CITY OF STEPHENVILLE, TEXAS

SUBDIVISION ORDINANCE

2012 S-3 Supplement contains:
Local legislation current through Ord. 2008-14, passed 7-1-2008

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TABLE OF CONTENTS

Section	*Description*	*Page No.*
ARTICLE I	**GENERAL PROVISIONS AND REQUIREMENTS**	
1.11	Authority	7
1.12	Jurisdiction	7
1.13	Consistency with the Comprehensive Master Plan and Zoning Ordinance	7
1.14	Conflict with Other Ordinances	7
1.15	Severability Clause	8
1.16	Amendments	8
ARTICLE II	**DEFINITIONS**	
2.11	General	9
2.12	Definitions	9
ARTICLE III	**GENERAL PLATTING PROCEDURE REQUIREMENTS AND SUBMITTAL PROCESS**	
3.11	Compliance Required	19
3.12	Preliminary Conference	19
3.13	Combination Lots	19
3.14	Plat Submittal	19
3.15	Site Development Plan Requirements	20
3.16	Site Development Plan Submittal Process	21
3.17	Preliminary Plat Requirements	25
3.18	Preliminary Plat Submittal Process	27
3.19	Final Plat Requirements	31
3.20	Final Plat Submittal Process	32

Section	*Description*	*Page No.*
3.21	Commission and City Council Acceptance of Final Plat as Sections of an Approved Preliminary Plat	36
3.22	Platting or Replatting - Short Form	36
3.23	Vacation Instrument, Replatting, and Amended Plats	39
3.24	Dedication	40
3.25	Park Land Dedication	41
ARTICLE IV	**IMPROVEMENTS**	
4.11	Inspection	45
4.12	Costs	45
4.13	Perimeter Streets	45
4.14	As-Built As-Recorded Plans	46
4.15	Performance Bond	46
4.16	Maintenance Bond	47
4.17	Engineer’s Certificate	47
ARTICLE V	**SUBDIVISION DESIGN REQUIREMENTS**	
5.11	General	49
5.12	Blocks	49
5.13	Lots	49
5.14	Streets	50
5.15	Sidewalks	61
5.16	Storm Drainage	61
5.17	Water System	63
5.18	Sewer System	63
5.19	Utility Services	64
ARTICLE VI	**ENFORCEMENT**	
6.11	Appeal	67

Section	*Description*	*Page No.*
6.12	Penalty	67
6.13	Variances	67

Section	*Description*	*Page No.*
APPENDIX A	**Applications and Checklists**	69
APPENDIX B	**Certificates and Approvals**	71
APPENDIX C	**Illustrations**	73

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ORDINANCE NO. 1995-27

AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS OF THE CITY OF STEPHENVILLE, PREVIOUSLY ADOPTED BY ORDINANCE NO. 1991-12 APPROVED BY THE CITY COUNCIL ON JUNE 4, 1991, BY DELEGATING APPROVAL RESPONSIBILITY FOR REPLATS, AMENDED PLATS, AND SITE DEVELOPMENT PLANS AS AUTHORIZED IN SECTION 212 OF THE LOCAL GOVERNMENT CODE.

WHEREAS, the City of Stephenville's Subdivision Ordinance and the Local Government Code provide criteria for approval of replats, amended plats, and site development plans, and

WHEREAS, the City Council of the City of Stephenville wishes to delegate approval responsibility for replats, amended plats, and site development plans to the Director of Community Development, in accordance with the criteria established in the Subdivision Regulations of the City of Stephenville adopted by Ordinance No. 1991-12,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS:

The Subdivision Regulations of the City of Stephenville adopted by Ordinance No. 1991-12 be amended to delegate the approval of replats, amended plats in accordance with Section 212 of the Local Government Code as amended, to the Director of Community Development.

The Subdivision Regulations of the City of Stephenville adopted by Ordinance No. 1991-12 be amended to delegate approval of site development plans, in accordance with the guidelines established in said ordinance, to the Director of Community Development.

This ordinance shall become effective on the fifth day of September, 1995.

PASSED and APPROVED, on this the fifth day of September, 1995.

Lavinia Lohrmann

Lavinia Lohrmann, Mayor

ATTEST:

Cindy L. Stafford

Cindy L. Stafford, City Secretary

Donald B. Davis

Reviewed by Donald B. Davis,
City Administrator

Approved as to form and legality
Randy Thomas, City Attorney

ARTICLE I: GENERAL PROVISIONS AND REQUIREMENTS

SECTION 1.11 AUTHORITY.

This ordinance is adopted pursuant to the authority of the Constitution and laws of the State of Texas, including the Local Government Code of the State of Texas, including Chapters 212 (Municipal Regulation of Subdivisions and Property Development) and 43 (Municipal Annexation) and Sections 12.001 (what may be recorded) and 12.002 (filing of Subdivision Plat), Texas Property Code Annotated (Vernon), as amended.
(Ord. 1991-12, passed 6-4-91)

SECTION 1.12 JURISDICTION.

From and after the date of its adoption, this ordinance shall govern all subdivision of land within and outside of the corporate limits of the city as provided by law.
(Ord. 1991-12, passed 6-4-91)

SECTION 1.13 CONSISTENCY WITH THE COMPREHENSIVE MASTER PLAN AND ZONING ORDINANCE.

It is the intent of the City of Stephenville that these Subdivision Regulations shall be consistent with the adopted Comprehensive Master Plan, Zoning Ordinance and any supplemental land use and community development policies that may be adopted by the City Council. No plat or subdivision of land within the city or outside the city boundaries as provided by law shall be approved unless it conforms to such plans, policies and ordinances.
(Ord. 1991-12, passed 6-4-91)

SECTION 1.14 CONFLICT WITH OTHER ORDINANCES.

This ordinance shall be cumulative of all other ordinances of the City of Stephenville, Texas and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this ordinance.
(Ord. 1991-12, passed 6-4-91)

SECTION 1.15 SEVERABILITY CLAUSE.

If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.
(Ord. 1991-12, passed 6-4-91)

SECTION 1.16 AMENDMENTS.

For the purpose of providing the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by these Subdivision Regulations. Public hearings on all proposed amendments shall be held by the City Council in the manner prescribed by law.
(Ord. 1991-12, passed 6-4-91)

ARTICLE II: DEFINITIONS

SECTION 2.11 GENERAL.

For the purposes of these regulations, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this section. Any office referred to in these regulations by title means the person employed or appointed by the city in that position, or his/her duly authorized representative.
(Ord. 1991-12, passed 6-4-91)

SECTION 2.12 DEFINITIONS.

Those words or phrases not expressly prescribed herein are to be defined in accordance with the Zoning Ordinance or other applicable ordinances of the city, or in the absence of such ordinances, then in accordance with customary usage in municipal planning and engineering practices.

(1) ***ACREAGE, GROSS.*** The total acreage of a subdivision, including areas dedicated to the public use such as streets and vehicular easement rights-of-way.

(2) ***ACREAGE, NET.*** The total acreage of a subdivision less those areas dedicated to public use such as street and vehicular easement rights of way. Easements shall be included in net acreage calculations.

(3) ***ALLEYS.*** A minor right-of-way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

(4) ***AS BUILT PLANS.*** The set of drawings of the paving, drainage, water and sewer improvements showing all changes made in the plans during construction and containing on each sheet an “As-Built” or “As Recorded” stamp bearing the signature of the engineer for the subdivider or developer with the date.

(5) ***BARRICADE DEAD END STREETS.*** A fixed barrier to obstruct through traffic erected as a temporary measure pending the development of adjacent property.

(6) ***BENCH MARK.*** A surveying term referring to a known point of reference as measured from mean sea level, by which other survey measurements can be based on.

(7) ***BLOCK.*** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

(8) ***BUILDING.*** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structures.

(a) ***BUILDING, PRINCIPAL.*** A principal building is one in which the primary use of the lot on which it is located is conducted.

(b) ***BUILDING, ACCESSORY.*** A subordinate building located on the same lot as the principal building, the activity of which is clearly integral to the permitted use of the principal building.

(9) ***BUILDING AREA.*** The building area of the lot is the- gross area covered by the structures when placed on the lot.

(10) ***BUILDING SETBACK LINE.*** A line defining an area on the building lot between the street right-of-way or property line and the building line within which no building shall be constructed, encroach or project except as specifically authorized in an adopted ordinance of the City of Stephenville, as shown on Appendix C.

(a) ***FRONT BUILDING SETBACK LINE.*** A line parallel to the street right-of-way line which the building faces, and takes its primary access from.

(b) ***SIDE BUILDING SETBACK LINE.*** A line parallel to the property line with an adjacent lot or street right-of- way on a corner lot, which the building sides up to.

(c) ***REAR BUILDING SETBACK LINE.*** A line parallel to an adjacent lot line, alley, or street right-of-way line in the case of double frontage lots, which the building backs up to and has its rear or secondary access from.

(11) ***BUILDING SITE.*** The actual location on a lot of the building area.

(12) ***CITY.*** The word ***CITY*** shall be the City of Stephenville, Texas, together with all its governing and operating bodies.

(13) ***CITY ADMINISTRATOR.*** The duly authorized person as designated by the City Council to perform the management of daily fiscal and administrative responsibilities within the city.

(14) ***CITY ATTORNEY.*** The officially recognized legal counsel of the City of Stephenville.

(15) ***CITY STANDARDS.*** As referred to in these regulations, shall mean the city's standards and specifications, together with all tables, drawings, and other attachments hereinafter approved by the Council, and those standards so approved shall become a part of these regulations.

(16) ***COMMERCIAL DEVELOPMENT.*** Any development of which the primary use is of a commercial nature.

(17) ***COMMISSION.*** The Planning and Zoning Commission of the City of Stephenville, Texas.

(18) ***COMMUNITY DEVELOPMENT DIRECTOR.*** The duly authorized employee or representative of the city in charge of the planning function for the city and charged with implementation and enforcement of the subdivision, zoning and other growth-related ordinances.

(19) ***COMPREHENSIVE MASTER PLAN.*** The phrase "Comprehensive Master Plan" shall be the Comprehensive Plan of the city and adjoining areas adopted by the City Planning and Zoning Commission and City Council, including all its revisions. The plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks and other public and private developments and improvements.

(20) ***CONSTRUCTION PLANS.*** The approved drawings and technical specifications including bid documents and contract conditions, where applicable, providing a graphic and written description of the character and scope of the work to be performed in construction of a subdivision, including the specific location and design of improvements to be installed in accordance with the requirements specified in these regulations.

(21) ***COUNCIL.*** The word "Council" or "City Council" shall be the duly elected governing body of the City of Stephenville.

(22) ***CROSSWALK.*** A marked pathway reserved for pedestrians and bicycles for crossing a street, which is located at the intersection of two or more streets, and may be electronically controlled.

(23) ***CUL-DE-SAC.*** A short, minor street having but one outlet to another street and terminating on the opposite end by an appropriate vehicular turnaround as shown in Appendix C.

(24) ***DEAD-END STREET.*** A street, other than a cul-de-sac, with only one outlet, as shown on Appendix C.

(25) ***DEDICATION.*** A gift or donation of property by the owner to the City of Stephenville.

(26) ***DENSITY.*** The number of dwelling units per gross acre of subdivision, excluding any areas that are nonresidential in use.

(27) ***DEVELOPER.*** An individual, partnership, corporation, or governmental entity undertaking the subdivision or improvement of land and other activities covered by these regulations, including the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider" even though personnel in successive stages of a project may vary.

(28) ***DEVELOPMENT.*** The construction of one or more new buildings or structures on one or more building lots, the moving of an existing building to another lot, or the use of open land for a new use. "To Develop" shall mean to create development.

(29) ***DIRECTOR OF PUBLIC WORKS.*** The duly authorized person in charge of engineering for the city, or his designated representative.

(30) ***DRAINAGE CHANNEL.*** A channel constructed for the purpose of collecting and discharging stormwater runoff.

(31) ***DRAINAGE (RIGHT-OF-WAY) EASEMENT.*** A strip of land intended to be occupied by a drainage channel and authorized by a property owner for the use by another for that specific purpose.

(32) ***DRAINAGE PLAN.*** The drawings reflecting all drainage improvements to be made to a site in conformance with all requirements listed in these regulations.

(33) ***EASEMENT.*** An interest in land granted to the city or other governmental entity, to the public generally, and/or to a private utility corporation.

(34) ***EASEMENT, ACCESS (VEHICULAR).*** Public right-of-way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street. (Alleys will be discouraged in all future subdivisions in Stephenville). Vehicular access easements shall be 25 feet wide.

(35) ***EASEMENT, ACCESS (UTILITY).*** Right-of-way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street. Utility access easements shall be 16 feet wide.

(36) ***ENGINEER.*** A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

(37) ***ESCROW AGENT.*** The official in charge of the deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond.

(38) ***EXTRATERRITORIAL JURISDICTION (ETJ).*** The unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City of Stephenville, the outer limits of which are measured from the extremities of the corporate limits of the city outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated city.

(39) ***FEE SCHEDULE.*** The schedule of fees authorized by the City Council to cover various development related functions and is posted in city hall for review during normal business hours.

(40) ***FLOOD PLAIN.*** Any and all land area adjoining the channel of a river, stream, lake, water course, marshy area, or other drainage element, which has been or may be inundated from any water source.

(41) ***FLOODWAY (REGULATORY).*** The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(42) ***GRADE.*** The slope of a road, street, or other public way, specified in percentage terms.

(43) ***IMPROVEMENT, LOT.*** Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

(44) ***IMPROVEMENT, PUBLIC.*** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, off-street parking area, lot improvement, or other facility for which the city may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which city responsibility is established.

(45) ***JURISDICTION.*** The domain over which the authority of the City of Stephenville extends as granted by the statutes of the State of Texas.

(46) ***LOT.*** An undivided tract or parcel of land having frontage on a public street or an approved open space having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and 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 or record, as shown in Appendix C.

(a) ***LOT DEPTH.*** The length of a line connecting the midpoints of the front and rear lot lines.

(b) ***LOT, DOUBLE FRONTAGE OR THROUGH.*** Any lot, not a comer lot, with frontage on two streets which are parallel to each other or within 45 degrees of being parallel to each other.

(c) ***LOT, FRONTAGE.*** The length of street frontage between property lines.

(d) ***LOT, IRREGULAR.*** Any lot not having equal front and rear lot lines, or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the comers of which have an angle of either more or less than 90 degrees.

(e) ***LOT WIDTH.*** The average distance between the side lot lines, which is normally that distance measured along a straight line connecting the mid-point of the two side lot lines.

(47) ***LOT OF RECORD.*** A parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the County Clerk of Erath County; or a parcel of land not apart of an urban or town lot subdivision, the deed of which has been recorded in the office of the County Clerk of Erath County, prior to the adoption date of this ordinance, which has not been divided since recording.

