

AN ORDINANCE PROVIDING RULES AND REGULATIONS GOVERNING THE PLATTING OR RE-PLATTING OF LAND INTO SUBDIVISIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF THORNDALE, TEXAS, AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THIS CITY; REQUIRING PLATS AND RE-PLATS TO CONFORM WITH SUCH RULES AND REGULATIONS IN ORDER TO PROCURE THE APPROVAL OF THE CITY COMMISSION; PROVIDING A PENALTY FOR VIOLATION INsofar AS LAND SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF THORNDALE IS CONCERNED OF NOT LESS THAN \$10.00 AND NOT MORE THAN \$200.00 UPON CONVICTION AND THAT EACH DAY SHALL CONSTITUTE A SEPARATE OFFENSE; REPEALING ORDINANCES INCONSISTENT HERewith; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF:

BE IT ORDAINED BY THE CITY OF THORNDALE:

SECTION 1 - GENERAL

This Ordinance and rules and regulations herein contained shall from and after the passage hereof govern every person, firm, partnership, association, corporation or other legal entity owning any tract of land within the corporate limits of the City of Thorndale or within extraterritorial jurisdiction of this City as prescribed by law, as from time to time amended, who may hereafter divide the same in two or more parts for the purpose of laying out any subdivision of any tract of land of any to said City or for laying out suburban lots or building lots or any lots, and streets, alleys or parks or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

SECTION 2 - DEFINITIONS

- 2.01 City or the City shall mean City of Thorndale.
- 2.02 Subject to the provisions of SECTION 12 hereof, Subdivision shall mean the division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership, and shall include re-subdivision and shall further include both residential and business or commercial subdivision of land. The following shall not be defined as subdivision, testamentary division of property, partnership division or property upon dissolution or division of property between two or more owners of an undivided interest by court order. Division of land into parcels of ten (10) acres or more, unless any such division of ten (10) acres or more includes the planning or development of a new street. Further division of land resulting from sales, conveyance, or transfers of easement or parcels of land to public entities

for public utility, right of way, drainage or similar public purpose shall not be included in this definition of "subdivision"

- 2.03 Re-subdivision shall mean the division of an existing subdivision, together with any change of lot size therein, or with relocation of any street lines.
- 2.04 The word "shall" shall be deemed as mandatory. The word "may" shall be deemed as permissive.
- 2.05 Plat shall mean a map or chart of the subdivision. It shall include plan, plat or re-plat, both singular and plural.
- 2.06 Commission shall mean the City Commission of the City of Thorndale.
- 2.07 A major street is a principal traffic thoroughfare which more or less continues across the City which serves to connect remote parts of the City. It may also be a principal connecting street with the state and federal highways. Such major streets or thoroughfares are all such streets which will be indicated on the Thoroughfare Plan which will hereafter be adopted and placed on file with the Commission.
- 2.08 A secondary or collector street is one which is continuous through several residential districts and is intended as a connecting street between residential district and major streets or thoroughfares or business districts. Such secondary or collector streets will also be indicated in the Thoroughfare Plan when adopted which will be placed on file with the Commission.
- 2.09 Minor or residential streets are all other streets not otherwise indicated.
- 2.10 Director of Public works as used in this Ordinance shall indicate either the Director of Public Works or the person authorized as the administering official who at the present is the City Manager of this City.
- 2.11 City Engineer shall be duly appointed City Engineer of this City and if a City Engineer has not been appointed shall be construed to mean the City Manager of this City.
- 2.12 Subdivider shall mean the person, firm, partnership, association, corporation or other legal entity subdividing a piece of land to be sold or otherwise handled for their own personal gain or use.
- 2.13 Extraterritorial jurisdiction shall mean that area adjacent to

the corporate limits of the City over which the City is authorized to control, among other things, subdivisions as prescribed or defined by law or by statutes in effect as from time to time amended.

SECTION 3 - PURPOSE, AUTHORITY AND JURISDICTION

Under the authority of Section 4, Article 970a and Article 974a of the Revised Civil Statutes of the State Of Texas, which articles, are hereby made a part of these regulations, the City Commission of the City of Thorndale does hereby adopt the following regulations to hereafter control the subdivision of land and within the corporate limits of the City of Thorndale and within the extraterritorial jurisdiction thereof in order to provide for the orderly development of the areas and to secure adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewage, and other facilities.

It shall be unlawful for any landowner or agent of any landowner to layout, subdivide, plat, or replat any land onto lots, blocks and streets, without the approval of the City Council. It shall also be unlawful for any such landowner or agent to offer for sale or to sell any such property which has not been laid out, subdivided, platted or replatted in accordance with this Ordinance and furnished with all street, drainage, utility and other requirements required by the City of Thorndale Ordinance and such improvements approved by the City Engineer in accordance with this Ordinance.

- 3.01 The City will make no improvements nor will the City maintain any streets or furnish any public utility service in any subdivision or addition for which recorded plats are not on file with the City Secretary and county clerk. Likewise, the City will make no improvements, nor will the City maintain any streets or furnish any public utility service in any subdivision or addition which has not been properly provided with all street, drainage, utilities and other required improvements, all of which have been approved by the City Engineer.
- 3.02 No street number and no building permit shall be issued for the erection of any building in the City on any piece of property other than an original or a re-subdivided lot in a duly approved and recorded subdivision without the written approval of the Commission.
- 3.03 The attention of each subdivider is directed to Article 6626 of the Revised Civil Statutes of the State of Texas, and any amendments thereto, which states, in part:

"That in cases of subdivision or re-subdivision of real property no map or plat of any such subdivision or re-

subdivision shall be filed or recorded unless and until the same has been authorized by the Commissioners Court of the county in which the real estate is situated, by order duly entered in the minutes of said Court, except in cases of the partition or other subdivision through a Court of Record; provided that where the real estate is situated within the corporate limits or within five miles of the corporate limits of any incorporated city or town, the governing body thereof or the City Planning Commission, as the case may be, as provided in Article 974a, Vernon's Texas Civil Statutes, shall perform the duties hereinabove imposed upon the Commissioners Court."

