

APPENDIX B

SUBDIVISION ORDINANCE*

An Ordinance prescribing rules and regulations governing plats and subdivisions of land within the corporate limits of the City of Marlin, Texas, and within five miles thereof, repealing all ordinances or parts of ordinances in conflict herewith and providing a severability clause.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLIN:

Section 1. Laying out under direction of city.

All property not subdivided into lots, blocks and streets within the city shall hereafter be laid out under the direction of the City Planning and Zoning Commission or, in the absence of such commission, of the City Council or subject to its approval, and no other subdivision will be recognized by the city. Prior to the plat being considered by the City Planning and Zoning Commission, the City Planner and City Engineer will check the plat and make recommendations on same.

Approval required. All plans, plats or replats of land laid out in building lots and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and descriptions of all streets, alleys, or public ways intended to be deeded or dedicated for public use, or for the use of purchasers or owners of the land fronting thereon or adjacent thereto, which is not intended to be platted into lots or other designated tracts, or any addition or plan of streets or public ways located outside the city limits within Falls County and entirely or in part within five (5) miles of the nearest point on the city limits shall be submitted to the City Planning

*Cross references—Building, ch. 7; health and sanitation, ch. 15; housing, ch. 16; mobile homes, ch. 17; planning and zoning, Ch. 20; plumbing, ch. 21; utilities, ch. 28; zoning, App. A.

and Zoning Commission for their consideration with relation to the Comprehensive Plan, and their recommendation shall then be submitted to the Governing Body for its official consideration and action, and no such plat or replat or dedication or deed of street or public way shall be filed with the Register of Deeds as provided by law until such plat or replat or dedication or deed shall have endorsed on it the fact that it has first been submitted to the Planning Commission and to the Governing Body and by said Governing Body duly approved.

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 do not conform to all rules and regulations of the Planning and Zoning Commission, or to sell property therein and thereby which has not been laid off, subdivided and platted according to the following or other rules of the City Planning and Zoning Commission and/or the City Council.

Section 2. Withholding improvements until approved.

The city hereby defines its policy to be that the city will withhold all city improvements of whatsoever nature, including the maintenance of streets and furnishing of sewerage facilities and water service, from all additions, the platting of which has not been approved by the City Planning and Zoning Commission or, in absence of such Commission, by the City Council.

No officer or employee of the city shall do, or cause to be done, any work upon any street or in any addition or subdivision of the city, unless all requirements of these or other regulations have been complied with by the owner of said addition or subdivision.

Section 3. Scope.

In the subdivision or resubdivision of land within the corporate limits of Marlin and within an area five (5) miles therefrom, lying in Falls County, the owner or developer shall exercise due regard to the alignment and location of

streets in relation to other existing or planned streets, to adequate drainage, to safe and expedient flow of traffic, and to provide for roadway surface, utilities and recreation, all in accordance with the Comprehensive Plan of Marlin.

Section 4. Definitions.

For the purpose of these regulations, the following words and terms shall be defined as follows:

Alley: A minor way, dedicated to public use, which is used primarily for vehicular access to the back of the side of properties otherwise abutting on a street.

Block: A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, or parks, etc., or a combination thereof.

Cul-de-sac: A street having one end open to traffic and being permanently terminated by a vehicle turnaround.

Easement: A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

Improvements: Street pavements, with curbs and sidewalks, pedestrian ways, water mains, sanitary and storm sewers, permanent street monuments, trees and other appropriate items.

Lot: A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

Comprehensive plan: The comprehensive plan made and adopted by the City Plan Commission indicating the general locations recommended for the major thoroughfares, streets, parks, public buildings, zomn g districts, and other public improvements.

Setback lines or building lines: A line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected.

Street: A right-of-way, dedicated to public use, or a private right-of-way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties.

Street,- deadend: A street, similar to a cul-de-sac, but providing no turnaround at its closed end.

Subdivider: A person, firm or corporation undertaking the subdividing or the resubdividing of a lot, tract or parcel of land into two or more lots or other divisions of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines.

