

SUBDIVISIONS

*City of Mt. Vernon Texas*

**APPENDIX B**  
**SUBDIVISIONS\***

- Art. I. General Provisions, §§ 1-1-1-12
- Art. II. Procedure, §§ 2-1-2-6
- Art. III. Preliminary Plan Requirements, §§ 3-1, 3-2
- Art. IV. Final Plat Requirements, §§ 4-1-4-3
- Art. V. Design Standards, §§ 5-1-5-7
- Art. VI. Improvements Required In Urban Subdivisions, §§ 6-1-6-8
- Art. VII. Improvements Required in Subdivisions Outside City Limits, §§ 7-1-7-4

**ARTICLE I. GENERAL PROVISIONS**

**Sec. 1-1. Establishment of controls.**

(A) This ordinance shall be known and may be cited as the "Subdivision Control Ordinance" of the city.

(B) The purpose of this ordinance is to provide for the orderly, safe and healthful development of the area within the city and within the area surrounding the city and to promote the health, safety and general welfare of the community.

(C) This ordinance is adopted under the authority granted by the laws of the State of Texas and particularly as contained in Article 974a (Revised Civil Statutes), planning and recording subdivisions or additions, and Article 970a (Revised Civil Statutes), the municipal annexation act.

(D) No person shall create a subdivision of land within the corporate limits of the city or within the extraterritorial jurisdiction thereof without complying with the provisions of this ordinance. All plats and subdivisions of any such

---

\*Editor's note—This appendix consists of Ord. No. 102-00-06-75, enacted on June 10, 1975, and amendments.

Cross references—Requirements in flood hazard areas, § 5-40 et seq.; mobile home parks and subdivisions, Ch. 11; planning and zoning commission, § 2-26 et seq.

land shall conform to the rules and regulations set forth herein.

### Sec. 1-2. Definitions.

Certain words and phrases in this ordinance shall have the meanings ascribed to them unless a different meaning is plainly required by context. Except as may be specifically limited by context, words used in the singular shall include the plural and words used in the plural shall include the singular.

The word "shall" is mandatory; the word "may" is directory. Words and terms not expressly defined are to be construed according to the definition of such words or terms as appear in the city's zoning ordinance or, lacking definition therein, then according to their customary usage in the practice of municipal planning and engineering.

*Alley:* A public or private way designed primarily for vehicular travel to provide access to or from the rear or side of property otherwise abutting on a street.

*Certified land division:* A map, drawing or chart delineating parcels of land offered for rent or lease and which: (1) is not required by statute or state regulation to be filed in the maps and plats records of the county, and (2) does not involve or require the dedication of public streets or alleys, of easements, or of other public property, and (3) has been certified by the commission as having met the conditions of this ordinance.

*City:* The municipal corporation of the City of Mount Vernon.

*City council:* The governing body of the city.

*City official:* Any person, elective or appointive, or any board or committee authorized or constituted by city ordinances or state law to act in behalf of the municipality.

*City plan:* The comprehensive plan for the city and its environs as adopted by the city council or as may subsequently be amended.

*Collector street:* A street which carries traffic from local streets to the system of major streets, including the principal entrance street or streets into a subdivision development, and streets designed primarily to provide traffic circulation within or between one or more subdivisions.

*Commission:* The planning commission of the city.

*Cul-de-sac:* A local street having but one outlet to another street, and terminated on the opposite end by a vehicular turn-around.

*Dead-end street:* A street, other than a cul-de-sac, having only one outlet.

*Engineer:* A person duly authorized under the provisions of the Texas Engineering Registration Act to practice the profession of engineering.

*Extraterritorial jurisdiction:* All land situated within one-half mile distance of the corporate boundary of the city.

*Final plat:* A map, drawing or chart prepared according to the provisions of this ordinance, and containing all engineering and legal data, dedications and certificates necessary to the recording of same in the maps and plats records of the county.

*Frontage street:* A local street lying parallel to and adjoining a major street right-of-way, which provides access to abutting properties and protection from through traffic.

*Land planner:* Any person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system, and space appropriate to the efficient removal of storm water and the provision of public services and utilities all consistent with the long-range goals and the objectives of the city plan. A land planner may be trained in any of several specialties; and where appropriate to such planner's experience the term includes architect, engineer, landscape architect and surveyor.

*Local street:* A street exclusively or primarily providing access to abutting properties.

*Major street:* Any street designated on the adopted city plan as a thoroughfare, boulevard, freeway, highway, expressway, parkway or scenic route or any other traffic artery having regional continuity, or any route carrying or designated to carry fast-moving or a large volume of vehicular traffic.