(48) ***MONUMENT.*** An object placed to mark a corner point, established by a survey or an agreement, upon the surface of the earth.

(49) ***NATIONAL FLOOD INSURANCE PROGRAM.*** Program enacted by Title XIII of the Housing and Urban Development Act of 1968 to provide previously unavailable flood insurance protection to property owners in flood-prone areas.

(50) ***NATURAL DRAINAGE.*** The drainage characteristics of an area prior to any improvements or modifications being made.

(51) ***OFFICIAL SUBMISSION DATE.*** The date upon which all required, completed materials for submission as described in these regulations have been transmitted to the city and all required fees paid.

(52) ***OPEN SPACE.*** Private property under common ownership designated for recreational area, private park (for use of property owners within the subdivision), play lot area, plaza area, building setbacks (other than those normally required), and ornamental areas open to the general view within the subdivision. Open space does not include streets, alleys, utility easements, public parks or required setbacks.

(53) ***PARK.*** Land dedicated to, or purchased by, the city for the purpose of providing public recreational and/or open areas.

(54) ***PAVEMENT WIDTH.*** The portion of street available for vehicular traffic; where curbs are laid, it is the portion between the face of curbs.

(55) ***PERSON.*** Any individual, association, firm, corporation, governmental agency, or political subdivision.

(56) ***PLAT.*** A map, drawing, chart, or plan showing the exact layout and proposed construction of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainage ways, easements, and/or any other elements as required by these regulations, and which a subdivider shall submit for approval in accordance with these regulations.

(57) ***PLAT, AMENDED.*** A minor change of an existing subdivision to a lot line or setback contained within. No new lots are created, existing lots are not combined and the size of any one lot is not substantially increased or decreased.

(58) ***PLAT, PRELIMINARY.*** A plat that is submitted to the city for its review of the concept and performance of the subdivision as related to the provisions of these regulations. The preliminary plan and the review thereof are intended to produce a subdivision design in which all planning factors are recognized and reconciled, prior to submission of the final plat.

(59) ***PLAT, FINAL.*** A plat that has been submitted and approved in preliminary form, has been corrected by the applicant, has conformed to all of the provisions of these regulations, and has been submitted for final approval of the Planning and Zoning Commission and City Council.

(60) ***PRELIMINARY APPROVAL.*** Approval expressed by the city as to the arrangement and approximate size of streets, parks, reserves, easements, blocks, and lots indicated on a preliminary plat.

(61) ***PUBLIC RIGHT-OF-WAY.*** A strip of land used or intended to be used, wholly or in part, as a public street, alley, crosswalk, sidewalk, drainage way or other public way.

(62) ***PUBLIC SEWERAGE SYSTEM.*** A system designed for the wastewater collection, treatment and disposal that is wholly owned and operated by the City of Stephenville, its successors and assigns, or other governmental entity authorized and empowered to own and operate such a system.

(63) ***PUBLIC WATER SYSTEM.*** A system designed for the distribution and treatment of potable water that is wholly owned and operated by the City of Stephenville, its successors and assigns, or other governmental entity authorized and empowered to own and operate such a system.

(64) ***REPLAT.*** A plat vacating an existing subdivision in lieu of a new pattern of development; the subdivision of an existing or duly recorded lot or lots, the combining of two or more lots to create one lot, the changing of street names, the addition or deletion of existing easements, or the subdividing of an existing platted but undeveloped subdivision into a new pattern of lots and blocks. A replat may not necessarily imply a resubdivision if the actual lot configuration is not modified. See ***RESUBDIVISION***.

(65) ***RESERVE STRIP.*** A privately owned strip of land, normally one foot in depth, adjacent to a public right-of-way or easement preventing the extension of said right-of-way or easement without the expressed consent of the owner.

(66) ***RESUBDIVISION.*** A change in the approved and recorded subdivision plat if such change affects street layout, lot lines, lot configuration; or if it affects any map or plan legally recorded prior to the adoption of Subdivision Regulations. All resubdivisions shall require replatting.

(67) ***SHALL/MAY.*** The word “shall” is always mandatory, while the word “may” is permissive.

(68) ***SIDEWALK.*** A paved pedestrian way generally located within public street right-of-way, but outside of the roadway, and built in accordance with city specifications.

(69) ***SITE DEVELOPMENT PLAN.*** A map, drawing or chart showing the location of all existing and planned structures, landscaping, design ingress and egress, parking, height of structures and/or any other elements as required by these regulations, and which a subdivider shall submit for approval in accordance with these regulations.

(70) ***STEEP SLOPE.*** Areas that contain slopes over 15% grade and are characterized by increased runoff, and sediment hazards.

(71) ***STREET.*** A public right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive, or however otherwise designated.

(a) ***STREET, MAJOR ARTERIAL.*** A street whose primary function is to provide traffic movement between major traffic generators such as principal neighborhoods, commercial centers, and industrial areas, and to connect with surrounding municipalities.

(b) ***STREET, MINOR ARTERIAL.*** A street whose primary function is to serve secondary traffic generation, such as community shopping areas, office complexes, high schools, and larger parks and recreation areas. They also serve to collect and distribute traffic from streets of lower classification to major arterials.

(c) ***STREET, MAJOR COLLECTOR.*** The function of a collector street is to collect and distribute traffic from local access streets and to convey it to the arterial system. Major collectors provide limited access to abutting property and parking is generally limited or restricted.

(d) ***STREET, MINOR COLLECTOR.*** Minor collectors in residential areas collect traffic from local streets within a residential district and are not intended to continue through several districts. In commercial/industrial areas minor collectors generally serve one district providing access for abutting property and providing the most direct access to other collectors and arterials.

(e) ***STREET, LOCAL.*** A street that is used primarily for access to abutting residential property and circulation of traffic within residential neighborhoods. It is of a width and design to discourage through traffic, thereby protecting the residential area.

(f) ***STREET, PRIVATE OR SERVICE DRIVE.*** A vehicular access way under private ownership and maintenance, that has not been dedicated to the city and accepted by the city.

(g) ***STREET, MARGINAL ACCESS.*** A minor street which is parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

(72) ***STRUCTURE.*** That which is built or constructed, an edifice or building of any kind, or any piece of work built up or composed of parts joined together in some definite manner.

(73) ***SUBDIVIDER.*** Any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term “subdivider” shall be restricted to include only the owner, equity owner, or authorized agent of such owner or equity owner, of land to be subdivided.

(74) ***SUBDIVISION.*** The term “subdivision” shall mean a division of a lot, tract, or parcel of land into two or more parts, lots or sites for the purpose, whether immediate or future, of sale, division of

ownership or building development. ***SUBDIVISION*** includes resubdivision of land or lots which are part of a previously recorded subdivision. All transfers of ownership, division, or development of land shall be governed by this ordinance.

(75) ***SURVEYOR.*** A licensed Registered Public Surveyor as authorized by the state statutes to practice the profession of surveying.

(76) ***THOROUGHFARE PLAN.*** Street plan which is part of the Comprehensive Master Plan of the City of Stephenville.

(77) ***UNOPENED STREET OR ALLEY.*** A designated street or alley, unimproved and not open to vehicular traffic.

(78) ***VACATION.*** To cancel, rescind, or render an act that has the effect of voiding a subdivision Plat, portion thereof, or easement as recorded in the County Clerk's office.

(79) ***WASTEWATER SERVICE.*** The collection of waste bearing water that requires treatment prior to its return to nature and the system of pipes and equipment used to collect and transmit this water to treatment facilities; also called sanitary sewer service.

(80) ***YARD.*** A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture are not deemed to be obstructions if height limitations and requirements limiting obstruction of visibility are observed.
(Ord. 1991-12, passed 6-4-91)

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ARTICLE III: GENERAL PLATTING PROCEDURE REQUIREMENTS AND SUBMITTAL PROCESS

SECTION 3.11 COMPLIANCE REQUIRED.

Unless the land proposed to be subdivided meets the requirements and conditions set forth in Section 3.22 for the short form procedure, then, any person seeking to subdivide land shall comply with the provisions of this article.
(Ord. 1991-12, passed 6-4-91)

SECTION 3.12 PRELIMINARY CONFERENCE.

Prior to the official filing of a preliminary plat or site development plan, the subdivider, his planner, engineer, or representative shall consult with and present a proposed plan of the subdivision to the Community Development Director and other appropriately authorized city representatives as determined by the city, for comments and advice on the procedures, specifications, and standards required by the city for the subdivision of land.
(Ord. 1991-12, passed 6-4-91)

SECTION 3.13 COMBINATION OF LOTS.

Any person desirous of combining two or more contiguous and previously platted lots into one single lot for the purpose of removing interior lot lines to create more buildable lot area shall submit a "Replat" thereof; obtain approval from the Planning and Zoning Commission and City Council; and have same filed on record in the plat records of the county where the real property is located.
(Ord. 1991-12, passed 6-4-91)

SECTION 3.14 PLAT SUBMITTAL.

(1) All plats to be considered for approval under these regulations shall be submitted to the Community Development Director or his/her designee along with a completed application and fees and must be in accordance with all regulation requirements. No plat shall be formally accepted for review by the City of Stephenville until it fulfills all of the requirements of this Article.

(2) Scale and sheet size. All plats shall be drawn to a scale of one inch = 100 feet, unless permission is obtained from the Community Development Director for a larger or smaller scale prior to submittal. All sheet sizes shall be 24" x 36" and shall be drawn in ink on a reproducible film material.
(Ord. 1991-12, passed 6-4-91)

SECTION 3.15 SITE DEVELOPMENT PLAN REQUIREMENTS.

(1) A site development plan shall be submitted whenever the intended use of the tract is non-single family residential, or at the request of the City Administrative Officer or other city representative at the preliminary conference required in Article III, Section 3.12 of these regulations.

(2) The site development plan may be submitted in place of a preliminary plat if the developer so chooses. If the developer chooses not to submit a site development plan in place of a preliminary plat then the site development plan will still be required prior to any building permit issuance, upon approval of the final plat.

(3) The site development plan shall be prepared by a registered professional engineer and, as appropriate, other professionals such as: registered public surveyor, licensed architect or certified planner.

(4) The site development plan shall contain the following information which is also shown in the checklist located in Appendix A.

(a) The location of all existing and planned structures and land on the subject property and approximate locations of structures on adjoining property within 100 feet with the structures square footage.

(b) Design and location of ingress and egress.

(c) Off-street parking and loading facilities, and calculations showing how the quantities were obtained.

(d) Location of all existing and proposed driveways with dimensions and turning radius.

(e) Location of all neighboring driveways with dimensions and turning radius.

(f) Height of all structures.

(g) Proposed uses.

(h) The location and types of all signs, including lighting and heights.

(i) Elevation drawings citing proposed exterior finish materials.

(j) Street names and right-of-way widths on proposed streets included in and abutting the site on any side.

(k) The locations, sizes and descriptions of existing and approximate locations, sizes and descriptions of proposed utilities (above and/or below grade) and related easements within the site or adjacent thereto.

(l) Vehicular access, utility and drainage easements for dedicated infrastructures if required.

(m) Proposed refuse disposal area and specifications, if applicable.

(n) Verification of approval with signatures from appropriate authorities such as: electric, gas, cable, telephone, fiberoptic and solid waste disposal companies.

(o) Such additional terms and conditions, including design standards, as the Planning and Zoning Commission and the City Council deem necessary.

(p) The approximate locations, sizes and descriptions of proposed grading and drainage improvements.

(5) Site development plan review fee. A site development plan review fee shall be paid the city upon submission of a site development plan in accordance with the annually approved official fee schedule.
(Ord. 1991-12, passed 6-4-91)

SECTION 3.16 SITE DEVELOPMENT PLAN SUBMITTAL PROCESS.

(1) *Preliminary conference*. Prior to the official filing of a preliminary plat or site development plan, the subdivider, planner, engineer, or representative shall consult with and present a proposed plan of the subdivision to the Community Development Director and other appropriate authorized city representatives as determined by the city, for comments and advice on the procedures, specifications, and standards required by the city for the subdivision of land.

(2) *Duties of Developer.*

(a) Distribute a copy to the following authorities for review: electric, gas, cable, telephone and solid waste disposal companies.

(b) The developer shall submit five (5) copies and one digital copy of the site development plan to the city staff.

(c) The developer shall also submit the completed application, as shown in Appendix A, and pay all fees required for site development plan approval. Fees shall be determined in accordance with the currently official fee schedule of the city.

(d) The developer shall submit signed copies of any comments or recommendations provided by electric, gas, cable, solid waste disposal, or telephone companies regarding the site and proposed site development.

(e) At the time of submittal, the city staff will check all materials against the site development plan requirements checklist for completeness before accepting any fees. Failure to submit all materials required for site development plan approval will constitute an incomplete submittal and the application and fees shall not be accepted for processing.

(3) *Duties of the city.*

(a) Review the document for completeness, noting application of design principles and standards and compliance with regulations and ordinances established by the City Council.

(b) Summarize the recommendations of the reviewing authorities and prepare a written report to the developer.

(c) Prepare a written report to be presented to the Planning and Zoning Commission and City Council at least five days prior to the scheduled hearing date. (If necessary).

(4) *Action by the Planning and Zoning Commission.* (If necessary). The decision of the Planning and Zoning Commission shall be approval, conditional approval or disapproval of the site development plan:

(a) Approval shall not constitute acceptance of the site development plan, but is only a recommendation to the City Council for acceptance of the site development plan.

(b) Conditional approval shall constitute approval, as defined above; however, is subject to compliance with prescribed conditions, and shall constitute disapproval until such conditions are met. Conditionally approved site plans need not be addressed again by the Planning and Zoning Commission. However, revisions to the site development plan in compliance with the conditions must be submitted not later than 14 days prior to review of the site development plan by the City Council.

(c) Disapproval signifies a recommendation to the City Council for the complete rejection of the site development plan as submitted. The applicant may then choose to submit the site development plan to the City Council.

(d) The Planning and Zoning Commission shall present its recommendations to the Council at the next regularly scheduled meeting immediately following the Planning and Zoning Commission meeting.

(5) *Action by the City Council.* (If necessary). The decision of the City Council shall be approval, or disapproval of the site development plan. A vote of seven of the Council members present and voting

shall be required to overturn a unanimous recommendation by present and voting members of the Planning and Zoning Commission. If the Planning and Zoning Commission's recommendation was not unanimous, then a simple majority vote of the Council present and voting is required.

(a) Approval shall constitute permission for the applicant to proceed with the building permit process, provided the applicant has complied with any conditions specified by the Planning and Zoning Commission and approved by the City Council, and all other ordinances and regulations of the city, including obtaining final plat approval as required herein.

