

CITY OF PALMER ORDINANCE NO. 990 - EXHIBIT A

PALMER SUBDIVISION REGULATIONS

ARTICLE 11-1 SUBDIVISION REGULATIONS

Sec. 11-1-1 PURPOSE OF SUBDIVISION REGULATIONS

The purpose of these subdivision regulations are 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 and its surrounding areas. It is the intention of the city council that the standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City of Palmer and within its extraterritorial jurisdiction. Where other ordinances of the city are more restrictive in their requirements, such other ordinances shall control. Ord. 149

ARTICLE 11-2 DEFINITIONS

For the purpose of this chapter, the following terms, phrases, words, and other derivations shall have the meaning ascribed to them in this section:

alley	a minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street;
City	the City of Palmer, Texas;
City Council	the governing body of the City of Palmer, Texas;
crosswalk way	a public right-of-way, four feet (4') or more in width between property lines, which provides pedestrian circulation.
cul-de-sac	a street having but one (1) outlet to another street, termination of the opposite end by a vehicular turn-around.
dead-end street	a street, other than a cul-de-sac, with only one (1) outlet;
developer	this term may be determined by the city to be synonymous with subdivider;

engineer	a person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore, or hereafter amended, to practice the profession of engineering. The term “city engineer” shall apply only to such registered professional engineer or firm of registered professional consulting engineers that has been specifically designated as such by the city council;
final plat	(also record plat or filing plat) the one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer with the subdivision location referenced to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. Angular measurements and bearings shall be accurate to the nearest minute. Distances shall be accurate to the nearest tenth (10th) of a foot;
land planner	persons other than surveyors or engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related developments; such proficiency after having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning;
lot	an undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement, which is designated as a district and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.
mobile home	any structure transportable in one (1) or more sections, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, and when connected to the utilities;
mobile home park	a type of development where land is owned under one ownership and individual lots or spaces are- leased or rented, with or without mobile homes on them, to other persons for the purposes of placing or maintaining a mobile home thereon. A mobile home park, for these purposes, shall be defined as any lot, tract, or parcel of land where more than one (1) mobile home is located upon.
pavement width	the portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the face of curb;
person	any individual, association, firm, corporation, governmental agency, or political subdivision;

preliminary plat	the phrase “preliminary plat” shall be any plat of any lot, tract or parcel of land that is not to be recorded of record, but is only a proposed division of land for review and study by the city. It shall include topography and drainage features;
shall, & may	the word “shall” is always mandatory and the word “may” is merely directory;
streets	a public right-of-way, however designated, which provides vehicular access to adjacent land;
	Major thoroughfares (also arterial streets, primary thoroughfares, etc.) provide vehicular movement from one neighborhood to another, to distant points within the urban area or to freeways or highways leading to other communities;
	Collector streets (also feeder streets, secondary thoroughfares, etc.) provide vehicular circulation within neighborhoods and from minor streets to major thoroughfares. Due to similarity of traffic volume and wheel loadings, streets through commercial and industrial areas are frequently constructed to same design as collector streets;
	Local residential streets (also minor thoroughfares or streets, etc., are primarily for providing direct vehicular access to abutting residential property;
subdivider	any person, partnership, association, firm, corporation or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term “subdivider” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided;
subdivision	the word ‘subdivision’ or ‘addition’ shall be any division or any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose of sale, lease, or rental. It also includes the re-subdivision or re-platting of land, lots or tracts. Division of land for agricultural purposes, in parcels of five (5) acres or more shall not be included within this definition, unless any such division includes the planning and development of a new street or access easement. Also the creation of a mobile home park shall be considered a subdivision whether there is a division of land or not.
surveyor	a licensed state land surveyor or a registered public surveyor, as authorized by state status to practice the profession of surveying;

utility easement an interest in land granted to the city, to the public generally, and/or to a private utility corporation, for installing and maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Any office referred to in this chapter by title means the person employed or appointed by the city in that position, or his duly authorized representative.

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

ARTICLE 11-3 SPECIAL PROVISIONS

Sec. 11-3-1 SEPTIC TANKS

The city will not permit the installation of septic tanks upon any lot in a subdivision except in accordance with Article 11-7 hereof.

Sec. 11-3-2 BUILDING PERMITS

No building permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full.

