

ORDINANCE NO. 19-013

AN ORDINANCE OF THE CITY OF SOMERVILLE, TEXAS AMENDING SUBDIVISION AND PLATTING REGULATIONS; ESTABLISHING PURPOSE, AUTHORITY AND JURISDICTION FOR SUCH REGULATIONS; PROVIDING DEFINITIONS AND PLAT TYPES; PROVIDING FOR PROCEDURES, FEES AND PLAT REQUIREMENTS; PROVIDING FOR REFERENCE STANDARDS; PROVIDING PENALTIES; AND PROVIDING FOR RELATED MATTERS

WHEREAS, under the provisions of the Constitution and laws of the state of Texas, the city of Somerville has the authority and responsibility to regulate the subdivision of land within the city and its extraterritorial jurisdiction for the safe, orderly and healthful development of the city and to implement city vision and goals and safeguard the future of the community and its residents;

WHEREAS, certain areas of the community are currently underserved by city infrastructure, making development impractical and economically non-viable, thus limiting the potential for long term growth;

WHEREAS, the city is aware of missing plats and undeveloped recorded plats in certain areas and seeks to address deficiencies that may result in the inefficient use of land or create barriers to the best and highest use of land and properties in these areas;

WHEREAS, the city council of Somerville seeks to encourage and guide economically sound development and growth in the city; promoting good civic design and improving the layout, form and relationship between building sites, lots, open spaces and rights of way through the orderly division of land;

WHEREAS, the ordinances of the City regulating the development and subdivision of land within the City and its extraterritorial jurisdiction require occasional review and amendment to better serve the economic and environmental well-being of the community and to protect the health, safety, and welfare of the present and future residents of the City;

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

Section 1. Findings of Fact

The findings and recitations set out hereinabove are found to be true and correct and are hereby adopted by the city council of Somerville and made a part hereof for all purposes as findings of fact. The City Council further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the health, safety, and morals or general welfare of the City and the safe, orderly and healthful development of the City.

Section 2. Authority

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapters 212, 242, and 43 of the Local Government Code, as amended.

Section 3. Purpose

A. The following regulations shall control the subdivision of land within the corporate limits and within the extraterritorial jurisdiction of the City of Somerville, whether such subdivision is for immediate or future development and whether such development is commercial or residential in nature, in order to provide for the orderly, safe, and healthful development of the City. This ordinance is enacted by city council for the following purposes:

1. To ensure that all development blocks and lots are served by necessary infrastructure services, including city utilities, transportation, storm drainage, public safety and community facilities, while acknowledging that necessary service levels may differ based on the context, character and intensity of development;
2. To ensure that provisions are made for adequate fire protection, practical configuration and addressing of lots and blocks, and adequate access and egress for fire and other emergency and utility vehicles and services; and
3. To address existing deficiencies in the identification of lots and parcels by plat, survey, or other legal descriptors.
4. To create the framework for policies and procedures to provide information about the platting/development process to the public and provide efficient processing of applications by city staff.
5. To create a system to plan, design and evaluate development applications in the appropriate context as segments of the entire community allowing for public and private investments to be coordinated and complementary across areas and over time.

Section 4. Land Subdivision and Platting Regulations Adopted.

The city council hereby adopts regulations for the processing of applications for subdivision of land, platting requirements and development plats with in the City of Somerville and its extra territorial jurisdiction, to read as set forth in the attachment hereto entitled "land Subdivision and Platting Regulations" attached and incorporated in this ordinance as though fully transcribed herein.

Section 5. Amendment of Code of Ordinances.

Ordinance No. 84-52 of the City of Somerville is hereby repealed in its entirety. Any ordinances regulating the subdivision of land are amended in their entirety, and all other ordinances or parts thereof in conflict herewith are amended to the extent of such conflict only. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall prevail.

Section 6. Savings Clause.

All rights and remedies of the City of Somerville are expressly saved as to any and all violations of the provisions of any ordinances affecting land subdivision and platting which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations all and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but shall be prosecuted until final disposition by the courts. Furthermore, the process for approval of a plat application filed before the effective date of this Ordinance shall be governed by the procedures set forth in Ordinance No. 84-52, unless the City and the applicant agree otherwise.

Section 7. Severability.

It is hereby declared to be the intent of the city council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are separable and if any section, paragraph, sentence, clause and phrase if this ordinance should be declared invalid by the final judgement or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases.

Section 8. Effective Date.

The ordinance shall take effect immediately upon its approval and passage and publication as required by law.

Section 9. Open Meeting.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, TLGC.

PASSED AND APPROVED by the City Council on this ____ day of _____, 2019

____ Ayes ____ Noes ____ Abstentions

THE CITY OF SOMERVILLE

Micheal Bradford, Mayor

Attest:

Rose Rosser, City Secretary

SUBDIVISION ORDINANCE

ARTICLE I. GENERAL

Section 1. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the plural number include the singular, and words in the singular include the plural. The word “shall” is always mandatory. The word “herein” means in this Ordinance. The word “regulations” means the provisions of any applicable ordinance, rule, regulation or policy. The word “person” means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words “used or occupied” as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

For the purpose of this chapter, the following shall apply unless the content clearly indicates or requires a different meaning.

Access. Any point of ingress or egress between streets, driveways, sidewalks or any combination thereof.

Accessory building means a building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory use of a building means a subordinate use or building customarily incident to and located on the lots occupied by the main use or building.

Adjacent means abutting and directly connected to or bordering.

Alley means a minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes. Not intended for general traffic circulation.

Applicant means a person applying for plan or plat approval under this Ordinance.

Application refers to an application for a plan or plat approval under this Ordinance, which includes the plan or plat package, a complete application in the form provided by the City, including all required checklist items, and unless context dictates otherwise, will include the Resubmittal Application for a plan or plat.

Application Date means the date on which the initial packet of drawings, documents, or other information for any phase of the platting process is submitted to city staff for administrative completeness review and the application fee has been paid. No Plans, Plats or submittals shall be forwarded to the Commission or the Council nor shall a hearing date be set until the submittal is determined by staff to be correct as to form and administratively complete in accordance with this ordinance, application checklists or other city criteria.

Approval means the final approval in a series of required actions. For instance, the approval of plans or plats will require staff review for administrative completeness, commission review and approval, and recommendation to the Council for formal approval.

Arterial Street means roads of regional importance or the main roads of a community; such streets are designed to provide connections between municipalities or major highways.

As-built documents means documents prepared by a registered professional engineer and confirming that the public improvements are constructed as shown.

Attendant Documents means either materials needed to address the specific requirements of this ordinance which are not shown on plats or plans, or any information which the applicant feels necessary to explain the submittal.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones A, AE, AH, A1 - A30, AR, V1 - V30 or VE that indicates the water surface elevation resulting from the flood that has 1% chance of equaling or exceeding that level in any given year — also referred to as the base flood.

Block means a tract or parcel of land designated as such on a subdivision plat surrounded by streets or other physical barriers.

Bond means any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Council.

Building Line means a line parallel to the front lot line. A minimum building line is the same as the minimum required front setback line.

Building Permit means a permit issued by the City of Somerville related to new construction (site grading to finish out), any modification of a structure including remodeling, additions, demolition or partial demolition, or certain types of repairs; construction or conversion of accessory buildings (shops, garages, pools) and modifications or additions to electrical, plumbing or mechanical systems serving structures, etc. as required by the adopted building codes of the city of Somerville as revised from time to time.

City means the City of Somerville, Texas.

City Council or Council means the Somerville City Council.

City Engineer means the City Engineer for the City or his/her designated representative, or a retained to perform such duties for the city.

City Limits means within the incorporated boundaries of the City.

City Administrator means the chief administrative officer of the City of Somerville, Texas or his/her designated representative.

City Staff means the officers, employees and agents of the City assigned and designated from time to time by the City Administrator and/or Council to review and/or comment and report on development plans and plats.

City Standard Details and Specifications means a library of City approved drawings and technical data representing typical drainage, transportation, erosion and sedimentation control, and utility appurtenances to be constructed for City acceptance.

Collector Street means a street which collects traffic from local streets and serves as the most direct route to an arterial street.

Construction Plans means the maps, drawings, plans and specifications indicating the proposed location and design of improvements to be installed as subdivision improvements prior to the construction of residential or commercial buildings or facilities on sites or lots in the subdivision.

Contiguous means adjacent property whose property lines are shared or are separated by only a street, alley, easement or right-of-way.

Corner Lot means a lot located at the intersection of and abutting on two (2) or more streets.

County means Burleson County, Texas.

County Appraisal District means the Burleson County Appraisal District.

Cul-de-Sac means a minor street having one (1) end open to vehicular traffic and having one (1) closed end terminated by a permanent turnaround. The turnaround constitutes an intersection for the purpose of roadway design.

Dedication means the grant of an interest in property for public use.

Design flood elevation (DFE) means the elevation above base flood elevation (BFE) that the community requires - also referred to as freeboard.

Design Storm means a probable rainfall event the frequency of which is specified in periods of years and which is used to design drainage facilities and determine flood elevations.

Developer means any person who improves or subdivides a tract of land or improves or takes any action preparatory to the erection, improvement or movement of any building or structure on a tract of land.

Development means a subdivision of land as defined herein or the construction or placement of any buildings, utilities, access, roads or other structures; excavation, mining, dredging, grading, filling, clearing or removing vegetation; and the deposit of refuse, waste or fill. Lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover shall also not constitute development.

Development Plan means a generalized plan that meets the requirements of this Ordinance and that indicates the boundaries of a tract or tracts under common ownership, identifies the purpose of the proposed development and the proposed land use, general lot or parcel layout, community use or public areas, and street alignments.

Driveway means any vehicular driving surface connecting a drive approach.

Driveway Approach means a paved surface connecting the street to a front lot line.

Dwelling Unit means a residential unit designed to accommodate one (1) household.

Easement means a grant by the property owner of the use of a strip of land for stated purposes.

Environment means the aggregate of social and physical conditions that influence the life of the individual and/or community.

ETJ Limits means the limits of the City's extraterritorial jurisdiction as granted under Chapters 42 and 43, Local Government Code.

Filed or Filing Date means, with respect to a plan or plat, the date that a plan or plat application is determined to be complete and is accepted for review by the City; provided that with respect to Plats or Plans that must be approved by the City Council, the Filing Date for the purposes of Council action shall be the date the Plan or Plat is approved by the Commission or approved by inaction of the Commission.

Final Plat means a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

Floodplain means channel of a waterway and the adjacent land area subject to inundation during the design storm.

Frontage means the width of a lot or parcel abutting a public right-of-way measured at the property line.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Grade means the slope of a road, street, other public way or utility line specified in terms of percent (%); the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

Grading means any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition.

Impervious Cover means roads, parking areas, buildings, swimming pools, rooftop landscapes and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Improvement means any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public parkland, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

Individual On-Site Wastewater System or Private Sewage Facility means all systems and methods used for the treatment of sewage, other than organized sewage treatment systems. Private sewage facilities are usually composed of the generating unit (the residence, institution, etc.), treatment unit, and the disposal unit (the drain field that may be an absorption trench or bed, or an evapotranspiration bed). A Private Sewage Facility includes a septic tank, seepage tile sewage treatment system or any other on-lot sewage treatment device approved and installed in accordance with all local, state and federal laws and regulations.

Interior Lot means a lot other than a corner lot.

Legal Lot means either a lot recorded in the official county plat records pursuant to and approved in compliance with public subdivision regulations in effect at the time of its creation, by a governmental entity which has, or entities which have, subdivision approval authority as enabled by the State of Texas; or a lot which is part of a subdivision recorded at the county having existed in its present configuration prior to a subdivision ordinance being in effect, or otherwise being exempt from such regulations.