(b) Disapproval constitutes complete rejection of the site development plan as submitted. The applicant may then choose to reinstitute the site development plan approval procedure, including payment of all fees required in the process.

(6) *Effective period*.

(a) The approval of a site development plan shall be effective for a period of 12 months. In the event that further action such as, but not limited to, a request for a building permit, or an application for rezoning, or an application for preliminary or final plat approval has not been initiated by the developer within 12 months from the date of approval of the original site development plan, the site development plan shall require reapproval. The entire approval process including payment of fees shall be required.

(b) The applicant may receive one extension of the site development plan. Upon written request by the owner, at least 30 days prior to the end of the one year period, the site development plan shall be placed with the community development staff for consideration of a one year extension.
(Ord. 1991-12, passed 6-4-91)

Site Development Plan Submittal Process

City conducts Preliminary Conference with Developer

Developer submits plan to utility companies for review and comment

•Disapproval
Rejection of site plan - repeat process

Submit 5 copies of site plan to city staff.

City reviews plan and presents recommendation.

City action:
• Disapproval
• Approval
• Submit to P&Z

•Approval
Proceed with building permit process

P&Z action:
• Disapproval
• Approval
• Conditional Approval

•P&Z submittal
City staff is to present recommendations 5 days prior to P&Z meeting

Approval:
Constitutes recom-mendation to Council

•Conditional Approval:
Conditions must be met prior to filing for final

• Conditions must be met no later than 14 days prior to Council review

Disapproval:
Constitutes recommendation to Council for rejection

Decision by P&Z is certified by City

• Council action:
• Disapproval
• Approval

• 7 votes required to overturn unanimous P&Z recom., otherwise simple majority

Disapproval:
Rejection of site plan - repeat process

Approval:
Proceed with building permit process

SECTION 3.17 PRELIMINARY PLAT REQUIREMENTS.

(1) A preliminary plat shall be required for all parcels of land on which the filing of a plat is required by state law or city regulations and ordinances. An exception shall be allowed in the event:

(a) A preliminary plat has been approved within the last 12 months; or

(b) Platting is being submitted in accordance with Section 3.22.

(2) The preliminary plat must meet all the criteria of preliminary plat submission as required in regulations and ordinances of the city and procedures as listed in these regulations.

(3) The preliminary plat shall be prepared by a licensed professional engineer, and as appropriate, other professionals such as: registered public surveyor, licensed architect or certified planner trained and experienced in subdivision design.

(4) The preliminary plat shall contain the following information:

(a) Names and addresses of the subdivider, record owner, land planner, engineer and surveyor.

(b) Proposed name of the subdivision (which shall not be so similar to that of an existing subdivision as to cause confusion).

(c) Names and lot patterns of contiguous platted subdivisions within 100 feet of the proposed subdivision; and the names of adjacent property owners if adjacent properties are unplatted.

(d) Vicinity map showing location of tract by reference to existing streets or highways.

(e) Subdivision boundary lines, indicated by heavy lines, and the approximate area expressed in acres.

(f) Location of city limit lines, if they either traverse the subdivision, form part of the subdivision, or are contiguous to the subdivision boundary.

(g) Dimensions, names and descriptions of all 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, as determined from existing records, for a distance of 200 feet from the proposed subdivision. If there are no adjacent existing or dedicated streets and alleys within 200 feet of the proposed subdivision on any side, then a map on a smaller scale must accompany the preliminary plat showing the outline and ownership of adjacent properties, locations of the nearest subdivisions and existing or dedicated streets and alleys.

(h) The location, dimensions, names and descriptions of all existing or recorded lots and blocks, parks, public areas and permanent structures within or contiguous to the subdivision.

(i) The location sizes and descriptions of existing and approximate locations, sizes and descriptions of proposed utilities, (above and/or below grade) and related easements, within the subdivision or adjacent thereto.

(j) The approximate location, dimensions, descriptions and names of all proposed streets, drainage structures, parks, open spaces, natural features to be preserved, improvements to be installed for beautification, other public areas; reservations, easements or other rights-of-way; blocks, lots and other sites within the subdivision specifically indicating the connection of improvements in adjacent subdivisions.

(k) Identification and location of proposed uses within the subdivisions to include tracts intended for residential, commercial, churches, parks, governmental or other uses and also indicating existing and proposed zoning classifications for each use.

(l) Topographical information based on two-foot vertical contour intervals except where excessive steep grade prohibits graphical representation, in which case five-foot vertical intervals may be used.

(m) Centerline of water courses, creeks and ravines, existing drainage structures and other pertinent data shall be shown.

(n) Areas subject to flooding shall be shown, delineating the 100-year flood and 500-year flood limits if applicable, according to the adopted flood damage prevention ordinance.

(o) A drainage study shall be required to provide the information as recorded in Section 5.16.

(p) A number or letter to identify each lot and each block; an indication of the typical lot size; and the approximate area of the smallest lot.

(q) All building setback lines on all lots and sites.

(r) Title, date of preparation, scale and north arrow.

(s) Current description of the property to be subdivided that includes survey name and tract numbers from city or county records.

(t) Tentative master plat will be required as the proposed subdivision is portion of a tract which is later to be subdivided in its entirety and shall include all information as required by the preliminary plat and shall be submitted with the preliminary plat.

(u) All existing and abandoned features including landfills, dumpsters, hazardous waste sites, oil and gas wells, oil and gas features, facilities, and water wells.

(v) All existing and proposed utilities including water, sanitary sewer, storm sewer, electricity, gas, telephone, cable television, and fiber optic.

(5) Preliminary plat review fee. A preliminary plat review fee shall be paid to the city upon submission of the preliminary plat in accordance with the annually approved official fee schedule.
(Ord. 1991-12, passed 6-4-91)

SECTION 3.18 PRELIMINARY PLAT SUBMITTAL PROCESS.

(1) *Preliminary conference.* Prior to the official filing of a preliminary plat, the subdivider, planner, engineer, or representative shall consult with and present a proposed plan of the subdivision to the Community Development Director and other appropriate authorized city representatives as determined by the city, for comments and advice on the procedures, specifications, and standards required by the city for the subdivision of land.

(2) *Duties of developer.*

(a) Distribute the preliminary plat to the following authorities for review: electric, cable, gas, telephone, and solid waste disposal company.

(b) The applicant shall submit five 24 inch x 36 inch paper copies one 11" X 17" paper and digital copy of the preliminary plat to the Community Development Director or his/her designee at least 14 days prior to the Planning and Zoning Commission meeting on which it is to be addressed.

(c) The applicant shall submit the completed application shown in Appendix A, and pay all fees required for preliminary platting as specified in Section 3.17.5 of this document.

(d) At the time of submittal, the Community Development Director or his/her designee will check all materials against the preliminary plat checklist for completeness before accepting any fees. Failure to submit all materials required for preliminary plat approval will constitute an incomplete submittal and the application and fees shall not be accepted by the city for processing.

(3) *Duties of the city.*

(a) Review the preliminary plat for completeness, noticing application of generally accepted engineering and planning design principles and standards.

(b) Summarize the recommendations of the reviewing authorities and prepare a report to be presented to the Planning and Zoning Commission at least five business days prior to the scheduled hearing date.

(4) *Action by the Planning and Zoning Commission.*

(a) Approval shall not constitute acceptance of the preliminary plat, but is only a recommendation to the City Council.

(b) Conditional approval shall constitute approval, as defined above; however, it is subject to compliance with prescribed conditions and shall constitute disapproval until such conditions are met. Conditionally approved preliminary plats need not be addressed by the Planning and Zoning Commission again. The conditions attached to preliminary plat shall be met upon the filing of the final plat.

(c) Disapproval signifies a recommendation to the City Council for the complete rejection of the preliminary plat as submitted. The applicant may then choose to submit the preliminary plat to the City Council.

(d) The decision of the Planning and Zoning Commission shall be certified by the Planning and Inspections Coordinator the following business day and that certification notice shall be presented to the Council at the next regularly scheduled meeting immediately following the Planning and Zoning Commission meeting.

(5) *Action by the City Council.* The decision of the City Council shall be approval, or disapproval of the preliminary plat. A vote of seven of the Council members present and voting shall be required to overturn a unanimous recommendation by present and voting members of the Planning and Zoning Commission. If the Planning and Zoning Commission's recommendation was not unanimous, then a simple majority vote of the Council present and voting is required.

(a) Approval shall not constitute acceptance of the subdivision, but is only authorization to proceed with the preparations of engineering plans and final plat. Approval of the preliminary plat shall be subject to all conditions specified by the Planning and Zoning Commission either being complied with or documented and approved by the City Council.

(b) Disapproval signifies rejection completely of the preliminary plat as submitted. The applicant may then choose to reinstate the subdivision approval procedure, including all fees required in the process.

(6) *Effective period.*

(a) The approval of a preliminary plat shall be effective for a period of 12 months. In the event that the final platting process has not been initiated by the developer within 12 months from the

date of approval of the original preliminary plat, the preliminary plat shall require re-approval. The entire approval process including payment of fees will be required.

(b) The applicant may receive one extension of the preliminary plat. Upon written request by the owner, the preliminary plat will be placed on the City Council agenda for consideration for extension. Written request must be received 14 days prior to the City Council meeting on which it is to be considered.
(Ord. 1991-12, passed 6-4-91)

Preliminary Plat Submittal Process

City conducts Preliminary Conference with Developer

Developer submits plat to utility companies for review and comment

Submit five 24"x36" copies of plat 14 days prior to P&Z mtg.

City reviews plat and presents recommendation 5 days prior to P&Z mtg.

P&Z action:
- Disapproval
- Approval
- Conditional Approval

Approval:
Constitutes recom-mendation to Council

•Conditional Approval:
Conditions must be met prior to filing for final

Disapproval:
Constitutes recommendation to Council for rejection

Decision by P&Z is certified by City

- **Council action:**
- **Disapproval**
- **Approval**

• 7 votes required to overturn unanimous P&Z recom., otherwise simple majority

Disapproval:
Rejection of plat
- repeat process

Approval:
Proceed with final plat

SECTION 3.19 FINAL PLAT REQUIREMENTS.

(1) A final plat shall be required for all subdivision of land within the corporate limits of the city and for any parcel of land requiring a building permit. The final plat shall comply in all respects to the approved preliminary plat, and may include all or only a part of the area of the approved preliminary plat or site development plan.

(2) After obtaining approval or conditional approval of a preliminary plat or site development plan and compliance with all necessary fiscal agreements including fees, assessments, and delinquent taxes, the applicant may, if wishing to proceed with the subdivision, submit a final plat. The final plat shall be submitted with a completed application and shall be in accordance with all regulation requirements. Should any changes to the plat configuration be made, the approval process shall begin again.

(3) The final plat shall be prepared by a licensed professional engineer and registered public surveyor of the State of Texas, trained in subdivision design.

(4) The final plat shall contain the following information also shown in Appendix A.

(a) Title or name of development and graphic scale, north point, date of plat and vicinity map.

(b) Location of the development by city, county and state.

(c) Accurate boundary survey and property description with tract boundary lines indicated by heavy lines.

(d) Accurate plat dimensions with all engineering information necessary to reproduce the plat on the ground.

(e) Approved name and right-of-way width of each street, both within and adjacent to the development.

(f) Locations, dimensions and purposes of any easements or other rights-of-way and all building lines.

(g) Identification of each lot or site and block by number or letter.

(h) Record owners of contiguous parcels of unsubdivided land, names and lot patterns of contiguous subdivisions within 100 feet of the proposed subdivision.

(i) Boundary lines, dimensions and descriptions of open spaces to be dedicated for public use.

(j) Certificate of dedication of all streets, parks and other public uses signed by the owner or owners.

(k) Designation of the entity responsible for the operation and maintenance of any commonly held property and a waiver releasing the city of such responsibility.

(l) Space for signatures attesting approval of the plat by Planning and Zoning Commission Chairman, Mayor, and City Secretary, as shown in Appendix B.

(m) Seal and signature of the surveyor and/or engineer responsible for surveying the development and/or the preparation of the plat, as shown in Appendix B.

(n) Signatures attesting acceptance of the plat by local electric, gas, cable, telephone, and solid waste disposal companies.

(o) All deed restrictions that are to be filed with the plat shall be shown on or filed separately with the plat.

(p) Compliance with all special requirements developed in preliminary plat review.

(q) First floor elevation.

(r) Areas subject to flooding shall be shown delineating the 100-year and 500-year flood limits if applicable, according to the adopted flood damage prevention ordinance.

(5) Final plat review fee. A final plat review fee shall be paid to the city upon submission of the final plat in accordance with the annually approved official fee schedule.
(Ord. 1991-12, passed 6-4-91)

SECTION 3.20 FINAL PLAT SUBMITTAL PROCESS.

(1) *Duties of developer.*

(a) Upon submittal of the final plats, the subdivider shall submit to the city the engineering plans and specifications prepared, signed and sealed by a registered professional engineer. These plans shall make adequate provisions for all surface and storm drainage within and across the subdivision; shall provide for the construction of a water distribution system, including fire hydrants, adequate to serve the subdivision with water with adequate pressure for fire protection, domestic consumption and/or light commercial use together with such mains as may be required to connect with the existing system; shall provide for a sanitary sewer system adequate to serve each lot or building site within the subdivision and shall provide for the construction of such other improvements as may be required. The subdivider shall pay the full cost of all onsite public improvements. Subsequent to the approval of the

final plat, detailed construction plans which shall conform to the provisions of this ordinance and all other ordinances of the city relating to construction standards, shall be submitted to the Director of Public Works or authorized representative to be approved, signed and dated prior to the commencement of construction.

(b) A receipt shall be noted on the final plat or shall accompany the final plat indicating that all taxes have been paid.

(c) The developer shall submit one 24" x 36" mylar, five 24" x 36"paper copies, one 11" X 17" paper and digital copy of the final plat and three sets of complete engineering drawings to the Community Development Director or his/her designee at least 14 days prior to the Planning and Zoning Commission meeting on which it is to be addressed.

(d) The developer shall also submit the completed application, as shown in Appendix A, and pay all fees required for final platting in accordance with Section 3.19.5 of this document.

(e) At the time of submittal, the Community Development Director or his/her designee will check all materials against the final plat checklist for completeness before accepting any fees. Failure to submit all materials required for final plat approval will constitute an incomplete submittal and the application and fees shall be not accepted by the city for processing.

(2) *Duties of the city.*

(a) Review the final plat for completeness, noting application of design principles and standards and compliance with approved preliminary plat or site plan and city ordinances and regulations.

(b) Distribute a copy of the final plat and plans and specifications to the appropriate authorities for review.