Sec. 11-3-3 SECTIONAL DEVELOPMENT PERMITTED

The city may allow sectional development of an approved final plat provided that the section of the final plat meets all the requirements of this chapter in full as though it were a subdivision within itself .

Sec. 11-3-4 STREETS & UTILITIES REQUIRED

The city shall not authorize any other person nor shall the city itself repair, maintain, install or provide any streets or public utility services in any subdivision for which the standards contained herein or referred to herein have not been complied with in full.

Sec. 11-3-5 WATER OR SEWERAGE SERVICE

The city shall not authorize any other person nor shall the city itself sell or supply any water or sewerage service within a subdivision for which a final plat has not been approved or filed for records, nor in which the standards contained herein or referred to herein have not been complied with in full.

Sec. 11-3-6 ENFORCEMENT OF SUBDIVISION REGULATIONS

In behalf of the city, the city attorney shall, when directed by the city council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this chapter or the standards referred to herein with respect to any violation thereof which occurs within the city, within the extraterritorial jurisdiction of the city as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or part of the provisions of this chapter.

Sec. 11-3-7 **PERMITS FOR EXISTING BUILDINGS**

The provisions of this chapter shall not be construed to prohibit the issuance of permits to any lots upon which a residence building exists and was in existence prior to passage of these regulations, or to prohibit the repair, maintenance or installation of any street or public utility services for any residential building, or abutting any sale lot, the last recorded conveyance of which prior to passage of these regulations.

Sec. 11-3-8 **IMPROVEMENTS GENERALLY**

The subdivider shall furnish install and/or construct the water and sewage systems and the street and drainage facilities necessary for the proper development of the subdivision. All such facilities shall be designed and constructed in accordance with city ordinances and standards. Where considered necessary by the city engineer, the facilities shall be sized in excess of that dictated by the design criteria to provide for future growth and expansion. The city council shall establish policies whereby the city would participate in such oversized facilities provided funds are available. Street signs shall also be paid for by the developer at the rate established by the city council at the time the final plat filing fees are paid.

Sec. 11-3-9 **VARIANCES**

The city council may authorize a variance from these subdivision regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the city council shall prescribe only conditions that it deems necessary to or desirable in the public interest. Pecuniary hardship to the subdivider, standing alone shall not be deemed to constitute undue hardship. In making the findings herein below required, the city council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety; convenience, and welfare in the vicinity. No variance shall be granted unless the city council finds:

- A. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of his land; and
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

- C. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
- D. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these regulations. Such findings of the city council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of these regulations so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

Sec. 11-3-10 LIABILITY OF CITY

Neither the city nor any authorized agent acting under the terms of this chapter shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this chapter.

Sec. 11-3-11 CONFLICTING ORDINANCES

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

ARTICLE 11-4
THE PRELIMINARY PLAT

Sec. 11-4-1 PRELIMINARY PLAT - PRE-APPLICATION

Prior to submitting a plat, the subdivider shall be responsible for checking on proper zoning subdivision regulations and improvement requirements and then consult early and informally with the city council before formal application of the preliminary plat for its approval in order to save time and money.

Sec. 11-4-2 PRELIMINARY PLAT - REQUIREMENTS

- A. The preliminary plat shall be prepared by a surveyor, engineer, or land planner. The plat shall conform to these subdivision regulations and zoning regulations.
- B. The developer shall submit six (6) blue or black line copies of the preliminary Plat to the city secretary at least fourteen (14) days prior to the city council meeting at which the plat is to be considered.
- C. The preliminary plat shall be drawn on sheets no larger than 24" x 36" in size at a scale no smaller than 1" = 200'.

Sec. 11-4-3 CONTENT OF PRELIMINARY PLAT

- A. Name and address of the owner, subdivider, engineer, surveyor or land planner.
- B. Proposed name of the subdivision.
- C. Names of adjacent subdivisions or owners of adjacent parcels of land not subdivided. Show any platting of adjoining property and all street names.
- D. An accurate boundary survey of the property and a metes and bounds description and to locate the same with respect to a corner of -the survey or tract or an original corner of the survey of which it is a part.
- E. A northpoint, scale of plat, and date of preparation.
- F. The location and dimensions of all streets, alleys, easements, lots and other sites proposed within the subdivision. Where the proposed subdivision is a unit of a larger tract proposed for future development, the preliminary plat shall be accompanied by a layout of the entire tract showing the tentative layout of streets, blocks, drainage, and utility improvements. The overall layout, if approved by the city council, shall be

attached to the smaller approved subdivision and made a part of the permanent records. Thereafter, plats of subsequent units of such subdivision shall conform to the approved overall layout unless it is amended by the city council.