Subdivision: A division of a lot, tract or parcel of land into two or more lots or other divisions of land for the purpose of transfer of ownership or development, whether immediate or future, including all changes in street or lot lines; provided, however, that divisions of land for agricultural purposes into parcels or tracts of five (5) acres or more and not involving any new street or easement of access shall not be deemed a subdivision.

Resubdivision: The division of an existing subdivision, together with any change of lot size therein or with the relocation of any street lines.

Section 5. Preliminary plan.

Five (5) prints of a preliminary plan of any proposed subdivision shall be submitted to the City Secretary for presentation to the Planning Commission at least five (5) days before the meeting at which approval is asked. The preliminary plan shall show or be accomplished by the following information:

- a. The proposed name of the subdivision and names of adjacent subdivisions.
- b. The names of the owner and the engineer, surveyor or landscape architect responsible for the survey and design.

- c. The location of boundary lines and their relation to established section lines or fractional section lines.
- d. The location and width of existing and proposed streets, roads, lots (approximate dimensions) and alleys, building lines, easements, parks, school sites, and other features of the proposed subdivision. The plan shall show outline of adjacent properties for a distance of at least one hundred (100) feet and how the streets, alleys, or highways in the proposed subdivision may connect with these adjacent which are of record.
- e. If there are no adjacent subdivisions, then a map on a smaller scale must be presented to show the nearest subdivision and how the streets, alleys or highways in the subdivision submitted may connect with those in the nearest subdivision.
- f. Survey showing physical features of the property, including watercourses, ravines, bridges, culverts, present structures and other features of importance to lot and street layout. The appropriate acreage of the property shall be indicated. Topography of the tract shall be shown on the preliminary plan by means of contours of two (2) foot intervals. Contours and all grades in the addition must be referred to a U.S. Coast and Geodetic Survey, State Highway or a city of Marlin bench mark.
- g. Approximate gradients of streets. All grades shall be based on city datum.
- h. Designation of the proposed uses of land within the subdivision, whether for residential, commercial, industrial or public use, such as parks, churches, etc.
- i. Centerline profiles of proposed streets may be required by the Commission.
- j. North point, scale and date.

If the Planning Commission does not approve or disapprove the preliminary plan within thirty (30) days of

the date of the initial meeting for consideration of the plan, the plan shall be deemed approved and so endorsed by the Chairman.

Approval of the preliminary plan does not constitute acceptance of the subdivision, but is merely an authorization to proceed with preparation of the final plat for record. No grading of streets, or construction shall be done on the subdivision before the final plat is approved by the Planning Commission except by special permission of the Governing Body. Upon refusal of the Planning Commission to approve a preliminary plan, the applicant may make such changes as are required for approval and resubmit the plan or he may appeal the decision to the Governing Body which may reverse the decision of the Planning Commission and approve said Preliminary Plan.

Section 6. Final plat.

After the preliminary plan has been approved by the Planning Commission, or the Governing Body on appeal, a final plat for record shall be prepared and submitted to the Commission for approval by that body. Ten (10) prints and reproducible tracing of the plat shall be filed in the office of the Commission at least five (5) days prior to the meeting at which approval is asked. The original plat shall be to a scale of one hundred (100) feet to the inch, shall be drawn in India ink on linen or better at a sheet size of 8½" × 11", 17" × 23", 24" × 36" or 36" × 48" and shall show or be accompanied by the following information:

- a. A title including name of subdivision owner or owners and licensed land surveyor or registered civil engineer responsible for the plat and the scale and location of the subdivision with reference to original land grants or surveys and the date, scale and north point.
- b. The name of the subdivision and adjacent subdivision, the names of streets (to conform wherever possible to existing street names), and the numbers of lots and blocks, in accordance with a systematic arrangement.