SECTION 4 - PROCEDURE

PREDEVELOPMENT CONFERENCE. Prior to the preparing and filing of the Preliminary Plat and engineering plans, the subdivider should consult with and present a proposed plat and conceptual plan of the subdivision to the City Officials for advise and assistance with the procedures required by the City for the subdivision of land.

4.01 PRELIMINARY PLAT: The developer or owner of the land to be subdivided shall submit a preliminary plat of the entire area under one ownership at the time the preliminary plat is submitted. Ten (10) copies of a preliminary plat shall be submitted to the City twenty-five (25) days prior to the meeting at which approval is asked. The plat shall be drawn on an 18 x 24 inch mylar at a scale of 1 inch equals 100 feet with all dimensions labelled to the nearest foot.

The preliminary plat shall include all of the tract intended to be developed at one time and any offsite improvements required to accommodate the project. When additional sheets are required to accommodate the entire area, an index sheet showing the entire subdivision of a scale of 1 inch equals 400 feet shall be attached to the plat. All sheets shall be marked "Preliminary Plat - Not for Recordation".

1. The Plat Shall Show:

- a. Name of subdivision (check for duplication).
- b. Legal description of the land being subdivided attached to preliminary plat.
- c. Total acreage and total number of lots and blocks.
- d. The date, scale, north point, addresses of the owner of record, subdivider and registered professional engineer or registered public surveyor.

- e. A key map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of 1/2 mile using a scale of 1 inch equals 1,000 feet.
 - f. Point of beginning labelled on plat and described in field notes.
 - g. Field notes tied to original survey and across adjacent streets to determine right-of-way width.
 - h. Monumentation as described in Section 6.
 - i. Certification and signature blocks as required by the City of Thorndale and Milam County.
2. Boundaries:
- a. Ownership drawn in very heavy lines, with overall dimensions and bearings.
 - b. Lines outside of boundaries of proposed additional to be dashed.
 - c. Provide a tie to an original corner of the original survey of which said land is a part.
3. Adjacent Property: Name and adjacent boundary location of subdivision, streets, easements, pipelines, water courses, etc., if acreage tracts show as such.
4. Topography: Within subdivision: water courses and ravines, showing high bank and width of existing or proposed easements, and contour lines at two (2) foot intervals and any other physical features pertinent to the subdivision. Areas subject to flooding shall be shown delineating the 25-year and 100-year flood limits, if applicable.
5. Existing Features Inside Subdivision: The location and width of existing streets, alleys, easements and transportation features.
6. Proposed Features Inside a Residential Subdivision:
- a. The location, width, and name of streets.
 - b. The bearings and distances of the property lines of all lots.

- c. The location of building lines, alleys and easements.
 - d. Numbers and/or letters to identify each lot and each block.
7. Special uses: Designated any sites for churches, sewage disposal plants, water plants, business, industry or other special land uses. If proposed use is unknown designate as unrestricted. Where a proposed site for a school, park or public building plans to be located on the area taken in by the proposed addition, such site shall be reserved on the proposed plat for the proposed facility.
 8. A drainage study to provide information as to the extent of drainage facilities that will be necessary.
 9. Data detailing the type of street surfacing, sanitary facilities, electric, water and wastewater supply proposed, including data consistent with the proposed uses indicated on the plat.
 10. A letter of certification, when applicable, that the plat has been submitted to the Milam County Health Department for review (applicable to all properties proposing septic system and/or containing any portion of the 100-year flood plain outside the City).
 11. Land Use Plan. The City of Thorndale has adopted a Future Land Use Plan which is on file at City Hall. The City, in order to provide areas for future development which separates uses to protect the health and safety of residents, has stated objectives to create and maintain residential neighborhoods which provide pleasant places to live, encourage and preserve land use compatibility and encourage development with in the community has adopted a Future Land Use Plan, which is amended from time to time.

Each subdivider shall compare his proposed land use plan against the current Land Use Plan for general conformance. Although, the City of Thorndale has no zoning ordinance to control land use the separation of different type land uses and conformance with the Future Land Use Map to meet stated objectives will be strongly encouraged.

The City cannot control land use, but reserves the right to discuss proposed land use with each subdivider. Such discussion should initiate at the Predevelopment

Conference.

4.02 ACTION ON PRELIMINARY PLAT BY COMMISSION:

1. Following the review of the preliminary plat by the Commission, City Engineer, and staff, and negotiations with the subdivider on changes deemed advisable and extent of improvements to be made by his and upon advise (advice) from the city attorney, that the requirements as to legal form have been met and upon recommendation of the Director of Public Works, the Commissioner shall, within thirty(30) days from the date of filing act upon said plat, make recommendation to the City Council and if recommended that approval not be given, shall express its disapproval and the reasons thereto to the City Council.
2. The City Council shall consider the recommendation of the City Commissioner and may take separate action from that recommended. Action taken and condition, if any, shall be noted on four (4) copies of the preliminary plat. Of the four (4) copies, one (1) shall be returned to the subdivider, one (1) shall be filed with the City Secretary, one (1) with the City Commissioner and one (1) shall be furnished to the City Engineer.
3. Approval of the preliminary plat does not constitute acceptance of the subdivision, but is merely authority to proceed with the preparation of the final or record plat. No work shall be done on the subdivision before the final plat is accepted and recorded. Approval of a preliminary plat expires at the end of 180 days unless final or record plat has been submitted to the Commission. If any major changes are required by the Commission, the City Manager may require submission of another preliminary plat.