- G. Contours at intervals of five (5) vertical feet. If contours at that interval do not give adequate terrain description, then the interval will be reduced to two (2) vertical feet.
- H. Preliminary drainage proposals including drainage areas affecting the property.
- I. Existing and proposed utility service to the property.
- J. Existing public utility easements.
- K. Any land uses proposed other than single family lots such as schools, parks, church and apartments.
- L. Number of each lot and- letter assigned to each block.
- M. Front building setback lines shown on all lots and sites and side building line at street intersection.
- N. The following certifications shall be placed on the preliminary plat:

Planning & Zoning Commission Certificate

APPROVED BY The Planning & Zoning Commission, subject to any conditions enumerated by the Commission.

Date: _____

Commission Chairman

City Council Certificate

APPROVED FOR PREPARATION OF FINAL PLAT SUBJECT TO ANY CONDITIONS ENUMERATED BY THE CITY COUNCIL.

Date

Mayor, City of Palmer

Witness my hand this _____ day of _____, 20____

City Secretary, City of Palmer

Sec. 11-4-4 **PROCESSING THE PRELIMINARY PLAT**

Upon receiving six (6) copies of the preliminary plat and the required filing fees, the city secretary will set up a time for the preliminary plat to be presented to the Planning & Zoning Commission for consideration and will provide for the review of the plat by the appropriate officials, being the mayor, city engineer, water and sewer superintendent, and any other officials deemed appropriate. Two (2) copies will be provided to the city engineer. The city engineer will then return one (1) copy to the city with his comments and recommendations. The preliminary plat shall also be checked against the city's zoning regulations. The City Planning and Zoning Commission must approve or deny the plat on or before the 30th day after the date of its filing. Upon approval by the Planning & Zoning Commission the city secretary will set up a time for the preliminary plat to be submitted to the City Council for approval that will permit the city Council to take action on or before the 30th day following the Commission's date of approval. If the City Council does not approve or deny the preliminary plat within this 30 day period the plat is automatically approved. The action of the city council shall be noted on two (2) copies of the preliminary plat along with references to any conditions determined and attached thereto. One (1) copy shall be returned to the developer and the other copy retained as a permanent record of the city. Approval of the preliminary plat, if granted, shall be binding for not longer than one (1) year after the date of approval of the preliminary plat unless the final plat has been approved and recorded within the one (1) year period.

The conditional approval of a preliminary plat by the Planning & Zoning Commission or the City Council does not in any, manner constitute the acceptance of the subdivision nor the improvements to be placed therein, but is merely an authorization to proceed with the preparation of the final plat in compliance with the conditions.

Approval of the preliminary plat does not permit the beginning of any proposed subdivision improvements No construction work shall begin prior to approval of the final plat of the proposed subdivision by the city council.

Sec. 11-4-5 **PRELIMINARY PLAT FILING FEES**

See Master Fee Schedule. Such fees and charges shall accompany the application of the proposed plat and no action of the city council shall be valid until the filing fee has been paid. The fee shall not be refunded to the subdivider should the plat be disapproved.

ARTICLE 11-5 FINAL PLAT

Sec. 11-5-1 FINAL PLAT REQUIREMENTS

- A. The final plat shall conform to the preliminary plat as approved, and incorporating all conditions imposed by the city council.
- B. The subdivider shall submit two (2) mylar prints and four (4) blue or black line copies of the final plat to the city secretary.
- C. The final plat shall be drawn on 17-1/2" x 23-1/2" sheets at a scale no smaller than 1' = 200'. Where more than one (1) sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at appropriate scale shall be attached to the plat. If desired by the subdivider and approved by the city council, the final plat may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed; however, such portion shall conform to all requirements.