Legally Platted Lot means a lot which is part of a subdivision approved by a governmental entity which has, or entities which have, subdivision approval authority as enabled by the State of Texas, and recorded in the official county plat records.

Letter of Credit means a letter from a bank or other reputable creditor acceptable to the City that guarantees to the City that upon failure of the subdivider to fulfill any improvement requirements that at the City's request, funds will be provided to the City to complete the specified improvements.

Local Street, Minor Street means a local street designed primarily for access to adjacent land, characterized by a small service and low speeds.

Lot means 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.

Multifamily Development means the development of three or more residential dwellings units (attached or detached) on a single lot, tract or parcel of land.

Municipal Authority means the entity responsible for approving plats or plans governed by this Ordinance. The Planning and Zoning Commission is responsible for approving Development Plats, Preliminary Plats, Final Plats, and Amending Plats as provided for herein. The City Council is responsible for approving Development Plats, Preliminary Plats, Final Plats, and Amending Plats as provided for herein. The City Administrator, or such person or persons designated by the City Administrator, is responsible for approving Construction Plans and other plans or plats delegated by Council or the P&Z for administrative approval.

Official County Records means the Real Property Records filed and maintained by the Burleson County Clerk at the Burleson County Courthouse.

Off-Site Improvement means any required improvement lying outside of the boundaries of the proposed development, but necessary for and serving such development.

One Hundred (100) Year Floodplain means that flood which has a probability of occurring once in a one hundred (100) year period or a one percent (1%) chance in any given year.

Municipal Planning Commission, Commission means the advisory board appointed by the mayor and approved by city council to carry out the duties of the planning commission related to review of filed plans and plats in accordance with state law and this ordinance. The Municipal Planning Commission may also be known as the Planning and Zoning Commission when it also performs duties related to zoning.

Plan or Plat. The phrase “plan or plat” or “plat or plan” when used in this Chapter refers to Development Plats, Preliminary Plats, Construction Plans, Final Plats, and Amending Plats, and includes replats. Specifically, the term “plan” refers to Construction Plans and the term “plat” refers to Development Plats, Preliminary Plats, Final Plat, or Amending Plats, and includes replats.

Preliminary Plat means a map of a proposed land subdivision showing the character and proposed layout of the property in sufficient detail to indicate the suitability of the proposed subdivision of land.

Resubmittal Application means the application for a plan or plat resubmitted to the City following the disapproval or conditional approval of the original application.

Resubmittal Date means the date that a Resubmittal Application is determined to be complete and is accepted for review by the City.

Street means any public or private right-of-way which affords the primary means of vehicular access to abutting property.

Street Line means the line demarking the boundary of the street right of way and private property adjacent to such street.

Subdivider means any person, developer, firm, partnership, corporation or other entity, acting as a unit subdividing or proposing to subdivide land as herein defined.

Subdivision means the division or re-division of land into two (2) or more lots, tracts, sites or parcels for the purpose of development, laying out any addition to the City, or for laying out any subdivision or building lots, or any lot, street, alley, access easement, public utility easement, park or other portion intended for use by the public, or for the rental or use of any owner, purchaser, occupant, person or entity. Subdivision shall also include the development of a manufactured home, tiny home, or recreational vehicle park.

Traffic Impact Analysis (TIA) means a study of the impacts of a development on the City's transportation system conducted by a registered professional engineer.

Variance means a grant of relief to a person from the requirements of this Ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Ordinance.

Working Days means Monday through Friday exclusive of City-recognized holidays.

Yard means an open area between any required building setback line and the property line not subject to public right-of-way.

Section 2. Purpose.

- A. The purpose of this ordinance is to provide for orderly, safe and healthful development to promote the health, safety and general welfare of the community. From and after the passage of this Ordinance, all plats and subdivisions of land within the corporate limits of the City, and all plats and subdivisions of land outside the corporate limits of the City that the Council may be petitioned to include within the corporate limits of the City by an extension of said corporate limits, and all tracts within the City's extraterritorial jurisdiction, shall conform to the following rules and regulations.
- B. The system of improvements for thoroughfares, water and wastewater services, other utilities, drainage, public facilities and community amenities determine in large measure the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity and convenience are all factors which influence and determine a community's quality of life and character. A community's quality of life is of public interest. Consequently, the development of land, as it affects a community's quality of life, is an activity whose regulation is a valid function of municipal government.
- C. The provisions contained herein are designed and intended to encourage the development of a quality urban environment by establishing standards for the provision of parks, open space, storm water drainage, transportation, public utilities and facilities, and other needs necessary for insuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. Through the application of this Ordinance, the interests of the public as well as those public and private parties, both present and future, having interest in property affected by these regulations are protected by the granting of certain rights and privileges.
- D. This Ordinance is designed and intended to achieve the following purposes, and shall be administered so as to:
 - 1. Assist orderly, efficient and coordinated development within the City's jurisdiction.
 - 2. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
 - 3. Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owner or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community.
 - 4. Provide the best possible design for each tract being subdivided.
 - 5. Provide the most attractive relationship between the land as developed and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the proposed development, and to provide for the proper location and width of streets and building lines.

6. Prevent pollution of the air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard both surface and groundwater supplies; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
7. As appropriate, reconcile any differences of interest among the developer, other property owners and the City
8. Establish adequate and accurate records of land subdivision.
9. Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments within the City's jurisdiction.
10. Standardize the procedure and requirements for developing property and submitting plans for review and approval.
11. Protect and provide for the public health, safety and general welfare of the community.
12. Provide a healthy environment for present and future citizens; an environment designed to reasonably secure safety from fire, flood and other dangers; and to provide that land be subdivided in a manner to attain such goals and benefits for the community.
13. Protect the character and the social and economic stability of all parts of the community and encourage the orderly and beneficial development of all parts of the community.
14. Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land.
15. Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities.
16. Encourage the development of a stable, prospering economic environment.
17. To provide for parkland, open spaces and park facilities within neighborhoods.

Section 3. Authority.

- A. This ordinance is adopted pursuant to the police powers of general law cities, and under authority of the Constitution and general laws of the State of Texas, including, but not limited to, Chapter. 212, Tex. Loc. Gov't. Code.
- B. In accordance with the City's police powers and authority, and as specifically authorized by Chapter. 212, Tex. Loc. Gov't. Code, and other applicable laws, the City through its Commission and Council, as a condition of subdivision plat or replat approval, shall require the owners and developers of land who desire to subdivide, plat or replat land within the City or its extraterritorial jurisdiction, to provide for building setback lines, to dedicate streets, alleys, parks, easements or other public places or facilities of adequate width and size and to coordinate street layouts and street planning with the City's Comprehensive Plan, and with county, state and federally designated highways, as they may deem best in the interest of the general public, in order to provide for the orderly development of such areas and to secure adequate provision for traffic, light, air, recreation, transportation, water, drainage, sewage and other facilities.

Section 4. Jurisdiction.

- A. Except as specifically provided otherwise herein, this Ordinance shall apply to all subdivisions and all related land development activities, as they are both defined herein, and all land, any part of which is located within the jurisdiction of the City. The jurisdiction of the City shall be defined as follows:
1. The corporate limits of the City of Somerville, Texas; and
 2. The extraterritorial jurisdiction of the City of Somerville, Texas.

Section 5. Policy.

- A. In order to carry out the purposes hereinabove stated, it is hereby declared to be the policy of the City to consider the subdivision and/or development of land as subject to the control of the municipality, for the orderly, planned, efficient and economical development of the City and its jurisdiction. This Section shall be administered such that:
1. Land to be subdivided and/or developed shall be of such nature, shape and location that with proper and careful design and development it can be safely used for building purposes without danger to health or risk of fire, flood, erosion, landslide or other menace to the general welfare.
 2. A Final Plat shall not be submitted or filed for approval until the necessary public utilities and facilities and other required improvements are accepted by the City in accordance with the standards provided herein.
 3. Buildings, lots, blocks and streets shall be arranged so as to provide for an attractive and healthful environment and to facilitate fire protection, and provide ample access to buildings for emergency equipment.
 4. Land shall be subdivided and developed with due regard to topography and existing vegetation with the object being that the natural beauty of the land shall be preserved to the maximum extent possible.
 5. Existing features which would add value to development or to the City as a whole, such as scenic and special features, both natural and man-made, historic sites, and similar assets shall be preserved in the design of the subdivision whenever possible.

Section 6. Application.

- A. The provisions of this Ordinance, including design standards and improvement requirements, shall, except as specifically provided otherwise in this Ordinance, apply to all subdivisions of land within the jurisdiction of the City, including but not limited to the following forms of land subdivision and development activity:
1. The division of land into two (2) or more tracts, lots, sites or parcels, any part of which shall contain less than five (5) acres in area when subdivided;
 2. The division of land into two (2) or more tracts, lots, sites or parcels, any part of which when subdivided shall contain five (5) acres or more in area and will require the dedication or conveyance of any access, public right-of-way, easement, or any public improvement;

3. Land previously subdivided or platted into tracts, lots, sites or parcels, which subdivision was subject to, but not in accordance with, City or County Ordinances in effect at the time of such subdividing or platting;
4. The combining of two (2) or more contiguous tracts, lots, sites or parcels for the purpose of creating one (1) or more legal lots and achieve a more developable site;
5. The platting of any existing legal deed-divided unplatted lot, parcel, site or tract;
6. The voluntary platting and recording of a Subdivision Plat dividing any land within the jurisdiction of the City into lots, parcels, sites or tracts;
7. Any Plat having received approval from the Commission or the Council for which said approval has expired.
8. The dedication of any street or alley through any tract of land, regardless of the area involved.
9. The construction or proposed construction of a building or structure across a property line.

Section 7. Exemptions.

A. The provisions of this Ordinance shall not apply to:

1. Sales of land by metes and bounds in tracts of five (5) acres or more where each tract has access, no public improvement is being dedicated, and all remainder parcels are at least five acres or more in area, except as otherwise specifically provided in this Ordinance;
2. Cemeteries complying with all State and local laws and regulations;
3. Divisions of land created by order of a court of competent jurisdiction;
4. Any subdivision of land for which a Development Plat, Preliminary Plat or Final Plat has been filed with the City on or before the effective date of this Ordinance, excluding any such plan or plat for which approval has expired or hereafter expires; or
5. The combination of two (2) platted lots for the creation of a more developable site provided that the City Staff finds that:
 - a. The proposed use is the same as that for which the subdivision was platted by the subdivider; and
 - b. No increase is anticipated in the estimated traffic generation or utility demands; and
 - c. Off-site storm water runoff is neither increased nor concentrated.
6. The division of an existing legal lot, said division being caused by the City's, County's or State's acquisition of a part of said legal lot, when such acquisition is in the best interest of the health, safety and welfare of the public. Upon such acquisition, the resulting parcels shall be deemed to constitute legal lots for the purposes of developing under the requirements of this ordinance and other applicable City regulations;

7. The acquisition of land by a public utility for the purpose of providing or housing needed infrastructure in order to provide utility service to an immediate area, or
 8. The conveyance of any land by the City, County or State to a private entity when such land is to be added to an existing legal lot or tract or when such legal lot or tract, by itself, meets the requirements of this Ordinance and is provided public utilities, street frontage and adequate access.
- B. The provisions of this Ordinance shall not be construed, interpreted or applied to land located within the extraterritorial jurisdiction of the City in a manner to regulate:
1. The use of any building or property for any lawful purpose;
 2. The bulk, density or number of buildings on a tract or parcel of land;
 3. The floor to area ratio of any building to be constructed on any lot; or
 4. The number of residential units that can be built on an acre of land.

Section 8. Enforcement of Regulations.