- c. An accurate boundary survey of the property, with bearings and distances, referenced to official surveys or survey corners and showing (in dotted lines) the lines of immediately adjacent streets and alleys with their widths and names.
- d. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length and radii of all curves and with all other information necessary to duplicate the plat on the ground.
- e. The location of building set-back lines on all streets and the location and dimension of utility and drainage easements and other public rights-of-way or access.
- f. Certification of ownership and dedication of all streets, public highways, alleys, parks and other land intended for public use, signed and acknowledged before a Notary Public by the owner or owners and by all other parties who have lease rights, mortgage or lien interest in the property, together with any restrictions which apply to lots and a complete and accurate description of the land subdivided and the streets dedicated.
- g. Certification by a registered surveyor to the effect that the plat represents a survey made by him and that all the necessary boundary survey monuments are correctly shown thereon.
- h. A waiver of claim for damage occasioned by the establishment of grades or the alteration of the surface of any portion of the streets and alleys.
- i. Certificate of approval to be signed by the City Planning and Zoning Commission.

All figures and letters shown must be plain, distinct and of sufficient size to be easily read and must be of sufficient density to make a lasting and permanent record.

When more than one sheet is used, a key map showing the entire subdivision at smaller scale with block numbers and

street names shall be shown on one of the sheets or on a separate sheet of the same size.

A copy of such restriction as may be filed in connection with the property shall be submitted with the final plat.

Section 7. General requirements.

Street arrangements: Unless otherwise approved by the Planning Commission, provision must be made for the extension of existing dead-end streets. Off-center street intersections with an offset of less than one hundred fifty (150) feet center line to center line will not be approved except in unusual cases. Streets with reverse curves must have a tangent between curves.

Proposed streets must conform to existing topography as nearly as possible, in order that drainage problems may be reduced. Streets should, wherever possible, follow valleys so as to form a collection system for surface water. Surface drainage across residential lots or along the side or rear lot lines shall be avoided wherever possible. Where such drainage on residential lots is necessary, easements shall be provided and in subdivisions within the corporate limits the Planning Commission may require installation of pipe, masonry or rip-rap flumes or such other protective devices in order that adjacent or surrounding property or the welfare of the public shall not be endangered and maintenance will be kept at a minimum. Sizes of pipe and other drainage structures shall be computed with sufficient accuracy to assure their adequacy, particular attention being given to the drainage areas of surrounding land, and all drainage plans within the corporate limits shall be approved by the City Engineer before the final plat is approved.

Street design: For the purpose of facilitating the movement of traffic, certain streets are designated by the Thoroughfare Plan as thoroughfares. A map showing these thoroughfares will be on file in the office of the Planning Commission, and reference shall be made to this system of streets before any preliminary plan is approved.

When a proposed subdivision abuts a major street or is bounded by a line that will in the future lie in a major street or is divided by a major street, as shown on the Thoroughfare Plan, then the owner of that subdivision shall dedicate, without charge, any land within such subdivision that is necessary to provide conformity with the Thoroughfare Plan, such dedication to be shown on the preliminary plan and final plat.

The minimum width of a street shall be fifty (50) feet; the minimum gradient shall be four-tenths percent (0.4%) and the maximum, gradient shall be ten percent (10%).

Relation to adjoining streets and land: The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivision and where no adjacent connections are platted, must in general be the reasonable projection of streets in nearest subdivided tracts and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith.

Large allotments: In case a tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged to permit the opening of future streets and logical resubdivision.

Dead-end streets: Except in unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets in adjacent land, but cul-de-sacs may be permitted where the form or contour of the land makes it difficult to plat with connecting streets. Such cul-de-sacs shall provide proper access to all lots and shall not exceed five hundred (500) feet in length, and a turnaround shall be provided at the closed end, with an outside street line radius of at least sixty (60) feet. Except in unusual cases, cul-de-sacs will not be permitted where the turnaround is not clearly visible from the entrance to the street.

Temporary cul-de-sacs may be required at the end of these streets extended to the edge of the subdivision for future connection to adjacent subdivisions.

