

City of Poth
Subdivision Ordinance

No. 012985

AN ORDINANCE ADOPTING RULES AND REGULATIONS GOVERNING THE APPROVAL OF PLATS OF SUBDIVISION: REGULATING THE CREATION OF SUBDIVISIONS AND THE ESTABLISHMENT OF STREETS AND ALLEYS AND THE CONSTRUCTION OF WATER MAINS AND SEWER LINES IN SUCH SUBDIVISIONS, WITHIN THE CORPORATE LIMITS OF THE CITY OF POTH AND TRACTS WITHIN FIVE MILES OF THE CORPORATE LIMITS OF THE CITY OF POTH.

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

That the following rules and regulations shall govern the approval and requirement of plats of subdivision and the creation of subdivisions and the development of such subdivisions within the corporate limits of the City of Poth and tracts within five miles of the corporate limits of the City of Poth.

SECTION 1. Definitions. For the purpose of these regulations, this ordinance shall be known as "City of Poth Subdivision Regulations," and certain words used herein are defined as follows:

- A. Building Setback Line: The line within a property defining the minimum horizontal distance between a building and the adjacent street line.
- B. Cul-de-sac: A street having but one outlet to another street, and terminated on the opposite end by a vehicular turnaround.
- C. Dead-end-Street: A street, other than cul-de-sac, with only one outlet.
- D. Flood: A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.
- E. 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.
- F. Extraterritorial Jurisdiction: All continuous unincorporated area within a prescribed distance of the corporate limits of distance of the city as defined by State Law except where such land is within the prior and exclusive extraterritorial jurisdiction of same municipal corporation.
- G. Lot: An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or

improvement; which is designated as a district 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 on record.

H. Officer: Any officer referred to in this Ordinance by title means the person employed or appointed by the city in that position, or his duly authorized representation.

I. Pavement Width: The portion of a street available for vehicular traffic. Where curbs are laid, is the portion between the face of curbs.

J. Person: Any individual, association, firm, corporation, governmental agency, or political subdivision.

K. Plat: A complete and exact plan for the subdivision which, if approved, may be submitted to the County Clerk for recording.

L. Right of Way: The right given to the general public or groups of the general public to utilize in the future, property or right of another without compensation of any kind at anytime. Rights of way are created by private instrument, plat or law utilization when such future time arrives of such right of way will be by Ordinance, resolution, statute, or conveyance of an easement, declaring that such right of way shall therefore be utilized by the general public or groups of the general public after which the city shall be responsible for all improvements and maintenance on such right of way.

M. Streets and Alleys: The term "street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated. "Alleys" are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

N. 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, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be subdivided.

O. Subdivision: A division of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of the city, in two or more parts for the purpose of laying out any subdivision of any tract of land, or for laying out suburban lots or building

lots, or any lots, and streets, alleys or parts of other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. "Subdivision" includes re-subdivision, but it does not include the division of land for agricultural purposes in parcels or tracts of five acres or more and not involving any new street, alley or easement of access.

P. Surveyor: A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by State statute to practice the profession of surveying.

Q. Utility Easement: An interest in land granted to the City, to the Public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicle necessary for the maintenance of said utilities.

R. Water Mains and Sewer Lines: The term "water main" means any pipe, pump, or any other structure used for conveying water. "Sewer line" is any facility necessary to provide adequate sewer service to the inhabitants of such subdivision.

SECTION 2. Application of Ordinance: No person shall subdivide any tract of land which is located within the City, or within the City's Extra-Territorial Jurisdiction except in conformity with the provisions of this Ordinance. The subdivision plans and plats and all procedures relating thereto, shall in all respects, be in full compliance with the regulations herein.

SECTION 3. Authority: This Ordinance is adopted under the authority of the Constitution and Laws of the State of Texas, including particularly Tex., Rev. Civ. Stat. Ann. art. 970a and 974a, as heretofore and hereafter amended.

SECTION 4. Special Provisions:

A. No subdivision plat utilizing septic tanks will be accepted.

B. The City will not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

C. The City will not sell or supply any water, gas, electricity, or sewage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or

referred to herein have not been complied with in full.

D. In behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof which occurs within the City, within the extraterritorial jurisdiction of the City, or within any areas subject to all or a part of the provisions of this Ordinance.

E. If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, and the City Council of the City shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that the provisions of paragraphs A, B, and C of this Section will apply to the subdivision and the lots therein, the City Manager shall, when directed by the City Council of the City, cause a certified copy of such resolution under the corporate seal of the City to be filed in the deed records of the county in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the City Manager shall forthwith file an instrument in the deed records of such county or counties stating that paragraphs A, B, and C no longer apply.

SECTION 5. Variances. The City Council may accept a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In accepting a variance, the Council shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the 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 approved unless the Council finds:

A. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and

B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

C. 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

D. That the granting of the variance will not have the effect of preventing the orderly subdivisions of this Ordinance. Such findings by the Council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance 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.

SECTION 6. Preliminary Conference: Prior to the official filing of a preliminary plat, the subdivider should consult with and present a proposed plan of subdivision to the City Council for comments and advice on the procedures, specifications, and standards required by the City for the subdivision of land.

SECTION 7. Preliminary Plat and Accompanying Data:

A. General. The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this Ordinance.

B. Formal Application. Formal application for preliminary plat approval shall be made by the subdivider in writing to the City Council. With the application the subdivider shall file two (2) blue or black line copies of the plat together with the original.

C. Form and Content. The plat shall be drawn on sheets 18 inches wide and 24 inches long, with a binding margin of not less than 2 1/2 inches on the left side of the sheet and margins on the other three sides of not less than 3/8 inch. The plat shall be drawn to a scale of 100 feet to one (1) inch. The plat shall show the following:

- (1) Names and addresses of the subdivider, record owner, engineer and/or surveyor.
- (2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the City or within five (5) miles of the City.
- (3) Names of contiguous subdivisions and the owners

- 'of contiguous parcels of unsubdivided land, and an indication of whether or not contiguous properties are platted.
- (4) Description, by metes and bounds, of the subdivision.
 - (5) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
 - (6) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision.
 - (7) Existing sites as follows:
 - (a) The exact location, dimensions, name and description of 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.
 - (b) The exact location, dimensions, description and name of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision.
 - (c) The exact location, dimensions, description, and flow line of existing water courses and drainage structures within the subdivision or on contiguous tracts.
 - (d) Regulatory flood elevations and boundaries of flood-prone areas, including flood-ways, if known.
 - (8) The exact location, dimensions, description and name of all proposed streets, alleys parks, other public areas, reservations, easements or other rights of way, blocks, lots and other sites within the subdivision.
 - (9) A preliminary plan of the drainage system with grade, pipe size, and location of outlet.
 - (10) A preliminary plan for proposed fills or other structure-elevating techniques, levees, channel modifications, and other methods to overcome flood or erosion-related hazards.

- (11) Date of preparation, scale of plat and north arrow.
- (12) Topographical information shall include contour lines on a basis of 2 vertical feet in terrain with a slope of 5 percent or more, and on a basis of 1 vertical foot in terrain with a slope of less than 5 percent.
- (13) A number or letter to identify each lot or site and each block.
- (14) Front building setback lines on all lots and sites; side building setback lines at street intersections and cross-walk ways.
- (15) Location of city limits lines, the outer border of the City's extraterritorial jurisdiction, and the zoning district boundaries, if they traverse the subdivision, or all contiguous to such boundary.
- (16) Location map at a scale of not more than four thousand (4000) feet to an inch which shall show existing adjacent subdivisions and major streets.

E. Processing of Preliminary Plat.

- (1) The City Council shall review the preliminary plat as to its conformity with the standards and specifications set forth herein or referred to herein.
- (2) Within sixty (60) days after the preliminary plat is formally filed, the City Council shall conditionally approve or disapprove such plat or conditionally approve the plat with modifications. If it is conditionally disapproved or conditionally approved with modifications, the City Council shall inform the subdivider, in writing, of the reasons at the time such action is taken.
- (3) Conditional approval of a preliminary plat by the City Council shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final or record plat. Conditional approval of a preliminary plat shall not constitute automatic approval of the final plat.

- (4) Conditional approval of a preliminary plat shall be effective for two (2) years unless reviewed by the City Council in the light of new or significant information which would necessitate a revision of the preliminary plat. If the City Council should deem changes in a preliminary plat as necessary, it shall so inform, in writing, the subdivider.
- (5) If no development has occurred which would affect the proposed plat, after one (1) year of effective approval the Commission may, upon the application of the subdivider, extend the approval an additional one (1) year.

SECTION 8. Final Plat.

A. Form and Content.

- (1) The final plat and accompanying data shall conform to the preliminary plat as conditionally approved by the City Council, incorporating any and all changes, modifications, alternations, corrections and conditions imposed by the City Council.
- (2) The final plat shall be submitted in such number as is required by the City Council and shall contain all the features required for preliminary plats in Section 7 above.
- (3) When submitted the final plat shall be accompanied by the following site improvement data. All plans and engineering calculations shall bear the seal and signature of an engineer.

(a) Streets, Alleys, Sidewalks, Crosswalk Ways & Monuments.

Two (2) copies of plans of specifications of all streets, alleys, sidewalks, crosswalk ways, and monuments.

(b) Sanitary Sewers.

- (1) Two (2) copies of the proposed plat, indicating 2 foot contours showing:
 - (a) the proposed location and dimensions of new sanitary sewer lines and
 - (b) location and dimensions of existing sanitary sewer lines

- (2) Two (2) copies of plans and specifications of proposed sanitary sewer lines including depths and grades of lines.

(c) Water Lines.

- (1) Two (2) copies of the proposed plat indicating 2 foot contours showing
 - (a) the proposed location and dimensions of new water lines and fire hydrants and
 - (b) the location and size of existing water lines and fire hydrants.
- (2) Two (2) copies of plans and specifications for all proposed water lines and fire hydrants, showing type and size of line.

(d) Storm Drainage

- (1) Two (2) copies of the proposed plat, indicating two foot contours with all street widths and grades shown on the plat, and runoff figures indicated on the outlet and inlet side of all drainage ditches and storm sewers, and at all points in the street at changes of grade or where the water enters another street or storm sewer or drainage ditch. Drainage easements shall be indicated.
- (2) When a drainage channel or storm sewer is proposed, complete plans, profiles, and specifications shall be submitted, showing complete construction details.

(4) The final plat shall also include the following:

- (a) Owner's acknowledgement of the dedication to public use of all streets, alleys, parks, and other public places shown on such final plat;
- (b) The certifications of the surveyor responsible for the surveying of the subdivision area, attesting to its accuracy;
- (c) A certification by the engineer responsible for the preparation of the final plat and supporting data, attesting to its accuracy.

B. Processing of Final Plat.

- (1) If desired by the subdivider and approved by the City Council, the final plat may constitute only the portion of the preliminary plat which he proposes to record and develop. However, such portion shall conform to all the requirements of this Ordinance.
- (2) As soon as practical after the subdivider is notified of the approval of the preliminary plat, his engineer shall submit to the City Council at an official meeting the final plat of the subdivision or portion thereof.
- (3) No final plat will be considered unless a preliminary plat has been submitted. However, if an approved plat has been duly recorded and the subdivider wishes to increase the size of the lots by combining two or more lots or by combining one lot with any portion of the adjacent lot in such manner that no portion of lot remains smaller than the original lots, no preliminary plat will be necessary.
- (4) A final plat of an approved preliminary plat or a portion thereof shall be submitted to the City Council within one (1) year of the date of approval of preliminary plat, otherwise the approval of the City Council shall be come null and void, unless an extension of time is applied for and granted by the City Council.
- (5) Within sixty (60) days after the final plat is formally filed, the City Council shall approve or disapprove such plat. If the final plat is disapproved, the City Council shall inform the subdivider in writing of the reasons at the time such action is taken.
- (6) After the final plat has been finally approved and the subdivider has constructed all the required improvements and such improvements have been approved and maintenance bond filed, or cashier's check deposited as hereafter provided, the City Council shall cause the final plat to be recorded with the County Clerk of Wilson County, Texas. No plat shall be filed for record without written consent of the subdivider. If the subdivider fails to give such written consent within thirty (30) days of the date of final approval of the plat the City Council may at any

time thereafter cancel such approval.

SECTION 9. Guarantee of Performance.

- A. No final plat may be approved until the subdivider shall have completed construction of all required improvements, with such construction having been inspected and accepted by the City as hereinafter provided for, and filed with the City the required maintenance guarantee by either bond or cashier's check.
- B. If under paragraph B (6), Section 8, the subdivider chooses to construct the required improvements prior to recordation of the final plat, all such construction shall be inspected while in progress by the City, and must be accepted upon completion by the City stating that the construction conforms to the specifications and standards contained in or referred to herein must be presented to the City Council prior to acceptance and before the City Council approves the final plat. Prior to such approval, the subdivider shall file with the City Council a bond, executed by a surety company holding a license to do business in the State, and acceptable to the City council, or a cashier's check, in an amount equal to ten (10) percent of the cost of the improvements required, as estimated improvements in good condition for a period of one (1) year after approval of the final plat, or until such time as said improvements have been accepted by the City for maintenance, whichever is the later. Such bond shall be approved as to form and legality by the City Attorney.
- C. If under subsection B, Section 8, the subdivider chooses to file security and a maintenance bond in lieu of completing construction prior to final plat approval, he may utilize either of the following methods of posting security. If the subdivider chooses to file security, the plat shall not be approved unless the subdivider has done one of the following:
- (1) Has filed with the City Council a bond executed by a surety company holding holding a license to do business in the State, and acceptable to the City Council, in an amount equal to the cost of the improvements required by this article as estimated by the City Council, conditioned that the subdivider will construct the improvement in accordance with the specification approved by the City Council and will complete such improvements with two (2) years after approval of such plat, such bond shall be approved as to form and legality by the City Attorney; or
 - (2) Has placed on deposit in a bank or trust company

selected by the subdivider and approved by the City Council in a trust account a sum of money equal to the estimated cost of all site improvements required by this chapter. The estimated cost of such improvements shall be the cost as estimated by the City Council. Selection of the trustees shall be subject to approval by the City Council, and the trust agreement shall be approved as to form and legality by the City Attorney; or

- (3) Has deposited with the City Manager a cashier's check in an amount equal to the estimated cost of all site improvements required by this article. The estimated cost of such improvements shall be the cost as estimated by the City Council; such deposit to be made under same conditions as outlined in (1) above.
- D. If either type of security is filed by the subdivider under subsection (c) of this section, the filing of such security shall be accompanied by a bond, executed by a surety company holding a license to do business in the State, and acceptable to the City Council, or a cashier's check, in an amount equal to ten (10) percent of the cost of the improvements required as estimated by the City Council, conditioned that the subdivider will maintain such improvements in good condition for a period of one (1) year after acceptance of the completed construction by the City Council, as provided in subsection (E) of this section, or until such time as the improvements shall be accepted (final) by the City Council, whichever is the later. Such bond shall be approved as to form and legality by the City Attorney.
- E. If either type of security is filed by the subdivider under subsection (C) of this section, the City shall inspect the construction of the improvements while in progress, and shall inspect such improvements upon completion of construction. After final inspection, the City Council shall notify the subdivider and the City Attorney in writing as to the recommended acceptance or rejection of the construction. Construction shall be rejected only if it fails to comply with the standards and specifications contained or referred to herein. If such construction is rejected, the City Attorney shall, on direction of the City Manager, proceed to enforce the guarantee provided in this article.
- F. Where good cause exists, the City Council may extend the period of time for completion under subsection (C) of this section for an additional period of time not to exceed six (6) months if the subdivider has not completed the required site improvements in compliance with this article. No such extension shall be granted unless security is provided by

the subdivider covering the extended period of time.

- G. Upon completion of the required improvements the subdivider shall petition the City Council for acceptance. Said petition shall be forwarded in three (3) copies to the City Manager for his certification of inspection and recommendation.

SECTION 10. Standards and Specifications.

No preliminary or final plat shall be approved by the City Council unless they conform to the following standards and specifications:

A. Streets.

- (1) Street layout. Adequate streets shall be provided by the subdivider and the arrangements, character, extent, width, grade and location of each shall be considered in their relation to existing and planned streets, to topographical conditions, to 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.
- (2) 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.
- (3) 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 areas.
- (4) Street jogs. Whenever possible, street jogs with center line offsets of less than four (4) feet shall be avoided.
- (5) Half-streets or adjacent streets. In no case shall half-streets be platted.
- (6) Street intersections. Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography.
- (7) Dead-end streets. Dead-end streets shall be prohibited except as short stubs to permit future expansion.

- (8) Cul-de-sacs. In general, cul-de-sacs shall not exceed five hundred (500) feet in length, and shall have a turnaround of not less than one hundred (100) feet in diameter in residential areas, and not less than two hundred (200) feet in diameter in commercial and industrial areas.
- (9) Pavement widths and rights-of-way. Pavement widths and rights-of-way shall have a right of way of at least fifty (50) feet, a base width of at least twenty-two (22) feet, and a pavement width of at least twenty (20) feet.
- (10) Street names. Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.
- B. Water Installations. No plat will be approved and no subdivision will be approved covering any property located within the corporate limits of the City of Poth or within the extraterritorial jurisdiction of the city until such time as water service has been made available for every lot within the subdivision, such water facilities to be installed by the subdivider free of costs to the City of Poth; all water lines, fire lines and fire plugs shall be inspected by the City, and no plat will be approved until such water lines, fire lines and fire plugs comply with the rules, regulations and provisions of the State Fire Commission of the State of Texas. If such addition or subdivision adjoins an existing street of the City of Poth and water facilities are available on such street, no water service shall be furnished unless the existing water line in place is at least a six (6) inch water main and an approved line as hereinabove provided.
- C. Sewers. No plat will be approved and no subdivision will be approved covering any property located within the corporate limits of the City of Poth or within the extraterritorial jurisdiction of the City until such time as sewerage service has been made available for every lot within the subdivision, such installations for said sewer service shall be made by the subdivider free of costs to the City of Poth; if such addition or subdivision shall adjoin an existing street of the City of Poth and a sewer line is in place along said street, no sewer service shall be furnished unless such existing sewer line is at least a six (6) inch line and an approved line of the City of Poth.
- D. Utility Lines. All utility lines that pass under a street shall be installed before the street is paved. When it is necessary that utility lines pass under the street they

shall be installed to a point at least four (4) feet beyond the edge of the pavement.

E. Drainage.

- (1) Easement. Where a subdivision is traversed by a water course, drainage way, or natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such water course, plus additional width to accommodate future needs.
- (2) Drainage facilities. Drainage facilities shall be provided and constructed as approved by the City.

F. Lots.

- (1) Sewered Lots. Residential lots shall have an area of at least seventy-five thousand (7500) square feet and shall be at least one-hundred (100) feet deep, and shall be at least seventy-five (75) feet wide.
- (2) Frontage. Each lot shall front upon a public street. Lots of irregular shape shall not be allowed unless they have a street frontage of at least forty-five (45) feet.
- (3) Side lot lines. Side lot lines shall be substantially at right angles to straight street lines and radial to curved street lines.
- (4) Minimum set lines. Minimum front building setback lines shall be required of at least twenty-five (25) feet. Where a corner lot is a key lot (where lots face the frontage street and other lots face the side street), the corner lot shall have at least the minimum building setback line on both streets. Where a corner lot is not a key lot, it shall have a minimum building setback line of the side street of at least twenty-five (25) feet. Lots abutting a crosswalk way shall be treated as corner lots.

G. Monuments.

- (1) Monuments shall be set along the north side of all blocks.
- (2) The location of such monuments shall be at all angle points and points of curves along a line parallel to and three (3) feet away from the property line on the side toward the street.
- (3) The monuments shall be made of an iron rod of

three-quarter (3/4) inch in diameter and four (4) feet long, with a cross marked on the top securely set in the ground until its top is flush with the natural surface of the ground. A block of concrete nine (9) inches square or if round ten (10) inches in diameter and eighteen (18) inches deep shall be set around the upper end and flush with the top of the rod.

- (4) Iron pins of no less than twenty-four (24) inches long nor less than three-quarters (3/4) inch in diameter shall be set flush with the ground at every lot corner.

SECTION 11. Where Subdivision is Unit of a Larger Tract. Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final plats shall be accompanied by a layout of the entire area at a scale of one hundred (100) feet to one (1) inch showing the tentative proposed layout of streets, blocks, lots, drainage, drainage calculations, water, sewerage and other improvements for such areas. The overall layout, if approved by the City Council, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the City. Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout, unless changed by the City Council. However, except where the subdivider agrees to such change, the City Council may change such approved overall layout only when the City Council finds:

- A. That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this article; or
- B. That adherence to the previously approved overall layout will be detrimental to the public health, safety or welfare, or will be injurious to other property in the area.

The purpose of this section is to insure that the City Council is adequately advised as to the subdivider's plans in order to more adequately promote the orderly development of surrounding land.

SECTION 12. Conflict with other Ordinances. Whenever the standards and specifications in this Ordinance conflict with those contained in another ordinance, the most stringent or restrictive provisions shall govern.

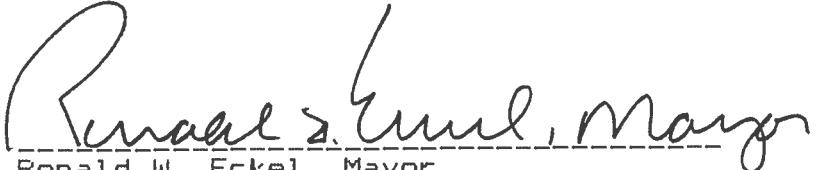
SECTION 13. Amendment of Prior Ordinance. Any prior subdivision ordinance or ordinances, or amendments thereto, passed and approved by the City Council of the City of Poth is, and the same is hereby amended and the provisions of this ordinance shall take precedence over such prior ordinance or ordinances.

SECTION 14. Severability Clause. Should any portion or part of Ordinance be held for any reason invalid or unenforceable, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect.

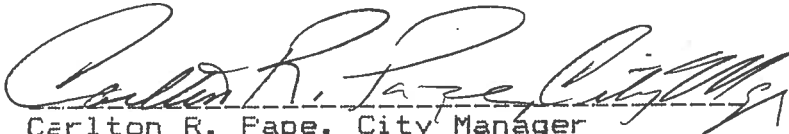
WHEREAS, the fact that the laws and ordinances of the City of Poth are not sufficient to protect the citizens of the City of Poth, creates an emergency and imperative necessity demanding the suspension of the constitutional rule requiring bills to be read on three successive days. Said rule is so suspended and this act shall take effect from and after its passage and it is so carried.

This Ordinance shall be effective from and after its passage or from and after the 29th day of January, 1985.

PASSED AND APPROVED this the 29th day of January, 1985.



Ronald W. Eckel, Mayor



Carlton R. Fape, City Manager

AMENDMENT

COPY

AMENDMENT NO. 1

ORDINANCE NO. 012985


DATE OF ADOPTION: January 29, 1985

SECTION AMENDED: Addition of Exhibit "A", Supplement to the Subdivision Ordinance
- Technical Specifications

Amended as follows:

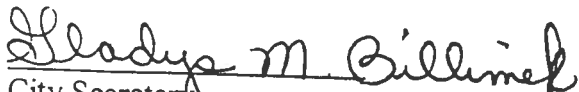
The attached Exhibit "A" titled "City of Poth - Supplement to the Subdivision Ordinance - Technical Specifications" shall become a part of Ordinance No. 012985

Adopted this 19th day of February, 1998.



Mayor

Attest:



City Secretary

EXHIBIT "A"

CITY OF POTH

SUPPLEMENT TO THE
SUBDIVISION ORDINANCE

TECHNICAL SPECIFICATIONS

These Technical Specifications govern all work for streets, water, sanitary sewer and drainage improvements installed in the City of Poth and its extra territorial jurisdiction.

Water:

All potable water mains shall be a minimum of six (6) inches in diameter. Pipe material shall be AWWA C900 DR 18 PVC. All water line fittings shall be ductile iron. Plastic or PVC fittings will not be allowed. Water mains shall be interconnected or looped within the subdivision and with existing water lines adjacent to the subdivision.

Fire hydrants shall be Mueller Century and installed with a six (6) inch isolation valve. Fire hydrants shall be installed in accordance with the latest version of the requirements of the Texas State Board of Insurance.

Isolation valves shall be installed at intersections of water lines so that sections of water line can be isolated for maintenance without disrupting service to the entire subdivision.

Water services shall be a minimum of 3/4 inches in diameter. Service line material shall be copper tubing. Water taps shall be made by brass saddles with corporation stops with CC tapered threads.

Meter boxes shall be provided by the developer and installed just inside the lot line. Meter boxes shall be concrete or as manufactured by Western Iron Works model no. WIW 11P5L (lid) and WIW 11P10 (base).

All water lines shall pass a hydrostatic pressure test and be disinfected in accordance with the requirements of TNRCC prior to acceptance by the City.

All water facility design and construction shall comply with the latest version of the requirements of the Texas Natural Resource Conservation Commission (TNRCC), American Water Works Association (AWWA) and Texas State Board of Insurance.

Sanitary Sewer:

All sanitary sewer lines shall be a minimum of eight (8) inches in diameter. Pipe material shall be SDR 35 PVC. Vitrified clay pipe or PVC exposed ribbed open profile pipe will not be permitted for use in sanitary sewer lines.

Sanitary sewer mains shall be sized to carry full development flows from the entire subdivision. If there is significant watershed upstream of the proposed development, the developer shall calculate the required pipe size to carry the flows from the entire watershed through the development. The City of Poth, at its sole discretion, may elect to participate in the incremental cost to increase the line size to carry the flows from the entire watershed.

Sanitary sewer laterals shall be a minimum of six (6) inches in diameter. Pipe material shall be SDR 35 PVC.

Sanitary sewer manholes shall be precast reinforced concrete manhole sections and shall conform to the requirements of ASTM C 478. The precast sections shall have rubber gasket compression joints conforming to the material and performance requirements of ASTM C 443. A steel reinforced concrete base may be used with precast concrete manhole sections. This base shall be furnished with confined O-ring joints in conformance with ASTM 443. Pipe to manhole joint connectors for a water tight seal between the manhole base and sewer line shall be provided.

Manholes shall be placed at all deflections and intercept and terminating points on the sanitary sewer system and spaced not more than four hundred (400) feet apart.

All sewer lines shall pass a low pressure air test and mandrel test as required by TNRCC prior to acceptance by the City.

All sanitary sewer facility design and construction shall comply with the latest version of Texas Natural Resource Conservation Commission (TNRCC) requirements.

Streets:

All street materials and construction shall be in conformance with the latest version of Standard Specifications for Construction of Highways, Streets and Bridges, Texas Department of Transportation (TXDOT).

All streets shall have a minimum of eight (8) inches of base material in conformance with TXDOT Item 247 or as approved by the City Engineer.

Pavement shall be a minimum of 1-1/2 inches of asphaltic concrete pavement in conformance with TXDOT Items 334 or 340, or a double course surface treatment in conformance with TXDOT Items 300 or 302.

In no event shall an area be platted so as to leave a narrow strip of land which is unsuitable as a building site, unmarketable, or is undevelopable and which is excluded from platting for the purpose of circumventing these requirements of the major thoroughfare plan.

Streets shall have a minimum width of twenty-two (22) feet if constructed with bar ditches or thirty (30) feet if constructed with curbs.

Curbs, if installed, shall have a minimum height from the gutter to top of curb of seven (7) inches.

Installation of sidewalks is optional, however, if installed, must conform to the latest requirements of the "American Disabilities Act" and shall include installation of wheelchair ramps at street intersections and driveways.

Drainage:

All drainage materials and construction shall be in conformance with the latest version of Standard Specifications for Construction of Highways, Streets and Bridges, Texas Department of Transportation (TXDOT).

All drainage facility design shall conform to City of Poth, Flood Damage Prevention Ordinance No. 121099-A, Exhibit "A", titled "Hydrologic and Hydraulic Design Criteria".

Upon completion of all subdivision construction, the City shall be provided with written certification signed by a licensed professional engineer certifying that the facilities were designed and installed as required by the provisions of the subdivision ordinance.

AMENDMENT

AMENDMENT: NO. II
ORDINANCE: NO. 012985
DATE OF ADOPTION: January 29, 1985

**SECTIONS AMENDED: ADDITION OF EXHIBIT "B" SUPPLEMENT TO
THE SUBDIVISION ORDINANCE EXPANSIONS,
CLARIFICATION, AND ADDITIONS**

Amended as follows:

The attached Exhibit "B", Titled "City of Poth - Supplement to the Subdivision Ordinance - Expansions, Clarification, and Additions" shall become a part of Ordinance No. 012985

Namely amended as follows:

Page 1 Item 1.) Title of Poth Ordinance, expanded to include "*other utilities*"

Page 3 Item 2.) Section 1, Par Q, Expanded to be more specific

Page 3 Item 3.) Section 4, Par C, Expanded to include: "*omitted utilities; namely; telephone, cable TV, and possible other future utilities*"

Additionally: Spelled out required utility easements along property lines of Ranchette Type Subdivisions


Page 11 Item 4.) Section 9, Par C, Revised: subsection B, Section 8
To: Subsection B, Section 9
(*typographical error*)

ADOPTED THIS 20 DAY OF December, 1999



Mayor -- Richard Pollok

Attest:



City Secretary -- Gladys Billimek

EXHIBIT "B"

CITY OF POTH

**SUPPLEMENT TO THE
SUBDIVISION ORDINANCE**

EXPANSIONS, CLARIFICATIONS, AND ADDITIONS

These expansions, clarifications, and additions governs all new subdivision projects in the City of Poth and its extra jurisdictional territory.

The existing ordinance: No 012985;
Date of Adoption: January 29, 1985

Is amended as follows:

Page 1 -- TITLE OF ORDINANCE -- REVISED TO:

AN ORDINANCE ADOPTING RULES AND REGULATIONS GOVERNING THE APPROVAL OF PLATS OF SUBDIVISION: REGULATING THE CREATION OF SUBDIVISIONS AND THE ESTABLISHMENT OF STREETS AND ALLEYS AND THE CONSTRUCTION OF WATER MAINS, SEWER LINES, AND OTHER UTILITIES IN SUCH SUBDIVISIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF POTH AND TRACTS WITHIN FIVE MILES OF THE CORPORATE LIMITS OF THE CITY OF POTH

Page 3 -- SECTION 1: DEFINITIONS PAR Q -- REVISED TO:

Q. UTILITY EASEMENT: An interest in land granted to the City, to the public generally, and/or to a private or public utility corporation; for installing, servicing, maintain, or replacing, said utilities, across, over, or under, private land, together with the right to enter thereon with machinery or vehicles necessary for the maintenance of utilities.

Page 3 -- SECTION 4: SPECIAL PROVISIONS PAR C -- REVISED TO:

C. The City will not sell or supply any water, gas, electricity, or sewage service or other utility service including telephone, cable TV, or other possible future utilities, within a subdivision for which a final plat has not been approved or filed for record, not in which the standards contained herein or referred to herein have not been complied with in full. Within subdivisions comprised of 5 or more acre tracts (ranchette type subdivisions) a utility easement of twenty (20) feet is required along the lot line on the subdivision side of

the property line (adjoining previously owned property outside of the new subdivision), and a fifteen (15) foot easement on either side of adjoining new subdivision property lines within the new subdivision. such easements shall be "Written" and "Drawn" on the preliminary and final plat with right of utility to ingress and egress to service said utilities. Utilities shall have the right to cut down trees or trim trees as deemed necessary by the utilities (within the easement) for purposes of access, safety, and reliability of service.

Page 11 -- Section 9 GUARANTEE OF PERFORMANCE, PAR C: REVISED TO:

C. If under subsection B, Section 9, the subdivider chooses to file security and a maintenance bond in lieu of completing construction prior to final plat approval, he may utilize either of the following methods of posting security. If the subdivider chooses to file security, the plat shall not be approved unless the subdivider has done one of the following:

**AMENDMENT
SUBDIVISION ORDINANCE**

AMENDMENT: NO. III
ORDINANCE: NO. 012985
DATE OF ADOPTION: JANUARY 29, 1985
**SECTIONS AMENDED: ADDITION OF EXHIBIT "C" SUPPLEMENT OT THE
SUBDIVISION ORDINANCE EXPANSIONS,
CLARIFICATIONS AND ADDITIONS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTH THAT:

Ordinance No. 012985 is hereby amended as follows:

**The attached Exhibit "C" Titled City of Poth – Supplement to the
Subdivision Ordinance – Expansion, Clarifications and Additions shall
become a part of Ordinance No. 012985**

Namely amended as follows:

Page 1 Item 1.)	Section 1, Par O; to be more specific
Page 11 Item 2.)	Section 9, Subsection 1; addition of Letter of Credit
Page 12 Item 3.)	Section 9, Par D; addition of Letter of Credit

Adopted this the 20th day of July, 2009



Mayor – Chrystal Eckel

Attest:



City Secretary – Rose Huizar



**“EXHIBIT C”
CITY OF POTH
SUPPLEMENT TO THE
SUBDIVISION ORDINANCE**

EXPANSIONS, CLARIFICATIONS, AND ADDITIONS

These expansions, clarifications and additions governs all new subdivision projects in the City of Poth and its extra jurisdictional territory.

The existing ordinance : No. 012985
Date of Adoption: January 29, 1985

Is amended as follows:

Page 1 – Section 1: Definitions. Par O to be revised to:

O. Subdivision: A division of any tract of land situated within the corporate city limits or within the extraterritorial jurisdiction of the city, into two or more parts. This definition specifically includes but is not limited to the laying out of lots for sale or development, and includes the creation of any streets, alleys, parks, or other public spaces. It includes any voluntary conveyance or alienation of a portion of one property from another. Any proposed subdivision into tracts of greater than ten (10) acres, all of which tracts will be entitled to an agricultural use exemption as granted by the Wilson County Appraisal District may be eligible for a variance from certain restrictions upon complying with Section 5 herein; however, no such variance shall ever grant the access to any property through a private road or easement, but rather all such lots must have direct access of, at least 45 feet onto a public road.

Page 11 -- Section 9. Guarantee of Performance;

Subsection C, Number 1

- (1) Has filed with the City Council a bond executed by a surety company holding a license to do business in the State, or, alternatively, a Letter of Credit issued by a good and substantial banking institution, and acceptable to the City Council, in an amount equal to the cost of the improvements required by this article as estimated by the City Council,

conditioned that the subdivider will construct the improvement in accordance with the specification approved by the City Council and will complete such improvements with two (2) years after approval of such plat, such bond shall be approved as to form and legality by the City Attorney; or

Page 12 – Section 9. Guarantee of Performance

Subsection D

- D If either type of security is filed by the subdivider under subsection (c) of this section, the filing of such security shall be accompanied by a bond, executed by a surety company holding a license to do business in the State, or, alternatively, a Letter of Credit executed by a good and sufficient banking institution authorized to do business in this State, and acceptable to the City Council, or a cashier's check, in an amount equal to ten (10) percent of the cost of the improvements required as estimated by the City Council, conditioned that the subdivider will maintain such improvements in good condition for a period of one (1) year after acceptance of the completed construction by the City Council, as provided in subsection (E) of this section, or until such time as the improvements shall be accepted (final) by the City Council, whichever is the later. Such bond shall be approved as to form and legality by the City Attorney.

I. PRELIMINARY CONFERENCE CHECK LIST

- () A. Provide developer with copies of Zoning Ordinance and Subdivision Ordinance, (at his cost) and copy of Major Thoroughfare Plan (when adopted).
- () B. Review general plans of subdivision.
- () C. Review master plan if applicable.
- () D. Evaluate size of development.
- () E. Plans should be submitted to the Administrations Office.
- () F. Point out Council will have 60 days within which to review preliminary plat and conditionally approve or conditionally disapprove.
- () G. Point out (E-3) conditional approval of preliminary plat shall be an approval of Layout only. It does not constitute Final Approval. NO SALES UNTIL FINAL PLAT APPROVED.
- () H. Formal application of preliminary approval shall be in writing.
- () I. Application shall include two (2) copies of plat as well as original.
- () J. Point out SECTION II.
- () K. Maintenance Bond - Section 9 (A) - 10% of construction costs.
- () L. Security and Maintenance Bond - 100% of construction costs (Section 9 - C - 1)
- () M. Construction Plans must be submitted and approved prior to any construction.
- () N. Upon receipt of plans submit to Planning Commission.

II. PRELIMINARY PLAT APPROVAL CHECKLIST

- () A. Preliminary conference has been completed.
- () B. Planning Commission has reviewed plat.
- () C. Application is in writing to Poth City Council.
- () D. Preliminary Plat has been prepared by registered surveyor and/or engineer.
- () E. Original Plat and .2 black or blue line copies have been submitted.
- () F. Plat is drawn on 18" wide X 24" long paper.
- () G. Plat has binding edge on left of not less than 2½" and not less than 3/8" on other 3 sides.
- () H. Plat is drawn to scale of 1 inch = 100 feet.
- () I. Plat shows name and address of subdivider.
- () J. Plat shows name and address of record owner.
- () K. Plat shows name and address of surveyor and/or engineer.
- () L. Plat shows proposed name of subdivision.
- () M. Proposed name of subdivision is not being used in city or within 5 miles of city.
- () N. Plat shows contiguous properties, their owners, and whether or not they are platted.
- () O. Property description by metes and bounds.
- () P. Primary Control Points. (Refer to Section 7-C-5)
- () Q. Subdivision boundary lines are indicated by heavy lines.
- () R. The computed acreage is indicated on the plat.
- () S. Shows exact location of existing sites. (Refer to Section 7-C-7a thru 7d)
- () T. Shows location, deminsions, descriptions, and names of all proposed streets, alleys, parks, or any other public areas, reservations, easements, rights-of-way, blocks, lots and other sights within subdivision.
- () U. Shows preliminary plan of drainage.
- () V. Shows plat preparation date, scale and North arrow.
- () W. Shows topographical information (Refer to Section 7-12)

- () X. Lot and blocks are identified by number or letter.
- () Y. Shows front building setback lines and side building set backs where applicable.
- () Z. Shows City limit lines, ETJ, and zoning district boundaries. (Refer to Section 7-15)
- () AA. Location map at scale of 4000' ft to 1" showing adjacent streets and subdivisions.
- () BB. Planning Commission has submitted to Council in writing their recommendation.
- () CC. Tentative date for receipt of construction plans has been set.

III. FINAL PLAT CHECKLIST

- () A. Preliminary plat has been approved.
- () B. Final plat conforms to conditionally approved preliminary plat.
- () C. Final plat is inclusive of construction plans and specifications.
- () D. Final plat submission consists of at least the original and 2 black or blue line copies.
- () E. Final Plat is drawn on 18" wide X 24" long paper.
- () F. Final plat has binding edges on left of at least 2½" inch and at least 3/8" inch on other sides.
- () G. Final Plat is drawn to a scale of 1 inch = 100 ft.
- () H. Final Plat shows name and address of subdivider.
- () I. Final plat shows name and address of recorded owner.
- () J. Final plat shows name and address of surveyor and/or engineer.
- () K. Final plat shows proposed name of subdivision.
- () L. Subdivision name is not already being used.
- () M. Final plat shows contiguous properties, their owners, and whether or not they are platted.
- () N. Final plat gives property description in metes and bounds.
- () O. Final plat gives primary control points. (Refer to Section 7-C-3)
- () P. Final plat has subdivision boundary lines indicated by heavy black lines.
- () Q. Final plat shows the computed acreage.
- () R. Final plat shows exact location of existing sites. (Refer to Sect. 7-C-7a thru 7d)
- () S. Final plat shows location, deminsion, description and names of all streets, alleys, parks, or any other public areas, reservations, easements, rights-of-way, blocks, lots and other sights within subdivision.
- () T. Final plat shows preparation date, scale and NORTH arrow.
- () U. Final plat identifies lots and blocks by number or letter.
- () V. Final plat shows front building setback lines and side building setback lines.
- () W. Final plat shows city limits lines, ETJ, and zoning district boundaries. (Refer to Section 7-15)

- () X. Final plat is accompanied by 2 copies each of plans & Specifications of:
 - 1. Streets, alleys, sidewalks, crosswalks & monuments.
 - 2. Storm drainage
 - 3. Sanitary sewers
 - 4. Water lines
(Refer to Sect. 8-3a thru 3d)
- () Y. Final plat owners acknowledgement of dedication of properties (streets etc.) to the public.
- () Z. Final plat certified by a surveyor.
- () AA. Final plat certified by an engineer.

IV. PROCESSING FINAL PLAT CHECKLIST

- () A. A preliminary plat has been approved.
- () B. (1) Final plat is a portion of the approved preliminary plat.
OR
(2) Final plat is of the entire approved preliminary plat.
- () C. Final plat is inclusive of plans and specs.
- () D. The date of submittal of the final plat is less than one year of the approved preliminary plat.
- () E. Maintenance Bond has been filed.
- () F. All required improvements have been constructed.
- () G. Final plan has been approved.
- () H. Written consent of subdivider has been received and is within 30 days after approval.
- () I. Plat has been filed with County Clerk for recordation.

V. SCHEDULE OF PROCESSING PRELIMINARY PLAT.

- A. Review preliminary.
- B. Within 60 days give conditional approval or conditional disapproval, in writing.
- C. If changes are necessary (within 2 years effect period) contact in writing.
- D. If no development within one year, if requested, consider 1 year extension.