- A. No subdivision of land within the City or its extraterritorial jurisdiction may be recorded in the Official County Records until a Final Plat, accurately describing the property to be subdivided and platted, complies with this Ordinance and has been approved by the City in accordance with this Ordinance, signed and dated by the Mayor and/or other designated officers of the City.
- B. No building permit, certificate of occupancy, plumbing permit, electrical permit, floodplain permit, utility tap or certificate of acceptance for required public improvements shall be issued by the City for or with respect to any land within the City limits; and no floodplain permit, utility tap or certificate of acceptance for required public improvements shall be issued by the City for or with respect to land within the ETJ Limits:
1. For any parcel or plat of land which was developed after the effective date of, and not in conformity with, the provisions of this Ordinance; and/or
 2. Until all improvements, as required by this Ordinance have been constructed and accepted by the City of Somerville.
- C. No excavation or clearing of land, or construction of any public or private improvements related to any subdivision shall commence or take place until such time as the City Engineer approves the plans and specifications for such subdivision.
- D. The Developer is responsible for all authorized and unauthorized use of city utilities.
- E. This ordinance may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken, any person who violates any term or provision of this ordinance, with respect to any land or development within the City, by fine and penalties as provided herein.

ARTICLE II. PROCEDURE

Section 9. General Procedure.

- A. **Action on Plats and Plans.** Plans and Plats for the development of land within the scope of this Ordinance shall be drawn and submitted to the Commission and Council, or to the City staff, as provided herein, for their approval or disapproval, as provided herein. If an application is approved with conditions or disapproved, the Municipal Authority shall provide or cause to be provided to the applicant a written statement for the conditions for approval or reasons for disapproval that clearly articulate each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement shall include a citation to the law or ordinance that is the basis for the conditional approval or disapproval, as applicable. In the event that a Municipal Authority subject to quorum requirements fails to act due to lack of a quorum at the meeting at which an application is posted for action, then: (i) the application will be deemed approved if it meets the requirements of this Chapter and applicable state law; or (ii) the presiding officer of the Municipal Authority is authorized to disapprove an application that is recommended by City Staff to be disapproved due to failure to comply with this Chapter or applicable law.
- B. **Commencement of Construction.** No developer shall commence construction activities within the City's jurisdiction, including clearing and/or rough grading, before first obtaining all the City approvals required by this Ordinance. Construction of subdivision improvements will not commence until the Construction Plans are approved by the City's Engineer.
- C. **General Subdivision Process.** Generally, the subdivision process is comprised of four (4) individual steps, including the Development Plan, the Preliminary Plat, Construction Plans, and the Final Plat. Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid, in effect and eligible to continue to the next step of, or to complete, the subdivision process. Compliance with each such established deadline constitutes a separate required performance and approval. Applicants must complete and obtain approval for a particular step before submitting an application for the next step in the platting process. An application will not be accepted unless the applicant has obtained approval of the Plat or Plan for a preceding step.
- D. **Submittal Schedule.** The City Administrator, or designee, shall prepare an application submittal schedule which will be kept on file with the City Secretary and published on the City's website. Applications will only be accepted for submittal or resubmittal on the days set forth in the submittal schedule. The City Administrator is authorized to adjust the submittal schedule to accommodate holidays, City Hall closures, and cancelled or special called meetings.
- E. **Application Forms.** The City Administrator, or designee, shall prepare application forms which shall include a checklist of the required information and documents that are required to be submitted by applicants in order for an application to be accepted as complete for review and processing under this Ordinance. The City Administrator, or designee, shall update the application forms and checklists from time to time as required due to amendments to this Ordinance, state law, or applicable technical codes and manuals. The applications will be kept on file with the City Secretary and published on the City's website.
- F. **Application Completeness Review.**
 - 1. City staff shall review all applications, for completeness and either accept the application as complete or reject the application and provide the applicant with written notice of rejection that

specifies the reasons for rejection within ten (10) business days of the date the application is submitted. An application will be considered complete if it is submitted in the required form, includes all information, certificates, plans, documents, and instruments required in the application and any checklists and by this Ordinance, and is accompanied by the applicable application fees set forth in the City's fee schedule. All applications shall also include a list of any requested variance or exceptions from the ordinance and will identify whether there are any development agreements that govern development of the property. An application that is not complete, does not include the information or documents required in the application, or is not accompanied by the applicable fees will not be accepted by the City for further processing. If the application is determined to be incomplete, City Staff shall provide written notice of the rejection of the application that includes a description of the application's deficiencies. No further processing of the application will occur until the deficiencies are corrected. Upon acceptance of the application as complete, the applicant shall be required to pay the filing fee that is set forth in the City's fee schedule, and payment of such fee shall be a condition of review and action by the municipal authority on the Plat or Plan. Resubmittal Applications are also subject to subsection F.2.e below.

2. The following are additional requirements for acceptance of applications:

a. **General.**

1. All documents and prints submitted must be legible.
2. The number of sets of documents to be provided shall be as per the application form and checklist. For projects located within the City's ETJ, one (1) extra copy of the required documents must be provided with the application. The applicant shall be responsible for any additional information required by the County or other regulatory state agencies for application approval.
3. Once an application is accepted as administratively complete, the applicant shall pay the filing fee set forth in the City's fee schedule, and plat or plan shall not be accepted as filed until such fee is received by the City

b. **Development Plat.** Development plats shall be accompanied by:

1. A narrative indicating the type, extent and proposed time frame of the project. If zoning approval is required, such approval shall be obtained prior to submittal of the Development Plat, and such approval shall be documented by the submittal of any relevant findings or certificates with the Development Plat application.
2. All items and information as per Section 11, herein.

c. **Preliminary Plats.** Preliminary plat applications shall be accompanied by:

1. A summary letter stating briefly the type of street surfacing, drainage, water and wastewater facilities proposed, and declaring the intent to either dedicate parkland or pay fees-in-lieu of said dedication if such dedication or fees apply.
2. A petition requesting annexation, if applicable.
3. The Groundwater Availability Certification for Platting, if applicable, under Section 12.C.5.c.

4. Completed approved variances, if any.
5. All items and information as per Section 11, herein.

d. Construction Plans.

1. For projects located within the City's extraterritorial jurisdiction, the Construction Plans and attendant documents shall be provided to the County for review unless an Interlocal Agreement between the City and the County has been executed which specifies a different procedure. The city shall not accept construction plans for review unless they have been approved by the County. The city shall review only the portions of the plans that impact existing city utilities, infrastructure or traffic flow. The applicant shall be responsible for any additional information required by the County for Construction Plan approval.
2. A proposed construction schedule with milestones may be submitted with the application or at the pre-construction meeting after the Construction Plans have been approved.
3. The application shall be accompanied by letters or documents from non-City utility providers indicating general agreement with proposed easements, location and type of services, and service delivery points as applicable, including, but not limited to: gas service, electrical service, cable, telephone, and the USPS.
4. After the Construction Plans have been approved, a Pre-construction meeting shall be scheduled with City staff at which time, subject to payment of required fees, sureties as applicable, and the proposed construction schedule, an Improvement Plan Permit shall be issued.
5. The Construction Plan application shall be accompanied by and include all items and information as per Section 13, herein.

e. Resubmittal Applications.

1. Resubmittal Applications are subject to the completeness review process set forth in this subsection and Section 9.F.1.
2. In addition to containing the portions of the original application that are being modified, the Resubmittal Application shall include a transmittal letter that describes how each reason for disapproval of the particular plat or plan that is the subject of the resubmittal application is being remedied or how each condition of a conditional approval is being satisfied, as applicable, and identifying the location in the Resubmittal Application where each remedy or response to a condition can be found. The transmittal letter shall further identify whether any other changes to the application have been made other than those necessary to respond to the reasons for disapproval or conditions for conditional approval. A Resubmittal Application that modifies the original application beyond what is required to satisfy a conditional approval or to remedy reasons for disapproval shall be considered a new application and must be accompanied by the required application fee and will be reviewed and processed in accordance with the deadlines and procedures applicable to initial applications, including but not limited to the thirty (30) day approval deadlines.

3. Except for Construction Plan applications, Resubmittal Applications submitted for the purpose of satisfying a conditional approval or to remedy the reasons for disapproval of an Application shall be accompanied by the Resubmittal Application Fee, which shall be one-half of the application fee for the underlying application.
4. If an application is disapproved because a variance or waiver is required and the applicant wishes to obtain a variance or waiver instead of modifying the original application, the Resubmittal Application will not be accepted until the waiver or variance is approved or the applicant modifies the application to comply with applicable regulations.

f. Final Plat.

1. A Final Plat application will not be accepted until the improvements set forth in the approved construction plans for the subdivision have been completed and accepted by the City.
2. Improvements offered for dedication will be accepted after the Final Plat is approved, subject to the conditions for acceptance of dedications herein.

G. Incomplete Application Expirations. An application shall expire on the forty-fifth (45th) day after the date the application is submitted to the City if:

1. The applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the application set forth in this Chapter;
2. Within ten (10) business days of the date the application is submitted to the City, the City provides the applicant written notice of the failure that specifies the necessary documents or other information that are missing from the application and the date the application will expire if the documents or other information is not provided; and
3. The applicant fails to provide the specified documents or other information within the time provided in the notice.

H. Processing of Applications Accepted for Filing.

1. City Staff shall review the application for consistency and compliance with City codes, policies and plans.
2. For applications acted upon by the Commission, the application shall be scheduled for consideration by the Commission within thirty (30) days of the application Filing Date (or within the applicable extension period if an extension is granted), or within fifteen (15) days of the Resubmittal Date, as applicable. For applications acted upon by the City Council, the application shall be scheduled for consideration by the Council within thirty (30) days of the Commission's approval of the application (or within the applicable extension period if an extension is granted) or within fifteen (15) days of the Resubmittal Date, as applicable.
3. City staff shall prepare a report analyzing the application, and recommending action on the application. If the recommended action is disapproval or conditional approval, the report shall

include the reasons for disapproval or the conditions for approval, as applicable, and citations to the law or ordinance that is the basis for disapproval or the conditional approval.

4. If the developer chooses to withdraw the application, he/she may do so in writing delivering such a request to the City Secretary by ten o'clock (10:00 a.m.) the morning of the third working day preceding the meeting. A withdrawn application may be resubmitted and appear on the next Commission agenda with no additional fees required, provided that there are no substantial changes to the application; provided that the applicant shall pay the cost of publishing and mailing notice of any public hearing required for the Commission or Council, as appropriate, to consider the application.
- I. **Notification.** The notification provisions of this subsection apply to replat applications that were limited by the following during the past five (5) years: interim or permanent zoning classification for a residential use not more than two (2) residential units per lot; or limited by deed restrictions to residential use for not more than two (2) residential units per lot.
1. The developer shall post signs along the contiguous rights of way at each corner of the proposed development and at intervals that do not exceed three hundred (300) feet between said corners. Signs shall be posted at least fifteen (15) days before the first public hearing, but not prior to the date the submittal is deemed complete for filing. All signs shall be removed no later than ten (10) days after the meeting at which the Replat application is initially considered.
 2. The content and format of the required signs shall be in accordance with standards determined by city staff. Signs shall be durable, firmly fixed in the ground, and shall be maintained in good condition by the applicant through-out the required period. Missing or illegible signs shall be replaced by the applicant or his agent.
 3. The city shall send a notice of application and public hearing to the owners (as per the most recent tax rolls from the County Appraisal District) of all property any part of which is located within two hundred (200) feet of the perimeter of the proposed development. The forms shall be mailed USPS First Class Mail and shall be postmarked no fewer than fifteen (15) days prior to the Commission meeting where the application request will be heard.
- J. **Approval, Disapproval, Conditional Approval.**
1. **Initial Application.** The Municipal Authority shall take action on the application within thirty (30) days of the Filing Date. The failure of the Municipal Authority to act within thirty (30) days of the Filing Date (or the applicable extension period where an extension has been granted), shall be deemed an approval of the application by the respective body, except as otherwise agreed to by the applicant pursuant to Section 10.
 2. **Resubmittal Application.** After disapproval or conditional approval of an application, the applicant may submit a Resubmittal Application that addresses each condition of approval or remedies each reason for disapproval provided. The Resubmittal Application that has been accepted as complete shall be reviewed and processed in accordance with subsection H and this section.
 3. **Action on Resubmittal Application.** The Municipal Authority shall take action on the Resubmittal Application within fifteen (15) days of Resubmittal Date. Except as otherwise requested by the applicant and approved by the Municipal Authority pursuant to Section 10, the failure of the Municipal Authority to act within fifteen (15) days of the Resubmittal Date, shall be deemed an approval of the application by the Municipal Authority, if the Resubmittal

Application satisfies all conditions of a conditional approval or remedies all reasons for disapproval.