4.03 FINAL OR RECORD PLAT:

Ten white print copies of the final or record plat and one mylar reproducible of the final plat shall be submitted to the Commission after the preliminary plat has been approved and all required changes and alterations made. No final plat will be considered unless a preliminary plat has first been submitted. Such plats shall be filed with the City Manager at least twenty-five (25) days prior to the meeting at which approval is requested. The final plat shall show or be accompanied by the following data:

1. Plats shall be drawn upon sheets 18 x 24 inches to the

scale of one hundred feet to the inch.

(add a Key Map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of 1/2 mile using a scale of 1 inch equals 1,000 feet.)

2. A title including name and subdivision, owner or owners, and licensed land surveyor or registered engineer or registered public surveyor responsible for the plat and the scale and location of the subdivision with reference to an original corner of the original survey of which said land is a part, the date, north point, total acres in subdivision, and total numbers of lots and blocks.
3. The certificate of the registered engineer or licensed surveyor who surveyed, mapped and monumented the land shall be placed on the face of the plat.
4. A certificate of ownership and dedication of all streets, easements, alleys, parks and playgrounds to public use forever, signed and acknowledged before a notary public by the owner and lienholder of the land.
5. An accurate on-the-ground boundary survey of the property with bearings and distances and showing the lines of all adjacent land, streets, easements and alleys with their names and width. (Streets, alleys and lot lines in adjacent subdivision shall be shown dotted.) All necessary data to reproduce the plat on the ground must be shown on the plat.
6. Certificate of approval to be signed by the Mayor and City Secretary of the Commission shall be placed on the face of the plat.
7. The plat shall show all existing features inside of area being subdivided, such as existing water courses, railroads, width of streets, alleys and easements to be retained and other physical features deemed pertinent to the subdivision.
8. Streets, alleys and easements that are to be dedicated will be shown with the following engineering data:
 - a. For Street: Complete curve data shown on each side of the street.

Length and bearing of all tangents.

Dimensions from all angle points of curve to an

adjacent side lot line.

- b. For Water Courses and Easements: Distances to be provided along the side lot lines from the front lot line or the high band of a stream. Traverse line to be provided along the edge of all large water courses in a convenient location, preferably along utility easement if paralleling the drainage easement or stream.
9. Lot and block lines and numbers of all proposed lots and blocks with complete dimensions for front, rear and side lot lines.
10. Building set back lines shall be shown on all plats.
11. Ten sets of plans and specifications for water, sewer, paving and drainage prepared by a registered engineer, which must be approved by the City Engineer prior to the beginning of any construction of the subdivision.
12. Before the final or record plat is approved, the Commission shall be satisfied that the subdivider will be in a financial position to install or cause to be installed at his own cost, risk, and expense all of the improvements as herein provided. Such Commission may require such security as it, in its sole and absolute discretion, may deem best in order to insure the orderly development within any subdivision specifically including but not limited to a performance bond equal to the estimated cost of the improvements, a personal guarantee or by requiring the subdivider to grant a lien upon the property contained in such subdivision in favor of the City of Thorndale to secure the estimated cost of such improvements. It is expressly understood that as a condition to the approval of said subdivision, no sales will be made by the subdivider until such time as all of the utilities are installed and other improvements are made within the block in which said lot is contained.

4.04 COMMERCIAL SUBDIVISIONS:

It is recognized that it is difficult to plan completely in advance a commercial subdivision, and when land is subdivided for business or commercial purposes, the size of lots and the location of streets and parking areas within such subdivisions may not be known at such time. However, experience has shown that there must be some planning and control in order to have a commercial subdivision in which the City can take pride.

It is, therefore, emphasized that subdivisions for commercial

purposes are subject to the terms of this Ordinance and the preliminary and final plats must be filed and the final plat approved by the Commission.

With respect to commercial subdivisions where the plan is not complete on the final plat or where changes to an approved plat are desired, the owner of the subdivision or the tract in question take the following action:

1. A description of the tract as surveyed by a competent licensed land surveyor and the plat of the premises shall be furnished the Commission.
2. Plans for the proposed building or structure shall also be submitted.
3. Any other data having reference to the Proposed use and appearance as requested by the Commission.

No building permit shall be issued and no construction on the proposed improvements shall be commenced until the plat and proposed structure have been approved by the Commission. In this connection, it is understood that the streets or roadways within the commercial subdivision and parking areas which shall remain the property of the subdivision and for which the City shall not be responsible for maintenance.

4.05 ACTION ON FINAL PLAT BY CITY PLANNING COMMISSION

1. The Commission staff review the final plat, City Engineer and staff, reports and when to the satisfaction of the City Administrator and City attorney that all conditions and requirements have been met, and make recommendations to the City Council and if recommended that approvals not be given, shall express its disapproval and the reasons thereto to the Council.
2. The City Council shall consider the recommendations of the City Commissioner and when satisfied that all conditions and requirements have been met, the City Council shall approve said plat.
3. Approval or disapproval of the final plat shall be voted by the City Council within 30 days after submission of the final plat, failure to do so will constitute approval by the Council unless additional time is required in writing to the subdivider.

SECTION 5 - DEVELOPMENT PLATS

5.01 Purpose - Recognizing the need for a format to record plats of

land not required to have subdivision approval, the City of Thorndale requires such tracts to obtain development plat approval. To qualify for this process, the tract of land shall have existed in its current configuration with no alterations, additions and/or deletions to the boundaries or acreage prior to adoption of this section.