*Plan administrator:* The official or representative of the city designated by the city council to administer the provisions of these regulations.

*Preliminary plan:* A map, drawing or chart on which is shown the subdivider's proposed arrangement of streets, lots, easements, and other public spaces in the subdivision which the subdivider intends to submit in form for recording.

*Street or alley:* A public or private way set aside as a permanent right-of-way for the movement of pedestrian or vehicular traffic or to provide access to abutting property.

*Subdivider:* An individual, firm, association, syndicate, co-partnership, or corporation dividing or proposing to divide land so as to effect a subdivision of land hereunder for such subdivider or for another.

*Subdivision:* The division of any lot, tract or parcel of land into two (2) or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision, but does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new street, alley or easement of access. When appropriate to the context, the term subdivision shall relate to the process of subdividing or to the land subdivided.

*Surveyor:* A licensed state land surveyor or a registered public surveyor, as authorized by the state statutes to practice the profession of surveying.

**Sec. 1-3. Rules and regulations.**

The commission shall adopt regulations governing the submittal and review of plats and subdivisions and rules of procedure to govern its actions. Such rules and regulations shall be consistent with the provisions of this ordinance and shall become effective upon being filed with the city secretary. Said rules and regulations shall contain provisions for the systematic naming of streets and for the numbering of houses and other buildings in accordance with the requirements of section 1-10.

**Sec. 1-4. Appeals.**

Any subdivider aggrieved by a finding or action of the commission which is lawfully subject to review by the city council shall appeal to the city council with thirty (30) days from the date of such finding or action, and not thereafter. Nothing in this section shall prevent a right of review by a court of competent jurisdiction.

**Sec. 1-5. Variances.**

Where literal enforcement of a provision of this ordinance creates an unnecessary hardship in the subdividing of a tract of land the commission shall have the authority to grant a variance from such provision. In no case, however, shall the commission grant a variance unless it finds that each of the following conditions is satisfied:

- (1) That the modified proposal would conform to the city plan; and
- (2) That literal enforcement of a provision would render subdivision of the tract of land impractical; and
- (3) That literal enforcement of a provision would result in the confiscation of property; and
- (4) That the granting of the variance would not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance.

**Sec. 1-6. Unit development plan.**

Where it is proposed to develop a unified residential, commercial, industrial and/or institutional project, the commission may vary the specific requirements of this ordinance if there is a site development plan having provisions for light and air, vehicular and pedestrian circulation, and recreational facilities, equal to or better than the detailed requirements of this ordinance. Approval of a unit development plan by the commission shall be controlling on the location of all buildings shown thereon. Commission approval shall include approval of the sequence of development and construction of phases of the project. It may include such stipulations or conditions as the commission deems necessary in order to accomplish the purposes of this section and to protect the health, safety and welfare of the community.

**Sec. 1-7. Dedication and maintenance of streets.**

Disapproval of a plat by the commission shall be deemed a refusal by the city to accept the offered dedications shown thereon. Approval of a plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the city have actually appropriated the same by entry, use or improvement.

**Sec. 1-8. Utility connections and services.**

Unless and until a plat of subdivision has been approved, and the subdivider has constructed the streets, curbs, gutters, paving, utilities and drainage facilities therein, in the manner provided in this ordinance, it shall be unlawful for any official of the city to serve or connect any public utilities owned, controlled or distributed by the city to any land, or any part thereof, covered by a plat, or to the owners or purchasers of the land, or any part thereof.

**Sec. 1-9. Enforcement of ordinance.**

In addition to any other remedy provided by law, the city and its officers shall have the right to enjoin any violation of this ordinance by injunction issued by a court of competent jurisdiction.

**Sec. 1-10. Street names and house numbers.**

Within sixty (60) days following the adoption of this ordinance the commission shall prepare rules for the systematic naming of streets and for the numbering of houses and other buildings throughout the area of jurisdiction of this ordinance. The commission shall hold public hearing on the proposed street naming and numbering rules and after the adoption thereof shall submit the same to the city council for ratification by resolution. Upon such ratification these rules shall become the official guide to subdividers and all affected agencies.

**Sec. 1-11. Authorization to plan administrator.**

The plan administrator is hereby authorized and directed to prepare and submit for council approval rules, regulations, standards and specifications for the construction, installation, design, location and arrangement of streets, curbs, street lights, street signs, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, criteria for drainage easement requirements, drainage facilities, and crosswalk ways. No such rules, regulations, standards and specifications shall conflict with this or any other ordinances of the city. All such improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications.