4. Effect of Approval.

- a. Approval of a Development Plat constitutes acceptance of the general development and arrangement of lots indicated on the plan; the classification and arrangement of streets indicated; and the nature of utility service proposed.
- b. Approval of a plan or plat at any step in the subdivision process does not ensure approval of a subsequent application for the same property that fails to meet specific requirements of this Ordinance, and approval does not provide any assurance that permits of any kind will be issued.

K. Application Expiration.

1. An application shall expire six (6) months after the date that all initial staff review comments from all reviewing departments have been issued on the application if the application is not approved due to the applicant's failure to cause the application to comply with applicable city regulations.
2. The City Manager may grant one six (6) month extension if the applicant can show substantial progress in obtaining approval of the application. Substantial progress shall consist of, at a minimum, a resubmission of the application and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.
3. After expiration of an application, any new application will be required to be re-submitted as a new application including re-paying all of the fees associated with this process.

L. Certifications.

1. If the application is approved by both bodies, a certification shall be placed on the original and the specified number of copies required indicating such approval and shall be signed by the Chairman of the Commission and the Mayor of the City, and attested by the secretary of the Commission and the City Secretary, respectively.
2. If the application is not approved within the timeframes set out in this Ordinance due to the inaction of the Commission or the Council under the terms of this Ordinance, upon the applicant's request, the Municipal Authority will issue a certificate stating the date the Plan or Plat was filed and that the Municipal Authority failed to act on the Plan or Plat within the required time period. The applicant shall make the request for the certificate in writing. The certificate shall include the filing date, the name of the approving authority (Council or Commission) and state that the authority failed to act on the Plan or Plat within the required timeframe.
3. Such certificate shall be sufficient to proceed to the next step in the approval process (unless, in the case of Resubmittal Application, the applicant failed to satisfy the conditions of a conditional approval or remedy the reasons for denial of the application) but shall not be taken as approval of any failure to meet the requirements of this Ordinance, the standards of the City or good engineering practice.

M. Approval Does Not Waive Compliance. Approval of a Plan or Plat under this Ordinance does not waive any requirement or regulation under this Ordinance or an applicable City Code unless a

waiver, exemption, or variance to such requirement or regulation is granted by the City employee, official, or body authorized under this Ordinance to grant such waiver, exemption, or variance. A waiver, exception, or variance must be specifically requested by the applicant and approved by the Municipal Authority with the authority to approve the waiver, exception, or variance in accordance with the applicable procedures for such approval to be effective.

Section 10. Requests for Extension of Approval Deadline or Waivers of Procedures.

- A. The applicant may request an extension of the thirty (30) day approval deadlines set forth in this Ordinance by requesting an extension on the application form. The extension request will be considered by the Municipal Authority responsible for approving the particular Plan or Plat application. Approval of an extension request will extend the deadline for approval of a Plan or Plat by thirty (30) days.
- B. An applicant may also request in writing the waiver of a deadline or procedure set forth in this Ordinance. If approved by the Municipal Authority, the waiver shall be documented by letter agreement or other form of agreement approved by the Municipal Authority.

Section 11. Development Plat.

- A. **Purpose.** The purpose of the Development Plat is to demonstrate compatibility of the proposed development with this and other applicable City ordinances, and the coordination of improvements within and among individually platted parcels, sections, or phases of a development, prior to the consideration of a Preliminary Plat and Construction Plans.
 - 1. A Development Plat shall be required for all subdivisions of land, except as otherwise provided for in this Ordinance for a Re-Plat of an existing lot, a Boundary Line Adjustment Plat, or for the Vacation of a Plat.
 - 2. The Development Plat shall include all adjacent and contiguous land, owned or controlled by the developer or the person, firm or corporation that sold the tract being developed.
 - 3. It shall not be necessary to submit a Development Plat on any land more than once, unless the concept substantially or materially changes, or approval of the precedent Development Plat has expired, as defined in this Ordinance.
- B. **Format.** It is recommended that a Development Plat be drawn on twenty-four by thirty-six inch (24" x 36") or twenty-two inch by thirty-four inch (22" x 34") sheet(s) at a scale of one inch equals one hundred feet (1" = 100') or one inch equals two hundred feet (1" = 200') with all dimensions measured accurately to the nearest foot.
- C. **Content.** The Development Plat shall contain or have attached thereto:
 - 1. Name, address and phone numbers of the developer, record owner, and authorized agents (engineer, surveyor, land planner, etc.)
 - 2. Proposed name of the development; date revised and/or prepared; north indicator; scale.
 - 3. Location map. Use of the latest USGS 7.5-minute quadrangle map is recommended.

4. A layout of the entire tract and its relationship to adjacent property, existing development and recorded plats.
5. The owner's name, deed or plat reference, BCAD parcel number, and property lines of property within two hundred (200) feet of the development boundaries, as determined by current tax rolls.
6. Topographic contours at ten (10) foot intervals, or less, unless otherwise approved by the City.
7. Proposed major categories of land use by acreage showing compatibility of land use.
8. Proposed number of residential and nonresidential lots, tracts or parcels together with the estimated traffic volume to be generated by all proposed development. If the projected average daily trips exceed 2,000, a Traffic Impact Analysis will be required. The City Administrator may accept a fee in lieu of such study, with the fee to be determined by the City Engineer.
9. Proposed and existing arterial and collector streets and additional such streets as necessary to serve the general area.
10. Location of sites for parks, schools and other public uses, and all areas of common ownership.
11. Significant drainage features and structures including any regulatory one hundred (100) year floodplains.
12. Significant existing features on, or within two hundred (200) feet of, the property; such as railroads, roads, buildings, utilities and drainage structures.
13. Approximate boundaries, development density and anticipated timing of proposed phases of development as applicable.
14. Identification of known exceptional topographical, cultural, historical, archaeological, hydrological and other physical conditions of the property to be developed, or existing within two hundred (200) feet of the property, which will require the establishment of reasonable design standards in excess of the established minimum standards or require a variance from those established minimum standards as defined in this Ordinance.
15. Location of City limit lines and/or outer border of the City's extraterritorial jurisdiction, as depicted on the City's most recent base map, if either such line traverses the development or is contiguous to the development's boundary.
16. A proposed phasing plan with dated milestones for the development of future sections, as appropriate.
17. A park plan in conformance with this ordinance and the Park Plan for the City of Somerville as amended from time to time, including all land proposed for dedication, all proposed park facilities, and calculations or other information indicating compliance with park requirements.

18. Any information required by the most recent City Development Plat application/checklist.

- D. **Procedure.** The Development Plat application shall be reviewed and processed in accordance with Section 9.

Legible prints, as indicated on the application form, shall be submitted to the City along with the completed application forms, payment of an application fee, all information required by the most recent application/checklist and any attendant documents needed to supplement the information provided on the Plan. The number of sets of documents to be provided shall be as per the application form and checklist.

- E. **Approval Expiration.** The approval of a Development Plan shall expire one (1) year after the filing date unless:

1. A Preliminary Plat on all of the land is filed prior to such expiration date, or
2. A Preliminary Plat for a part of the land is filed prior to such expiration date in accordance with the phasing plan approved as part of the Development Plat, and
3. Provided that the development proceeds in accordance with the phasing plan and milestones approved as part of the Development Plat approval. At such time as the development lags one (1) year behind the approved phasing plan, the approval shall expire if the developer does not, prior to the expiration date, submit and obtain approval of a written request for the extension and continuance of the Development Plat prior to expiration.
4. If, at any time prior to the recordation of the Final Plat, the development process lags behind the approved milestones by more than one (1) year, the approval of the Development Plat shall expire.

- F. **Extension.** The developer may apply for an extension, in writing, prior to the end of the initial one-year period, stating reasons for needing the extension and demonstrating subsequent development activity in accordance with this Ordinance.

1. Upon receipt of this written request, the City Administrator may grant an additional one-year extension if the Development Plan remains consistent with the ordinances of the City.
2. The City Administrator may defer the request to the Commission.

- G. **Revision.** If a revision to a previously approved Development Plan is required, all changes must be resubmitted to the Commission and Council for approval as per the requirements herein for an original submittal of a Development Plan. The revision shall be reviewed and processed in accordance with Section 9. All fees shall be paid as if the Development Plan is a new submittal.

1. Exception for phasing plan and milestones. The developer may submit a written request for a revision of the phasing plan and milestones to the City Administrator provided that the Development Plan has not expired. The City Administrator may approve such request for revision administratively provided that:
 - a. No change to the Development Plan other than revision of the phasing plan and milestones is requested.

- b. The cumulative extension does not exceed five (5) years beyond the approved completion date for all phases of the subdivision.
- c. If the revision to the phasing plan and milestones is not approved administratively, the developer may submit the changes as a revision to the development plan, subject to review and approval by the Commission and Council as per this subsection.

Section 12. Preliminary Plat.

- A. **Purpose.** The Preliminary Plat provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, and other information required to evaluate proposed subdivisions of land. A Preliminary Plat shall be required for any subdivision of land subsequent to Development Plan approval, except as otherwise provided for in this Ordinance.
- B. **Format.** It is recommended that the Preliminary Plat be drawn on twenty-four by thirty-six inch (24" x 36") or twenty-two inch by thirty-four inch (22" x 34") sheet(s) at a scale of one inch equals one hundred feet (1" = 100') or one inch equals two hundred feet (1" = 200') with all dimensions measured accurately to the nearest foot.
- C. **Content.** The Preliminary Plat shall include a description of any off-site improvements required to accommodate the project. The Preliminary Plat shall contain or have attached thereto:
 1. The approved Development Plat and any related administrative documents, including but not limited to: phasing plan/ milestones, extensions, certificate, application, etc.
 2. General Information.
 - a. Name, address and phone numbers of the developer, record owner, and authorized agents (engineer, land planner, surveyor, etc.)
 - b. The proposed name of the subdivision, which shall not have the same spelling or be pronounced similarly to the name of any other subdivision located within the City or within the extraterritorial jurisdiction of the City, provided however that use of the same base names for different sections or phases is required when the units are contiguous with their namesakes and individually identified by a section or phase number.
 - c. The date, scale, and north indicator.
 - d. A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one-inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5-minute quadrangle map is recommended.
 - e. The owner's name, deed or plat reference and property lines of property within two hundred (200) feet of the subdivision boundaries as determined by the most recent tax rolls.
 - f. A certification block signed and sealed by the project engineer and /or surveyor.

- g. The total acreage of the property to be subdivided and the subtotals by land use.