Block lengths: In general, intersecting streets determining block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing or future streets. Where no existing plats control, the blocks shall not exceed 1,320 feet in length.

Alley and alley widths: Except in unusual cases, alleys or loading courts must be provided in business blocks. Alleys are optional in residential districts and are required only where alleys of adjoining subdivisions would be closed or shut off from access by the failure to provide alleys in the new subdivision. Alleys shall have a minimum width of twenty (20) feet. In case of intersecting alleys, a cutoff shall be required of at least five (5) feet measured from the point of intersection of the alley lines, the resultant connecting lot line to be at least five (5) feet in length.

Lots: All rectangular lots and all other lots, so far as practicable, shall have the side lines at right angles to the street on which the lot faces, or radial to curved street lines. Lots shall be of width and area to conform to the Zoning Ordinance of Marlin. Corner lots shall be at least fifteen (15) feet wider than the average lot in the subdivision. The minimum average depth of a lot shall be one hundred ten (110) feet.

Utility easements: Where alleys are not included in the plat, easements of not less than eight (8) feet shall be provided on each side of rear lot lines and side lot lines where access to an existing or future utility is desirable or where otherwise necessary for the proper location or relocation of public utilities. If necessary for the extension of water or sewer lines or similar utilities, or for surface drainage, easements of greater width may be required along lot lines or across lots. Easements shall connect with any established easements in adjoining property. Easements for sanitary and storm sewers, water and gas lines shall be approved by the City Engineer.

Utility and street design: All streets and utilities shall be designed and all plans prepared by an Engineer, registered in the State of Texas.

Building lines: Building set-back lines shall be shown on all lots intended for residential use and, in some cases may be required on lots intended for business use and shall provide at least the setback required by the Zoning Regulations.

Parks, school sites and playgrounds: Suitable sites for parks, schools, playgrounds or other public requirements shall be carefully considered and indicated on the preliminary plan, so that they can be compared with the comprehensive city plan and it can be determined which of such sites, if any, should be indicated on the final plat and when and in what manner such areas will be acquired by the public body.

Sidewalks: Where sidewalks are to be installed by the developer, they shall be located in the platted streets one (1) foot from the property line. Sidewalks shall be not less than four (4) feet wide and where located in the corporate limits shall conform to the specifications of the city of Marlin.

Section 8. Filing and inspection fees.

The following schedule of fees is hereby adopted, which fees are to be paid by all persons or corporations submitting preliminary plans for approval by the Planning Commission and shall be computed to the nearest dollar:

<i>Number of lots in subdivision</i>	<i>Fee per lot</i>
10 or less	\$1.00
11 to 5080
51 to 15070
151 to 50060
501 or more50

Minimum total fee shall be ten dollars (\$10.00). This fee shall be paid at the time that the preliminary plan is submitted to the Planning Commission and shall apply to

approval of the preliminary plan and final plat, provided that the final plat includes the same area to be subdivided as the preliminary plan. If the final plat is submitted in segments, then the above fee schedule shall apply to all submittals, except the first.

Inspection fees shall be paid in accordance with requirements of the City of Marlin. Inspections shall not be required outside the corporate limits but may be made upon request of the developer or owner.

Section 9. Survey requirements.

Concrete or approved equal monuments, 6 inches in diameter and 24 inches long, shall be placed on all corners of subdivision boundary lines, curve points, angle points and block corners. An iron pin or approved equal, $\frac{1}{4}$ inch in diameter embedded at least 3 inches in the monument shall be put in the monument at the exact intersection point. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall not be more than 12 inches below the natural ground after contemplated improvements are completed. The corners of each lot shall be located and identified by an iron pipe $\frac{1}{2}$ inch or $\frac{3}{4}$ inch in diameter, 18 inches long, driven into the ground.

Section 10. Improvements.

