



ORDINANCE NO. Z 24-04

"SUBDIVISIONS"

AN ORDINANCE OF THE CITY OF NOLANVILLE, TEXAS, AMENDING ORDINANCE NO. Z 20-07 #1 RELATED TO THE CITY OF NOLANVILLE CODE OF ORDINANCES, CHAPTER 10 SUBDIVISION REGULATION, ARTICLE 10.02 SUBDIVISION ORDINANCE AND EXHIBIT 10A SETTING THE ADOPTION OF SUBDIVISION STANDARDS AND PROCESSING; PROVIDING A PENALTY FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Council of the City of Nolanville, Texas ("City Council"), adopted procedures for subdivision processing on July 2, 2020; and

WHEREAS, the City of Nolanville, Texas ("City"), considers it an obligation to include defects involving water and wastewater systems installed by subdivision developers; and

WHEREAS, the City Council finds that updating the City Code of Ordinances to reflect maintenance bond requirements during the process of accepting Final Plats is in the best interest of the City and that this Ordinance will promote and provide for the health, safety, and welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOLANVILLE, BELL COUNTY, TEXAS, THAT:

Section 1. All matters stated in the preamble are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. The City Code of Ordinances, Chapter 10 Subdivision Regulation, Article 10.02 and Exhibit 10A are hereby amended by making the changes contained in Attachment "A" respectively and attached hereto and incorporated herein as if fully set forth for all purposes. Those portions of Attachment "A" which are highlighted in red are to be added, and the portions struck through are to be removed.

Section 3. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any previous ordinances which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 4. It is hereby declared by the City Council of the City of Nolanville that if any of the sections, paragraphs, sentences, clauses, or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining sections, paragraphs, sentences, clauses or phrases of this ordinance.

Section 5. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Local Government Code.

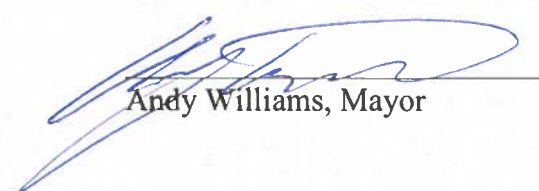
Section 6. To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

Section 7. The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

Section 8. This ordinance shall be in full force and effect from and after its passage and publication and it is so ordained.

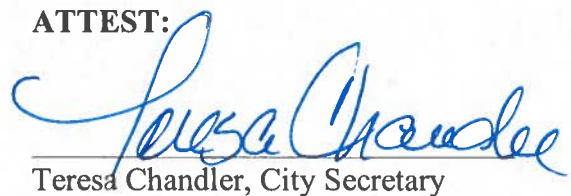
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF NOLANVILLE,
TEXAS ON THIS 2nd DAY OF May, 2024.**

CITY OF NOLANVILLE:


Andy Williams, Mayor



ATTEST:


Teresa Chandler, City Secretary

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 2 **PROCEDURE FOR APPROVAL.**