3. Existing Conditions

- a. The existing property lines, including bearings and distances, of the land being subdivided. Property lines shall be drawn sufficiently wide to provide easy identification.
- b. The location of existing watercourses, dry creek beds, wells, sinkholes and other similar topographic features.
- c. Centerline of watercourses, creeks, existing drainage structures and other pertinent data shall be shown.
- d. Areas subject to flooding shall be shown, delineating the regulatory one hundred (100) year floodplain, and any other floodplains.
- e. Topographic data indicating, at a minimum, two (2) foot contour intervals for slopes up to 10%, and five (5) foot contour intervals for slopes exceeding 10%. The contoured area shall extend outward from the property boundary for a distance of two hundred (200) feet.
- f. The locations, sizes and descriptions of all existing utilities, including but not limited to wastewater lines, lift stations, wastewater and storm sewer manholes, water lines, water storage tanks, and wells within the subdivision, and/or adjacent thereto.
- g. The location, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, railroads, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed and plat records. The existing right-of-way width of any boundary street to the proposed subdivision shall also be shown. A survey tie shall be shown at no less than three hundred (300) foot intervals for any boundary street or right-of-way, unless such right-of-way was previously platted, indicating the width of such existing boundary street or right-of-way to determine if any additional right-of-way is required to be dedicated based on the classification of such boundary street in accordance with right-of-way requirements. A survey tie shall also be shown to the centerline of any existing street intersecting a boundary street or median break on a boundary street within a distance of 1,000 feet of the subdivision boundary (or as determined appropriate by the City Engineer) to determine required alignments or off-sets for any proposed street or driveway intersections, the spacing of median breaks, intersections, etc.
- h. The location of City limit lines and/or outer border of the City's extraterritorial jurisdiction, as depicted on the City's most recent base map, if either traverses the subdivision or is contiguous to the subdivision boundary.
- i. Existing zoning districts for the subject tract, as applicable.

4. Improvements.

- a. The location, size and description of any proposed drainage appurtenances, including storm sewers, detention ponds and other drainage structures proposed to be constructed on and off the site, and designed in accordance with the requirements of City standards, building codes and reference standards.
- b. The developer shall include a copy of the complete application for floodplain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.
- c. The location, dimensions, names and descriptions of all proposed streets, alleys, parks, open spaces, blocks, lots, reservations, easements and rights-of-way; and areas within the subdivision indicating the connection to or continuation of other improvements in adjacent subdivisions.
- d. Numbers to identify each lot and each block.
- e. The lengths of each proposed property line of all lots. The area of each non-rectangular lot shall be provided.

5. Support Documents.

- a. A drainage study, consisting of a Drainage Area Map with contours, location and capacities of existing and proposed drainage features, and calculations in accordance with this Ordinance and good engineering practices, shall be provided to ensure the property will be developed in accordance with City drainage policies.
- b. Utility demand data, consistent with the proposed uses indicated on the Preliminary Plat, to determine the adequacy and the consistency of proposed utility improvements.
- c. Use of Groundwater. If the proposed subdivision is in the ETJ and the proposed water supply intended for the subdivision is groundwater under that land, the application shall include a statement by a professional engineer or professional geoscientist licensed in the State of Texas that there is adequate groundwater available for the proposed subdivision. Such statement shall be in the form prescribed by TCEQ as per TAC, Chapter 230, Groundwater Availability Certification for Platting, and shall be submitted to the authorities as required therein in addition to the City.
- d. Letters from other utility providers indicating general agreement with proposed easements, location of services and service delivery points as applicable, including, but not limited to: gas service, electrical service, cable, telephone and the USPS.
- e. A letter of certification, when applicable, that the Plat has been submitted for review to the County Environmental Officer for projects proposing septic systems, and/or the County Flood Plain Administrator for projects containing any portion of the regulatory one hundred (100) year floodplain outside of the City limits.
- f. Copy of deed showing current ownership

6. Any additional information required per the most recent City Preliminary Plat Application/checklist.
 7. Accuracy of Data. The applicant shall be responsible for verifying the accuracy of all data submitted, including that which might be obtained from the City, excepting that data which can only be obtained from the City.
- D. Procedure.** The Preliminary Plan application shall be reviewed and processed in accordance with Section 9.
- E. Expiration of Approval.** The approval of a Preliminary Plat shall expire one (1) year after the filing date unless the applicant has submitted Construction Plans for review.
- F. Extension.** The developer may apply for an extension, in writing, prior to expiration, stating reasons for needing the extension and demonstrating pursuit of approvals for Construction Plans in accordance with this Ordinance.
1. Upon receipt of this written request, the City Administrator may grant up to a six (6) month extension, so long as the Preliminary Plat remains consistent with the Development Plan and/or ordinances of the City.
 2. The Council may, at its discretion, grant up to a one (1) year extension.
- G. Revision.** If a revision to a previously approved Preliminary Plat is required, then no application for a Final Plat shall be accepted until the revised Preliminary Plat has been submitted and approved by the Commission and Council.
1. The application for review of a revised Preliminary Plat shall be treated as a new submittal and shall be subject to staff review and all required fees shall be paid prior to review by staff, commission or council.
 2. The Preliminary Plat as originally approved shall be kept on file as a public record in the offices of the City
- H. Responsibility.** Notwithstanding the approval of any Preliminary Plat by the City, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

Section 13. Construction Plans.

- A. Purpose.** Construction plans, based upon the approved Preliminary Plat, and consisting of detailed specifications, calculations, reports, and drawings illustrating the location, design, and composition of all improvements identified in the Preliminary Plat and required by this Ordinance and other applicable City ordinances, codes and policies, shall be submitted to the City for approval. In addition, any proposed development that necessitates the construction, reconstruction or modification of existing City infrastructure shall also be submitted to the City for approval. The approved plans shall be kept by the City as a permanent record of required improvements in order to:

- a. Provide records that facilitate the operation and maintenance of, and any future modifications to existing City infrastructure.
 - b. Provide data for evaluation of materials, methods of construction and design.
 - c. Provide documentation of approved public improvements to ensure that all such improvements are built to City standards, details and specifications and applicable state agency regulations.
 - d. No construction activities shall commence, until such time as Construction Plans completely describing the on-site and off-site improvements required by this Ordinance and other applicable City ordinances and codes, have been approved by the City Engineer.
- B. **Format.** Drawings shall be on twenty-two inch by thirty-four-inch (22" x 34") sheets (unless otherwise approved by City staff) at generally accepted horizontal and vertical engineering scales. All full-size sheets shall be formatted so that when printed on eleven inch by seventeen inch (11" x 17") paper the resulting sheet set scales at a generally accepted engineering scale. The submittal package shall include all documents and information required herein and as per the latest version of the Construction Plan Application form/checklist.
- C. **Content.** Construction Plans shall include all on- and off-site improvements required to serve the proposed development as indicated on the approved Preliminary Plat and in compliance with applicable ordinances, codes, standards and policies of the City, and other applicable governmental entities. All Construction Plans shall be signed and sealed by a professional engineer, licensed to practice in the State of Texas, and shall contain or have attached thereto:
- a. Cover Sheet:
 - i. The appropriate project name, date, and the name, addresses and phone numbers of the developer, engineer and surveyor, etc. All design professionals shall stamp and sign the drawings as required by State regulations.
 - ii. A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one-inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5-minute quadrangle map is recommended.
 - b. Street and Roadway Systems:
 - i. The horizontal layouts and alignments showing geometric data and other pertinent design details. The horizontal layout shall also show the direction of storm water flow and the location of manholes, inlets and special structures.
 - ii. Vertical layouts and alignments showing existing and proposed centerline, right and left right-of-way line elevations along each proposed roadway.
 - iii. An analysis of vertical sight distance for proposed street intersections in accordance with the Texas Manual of Uniform Traffic Control devices
 - iv. Typical right-of-way cross-sections showing pertinent design details and elevations.

- v. Typical paving sections showing right-of-way width, lane widths, median widths, shoulder widths, and pavement designs and specifications.
 - vi. Attendant documents containing any additional information required to evaluate the proposed roadway improvements, including geotechnical information and traffic impact studies.
 - c. Drainage Improvements:
 - i. Detailed design of all drainage facilities as indicated in the Preliminary Plat phase, including typical channel or paving section, storm sewers and other storm water control facilities.
 - ii. Typical channel cross-sections, plan and profile drawings of every conduit/ channel shall be shown.
 - iii. Existing and proposed topographic conditions indicating one (1) foot contour intervals for slopes less than 5%, two (2) foot contour intervals for slopes between 5% and 10%.
 - iv. Attendant documents containing design computations in accordance with this Ordinance and any additional information required to evaluate the proposed drainage improvements as required by the City.
 - v. A copy of the complete application for floodplain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.
 - d. Erosion and Sedimentation Controls:
 - i. Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities.
 - ii. Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.
 - iii. The location, size, and character of all temporary and permanent erosion and sediment control facilities with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.
 - iv. Contractor staging areas, vehicle access areas, temporary and permanent spoil storage areas.
 - v. A plan for restoration and for the mitigation of erosion in all areas disturbed during construction.
 - vi. The developer shall be responsible for all Storm Water Pollution Prevention and Planning in accordance with all federal, state, and local regulations.
 - e. Water Distribution Systems:

- i. The layout, size and specific location of the existing and proposed water mains, pump stations, storage tanks and other related structures sufficient to serve the proposed land uses and development as identified in the approved Preliminary Plat and in accordance with the American Water Works Association (AWWA), and The Texas Commission on Environmental Quality (TCEQ) Standards and Specifications
 - ii. The existing and proposed horizontal location of fire hydrants, valves, meters and other fittings.
 - iii. Design details showing the connection with the existing City water system.
 - iv. The specific location and size of all water service connections for each individual lot.
 - v. Attendant documents containing any additional information required to evaluate the proposed water distribution system and its ability to provide adequate fire flows.
- f. Wastewater Collection Systems:
 - i. The layout, size and specific location of the existing and proposed wastewater lines, manholes, lift stations, and other related structures sufficient to serve the land uses and development as identified in the approved Preliminary Plat, in accordance with the American Water Works Association (AWWA), and The Texas Commission on Environmental Quality (TCEQ) Standards and Specifications.
 - ii. Plan and profile drawings for each line in public rights-of-way or public utility easements, showing existing ground level elevation at centerline of pipe, pipe size and flow line elevation at all bends, drops, turns, and station numbers at fifty (50) foot intervals
 - iii. Design details for manholes and special structures. Flow line elevations shall be shown at every point where the line enters or leaves the manholes.
 - iv. Detailed design for lift stations, package plants or other special wastewater structures.
 - v. Attendant documents containing any additional information required to evaluate the proposed wastewater system, and complete an application for TCEQ approval as applicable.
- g. Fill Material. Specifications for the quality and properties of fill material and the location of and installation procedures for fill materials. No fill shall be brought into any floodplain or any area designated as a special flood hazard area.
- h. Street Lighting. The location, size, type and description of streetlights according to City Standard Details and Specifications.
- i. Street Signs. The location, size, type and description of street signs according to the Texas Manual on Uniform Traffic Control.
- j. Speed Limit Signs and Permanent Traffic Barricades. The location, size (where applicable), and type of speed limit signs and permanent traffic barricades according to the Texas Manual on Uniform Traffic Control

- k. Sidewalks. The location, size and type of sidewalks and pedestrian ramps according to TDLR and standard City Details and Specifications.
 - l. Improvements for Parks and other Public and Common Areas. As identified and/or approved on the Preliminary Plat.
 - m. Design Criteria. Final design criteria, reports, calculations, and all other related computations, if not previously submitted with the Preliminary Plat.
 - n. Opinion of Probable Costs. An Opinion of Probable Cost including the cost of each required improvement, prepared, signed and sealed by a professional engineer licensed to practice in the State of Texas.
 - o. Schedule. A proposed schedule for the completion of the work including milestones shall be submitted prior to the issuance of the Improvement.
- D. **Procedure**. After all necessary approvals of the Preliminary Plat have been granted, Construction Plans, together with a completed application form and required fees, shall be submitted to the City for approval. The Construction Plan application shall be reviewed and processed in accordance with the timelines in Section 9.
- 1. The City Engineer shall review the Construction Plans to ensure compliance with this Ordinance, other applicable City ordinances, codes, standards and specifications, and good engineering practices.
 - 2. For projects located within the City's extraterritorial jurisdiction, the Construction Plans and attendant documents shall be provided to the County for review unless an Interlocal Agreement between the City and the County has been executed which specifies a different procedure. The city shall not accept construction plans for review unless they have been approved by the county. The city shall review only the portions of the plans that impact existing city utilities, infrastructure or traffic flow. The applicant shall be responsible for any additional information required by the County for Construction Plan approval.
 - 3. The applicant may request a meeting with the City Engineer and staff to review Plan review results or design issues preventing the approval of the Construction Plans. The request may be made with the initial application or subsequent to the completion of the initial engineering review. Such request shall be made in writing and submitted to the City Administrator.
 - 4. At such time as the Construction Plans are approved, the City Engineer shall sign the cover sheet of the Construction Plans and a preconstruction meeting shall be scheduled.
 - i. A proposed construction schedule with milestones shall be submitted at the preconstruction meeting if such schedule has not been submitted earlier.
 - ii. An Improvement Plan Permit shall be signed and issued during the preconstruction meeting, subject to the payment of applicable Permit or Inspection fees, the submittal of the construction schedule, and the and the required surety (if applicable) has been accepted by the City.