(c) Summarize the recommendations of the reviewing authorities and prepare a report to be presented to the Planning and Zoning Commission, at least five days prior to the scheduled hearing date at which the item is to be considered.

(3) *Action by the Planning and Zoning Commission.* The decision of the Planning and Zoning Commission shall be approval or disapproval of the final plat.

(a) Approval shall not constitute acceptance of the final plat, but it is only a recommendation to the City Council for acceptance of the final plat.

(b) Disapproval constitutes complete rejection of the final plat. The applicant may then choose to reinstate the subdivision approval procedure, including all fees required in the process.

(c) The decision of the Planning and Zoning Commission shall be certified by the Community Development Director the following business day and that certification notice shall be presented to the Council at the next regularly scheduled meeting immediately following the Planning and Zoning Commission meeting.

(4) *Decision of the City Council.* The decision of the City Council shall be approval or disapproval of the final plat. A vote of seven of the members of the Council members present and voting shall be required to overturn a unanimous approval recommendation by present and voting members of the Planning and Zoning Commission. If the Planning and Zoning Commission's recommendation was not unanimous, then a simple majority vote of the Council present and voting shall be required.

(a) Approval shall constitute acceptance of the final plat, and the subdivider shall proceed with the filing of the final plat.

(b) Disapproval signifies rejection completely of the final plat as submitted. The applicant may then choose to reinstate the subdivision approval procedure, including all fees required in the process.

(5) *Final plat filing procedure.* The final plat shall be filed on record by the subdivider in the plat records of the county where the real property is located, but only after the City Council has officially acted upon the final plat with reference to improvements, dedications and utilities. Filing fees for recording the final plat shall be paid by the subdivider.

(6) *Expiration of final plat.* Approval of the final plat shall expire unless the plat is recorded in the office of the County Clerk where the real property is located within a period of 30 days after the date of final approval.
(Ord. 1991-12, passed 6-4-91)

Final Plat Submittal Process

Developer submits 1 mylar copy 5 paper and digital copies of plat and 3 sets of plans & specs to city within 14 days prior to P&Z mtg.

City reviews plat and plans & specs and distributes to reviewing authorities

City presents recommendation to P&Z 5 days prior to meeting.

P&Z action:
- **Disapproval**
- **Approval**

Disapproval:
Constitutes rejection
- repeats process

Approval:
Constitutes recom-
mendation to Council

- **Council action:**
- **Disapproval**
- **Approval**

- *7 votes required to overturn a unanimous recom. by P&Z, otherwise a simple majority*

Disapproval:
Rejection of plat
- repeat process

Approval:
Constitutes acceptance

Plat filed with County Clerk within 30 days of Council approval

SECTION 3.21 COMMISSION AND CITY COUNCIL ACCEPTANCE OF FINAL PLAT AS SECTIONS OF AN APPROVED PRELIMINARY PLAT.

An owner or subdivider, at his/her option, may obtain final plat approval of a portion or section of a previously approved preliminary plat or site development plan provided he meets all the requirements of all subdivision ordinances with reference to such portion or section in the same manner as is required for a complete subdivision. In the event a subdivision is approved, and the final plat thereof is approved by the Planning and Zoning Commission and City Council in sections, each final plat of each section is to carry the name of the entire subdivision, but is to bear a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.
(Ord. 1991-12, passed 6-4-91)

SECTION 3.22 PLATTING OR REPLATTING - SHORT FORM.

(1) *Conditions and requirements.* A preliminary plat, preliminary plat approval, or detail utility drawings will not be required for a short form plat. A short form procedure may be followed for the approval of a subdivision when the land proposed to be subdivided or resubdivided meets the following conditions and requirements:

(a) The resulting lots conform to all minimum size requirements of these regulations and the zoning ordinance.

(b) Such land abuts upon a street of adequate width and is so situated that no additional street right-of-way, easements, construction or other public property are required in order to meet the requirements of these regulations, unless otherwise required by the city.

(c) The perimeter of the tract being subdivided has been surveyed and marked on the ground, a plat thereof prepared and submitted to the Community Development Director or his/her designee, and the nearest corner of each lot or parcel of such proposed subdivision is within 200 feet of a known corner which is adequately marked by a concrete monument or iron stake.

(d) The utilities, as required in these regulations, are in place to serve each parcel or lot of such subdivision or resubdivision, the necessary easements are already existing and arrangements to provide such utilities have been made.

(e) The uses proposed for the property will not require rezoning of any portion of the property, and the resulting lots conform to all area and setback requirements of these regulations and the zoning ordinance of the City of Stephenville.

(2) *Formal application.* Formal application for a short form plat or replat approval shall be made by the subdivider in writing to the Planning and Zoning Commission and submitted to the city, 14 days prior to the next regularly scheduled meeting.

(3) *Submission.* The subdivider shall submit one 24" x 36" mylar five 24" x 36" paper copies one 11" x 17" paper copy and a digital copy to the Community Development Director at least 14 days prior to the date at which the Planning and Zoning Commission will consider the request. The short form plat shall be submitted in final form, meeting the form and content requirements of a final plat.

(4) *Processing.*

(a) The subdivider shall submit the plat in accordance with the fee schedule as required for a final plat as recorded in Section 3.19.5.

(b) The city staff shall process the plat and insure that it is checked for conformance to city ordinances and regulations.

(c) The city staff shall forward a copy of all submitted material to the Planning and Zoning Commission with any comments or recommendations of the city staff, Director of Public Works, Fire Department Chief, electric company, cable company, gas company, telephone companies, and solid waste disposal company; and subsequently to the City Council for approval. The staff report shall be submitted to respective reviewing bodies at least five business days prior to each bodies' scheduled meeting date.

(d) Contents of the plat shall consist of those items required of a final plat as listed in Section 3.19(4).

(e) Procedure regarding action of the city are as listed in Section 3.20 Final Plats.
(Ord. 1991-12, passed 6-4-91)

Short Form Plat Submittal Process

When to use a Short Form?

- The resulting lots conform to all minimum size requirements
- Adequate access and easements are already in place
- Perimeter has previously been surveyed
- Utilities are in place
- Uses conform to existing zoning

Developer submits one 24"x 36"mylar five 24" x 36" paper copies one 11" x 17" paper copy and one digital copy of plat 14 days prior to P&Z mtg.

City reviews plat for compliance and presents report to P&Z 5 days prior to meeting

P&Z action:
- **Disapproval**
- **Approval**

Disapproval:
Constitutes rejection
- repeats process

Approval:
Constitutes recom-
mendation to Council

- **Council action:**
- **Disapproval**
- **Approval**

- *7 votes required to overturn a unanimous recom. by P&Z, otherwise a simple majority*

Disapproval:
Rejection of plat
- repeat process

Approval:
Constitutes acceptance

Plat filed with County Clerk within 30 days of Council approval

SECTION 3.23 VACATION INSTRUMENT, REPLATTING, AND AMENDED PLATS.

(1) *Vacation of a plat.*

(a) *Prior to the sale of any lot*. In cases where lots have not been sold, any Plan, Plat or Replat may be vacated by the proprietors of the land covered thereby, at any time before the sale of any lot therein, by a written instrument declaring the same to the vacated, duly executed, acknowledged and recorded in the same office as the plat to be vacated, provided the approval of the city Planning and Zoning Commission and the City Council shall have been obtained, and the execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the Plan, Plat or Replat so vacated.

(b) *After the sale of any lot*. In cases where lots have been sold, the plan, plat or replat, or any part thereof, may be vacated upon the application of all the owners of lots in said plat and with the approval of the City Council.

(2) *Replat*. A replat of a plat or a resubdivision of a plat, but without vacation of the immediate previous plat, shall be authorized to be recorded and shall be deemed valid and controlling when approved by the Community Development Director under the following conditions:

(a) It has been signed and acknowledged by all of the owners and lien holders of the particular property which is being replatted;

(b) It does not attempt to alter, amend or remove any covenants or restrictions; and

(3) *Amended plat*. The city is authorized to issue an amended plat which is signed by the applicants only and which is for one or more of the purposes set forth below. Approval and issuance of such an amended plat shall not require notice, hearing, or approval of other lot owners, only, if the sole purpose of the amending plat is:

(a) To correct an error in any course or distance shown on the prior plat;

(b) To add any course or distance that was omitted on the prior plat;

(c) To correct an error in the description of the real property shown on the prior plat;

(d) To indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;

(e) To show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;

(f) To correct any other type of scrivener or clerical error or omission as previously approved by the Planning and Zoning Commission or governing body of the City of Stephenville; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;

(g) To correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a materially adverse effect on the property rights of the other owners in the plat;

(h) To replace a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement; or

(i) To relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:

1) Attempt to remove recorded covenants or restrictions; or

2) Increase the number of lots.

(Ord. 1991-12, passed 6-4-91)

SECTION 3.24 DEDICATION.

(1) *Division of property*. Every owner of property to be divided, for which a plat has been submitted for approval, shall be required to dedicate to the city that portion of such property as is necessary for the orderly development of streets, roadways, thoroughfares, utilities or other public purposes, and such dedication requirements, as imposed, shall be a prerequisite to plat approval.

(2) *Amended plats*.

(a) No dedication for streets, utilities or other public purposes may be required as a prerequisite to approval of a plat combining two or more existing platted lots for the purpose of removing interior lot lines, or for the purpose of correction of error.

(b) No dedication of right-of-way or easements except for the provision of utilities may be required as a prerequisite to approval of a plat revision submitted for the purpose of moving an interior lot line to create an enhanced building site.

(Ord. 1991-12, passed 6-4-91)

SECTION 3.25 PARK LAND DEDICATION.

(1) *Description.* These requirements are established to provide open space for the public by providing adequate park and recreational areas for the well being of the residents in the City of Stephenville. The City of Stephenville has determined a strong connection between a residential development and the need for park land is essential to the health and welfare of the citizens of Stephenville. The intent of the section is to have a method for the dedication of public park land, or the park land dedication fee in lieu of property dedication.

(2) *Park land contributions.*

(a) City may accept a dedication of community park land at a ratio of one acre of land per 50 dwelling units of a single family, multi-family or any type of single-family attached (patio home, town home, two-family, duplex, etc.) residential subdivision within the city limits.

(b) In lieu of property dedication, a park land dedication fee may be made as prescribed in the city's fee ordinance.

(c) The form of contribution, land dedication or a park land dedication fee in lieu of property dedication will be at the discretion of the City of Stephenville.

(3) *Dedication of land requirements.*

(a) The developer shall propose dedication of park land in conjunction with approval of the subdivision plat.

(b) All park land offered for dedication under this section shall meet the requirements for location and for physical land characteristics outlined in the city of Stephenville Parks, Recreation & Open Space Master Plan.

(c) The city may, at its discretion, proceed to conduct such initial construction inspections, environmental tests and surveys on the land and improvements as it may deem appropriate. The developer must grant the city access to the land to conduct such construction inspections, surveys, and tests.

(d) If the results of such construction inspections, surveys and tests indicate a reasonable possibility of construction failure, construction dumping, flawed construction, environmental contamination or the presence of environmental hazards, the city may require further surveys and tests to be performed at the subdivider's expense as the city may deem necessary prior to its acceptance of the dedication. The developer may be required to identify alternative property or pay the fees in lieu of such park land dedication.

(e) Submission of park dedication documents is required for final plat approval. Park dedication documents include, but are not limited to:

1) A metes and bounds description of the park dedication property.

2) A survey plat of the park property only.

3) A copy of the deed for the property.

4) An environmental statement (ESA Phase 1) that indicates that the park site is free of environmental contamination or hazards.

5) Park property documents conveying ownership to the city by general or special warranty deed before release of the final plat on any or all portions of the subdivision.

(4) *Park development general requirements.*

(a) The location and size of public parks within the city shall be determined in all instances by the City of Stephenville. That determination shall be based upon existing circumstances at the time and shall be in accordance with the City of Stephenville Parks, Recreation & Open Space Master Plan.

(b) Neighborhood public parks shall not be smaller than one-half acre or larger than ten acres.

(c) If park land dedication is adjacent to any educational institute, the public park shall not be smaller than seven acres.

(d) If a subdivision cannot provide the minimum one-half acre parcel or a smaller parcel which can potentially be contiguous to existing or future park parcels, then a fee in lieu of park land or a combination of fee and park land dedication will be required at the discretion of the city.

(e) Location of city parks must serve residents of Stephenville within a one-half to two-thirds mile radius, of a park.

(f) The developer will provide no less than 150 feet of street frontage for each three acres of park land and no less than 100 feet of street frontage for any park land dedication. The required frontage can be a combination of contiguous park access drives, street frontage or access easements. Credit may also be given for access easements that allow access into the park from the surrounding neighborhood.

(g) The developer will bear the cost of all improvements, including streets, water, sewer, storm drainage and street frontage directly related to park sites.

(h) Drainage areas may be accepted as part of the park dedication if no significant area of the park is cut off by access to channels and if suitable improvements may be made within the area without unreasonable cost by the city.

(i) Consideration will be given for development of a park, around natural drainage and wooded areas that provide potential recreational uses. Floodplain and floodway will be accepted for park development in the following ratios.

1) Floodplain and natural drainage areas should not exceed 75% of the total park site.

2) At least 50% of required dedicated park land should have slopes in range of 2-5%, well-drained, and suitable for active use development.

3) When development occurs near the city's trail system or linkage parks and is determined suitable for trail development by the Community Services Director, the developer will be required to develop that section of the trail or linkage system that occurs within the development. The developer will construct the system in accordance with Community Services Department design criteria and specifications. The Community Services Director may, at his or her discretion, credit the subdivider up to 100% of the required land dedication and development fee. The cost for the trail's development will be at the developers expense, but will not exceed the required park development fee.

(j) Areas having environmentally sensitive ecosystems, attractive views, topographical interests, or unique natural features shall be preferred and encouraged for park land dedication. If the areas are not physically attractive in some other way, the City of Stephenville, at their discretion, may not accept dedicated areas.

(k) The areas must be well drained, relatively level, for the proposed park uses and shall be suitable for appropriate recreational and leisure activities. Any land dedication may be refused by the City of Stephenville if there is a finding of any unusual topography slope or other characteristics.

(5) *In lieu of parkland dedication.*

(a) Park land dedication fee, payment in lieu of dedication of land for park purposes shall be made upon the acceptance of a final plat by the city of Stephenville Council.

(b) Where a subdivision plat is submitted indicating multi-family or any type of single-family attached (patio home, town home, two-family, duplex, etc.) residential development, and a table of information is not provided indicating the number of dwelling units, the city will assume the highest density allowed in the zoning classification to be applied to the property.

(6) *Special fund.*

(a) The city shall establish a special fund for the deposit of all sums paid in lieu of land dedication, known as the Park Land Dedication Fund.