Sec. 11-5-2 CONTENT OF FINAL PLAT

- A. All requirements of preliminary plat and any conditions.
- B. The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public right-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearings or deflection angles and radii area, and central angle, degree of curvature tangent distance and length of all curves where appropriate.
- C. The exact location, dimensions, description and name of all proposed streets, alleys, drainage, rights-of-way, parks, other public areas, reservations, easement or other right-of-way, blocks, lots and other sites within the subdivision with accurate dimensions, bearings or deflection angles and radii area, and central angels, degree of curvature, tangent distance and length of all curves where appropriate.
- D. Owner's acknowledgement of the dedication to public use of streets, alleys, parks, right-of-ways, easements, and other public places shown on the final plat.
- E. A certification by the engineer and/or surveyor for the preparation of the final plat and supporting data, attesting to its accuracy and that all survey work around the boundary area as well as within the subdivision shall have an error closure of no more than one foot in five thousand feet

(1/5000') or less.

- F. All survey monuments shall be shown on the plat. The surveyor (or engineer) shall place permanent monuments at each corner of the boundary survey of the subdivision. These monuments shall be a minimum of one-half inch (1/2') iron rod eighteen inches (18") long. Lot and block corners shall be set prior to the installation of water service connections.
- G. All deed restrictions that are to be filed with the plat shall be shown on or filed separately with the plat.
- H. Receipt showing that all taxes are paid.
- I. All final plats shall be accompanied by two (2) complete sets of construction plans for all street and drainage improvements and water and sanitary sewer improvements.
- J. A waiver of claim for damages against the city occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.
- K. The following certificates shall be placed on the final plat:

Planning & Zoning Commission Certificate

APPROVED BY The Planning & Zoning Commission subject to any conditions enumerated by the commission.

Date: _____

Commission Chairman

City Council Certificate

THE CITY COUNCIL ON THE ____ DAY OF _____, 20____, VOTED AFFIRMATIVELY TO ADOPT THIS PLAT AND APPROVE IT FOR FILING OF RECORD.

Date

Mayor, City of Palmer

Witness my hand this ____ day of _____, 20____

City Secretary, City of Palmer

Sec. 11-5-3 **PROCESSING THE FINAL PLAT AND CONSTRUCTION PLANS**

Upon receiving six (6) copies of the final plat, construction plans, and the required filing fees, the city secretary will set up a time for the Final Plat to be presented to the Planning & Zoning Commission for consideration and will provide for the review of the plat by the appropriate officials, being the mayor, city engineer, water and sewer superintendent, and any other officials deemed appropriate. Two (2) copies will be provided to the city engineer. The city engineer will then return one (1) copy to the city with his comments and recommendations. The Final Plat shall also be checked against the city's zoning regulations. The City Planning and Zoning Commission must approve or deny the plat on or before the 30th day after the date of its filing. Upon approval by the Planning & Zoning Commission the city secretary will set up a time for the Final Plat to be submitted to the City Council for approval. The City Council must take final action to approve or deny the plat on or before the 30th day following the Commission's date of approval. If, however, the denial is based on some failure to comply the developer may request that the meeting be tabled and a new 30 day period for approval or denial be started.

Upon final approval by the city council, four (4) complete sets of the plat and construction plans will be submitted to the city for the city's use in making inspections of the subdivision's development in order to determine its compliance with all approved requirements.

Sec. 11-5-3 **ACCEPTANCE AND RECORDING PLAT**

After the final plat has been finally approved and the subdivider has constructed all the required improvements and such improvements have been approved, and a maintenance bond filed as hereinafter provided, or after the plat has been finally approved and the subdivider has filed an escrow deposit sufficient to pay for the costs of all improvements as determined by the city in lieu of completing construction, the city council shall upon written consent of the subdivider cause the final plat to be recorded with the county clerk of Ellis County. The recordation fee shall be paid by the subdivider.

Building permits will only be issued after the copy of the records plat is received from the county clerk and certificates of occupancy of any building will not be issued until it is determined that all of the improvements including streets, drainage, water, and sanitary sewer have been constructed according to approved plans and these facilities have been accepted by the city for ownership and maintenance. The city will not accept any street, drainage improvement, water or sewer line for maintenance until an acceptable one (1) year maintenance bond for all of the facilities in said subdivision has been presented to the city.