- 5.02 Authority - Land within the City of Thorndale shall be subject to the provisions of Sections 212.041 through 212.050 of the Texas Local Government Code requiring development plat approval for land development not requiring subdivision plat approval.
- 5.03 Special Definitions - Development means the new construction or the significant enlargement of any exterior dimension of any building, structure, or improvements.
- 5.04 Development Plat Required - The City Commissioner shall make the initial determination of whether a proposed development, construction, or enlargement is of such significance as to require Development Plat Approval, or is exempt from same. This initial determination is subject to City Administrator approval, and may be appealed to the City Council.
 1. Any person who proposes the development of a tract of land located within the limits of the City of Thorndale must have a development plat of the tract prepared in accordance with this Section and the applicable plans, rules or ordinance of the City.
 2. A development plat must be prepared by a registered professional land surveyor as a boundary survey showing:
 - a. each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the buildings, structure, or improvement involving a change of the building structure or improvements;
 - b. each easement and right-of-way, within or abutting the boundary of the surveyed property;
 - c. the dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for use of purchasers or owners of lots fronting on or adjacent to the street, sidewalks, alley, square, park or other part;
 - d. the location and size of existing public water and wastewater lines available to service the proposed

development; or, if public service is unavailable, the location and size of existing private onsite water and wastewater facilities; and

- e. the location of the 100-year flood plain on the proposed development site; and the anticipated impact of the proposed development on stormwater drainage as it enters and exits the proposed development site.
 3. New development may not begin on the property until the development plat is filed with and approved by the municipality in accordance with Section 4.
 4. If a person is required under this Code to file a subdivision plat, a development plat is not required in addition to the subdivision plat.
- 5.05 Building Permits - The municipality, a county, or an official of another governmental entity may not issue a building permit or any other type of permit for development on lots or tracts subject to this code until a development plat is filed with and approved by the Thorndale City Council.
- 5.06 Approval - The City Commissioner shall endorse approval on a development plat filed with the City if the plat conforms to:
1. The general plans, rules and ordinance of the City of Thorndale concerning its current and future streets, sidewalk, alleys, parks, playground, and public utility facilities;
 2. The general plans, rules and ordinances for the extension of the City or extension, improvements or widening of its roads, streets and public highways within the City and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities and the anticipated impact of the proposed development on stormwater drainage.
 3. Any general plans, rules or ordinances adopted under this code; and
 4. or has been compared against the Land Use Plan and discussed, if significantly different uses are proposed; and
 5. The applicant has paid such fees as have been determined by the City Administrator and approved by the City

Council to be sufficient to reimburse the City for the costs of permit processing and inspections of the site.

5.07 Effect of Approval on Dedication

The approval of a development plat is not considered an acceptance of any proposed dedication for public use or use by persons other than the owner of the property covered by the plat and does not impose on the City any duty regarding the maintenance or improvements of any purportedly dedicated parts until the City's governing body makes an actual appropriation of the dedicated parts by formal acceptance, entry, use or improvement.

5.08 Building Permits in Extraterritorial Jurisdiction

This Ordinance does not authorize the City to require municipal building permits or otherwise enforce the municipality's building code in its extraterritorial jurisdiction.

SECTION 6 - GENERAL STANDARDS FOR SUBDIVISIONS

6.01 STREETS, ROADS, ALLEYS, EASEMENTS--EXISTING OR PROPOSED AND ADJACENT

General: The street pattern of a Neighborhood should provide adequate circulation within the subdivision and yet discourage excessive through traffic on local streets. This may be accomplished by providing adequate major thoroughfares spaced at approximately one-mile intervals in accordance with the Thoroughfare Plan and secondary through streets within the neighborhood spaced at about half-mile intervals to provide reasonable access to all points in the neighborhood.

1. Major street locations, alignments, widths, and cross-sections are to be determined by City Commission and designated on the Thoroughfare Plan and Thoroughfare Improvements Standard plats.
2. Major streets as shown on the City's Thoroughfare Plan with a right-of-way width of less than 100 feet are to be increased to a width of 100 feet for a distance of 150 feet at the approach to a major street intersection, with a transition back to normal right-of-way over a distance of an additional 150 feet. Where such widening is provided, the building line may be held on an extension of the adjacent line so long as the setback is not less than required in Item 6.06-1-b.
3. Major Street Curves:
 - a. Curves in major streets are to have a center line

radius of 400 feet or more with exception to this standard granted only by the City Commission.

- b. Reverse curves are to be separated by a minimum tangent of 100 feet.

4. Minor Street Curves:

Curves in minor or residential streets are to have a center line radius of 200 feet or more unless unusual circumstances prevent it. Under no circumstances shall the radius be less than 150 feet.

5. Secondary Street Curves:

Secondary or collector streets are to have a center line radius of 300 feet or more with exception to this standard granted only by the City Commission.

- 6. Minor Street offsets, when approved by the City Commission, must offset a minimum distance of 125 feet on center line.

7. Intersections:

- a. All streets, major and residential or minor, are to intersect at a 90 degree angle. Variations must be approved by the Commission.
- b. Acute angle intersections approved by the City Commission are to have 25 foot radii at acute corners.
- c. Street intersections with or extending to meet an existing street will be tied to the existing street on center line with dimensions and bearings to show relationship.
- d. Minimum curb radius at all intersections shall be twenty-five (25) foot.

8. Cul-de-sac (Dead-end streets turn around):

- a. Deed End Streets may be platted where the Commission deems advisable and where the land adjoins property not subdivided, in which case the streets shall be carried to the boundaries thereof. Dead end streets designed to be so permanently shall not be longer than 600 feet and shall be provided at the closed end with a turn around roadway (cul-de-sac) of eighty (80) feet and a

street right-of-way of at least one hundred (100) feet.

- b. Temporary turnarounds are to be used at the end of a street more than 400 feet long that will be extended in the future.
- c. Note for Temporary Turn-Around: "Cross-hatched area is temporary easement for turnaround until street is extended (direction) in a recorded plat."

9. Block Length:

- a. Maximum block length for residential, 1200 feet, measures along the center of the block.
- b. Maximum block length along a major thoroughfare, 1600 feet, except under special conditions and upon approval by the City Commission.

10. Partial or Half-Streets: Partial or half-streets may be provided where the Commission feels that a street should be located on a property line. Inside the City limits, the partial street may be dedicated, with a one-foot reserve in fee along the property line. Outside the City limits, the following note shall be used on such partial streets:

"This _____ foot strip is dedicated as an easement for all utility purposes including storm and sanitary sewers and shall automatically become dedicated for street purposes when and in so far as a _____ foot strip adjacent to it is so dedicated."