(b) Park Land Dedication Fund shall be used for the purpose of acquisition and development of new community parks and existing park facilities intended for use and access by the entire city.

(c) Park Land Dedication Fund may be used for site preparation, the extension of utilities to or within sites, the installation of landscaping, play equipment, trail development, or recreation improvements and attendant, engineering, and planning costs associated with such park development.

(d) All expenditures of the fund shall be made in accordance with the City of Stephenville Parks, Recreation & Open Space Master Plan and approved by the City of Stephenville.

(e) Any money paid into this Park Land Dedication must be expended by the city within 20 years from the date received by the city, if such funds are not expended within ten years following final plat approval, the property owner of such property may request a refund in writing within one year of entitlement or such right shall be barred.

(f) The Park Land Dedication Fund shall generally follow the City of Stephenville's Comprehensive Plan and the Parks, Recreation and Open Space Master Plan. The City of Stephenville, at their discretion, will determine the fair and objective use of the Park Land Dedication Fund.

(7) *Credits.*

(a) Where recreation facilities are built for the residents of a subdivision development, a credit may be given to the subdivider for all or a portion of the land dedication (or fee-in-lieu thereof) and the Park Land Dedication fee based on the value of the developed park. At the discretion of the City Council, a credit of up to 100% of the total amount of the Park Land Dedication amount may be issued.

(b) Credit may also be given for access easements that allow access into the park from the surrounding neighborhood.
(Ord. 1991-12, passed 6-4-91)

ARTICLE IV: IMPROVEMENTS

SECTION 4.11 INSPECTION.

No building permit shall be issued until completion of all improvements within the subdivision and acceptance by the city. The authorized city representative shall have the authority, after reviewing the improvements, to release parts of the subdivision for building permits. The engineer responsible for the design of the proposed improvements shall submit testing reports performed by the engineer of an independent testing laboratory with a verification statement to the authorized city representative that the improvements have been constructed in accordance with the plans and specifications as approved by the City Council and in accordance with any other provisions of any other ordinance of the city applicable thereto.
(Ord. 1991-12, passed 6-4-91)

SECTION 4.12 COSTS.

The subdivider shall pay for the costs of purchasing and installation of all street posts, street markers and traffic signs at each street intersection within the subdivision, which shall be purchased from and installed by the City of Stephenville, to maintain uniformity throughout the city.
(Ord. 1991-12, passed 6-4-91)

SECTION 4.13 PERIMETER STREETS.

Where the proposed subdivision is located adjacent to a substandard road or street within the city and it is deemed by the city that it is not feasible to improve said road or street at the time of development of the subdivision, the subdivider or developer shall pay to the city a fee equal to one-half the cost of improvements required to meet city standards (including, but not limited to, excavation, subgrade preparation, paving, drainage facilities, utility adjustments, engineering, and construction where feasible) and dedicate the necessary right-of-way for said road or street as a condition precedent to the acceptance of the subdivision improvements by the city for maintenance purposes. No building permits shall be issued until all fees have been paid. The estimate of the cost of said improvement shall be provided by the developer and approved by the authorized city representative and made available to the subdivider. The fees shall be placed by the city into a street improvement escrow fund, and shall be specifically reserved and used for the improvement of said road or street. When a thoroughfare is improved adjacent to the subdivision, there shall not be a curb and gutter assessment levied by the city against the property for which the fee was collected. If the improvement to the road or street does not occur within 20 years from the date the fee is placed on deposit with the city, the fee, including any interest earned thereon, shall be returned to the property owners of record at that time.
(Ord. 1991-12, passed 6-4-91)

SECTION 4.14 AS-BUILT AS-RECORDED PLANS.

Prior to the acceptance of a subdivision by the City Council, the engineer for the subdivider or developer shall submit to the authorized representative, three 24" x 36" complete paper sets of drawings and one digital set of the paving, drainage, water and sewer improvements showing all changes made in the plans during construction and containing on each sheet an “As-Built” or “As-Recorded” stamp bearing the signature of the engineer for the subdivider or developer and the date. In addition, one 24" x 36" paper and digital set of the utility plan sheets and all engineering drawings, containing the “As-Built” or “As-Recorded” information, shall be submitted.
(Ord. 1991-12, passed 6-4-91)

SECTION 4.15 PERFORMANCE BOND.

(A) Prior to construction of a subdivision, the developer shall submit either from himself/herself or his/her contractors one of the following:

(1) A good and sufficient performance bond as provided by a licensed surety company on forms provided by that surety company,

(2) A cash deposit made in the treasury of the City of Stephenville,

(3) A certificate of deposit or irrevocable letter of credit from a financial institution which is insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(B) Any of the above options shall be 100% satisfactory to secure to city’s construction, installation and dedication of any uncompleted portion of required improvements.

(C) The period within which the required improvements must be completed shall be agreed upon the by the city and the developer and shall be specified in the resolution approving the final plat.

(D) When the option is exercised to provide a certificate of deposit, the following terms and conditions shall apply: The developer shall submit four copies of a letter assigning the deposit to the City of Stephenville with provision for the city to withdraw the deposit if necessary to complete construction. Such letter of assignment must be accepted in writing by the financial institution.

(E) When the option is exercised to provide a letter of credit from a financial institution, the form of the letter shall be approved by the City Attorney.

(F) As interim payments are made to the contractor, the cash deposit, certificate of deposit, or letter of credit may be reduced by an amount equal to 80% of the payment. Payments must be

approved by the developer, financial institution and City Administrator, but in no case shall the payment exceed 80% of the total contract.

(G) Upon completion of the improvements for which the deposit is made as security, and approval by the City Administrator, the City of Stephenville shall reassign the deposit to the development and/or his contractor, including accrued interest or dividends thereon, unless same deposit is to be used in lieu of a maintenance bond as described in SECTION 4.16.

(H) Release of the performance bond, cash deposit, certificate of deposit or irrevocable letter of credit by the City Administrator shall not occur until the city's authorized representative has submitted a certificate stating that all required improvements have been made, and the developer's submitted "As-Built" or "As-Recorded" plans have been reviewed and approved by the City of Stephenville.
(Ord. 1991-12, passed 6-4-91)

SECTION 4.16 MAINTENANCE BOND.

Prior to acceptance of a subdivision by the City Council, the developer shall submit from himself/herself or his/her contractors, a good and sufficient maintenance bond or a deposit as described in SECTION 4.15. Said maintenance bond or deposit shall be for a full period of two years from the date of final approval of the contractual project and shall be in the amount of 20% of the contract price for the first year and in the amount of 10% of the contract price for the second year. Said maintenance bond or deposit shall indemnify the city 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.
(Ord. 1991-12, passed 6-4-91)

SECTION 4.17 ENGINEER'S CERTIFICATE.

Upon completion of the construction of all improvements, a certificate shall be provided, signed by the subdivision's registered engineer, that any and all improvements constructed in the subdivision have been completed in accordance with the approved construction plans.
(Ord. 1991-12, passed 6-4-91)

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ARTICLE V: SUBDIVISION DESIGN REQUIREMENTS

SECTION 5.11 GENERAL.

(1) *Conformity to the design requirements.* No plat or construction plans shall be approved by the Planning and Zoning Commission, or City Council and no completed improvements shall be accepted by the City Council unless they conform to the subdivision design requirements as contained in the City of Stephenville Subdivision Regulations, and other applicable regulatory documents.

(2) *Conformity to the Comprehensive Master Plan.* The subdivision shall conform to the Comprehensive Master Plan and the parts thereof as it exists and as hereinafter amended.

(3) *Extension of city facilities.* To properly serve a subdivision, it may be necessary to extend existing utilities and/or drainage facilities. When these extensions or facilities are constructed outside the proposed subdivision, they are herein referred to as "off-site improvements". The subdivider shall install at his/her own expense off-site improvements of such size to adequately serve the area being subdivided. However, the city may require the construction of off-site improvements of a size greater than set out above.

(4) *Reserve strips prohibited.* There shall be no reserve strips of land except those which are conveyed or dedicated to the city or other entity having jurisdiction.
(Ord. 1991-12, passed 6-4-91)

SECTION 5.12 BLOCKS.

Block lengths shall not exceed 1600 feet. Blocks shall not be less than 500 feet in length. In cases where it is deemed appropriate that these standards be varied, the length may be amended to meet existing conditions. In any case, due regard for connecting streets, traffic circulation and public safety are to be maintained.
(Ord. 1991-12, passed 6-4-91)

SECTION 5.13 LOTS.

(1) *General*. The lot design should provide for lots of adequate width, depth and shape to provide open area, to eliminate overcrowding, and to be appropriate for the location of the subdivision and for the type of development and use contemplated, and in accordance with the adopted Comprehensive Zoning Ordinance of the City of Stephenville relative to the particular zoning district in which the lot is located.

(2) Side lot lines shall be substantially at right angles to straight streets and radial to curved street lines.

(3) Each lot shall face a platted street.

(4) Lots which are corner lots, that is, having frontage on two streets intersecting adjacent to the lot, shall have front building lines on both streets.

(5) Double frontage and reverse frontage lots should be avoided where possible. Double frontage lots will be allowable if deemed essential to provide separation of residential development from traffic arteries or to overcome a specific disadvantage of topography and orientation. In any cases, double frontage lots shall have front building lines established for each street on which the lot has frontage. The developer will have to establish the front and back building lines. Access to lots with double frontage shall be prohibited from streets designated as “arterials” in the Comprehensive Plan.

(6) If sanitary sewer public system is not available, the minimum size of lots served by a septic tank system shall be one acre or 43,560 square feet. Design guidelines involving water and sewerage systems on residential lots shall conform with the Texas Department of Health's publication, *Construction Standards for On-Site Sewerage Facilities* adopted November 5, 1989, or most recent version and local adopted ordinances.

(7) If a public water system is not available, the minimum size of lots served by a water well shall be two (2) acres or more. Design guidelines involving water well systems on residential lots shall conform to the Texas Water Code, Chapter 36 and local adopted ordinances.
(Ord. 1991-12, passed 6-4-91)

SECTION 5.14 STREETS.

(1) *General*.

(a) *Streets on City Comprehensive Master Plan or Thoroughfare Plan.* Whenever a tract to be subdivided borders on or embraces any part of any street or arterial so designated on the city Comprehensive Master Plan or Thoroughfare Plan, such part of such proposed public way shall be platted by the subdivider in the same general location and at the same width as indicated on the city Comprehensive Master Plan. All major and minor collector street locations, alignment, right-of-way width, pavement width, and cross section shall be in accordance with the adopted Comprehensive Master Plan and the city's adopted Subdivision Regulations.

(b) *Street layout.* Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade, and location of each shall conform to the Comprehensive Master Plan and shall be considered in relation to existing and planned streets, topographical conditions, public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served

by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood.

(c) *Local or residential streets.* Minor streets shall be laid out so as to discourage their use by through traffic.

(d) *Reserve strips prohibited.* There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

(e) *Street names.* Names of new streets shall not duplicate or cause confusion with the names of existing streets within the city limits, unless the new streets are a continuation of, or in alignment with, existing streets, in which case names of existing streets shall be used.

(f) *Relation to adjoining street system.* Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets and in alignment therewith.

(g) *Projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided area.

(h) *Street lengths.* Excepting major collectors, street lengths without an intersection or turn around shall not exceed 1600 feet.

(i) *Street intersections.* Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography, site distances, and safety. All arterials, major and minor collectors, and local streets, unless otherwise approved by the Planning and Zoning Commission, shall intersect at or near 90º angles.

(j) *Street jogs.* Street jogs with centerline offsets of less than 125 feet shall be prohibited. Streets intersecting with or extending to meet an existing street shall be tied to the existing street on center line with distances and angles to show relationships.

(k) *Half streets.* No half streets will be permitted along the boundaries of proposed subdivisions.

(l) *Dead-end streets.* Permanent dead-end streets shall be prohibited except as short stubs to permit future expansion, and shall not exceed the depth of one lot or 250 feet, whichever is less. Dead-end streets greater than 250 feet shall be classified as a cul-de-sac and subject to the provisions in paragraph (m) below.

(m) *Cul-de-sac.* A cul-de-sac shall not be more than 600 feet in length measured from the street centerline intersection and the radius point of the cul-de-sac. The.turn around shall have a minimum right-of-way radius of 50 feet and a minimum driving surface radius of 40 feet.

(n) *Dead-end street barricades.* A barricade will be constructed of sufficient materials and strength and fixed to the ground so as to prohibit vehicular access beyond.

(o) *Turnarounds*. Where a temporary dead-end street is utilized, a cul-de-sac must be provided unless an alternate turnaround design is specifically approved by the city. An easement shall be provided for that portion of the turnaround that lies outside the limits of the normal street right-of-way and shall be submitted with the final plat. The easement may provide for termination upon the extension of the street.

(p) *Private streets.* Private streets shall be constructed in accordance with all the design requirements of Section 5.14 as regarding street pavement and Section 5.16 as regarding storm drainage. Maintenance of private streets shall not be the responsibility of the city.

(q) *Residential driveways.* Residential driveways to serve single car garages, two car garages, carports and/or storage areas shall be not less than 18 feet nor more than 24 feet in width, measured at the property line. A driveway shall not begin less than five feet from the point of tangency of the corner radius of an intersection. Residential driveways shall not be constructed closer than ten feet apart. The radius of all driveway returns shall be a minimum of five feet.

(r) *Commercial driveways*. Commercial driveways should not exceed 65% of the property frontage; and shall be a minimum of 24 feet and a maximum of 45 feet in width, measured at the property line shall not begin less than ten feet from the property corner. When the property frontage is 75 feet or greater, the driveway measured at the property line shall not begin less than ten feet from the property corner. When the property frontage is less than 75 feet, the driveway measured at the property line may begin a minimum of ten feet from the property corner, provided there is not an existing driveway within 15 feet of the property corner on the adjacent property. The radius of all driveways shall be a minimum of ten feet, except in instances where the edge of the driveway is located less than ten feet from the property corner, in such cases the minimum radius shall be five feet.

(s) *Service drives.* For lots that have rear entry garages, each lot will be provided with a service drive, or private alley, abutting the rear lot line. Such service drive or private alley shall have a minimum right-of-way width of 25 feet, a minimum paved surface width of 22 feet, and shall be developed in accordance with City of Stephenville standards. Service drives and private alleys shall not exceed 900 feet in length without providing access at the midsection of the alley to a public street. Service drives shall not be dedicated to the City of Stephenville and maintenance of said service drives shall be the responsibility of the owner or owners within the subdivision.

(t) *Curb ramps.* Curb ramps for the handicapped shall be provided in all areas which have sidewalks. Ramps shall be located to provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheel chairs. Where sidewalks are not provided in a development, curb ramps shall not be constructed.