Sec. 11-5-4 **FINAL PLAT FILING FEES**

See Master Fee Schedule for fees and charges that shall be collected by the city when any final plat is tendered to the city for consideration and approval. Fees and charges shall accompany the application for plat approval and no action of the city council shall be valid until the filing fee has been paid. This fee shall not be refunded to the subdivider should the plat be disapproved.

**ARTICLE 11-6
BONDS**

Sec. 11-6-1 **MAINTENANCE BOND**

Upon completion of all improvements in accordance with city specifications and standards, and their acceptance by the city, the developer or his contractor shall furnish the city with a maintenance bond executed by a corporate surety holding a permit from the state of Texas to act as surety or other surety acceptable to the city. The amount shall equal ten percent (10%) of the contract cost of all improvements and shall be in effect one (1) year from date of completion and acceptance by the city.

**ARTICLE 11-7
SUBDIVISION
CONSTRUCTION REGULATIONS**

Sec. 11-7-1 **MINIMUM DESIGN STANDARDS AND SPECIFICATIONS**

The minimum design standards for subdivisions are intended to establish a quality of construction and environmental design which will reduce maintenance costs to acceptable limits and to provide service that is both adequate and convenient. There may be from time to time situations which will dictate requirements in excess of those given. The city will have final authority in determining when additional requirements are in order.

Sec. 11-7-2 **GENERAL STANDARDS & SPECIFICATIONS**

- A. Each lot shall front upon a public street.
- B. Survey monuments shall be placed at all corners of boundary lines of a subdivision.

- C. The city shall specify any areas required for the allocation of parks and other public spaces that are essential to the proper development of the area.
- D. All services for utilities shall be made available for each lot in such a manner that it will not be necessary to disturb any curb, gutter, street pavement, or drainage structures when connections are made.
- E. The developer shall furnish the city with one (1) set of “as built” plans for all paving, drainage structures, water mains, and sewer mains within sixty (60) days after completion of construction.
- F. Block lengths and widths shall be provided at such intervals as to best serve traffic adequately and to meet existing streets, or to comply with customary subdivision practices.
- G. All utility lines that pass under a street or alley shall be installed before the street or alley is paved.

Sec. 11-7-3 **STREET STANDARDS & SPECIFICATIONS** -

- A. Collector streets shall have a right-of-way width of sixty feet (60') and a paving width of thirty-six feet (36'). Minor streets shall have a right-of-way width of fifty feet (50') and a paving width of twenty-seven feet (27'). Paving width is determined from face of curb to face of curb.
- B. The minimum acceptable pavement surface shall be 1^{1/2}” hot mix asphaltic concrete for residential minor streets, 2” for collector streets, placed on a 6” rock base or a 5” thick reinforced concrete pavement laid on a 6” lime stabilized sub-base.
- C. Existing streets in adjoining areas shall be continued, and shall be at least as wide as such existing streets and in alignment therewith.
- D. where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provisions for the proper projection of streets into such un-subdivided areas.
- E. Street jogs with center line offsets of less than one hundred twenty-five feet (125') shall be avoided.
- F. Half streets shall be prohibited.
- G. Street intersections shall be as nearly at right angles as practicable.

- H. Dead end streets shall be prohibited except as short stubs to permit future expansion.
- I. Cul-de-sacs shall not exceed four hundred feet (400') in length, and shall have a minimum of right-of-way radius of fifty feet (50').
- J. Curbs shall be installed by the subdivider on both sides of all interior streets and on the subdivision side of all streets forming part of the boundary of the subdivision.
- K. Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.
- L. Street lights shall be installed by the subdivider at all street intersections and at all adjacent intersections
- M. Street name signs shall be installed by the city at the developer's expense at all intersections within or abutting the subdivision.
- N. All street construction shall be in accordance with the manual "Standard Specifications for Public Works Construction" prepared by North Central Texas Council of Governments, the Design Manual and at the developer's expense.

Sec. 11-7-4 **ALLEY STANDARDS AND SPECIFICATIONS**

Alleys, when required, shall have a minimum width of fifteen feet (15'). The whole alley shall be paved. Dead end alleys shall be avoided. Alleys shall be constructed in accordance with the manual "Standard Specifications for Public Works Construction" prepared by North Central Texas Council of Governments.

Sec. 11-7-5 **UTILITY EASEMENTS**

Easements at least ten feet (10') wide, five feet (5' on each side of the rear lot lines or side lines, shall be provided wherever necessary for utilities.