11. Provisional one-foot reserve to be used along the side or end of streets that abut acreage tracts, as follows:
"One-foot reserve dedicated to the public in fee as a buffer separation between the side or end of streets in subdivision plats where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes (and the fee title shall revert to and revest in the dedicator, his heirs, assigns, or successors.)"

12. Street Names:

- a. Names to be continuations of existing street names adjacent to or on line, if they are not duplications.

- b. Proposed new names must be submitted to the City Manager for checking prior to the submittal of final plat.
13. Engineering Data (Preliminary plats to have approximate data):
- a. Streets:
 - i. Complete curve data shown on each side of street.
 - ii. Length and bearings of all tangents.
 - iii. Dimensions from all angle points and points of curve to an adjacent side lot line.
 - b. Lots: Complete dimensions and bearings for front, rear, and side lot lines.
 - c. Water Courses and
 - i. Distances to be provided along the side lot lines from the front lot line to the point where the side line crosses the drainage easement line or the high bank of a stream.
 - ii. Traverse line to be provided along the edge of all large water courses in a convenient location, preferably along a utility easement if paralleling the drainage easement or stream.

6.02 ALLEYS:

When alleys are provided, same shall have a minimum width of 20 feet. Adequate drainage shall be provided with paved sections or by swale to drain all lots to streets without drainage easements through lots where possible. The depth of swale shall be as required for drainage with a minimum slope of 0.50 percent toward a street or drainage easement.

6.03 SIDEWALKS:

When sidewalks are provided same shall be four feet wide. Sidewalks shall be constructed in conformance with the City Construction Standards and shall also conform with the American Disability Act (ADA) Standards.

6.04 LOTS:

General: The lot design of a neighborhood should provide for lots of adequate width and depth to provide open area and to eliminate overcrowding. Lots should be rectangular so far as practicable and should have the side lot lines at right angles to the streets on which the lot faces or radial to curved street lines. Lots with double frontage are prohibited except under special conditions and upon approval by the City Commission.

1. All lots shown on the plat will be for residential purposes unless otherwise noted.
2. Lot sizes for commercial subdivision shall be determined by the developer and approved by the Commission as provided herein.
3. Double front lots are prohibited except when backing on major thoroughfares.
4. Minimum Lot Sizes For Residential:
 - a. ⁶⁵~~50~~ foot width.
 - b. 100 foot depth, unless otherwise approved.
 - c. Radial lots to have minimum width of 50 feet at the building line.
 - d. Lot area minimum ^{4,500}~~5,000~~ square feet where served by sanitary sewers.
 - e. Corner lots with a width of less than 70 feet are to be 5 feet wider than the average interior lots in the block.
 - f. Corner lots with a width of less than 80 feet siding on a major thoroughfare are to be at least 15 feet wider than the average interior lots in the block.
 - g. Lot width definition--average of front and rear lot dimensions.
 - h. Minimum usable lot depths for lots backing on natural drainage easements--70 feet between front lot line and drainage easement.
5. All unsewered lots where results of percolation tests prescribed by the State Health Department deems the minimum lot area insufficient, the City shall require additional area sufficient to accommodate the sanitary

*Changes made
per council
action 3-8-06
dm*

facilities deemed necessary by the State Health Department.

6.05 NUMBERING

1. Blocks are to be numbered consecutively within the overall plat and/or sections of an overall plat as recorded.
2. All lots are to be numbered consecutively within each block. Lot numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat.

6.06 BUILDING LINES:

1. Residential:
 - a. Minimum 25 feet on front of all lots except as provided in paragraph (b) below, 10 feet on side of corner lots, and 5 feet on side of interior lots.
 - b. Lots adjacent to major thoroughfares, minimum 35 foot front building line when lots are facing or minimum 20 foot side building line when lots are siding on thoroughfares.
2. Commercial, Industrial, or other special uses other than residential:
 - a. When adjacent property has residential lots facing a minimum 25 foot building line is required.
 - b. Minimum 10 foot building line on the front of all lots and 10 feet on the side of corner lots.
3. Transition building lines having a minimum angle of 45 degrees are to be provided where an offset in building lines is greater than 5 feet.

6.07 EASEMENTS:

1. Drainage Easement:
 - a. Location and width to be determined by the City Manager.
 - b. Easement for drainage adjacent to lots, tracts or reserves shall be noted:

"This easement shall be kept clear of fences,

buildings, planting, and other obstructions to the operations and maintenance of the drainage facility.

2. Utility easements to be worked out with the public and private utility companies and shall be located on the front of lots unless approval is otherwise granted by the Commission.
 - a. A copy of the instrument establishing any private easement shall be submitted with the preliminary plat.
 - b. Easement boundaries must be tied by dimensions to adjacent lot and tract corners. Where the private easement has no defined location or width an effort shall be made to reach agreement on a defined easement. Where no agreement can be reached, then pipelines shall be accurately located and tied to lot lines, and building set back lines shall be shown at a distance of ten feet from and parallel to the center line of the pipeline.
 - c. Prior to approval of the final plat, the developer or dedicator of any subdivision plat wherein public streets or easements are shown crossing private easements or fee strips shall by letter to the City Commission assume responsibility for seeing that any adjustments and protection of existing pipelines, electrical transmission lines, or other facilities shall be planned and provided for to the satisfaction of the holder of the private easements or fee strips and the City Manager prior to the filing of the plat for record.
 - d. Prior to the filing of the final plat for record, the following requirements must be met:
 - i. The developer or dedicator of any plat shall obtain from the holder of any private easement or fee strip within the plat crossed by proposed streets or other public easements an instrument granting to the public the use of the said public streets or easements over and across said private easements or fee strips for construction, operation, and maintenance of those public facilities normally using the type of public streets and easements indicated. This instrument shall be delivered to the City Commission to be filed for record along with the plat.

ii. The developer shall furnish the City Commission with a letter from the holder of the private easements or fee strips in question stating that arrangements in pipelines, electric transmission lines, or other similar facilities have been made to the satisfaction of the holder of the easement.

iii. The developer shall provide the City Commission with a letter from the City Manager stating that arrangements for all matters pertaining to any necessary adjustments have been made to the satisfaction of that department.

