

ARTICLE 10.01 GENERAL PROVISIONS**(Reserved)****ARTICLE 10.02 SUBDIVISION ORDINANCE*****Sec. 10.02.001 Interpretation, purpose and enforcement**

(a) Interpretation. In the interpretation and application of the provisions of this article, it is the intention of the city that the principles, standards, and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the city and in its extraterritorial jurisdiction; and, where other ordinances of the city are more restrictive in their requirements such other ordinances shall control.

(b) Authorization. The procedure and standards for the development, layout, and design of subdivisions of land within the corporate limits and within the extraterritorial jurisdiction of the city are authorized by V.T.C.A., Local Government Code, chapter 42 and V.T.C.A., Local Government Code, chapter 212. The extraterritorial jurisdiction of the city is now one-half (1/2) mile from the corporate limits. The requirements of this article shall be extended into any and all areas of extraterritorial jurisdiction as may now or hereafter exist.

(c) Subdivision defined. The term “subdivision” shall be interpreted to mean the division of a parcel of land into two (2) or more lots or tracts for the purpose of transfer of ownership; the dedication of streets, alleys, or easements; or for use for building development; provided, that a division of land for agricultural purposes into lots or tracts of five (5) acres or more, and not involving a new street or alley shall not be deemed to be a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate either to the process of subdividing or to the land subdivided. The terms “subdivider” and “developer” are synonymous and are used interchangeably and shall include any person, partnership, firm, association, corporation, and/or any officer, agent, employee, servant, and trustee thereof who does or participates in the doing of, any act towards the subdivision of land within the intent, scope, and purview of this article.

(d) Subdivisions to be approved by city council. All property not subdivided into lots, blocks, and streets within the city shall hereafter be laid out under the direction of the city council, and no other subdivision will be recognized by the city. Prior to the consideration of the plat by the city council, the city administrator will check the plat for compliance with these regulations and in consultation with the city engineer, make recommendations to the city council.

(e) Plat required. It shall be unlawful for any owner or agent of any owner, to lay out, subdivide, or plat any land into lots, blocks, and streets within the city which has not been laid off, subdivided, and platted according to these regulations.

* **State law references**—Regulation of subdivision and property development, V.T.C.A., Local Government Code, ch. 212; extraterritorial jurisdiction of municipalities in counties that regulate subdivisions, V.T.C.A., Local Government Code, sec. 242.001; extension of subdivision rules to extraterritorial jurisdiction, V.T.C.A., Local Government Code, sec. 212.003; recording of plats, V.T.C.A., Property Code, sec. 12.002.

(f) City not to perform work unless requirements are met. No officer or employee of the city shall perform or cause to perform, any work upon any street or in any addition or subdivision of the city, unless all requirements of these regulations have been complied with by the owner of said addition or subdivision.

(g) City to withhold improvements until plat approved. The city hereby defines its policy to be that the city will withhold improvements of any nature whatsoever including water service and maintenance of streets until the final subdivision plat has been approved by the city council. No improvements shall be begun within the subdivision nor any contracts made until this final plat approval has been given.

(h) Approval of final plat required prior to permits. No building, 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.

(i) Prior buildings and plats not affected. The provisions of this article 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 adoption of these regulations, 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 adoption of these regulations was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the adoption of these regulations.

(j) Plats under review at time of adoption of this article. Plats or subdivisions which have received preliminary approval by the city council within 30-days prior to the effective date of these regulations shall be excepted from the requirements of this article; provided, that the final plat of such subdivision is approved and filed for record within one hundred eighty (180) days after the effective date of these regulations, or within one (1) year after the approval date of the preliminary plat, whichever is greater.

Sec. 10.02.002 Variances

(a) Authorized. The city council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the city council shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings hereinbelow required, the city council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivisions, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare. No variance shall be granted unless the city council finds all of the following:

- (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land.
- (2) The variance is necessary for the preservation and enjoyment of a substantial property right of his land.

- (3) 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) 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 article.

(b) Finding and granting. Such finding of the city council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the city council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

Sec. 10.02.003 Preliminary conference

Prior to the filing of a preliminary plat, the subdivider shall meet with the city administrator or other official designated by the city council to familiarize himself with the city's development regulations. At the preliminary conference, the subdivider may be represented by his land planner, engineer, or surveyor.

Sec. 10.02.004 Preliminary plat

(a) Preparation of preliminary plat. The subdivider shall cause to be prepared a preliminary plat by a registered professional engineer in accordance with this section.

(b) Subdivider to file four copies of preliminary plat. The subdivider shall file four (4) copies of the preliminary plat with the city secretary at least fourteen (14) days prior to the date at which formal application for the preliminary plat approval is made to the city council. The city administrator shall provide for review of the plat by appropriate officials in accordance with procedures established by the city council.

(c) Filing and review fees. Such plat shall be accompanied by a filing fee in the amount adopted by the city council.

(d) Formal application. Formal application for preliminary plat approval shall be made by the subdivider in writing to the city council at an official meeting, not less than fourteen (14) days after filing the preliminary plat with the city secretary.

(e) Preliminary plat valid for six (6) months. Approval of the preliminary plat, if granted, shall be binding for not longer than six (6) months after the date of approval of the preliminary plat unless the final plat has been approved and recorded within the six (6) month period.

