks.

(4) *Sanitary sewer.* Each lot within a subdivision shall be provided with a connection to the sanitary sewer.

(5) *Water supply.* Each lot within a subdivision shall be provided with a connection to the public water supply. No point in any lot shall be more than five hundred (500) feet from a standard fire hydrant and the water system shall be designed in conformity to the most recent rules and regulations for fire protection and promulgated by the state board of insurance and the state department of health.

(6) *Drainage.* Storm drainage facilities shall be provided to store and convey the flow of surface waters from a twenty-five (25) year frequency storm without damage to persons or property.

(7) *Street lighting.* The sub-divider shall install street lighting in the locations prescribed by the city's current street lighting policy.

(8) *Street name signs.* Four-way street name signs shall be provided at all intersections.

(9) *Monuments.* Monuments shall be placed at all block corners, angle points, points of curves in street and at intermediate points as required by the commission. Monuments shall be made of an iron rod of three-quarters inch in diameter and from twenty-four (24) to thirty (30) inches long with its top set flush with the ground.

Sec. 11-52. - General principles and objectives.

(a) *Conformity with comprehensive master plan.* All subdivisions shall conform to the comprehensive master plan for orderly and unified development of streets, utilities, neighborhood design, and public land facilities.

(b) *Achieving desirable neighborhood development.* Residential subdivisions shall be designed to take advantage of the principles and general designs for neighborhood development as established by the comprehensive master plan and the commission in

order to achieve the most advantageous development of the entire neighborhood unit in which the subdivision is located.

- (c) *Provisions for future subdivision.* If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow logical further subdivision and the opening of future streets.

Sec. 11-53. - Streets.

- (a) *Generally.* The arrangement, character, extent, width, grade and location of all streets in a subdivision shall conform to the general community plan and shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relationship to the proposed uses of the land to be served by such streets. Where such is not shown in the general community plan, the arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or conform to a plan for the neighborhood approved or adopted by the commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- (b) *Right-of-way widths.* Street right-of-way widths in subdivisions shall be as shown in the general community plan and where not shown, shall be not less than as follows:
- Major streets 80 feet
- Collector streets 60 feet
- Residential streets 50 feet
- (c) *Grades.* No street grade in a subdivision shall be less than three-tenths of one (1) percent. Street grades shall be approved by the city secretary.
- (d) *Reserve access strips.* Reserve access strips controlling access to streets in subdivisions shall be prohibited except where their control is definitely placed in the city under conditions approved by the commission.
- (e) *Certain street jogs to be avoided.* Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided in subdivisions.
- (f) *Tangent between reverse curves.* A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets in subdivisions.
- (g) *Curves for deflecting connection street lines.* When connecting street lines in subdivisions deflect from each other at one (1) point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than fifty (50) feet for minor and collector streets and of such greater radii as the commission shall determine for special cases.
- (h) *Intersection angles.* Streets in subdivisions shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

- (i) *Rounding of property lines at intersections.* Property lines at street intersections in subdivisions shall be rounded with a radius of ten (10) feet or of a greater radius where the commission may deem it necessary. The commission may permit comparable cut-offs or chords in place of rounded corners.
- (j) *Lay-out for minor streets.* Minor streets in subdivisions shall be laid out so that their use by through traffic will be discouraged.
- (k) *Special requirements when subdivisions contain arterial streets.* Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear or side property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation for through and local traffic.
- (l) *Half streets.* Half streets shall be prohibited in subdivisions except where essential for the reasonable development of the subdivision in conformity with the other requirements of this chapter, and where the commission finds it will be practicable to require the dedication of the other half when adjoining property is subdivided whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- (m) *Dead end streets.* Dead end streets shall be prohibited except as short stubs to permit future expansion.
- (n) *Cul-de-sacs.* Cul-de-sacs shall not exceed four hundred (400) feet in length and shall have a turnaround having an outside street width diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet. Islands within such turnarounds shall be paved with concrete.
- (o) *Street names.* Names of proposed streets in subdivisions shall conform to the existing streets of which they may be or become extensions and no street names shall be used which will duplicate or become confused with the names of existing streets. Street names shall be subject to approval of the commission.

Sec. 11-54. - Alleys.

- (a) *When required.* Alleys shall be provided in all commercial and industrial areas; provided, however, that the commission may waive the requirement where other definite and assured provision is made for service access, such as garbage pick-up, off-street loading and unloading, and parking consistent with and adequate for the uses proposed.
- (b) *Width.* The width of alleys shall be at least twenty (20) feet.
- (c) *Intersections and sharp changes in alignment.* Alley intersections and sharp changes in alignment shall be avoided in subdivisions, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- (d) *Dead-end alleys.* Dead-end alleys shall be avoided in subdivisions where possible, but, if unavoidable shall be provided with adequate turnaround facilities at the dead end, as determined by the commission.

Sec. 11-55. - Utility easements.

- (a) If a developer elects not to provide alleys as stated in this article, he may provide utility easements. Such utility easements shall be a minimum of fifteen (15) feet in width, centered on the common rear lot line of two (2) abutting lots and shall be continuous for the entire length of the block. Utility easements shall be approximately parallel to the frontage of the street.
- (b) Where a common rear lot line does not exist a utility easement of a minimum of ten (10) feet in width shall be provided.
- (c) Structures of a permanent nature shall not be placed within easements, except however, common fences may be placed along property lines.
- (d) Maintenance of the easements shall be the responsibility of the owner of the land upon which it is located. It shall be the duty of the property owner to keep the area across, over and under this easement clear of any structure, debris, vegetation, trees, shrubs, or landscaping whatsoever except that lawn grass which shall be regularly mowed and controlled may be grown there.
- (e) Where utility easements are not themselves straight within each block, or if the same do not connect on a straight course with the utility easements of adjoining blocks, then an additional easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way of alleys.

Sec. 11-56. - Blocks.

- (a) *General layout.* The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (1) Provision of adequate building sites suitable to the special needs of the type use contemplated.
 - (2) Zoning requirements as to lot sizes and dimensions.
 - (3) Needs for convenient access, circulation, control and safety of street traffic.
 - (4) Limitations and opportunities of topography.
 - (5) Block lengths shall not exceed sixteen hundred (1,600) feet or be less than three hundred (300) feet.
- (b) *Crosswalks.* Pedestrian crosswalks, not less than ten (10) feet wide shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Sec. 11-57. - Lots.

- (a) *To be appropriate for location of subdivision and type of use.* The lot size, width, depth, shape and orientation and the minimum setback lines in subdivisions shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (b) *Minimum size.*

- (1) Residential lot dimensions in all subdivisions shall be as designated in the zoning chapter.
- (2) The depth and width of properties served or laid out for business or industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use or development proposed.
- (c) *Corner lots.* Corner residential lots in subdivisions shall have ten (10) feet extra width along the lot front than the minimum interior lot to permit a side lot setback of fifteen (15) feet from the property line.
- (d) *Frontage.* Each lot shall front upon a public street. Lots of irregular shape shall not be allowed unless they have a street frontage of at least forty-five (45) feet.
- (e) *Side lot lines.* Side lot lines shall be substantially at right angles to straight street lines and radial to curved street lines.