A. DEVELOPMENT CONCEPT PLAN.

1. General. A Development Concept Plan is the developer's concept of how he or she intends to develop a site. The purpose of the development concept plan is to allow the city lead time necessary to assist in the development process and to plan and coordinate the construction of necessary infrastructure (depending on the availability of funds the city may participate in over-sizing of infrastructure if the city deems it necessary above what is required to serve the planned area or above ordinance requirements). It is also intended to allow the developer to comprehensively plan in a coherent method for the development of the different phases of his or her development.
2. Requirement. A Development Concept Plan is required when land is developed in more than one phase. It provides an opportunity for the developer to illustrate his or her proposed plans before the expense of extensive design is incurred. A Development Concept Plan is binding and must be complied with; however, it may be amended at the request of the developer. Substantial amendments or changes to an approved Development Concept Plan must be reviewed by the Planning and Zoning Commission with final approval by the City Council. Minor amendments may be approved by the City Manager or designee. Minor amendments are those that:
 - (a) Increase by 10% or less the number of lots or potential structures that can be accommodated by the infrastructure; or
 - (b) Reduce the number of lots.
 - (c) Any proposed change in infrastructure is considered major amendment.
3. Form and Content. The Development Concept Plan shall be drawn to a scale of 1 inch equals 200 feet or larger, depicting at a minimum the following elements as applicable:
 - (a) Perimeter of entire property;
 - (b) Perimeter of all proposed phases;
 - (c) Lines depicting approximate locations of streets with right-of-way widths and pavement widths;
 - (d) Lines depicting approximate locations of water and sewer lines with sizes. Required lift stations must be shown;
 - (e) Contour lines and drainage plan;
 - (f) Proposed land uses;
 - (g) Proposed densities and/or lot sizes;
 - (h) Proposed zoning;
 - (i) Impacts on traffic and existing utilities such as sewer demand calculations;
 - (j) Easements necessary to serve adjacent properties;
 - (k) Signature blocks for the Mayor, City Secretary and Planning and Zoning Commission Chair or the Planning and Development Director, depending on the nature of the plan.

(l) Plat amendment fees apply in accordance with the fee schedule.

4. Processing.

- (a) Administrative Review: One (1) paper copy and one (1) digital copy of the Development Concept Plan shall be submitted to the City Manager or designee. The Development Concept Plan shall be reviewed by the City Manager or designee and affected city staff for conformity with the city's plans, major thoroughfare plan, utility master plan, zoning, engineering standards and specifications, city ordinances and other city standards.
- (b) Upon completion of the administrative review, the owner or authorized representative shall submit an application and fee to the Planning and Zoning Commission and City Council for consideration, conveying staff comments and recommendations. Applications shall only be accepted during the last week of each month and must have an administrative review prior to submission.
- (c) The Planning and Zoning Commission shall study the plan and all recommendations. Particular attention will be given to the arrangement, location and width of streets and their relation to the topography of the land; lot sizes and arrangement; water and sewer lines; drainage; the further development of adjoining lands; and the requirements of city ordinances, policies and plans.
- (d) The Planning and Zoning Commission shall act on the plan and may advise the developer of any specific changes or additions they will require in the layout or comment on the character and extent of improvements and dedications that will be required as a prerequisite to the approval of final plats. The Planning and Zoning Commission shall forward the plan with their recommendations to the City Council. The City Council may decide the following actions which will be documented in the meeting minutes:
 - i. Approve.
 - ii. Approve with conditions. Each condition or reason specified in the written statement must be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable. The conditions may not be arbitrary.
 - iii. Disapprove with explanation.
- (e) If a the conditional approval or disapproval with explanation of a plan or plat was given by City Council, the applicant may submit to the municipal authority or governing body a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided, and the municipal authority or governing body may not establish a deadline for an applicant to submit the response. Responses to a conditionally approved or disapproved submission require reconsideration by the City Council within 15 days.
- (f) Once the plan has been approved by the City Council and/or conditional approval requirements are met, the final digital copy and two (2) hard copies shall be submitted to the city. A Development Concept Plan will expire one year after approval unless:
 - i. An extension is applied for and granted by the City Manager or designee;
 - ii. Development activity as determined by the City Manager or his or her designee occurs within the one-year period following approval. In no event may an extension be granted for a period exceeding one year. Should development activities not take place in any subsequent phases for three years after the previous phase had been developed or partially developed, the plan shall be considered expired and void. If the regulations, requirements or standards change during the three years, the Planning and

Zoning Commission and City Council may grant an extension subject to the new regulations at the request of the developer. The Building Official may grant an extension if the regulations[,] requirements or standards have not changed.