**Sec. 1-12. Validity.**

The validity of any part of this ordinance shall not in any manner affect the remaining portion thereof, and the same



shall remain in full force and effect. (Ord. No. 102-00-06-75, § 7-5, 6-10-75)

## ARTICLE II. PROCEDURE

### Sec. 2-1. Approval of subdivision required.

(A) Until a preliminary plan of a subdivision shall have been approved in accordance with this ordinance, no person shall subdivide or shall submit a final plat thereof, or shall file a record of survey, or a map or plat for record, or sell any part of said subdivision or proceed with any grading, construction or other work on the same; no part of any such subdivision shall be sold until drainage has been approved by the plan administrator. The commission shall approve or disapprove any tentative plat within thirty (30) days from the date it is filed.

(B) A final plat of a subdivision which conforms to these regulations and to all conditions affixed to the commission's approval of the preliminary plan shall be approved for recording in the county plat records. Any plat which does not conform to these regulations shall be denied within thirty (30) days of its filing with the commission.

### Sec. 2-2. Notice of intent.

Prior to the filing of a preliminary plan with the commission the subdivider shall deposit with the plan administrator such subdivider's written notice of intent to subdivide. The notice shall be accompanied by the requisite number of prints and supporting material and shall provide necessary information to describe the land, its location and its relationship to the city plan. Upon receipt of a notice of intent to subdivide, the plan administrator shall immediately advise the commission that the proposed preliminary plan will be filed at the next regular commission meeting not less than fourteen (14) days from the date of deposit of said notice with the plan administrator.

**Sec. 2-3. Preliminary plan.**

(A) *General development plan.* When a subdivision is a portion of a tract larger than forty (40) acres in size later to be subdivided in its entirety, a general development plan of the entire subdivision shall be submitted with the preliminary plan of the portion first to be subdivided. The general development plan shall show the schematic layout of the entire tract and its relationship to adjacent property within the neighborhood unit. When appropriate, more than one tract may be included in the general development plan. It shall delineate the proposed characteristics of the area in terms of major categories of land use; dwelling unit and population densities; thoroughfares and collector streets; drainageways, utility approach mains and transmission lines; location of sites for parks, schools and other public uses; and such other information as the commission finds to be necessary for making decision on the approval of the preliminary plan. A general development plan shall be considered to be a detailing of the city plan and shall become effective upon adoption by the commission; providing, however, no general development plan shall be approved other than in conformity with the city plan. Every general development plan adopted by the commission shall be so certified by the chairman and secretary and a copy thereof shall be placed on file with the city secretary as part of the public record. A general development plan is to continue in force until amended or rescinded by the commission and shall be the official guide to the owners of all property within its area of coverage. Where multi-ownerships preclude the preparation of a general development plan by a single owner, the commission is authorized to prepare such plan. No preliminary plan shall be approved within an area for which a general development plan has not been adopted except in conformity with such adopted plan.

(B) *Filing of preliminary plan.* The preliminary plan shall be delivered to the plan administrator who shall cause the same to be checked and verified, prepare a report to the commission setting forth such administrator's findings, and

at its next regular meeting. The subdivider and the subdivider's land planner should be present at the meeting. The subdivider, by written notice filed with the plan administrator, may designate such land planner as the subdivider's agent in the processing of the subdivision.

(C) *Fee required and utilities plans.* The preliminary plan also shall be accompanied by schematic plans for utilities installation and public improvement. The preliminary plan shall be accompanied by a filing and examining fee of fifty dollars (\$50.00) plus an additional one dollar (\$1.00) per acre for the first one hundred (100) acres, and ten cents (\$.10) per acre for all additional acreage of the land being subdivided.

(D) *Effect of approval.* When a preliminary plan is found to conform to these regulations, or may be made to conform by making certain changes directed by the commission, a copy of the preliminary plan with such changes if any made thereon, and the approval thereof by the commission, shall be transmitted to the subdivider. Approval of the preliminary plan as such shall not constitute final acceptance or approval of the subdivision.

(E) *Expiration of approval.* When a preliminary plan has been approved by the commission the final plat for all or a part of the area shall be submitted within six (6) months thereafter; otherwise the approval shall terminate and shall be void, unless prior to the expiration of said approval the time for filing of the final plat is extended by the commission at the written request of the subdivider.