(u) *Street signs.* Within the corporate limits of the City of Stephenville the developer shall pay for the installing of all regulatory, warning and guide signs, including posts, as shown on the plans or as directed by the city. Street name signs shall be installed at each intersection. Examples of regulatory, warning and guide signs are as follows:

1. Regulatory signs shall include, but not limited to STOP, 4-WAY, YIELD, KEEP RIGHT, and speed limit signs.

2. Warning signs shall include, but are not limited to DEAD END, NO OUTLET, DIVIDED ROAD, and PAVEMENT ENDS.

3. Guidelines shall include, but are not limited to street name signs, DETOUR, direction arrow and advance arrow.

(v) *Street lights.* All developments shall be provided with street lights. Street lights shall be installed at the cost of the subdivider and at no cost to the city. In general, lights should be located on metal poles at street intersections and at intervals no greater than 400 feet apart. Street lights should be the equivalent of 100 watt high pressure sodium fixtures on minor residential streets. All collector streets shall have high pressure sodium fixtures with a minimum wattage of 200 watts. The city reserves the right to inspect the street lighting construction.

(w) *Pavement widths and right-of-way widths.* Pavement widths shall be measured from the back of one curb to the back of the other curb. The minimum widths of pavement and right-of-way shall conform to the adopted Comprehensive Plan; and pavement sections shall conform to the design details of the city. These widths are summarized in Table 5.5. The alignment and design of streets should be such that collector streets have a safe running speed of 35 miles per hour, and residential streets have a safe running speed of 30 miles per hour.

Table 5.5

Minimum Widths of Paving and Right-of-Way		
Street Classification	Minimum Paving Width*	Minimum Right-of-Way Width
Minor Arterial	25' with 20' median	120'
Major Collector	25' with 16' median	90'
Minor Collector	45'	70'
Local Street	31'	50'
*Paving on Major Collector and Minor Arterial streets consist of two paving sections with a median.		

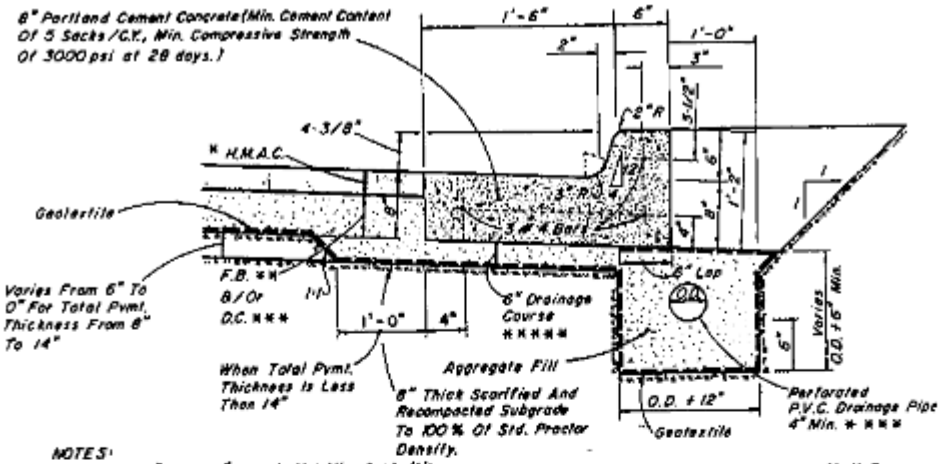
(x) *Horizontal Curves.* The minimum radius at the centerline of a street shall be 1,000 feet for all arterial streets, 600 feet for all major and minor collector streets and 460 feet for all local streets.

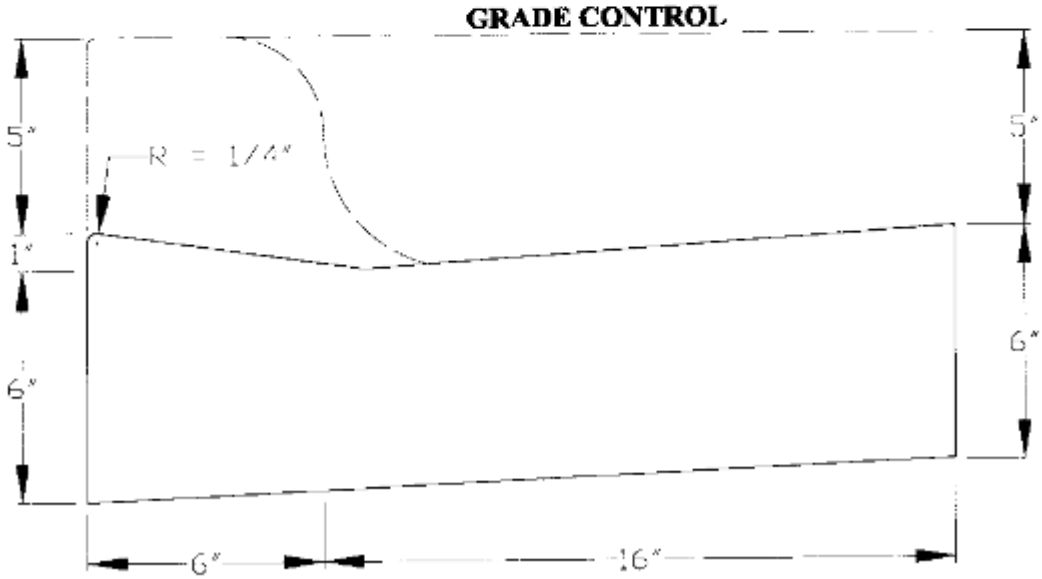
(y) *Curb and gutter.*

1. A six inch standard curb shall be constructed on both sides of all streets.

2. A “lay-down” curb is permitted in RE “Residential Estate - (1 Acre) District.

DESIGN STANDARDS: CURB AND GUTTER





LAY DOWN CURB

(z) *Alleys.* Public access alleys will not be allowed in residential districts in Stephenville; however, 25-foot wide service drive easements may be required.

(2) *Design standards.* General design requirements for streets, as contained in the adopted design standards for the City of Stephenville document, shall be required for all new development within the jurisdictions of the City of Stephenville.

(3) *Responsibility for installation.*

(a) *Internal streets.*

1. The subdivider shall be responsible for the construction of all streets within their subdivision at their own expense.

2. The subdivider shall, at his/her own cost, dedicate such right-of-way for streets and construct such streets of such a size as required in Article V, Table 5.5 of Section 5.14 herein so as to adequately serve the area being subdivided.

(b) *Perimeter streets.* Where the proposed subdivision is located adjacent to a substandard road or street within the city and it is deemed not feasible to improve said road or street at the time of development of the subdivision, the subdivider or developer shall pay to the city a fee equal to one-half the cost of improvements required to meet city standards (including, but not limited to, excavation, subgrade preparation, paving, drainage facilities, utility adjustments and engineering) and dedicate the necessary right-of-way for said road or street as a condition precedent to the acceptance of the subdivision improvements by the city for maintenance purposes. No building permits shall be issued until all fees have been paid. The estimate of the cost of said improvement shall be determined by the authorized personnel and made available to the subdivider. The fees shall be placed by the city into a street improvement escrow fond, and shall be specifically reserved and used for the improvement of said road or street. When a thoroughfare is improved adjacent to the subdivision, there shall not be a curb and gutter assessment levied by the city against the property for which the fee was collected. If the improvement to the road or street does not occur within 20 years from the date the fee is placed on deposit with the city, the fee, including any interest earned thereon, shall be returned to the property owners of record at that time.

(c) *Assessment paving policy.* The city may participate in the cost of construction of major collector (90' minimum right-of-way) and minor arterial (120'minimum right-of-way) streets when the Comprehensive Master Plan Thoroughfare Plan requires a street of greater width than required for the subdivision being developed, in accordance with the City's Functional Street Classification Plan. The city may participate in the cost of major collector and minor arterial streets for pavement, widths exceeding 50 feet. See Illustration A.

1. Where a portion of the cost of paving is proposed to be assessed against the property owners, the procedure to be followed shall be in accordance with Chapter 313, Vernon's Texas Codes Annotated.

2. The city at large shall pay for the prorated cost of curb, gutter and pavement at intersections. See Illustration B.

3. Individual consideration shall be given to property which does not front on the street being improved, with such cases to be referred to the City Council for any special action that seems justified regarding deviation from standard policies.

4. Property owners shall pay the entire cost of streets paved to a greater width than required by the city if so approved by the City Council.

5. Widening for traffic channelization purposes beyond the normal roadway width on the project shall not be assessed. See Illustration C.

6. Deviations from standard policy. Any deviation from standard policy, as stated herein and illustrated on the attached illustrations, or any situation which is not covered in the standard policy shall be called to the attention of the City Council prior to or during the assessment paving benefit hearing.