6.08 PARKS, PLAYGROUNDS, AND SCHOOL SITES:

1. Parks and Playgrounds:

- a. Park and playground sites shall be reserved as indicated on the Park Plan. Size shall be in accordance with the commission's Plan for the Park System.
- b. Park sites within the City limits may be purchased or a contract to purchase may be negotiated by the City prior to the submission of the final plat. If not, the subdivider shall not be required to reserve the land for such purpose except at his opinion.
- c. It is requested, but not required, that park sites outside the City be reserved for two years for purchase at the developer's cost plus pro-rated cost of improvements.

2. School Sites: Location and size to be in accordance with the requirements of the school district.

SECTION 7 - SURVEY REQUIREMENTS:

7.01 Monuments, consisting of one-half inch iron pipe or one-half inch reinforced steel or larger, twenty-four inches in length set in concrete, shall be placed at the corners of the block lines (not to exceed a distance of 300 feet apart) and shall be in sight of each other monument in such block.

7.02 At least one bench mark for each subdivision shall be permanently installed in an approved manner, with the location and the elevation as shown on the plat. Permanent bench marks

shall be five feet long concrete posts 6" in diameter with the top to be at least 1/2" below finish grade.

- 7.03 Lot markers shall be metal (minimum 1/2" rear), at least twenty-four (24) inches in length, placed at each corner of all lots, flush with the average ground elevation, or they may be countersunk, if necessary, to avoid being disturbed.

SECTION 8 - GENERAL REQUIREMENTS:

- 8.01 Street Arrangements: Unless otherwise approved by the Commission provision shall be made for the extension of major streets. Collector Streets shall be provided for the circulation of traffic through the Subdivision and the connection thereof to the major streets. Adequate minor streets shall be provided to accommodate the Subdivision. Offcenter divisions should be avoided. All major and collector streets shall be continuous or in alignment with existing streets unless variations are deemed advisable by the Commission due to topography and requirements of traffic circulation. Street jogs with centerline offsets of less than 125 feet should be avoided.
- 8.02 Street Improvements: The subdivider shall be responsible for constructing asphaltic paved streets and curbs or curbs and gutters within any subdivision subject to the conditions herein contained:
1. Street Widths: Major streets shall have a minimum dedicated width of right-of-way of eighty (80) feet and a minimum asphaltic paving of sixty (60) feet. Secondary or collector streets shall have a minimum dedicated width of right-of-way of sixty (60) feet and a minimum asphaltic paving width of forty (40) feet. Minor or residential streets shall have a minimum dedicated right-of-way of fifty (50) feet and a minimum width of thirty (30) feet back to back of curb.
 2. Plans and Specifications: Plans and specifications for the improvement must be approved by the City Engineer prior to the time the work on such improvements is commenced, if the work is not performed by the City with its personnel and equipment. Any improvement made shall be subject to the approval and acceptance of the City Engineer. All streets shall have a lime stabilized subgrade at least six (6") inches in depth containing at least three (3 lbs.) pounds of dehydrated lime per square foot and shall have a compacted flexible base of at least eight (8") inches covered with at least one and one-half (1-1/2") inches of asphaltic topping. Curbs and gutters shall conform to the specifications as

from time to time prescribed by the City Engineer. The subdivider shall be responsible for paying the entire cost of street improvements.

8.03 UTILITIES:

1. With respect to all utilities not furnished or supplied by the City, the subdivider shall make the necessary arrangements therefor with the applicable private utility companies and shall furnish the City Commission at the time the preliminary plat is filed with satisfactory evidence from such utility companies that such utilities will be installed through out such Subdivision and the terms and conditions for installing same.
2. Utilities Furnished or Supplied by the City of Thorndale:
 - a. Water and Sewer: Sanitary sewer shall be installed to serve each lot in all subdivisions when connections are to be made immediately to a community disposal system or to a public sewage system. When such connection to a system is not to be made immediately, plans shall be prepared for future development and installation of a sewage collecting system to serve each lot and those parts of such system which will lie in the portions of the streets and alleys intended for vehicular traffic should be installed.
 - b. Water lines shall be installed to serve each lot in all subdivisions within the corporate limits of the City and within the extraterritorial jurisdiction thereof with exceptions as hereinafter set out. Where such connections to a system are not to be made immediately, plans shall be prepared for future installation of a water distribution system to serve each lot and those parts of such system which will lie in any part of any dedicated street and alley intended for vehicular traffic shall be installed prior to the streets being paved. All plans for sewer and water systems shall be approved by the City Commission.
 - c. If a new subdivision is so located that the utilities supplied by the City are not immediately available the subdivider may be required to furnish the City Commission satisfactory evidence including but not limited to, the results of soil tests and borings and statements from local and state health

authorities, water engineers and other proper officials that water satisfactory for human consumption may be obtained from surface or subsurface water sources on the land and that soil conditions are such that satisfactory sewage disposal can be provided by the use of approved septic tanks or similar devices.

- d. The subdivider may enter into a contract with a private contractor for the installation of water and sewer facilities, provided, however, that plans, specifications, contract documents and contract prices shall be approved by the City Commission prior to the time that work is actually commenced.
- e. Upon approval and acceptance of the utilities (water and sewer) as installed by private contractors or upon completing thereof by the City of Thorndale with its personnel and equipment, the systems become the property of the City of Thorndale.