B. PRELIMINARY PLAT.

1. Requirement; In General.

- (a) The owner or authorized representative shall submit a Preliminary Plat Application and fee to the City for consideration. Applications shall only be accepted during the last week of each month and must be administratively complete.
- (b) General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required in this section. This information may include data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal such as the number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas, and other public areas, proposed protective covenants and proposed utilities and street improvements.
- (c) Location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. Include development name and location, main traffic arteries, public transportation lines, shopping centers, elementary and high schools, parks, and playgrounds, principal places of employment, other community features such as railroad stations, airports, hospitals, and churches, scale, north arrow, and date.
- (d) Sketch plan on topography survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In any event the sketch plan shall include either the existing topographic data listed in Sections 2(B)(2)-(4), or such of these data as the Planning & Zoning Commission determines is necessary for its consideration of the proposed sketch plan.
- (e) A developer will obtain a statement from utility companies that they are aware of the subdivision and foresee no difficulties in providing service to the area. A statement will be forwarded with the preliminary plat.

2. Form and Content; Topographic data. Topographic data required as a basis for the preliminary layout shall include existing conditions as follows, except when otherwise specified by the Planning & Zoning Commission:

- (a) Boundary lines: bearings and distances.
- (b) Easements: location, width, and purpose.
- (c) Streets on and adjacent to the tract: name and right-of-way width and location; type, width, and elevation of surfacing; any legally established centerline elevations, walks, curbs, gutters, culverts, and the like.
- (d) Utilities on and adjacent to the tract: location, size, and invert elevation of sanitary, storm, and combined sewers; location of gas lines, fire hydrants, electric and telephone poles, and streetlights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of the nearest ones, showing invert elevation of sewers.
- (e) Ground elevations on the tract, based on a datum plane approved by the Planning & Zoning Commission.

- i. For land that slopes less than approximately 2% show spot elevations at all breaks in grade, along all channels and ditches or swales and at selected points not more than 100 feet apart in all directions.
 - ii. For land that slopes more than 2% show contours with an interval of not more than five feet.
- (f) Subsurface conditions on the tract, if required by the Planning & Zoning Commission: location and results of tests to ascertain subsurface soil, rock, and groundwater conditions, depth to groundwater unless test pits are dry at a depth of five feet; location and results of soil percolation test if individual sewage disposal systems are proposed.
 - (g) Other conditions on the tract if required by the Planning & Zoning Commission: watercourses, marshes, rock outcrop, wooded area, isolated preservable trees between street lines eight inches or more in diameter, houses, barns, shacks, and other significant features.
 - (h) Other conditions on adjacent lands: approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influence; owners' names on adjacent unplatted land; for adjacent platted land refer to subdivision plat by name and date of recording, and show approximate present build-up, typical lot size, and dwelling type.
 - (i) Photographs, if required by the Planning & Zoning Commission, camera location, directions of views and key numbers.
 - (j) Zoning on and adjacent to the tract.
 - (k) Proposed public improvements: highways or other major improvements planned by public authorities for future construction on or near the streets.
 - (l) Key plan showing location of the tract.
 - (m) Title and certificates: present tract designation according to official records in office of County Clerk; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered civil engineer or surveyor, date of survey.
 - (n) Deed restrictions.
3. *Form and Content; Preliminary layout.* Preliminary layout shall be at a scale of 200 feet to one inch or larger. It shall show all existing conditions required in division (A), topographic data, and shall show all proposals including the following:
 - (a) Streets. Street names, right-of-way widths, approximate grades and gradients, similar data for alleys, if any.
 - (b) Other rights-of-way or easements: location, width, and purpose.
 - (c) Location of utilities, if not shown on other exhibits.
 - (d) Lot lines, lot numbers, and block numbers.
 - (e) Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.
 - (f) Sites, if any, for multifamily dwellings, shopping centers, churches, industry, or other non-public uses, exclusive of single-family dwellings.

- (g) Minimum building setback lines.
 - (h) Site data, including number of residential lots, typical lot size, and acres in parks, and the like.
 - (i) Title, scale, north arrow, and date.
4. Form and Content; Other preliminary plans. When required by the Planning & Zoning Commission, the preliminary layout shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross-sections of the proposed grading, roadway and public sidewalk, and preliminary plan of proposed sanitary and stormwater sewers with grades and sizes indicated. All elevations shall be based on a datum plane approved by the Planning & Zoning Commission.
 5. Processing. Following the review by the City Manager, City Planning & Zoning Commission, Department Heads and Building Official involved of the preliminary layout and other material submitted for conformity thereof to the regulations of this chapter, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Planning & Zoning Commission shall, within 30 days, act thereon as submitted or modified, and if approved, the Planning & Zoning Commission shall make a recommendation to the City Council. The City Council shall either: approve; conditionally approve and state the conditions of such approval; or disapprove and state the reasons for disapproval.
 6. The action of City Council shall be noted on at least two copies of the preliminary layout, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other shall be retained by the City.
 7. Approval of a preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed as expression of approval to the layout submitted on the preliminary plat as guide to the preparation of the final plat.

C. CONSTRUCTION PLANS REVIEW

1. In General: Construction Plans conforming to the North Central Texas Council of Government's Public Works Standard Specifications and Standard Drawings, Latest Edition. and this Code must be submitted to the City Engineer for all existing or proposed streets, sidewalks, drainage, and utility improvements, and any other infrastructure or public improvements that are required or proposed to be constructed, reconstructed, improved or modified to serve the development. Where the Final Plat is for property being developed in phases, the required Construction Plans must include the improvements specified in the Preliminary Plat to serve the phase being platted. The Construction Plans are intended to provide detailed engineering drawings for all improvements required to serve the development. The Construction Plans shall be kept as a permanent record of the City.
2. Construction or Financing of Public Improvements
 - (a) After approval of a Preliminary Plat, the subdivider shall notify the City Engineer as to the construction procedure the subdivider proposes to follow. One of the following procedures shall be used:
 - i. The subdivider may file Construction Plans, and, upon approval of the Construction Plans by the City Engineer, proceed with construction of streets, alleys, sidewalks, and utilities that the subdivider is required to install.
 - ii. The subdivider may elect to file a "financial guarantee of performance" or "post fiscal", in which case the guarantee of performance shall be filed with the City, and the subdivider shall be required to post fiscal surety in the amount of 125% of all public improvements prior to Final Plat recordation, a plat

may be recorded without acceptance of the required public improvements through the posting of fiscal surety. Fiscal surety shall be provided in an amount of at least 125% of the cost of the required public improvements, as estimated by a licensed engineer and approved by the City Engineer. The City Engineer has the discretion to, but is not obligated, to reduce the percentage of the fiscal surety instrument based on the amount of construction completed. The financial instrument shall state the name of the development or subdivision and shall list the required improvements and estimate costs thereof. A plat shall not be recorded until financial security is delivered to the city in a form provided by the City and approved as to form by the City Attorney. No release of any security shall occur until the City has formally accepted the improvements that are the subject of the security.

- (b) Upon completion of construction the subdivider shall deliver to the City a two-year maintenance bond.
 - i. Maintenance Bond. Before the release of any surety instrument guaranteeing the construction of required subdivision improvements or the signing of the final plat where subdivision improvements were made prior to the filing of the final plat for recordation the subdivider shall furnish the city with a maintenance bond, or other surety instrument such as a letter of credit or escrow account. The purpose of the maintenance bond/surety instruments to assure the quality of materials and workmanship and maintenance of all required improvements including the city's costs for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements in the event the subdivider defaults. The maintenance bond or other surety instrument shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. All public works improvements including streets and water/waste water improvement, said bond or other instrument shall be in an amount equal to 40% of the cost of improvements verified by the City Engineer and shall run for a period of two calendar years. Bell County Water Control & Improvement District #3 shall have the authority to require repairs or replacements through the City by declaring defaults in writing. Effective time frame for bonds or other instruments will be measured from the date of release of the performance surety instrument or signing and recording of the final plat whichever is later. In an instance where a maintenance bond or other surety instrument has been posted and a defect or failure of any required improvement occurs within the period of coverage, the city may declare said bond or surety instrument to be in default and require that the improvements be repaired or replaced.
 - ii. Whenever a defect or failure of any required improvement occurs within the period of coverage, the city shall require that a new maintenance bond or surety instrument be posted for a period of one full calendar year, except streets and water/waste water improvements which will be for two calendar years. The amount of the bond or instrument will be equal to the amount required to correct the fault or failure. Effective time frame for the new maintenance bond or other instrument shall begin on the date the city inspects and approves the required correction.
- (c) A conditional construction permit for a model home may be issued once the streets to the subdivision have been constructed to sub-grade and water service and a fire hydrant are located within 500 feet of the lot on which the model home is located. The Building Official shall note on the permit that the property owner accepts all responsibility for commencing construction prior to completion of the public improvements and City acceptance of the subdivision. The Certificate of Occupancy for the model home will not be issued until the subdivision and all public improvements have been accepted by the City, a Final Plat has been filed with the County and all utilities are connected to the home.
- (d) The Construction Documents, when duly signed and approved by the City Engineer, are authority to proceed with the construction of streets and utilities.
- (e) Responsibility of Subdivider's Engineer.
 - i. The professional engineer representing the subdivider is responsible for the accuracy, completeness, and conformance to the City's Construction Specifications, as well as the design specifications adopted and enforced by all utility providers who serve the tracts within the subdivision, this code, and all applicable

City and County standards. The city and its representatives have no project design or engineering responsibility.

3. *Form and Content*

- (a) The purpose of the City Engineer's review is to ensure conformance to city policies and standards. However, the City Engineer's review is limited to the facts as presented on submitted plans.
 - i. The City Engineer shall approve Construction Plans that are submitted and sufficiently show compliance with any City-Approved or adopted design or construction criteria, or in the absence of City-approved or adopted design requirements, standard engineering practices.
 - ii. All Construction Plans are subject to the approval of other entities that are separate from the City, including water utility districts for water and wastewater, emergency services districts, and Bell County. The City reserves the right not to accept Construction Plans until they have been approved by all other entities who are required for approval before construction can begin.
 - iii. The City reserves the right to require corrections to actual conditions in the field that are found to be contrary to or omitted from submitted plans.
 - iv. The City Engineer shall not approve Construction Plans that do not adequately represent construction of the approved infrastructure and public improvements included in the approved Preliminary Plat.
- (b) For the purpose of this Chapter, a complete set of Construction Plans shall include the following plans or sheets (generally in this order) as well as any additional plans or sheets deemed necessary and requested by the City Engineer.
 - i. Cover or title sheet (with list of all plans)
 - ii. Preliminary Plat
 - iii. Existing conditions plan (unless these items are shown on the Preliminary Plat itself, which shows existing topography, vegetation, tree inventory of those trees with a diameter of eight inches (8") or greater (when measured four feet (4') above the natural grade) located within twenty feet (20') of intended rights-of-way (streets and utilities), existing natural and man-made physical features, etc.
 - iv. Existing tree and vegetation protection plan
 - v. Grading, erosion control, and water quality control plans (including a SWPPP)
 - vi. Demolition plan
 - vii. Striping and Signage Plan
 - viii. Construction Details
 - ix. Paving and storm drainage plan
 - x. Utility plans for water, sanitary sewer, etc.
 - xi. Traffic-control plans (if necessary)
 - xii. Screening and retaining wall plans
 - xiii. Landscaping and irrigation plans

4. Processing/Required Materials for Submission

- (a) A complete application form that bears the original notarized signature(s) of the property owner(s) of the subject property; and
- (b) the prescribed submission fee in accordance with the City's Adopted Fee Schedule; and
- (c) one copy of any applicable development agreement pertaining to the subject property (if any); and
- (d) Digital copies of all submittal items; and
- (e) a certificate or other satisfactory evidence from the Bell County Central Appraisal District showing that all taxes have been paid on the subject property, and that no delinquent taxes exist against the property. Documentation shall also be included that shows no delinquent assessments, fees, or other debts or obligations to the City and which are directly attributable to the subject property. One copy of the tax status certificate shall be submitted to the City in order for the application to be deemed complete; and
- (f) drainage study; and
- (g) Record of approved variance needed for the project;
- (h) Any waivers needed for the project;
- (i) Any approved permits that are applicable to the plat application (i.e. driveway permit, TCEQ permit, utility provider permit, etc.);
- (j) All documents in the correct form herein; and
- (k) any other reasonable and applicable information and materials deemed appropriate by the City Engineer or City Manager.
- (l) Traffic Impact Analysis for any proposed development that consists of a minimum of two-hundred (200) dwelling units (residential) or generates traffic in excess of two-thousand (2,000) one-way trips per day (non-residential) based upon the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual to demonstrate adequacy of the adjacent roadway systems.
- (m) An engineer's summary report electronically and on paper that describes, in as much detail as necessary, the following:
 - i. the overall nature and scope of the proposed development, including zoning (if applicable); and
 - ii. the proposed use(s) and acreage of each proposed use (if applicable); and
 - iii. minimum lot or Unit sizes, widths and depths, number of lots or Units to be created; and
 - iv. special amenities or facilities that will be included in the development; and
 - v. how the property will be served with required utilities and services reflective of all letters of service availability; and
 - vi. how stormwater drainage will be handled; and [sic]

D. FINAL PLAT

1. CONTENTS OF FINAL PLAT.

- (a) The final plat shall be drawn in ink on tracing cloth or on permanent plastic sheets 17 inches wide by 28 inches long and shall be at a scale of 100 feet to one inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactorily to the Planning & Zoning Commission.
- (b) The final plat shall show the following:
 - i. Primary control points, approved by the City Engineer, or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
 - ii. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings, or deflection angles, and radii, arcs, and central angles of all curves.
 - iii. Name and right-of-way width of each street or other right-of-way.
 - iv. Location to identify each lot or site.
 - v. Location, dimensions, and purpose of any easements.
 - vi. Purpose for which sites, other than residential lots, are dedicated or reserved.
 - vii. Minimum building setback lines on all lots and other sites.
 - viii. Location and description of monuments.
 - ix. Names or record owners and deed volume and page of adjoining unplatted land (including those across adjacent roads).
 - x. Reference to recorded subdivision plats of adjoining platted land by record name, date, and plat book and page.
 - xi. Certification by surveyor or engineer certifying to account of survey and plat.
 - xii. Notarized statement by owner adopting plat and dedicating streets, rights-of-way and any sites for public uses.
 - xiii. Title, scale, north arrow, and date.
2. PROFILES OF STREETS REQUIRED. Cross-sections and profiles of streets showing grades approved by the City Engineer shall be required. The profiles shall be drawn to standard scales and elevations and shall be based on a datum plane approved by the City Engineer.
3. CERTIFICATE OF COMPLIANCE REQUIRED.
 - (a) A certificate by the Public Works Official certifying that the subdivider has complied with one of the following alternatives shall be required:
 - i. All improvements have been installed in accord with the requirements of these regulations and either the action of the Planning & Zoning Commission giving conditional approval of the preliminary layout; or
 - ii. A bond or letter of credit has been posted, which is delivered to the city, and in sufficient amount to assure such completion of all required improvements.

- (b) Protective covenants in form for recording.
- 4. OTHER DATA REQUIRED. Such other certificates, affidavits, endorsements, or agreements may be required by the Planning & Zoning Commission in the enforcement of these regulations.
- 5. FILING FEE. The final plat shall be accompanied by a filing fee in an amount stipulated in the fee schedule approved as part of the current fiscal year's operating budget.
- 6. ISSUANCE OF PERMITS. No building permit, or any water, sewer, plumbing, or electrical permit shall be issued by the city to the owner or other person, with respect to any property in said subdivision or resubdivision covered by this chapter, until:
 - (a) Such time as the developer and/or owner has fully completed and paid for the improvements required to be made by the terms of this chapter, including the installation of streets with proper paving, curb and gutter, drainage structures, storm sewers, alleys, and installation of water and sanitary sewer mains, all according to the specifications of the city; or
 - (b) Until an escrow deposit sufficient to pay the cost of such improvements as determined by the Building Official computed on a private commercial rate basis has been made with the City Secretary, accompanied by an agreement signed by the developer and/or owner authorizing the city to make such improvements at prevailing private commercial rates or have the same made by a private contractor and pay for same out of escrow deposit.
- 7. PROCESSING
 - (a) Applications for Final Plat are accepted during the last week of each month. Construction Plans must receive approval from the City Manager and the respective Water District prior to submission of application for final plat. Any person desiring approval of a final plat shall submit the application, fee, and one (1) digital copy and four (4) paper copies of the final plat, together with all other exhibits required for approval. The final plat and all required exhibits shall be filed with the Planning & Zoning Commission not later than 180 days after the day the preliminary plat was approved. Failure to apply for final plat approval within 180 days after the day the preliminary plat was approved shall render such preliminary plat approval void.
 - (b) The Final Plat and all required exhibits shall be prepared to comply with the requirements of Sections 2(D)(1) hereof, and shall conform substantially to the preliminary plat as approved. However, if desired, the applicant may seek final plat approval of only that portion of the approved preliminary plat in accordance with the approved phasing plan approved by the preliminary plat, which he proposes to record and develop at that time.
 - (c) Final plat approval shall not be issued until the plat has been approved by both the Planning & Zoning Commission and the City Council.
 - i. The Planning & Zoning Commission shall act on an application for approval of a final plat within 30 days after the date the plat is filed. A plat is considered approved by the Planning & Zoning Commission unless it is disapproved within that period.
 - ii. If a Final Plat is approved by the Planning & Zoning Commission, the City Council shall act on the application within 30 days of the date the plat is approved by the Planning & Zoning Commission, or is deemed approved by Planning & Zoning Commission's failure to act. A plat is considered approved by the City Council unless it is disapproved within that period.
 - (d) The final plat shall be approved if:

- i. The plat conforms to the general plan of the city and its current and future streets, parks, playgrounds and public utility facilities.
 - ii. The plat conforms to the general plan for the extension of the city and 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.
 - iii. If applicable, the applicant has complied with Tex. Loc. Gov't Code 212.0105 and 212.0106 as then amended.
 - iv. The plat conforms to all city rules governing plats and subdivisions of land.
- (e) If a final plat is approved by both the Planning & Zoning Commission and the City Council, the City Council shall endorse the plat with a certificate indicating such approval. The certificate must be signed by the City Council's presiding officer and attested by the City Secretary, or a majority of the members of the City Council. If the final plat approval is deemed by virtue of the City Council's failure to act within the prescribed period, the City Council shall, upon request, promptly issue a certificate stating the date the plat was approved or deemed approved by the Planning & Zoning Commission, and that the City Council failed to act on the plat within the 30-day period.

E. ADMINISTRATIVE APPROVAL OF PLATS.

1. Notwithstanding Section 2(D)(8) [sic] of this Ordinance, the Building Official shall have the authority to approve:
 - (a) Amending plats described by Tex. Loc. Gov't Code Section 212.016, as then amended, revised or recodified; and
 - (b) Minor plats involving four or fewer lots fronting on an existing street, and not requiring the creation of any new street or the extension of municipal facilities.
2. Any person seeking approval of a minor plat or an amending plat by the Building Official shall comply with the requirements of Section 2(D)(1) of this Ordinance.
3. The Building Official may, for any reason, require a person desiring approval of an amending plat or minor plat to comply with the procedure set forth in Section 2(D)(8) [sic] of this code.

(Ordinance Z20-07 #1 adopted 7/2/20)