- iii. Three (3) signed copies of the Construction Plans shall be returned to the applicant, one (1) copy shall be retained for City records and one (1) copy shall be returned to the City Engineer.
- b. The developer should be aware that specific approvals from other agencies may be required.
- c. All improvements shown in the approved Construction Plans shall be constructed pursuant to and in compliance with the approved plans, adopted building codes, and referenced standards approved.

E. Approval Expiration. Default.

- a. The Construction Plan approval and Improvement Plan Permit shall expire one (1) year after the date that the Permit is issued unless construction of the improvements is underway and normal and substantial progress towards completion is evident. Such evidence may include inspection reports or other criteria that in the opinion of the city indicates progress or lack of the same.
 - b. The Permit and approval shall not expire provided that the construction schedule and milestones are being met.
 - c. Provided that the construction has commenced within the one-year period, the City Administrator may authorize, and the city engineer may recommend authorization of extensions to the construction schedule of up to six (6) months per request. Such request shall be in writing and shall set forth reasons for needing the extension.
 - d. If the construction of the improvements is not meeting the schedule and milestones or if the construction has not commenced within the one year period and no request for an extension is received, or if the project appears to have been abandoned by the developer, the city shall provide written notice of default to the developer and the Improvement Construction Permit shall expire fifteen (15) days after such notice is posted or mailed to the developer, if the developer does not rectify the default by submitting an amended schedule for approval by the city, resumption of work on the site and/or submittal of a request for an extension as required in the notice. If the permit and construction plans expire they shall be submitted as for a new application and the fees shall be paid and the timelines for a new application shall apply to the approval.
- F. **Revision.** Where it becomes necessary, due to unforeseen circumstances, for corrections to be made to approved Construction Plans, the City Engineer shall have the authority to approve such corrections when, in his/her opinion, such changes are warranted and are in conformance with City codes and requirements. Approval of such changes agreed to between the developer and City Engineer shall be recorded by indicating the change on two (2) original signed copies of the Construction Plans, with such change initialed and dated by both parties.
- G. **Responsibility.** Notwithstanding the approval of any Construction Plans by the City or the City Engineer, the developer and the engineer of record shall be and remain solely responsible for the adequacy of the design of all such improvements; and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any design, plans and specifications submitted or improvements constructed thereto.

Section 14. Final Plat.

- A. **Purpose.** The Final Plat provides detailed graphic information and associated text indicating property boundaries, easements, streets, utilities, drainage, and other information required for the maintenance of public records of the subdivision of land.
1. A Final Plat shall be required for all subdivisions of land.
 2. The Final Plat shall conform to the approved Construction Plans and approved Preliminary Plat.
- B. **Format.** The Final Plat shall be drawn on eighteen inch by twenty-four inch (18" x 24") Mylar sheets at a scale of one inch equals one hundred feet (1" = 100') unless otherwise approved by City staff, with all dimensions labeled accurately to the nearest one tenth (1/10) of a foot. When more than one (1) sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at a scale of one inch equals four hundred feet (1" = 400') shall be attached to the plat.
- C. **Content.** The Final Plat shall include the entire subdivision, and shall contain or have attached thereto:
1. General Information.
 - a. The proposed name of the subdivision, which shall not have the same spelling or be pronounced similarly to the name of any other subdivision located within the City or within the extraterritorial jurisdiction of the City; provided however, that use of the same base names for different sections or phases is required when the units are contiguous with their namesakes and individually identified by a section number.
 - b. The date, scale, north point, addresses of the owner of record, developer, registered public surveyor, and licensed professional engineer, if required. The engineer and surveyor shall affix their seals to the plat in conjunction with the signing of the certification requirements.
 - c. A location map showing the relation of the subdivision to major streets within the general vicinity of the subdivision. The latest edition of the USGS 7.5-minute quadrangle map is recommended.
 - d. Identification and location of proposed uses and reservations for all lots within the subdivision.
 - e. Two copies of the deed restrictions or covenants, if such documents are to be used. These shall be filed for record in conjunction with the recordation of the Final Plat.
 - f. Certification from all applicable taxing agencies that all taxes due on the property have been paid.
 - g. The respective plat or deed references as determined by the most recent tax rolls for all property within two hundred (200) feet of the subdivision boundary.
 - h. Certification, signature and revision blocks as required by the City (and County for developments in the ETJ), including but not limited to the following:
 - i. Signature blocks for the surveyor, engineer, and property owner.

- ii. Certification from a professional engineer licensed to practice in Texas and approval by the Texas Commission on Environmental Quality (TCEQ) (if applicable) that water satisfactory for human consumption is available in adequate supply at the time of submission, except that such certification is not required if the property will be served by the City water system.
- iii. Certification from the County Environmental Office or the City of Somerville that a subdivision is located in an area which cannot reasonably be served by an organized wastewater collection system and that the use of on-site wastewater treatment facilities or other means of treatment has been approved by the County Environmental Officer in accordance with TCEQ regulations. Said certificate shall show the limitations, if any, of such approval.
- iv. Lot area, width and depth, public utility and drainage easements, and setbacks shall conform to the requirements as established for the designated land use.
- v. Certifications required for recordation and approval by the Commission and the Council

2. Existing Conditions.

- a. The existing property lines, including bearings and distances, of the land being subdivided. Property lines shall be drawn sufficiently wide to provide easy identification.
- b. Areas delineating the regulatory one hundred (100) year floodplain, if applicable. This information must be certified by a professional engineer licensed to practice in Texas.
- c. The location, dimensions, names and descriptions of all existing and recorded streets, alleys, reservations, railroads, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, as determined from current deed and plat records. The existing right-of-way width of any boundary street to the proposed subdivision shall also be shown. A survey tie shall be shown at no less than three hundred (300) foot intervals for any boundary street or right-of-way, unless such right-of-way was previously platted, indicating the widths of any such existing boundary street or right-of-way to determine if any additional right-of-way is required to be dedicated based on the classification of such boundary street in accordance with the any right-of-way requirements. A survey tie shall also be shown to the centerline of any existing street intersecting a boundary street or median break on a boundary street within a distance of 1,000 feet of the subdivision boundary (or as determined appropriate by the City Engineer) to determine required alignments or offsets for any proposed street or driveway intersections, the spacing of median breaks, intersections, etc.
- d. Location of City limit lines and/or outer border of the City's extraterritorial jurisdiction, as depicted on the City's most recent base map, if either such line traverses the subdivision or is contiguous to the subdivision boundary.

3. Survey Control Information.

- a. True bearings and distances to the nearest established street lines, official monuments, or existing subdivision corner, which shall be accurately described on the plat and rotated to the state plane coordinate system. Using said system, X and Y coordinates shall be identified for four (4) property corners.
- b. The description and location of all permanent monuments or benchmarks, standard monuments, survey control points and lot pins.
- c. Suitable primary control points to which all dimensions, bearings and similar data shall be referenced. At least one (1) corner of the subdivision shall be located with respect to a corner of the original survey of which it is a part.
- d. Sufficient data shall be shown on the plat for each lot to prove mathematical closure.

4. Improvements.

- a. The location, bearings, distances, widths, purposes and approved names of streets, alleys, easements and rights-of-way to be dedicated to public use.
- b. *Streets.* Provide complete curve data (delta, arc length, radius, tangent, point of curve, point of reverse curve, point of tangent, long chord with bearing) between all lot corner pins.
- c. *Watercourses and Easements.* Provide distances to be provided along the side lot lines from the right-of-way line or the high bank of a stream. Traverse line to be provided along the edge of all major waterways in a convenient location, preferably along a utility easement if paralleling the drainage easement or stream.
- d. The property lines and number designations of all proposed lots and blocks, with complete bearings, distances and dimensions for front, rear and side lot lines. The surveyor shall certify that all lots meet the City's minimum requirements, the Model Subdivision Regulations for developments in the ETJ, and the minimum lot size for private sewage disposal systems if such systems are proposed.
- e. The use, property dimensions, names and boundary lines of all special reservations to be dedicated for public use, including sites for schools, churches, parks and open spaces, common ownership, or subsequent development.
- f. A note shall be provided on the plat indicating that building setbacks shall be in accordance with the City Ordinances, and the location, dimensions, and descriptions of all required easements (shown graphically) within the subdivision, intersecting, or contiguous with its boundaries or forming such boundaries.
- g. The proposed location of sidewalks for each street shall be indicated in a note on the plat.

5. Support Documents. The following supporting documents must accompany the Final Plat:

- a. Developer shall include a copy of the approved application for floodplain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.
 - b. If a subdivision is located in an area served by any utility other than the City, the developer shall furnish a letter indicating the utility's intent to serve the property and general agreement with the proposed easements, delivery points and constructed improvements as applicable.
 - c. As-built construction drawings, accurately representing the improvements constructed per the Construction Plans along with a copy of the Notice of Completion issued by the city engineer.
 - d. Current original tax certificates for all property being subdivided, including SISD, City of Somerville, Burleson county Hospital District, and Burleson County.
 - e. Documentation from Burleson County 911/Addressing stating that all of the street names on the Final Plat are not duplicated in the city or the ETJ unless such streets are the continuation of existing streets.
6. The applicant shall be responsible for verifying the accuracy of all data submitted.

D. Procedure.

1. After approval of the Preliminary Plat and Construction Plans, and the completion of the necessary Improvements for a proposed subdivision, or the current phase of a proposed subdivision, a Final Plat for that subdivision shall be submitted to the City for approval by the Commission and the Council, and such approval shall be obtained before recordation of the plat. The Final Plat application shall be reviewed and processed in accordance with Section 9.
2. A final plat shall not be approved if:
 - a. The tract is not in conformance with the Subdivision Ordinance.
 - b. Fees in-lieu of park land dedication as required by this Ordinance, if applicable, have not been paid.
 - c. Written acceptance of all improvements by the City Engineer as required by this Ordinance has not been received by the City.
 - d. Applicable fees required by this Ordinance have not been paid.
 - e. Notes describing any variances approved by the Council have not been added to the plat.
 - f. Three (3) copies of record drawings have not been submitted to and approved by the City Engineer, along with a statement prepared by a licensed professional engineer that all improvements have been installed and constructed in accordance with the approved Construction Plans and submitted record drawings.