(F) *Effect of disapproval.* When the commission finds that the preliminary plan does not conform to these regulations, and that changes to make it conform are not acceptable to the subdivider, the commission shall return a copy of the plan with a report of such findings to the subdivider. The subdivider at any time thereafter may submit a new design for commission approval following the same procedure as required for the original application. If the new design for the same area or a lesser part thereof, is filed within one

year following commission disapproval the fee shall be one-half ( $\frac{1}{2}$ ) of the regular fee. No resubmittal, and no new fee, shall be required when commission disapproval is for the purpose of further study or hearing by the city on related matters such as zoning, flood control, utility service, or coordination with other governmental jurisdiction.

**Sec. 2-4. Final plat.**

(A) *Preparation and submittal.* When a preliminary plan has been approved by the commission the subdivider may prepare the final plat, or portion thereof, in form for approval by the commission. The final plat shall be deposited with the plan administrator who shall cause the same to be checked and verified as to its conformance with the approved preliminary plan. If the final plat is incomplete or does not conform, or if necessary fiscal agreements have not been submitted for city approval, the final plat shall not be processed until the deficiencies are corrected. The plan administrator shall prepare a report on the final plat and shall file the plat, with such report, for approval at the next regular meeting of the commission.

(B) *Fee required; tax payment.* The final plat shall be accompanied by a filing fee of twenty-five dollars (\$25.00) plus one dollar (\$1.00) per acre and by certificates from the city and county treasurers showing that all city and county taxes on the land being subdivided have been paid to the current year.

(C) *Approval and recording.* Approval of a final plat shall be void unless and until necessary fiscal agreements have been approved by the city. Within seven (7) days of its approval, the final plat shall be recorded in the maps and plats records of the county by the city secretary. The plan administrator shall cause prints of the record plat to be provided for the affected city offices as they may require. The final plat shall not be returned or released to the subdivider until recorded as provided above.

**Sec. 2-5. Combination preliminary plan and final plat.**

The subdivider may, at such subdivider's option, elect to combine the preliminary plan and final plat of a subdivision whenever the tract of land: (a) is to be resubdivided without change of street locations, or is so situated that the pattern of streets in said tract is pre-determined by streets of immediately adjoining record subdivisions, and (b) the proposed development will be of the same use and of comparable intensity as adjacent existing or contemplated development. Any change in the preliminary plan directed by the commission, unless accepted by the subdivider and the final plat so changed, shall stop the city secretary from recording the final plat. All requirements of sections 2-3 and 2-4 shall be satisfied in the processing of a combined preliminary plan and final plat, except as herein modified.

**Sec. 2-6. Monuments and property markers.**

(A) *Boundary line monuments.* Concrete monuments shall be placed on all corners of boundary lines of a subdivision and in any case not more than fourteen hundred (1,400) feet apart. Such monuments shall be of a design recommended by the city's engineer for permanence and resistance to disturbance.

(B) *Property corner markers.* Intermediate property corners, curve points and angle points shall be marked by iron stakes, not less than twenty-four (24) inches in length, driven flush with the ground or countersunk if necessary in order to avoid being disturbed.

(C) *Installation of monument.* Monuments shall be installed before recordation of the final plat, except in those cases where the subdivider certifies that the street will be paved within one year and that at the time of paving the subdivider will install monuments, as required herein, and in such cases, the subdivider shall furnish a surety bond therefor in an amount not to exceed the actual cost of installing the monuments. When placing of monuments in the streets is postponed adequate ties to the boundary line

shall be established and shall be shown on the plat in order that monuments may be correctly located and installed following the paving of streets.

### ARTICLE III. PRELIMINARY PLAN REQUIREMENTS

#### Sec. 3-1. Preliminary plan exhibits.

The preliminary plan shall be drawn at a scale of not more than two hundred (200) feet to one inch. It shall show the information specified below according to the enumerated standards:

(A) *Ownership and identification:*

- (1) Names and addresses of the subdivider, record owner and land planner.
- (2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located with the city or its extraterritorial jurisdiction.
- (3) Key map showing location of tract by reference to streets or highways.
- (4) Date of preparation, scale of plat and north arrow.
- (5) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision. The subdivision boundary shall be construed to follow that part of adjacent boundary streets which were previously established by dedication or purchase from the tract being subdivided.
- (6) Legal description of the property to be subdivided, and metes and bounds description of the subdivision perimeter.
- (7) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
- (8) Names of the owners of contiguous parcels of unsubdivided land, and the names of contiguous

subdivisions and the county recorder's book and page number thereof, and an indication of how contiguous properties are platted.