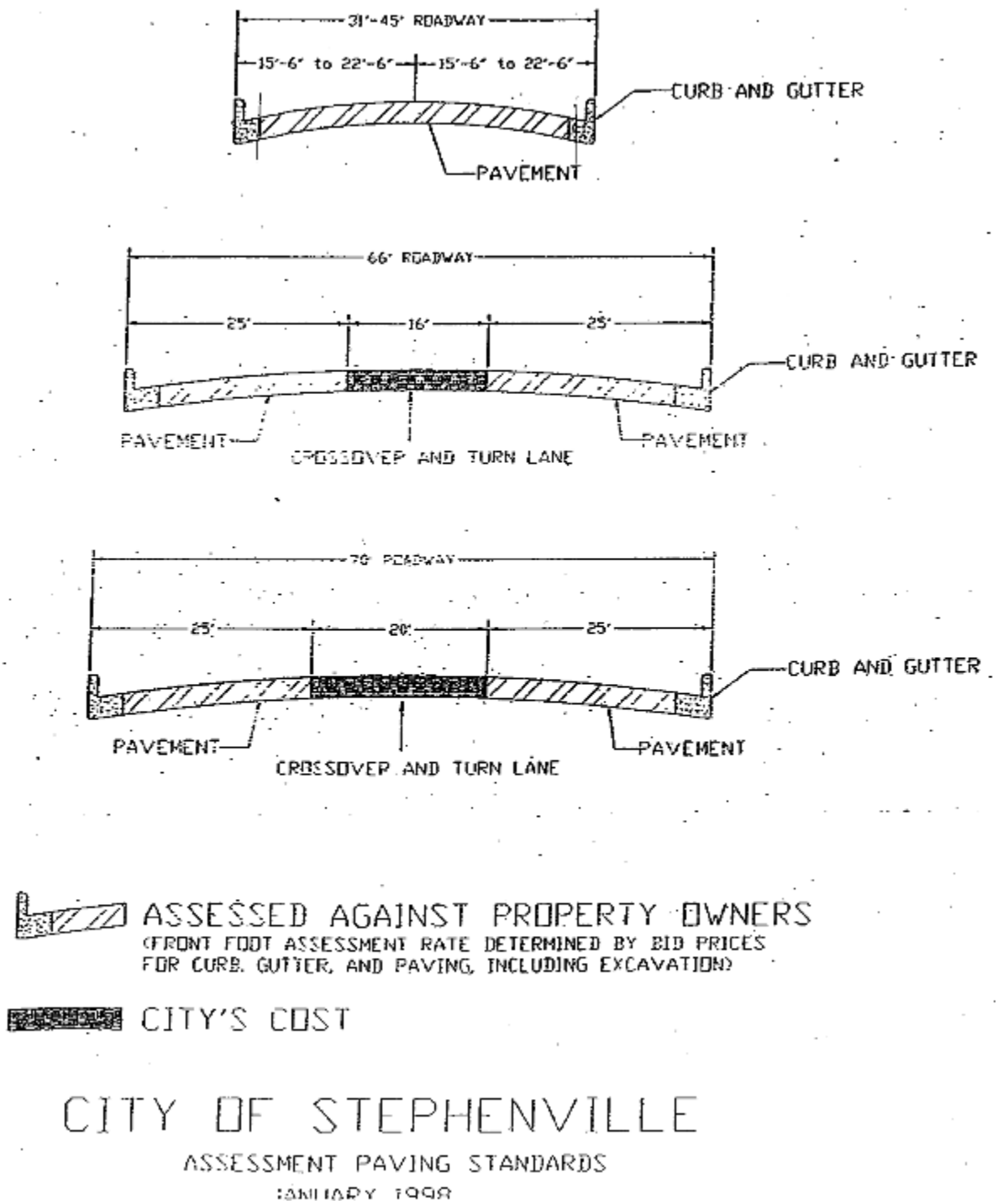


Illustration A

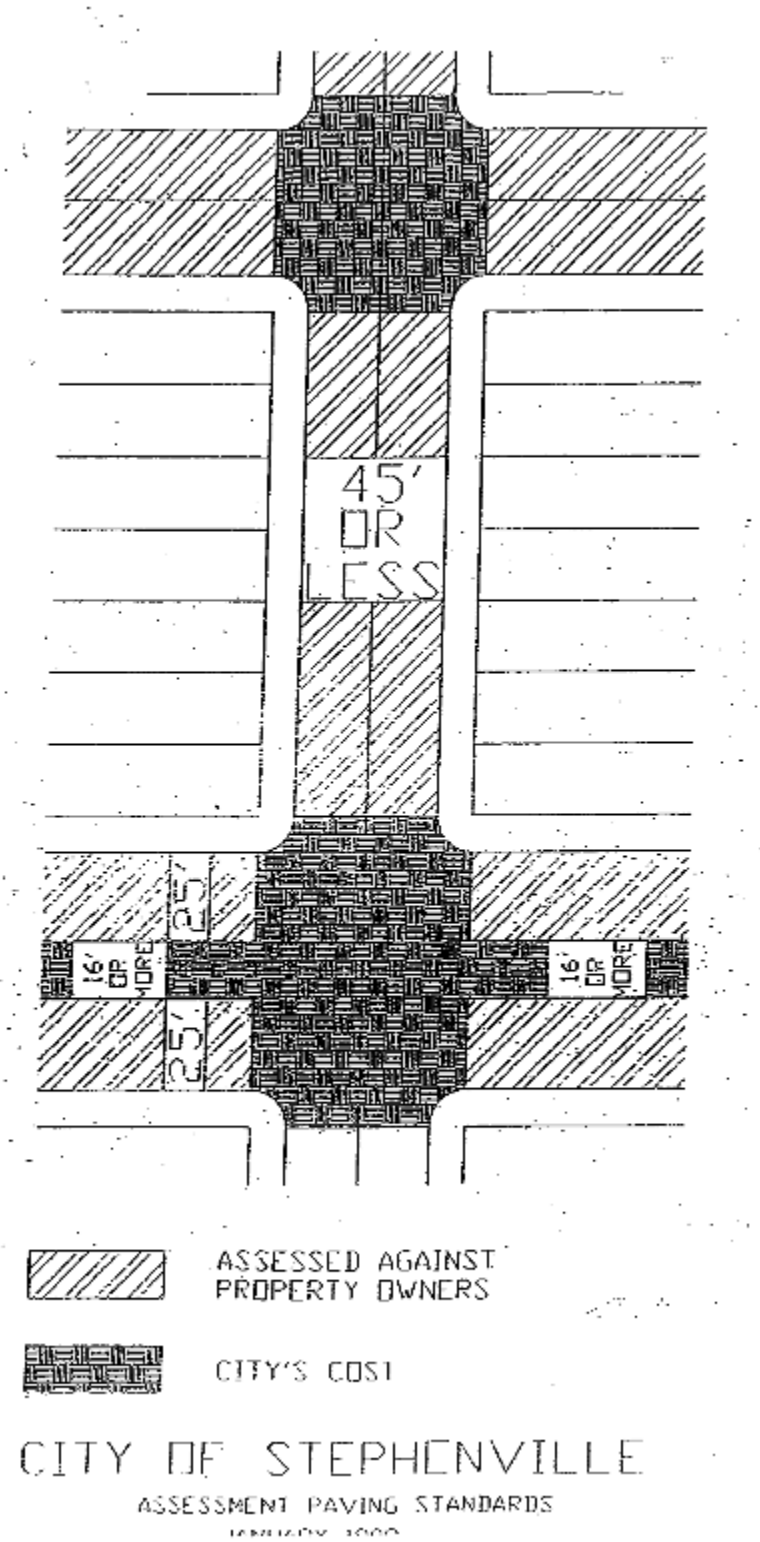


Illustration B

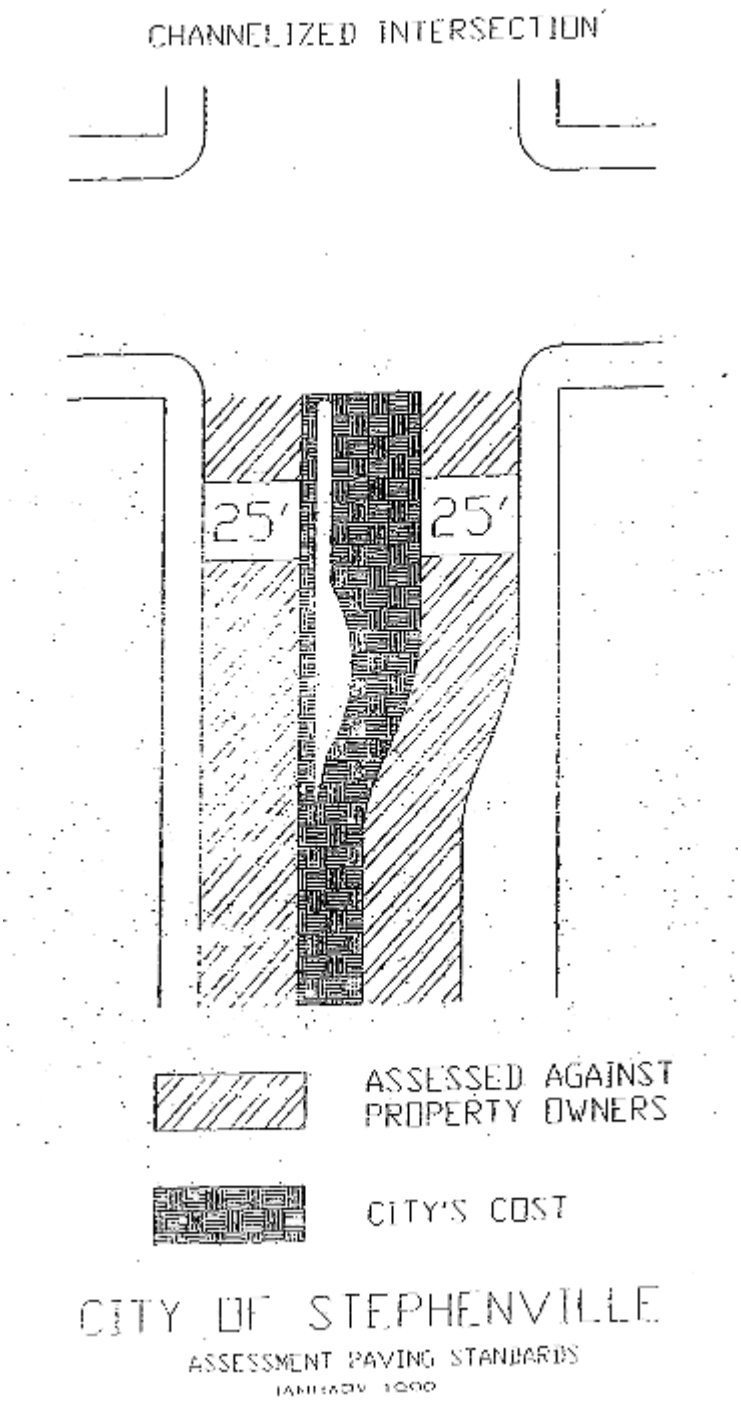


Illustration C

(Ord. 1991-12, passed 6-4-91; Am. Ord. 1998-3, passed 2-3-98; Am. Ord. 2008-14, passed 7-1-08)

SECTION 5.15 SIDEWALKS.

(1) *Guidelines.* Sidewalks, constructed in accordance with city standards and specifications, may be required in subdivisions or developments. The following guidelines shall apply generally in determining sidewalk locations:

(a) On the north or west side of a street that serves as a major collector street, or as an approach to a school, bus stop, or focal point of the community.

(b) As deemed necessary by the Planning and Zoning Commission.

(c) Sidewalks shall be required along all public streets where such streets border upon common open space, communal parking areas, and any other areas that shall not be under individual ownership, and shall be installed by the subdivider.

(2) *Responsibility for installation.* The developer, as a part of the subdivision plat approval, shall be responsible for the construction of the required sidewalk and/or bicycle path. No final clearance or certificate of occupancy will be issued until such sidewalk has been installed, in accordance with the requirements of the plat approval. The sidewalks and/or bicycle paths shall be installed in accordance with the city standards concerning construction and location of sidewalks and/or bicycle paths as provided in this Article VI.

(3) *Installation.* Sidewalks and/or bicycle paths shall be installed at the expense of the developer in the manner described, herein:

(a) All sidewalks shall not be less than four feet in width, and four inches in depth, and of concrete, stone, or masonry construction.

(b) Sidewalks shall be as nearly parallel to the street as possible, and placed upon public right-of-way.

(c) Sidewalks on collectors shall be located in compliance with the.street section as shown in Appendix A: City of Stephenville - Design Standards.
(Ord. 1991-12, passed 6-4-91)

SECTION 5.16 STORM DRAINAGE.

All construction for storm drainage in the development or improvement of property within the City of Stephenville shall conform to the design standards and requirements as contained in the adopted Design Standards Article II and IIA, and Flood Damage Prevention Ordinance, as well as the following regulations.

(1) *Construction in areas subject to flooding.*

(a) In all areas subject to flooding, the finished floor elevation shall be a minimum of one (1) foot above the high water elevation calculated for the runoff from a rainfall having a recurrence interval of 100 years, in a completely developed watershed. The owner/developer shall furnish, at his/her expense, to the City of Stephenville's authorized representative sufficient engineering information to confirm that the minimum floor elevations proposed are as required by this paragraph.

(b) No building or structure, excavations, filling or construction of embedment, or landscaping shall be permitted within a flood plain or channel which will increase water surface elevations or obstruct natural flow of water within that flood plain or channel, unless sufficient engineering design information is furnished to the authorized representative in order that he may determine that same will not adversely affect flow characteristics within that flood plain or channel, resulting in damage to that or any other property nearby.

(c) The provisions of the city's current Flood Damage Prevention ordinance shall be observed in preparing land development plans.

(d) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated to the level of the base flood elevation, plus one foot.

(2) *Building or structure set-back requirement.* No building or structure, including fences, shall hereafter be constructed, reconstructed, or relocated within the 20-foot open drainage channel maintenance strip. It is the intent of this section to insure that an unobstructed width of at least 20 feet is maintained between the top of the high bank of any such drainage channel and any building or structure.

(3) *Minimum lot and floor elevations.* Minimum lot and floor elevations shall be established as follows:

(a) Lots abutting a natural or excavated channel shall have a minimum elevation for the buildable area of the lot at least equal to the highest elevation of the drainage floodway easement, and a finished floor elevation at least one foot above the 100 year design storm or N.F.I.P. (National Flood Insurance Program) flood plain elevation, whichever is greater.

(b) Where lots do not abut a natural or excavated channel, minimum floor elevations shall be a minimum of one foot above the street curb or edge of alley, whichever is lower, unless otherwise approved by the authorized representative. Where a lot is adjacent to a drainage flume or channel, the finished floor shall be a minimum of one foot above the high water elevation. Where the structure is below a street or alley, the builder shall grade and construct facilities so that a positive drainage system of swales are capable of discharging the resultant flows which may flow across the yard area into the structure. A six inch minimum must be maintained between floor elevation and ground line at building parameter.

(c) The minimum finished floor elevation shall be shown on the final file plat for record purposes. Prior to final acceptance of utilities and street construction by the city, a certified statement shall be prepared by a registered public surveyor showing all lot elevations, as developed within the subject project, meet or exceed the requirements for the minimum finished floor elevations. This certification shall be filed with the authorized representative.

(d) Existing platted property which is subject to flooding or carries a specified or recorded minimum finished elevation shall be surveyed by a registered public surveyor prior to obtaining a building permit. The certified survey data shall be furnished to the authorized representative for approval. Certificate of compliance with the provisions of this ordinance pertaining to specified finished floor levels shall be required.
(Ord. 1991-12, passed 6-4-91)

SECTION 5.17 WATER SYSTEM.

(1) *General.* The design and construction of the water distribution system to serve the development shall be in accordance with good engineering principles, with the subdivision ordinance, with the *Rules and Regulations for Public Water Systems* as published by the Texas Commission on Environmental Quality (TCEQ), and with the requirements of the City of Stephenville's standards. No construction shall commence prior to the approval of the plans and specifications by the city and the appropriate state regulatory agency.

(a) All facilities shall be of sufficient size to provide adequate capacity for ultimate development and in accordance with the City's Water Master Plan. Pipelines shall be sized to meet the domestic requirements plus an appropriate allowance for fire protection. The city reserves the right to require larger pipelines than those required for the proposed development. The design criteria for water demand shall be submitted to the city with the plans and specifications.

(b) If the proposed subdivision is located beyond the area presently being served by the water distribution system, the developer shall be required to provide the off site improvements necessary to transport water to the area being developed. Individual water wells for the lots will not be considered an acceptable method of serving the development.

(2) Requirements pertaining to water line sizes, pipe material, fittings, fire hydrants, etc. are contained in the adopted design standards for the City of Stephenville document.
(Ord. 1991-12, passed 6-4-91)

SECTION 5.18 SEWER SYSTEM.

(1) *General.* The design and construction of the sewer collection system to serve the development shall be in accordance with good engineering principles, with the Subdivision Ordinance, with the

Design Criteria for Sewerage Systems as published by the Texas Commission on Environmental Quality (TCEQ) and with the City of Stephenville's standards. No construction shall commence prior to the approval of the plans and specifications by the city and the appropriate state regulatory agency.

(a) All facilities shall be of sufficient size to provide adequate capacity for ultimate development. Sewer lines shall be sized to meet the peak-day dry-weather flow plus an appropriate allowance for inflow/infiltration. In general, the minimum sewer pipeline size shall be six inches in diameter. The city reserves the right to require a pipeline of a larger size than that required by the development. The design criteria and calculations shall be submitted to the city with the plans and specifications.

(b) If the proposed subdivision is located beyond the drainage area presently being served by the sewage collection system, the developer shall be required to provide the offsite and onsite improvements necessary to transport the sewage from the area being developed. Any lift station, force main and/or gravity sewer pipe improvements required as a result of the proposed development shall be the developer's responsibility.

(2) Requirements pertaining to sewer pipe sizes and grades, pipe material, manholes, etc. are contained in the adopted Design Standards for the City of Stephenville document.
(Ord. 1991-12, passed 6-4-91)

SECTION 5.19 UTILITY SERVICES.

(1) All services for utilities shall be made available for each lot in such manner so as to eliminate the necessity for disturbing the street pavement, curb, gutter, sidewalks, and drainage structures when connections are made.

(2) Water service lines shall be a minimum of 3/4 inch Type "K" copper pressure pipe, and shall be provided with a corporation at the main and a curb stop located at least two feet outside of curb with cover not to exceed 1-1/2 feet.

(3) Sanitary sewer service lines shall be a minimum of 4-inch, shall meet the same requirements for sanitary sewers described above, shall be constructed from the main to the lot property line using wyes and necessary bends, and shall have a minimum cover at the property line of four feet, where possible.

(4) Sewer services shall be located on the lower side of each lot and as approved by the city.

(5) Sewer services shall have a cleanout located at the property line and a 2' x2' x6" concrete pad shall be poured around the cleanout. Provisions shall be made to connect the house sewer without disturbing the cleanout.

(6) In general, only one lot shall be served by a single service.

(a) Structures containing four dwelling units or less, such as a quadplex or duplex, shall provide a single water service and single sewer service for each dwelling unit.

(7) The subdivider shall make arrangements with all other appropriate companies for the extension of their respective utility lines and service to and within the addition and for any costs or refunds of such cost.
(Ord. 1991-12, passed 6-4-91)

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ARTICLE VI: ENFORCEMENT

SECTION 6.11 APPEAL.

Any subdivider contesting any disapproval and/or the interpretation and/or the application of any rule, standard, regulation, determination, requirement or necessity set forth in these regulations shall have the right, after filing a written request with the City Council as set forth in these regulations within seven days of the disapproval and/or interpretation, to have a hearing thereon before said body within 30 days after the date of filing of such request. Decision of said body shall be final, and such further appeal shall be in accordance with appropriate law.
(Ord. 1991-12, passed 6-4-91)

SECTION 6.12 PENALTY.

(1) Any person, firm or corporation who knowingly violates any of the provisions of this ordinance or who shall fail to comply with any provision hereof within the corporate limits of Stephenville shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed $200, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

(2) Any person, firm or corporation who knowingly violates any of the provisions of this ordinance, or who shall fail to comply with any provision of this ordinance, or who shall fail to comply with any provisions hereof within the extraterritorial jurisdiction of the City of Stephenville shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed $200, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.
(Ord. 1991-12, passed 6-4-91)

SECTION 6.13 VARIANCES.