- g. Electronic media containing computer generated drawings of all public improvements shown on the Construction Plans, and all lot lines shown on the Final Plat, have not been submitted to the City Engineer to update City record drawings.
 - h. Three (3) copies of Maintenance Bonds meeting the requirements of this Ordinance have not been provided.
 - i. An affidavit of all bills paid and a release of liens have not been provided.
 - j. Any and all other requirements identified in the Final Plat process per this ordinance, the city, county or state agency regulations and codes and the application checklist have not been satisfied.
2. The developer should be aware that specific approvals from other agencies may be required.

E. Effect of Approval and Approval Expiration.

1. The Effect of Approval on Dedication.
 - a. The approval of a Plat is not considered an acceptance of any proposed dedication and does not impose on the municipality any duty regarding the maintenance or improvement of any dedicated parts until the appropriate municipal authorities make actual appropriation of the dedicated parts by entry, use, or improvement.
 - b. The disapproval of a plat is considered a refusal by the municipality of the offered dedication indicated on the Plat.
2. Approval Expiration.
 - a. The approval of the Final Plat by the Council shall expire within one (1) year of the date of approval if such Final Plat is not recorded in the Real Property Records of Burleson County in accordance with requirements for such recordation.

F. Recordation.

1. Prior to the recordation of the Final Plat:
 - a. The Final Plat shall have been approved and signed by the appropriate Commission officials and approved by the Council pursuant to the provisions of this Ordinance.
 - b. Copies of any required agreements providing for the proper and continuous operation, maintenance, and supervision of any facilities that are of common use or benefit which cannot be satisfactorily maintained, or which have been rejected for operation and/or maintenance, by an existing public agency shall be executed.
2. City staff shall, upon determination that all provisions of this Ordinance have been satisfied, and all the above conditions have been met, obtain signatures certifying Final Plat approval by the Mayor, as attested to by the City Secretary.
3. Once the original Final Plat has been certified by the Mayor, City staff shall notify the developer that the original, signed Final Plat is ready for reproduction.

4. The developer shall make arrangements to provide three (3) photographic Mylar copies of the original, signed Final Plat if the subdivision is located within the city limits or four (4) photographic Mylar copies if the subdivision is located in the ETJ of the city, and shall return all copies and the original to the City for Recordation along with the required recordation fee. The copies shall not be made until all certifications and documents required by the County Clerk's office for recordation have been satisfied.
 5. If any of the proposed subdivision is located outside the corporate limits of the City on the date of its filing for recordation with the Official County Records, then it must be approved by the Commissioners Court of the County prior to recordation unless an agreement between the City and County stipulates differently. It shall be the responsibility of the developer to be familiar with the process, procedures, and requirements necessary to secure County approval. Such approval shall be evidenced by the signature of the statement of certification by the County Judge
 6. After the Final Plat is filed for recordation, the city shall retain one (1) photographic Mylar of the original signed plat in the permanent records of the City and shall return the remaining copies to the developer.
 7. The City shall retain one (1) copy of the original signed Final Plat on file as public record.
- G. **Responsibility.** Notwithstanding the approval of any Final Plat by the City Council, and/or Commissioner's Court, the developer and the engineer of record shall be and remain responsible for the adequacy of the design and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat or plan submitted.

Section 15. Boundary Line Adjustments.

- A. **Application and approval process.** The developer or property owner shall submit a plat application on a form provided by the City for approval of the proposed Boundary Line Adjustment or Development Plat. Each application, once reviewed for administrative completeness and accepted for approval shall be accompanied by the payment of a fee in accordance with the duly adopted schedule of fees, Schedule A, adopted as ordinance 19-003, to cover the costs of processing the application.
- B. **Form.** The plat shall show:
1. The name of the development, if appropriate, name and address of the owner of the lot(s) affected by the boundary line adjustment or development plat, and the name and address of the developer if different than the owner.
 2. The lot or lots drawn at a recognized engineering scale.
 3. Boundary lines with dimensions and bearings of all lots.
 4. The date of preparation of the plat; location map, north arrow and scale
 5. The layout, dimensions and bearings of all lots created, if applicable

6. Building setback lines
 7. Any existing or proposed building, structure or improvement or proposed modification of external configuration of the building, structure or improvement involving a change of the building, structure or improvement or significant topographical features.
 8. The size of each lot.
 9. Existing and proposed easements and rights-of-way, within or abutting the boundaries of the surveyed property showing type, location, filing data, and size.
 10. The dimensions of each street, easement, sidewalk, alley, square, park, or other part of the property existing or intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, easement, sidewalk, alley, square, park or other part.
 11. An accurate legal description of the property, designation of monuments placed on the ground and a certificate with a seal by a registered public surveyor that all details of the plat are correct.
 12. Spaces for certifications by The City Manager, County Clerk, Mayor, City Engineer, and Flood Plain Manager (when appropriate).
 13. A certificate of ownership and dedication.
 14. Any other information as may be necessary for the full and proper consideration of the Boundary Line adjustment or Development Plat.
- C. **Action of city.** Where the plat meets the standards of this Section, the city shall approve it within thirty (30) days of acceptance of the Plat for review after a determination of administrative completeness. Approval by the city shall be evidenced by the signing of the plats by the City Administrator. Where, for any reason, the plat cannot be approved or the City Administrator at his discretion refers the matter to the commission, the plat shall be processed according to the standard review and approval process defined for a Final Plat. Upon administrative approval of the Plat, the developer shall submit two prints and two Mylar copies of the approved plat, all other instruments that may be required to be recorded, a certificate or letter from a title or guarantee company or attorney, tax certificates indicating that all taxes have been paid for prior and current years to all taxing entities and a check for the recordation fee payable to the Burleson County Clerk. All Mylar copies shall bear original signatures. The city shall record a copy of the approved plat at the office of the county clerk when all requirements as defined in this section have been met by the developer.

Section 16. Certificates of Compliance.

- A. Upon approval of a plat by the city, the city shall issue to the developer a certificate stating that the plat has been reviewed and approved by the city. Water, sewer, electricity, gas or any other public utility service shall not be connected or provided for service until such time as the public utility is provided a copy of the certificate of compliance with plat requirements. On written request of an owner of land, or any entity that provides public utility service the city council, or the planning and zoning commission shall determine the following regarding a specific tract of land:

1. Whether a plat is required for the land.
 2. If a plat is required, whether it has been prepared and whether it has been reviewed and approved by the city.
- B. Where the city determines that a plat is not required, the city shall issue to the requesting party a written certification of that determination. If the city determines that a plat has been prepared and has been reviewed and approved, the city shall issue to the requesting party a written certification of that determination. Requests for determination of compliance shall be acted upon by the city within 20 days of a written request for such action.

Section 17. Vacation of Undeveloped Subdivision

When no lots on a plat of subdivision have been sold, the developer may request the vacation of the plat prior to the time that the improvements covered by the guarantees are installed, and when such plat is vacated, all fiscal sureties shall be returned to the developer. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

Section 18. Assurance of Completion of Improvements

- A. **Purpose.** The provisions of this Ordinance, as set forth in this Section, are designed and intended to insure that, for all subdivisions of land within the jurisdiction of the City, all improvements as required herein are installed in a timely manner in order that:
1. The City can provide for the orderly and economical extension of public facilities and services.
 2. The City can provide for the orderly and economical extension of public facilities and services.
 3. All required improvements are constructed in accordance with the AWWA and TCEQ, Standard Details and City codes and ordinances.
- B. **General Policy.** Final Plats shall not be applications shall not be accepted for substantial completion review or approval until all required improvements are complete and have been certified as complete by the engineer of record and the City Engineer affirms such certification. Prior to submittal of a Final Plat for review the applicant shall:
1. Construct all improvements as required by this Ordinance, and provide a surety instrument guaranteeing their Maintenance as required herein.
 2. If off-site improvements are required for the development, provide a surety instrument guaranteeing construction and maintenance of all off-site improvements required by this Ordinance, and as provided for herein.
- C. **Completion of Improvements.** Prior to the submittal of the Final Plat for the developer shall:

1. Complete all improvements required by this Ordinance in accordance with the approved Construction Plans and subject to the approval of the City Engineer and acceptance by the City, except as otherwise provided for in this Ordinance.
2. Construct all sidewalks as shown on the approved Construction Plans and according to the City Standard Details and Specifications; including sidewalks not abutting a residential, commercial or industrial lot; sidewalks on arterial streets to which access is prohibited; sidewalks on double frontage lots on the side to which access is prohibited; and all sidewalks on safe school routes. Such sidewalks include, but are not limited to, sidewalks along street frontages of lots proposed for schools, park lots where no park improvements are proposed, detention lots, drainage lots, landscape lots, or similar lots; prior to subdivision acceptance.

D. **Surety required for off-site improvements.** After the Construction Plans are approved, the City shall issue the Improvement Construction Permit upon securing from the developer a guarantee (fiscal surety), as provided for by this Section for the completion of all required off-site improvements, including the City's cost for collecting the guaranteed funds and administering the completion of improvements, in the event the developer defaults. Such guarantee shall take one of the following forms. A surety is not required for on-site improvements.

1. **Performance Bond.** The developer shall post a performance bond with the City, as set forth herein, in an amount equal to one hundred ten percent (110%) of the estimated construction costs for all required off-site improvements, using the standard City form.
2. **Escrow Account.** The developer shall deposit cash or other instrument readily convertible into cash at face value, either with the City, or in escrow with a bank or savings and loan institution. The use of any instrument other than cash shall be subject to the approval of the City. The amount of the deposit shall equal one hundred ten percent (110%) of the estimated construction costs for all required off-site improvements. In the case of any escrow account, the developer shall file with the City an agreement between the financial institution and the developer guaranteeing the following:
 - i. That the funds of said escrow account shall be held in trust until released by the City and may not be used or pledged by the developer as security in any other matter during that period.
 - ii. That in the case of a failure on the part of the developer to complete said off-site improvements; the financial institution shall immediately make the funds in said account available to the City for use in the completion of those improvements. Such escrow account agreement shall be prepared using the standard City form.
3. **Cost Estimates.** A professional engineer licensed to practice in the State of Texas shall furnish estimates of the costs of all required off-site improvements to the City Engineer who shall review the estimates in order to determine the adequacy of the guarantee instrument for insuring the construction of the required facilities.
4. **Surety Acceptance.** The bank, financial institution, insurer, person or entity providing any letter of credit, bond or holding any escrow account, pursuant to this Ordinance,

shall meet or exceed the minimum requirements established by City ordinance and shall be subject to approval by the City as provided in the ordinances of the City

5. **Sufficiency.** Such surety shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in this Ordinance. All such surety instruments shall be both a payment and performance guarantee.

6. A project is located in the extraterritorial jurisdiction of the City, may be subject to the bonding requirements of the County for the construction of roadways.

- E. **Time Limit for Completing Improvements.** The period within which required improvements must be completed shall be incorporated in the surety instrument, and shall not exceed the limits in the approved schedule, or the expiration date of the permit or construction plan approval.

The city may, upon application of the developer and in accordance with the extension procedures herein approve an extension of the completion date set forth in such for a maximum period of one (1) additional year. Such hardship may include delays imposed due to City projects.

- F. **Release of Improvement Surety Instrument.**

1. The City shall not release a surety instrument unless and until all the conditions of this Ordinance have been met.

- G. **Inspection and Acceptance of Improvements.** The City Engineer shall inspect all required improvements, to ensure compliance with City requirements and the approved Construction Plans.