- (9) Location of city limits lines, the outer border of the city's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, or form part of the boundary of the subdivision, or are contiguous to such boundary.
- (10) If there is no adjacent subdivision, a map on a small scale shall be included with the preliminary plat, and oriented the same way, to show the nearest subdivision in each direction, and how the streets, alleys, or highways in the subdivision submitted may connect with those in the nearest subdivision, if situated within two thousand (2,000) feet of the proposed subdivision.

(B) *Existing conditions:*

- (1) The exact location, dimensions, name and description of all existing or recorded public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.
- (2) The exact location, dimensions, identification or name of all existing or recorded residential lots, parks, and public areas within the subdivision.
- (3) Permanent structures and uses within or adjacent to the subdivision including location of houses, barns, shacks, walls, wells, tanks, and other significant features.
- (4) The exact location, dimensions, description, and flow line of existing watercourses and drainage structures within the subdivision or on contiguous tracts.
- (5) Utilities on the tract, specifying size of lines, and those which are transmission lines.
- (6) Other conditions adjacent to the tract affecting design of the subdivision.

(C) *Proposed layout:*

- (1) Topography shown by contour lines on a basis of five (5) feet vertical interval in terrain with a slope of two (2) per cent or more, and on a basis of two (2) feet vertical interval in terrain with a slope of less than two (2) per cent; datum shall be that of a public agency which shall be specified on the plan.
- (2) The exact location, dimensions, description and purpose of all proposed streets, alleys, drainage ways, parks, other public areas, reservations, easements, or other rights-of-way, blocks, lots and other sites within the subdivision.
- (3) Proposed lot lines, and typical and minimum lot sizes.
- (4) A number or letter to identify each lot or site and each block.
- (5) Designation of all tracts for multifamily dwellings, shopping centers, churches, industry or other uses.
- (6) Site data referenced to the gross area of the subdivision, the proposed number of residential lots and area therefor, and the approximate area in parks and in other nonresidential uses.
- (7) Proposed zoning and boundaries of new districts.
- (8) Front building setback lines on all lots and tracts. Side yard building setback lines at street intersections and crosswalks.

**Sec. 3-2. Protective covenants.**

A preliminary draft or outline of protective covenants may be attached, as proposed by the subdivider, to regulate land use in the subdivision and otherwise protect the proposed development.



**ARTICLE IV. FINAL PLAT REQUIREMENTS****Sec. 4-1. Final plat.**

The final plat shall conform to the preliminary plan as approved by the commission. It shall be drawn in black ink upon tracing cloth or other permanent material on sheets of uniform dimension as determined by the commission and shall be at a scale of one hundred (100) feet to one inch. Where necessary, the plat may be on several sheets; in such case, each sheet shall be suitably indexed. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections. The final plat shall show the following:

**(A) Reference and identification.**

- (1) Title or name of subdivision, written and graphic scale, north arrow and date of plat.
- (2) Primary control points or descriptions and ties to such control points, to which dimensions, angles, bearings, and similar data on the plat shall be referred. Wherever practicable, in the judgment of the commission, primary control points shall be referenced to the state plane coordinate system. At least one corner of a subdivision shall be tied by course and distance to a corner in a recorded subdivision or in a state land survey, or to a U.S. Coast and Geodetic Survey monument. The plat shall include a note describing the corner marker.
- (3) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines and building lines of residential lots and other sites.
- (4) Dimensions, bearings or deflection angles and radii, arcs, semi-tangents and central angles of all curves.
- (5) Approved name and right-of-way width of each street.
- (6) Locations, dimensions and purpose of any easements or other right-of-way.

- (7) Identification of each lot or site by letter or number.
- (8) Lines and names of open spaces to be dedicated for public use or granted for use of the inhabitants of the subdivision.
- (9) Exact location and description of monuments, lot corners and other survey points in place.
- (10) Reference to recorded subdivision plats of adjoining platted land by record name, county recorder's book and page numbers, and the names of owners of adjoining unsplit land together with deed references.

(B) *Certifications or restrictions.*

- (1) Certifications by a registered professional engineer or land surveyor to the effect that the plat represents a survey made or certified by such engineer or surveyor and that all required monuments and markers actually exist, or will be installed in accordance with the provisions of this ordinance, and that their location, size and material are correctly shown on the plat.
- (2) Certification of title and statement signed and acknowledged by the owner, and of all others having interest in the fee title of the subdivision, dedicating streets, alleys, easements, parks and other spaces to public use, or when the subdivider has made provision acceptable to the city council for perpetual maintenance thereof to the inhabitants of the subdivision.
- (3) Spaces for signatures of the chairman and secretary of the commission, attesting approval of the plat.
- (4) If the subdivision is not to be served immediately by a water utility, a restriction prohibiting occupancy of any lot until water satisfactory for human consumption is available from a source on the land, a community source or a public utility source, an adequate and sufficient supply for family use and operation of a septic tank and

plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to drainage in and through subdivisions, to public convenience and safety in their appropriate relation to the proposed uses of land to be served by such street. Specific consideration shall be given to producing desirable lots of maximum usability and streets of reasonable gradient.