(f) Preliminary plat standards. The preliminary plat shall be drawn to a scale of one hundred feet (100') to one inch (1"), and shall show on it or on accompanying documents, the following:

- (1) The proposed name of the subdivisions.
- (2) North point, scale, and date.

- (3) The names and addresses of the subdivider and of the subdivider's engineer.
- (4) The tract designation, approximate acreage, and other description according to the real estate records of McLennan County, and designation of the proposed uses of land and proposed deed restrictions within the subdivision.
- (5) The boundary line (accurate in scale) of the tract to be subdivided.
- (6) Contours with intervals of five feet (5') or less, referred to sea level datum.
- (7) The names of adjacent subdivisions or the names of record owners of the adjoining parcels of unsubdivided land.
- (8) The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, and other important features, such as section lines, political subdivisions, or corporate lines.
- (9) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision. Building setback lines shall also be shown.
- (10) A topography and drainage map of plat. Also incoming drainage rational formula showing frequency, concentration time and runoff factor and quantity.
- (11) The layout and widths of proposed streets, alleys, and easements, including lot and block identification and street names.
- (12) The location, size, and approximate depth of all existing utilities shall be shown.
- (13) The proposed plan for location and size of utility lines and fire hydrants to be constructed in the subdivision.
- (14) The following certificate shall be placed on the preliminary plat:

APPROVED FOR PREPARATION OF FINAL PLAT SUBJECT TO CONDITIONS
ENUMERATED IN GHOLSON CITY COUNCIL MINUTES OF THIS DATE

Date

Mayor

(g) Conditional approval. The conditional approval of the preliminary plat by the city council does not constitute in any manner the acceptance of the subdivision nor the improvements placed therein, but is merely an authorization to proceed with the preparation of the final plat. The action of the city council 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 developer and the other copy retained as a permanent record of the city.

(h) No construction work to begin prior to approval of final plat. No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the final plat by the city council.

(i) City council to act within thirty days. Within thirty (30) days after the preliminary plat is formally filed, the city council shall conditionally approve or disapprove such plat or conditionally approve it with modifications.

Sec. 10.02.005 Final plat

(a) Final plat to be filed. Four (4) copies and one (1) reproducible copy of the final plat shall be submitted by the subdivider only after all changes and alterations shown on the preliminary plat have been made. Final plats shall be filed with the city administrator at least fourteen (14) days prior to the city council meeting at which approval is requested. The city administrator shall provide for review of the final plat by appropriate officials in accordance with procedures established by the city council.

(b) Filing fee. Such plat shall be accompanied by a filing fee in the amount adopted by the city council. No action by the city council shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for final plat approval or should the plat be disapproved.

(c) Formal application. Formal application for final plat approval shall be made by the subdivider in writing to the city council at an official meeting, not less than fourteen (14) days after filing the final plat with the city secretary.

(d) Final plat standards. The final plat shall be drawn to a scale of one hundred feet (100') to one inch (1") and shall, in addition to all requirements for the preliminary plat, show on it or be accompanied by the following:

- (1) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance, and length of all curves where appropriate.
- (2) The exact location, dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision with accurate dimensions, bearing or deflecting angles with radii, area, and central angles, degree of curvature, tangent distance, and length of all curves where appropriate.
- (3) The accurate location, material, and approximate size of all monuments.
- (4) Plans and specifications for water, sewer, paving, and drainage improvements proposed for the subdivision.

- (5) All deed restrictions that are to be filed with the plat shall be shown on or filed separately with the plat.
- (6) Statement that all taxes have been paid up to current date and for all previous years.
- (7) Two (2) copies of final plat showing a plan and profile of proposed sanitary and storm sewers, with grades and pipe sizes indicated.
- (8) Two (2) copies of final plat showing a plan of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants.
- (9) Two (2) sets of plans and specifications for paving and drainage.
- (10) Owner's acknowledgment of the dedication to public use of all streets, alleys, parks, and other public places shown on such final plat.
- (11) A certification by the engineer, responsible for the preparation of the final plat and supporting data, attesting to its accuracy.
- (12) A waiver of claim for damages against the city occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.
- (13) The following certificate shall be placed on the final plat:

THE CITY COUNCIL OF GHOLSON, TEXAS ON _____, 19__, VOTED
AFFIRMATIVELY TO ADOPT THIS PLAT AND APPROVE IT FOR FILING OF
RECORD

Date

Mayor

(e) Approval of portion of final plat. If desired by the subdivider and approved by the city council, 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 article.

(f) City council to act within thirty days. Within thirty (30) days after the final plat is formally filed, the city council shall approve or disapprove such plat. If the final plat is disapproved, the city council shall inform the subdivider in writing of the reasons such action is taken.

(g) Construction and recording of final plat. After the final plat has been finally approved and the subdivider has constructed all the required improvements and such improvements have been approved, and a maintenance bond filed as hereinafter provided, or after the plat has been finally approved and the subdivider has filed an escrow deposit sufficient to pay for the costs of all improvements as determined by the city in lieu of completing construction, the city secretary shall upon written consent of the subdivider cause the final plat to be recorded with the county clerk of McLennan County. The recordation fee shall be paid by the subdivider. The subdivider shall

notify the city administrator in writing prior to commencement of construction and upon completion of construction. The subdivider shall provide inspection service through his engineer to insure that construction is being accomplished in accordance with plans and specifications approved by the city.