1. When the developer determines that all required Improvements have been satisfactorily completed, he/she shall notify the engineer, in writing, that the work is complete and ready for final inspection. the City Engineer shall either:
 - i. accept, in writing, the improvements as having been satisfactorily completed, or
 - ii. issue a punch list to the developer denoting items remaining to be completed.
2. The City Engineer shall have ten (10) working days to complete this inspection upon notification by the developer.
3. The City Engineer shall issue the report within ten (10) working days of the date of such inspection.
4. The City shall not accept dedications of required improvements, nor release an assurance for off-site improvements, until such time it is determined that:
 - i. All improvements have been satisfactorily completed.
 - ii. Three (3) copies of record drawings have been submitted to and approved by the City Engineer, along with a statement prepared by a professional engineer

licensed in the State of Texas that all improvements have been installed and constructed in accordance with the submitted record drawings.

- iii. Copies of all inspection reports, shop drawings and certified test results of construction materials have been submitted to and approved by the City Engineer.
- iv. Digital files containing computer generated drawings of all public improvements shown on the Construction Plans and all lot lines shown on the Preliminary Plat have been submitted to the City Engineer to update City record drawings. The digital files shall be in a format acceptable to the engineer.
- v. Three (3) copies of Maintenance Bonds meeting the requirements of this Ordinance have been provided.
- vi. An affidavit showing that all bills have been paid and copies of release of lien forms by all contractors, subcontractors or vendors have been provided.
- vii. Any and all other requirements identified in the Final Plat process have been satisfied and a Final Plat is approved.

H. Maintenance Bond Required.

1. Before the release of any surety instrument guaranteeing the construction of required off-site subdivision improvements and the recordation of the Final Plat, the developer shall furnish the City with a Maintenance Bond or other surety to assure the quality of materials, workmanship, and maintenance of all required improvements including the City's costs for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements.
2. The Maintenance bond or other surety instrument:
 - i. Shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution.
 - ii. Shall clearly indicate that both the developer and surety are jointly obliged.
 - iii. Shall cover all facilities offered for city dedication, including but not limited to, water, wastewater, street and drainage improvements.
 - iv. Shall be in an amount equal to 10% of the cost of improvements for the first two (2) calendar years. A statement of construction value or final pay estimate shall be provided to the City Engineer to support said warranty and Maintenance Bond amounts.
 - v. Shall require the Surety to notify the City at least fifteen (15) days prior to the end of the first full calendar year, and prior to the lapse of Maintenance coverage at the end of the second full calendar year.

3. In an instance where a Maintenance Bond or other surety instrument has been posted and a defect or failure of any required improvement occurs within the period of coverage, the City may declare said bond or surety instrument to be in default and require that the improvements be repaired or replaced.
4. Whenever a defect or failure of any required improvement occurs within the period of coverage and less than one (1) full year of coverage remains, the City shall require that a new Maintenance bond or surety instrument be posted for a period of one (1) full calendar year sufficient to cover the corrected defect or failure.

ARTICLE III. IMPROVEMENTS

Section 19. General

- A. All subdivision improvements shall be designed and installed in accordance with all applicable minimum requirements established by this Ordinance and City Development Standards, Standard Details and Specifications.
- B. **Types of Improvements.** In the absence of any provision to the contrary, the developer shall provide the following improvements, as approved in the Construction Plans, in conformance with the standards, specifications and the requirements of this Ordinance.
 1. Drainage improvements, including storm sewer lines and inlets, channels, swales, detention facilities, and other related appurtenances.
 2. Transportation improvements, including streets, alleys, bridges, street lighting, street signage, and sidewalks.
 3. Water utilities including water distribution lines, fire hydrants, valves, pump stations and water storage facilities.
 4. Wastewater utilities including wastewater lines, manholes, and lift stations.
 5. Parkland.
 6. Developer installed improvements supporting electric, telephone, gas, internet and cable television, and postal services shall be installed in conformance with the terms and regulations of the provider of said utility and the ordinances and codes of the city.
 7. Sidewalks, excluding sidewalks fronting lots to be sold for development or construction after the acceptance of the subdivision; sidewalks that shall be completed by the developer include, but are not limited to, sidewalks along street frontages of lots proposed for schools, park lots where no park improvements are proposed, detention lots, drainage lots, landscape lots, or similar lots.
- C. **Continuity of Improvements.** All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties. Water, wastewater, transportation and drainage improvements shall be extended to the perimeter of the development, except that the Council is authorized to vary or modify the requirement for extending water, wastewater,

transportation and drainage improvements to the perimeter of a subdivision in accordance with the procedural requirements contained in this Ordinance.

D. **Construction Plans.** Plans for the improvements required by this Ordinance shall be prepared, reviewed and approved in accordance with the provisions set forth in this Ordinance.

E. **Acceptance of Improvements.**

1. During the course of installation and construction of the required improvements, the City Engineer or his/her designated representative shall make periodic inspections of the work to insure that all improvements comply with City requirements.
2. Upon completion of all required improvements submission of a Final Plat application, the developer may seek acceptance of all public improvements by the City by following the procedures set forth in this Ordinance.

F. **Maintenance of Improvements.** Where a subdivision contains drainage, transportation, water or wastewater improvements, parks and grounds held in common, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which will not be, or cannot be, satisfactorily maintained by an existing public agency, provisions, acceptable to the Council, shall be made for such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to and approved by the Council, and approved as to form by the City Attorney, at the time of Final Platting and shall be filed of record with the Plat thereof.

Section 20. Park Land Dedication and Park Improvements

Park Land Dedication and Park Improvements Required: A developer of any subdivision subject to this ordinance which includes residential lots, building sites, or multifamily residential site development within the City limits or the City's extraterritorial jurisdiction, that adds any residential units to any subdivision or multifamily residential site development, shall prepare a park plan to provide for sufficient and suitable park land and park improvements for the purpose of public recreation in accordance with the following provisions no provisions.

ARTICLE IV. ADMINISTRATION

- A. For each and every development of land within the scope of this Ordinance, Plans and Plats of the development shall be prepared and submitted to the City for approval, conditional approval, or disapproval, as provided for in this Ordinance.
- B. **City Staff Responsibilities.** The City shall administer the provisions of this Ordinance and in furtherance of such authority, the City shall:
 1. Maintain permanent and current records with respect to this Ordinance, including amendments thereto.
 2. Receive and file all Development Plans, Preliminary Plats, Construction Plans, and Final Plats, Development Plats and Boundary Line Adjustments together with applications therefor.

3. Forward copies of the Preliminary Plat, Construction Plans, and Final Plat to the County, when the development is located within the City's extraterritorial jurisdiction.
 4. Review all Development Plans, Preliminary Plats, Construction Plans, Final Plats, Development Plats, and Boundary Line Adjustments to determine whether such plats comply with this Ordinance.
 5. Provide Plans and Plats to the Commission and the Council as required by this Ordinance, together with its recommendations thereon.
 6. Make such other determinations and decisions as may be required of the City by this Ordinance, the Commission or the Council.
- C. **Interpretation of Provisions.** In the interpretation and application of the provisions of this Ordinance, the following regulations shall govern:
1. In the City's interpretation and application, the provisions of this Ordinance shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity and welfare.
 2. Whenever both a provision of this Ordinance and any other provision of this Ordinance, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.
 3. Where there arises, a question concerning the meaning or intent of a provision of this Ordinance, the City shall render a written decision setting forth the exact manner in which said provision shall be interpreted and administered. In the event exception is taken by any interested party to such a decision the matter shall be appealed to the Commission, and, as appropriate, to the Council, whose decision shall be final.
 4. Any written decision shall be attached to and made a part of this Ordinance, until rescinded by amendment of this Ordinance as provided for herein.
 5. The terms, provisions and conditions of this Ordinance shall be interpreted and applied in a manner consistent with Chapter 212, Tex. Loc. Gov't. Code.

Section 21. Voluntary Annexation

- A. For projects located in the City's extraterritorial jurisdiction, and at the time of subdivision plat or development plan submittal, it is recommended that the developer consider making a request for voluntary annexation to the City of Somerville, Texas, if such subdivision or development requires or will impact any of the following:
1. City water and wastewater utilities.
 2. City services (including police, fire, sanitation, emergency services).
 3. City park and recreation facilities.
 4. City's drainage system.

5. Other City facilities (including library, streets, hospital, etc.).

Section 22. Variances

A. A variance to the provisions of this Ordinance shall be considered an exception to the regulations, rather than a right. Whenever a tract to be developed is of such unusual size or shape or is surrounded by development of such unusual conditions that the strict application of the requirements contained in this Ordinance would result in substantial hardship or inequity, the Council may vary or modify, except as otherwise indicated, such requirement of design as provided for herein, shall not approve a waiver, modification or reduction of procedural requirements or improvements. The purpose of a variance is to allow the developer to improve his/her property in a reasonable manner without diminishing the protection of the public welfare and the interests of the City and preserving the general intent and spirit of this Ordinance in accordance with the following provisions:

1. All applications for a variance from this ordinance shall be requested prior to the submittal of a Preliminary Plat for approval, and proof of approval or denial of such request shall be a condition of acceptance of the Preliminary Plat application.
2. If an unforeseen condition of the property or land to be developed is discovered during the construction of improvements, and such condition imposes a hardship that was not created by the developer, his engineer, or contractor, then at the recommendation of the city engineer a request for a variance may be presented to the council for review as provided for herein.

B. **Jurisdiction.** When a written request for a variance from the design requirements of this Ordinance is filed:

1. the Council may approve such written request for variances to the design standards; or
2. if the request would constitute a major departure from the applicable provisions of this Ordinance for such features as: lot size, setback lines, etc., such variance request shall be considered by the Council in accordance with the Council's powers and procedures as set forth in this Ordinance, and the Council's decision shall be final; and
3. after giving notice of such requested variances, the Council may consider each such variance request prior to the application of Preliminary or Final Plat review.

C. **Notification.** The notification procedures for variance requests shall be the same as the notification procedures described in Section 9.

D. **Approval.** In granting approval of a request for variance, the Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, and so that the variance observes the spirit of this Ordinance and concludes that substantial justice is done. The Council shall meet these requirements by making findings that

1. The public convenience and welfare will be substantially served;

2. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
3. The applicant has not created the hardship from which relief is sought;
4. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
5. The hardship from which relief is sought is not solely of an economic nature;
6. The variance is not contrary to the public interest;
7. Due to special conditions, the literal enforcement of the ordinance would result in an unnecessary hardship; and
8. In granting the variance the spirit of the ordinance is observed and substantial justice is done.

Section 23. Conditions for Issuing a Building Permit

- A. No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure, on any lot or tract of land and no municipal utility service will be furnished to such lot or tract which does not comply with the provisions of this Ordinance, except as herein exempted or upon the written application and approval of a variance.

Section 24. Fees

To defray the costs of administering this Ordinance, the applicant seeking Plat approvals shall pay to the City, at the time of application and/or filing, the prescribed fees as set forth in the current administrative fee schedule approved by the Council, and on file in the office of the City.

Section 25. Amendments

The Council may, from time to time, adopt, amend and make public rules and regulations for the administration of this Ordinance. This Ordinance may be enlarged or amended by the Council after public hearing, due notice of which shall be given as required by law.

Section 26. Violations

Except as otherwise provided for in this Ordinance, it shall be unlawful for any person, firm or corporation to develop, improve or sell any lot, parcel, tract or block of land within the City's territorial jurisdiction for other than agricultural purposes, regardless of the size or shape of said lot, parcel, tract or block, unless such lot, parcel, tract or block of land conforms with this Ordinance.

Section 27. Enforcement.

- A. **Penalty.** Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand

dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

- B. **Administrative Action.** The Municipal Authority, the City Administrator and/or the City Engineer and designated staff, as appropriate, shall enforce this Ordinance by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this Ordinance and good engineering practices, and the issuance of stop work orders.
- C. **Court Proceedings.** Upon the request of Council, the City Attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this Ordinance, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the City to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this Ordinance.