- (2) Where a residential subdivision abuts or contains the right-of-way of a railroad or a limited access highway, or abuts a commercial or industrial land use, the commission may require location of a street approximately parallel to and on each side of such right-of-way. The location of such right-of-way shall be determined with due regard for approach grades, drainage, bridges or future grade separations, and the appropriate development of abutting land.
- (3) Reserve strips and adjoining offered or existing streets and intended solely or primarily for the purpose of controlling access to property not included in the subdivision shall be prohibited.
- (4) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the commission finds it will be practicable to require the dedication of the other half when the adjoining land is subdivided, the other half of the street shall be platted within such tract.

(B) *Street class requirements:*

- (1) Street layout shall provide for the continuation of existing collector streets in surrounding areas. Where adjoining land is not subdivided, these streets shall be projected in such manner as to assure adequate neighborhood circulation.
- (2) Local streets shall be so arranged as to discourage their use by through-traffic originating outside the neighborhood.

- (3) Those local streets designated by the commission shall be extended to the tract boundary to provide future connection with adjoining unplatted lands. In general, these extensions should be not more than one thousand (1,000) feet apart.
- (4) Where a subdivision abuts or contains an existing or proposed major street, the commission may require frontage streets to separate through and local traffic, or reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or equivalent treatment as may be necessary for adequate protection of residential properties.

#### **Sec. 5-2. Street design.**

##### **(A) General provisions:**

- (1) Streets shall be designed with due regard to driver habits and with due consideration of the abutting uses and of the anticipated destination of traffic and traffic volumes at full development of the neighborhood within which the subdivision is located. Where necessary to prevent traffic congestion and to ease the movement of vehicles to and from principal traffic generators additional right-of-way width or other special design shall be provided. Where topographic conditions make other treatment necessary to secure the best overall design, these standards may be modified by the commission upon recommendation of the plan administrator.
- (2) Street right-of-way widths shall be as shown in the city plan and where not shown therein shall be designed for the intended use and anticipated traffic volume at optimum development of the area served. In no case shall the right-of-way and future roadway widths be less than the amounts shown in Figure 2. A local street having a total length in excess of twelve hundred (1,200) feet or

serving more than thirty (30) dwelling units shall provide a right-of-way width of not less than sixty (60) feet.

- (3) A cul-de-sac street shall be not longer than five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet. A cul-de-sac street shall be limited only to the serving of low density residential development.

(B) *Grades:*

- (1) Street grades, wherever feasible, shall not exceed the following:

<i>Street Type</i>	<i>Maximum Per Cent Grade</i>
Major .....	4
Collector .....	6
Local .....	8

- (2) Minimum grades for a paved street with concrete shall be three-tenths (0.30) per cent and for unpaved streets five-tenths (0.50) per cent.

(C) *Horizontal alignment:* Horizontal alignment of streets shall satisfy the following criteria:

- (1) Major Street as determined in the city plan or general development plan or as otherwise recommended by the city's engineer with concurrence of the commission.
- (2) When tangent center lines deflect from each other more than ten (10) degrees and less than fifty (50) degrees, they shall be connected by a curve with a minimum center line radius of five hundred (500) feet for collector streets, or two hundred (200) feet for local streets.

FIGURE 2

	<i>Single-family</i>	<i>Multi-family</i>
Street width	50 feet	60 feet
Pavement width	26 feet	32 feet
Curbs	Straight curb recommended	Same
Sidewalks:		
Width	4 feet minimum	Same
Setback	3 feet minimum if no trees 7 feet minimum with trees	Same
Cul-de-sac	400—500 feet maximum length	Same
Turn-arounds	60 ft. min. curb radius without parking 80 ft. min. curb radius with parking	Same
Pavement surface	Nonskid with strength to carry traffic load	Same

DESIGN OF FEEDER STREETS

Street width	60 feet
Pavement width	36 feet
Curbs	Straight curb recommended
Sidewalks:	
Width	4 feet minimum
Setback	3 feet minimum if no trees 7 feet minimum with trees
Pavement surface	Same as for local residential streets

SIDEWALKS

Placement: Setback should be minimum of 7 feet where trees are planted between curb and sidewalk; minimum of 3 feet if no trees.  
Width: 4 feet minimum (4½—5 feet minimum near shopping centers.)