(A) The City Council of the City of Stephenville shall have the ultimate power to grant or reject variances upon receipt of a recommendation from the Planning and Zoning Commission. 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 subdivision, and the probable effect of such variance upon traffic conditions and upon

the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the City Council finds:

(1) That there are special circumstances affecting the land involved such that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of the land; and

(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

(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; and

(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 adopted Comprehensive Master Plan and the provisions of these regulations.

(B) Such findings of the Planning and Zoning Commission and 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 or denied. Variances may be granted only when in harmony with the general purpose and intent of the adopted Comprehensive Master Plan and these regulations 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.
(Ord. 1991-12, passed 6-4-91)

APPENDIX A

Applications and Checklist

Editor's Note: *The city's various forms are available for public inspection during normal business hours in the Office of Community Development or in the Office of the City Secretary.*

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APPENDIX B

Certificates and Approvals
(for Final Plat)

Editor's Note: *The city's various forms are available for public inspection during normal business hours in the Office of Community Development or in the Office of the City Secretary.*

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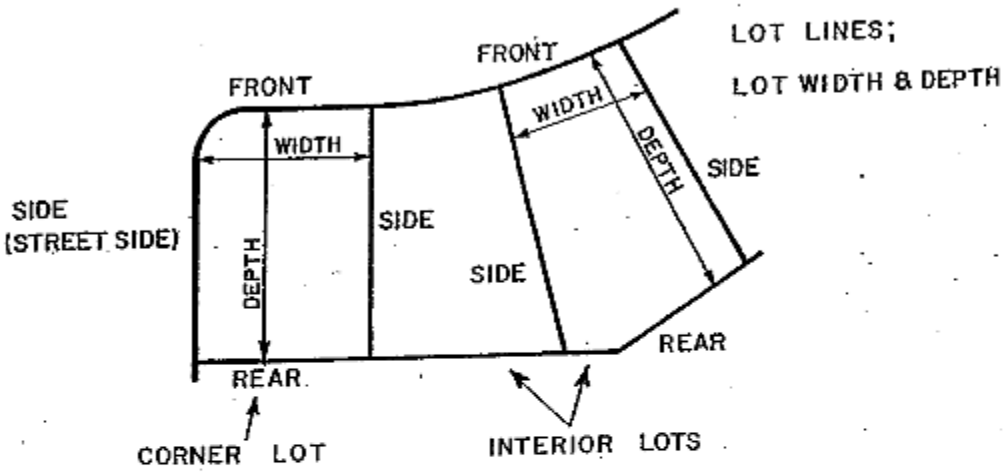
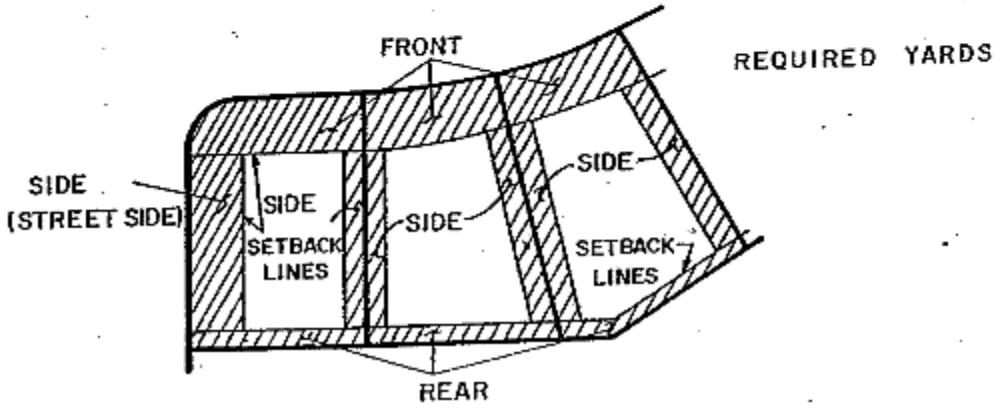
APPENDIX C

Illustrations

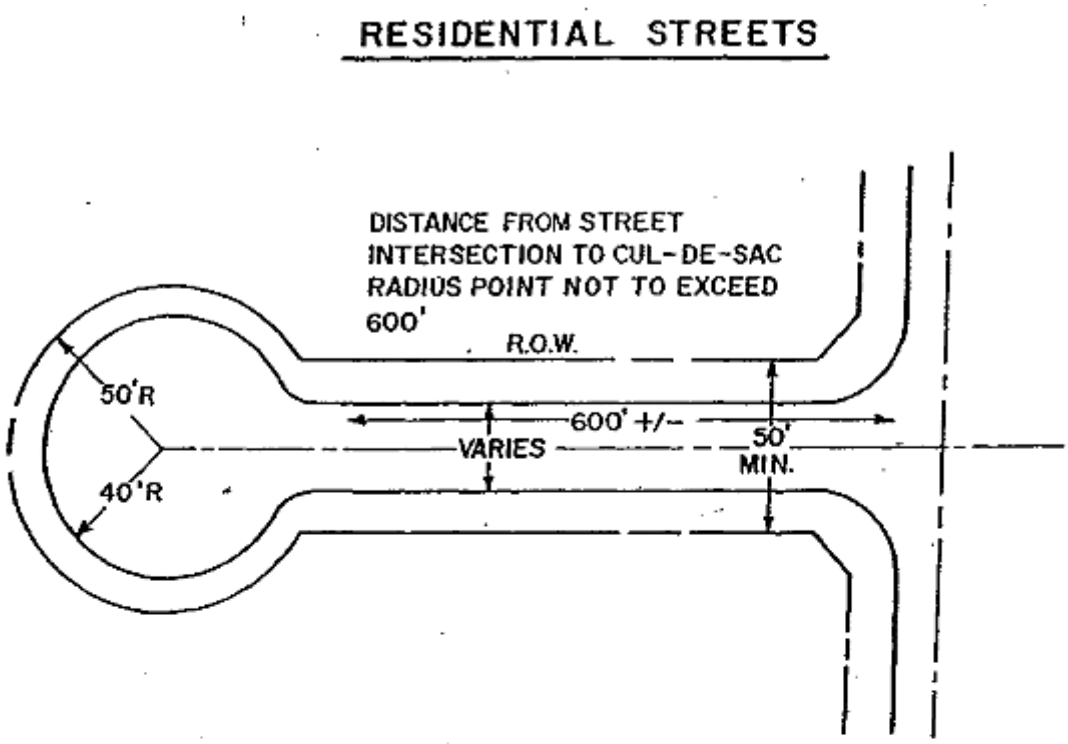
(for Final Plat)

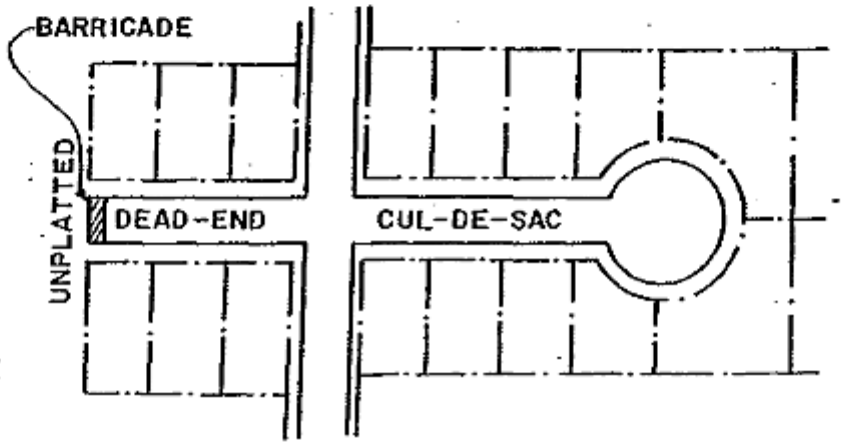
TYPICAL LOTS



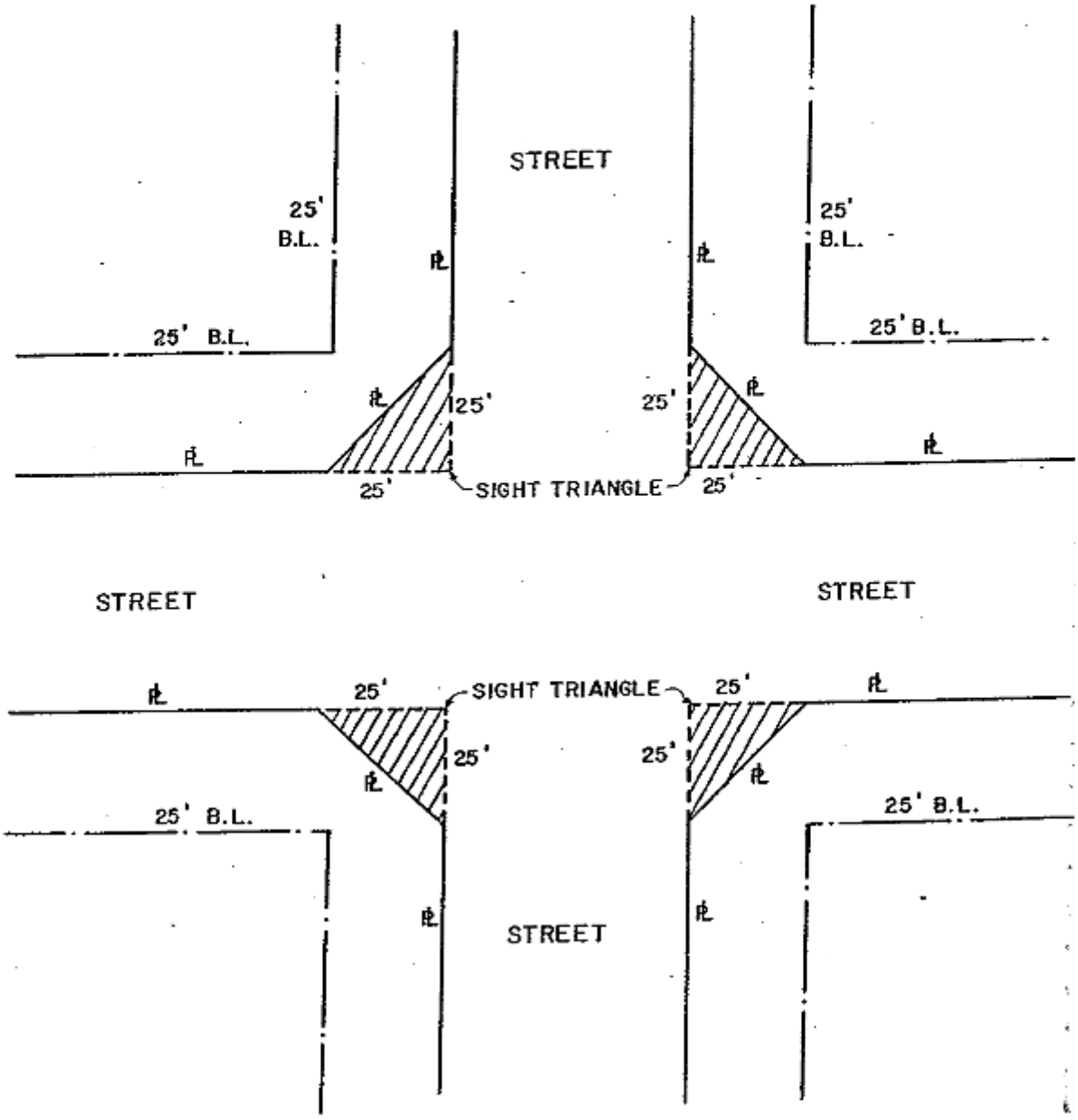


Appendix C: Illustrations





SIGHT TRIANGLE



Appendix C: Illustrations

CITY OF STEPHENVILLE

WATER AND SEWER EXTENSION POLICIES

City Council Action 12/04/73

WATER:

1. Developer pay for nearest adequate water source in conformance with City Comprehensive Plan. Adequacy to be determined by the city.

2. The city to participate in the cost of oversized pipe and connections.

3. Lines to be constructed and installed in accordance with current official standards of the City of Stephenville.

4. Invoices shall be presented to the city. The city in turn will prepare a letter, stating the amount per linear foot to be recovered by the developer in case a third party desires to connect laterally to the line.

5. Building permits will not be issued until our file is checked to determine if a pro rata share is due the developer.

6. In general a two-inch water line will not be approved.

7. Utility lines must be laid prior to paving a street.

8. The Subdivision Ordinance applies to any commercial or retail building. Any appeal or proposed deviation from this policy must be presented to the Planning and Zoning Commission and then to the Council.

9. Water and sewer line must be laid across property lines in every instance. Beginning point and ending point of main line shall be determined by the city and shall simply be at the nearest existing adequate source in the case of water.

10. On a corner lot, utility lines shall be laid to conform to our Comprehensive Plan and the city shall never bear the expense of these extensions except for oversized pipe. The developer will be responsible for the cost of the extension even where a corner lot can be adequately served from the side, the utility lines must still be laid in front at the expense of the developer if the Comprehensive Plan so indicates.

11. The city shall be responsible for maintenance, oversize participation, replacement of old inadequate line and the laying of line along frontage owned by the city.

12. In case of development along or either side of water lines, any builder or developer shall be held responsible to pay back to the original developer 50% of the cost on or either side of the water line before taps are issued.

13. Water lines extended to other areas, and having no development immediately adjacent to a water line, have no pro rata claim to any reimbursement. Likewise, any extension from the end of a water line will also not require any reimbursement.
(Ord. 1991-12, passed 6-4-91)

SEWER:

1. Sewer line extension will be the responsibility of the land owner or developer.

2. The same type of letter will be on file at City Hall stating a cost per linear foot when a third party desires to connect laterally to the line.

3. Lift stations shall be avoided whereever possible.

4. The fall and grade shall be determined and approved prior to start of laying the line. The Director of Public Works will inspect the line as well as providing initial approval.

5. The Subdivision Ordinance will apply to sewer line and any request for deviation will be submitted to the Planning & Zoning Commission and then to the City Council. Any exception or vairatin will require a majority vote of the City Council.

6. In case of development along or either side of sewer lines, any Builder or Developer shall be held responsible to pay back to the original Developer 50% of the cost on or either side of the sewer line before taps are issued.

7. Sewer lines extended to other areas, and having no development immediately adjacent to a sewer line, has no pro rata claim to any reimbursement. Likewise, any extension from the end of a sewer line will also not require any reimbursement.

LOCAL GOVERNMENT CODE - Page 43, § 43.056, "Provisions of Services to Annexed Area"

(a). Before the publication of the notice of the first hearing required under Section 43.052, the governing body of the municipality proposing the annexation shall direct its planning department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed. The municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality.