

ORDINANCE NO.230216 .
SUBDIVISION ORDINANCE OF
THE CITY OF CREEDMOOR,
TEXAS

AN ORDINANCE OF THE CITY OF CREEDMOOR, LOCATED IN TRAVIS COUNTY, TEXAS, REGULATING THE SUBDIVISION AND PLATTING OF LAND WITHIN THE CORPORATE LIMITS OF SAID CITY AND WITHIN THE AREA OF EXTRATERRITORIAL JURISDICTION THEREOF; AMENDING AND INCORPORATING WHERE NO CONFLICT EXISTS THE ORIGINAL SUBDIVISION ORDINANCE NO. 860320, AS AMENDED, STATING THE AUTHORITY AND PURPOSE; DEFINING TERMS; PROHIBITING THE ISSUANCE OF PERMITS FOR STRUCTURES LOCATED ON ANY SUBDIVISION LOTS FOR WHICH A FINAL PLAT HAS NOT BEEN APPROVED AND FILED FOR RECORD, AND PROVIDING REMEDIES AND EXCEPTIONS; PROVIDING FOR VARIANCES; PROVIDING PROCEDURES AND SPECIFICATIONS FOR PLAT APPROVAL; REQUIRING FEES AND SURETY FOR CONSTRUCTION, MAINTENANCE, REVIEW AND INSPECTION; PROVIDING A RULE OF CONSTRUCTION FOR CONFLICTS BETWEEN ORDINANCES; PROVIDING FOR A FINE FOR A VIOLATION THEREOF; PROVIDING THAT EACH DAY OF VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE, AND PROVIDING FOR AN EFFECTIVE DATE.

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ORDINANCE NO.230216

SUBDIVISION ORDINANCE OF THE
CITY OF CREEDMOOR, TEXAS

An ordinance of the City of Creedmoor, located in Travis County, Texas, regulating the subdivision and platting of land within the corporate limits of said city and within the area of extraterritorial jurisdiction thereof; stating the authority and purpose; defining terms; prohibiting the issuance of permits for structures located on any subdivision lots for which a final plat has not been approved and filed for record, and providing remedies and exceptions providing for variances; providing procedures and specifications for plat approval; requiring fees and surety for construction, maintenance, review and inspection; providing a rule of construction for conflicts between ordinances; providing for a fine for a violation thereof; providing that each day of violation shall constitute a separate offense, and providing for an effective date.

WHEREAS, the City of Creedmoor, is a rural farming community adjacent to the City of Austin, Texas, and said City of Creedmoor and its extraterritorial jurisdiction lies upon the Blackland Prairie, and withdraws its drinking water supply from the Edwards Aquifer; and

WHEREAS, the Blackland clay soil swells and contracts with changing moisture content imposing serious building problems that do not occur as much on limestone foundations to the North and West. This difficulty, and the unique suitability of the prairie for agriculture favor the retention of the land as farmland; and

WHEREAS, much of the land in the City of Creedmoor, is in the Flood Prone Area, as delineated by the U.S. Geological Survey or FEMA;

and

WHEREAS, the condition of the streets and roads within the corporate limits and extraterritorial jurisdiction of the City of Creedmoor creates traffic problems in both parking and movement of vehicles when more than a normal amount of traffic is within the area at any given time, especially during or after a hard rain, same being a handicap to the Southeast Travis County Fire District in reaching certain locations with fire apparatus in case of fire; and

WHEREAS, there is no organized central sewer system either within the corporate limits or extraterritorial jurisdiction of the City of Creedmoor, and nearly every building with said city and extraterritorial jurisdiction is connected to a private sewage facility (facilities), which, due to the nature of the soil can create a health hazard and requires that such private sewage facilities be widely separated in order that the effluent from said private sewage facilities can be absorbed into the soil; and

WHEREAS, the regulations herein are necessary for the promotion of tranquility and the preservation of the rural character within the City's jurisdiction and are necessary in order for its people to enjoy the blessings of quiet seclusion and clean air which makes the area a sanctuary for people; and

WHEREAS, because of the reasons and conditions enumerated in this Ordinance, and for the health, safety, and protection of the inhabitants of the City of Creedmoor and its extraterritorial jurisdiction, and visitors therein, it is necessary that buildings, private sewage facilities, and other structures be as widely separated as possible and that residential building lots be of a minimum size of two and one-half ($2\frac{1}{2}$) acres and that office and commercial property should likewise be on building lots specified herein in order to promote and achieve the maximum possible protection for the health and safety of its citizens; and

WHEREAS, public hearings were held as required by law;
NOW THEREFORE;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREEDMOOR,
TEXAS;

Section 1. Authority.

This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly, but not limited to, Chapters 231, Acts of the 40th Legislature, Regular Session, 1927, as heretofore or hereafter amended (compiled as Article 974a, V.T.C.S.), and the provisions of Section 4 of the Municipal Annexation Act as heretofore or hereafter amended (compiled as Article 970a, V.T.C.S.). This ordinance is adopted pursuant to the provisions of the general law of the city.

Section 2. Purpose.

The purpose of this Ordinance is to provide for the orderly, safe and healthful development of the area within the corporate limits of the City of Creedmoor and the City's extraterritorial jurisdiction and to promote the health, safety, morals and general welfare of the community.

Section 3. Definitions.

A. Any office referred to in this Ordinance by title means the person employed or appointed by the City in that position, or his duly authorized representative. any reference to the City refers to the City of Creedmoor, Texas; any reference to the Council refers to the Board of Aldermen; any reference to the Clerk or Secretary refers to the City Administrator.

B. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

C. For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this section: except where the context clearly indicates a different meaning:

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

BLOCK: A combination of two (2) or more lots within a subdivision.

BUILDING: Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property and used for purposes of a building.

BUILDING SETBACK LINE: The line within a property defining the minimum horizontal distance between a building and/or property boundary line and the adjacent street line or property boundary line.

CITY: The City of Creedmoor, Texas

COMMERCIAL LOT: Any lot not to be used as residential, recreational or open space.

COMISSION: The Planning Commission of the City is the City Council.

COMPREHENSIVE PLAN MASTER PLAN: The plan required by Texas Revised Civil Statutes Annotated, Article 1011c (1963). The comprehensive plan is an independent, long-range plan for use and development of land within the City and in the City's extraterritorial jurisdiction.

CONSTRUCTION: Any clearing of land, excavation, or other action that would adversely affect the natural environment of the site but does not include uses in securing survey or geological data including necessary borings to ascertain subsurface conditions.

CONTROL POINTS (MONUMENTS): Control points (monuments) are those that control or are used to relocate lost or

obliterated property corners. Control points (monuments) are placed where they are least likely to be destroyed and where they can be conveniently used.

COUNTY: Travis County, Texas.

CROSSWALK WAY: A public right-of-way, four feet or more in width between property lines, which provides pedestrian circulation.

CUL-DE-SAC: A street having but one outlet to another street and terminated on the opposite end by a vehicular turn around.

DEAD-END STREET: A street, other than a cul-de-sac, with only one outlet.

DEVELOPMENT: Building, road, and other structures; construction; and excavation, dredging, grading, filling, and clearing or removing vegetation.

EDWARDS AQUIFER: The water-bearing substrata also known as the Edwards and Associated limestones Aquifer. It includes the following geographic formation: Comanche Peak, Edwards, Kiamichi and Georgetown.

ENGINEER: A person duly authorized and registered under the provisions of the Texas engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

ERECTED: Built, constructed, altered, reconstructed, poured, laid, moved upon or any physical operations on the premises which are required for construction. Excavation, site clearance, land fill and the like shall be considered a part of erection.

EXTRATERRITORIAL Jurisdiction: The Extraterritorial jurisdiction of the City of Creedmoor, Texas is that land not within the corporate limits of the City of Creedmoor, Texas, but land over which the City has jurisdiction by virtue of the Municipal Annexation Act, Vernon's Annotated Civil Statutes, Article 970a, AS AMENDED.

FLOOD: A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

FLOODWAY: The channel of a watercourse and portions of the adjoining flood plain which are reasonably required to carry and discharge the regulatory flood.

IMPERVIOUS COVER: Roads, parking areas, buildings and other impermeable construction covering the natural land surface; this shall include, but not be limited to, all streets and pavements within a subdivision.

INSPECTOR: A person(s) designated by the City Council to enforce City ordinances and regulation.

LOT: An undivided tract or parcel of land having access to a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct 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 for record.

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 representative.

ORGANIZED DISPOSAL SYSTEM: An "organized disposal system" is any public or private system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of a permit from the State of Texas.

PAVEMENT WIDTH: The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the face of curbs.

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

PLAT: A drawing of a parcel (s) of land containing one or more lots and the additional information required by Section of this ordinance.

PRIVATE SEWAGE FACILITY: A "private sewage facility" is any septic system,

or other facility, system or method for the storage, treatment, or disposal

of sewage other than an organized disposal system operated in accordance

with the terms and conditions of a permit from the Austin/Travis County Health Department.

RIGHT-OF-WAY: Any travelway open to the general public for travel or land dedicated for eventual travel by the public. Dedicated right-of-way may in addition to travel by the public be used for installation of utilities or other public purposes.

SEPTIC SYSTEM: "Septic system" means a private sewage facility or disposing of sewage through soil Absorption and includes as components: the line from the building to the septic tank, the septic tank(s) (with one or more compartments), soil absorption system or evapotranspiration beds.

SETBACK DISTANCE: The minimum distance required between a structure and the front, side or rear boundary line of the parcel of land on which the structure is located.

SHALL, MAY: The Word "shall" is always mandatory. The word "may" is merely directory.

STREET: A public right-of-way, however designated, which provides vehicular access to adjacent land.

(1) A "major arterial street" is a divided or undivided limited-access roadway designed to provide vehicular circulation between major traffic generators, such as large high-density residential neighborhoods, commercial centers, industrial areas, and other municipalities.

(2) A "minor arterial street" is a divided or undivided, limited-access roadway designed to provide vehicular circulation between secondary traffic generators, such as neighborhood/community shopping centers, office complexes, high schools, and municipal or regional

parks/recreation areas, and between major arterial streets and streets of lower classification.

(3) A "collector street" is an undivided roadway generally providing access to mirror arterials from local streets but generally without direct access from adjacent properties except for elementary schools, small apartment complexes, and neighborhood commercial centers.

(4) A "local street" provides access to individual adjacent properties.

(5) A "through street" is one with two or more outlets.

STREET (PRIVATE): A "private street" is a driveway or alley which serves only to give secondary vehicular access to a building lot or to an accessory parking or loading facility, or to allow vehicles to take or discharge passengers at the entrance to a building.

STRUCTURE: Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on the ground.

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

SUBDIVISION: A division of any tract, lot, piece, or parcel of land, or any portion or fraction thereof (whether by block or lot number, or by metes and bounds descriptions), situated within the corporate limits, or within the City's extraterritorial jurisdiction, in two or more parts for the purpose of transfer of ownership, or building development, whether immediate or future, or for laying out suburban lots or building lots, or any lots, whether all or any portion thereof be intended for public use, or only for use of purchasers, short-or long-term leases, guests and/or agents. Subdivision also includes resubdivision of any tract, lot, piece, or parcel of land.

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

UTILITY EASEMENT: An interest in land granted to the City, or 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 vehicles necessary for the maintenance of said utilities.

YARD: The open area between building setback lines and lot lines.

Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

Section 4. Special Provisions.

A. No land in the City of Creedmoor or its extraterritorial jurisdiction shall be divided into one or more lots until such subdivision of land has been approved by the City Council in accordance with the regulations herein.

B. No permit shall be issued pursuant to any City ordinance for any structure or for the repair, modification or installation of Public or Private Sewage Facility upon any lot in a subdivision, resubdivision or Confirming Plat for which a final plat has not been approved and filed for record by the City of Creedmoor, Texas, or upon any lot in a subdivision or confirming plat in which the standards contained herein or referred to herein have not been complied with in full.

C. No Building, repair, plumbing or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied within full.

D. The habitation in any dwelling shall not be made until the City Council of Creedmoor, Texas, receives certification from the TCEQ that the public or private sewage facility has been approved and properly connected. The repair and maintenance of such sewage facility shall be the responsibility of the owner of the dwelling.

E. Any right, privilege or remedy granted by this Ordinance to the

person obtaining or holding plat or plan approval shall also run in favor of such person's successors in interest and assigns. Any duty or obligation or remedy against such person arising from this section shall also insure as to such person's successors in interest, assigns, agents, employees, representatives, or any person acting pursuant to the direction of any of the foregoing, or under color of the same.

F. 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 as such jurisdiction as determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this Ordinance.

G. 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, C, and D of this section will apply to the subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the Secretary for the City shall forthwith file an instrument in the deed records of Travis County stating that paragraphs A, B, C, and D no longer apply.

H. The provisions of this Section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of this subdivision ordinance, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of this Ordinance was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the Passage of this Ordinance.

Section 5. Variances.

A. All requests for variances must be submitted in writing to the City Council. The City Council may authorize a variance from these regulations when, in its opinion, undue hardship will result flout requiring strict compliance. In making the findings herein required, 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 the welfare in the vicinity. No variance shall be recommended unless the City Council finds:

(1) 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

(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 provision of this ordinance; and

(5) That the variance request is of such a minor nature that the spirit and intent of this Ordinance is not to be violated.

B. Such findings of the City Council together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such variance is recommended. Variances may be recommended only when in harmony with the general purposes and intent of this ordinance so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardships to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

C. No variance of the lot dimensional requirements shall be granted by the City Council except after a public hearing wherein notice is given to owners of real property within five hundred (500) feet of the boundaries of the subject property.

D. Any application for a variance shall be accompanied by the fees set by the Council in the Fee Schedule Ordinance.

Section 6. Preliminary Conference and Inspections.

A. Prior to the official filing of a preliminary plat, the subdivider and his engineer (s) and/or planner (s) shall consult with and present a proposed plan of subdivision to the City Council an/or the planner (s) authorized to represent the City for comments and advice on the procedures, specification, and standards required by the City for the, subdivision of land. The proposed plan shall include, at a minimum, a large-scale map showing the tract boundaries and conceptual plans for land use, roadways, drainage, and utility services. 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 conceptual plan shall be accompanied by a layout of the entire area, showing the tentative improvements for such uses.

B. The planner(s) representing the City shall make a report to the Council which includes recommendations for areawide improvements affecting said tract. If the Council has any interests or concerns of an areawide nature which may directly affect the review of the proposed preliminary plat, it shall so inform the subdivider in writing.

C. Fees. Such preliminary conference shall not proceed until the subdivider has paid a fee as set forth in the Fee Schedule Ordinance of the City of Creedmoor. That fee is non-refundable and no action by the Council shall be made until the fee is paid.

D. Any person or his successor and assigns who has filed a plan or plat for approval Pursuant to this division shall agree to allow entry on their land or premises which is the subject of such application for the purposes of inspection of conditions of the premises during the review and approval stage and during development and construction by fully authorized inspectors of the City.

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. Time for Filing and Copies Required. The subdivider shall file eight (8) blue or black line copies of the plat, along with all accompanying data and exhibits, with the Secretary for the City at least fifteen (15) days prior to the date at which formal application for the preliminary plat review is made to the Council.

C. Filing Fees. Such plat shall be accompanied by a filing fee set forth in the Fee Schedule Ordinance passed by the City Council. The filing fee is nonrefundable and no action by the Council shall be made until the fee is paid.

D. Formal Application. Formal Application for preliminary plat approval shall be made by the subdivider in writing to the Council at an official meeting.

E. Form and Content. The plat shall be drawn on 24" x 36" sheets or 18" x 24" sheets with a binding margin of not less than 1 1/2 inches on the left side of the sheet and margins on the other three sides of not less than a half (1/2) inch. The plat shall be drawn to scale of one hundred (100) feet to one (1) inch. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:

(1) Names and addresses of the subdivider, record owner, engineer and/or surveyor.

(2) A copy of the deed shall be attached.

(3) (3) Proposed name of the subdivision, which shall not have the same spelling or be pronounced similar to the name of any other subdivision located within the City.

(4) (4) Names of contiguous subdivisions and the owners of contiguous parcels of unsubdivided land, and an indication of whether or not contiguous properties are platted.

(5) Description, by metes and bounds, of the subdivision.

(6) 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.

(7) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision.

(8) Existing features as follows:

(a) The exact location, scaled 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, scaled 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) Location of trees having a trunk circumference of thirty (30) inches or more, measured four and one-half (4 1/2) feet above natural grade level.

(9) A topographic map, with two (2)-foot contour intervals, meeting national map accuracy standards, showing:

(a) Each location of each major, intermediate and minor waterway, as defined herein; and each type of waterway shall be distinguished from others;

(b) The one-hundred (100) year and twenty-five (25) year flood elevations and floodplain boundaries according to current FEMA designations;

(c) The two (2) year floodplain where needed to determine the critical water quality zone required by this Ordinance.

(e) Existing topographical features including but not limited to existing faults and fractures along waterways, and sinkholes.

(f) Location of all temporary and permanent runoff detention basins, constructed and altered waterways and other physical facilities to be installed to comply with the terms of Section 11.

(10) A map or maps showing soil map units, surface and bedrock geology, faults, sinkholes and other geologic units. Maps may be based on compiled data available from the Soil Conservation Service, U.T. Bureau of Economic Geology, City of Austin Environmental Resource Management Office and U.S. Geological Survey and shall be complemented by an onsite geological survey conducted by a professional geologist.

(11) A report that includes the following items:

(a) A description of existing topography;

(b) Geologic, soil, and vegetation characteristics;

(c) General description of the proposed changes to the site;

(d) A general description of the temporary measures which shall be utilized for the control of erosion;

(e) General sequencing of construction;

(f) A description and calculation of all impervious cover on the site and for each commercial lot.

(12) General plans for wastewater lines or onsite sewage treatment systems installation shall be submitted with the preliminary plan and shall include:

(a) The use of minimum construction corridor widths that might disturb subsurface faults and fractures; and

(b) The use of environmental protection measures and vegetative restorations.

(13) The exact location, scaled 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.

(14) A preliminary plan of the proposed drainage systems with grade, pipe size, and location of outlet.

(15) A preliminary plan of proposed fills or other structure-elevating techniques, levees, channel modifications, floodwalls, and other methods to overcome flood or erosion-related hazards.

(16) Date of preparation, scale of plat, and north arrow.

(17) A number or letter to identify each lot or site and each block.

(18) Front building setback lines on all lots and sites; side yard building setback lines at street intersections and crosswalk ways.

(19) Location of city limits line, the outer border of the City's extraterritorial jurisdiction, and zoning district boundaries, if the traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.

(20) Vicinity sketch or map at a scale of not more than five hundred (500) feet to an inch which shall show existing subdivisions, street, easements, rights-of-way, parks and public facilities in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric and sanitary sewer connection by arrows.

(21) The certification of a registered professional engineer that the plans and specifications included with the preliminary plat are accurate and of adequate design; and that the preliminary plat is complete.

(22) Special notes or attachments as may be required by other sections of the Ordinance.

F. Processing of Preliminary Plat.

(1) The Council shall appoint an entity to check the preliminary plat as to its conformity with the prevailing master plan, major street plan, land use plan, zoning districts, the standards and specifications set forth by ordinance and code, and the result of the preliminary conference between the subdivider and the City pertaining to said plat. The appointed person shall determine whether the proposed plat and all required supporting materials are complete and fees paid.

(2) The checking entity shall have 45 days preliminary to review the plat. Copies of the preliminary plat, along with findings and the recommendations of the checking entity, shall be forwarded Council no less to than fifteen (15) days prior to the official meeting at preliminary which approval is sought

(3) Within sixty (60) days after the preliminary plat application for review is formally filed and after the plat is deemed complete, the Council shall approve or disapprove such plat. If the Council disapproves a proposed preliminary plat, it shall reference, in writing, any and all deficiencies of the proposed preliminary plat which were cause for disapproval. The subdivider shall be allowed to

submit a revised preliminary plat which resolves the deficiencies and the Council shall approve or disapprove the revised plat within thirty (30) days after the complete revised plat is formally filed.

(4) Approval of a preliminary plat by the 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. Approval of a preliminary plat shall not constitute automatic approval of the final plat.

(5) Approval of a preliminary plat by the Council shall be effective for six (6) months. Any portion or all of the preliminary plat may be subject to modification or revision in light of information previously not brought to the attention of the Council. If in the light of new or significant information, the Council should require revisions to a previously approved preliminary plat, it shall so inform the subdivider in writing.

(6) If no development has occurred which would affect the proposed plat, after six (6) months of effective approval, the Council may, upon the Application of the subdivider, extend the approval for an additional six (6) months.

(7) In no case shall any development commence prior to the City Council approval of the Preliminary plat.

(8) Notice.

Written notice of a proposed subdivision or confirming plat shall be given to owners of real property lying within five hundred feet (500') of the boundaries of the property to be subdivided. Such notice shall be given not less than ten (10) days prior to the date set for Council review to all owners who have rendered their said property for City Taxes as the ownership appears on the last approved City Tax Rolls.

Every notice required by this Ordinance may be served by delivering a copy of the notice of the person to be served, or his duly authorized agent either in person or by registered or

certified mail to his last known address, or it may be given in such other manner reasonably calculated to give notice and approved by the City. Whenever the notice is served by mail, three (3) days shall be added to the prescribed period.

Should the Council deem it necessary, ten (10) days prior to the hearing of any application for a subdivision, the applicant shall place a sign(s) on the property easily visible to the public for the purposes of advising the public of the subdivision proposed. All required signs shall remain on the property until after final disposition of the application is determined.

Section 8. Final Plat

A. Requirements.

(1) The final plat and accompanying data shall conform to the preliminary plat as approved by the Council, incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the Council.

(2) The final plat shall be drawn in indelible ink on a durable, reproducible and permanent medium acceptable to the Council. It shall be at least 36 inches wide and 24 inches long with a margin of at least one and one-half ($1\frac{1}{2}$) inches on the left side of the sheet and margins of not less than one-half ($\frac{1}{2}$) inch on the other three sides. The plat shall be drawn at a scale of one hundred (100) feet to one (1) inch. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

(3) The final plat shall be submitted in such number as is required by the Council and shall contain all of the features required for the preliminary plats in Section 7 above.

(4) The final plat shall also include the following information on the plat or as an attachment to the plat:

(a) Description, by metes and bounds, of the subdivision, including location of all monuments and primary control points to which dimension, angles, bearing, etc., in the description are referenced.

(b) The location, scaled dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public right-of-way within the subdivision, intersecting or contiguous with its boundary forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance and length of all curves where appropriate.

(c) The exact location, dimension, description and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other right-of-way, blocks, lots, and other sites within the subdivision with radii, area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate. These proposed improvements shall comply with the standards and specifications in, or referenced in, Section 11 of this Ordinance.

(d) The final plat shall also be accompanied by a complete list of restrictive covenants which are intended to be recorded along with the plat and all plat notes which are required by this Ordinance.

(5) In addition, the final plat shall be accompanied by detailed construction plans and detailed cost estimates for all proposed site improvements. The plat and all plans and engineering calculations shall bear the seal and signature of an engineer, certifying their completeness and accuracy. These site improvements shall include, but not be limited to, the following:

(a) Streets, alleys, walks, and monuments;

(b) Sanitary sewer systems, including, where appropriate, treatment and disposal systems;

(c) Water supply systems, including pipes and hydrants and, where appropriate, wells and reservoirs, and pumping stations; and

(d) A detailed drainage plan and street layout, as follows:

1) Grades and runoff figures on the inlet and outlet side of all channels and storm sewers.

2) Drainage Easements.

3) A general location map of the subdivision showing the watershed sub-areas.

4) Calculations showing the anticipated storm water flow, including watershed area, percent runoff, and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing the basis for design.

5) When a drainage channel or storm sewer is proposed, complete plans, profiles, and specifications shall be submitted, showing complete construction details.

Section 8 (continued)

6) When conditions upstream or downstream from a proposed

channel or storm sewer do not permit maximum design flow, high water marks based on a twenty-five (25) year frequency, shall be indicated based on existing conditions.

7) Identification of all critical water quality zones with notation of restrictions pertaining to such zones as required by this Ordinance.

(e) A documentation of compliance with water quality control strategies as required by this Ordinance.

(f) A final erosion-sedimentation control plan and construction sequencing plan as required by this Ordinance in Section 11.k.

(g) A statement signed and acknowledged by the owner dedicating all streets, easements, parks and other open access to public use, or where, with the approval of the

Council, the owner has made provisions for perpetual maintenance thereof to the inhabitants of the subdivision. Disapproval of the plat shall indicate refusal to accept any offered dedications. Approval of the plat shall not be deemed acceptance of such dedications until such time as the City has appropriated the same by entry, use, or maintenance.

(h) The certification statement to be signed by the Mayor upon approval of the City Council that the final plat conforms to all requirements of the subdivision regulations and other relevant regulations of the City of Creedmoor, Texas.

(i) A certification by the surveyor responsible for surveying the subdivision area, attesting to its accuracy;

(j) The certification of the engineer responsible for the preparation of the final plat and supporting data, attesting to its completeness and accuracy

B. Processing of Final Plat.

A final plat shall not be filed for recordation with the County Clerk until the Council has approved the final plat and the accompanying construction plans and cost estimates. Processing for final plat shall by act of the Council include approval, approved with conditions, or disapproval within thirty (30) days of date of filing of the final plat with the City administrator. Any plat approved with conditions or disapproved shall be returned to the applicant with an explanation of the reasons for conditions or disapproval. The applicant shall have an open amount of time to revise the plat to meet the required conditions for approval. Any re-filing of the final plat by the applicant shall be handled within the same time period requirement set forth for the initial filing each additional rejection shall be handled in a similar manner.

(1) No final plat will be considered unless a preliminary plat has been submitted and approved. 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 a portion of the adjacent lot in such manner that no portion of a lot remains smaller than the original lots, no preliminary plat will be necessary. Major changes from the development proposed on the preliminary plat may necessitate filing and approval of an amended preliminary plat.

(2) A final plat of an approved preliminary plat or a portion thereof shall be submitted to the Council within six (6) months of the date of approval of the preliminary plat; otherwise, the approval of the Council shall become null and void, unless an extension of time is applied for and granted by the Council

(3) Council Approval or Disapproval of Final Plat. The Council shall disapprove the proposed final plat unless:

(a) The plat complies with the provisions of this Ordinance; and

(b) The uses proposed for the property being subdivided are consistent with its zoning.

Disapproval of the final plat shall indicate refusal to accept any offered dedications. If the final plat is disapproved, the Council shall inform the applicant in writing of the reasons for disapproval.

Approval of the plat shall not be deemed acceptance of any dedications until such time as the City has appropriated same by entry, use, or maintenance and by the approval of the constructed improvements therein. Approval of the final plat, plans, and specifications required herein shall not prevent the Council or the entity responsible for checking such documents from thereafter requiring the correction of errors in said plans and specifications and in the construction of the associated improvements.

(3) When the final plat is filed with the Council for approval, it shall be accompanied by all relevant fees as set forth in the fee schedule approved by the City Council. Filing fees are non-refundable.

(4) Recordation.

(a) A final plat shall not be filed for recordation with the County Clerk until the Council has approved the final plat and the accompanying construction plans, cost estimates—and security and maintenance guarantees as hereinafter required, and certificates have been received stating that all taxes on the land being subdivided have been paid to the current year.

(b) After the final plat has been finally approved and the subdivider has constructed all the required improvements and such improvements have been approved and accepted by the City and a maintenance guarantee filed as hereinafter provided; or after the final plat has been finally approved and the subdivider has filed the security and maintenance guarantees as hereinafter provided, the Secretary for the City shall cause the final plat to be recorded with the County Clerk within two (2) weeks after consent for filing has been received from the subdivider.

(c) No plat shall be filed for record without the written consent of the subdivider. If the subdivider fails to give such written consent within thirty (30) days of the date of the final approval of the plat, the Council may at any time thereafter cancel such approval.

Section 9. Guarantor of Performance.

A. Inspections. All plans and actual construction of required improvements shall be inspected by a registered professional engineer retained by the City. No plans or completed construction shall be considered for approval or acceptance by the Council without certification from said engineer that such plans and calculations and such construction is complete and that they are in accordance with specifications and standards contained or referenced herein, and/or with plans previously approved for the subject subdivision. The engineer shall make frequent field inspections during the construction period and arrange for testing in accordance with accepted civil engineering practice. The engineer shall submit periodic progress reports to the Council during the construction period. The final

responsibility for the adequacy and acceptability of all construction shall rest with the subdivider.

B. Maintenance of Improvements. The subdivider shall maintain such improvements in good condition and in a manner acceptable to the City's engineer and without cost to the City for a period of five (5) years after acceptance of completed construction. Upon completion of construction and final acceptance, the subdivider shall either deposit money in escrow or file with the Council a letter of credit or other such guarantee acceptable to the Council, executed by a bank or a surety company holding a license to do business in the State of Texas, and acceptable to the City Council, in an amount equal to ten (10) percent of the construction costs of the improvements required, and approved by the City. Such money or surety shall be irrevocable for two (2) years after the date of acceptance of completed construction. Such surety shall guarantee that, in the event of failure of the subdivider to maintain such improvement as provided above, the subdivider's credit shall be encumbered so as to cause the improvements to be repaired or restored without cost to the City. Such money in escrow or bond shall be approved as to form a legality by the City Attorney.

C. Construction Guarantee. The subdivider shall file security and the maintenance guarantee if all construction is not completed prior to requesting final plat approval. The security shall be either money in escrow or a letter of credit, irrevocable for a period of two (2) years from the date of approval of the final plat, in escrow or in a form approved by the City Attorney, in the amount equal to the total estimated cost of constructing and installing all the improvements required by this Ordinance. Such letter of credit shall guarantee that, in the event of failure of the subdivider to make such improvements, within two (2) years from the date of approval of the final plat, the subdivider's credit shall be encumbered so as to cause the improvements to be constructed and completed without cost to the city.

D. Construction Inspection. The City's engineer shall inspect such improvements while in progress and upon completion of construction shall notify the subdivider, the City Council and the Attorney for the City in writing as to

his acceptance or rejection of the construction. He shall reject such construction if it fails to comply with the standards and specifications contained or referred to herein. If he rejects such construction, the Attorney for the City shall, on direction of the Council, proceed to enforce the guarantees provided in this Ordinance

E. Extensions. Where good cause exists, the Council may extend the period of time for completion under Paragraph 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 or completed such improvements in compliance with this Ordinance. No such extension shall be granted unless security and maintenance guarantees are required herein have been provided by the subdivider covering the extended period of time.

F. Release of Escrow. Security and/or maintenance guarantees shall not be released by the City until all the requirements for approval and acceptance of improvements have been met. Money held in escrow may be drawn from time to time in relation to the percent of construction completed. Completion of construction phases shall be approved by the City's engineer and submitted to the City Council for approval and release of funds. If it becomes apparent that the subdivider is not going to complete the construction of any or all of the required improvements in accordance with the previously approved plans and Ordinance Requirements, or provide the necessary maintenance within the stipulated two (2) year period or any extension thereof granted under Section, the City's engineer shall so inform the Council in writing and the Council shall take necessary action against the guarantees and security posted by the subdivider to complete such construction or maintenance at no cost to the City. The Council may also file appropriate proceedings in District Court against the subdivider or developer and his/her security as set forth above.

Section 10. Standards and Specifications.

No preliminary or final plat shall be approved by the Council, and no completed improvements shall be accepted by

the Council unless they conform to the following standards and specifications:

A. General.

(1) Conformity with a Comprehensive Plan. The subdivision shall conform to any comprehensive plans, codes and ordinances of the City.

(2) Provision for Future Subdivisions. If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.

(3) Reserve Strips Prohibited. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

B. Streets

(1) 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 plan of the City and 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 and shall minimize the opportunity for through traffic in neighborhoods. Trees which are required to be shown on the preliminary plat shall be avoided whenever possible in the construction of streets.

(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 150 feet shall be avoided.

(5) Half-streets or Adjacent Streets. In the case of collector or local streets, no new half-streets shall be platted.

(6) Street Intersections. Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography. In no case will intersections at angles more acute than seventy (70) degrees be permitted.

(7) Dead-End Streets. Dead-end streets as defined in Section 3 shall be prohibited, except as short stubs to permit future expansion.

(8) Cul-de-sacs. In general, cul-de-sacs shall not exceed 600 feet in length, and shall have a turn-around of not less than 100 feet in diameter in residential areas, and not less than 200 feet in diameter in commercial and industrial development.

(8) Design and Construction Standards.

(a) General. Street design proposals shall be certified by a registered professional engineer as to maintainability, operation, safety and traffic design with due regard to subgrade conditions, base and pavement specifications, grades, curves, speed limits and adequacy of drainage. The subdivider shall excavate, fill, grade and pave all streets, including sidewalk areas. NO street shall be surfaced until the underground utilities which are to be installed in the portions of the streets intended for vehicular traffic have been so installed and inspected. The City's engineer shall be responsible for approving the specifications for design and construction. Texas Highway Department Standard Specifications shall be an accepted guide.

(b) Base Types. Base shall be established based on a geological report acceptable to the City's engineer.

(c) Surface or Pavement Types. Surfacing shall be at least two and one-half (2 1/2) inches of hot mix asphalt concrete or an equivalent acceptable to the City's engineer. Thicker surfaces or pavements may be required by the City engineer.

(d) Shoulders. Where shoulders are required, they shall have a base and be sealed or paved with side slopes not steeper than twelve:one (12:1).

(e) Weight Standards. 58,420LBS (POUNDS).

(9) Pavement Widths and Rights-of-Way. Pavement widths and rights-of-way shall be as follows:

(a) Major arterial streets shall have a right-of-way width of at least one hundred (100) feet, with a pavement width of at least two (2) divided thirty (30) foot lanes.

(b) Minor arterial streets shall have a right-of-way of at least seventy (70) feet and a pavement width of at least thirty-six (36) feet.

(c) Collector streets shall have a right-of-way of at least seventy (70) feet and a pavement width of at least thirty (30) feet.

(d) Local streets shall have a right-of-way width of at least seventy (70) feet and a pavement width of at least thirty (30) feet.

(10) Pavement widths and rights-of-way of streets forming part of the subdivision (adjacent) shall be as follows:

(a) The subdivider shall dedicate a right-of-way of one hundred (100) feet in width for new adjacent major arterial streets, and two (2) lanes each with thirty (30) foot widths shall be paved.

(b) New major arterials, minor arterials, collector, and local streets shall conform to Paragraph B. (1) of this Section.

(c) Where the proposed subdivision abuts upon and existing street or half-street that does not conform to Paragraph B.(12).of this Section, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to such Paragraph, and there shall be paved so much of such right-of-way as to make the full pavement width comply with such Paragraph. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back at least two (2) feet to assure an adequate sub-base and pavement joint.

(11) Curbs. Ribbon curbs shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the subdivision. In lieu of curbs and gutters, ribbon curbs shall be constructed of Portland cement concrete at least twelve (12) inches in width, and eighteen (18) inches in depth and flush with the pavement. Materials shall conform to Section 430 in the City of Austin Standard Specifications for Public Works Construction.

(12) Roadway Drainage. As a general rule, drainage carried in roadside Channels shall be minimized and off-roadway locations shall be used as the primary drainage network whenever practicable.

When roadside channels are required, they shall be contained within a dedicated right-of-way or right-of-way easement. Channel side slopes shall be no steeper than four:one (4:1), except for curves and transitions where slope stabilization acceptable to the City's engineer may be allowed. Roadways shall be designed for fordable driveway approaches whenever practical. All driveways shall be designed such that drainage flow from a twenty-five (25) year storm shall not exceed a depth of twelve (12) inches on any portion of the driveway. Should driveway culverts be required, the culvert design, capacity, and general location shall be shown on the construction plans. In no case shall driveway approaches constitute a blockage of roadway drainage.

(13) Street Names. Names of new streets shall not duplicate or cause confusion with the names of existing streets in the cities of Creedmoor or Austin or Travis County, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.

(14) Streetlights. Streetlights shall be installed by the subdivider at major street intersections within the subdivision and at major intersections on the boundaries of the subdivision inside the corporate limits of the City, as deemed appropriate by the Council in order to meet dark sky requirements and breakaway poles.

(15) Street Signs. Street signs shall be installed by the subdivider at all intersections within or abutting the subdivision. Such signs shall be of a type approved by the City, including breakaway poles and shall be installed in accordance with standards of the City.

C. Alleys. No alleys will be permitted, except to serve commercial sites, as required by the Council. Where required by the Council, consideration shall be given to intersection of alleys and overhang easements, among others. In no case shall dead end alleys be permitted.

D. Utility Easements.

(1) Each block shall have utility easements reserved for the use of all public utility lines, conduits, and equipment. These utility easements shall be a minimum of fifteen (15) feet in width, taking feet from each lot where appropriate, and shall be adequate to provide service to the entire length of the block.

All utilities must be underground. The subdivider shall be responsible for placing the easements in locations acceptable to utility companies.

(2) Normal ribbon curb exposure shall be required where utility easements intersect streets.

E. Sidewalks. Sidewalks shall be constructed in the following locations:

(1) On the subdivision side of all through streets adjacent to the subdivision

(2) As deemed necessary by the Council in commercial, public, and residential areas.

(3) sidewalks shall be designed and constructed in accordance with accepted civil engineering practice, and with approval of the City Council. Should be given to use of concrete materials.

F. Water System Installations.

(1) Water Supply and Distribution. All subdivisions shall be provided with water supply and water distribution systems approved by the Council. The distributor system shall be designed in accordance with the same standards and specifications as are required of the City by applicable State codes. Connection with the existing Water supply system shall be required. Isolated lots may be served by a private well if permitted by the Council. In no event shall a water well be dug without a permit from the City and applicable state agency.

(2) Availability of Service. If the subdivision is not to be served immediately by the existing system, the

subdivider shall be required to make necessary improvements to the system.

Before the Council may approve a final plat for a subdivision located outside of or beyond the existing water supply system, the subdivider shall furnish the Council and the City's engineer with statements from the State Health Department that water satisfactory for human consumption may be obtained from sources on the land.

(3) Fire Hydrants. Standard fire hydrants shall be installed as part of the water distribution system per specifications of the State Board of Insurance and the Creedmoor-Mafia Water Supply District, and the Travis County Rural Fire Protection District No. 8.

G. Wastewater System Installation.

(1) All single-family dwellings shall be served by a sewage disposal system which meets the standards, rules and regulations of the TCEQ.

(2) All subdivisions shall be served by a disposal system which meets the standards, rules and regulations of the TCEQ.

(3) Where onsite wastewater systems are to be installed the subdivider shall conduct percolation tests and soil core test under the supervision of a registered engineer or sanitarian approved by the Council in order to determine the adequacy of the proposed subdivision and suitability of the soil for onsite waste disposal. If a sanitary sewage disposal system is to be installed, the plans for such system must meet the standards, rules and regulations of the TCEQ, prior to approval of the final plat by the Council. All disposal systems, including alternatives to the above, shall be approved by the City Council and its engineer designate prior to final plat approval.

H. Utility Lines. All utility lines that pass under a street or alley shall be installed before the street or alley is paved. when it is necessary that utility lines pass under

the street or alley pavement, they shall be installed to a point at least three (3) feet beyond the edge of the pavement. All services shall be front lot available

I. Monuments.

(1) Monuments shall be located at centerline intersections and at points of curvature and points of tangency of the centerline of interior streets and at the intersection of street centerlines with the perimeter boundary.

(2) In addition to the requirements specified herein, the requirements of the County for monumentation shall apply.

(3) Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments shall be so set as to assure a clear view between adjacent monuments.

J. Drainage.

(1) General. The interpretation of the requirements set forth in this Section shall be made by the City's engineer or designate, unless specified otherwise by the Council. The Subdivider shall be responsible for the conveyance of all storm drainage flowing through or abutting the subject property, including drainage directed to the property by prior development as well as that naturally flowing by reason of topography.

Where new drainage improvements are required along the boundary of a subdivision, the owner proposing development shall be responsible for designing and constructing all the required improvements at or before the time of development, including the dedication of all necessary rights-of-way or easements necessary to accommodate the improvement. Where the subdivider proposes to subdivide only a portion of the property, only the drainage improvements for the portion, being

subdivided shall be required to be installed, except as drainage improvements outside the portion being subdivided are deemed necessary by the City for proper drainage of the portion being subdivided.

K. Erosion and Sedimentation Control.

1. The purposes of controlling erosion and sedimentation during the construction stages in a subdivision are to minimize nuisances on adjacent properties, avoid siltation and water quality degradation of streams, and preserve the natural and traditional character of watercourses running through the area.

2. The subdivider shall be required to submit plans for and execute a program of erosion and sedimentation control during the construction period for the following areas of land: all lands within one hundred (100) feet of a watercourse or drainageway; all lands, including embankments and temporary fill or borrow areas, of a slope greater than twelve (12) percent gradient; and other sites where the City's engineer designates within the subdivision.

3. When a control program is required, the subdivider shall submit as a part of the overall construction plans a complete erosion and sedimentation control plan specifying the type and location of controls to be used, the timing in relation to each stage of the construction sequence, maintenance of controls, and plans and technique to be used for revegetation and slope stabilization. The accepted guide for preparing control plans are the City of Austin Erosion and Sedimentation Control Manual and the U.S. Department of Agriculture Erosion and Sediment Control Guidelines for Developing Areas in Texas.

L. Blocks. Block lengths shall not exceed 1,500 feet, nor be less than 300 feet.

M. Crosswalk Ways. Crosswalk ways three (3) feet in width shall be dedicated where deemed necessary by the Council to provide circulation or access to schools, playgrounds, and other community facilities.

Section 11. Responsibility for Payment of Installation Costs

A. General. All expenses for installation of utilities, water, sewer extensions, street lights, signs, streets, and all other installation expenses associated with the subdivision or confirming plat shall be borne by the subdivider.

B. Utilities. The subdivider is responsible for the water and sewer extensions, tap fees, and any other charges which may be assessed against the improvements by the subdivider on water and sewer subdivider.

C. Street Construction and Street Appurtenances. All street construction costs and installation of street appurtenances (lights, signs, etc.) are to be paid by the subdivider.

Section 12. Parks and Other Public Uses.

A space equal to at least three (3) percent of the total property to be subdivided shall be dedicated in fee simple to the City for recreational or conservational use.

In lieu of land within the property to be subdivided, the City shall have the option to arrange for the acquisition and dedication of other land of similar value if mutually agreeable to the subdivider and the City, or to accept a deposit of money in a trust account of an amount equal to the highest tax appraisal of real property within 1500 feet of the proposed park area to be used by the City for acquisition of park land or recreational facilities in another area. No area or facility shall be dedicated for such public purposes unless approved and accepted by the Council.

Section 13. Short Form Subdivisions.

A. General. A short form procedure may be followed for the approval of a subdivision only when the land proposed to be subdivided or resubdivided meets the following conditions and requirements:

- (1) Such land abuts upon a street of adequate width and is so situated that no additional streets and no easements or other public property, other than public utility

easements, are required in order to meet the requirements of this Ordinance.

(2) The perimeter of the tract being subdivided has been surveyed and marked on the ground and plat thereof prepared and filed with the Council, and the nearest corner of each lot or parcel of such proposed subdivision is within two hundred (200) feet of a known corner which is adequately marked by a monument or iron stake.

(3) The topography of the tract and the surrounding lands is such that no regard need be given in such subdivision to drainage, or, where drainage facilities are required, arrangements have been made for the construction of such facilities and noted as conditions on the plat upon which approval is predicated.

(4) The utilities, as required in this Ordinance, are in place to serve each parcel or lot of such subdivision or resubdivision, or arrangements to provide such utilities have been made and their construction and maintenance guaranteed as required by Section 9 of this Ordinance.

(5) Written notice of a proposed subdivision or confirming plat shall be given to owners of real property lying within five hundred (500) feet of the boundaries of the property to be subdivided.

B. Plat Filing.

(1) When the land proposed to be subdivided meets the requirements and conditions of the preceding section, the owner of such tract of land may deliver to the City a plat of the same, accompanied by a fee as specified in the Fee Schedule Ordinance for the final plat not less than fifteen (15) days prior to the next regularly scheduled City Council meeting.

(2) The plat shall be signed and acknowledged by the owner of the land and shall be accompanied by tax certificates indicating that all taxes are current.

(3) This procedure shall not be used if the uses proposed or any part of the land are inconsistent with existing zoning regulations.

C. Plat Contents. The plat of a subdivision under this Section shall be drawn in indelible ink on a durable, permanent, and reproducible medium acceptable to the Council at a scale of one hundred (100) feet to one (1) inch and shall show the following information:

(1) Existing streets, alleys, easements and other public property serving the land being subdivided.

(2) Adjoining tracts of land.

(3) Known marked or monumented corners.

(4) Length of lot lines and, where necessary, their courses.

(5) Certification by a registered professional engineer.

C. Plat Approval or Disapproval.

(1) The Council shall cause the plat filed under this Section to be checked as specified in Section 8.B (4) of this Ordinance.

(2) The Council shall consider the plat filed under this Section and shall approve or disapprove such plat within thirty (30) days from the date of its filing with the Council, or the following monthly Council meeting.

Section 14. Vacation of plat or Resubdivision.

A. General. Any plat or replat may be vacated or resubdivided or corrected by the owner of the land, provided that the Council approves the action and the owner complies with the applicable State law (974A). No plat shall be allowed to be resubdivided until the original plat has been vacated.

B. Plat Vacation. If no lots in the Subdivision have been sold or conveyed by any other means to another owner, the owner of the subdivision shall be allowed to vacate said

plat by submitting a written instrument to and approved by the City Attorney and the

County Clerk and recording the same with the County Clerk. In cases where lots in the subdivision have been sold or otherwise conveyed to the owner, the plat shall only be allowed to be vacated upon the application of all the owners of lots in said subdivision and with the approval, as provided above, of the City Attorney and County Clerk.

C. Plat Correction. Plat corrections may be allowed by the City Attorney without complying with the procedure for vacation and resub-division as provided above. However, the correcting documents must be approved by the Council and City Attorney and recorded by the

County Clerk.

D. Fees. Any application for plat vacation or resubdivision or correction shall be accompanied by fees set by the Council in the fee Schedule Ordinance.

Section 15. Authority of the City Council.

The City Council is hereby authorized and directed to promulgate rules, regulation, fees, standards and specifications for the construction, installation, design location and arrangement of streets, curbs, street lights, street signs, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, criteria for drainage easement requirements, drainage facilities, and crosswalk ways. It shall file same with the City Clerk at least fourteen (14) days before it becomes effective. It may amend the same from time to time, provided that an amendment must be filed with the City Clerk at least fourteen (14) days before it becomes effective. No such rules, regulations, standards and specifications shall conflict with this or any other ordinance of the City of Creedmoor, Texas. All such improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications.

Section 16. Conflict with other Ordinances.

Whenever the standards and specifications in this Ordinance conflict with those contained in another ordinance, the most stringent or restrictive provision shall govern.

Section 17. Separability Clause.

Should any portion or part of this Ordinance be held for any reason invalid or unenforceable, as applied to a subdivision or a particular property, building or structure therein, 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.

Section 18. Penal Provisions.

Any person violating any provision of this Ordinance within the Corporate limits of the City of Creedmoor, Texas, shall be guilty of a misdemeanor, and, upon conviction, shall be fined an amount between two hundred dollars (\$200.00) and five hundred dollars (\$500.00). Any person violating any provision of this Ordinance within the Corporate limits of the City of Creedmoor, Texas, that relates to health or sanitation shall be guilty of a misdemeanor, and, upon conviction shall be fined an amount not exceeding one thousand (\$1,000.00) dollars or fine permissible amount the law will allow.

Each day that such violation continues shall be a separate offense.

Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this Ordinance.

In the event any provision of this Ordinance is violated within the corporate limits of the City, or outside such corporate limits but within the area of extraterritorial jurisdiction of the City, the City may institute any appropriate action or proceedings in District Court or another Court of competent jurisdiction to restrain and enjoin the violation of such Ordinance.

Section 19. Effective Date

This Ordinance shall become effective on the 16th day of February, 2023.

PASSED AND APPROVED THIS 16th day of February, 2023.

A handwritten signature in cursive script, reading "Fran Klestinec", is written over a horizontal line.

FRAN KLESTINEC

Mayor City of Creedmoor, Texas

ATTEST:

ROBERT WILHITE
City Administrator