No building permits shall be issued for any building until the improvements listed below in Subsections (a), (b), (c), (d), (e), (f), (g), and (h) of this section shall be installed or, in lieu of actual completion of such improvements, the subdivider may file with the City Council a surety bond from a bonding company authorized to do business in Texas or an equivalent cash escrow to secure to the city the actual construction of such improvements in a manner satisfactory to the Council and to a permanent line and grade and in accordance with standard specifications of the city of Marlin or good engineering practice. If specifications are not available within a period specified by the Council (but such period shall not exceed two (2) years), such bond shall be in

the amount and with surety and conditions satisfactory to the City Council. Whenever no lots have been sold, the subdivider may vacate the plat and bond will be returned to the subdivider.

The subdivider, after tentative approval of the final plat, may install these improvements only in a portion of such areas but improvements must be installed in any portion of the area for which final plat is approved for recording, and the owner may sell or lease lots only in the improved portion of said property, provided that water and sewerage facilities shall be designed and built to serve the entire area and so that they may be easily expanded or extended to serve the entire area.

- (a) Curb and gutter on all streets meeting the city's specifications and set to proper line and grade with other necessary drainage and drainage structures necessary to drain properly the area.
- (b) Pavement on all streets: Refer to standard specifications on file in the City Engineer's office.
- (c) Six (6) inch gravel on all alleys properly compacted to provide for all-weather traffic.
- (d) Sidewalks, four (4) feet wide, four (4) inches thick, 3000 p.s.i., concrete. The placing of sidewalks shall be required along school access streets and streets in commercial district and other locations. It shall be within the discretion of the City Planning and Zoning Commission to designate other locations where sidewalks are to be placed.
- (e) Water system with mains of sufficient size and having sufficient number of outlets to furnish adequate domestic water supply, furnish fire protection to all lots and to meet the City of Marlin Water Plan.
- (f) Sanitary sewer facilities to service the subdivision and to meet the City of Marlin Sewer Plans.
- (g) Three (3) sets of Plans and Specifications for water, sewer, and paving, prepared by a Registered Civil

Engineer, must be approved by the City Engineer prior to the developer starting any construction in the subdivision of this nature.

- (h) All services for utilities shall be made available for each lot in such a manner as will obviate the necessity for disturbing the street pavement, gutter curb and drainage structures when connections are made.
- (i) At least one (1) street sign at each street intersection.

Pavement. The subdivider may award the contract and make payments directly to the contractor for all grading, paving, curb and gutter, drainage structures and sidewalks in the addition after the Plans and Specifications have been approved by the City Manager. The Engineer representing the subdivider shall prepare the Plans and Specifications for the water and sewer lines and present them to the city for approval, after which the city will advertise for bids and award the contract after the cost for said contract has been paid to the city by the subdivider.

No reimbursement shall be made by the city for the cost of other improvements.

Section 11. Inspection.

The City Engineer shall make such inspections of drainage structures, utilities, sidewalk and pavement construction as is deemed necessary to assure compliance with the specifications of the city. Twenty-four (24) hours notice shall be given to the City Engineer regarding any requested inspection.

Section 12. As-built plans.

The Engineer representing the subdivider must present to the city reproducible complete as-built plans for all paving, drainage structures, water line and sewer facilities within thirty (30) days after completion of each contract.

Section 13. Additional provisions.

After a plat has been duly approved by the Planning Commission and the Governing Body, as required in these rules, and after said plat has been duly recorded with the Recorder of Deeds, as required by law, construction may begin on buildings within the subdivision upon issuance of building permit. No building permit shall be issued for a building within such subdivision, however, until improvement districts for the construction and installation of curb and gutter, pavement, water and sewer lines have been created in the block upon which said lot fronts or until such improvements shall have been installed by the developer.

Section 14. Variations and exceptions.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained herein would result in real difficulties and substantial hardships or injustices, the City Council may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but so at the same time the public welfare and interest of the city and surrounding area are protected and the general intent and spirit of this Ordinance is preserved.

Section 15. Severability clause.

If any provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 16. Approval.

These regulations shall be in full force and effect from and after their passage by the City Council, as provided by law.

[The next page is 1773]