3. PAYMENT FOR UTILITIES (WATER AND SEWER):

- a. In the event that water and sewer utilities are installed by the City with its personnel and equipment, the subdivider shall furnish the City with an amount in cash sufficient, based upon estimates of the City Engineer, for the installation of water and sewer lines such amount to be deposited with the City Manager prior to the time that work is actually commenced. After the completion of such work, final settlement will be made by the Subdivider paying any excess in actual costs over and above that contained in the original estimate and deposited with the City or in the event that the cost should be less than that deposited, the City will refund to the subdivider any difference between the estimated cost and the actual cost.
- b. In the event that the water and sewer utilities are to be installed by a private contractor, subdivider shall furnish the City of Thorndale with evidence of the cost of such improvements as contained in the contract between the parties and of its ability to pay for such improvements in full upon the completion of such work and prior to the approval and acceptance thereof by the City.

4. The subdivider shall at his own cost and expense install all fire hydrants necessary for adequate fire protection in such subdivisions in accordance with the specifications of the City Engineer.
5. The cost of water lines and sewer lines in excess of six (6) inches in diameter shall be negotiated between City and the subdivider and it is specifically understood that the City may require lines in excess of six (6) inches in diameter when in the sole opinion of the City Commission it is necessary to do so.

- a. All gravity flow sewer lines shall be constructed in polyvinyl chloride (PVC) pipe which conforms to ASTM standard D3034 with gasketed joints meeting ASTM standard D3212. The pipe shall have a minimum pipe stiffness (PS) of 46 psi at 4 percent deflection when tested in accordance with ASTM Test Method D2412. PVC pipe shall be SDR-35 or SDR-26 if depth is less than thirty (30) inches.

Service lines shall be 4-inch schedule 40 PVC, D.W. & V. Pipe.

- b. Construction: Sewers shall be construed according to City Engineer's Specifications as to trenching, bedding, backfill, and compaction.
- c. Manholes: Manholes shall be spaced a distance not to exceed 500 feet and shall be constructed of 4 foot diameter precast, reinforced concrete manhole sections meeting ATEM C478 with resilient type gasket joints. The top of each manhole with a depth over 4 feet shall terminate with an eccentric cone section.
- d. Force Mains: Force mains shall be dr 21 PVC pipe. Pipe shall have either mechanical joints or rubber gasket joints approved by the City Engineer.
- e. Piping: Water pipe shall be PVC and meet or exceed requirements of AWWA C900, latest revision. PVC water pipe shall have cast iron outside dimensions. PVC water pipe shall bear the seal of approval (or NSF mark) of the National Sanitation Foundation Testing Laboratory for potable water pipe.

Ductile iron pipe, Class 50, may be required at some locations where stronger material is needed in the opinion of the City Engineer.

- f. All materials and installation for water and sewer utilities shall comply with the latest revision of the City of Thorndale Construction Standards. All material shall be new and unused.

6. TIME LIMITATIONS:

Notwithstanding any of the other terms and provisions hereof, the installation of the public utilities and street improvements in the subdivision must be commenced within two (2) years after final approval of subdivision by the Commission and same must be at least 50% complete at the end of 3 years from such time and shall be fully completed and installed in four (4) years after such approval and in the event that same are not commenced and completed as set forth above, the dedication and approval of such subdivision shall become null and void and of no further force and effect.

8.04 DRAINAGE AND STORM SEWERS

Adequate drainage shall be provided within the limits of the subdivisions. The protection of adjoining property will be considered in the review of plans submitted.

1. Size: Sizing of inlets, storm sewers, outfalls, culverts, and drainage ditches will be based on the following:

Design Storm: The design storm will be based on rainfall intensity -- frequency data published by the Department of Agricultural by David L. Yarnell. Interior drainage system will be designed for a storm with a frequency of occurrence of once in five years. The intensity of 60 minute rainfall on this frequency is 2.80 inches. Major drainage ditches and structures will be for a storm with a frequency of occurrence of once in twenty-five years. The intensity of a 60 minute rainfall on this frequency is 3.6 inches.

Runoff Computations: To determine the runoff rates for various areas, the standard rational method will be used, utilizing the Formula $Q=CIA$, where Q equals rate of runoff in cubic feet per second, C=runoff coefficient, I=rainfall intensity for the particular duration in inches per hours, and A=the drainage area in acres. Without substantiation by the subdivision designing engineer, the maximum allowed overland flow time of concentration to any storm sewer inlet will be fifteen (15) minutes.

Drainage areas will be arrived at by considering location of high and low points on streets grades, drainage divides in the area, and general configuration of existing and finished grades. Cul-de-sacs will be designed to drain out rather than in and in the event that same is not sound from an engineering standpoint, drainage easements will be furnished to the closest natural drain.

Sizing of Sewers: Sewers shall be sized to carry the discharge (Q) derived from the above formula. Capacity of storm sewers will be determined by the use of Mannings formula on the basis of hydraulic gradients rather than the physical slope of the pipe. Minimum size of storm sewer shall be 15 inches.

Sizing and Spacing of Inlets: Inlets shall be spaced so that maximum travel distance of water in gutter will not exceed 600 feet unless otherwise approved by the City Engineer. Inlets will be provided at all low points in gutter gradient. Inlets will be sized using an allowable capacity of one (1) cubic foot per second per foot of opening for a throat height of five inches.

Ditches: Ditches shall be sized to carry the runoff (Q) derived from the above formula.

Design: Design of storm sewers, outfalls, culverts, and drainage ditches will conform to the following general requirements:

Manholes: Manholes (inlets or junction boxes) shall be provided at all changes in grade or alignment, sewer intersections, street intersections, and at a maximum of 1,000 feet on straight lines. If monolithic, reinforced concrete sewer lines are used, a manhole is not required where leads from inlets intersect the main sewer. Design of manholes shall follow acceptable engineering practices and shall be constructed of reinforced concrete.