ALLEYS

Not considered necessary or desirable in single-family developments.  
May be necessary in group, row house or apartment developments.  
If provided should be 20 feet wide and paved.

Sec. 5-3. Alleys and easements.

(A) Alleys:

- (1) Alleys shall be provided in commercial and industrial districts and at the rear of multifamily residential building sites, or in lieu of an alley an

- (2) Along side lot lines: Six (6) feet on each side of lot lines for distribution facilities; one foot on each side of lot lines for aerial easement for street lighting connections, which may be provided by dedication specifying location but not delineated on the drawing of the final plat.
- (3) Guy and anchor easements: One foot wide on each side of a side lot line and approximately thirty-five (35) feet in length measured from the rear lot line or other utility pole location.
- (4) Where the adjoining land has been previously subdivided or is included in an approved preliminary plan: Ten (10) feet along each side of rear lot lines forming the common boundary. This requirement shall also apply whenever all easement located utilities will be installed prior to recordation of the final plat or arrangements have been made with each utility for the extension of lines in the easements before private improvements are begun on the lots served or crossed by such lines.
- (5) Where the above provisions cannot be complied with: Twelve (12) feet along the rear line of all lots backing up to the subdivision boundary.
- (6) Emergency access easement: Shall have a clear unobstructed width of twenty-four (24) feet, shall connect at each end to a dedicated public street or shall have a suitable size turn-around at the dead-end, and appropriate turning space at inside corners to permit free movement of fire trucks. An emergency access easement may be used as a driveway to gain access to parking or loading spaces, but shall not be used for parking.

#### Sec. 5-4. Blocks.

Blocks lengths and widths shall be determined with due regard to:

- (1) Provision of sites suitable to the class of use contemplated.
- (2) Limitations and opportunities of topography.

- (3) Pedestrian and vehicular circulation within the subdivision, control and safety of street traffic.
- (4) Convenience of access to community facilities serving the neighborhood in which the subdivision is located.

Residential and industrial blocks generally shall be not longer than sixteen hundred (1,600) feet and business blocks not longer than one thousand (1,000) feet.

#### Sec. 5-5. Lots.

Lot design and orientation shall be determined with due regard to the following standards:

- (1) Lots shall be consistent with zoning regulations. When the specific proposed use of a lot or tract depends upon the future granting of a conditional use permit, lot lines shall also be shown on the preliminary plan appropriate to a use which does not require the granting of a conditional use permit.
- (2) Every lot shall abut on a street having a width of not less than fifty (50) feet. The buildable area of every corner lot shall be equal to or be greater than the average buildable area of interior lots in the subdivision designated for the same class of use.
- (3) Lots intended for residential development shall contain not less than ten thousand (10,000) square feet of area per dwelling unit; provided however that this requirement shall be waived if adopted zoning regulations apply to the property and if the minimum area requirements of such regulations are satisfied.
- (4) Residential lots not served by a public sewerage system and located in a subdivision which will not be served by a central disposal unit shall be not less than eighty (80) feet wide and shall comply with the provisions of Article VI.

#### Sec. 5-6. Building lines.

Building lines shall be shown on all lots in the subdivision and shall be consistent with zoning require-



ments. Building lines shall be shown along each street-facing of corner lots and through lots.

**Sec. 5-7. Recreation and public lands.**

The provision of adequate sites for recreation parks and other public facilities is a public necessity in an urban area. The acquisition and improvement of these sites in step with private development of the area served them is of mutual benefit to the subdivider and to the public. Therefore the subdivider shall negotiate in good faith with the city and the other public agencies serving the area in which the subdivision is located for the provision of these sites. No final plat shall be accepted for filing with the commission unless or until this condition has been complied with. The plan administrator shall include in such administrator's report on the final plat, information as to the status of negotiations with respect to this provision.

**ARTICLE VI. IMPROVEMENTS REQUIRED  
IN URBAN SUBDIVISIONS**

**Sec. 6-1. Compliance required.**

Prior to the commission's approval of the final plat the subdivider shall comply or provide for compliance with the policies and procedures set forth in this ordinance for construction of street improvements and utilities. No building, sewer, electrical or plumbing permit shall be issued by the city as to any property in the subdivision until:

- (1) The tentative plat has been approved; and
- (2) The working drawings, specifications and agreements required herein have been reviewed and approved by the affected agencies and, as required, by the city attorney.