Inlets: Design of inlets shall follow acceptable engineering practice and walls shall be constructed of reinforced concrete.

Pipe: Pipe for storm drains shall be concrete pipe in sizes as shown on the approved plans. Pipe twenty-one (21) inches or larger in diameter shall be reinforced concrete pipe (RCP), ASTM C76, Class 3. Pipe eighteen (18) inches or smaller in diameter shall be plain concrete pipe (PC) ASTM C14, Standard Strength. Where,

in the opinion of the City Engineer, added strength of pipe is needed for traffic loads over minimum cover or for excessive height of backfill, concrete pipe shall be ASTM C14, Extra Strength or ASTM C76, Class IV or V. Pipe shall have a minimum cover of not less than one (1) foot over the top of pipe. Monolithic, reinforced concrete sewers may be used for storm sewers thirty-six (36) inches and larger.

Outfalls: Outfalls from sewers and ditches into natural drainage ways shall enter at the grade of the natural drainage channel. If necessary, drop type outfall structures shall be used to prevent erosion.

Major Drainage Ways and Structures: Design of major drainage ways through a subdivision and major structures, such as box culverts or bridges, across a major drainage channel, shall be subject to approval of the City Engineer.

8.05 MISCELLANEOUS REQUIREMENTS:

1. In the event that the Subdivision does not contain alleys or adequate alleys for the laying and installation of necessary utility lines, then the subdivider shall in his instrument of dedication, dedicate or grant an easement over the front five (5) feet of each lot for utility purposes with the express provision that the City and private utility companies shall never be liable in damages for going over and upon such portions of said lots for the purpose of installing, maintaining and repairing such utility lines.

SECTION 9 - AS-BUILT PLANS

The Engineer representing the subdivider must present to the City Manager, reproducible complete "as-built plans" for all paving, drainage structures, water lines, and sewer lines within thirty days after completion of each contract.

SECTION 10 - FEES AND CHARGES

The following schedule of fees and charges shall be paid into the general fund of the City of Thorndale when any map or plat is tendered to the City Manager, and each of the fees and charges provided herein shall be paid in advance, and City Commission shall take no action until the fee shall have been paid. The City Manager or his deputies or assistants shall calculate the fees and charges in accordance with following schedule:

Predevelopment:	\$300.00
Preliminary Plats:	\$400.00 plus \$20.00 per lot and/or \$25.00 each acre not designed as lots exclusive of streets.
Final Plats:	\$100.00 plus \$20.00 per lot and/or \$25.00 each acre not designated as lots exclusive of streets.
Amended Plat:	\$250.00
Development Plat:	\$300.00
Variance from Subdivision Regulations:	\$250.00

ADDITIONAL ENGINEERING FEES MAY BE REQUIRED FOR SOME PROJECTS.

The above fees shall be charged on all plats, regardless of the action taken by the Commission.

SECTION 11 - EXPENDITURE OF PUBLIC FUNDS

The acceptance of a final plat by the City of Thorndale does not in any manner obligate the City to finance or furnish any improvements of any kind within the approved subdivision.

SECTION 12 - EXCEPTIONS UNDER CERTAIN CONDITIONS

It is recognized that where property is owned adjacent to an existing open street and all utilities are in place, it would impose an undue burden upon the property owner to cause him to go through the procedure of complying with this subdivision ordinance and notwithstanding any of the other terms and provisions hereof, such property owner can sell off not to exceed three parcels out of such tract so long as the tracts would contain the minimum area for a lot as provided in this Ordinance and if the adjacent street is not improved, upon the express condition that the property owner shall agree to pay his proportionate part of any future street improvement costs which shall be contained in the deed of conveyance as a covenant running with the land.

SECTION 13 - EXCEPTION

Notwithstanding any of the requirements of this Ordinance if it be shown to the satisfaction of the Commission that any of the requirements if complied with would work an undue hardship on the subdivider and that such requirement or requirements would not be

for the best interest and general welfare of the citizens affected by this Ordinance, the City Commission may waive such requirement or requirements.

SECTION 14 - PENALTIES

Any person, firm, partnership, association, corporation or other legal entity violating this Ordinance or any portion hereof insofar as it applied to land situated within the corporate limits of the City of Thorndale, Texas, shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than \$10.00 nor more than \$200.00 and each day that such violation continues shall be considered a separate offense and punishable accordingly.

SECTION 15 - REPEALING CLAUSE

Any existing Subdivision Ordinance of this City and amendments thereto are hereby repealed as of the effective date of this Ordinance and all other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulated and governing the subject matter covered by this Ordinance.

SECTION 16 - SAVINGS CLAUSE

If any provision, section, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not effect the validity of the remaining provisions of this Ordinance of their application to other persons or set of circumstances and to this end, all provisions of this Ordinance are declared to be severable.

SECTION 17 - EFFECTIVE DATE

This Ordinance shall take effect from and after thirty (30) days from its final passage by the Commission. The City Clerk is hereby directed to give notice hereof by causing the caption of this Ordinance to be published in the official newspaper of the City of Thorndale within ten (10) days after the final passage of this Ordinance.

PASSED AND APPROVED on first reading this 13th day of NOVEMBER, 2000, by a vote of 3 "Ayes" and 0 "Nos" with 3 members of Council present and voting.

Gerald Niemtschk
Gerald Niemtschk
Mayor

ATTEST:

APPROVED AS TO FORM:

Denise Melde
Denise Melde
City Secretary

Ted W. Hejl
City Attorney

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MILAM

I, Denise Melde, being the current City Secretary of the City of Thorndale, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 79, passed and approved by the City Council of the City of Thorndale, Texas, on the 13th day of November, 2000, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place and subject thereof, was posted as prescribed by Government Code 551.043.

Witness my hand and seal of office this 13th day of November, 2000.

Denise Melde
Denise Melde
City Secretary

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