**Sec. 6-2. City design standards and specifications.**

There are hereby adopted by reference and made a part of this ordinance design standards and specifications which

shall be controlling in design, construction and installation of street paving, curbs and gutters, sidewalks, utilities and other public improvements required herein. All references to city design standards and specifications shall mean and include those standards and specifications, together with all exhibits, charts, drawings and diagrams appertaining thereto, which have been approved by the city's engineer, adopted by the city council, and placed on file in the office of the city secretary.

**Sec. 6-3. Installation and financing.**

The subdivider shall arrange with the city and with utility companies franchised to serve the area in which the subdivision is located for the construction costs of streets and alleys, utility lines and other public improvements. The subdivider shall also arrange for the sequence of work so that underground utilities shall be installed in those portions of streets intended for vehicular traffic before such streets shall be surfaced. If the several improvements required herein have not been installed or constructed prior to submission of the final plat then the final plat shall bear a restriction that no lot shall be occupied and that no municipal services shall be extended thereto until the specified utilities and improvements have been constructed as required by this ordinance.

**Sec. 6-4. Streets, alleys and sidewalks.**

The subdivider shall excavate, fill and grade all new alleys and streets, including sidewalk areas, so that pavements and sidewalks may be constructed in accordance with city design standards and specifications. Residential alleys shall be constructed at a width of fourteen (14) feet. Commercial and industrial alleys shall be constructed at a width of twenty (20) feet. The grades of sidewalk areas shall be established so that no extreme or abrupt changes in grade are encountered within blocks. However, grade variations may be allowed by the commission at the time of approval of the tentative plat where because of soil conditions, topography or valuable trees, the establishment

of such grades for sidewalks would result in undue hardship. Sidewalks serving residential and industrial areas shall be constructed at a minimum width of four (4) feet. Sidewalks abutting commercial uses shall have a minimum width of six (6) feet.

#### Sec. 6-5. Drainage.

The preliminary plan to be filed with the commission shall be accompanied by drainage studies and drawings showing proposed grades of streets and drainage channels and proposed paving action. In support of the proposed design the following shall be submitted:

- (1) Runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and at all points in the street at changes of grade or where the water enters another street or storm sewer or drainage ditch.
- (2) A general location map of the subdivision showing the entire watershed on a U.S. Geological Survey quadrangle sheet or similar topographic map.
- (3) Calculations showing the anticipated storm water flow, including watershed area, per cent runoff and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing the basis for design.
- (4) When a drainage channel or storm sewer is proposed, complete plans profiles, and specifications shall be submitted showing complete construction details.
- (5) When conditions upstream or downstream from a proposed channel or storm sewer do not permit maximum design, flow, high water marks based on a twenty-five (25) year frequency, shall be indicated based on existing conditions.
- (6) Three (3) copies of detailed cost estimates of proposed construction.

**Sec. 6-6. Street name signs.**

The subdivider shall install or shall arrange for the installation of street name signs satisfying the specifications of the city.

**Sec. 6-7. Street lighting.**

The preliminary plan to be filed with the commission shall be accompanied by two (2) copies of the proposed layout of street lighting standards serving the subdivision. The type of all proposed and existing street lighting shall be indicated on the layout. The layout shall be accompanied by two (2) copies of detailed cost estimates of the proposed street lighting system.

**Sec. 6-8. Utilities.**

(A) *Design standards and regulations:* Utilities required to be installed, or to be provided for, shall be designed and constructed in accordance with the design standards and specifications of the appropriate utilities franchised to serve the area in which the subdivision is located, or if none, then the city, and shall conform to applicable state laws and regulations.

(B) *Sanitary sewers:* Sanitary sewers shall be installed to serve each lot, or tract, in every subdivision where connection is to be made immediately to a community disposal system or to a public sewerage system. Where such connection is not to be made immediately, plans shall be submitted with the final plat for the future development and installation of a sewage-collecting system to serve each lot, or tract, and how those parts of such system which will be in the portion of streets and alleys intended for vehicular traffic shall be installed.

(C) *Water lines:* Water lines adequate for domestic supply and for fire protection needs shall be installed to serve each lot, or tract, in every subdivision where connection is to be made immediately to a community or a utility water system in accordance with the city design standards and specifications, in subdivisions outside the city limits, where such

source or a public utility source, in an adequate and sufficient supply for family use and operation of a septic tank and system provided in section 7-4.

**Sec. 7-4. Septic tank.**

A septic tank with a capacity of not less than one thousand (1,000) gallons and a drain field of not less than one hundred fifty (150) feet shall be installed on each lot in accordance with the regulations of the county and state health officers.