Sec. 11-7-6 **SIDEWALKS**

Sidewalks, when required, shall be concrete and have a width of not less than four feet (4') and thickness of not less than four inches (4"). Sidewalks shall be constructed one foot (1') from the property line within the street right-of-way.

Sidewalks shall be constructed in accordance with the manual “Standard Specifications for Public Works Construction” prepared by North Central Texas Council of Governments, and at the developer’s expense.

Sec. 11-7-7 PARKING AREA

Adequate off-street paved parking areas shall be provided for in accordance with the city’s zoning regulations.

Sec. 11-7-8 LOT MARKERS

Lot markers shall be one-half inch reinforcing bar, twelve inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or countersunk if necessary, in order to avoid being disturbed.

Sec. 11-7-9 STORM DRAINAGE

- A. Method of Calculation of Run-Off. Storm water run-off shall be computed by the Rational Method which is an analysis of the run-off problem for each drainage area along rational lines and includes the analysis of the flow of storm water from the surface on which it falls to the inlet that leads to the storm sewer and then through the storm sewer, culvert, and/or channel to the point of disposal. The formula for calculation of runoff by the rational method is $Q = CIA$.

Q = the maximum rate of run-off discharge expressed as cubic feet per second.

C = a run-off coefficient which varies with the topography land use and moisture content of the soil. The run-off coefficient shall be based on the ultimate use of the land as recommended by the master plan for the city and shall be selected from below:

Business areas	0.80
Industrial areas	0.75
Residential areas	0.50
Park areas	0.30

I = Rainfall intensity in inches per hour determined from the City of Dallas Weather Bureau rainfall curve by arriving at the time of concentration and a rainfall frequency and then reading the chart accordingly. Time of concentration or duration of rainfall shall be calculated by the data shown in Table 1.

A = Drainage area, in acres,-tributary to the point under design calculated from the drainage map of the area. This drainage map shall be submitted with any drainage plans submitted for consideration by the city.

TABLE 1

DATA FOR COMPUTING TIME OF CONCENTRATION

Description of Water Course	<u>Velocity of Run-off in F.P.S. For Slope in Percent</u>			
	0% to 3% V. in f.p.s.	4% to 7% V. in f.p.s.	8% to 11% V. in f.p.s.	over 12% V. in f.p.s.
Surface Drainage	5	10	15	18
Channels	Determine V by Mannings Formula			
Storm Sewers	Determine V by Mannings Formula			

Average velocity of the run-off for calculating time of concentration or duration of rainfall.

These average velocities in this table shall be used unless the designer shows calculation of velocities by streets using the gutter velocities as follows:

<u>% Slope of Gutter</u>	<u>Assumed Velocity - Ft./Sec.</u>
1% or less	2.0
1% to 3%	3.0
- 3% to 5%	4.3
5% to 8%	5.4
8% to 10%	6.4

Using the average velocities from this table the designer shall calculate the time of concentration by the following formula unless more data is shown on the plans for calculating time of concentration.

$$T = \text{"Inlet Time"} + \frac{D}{V \times 60} \quad \text{where:}$$

T = Time of concentration in minutes for use in determining rainfall intensity (I).

D = Distance in feet from point of concentration to upper end of drainage area under consideration.

V = Velocity in feet per second from this table or velocity calculated by designer by streets and/or storm sewers.

"Inlet Time" = 10 minutes for property zoned for multi-family, business, or industrial and 15 minutes for property zoned for parks, schools, single family residential and duplex.

- B. Streets and underground storm drains shall be designed to accommodate a five (5) year frequency storm with adequate overland relief for the twenty-five (25) year storm. Design of all bridges, culverts, underpasses and open channels are to be based on a twenty-five (25) year frequency.
- C. The five-year storm run-off may be carried in the streets at a depth up to the curb height that is to the full capacity of the street.
- D. When the five-year storm run-off exceeds the street capacity then storm drains must be added.
- E. When there is no overland relief for a 25-year storm, then the combined street and storm sewer capacity must be adequate to accommodate the 25-year storm.
- F. Where the storm sewer leaves the street right-of-way, if there is not an overland swale, then the storm sewer must be enlarged to a 25-year storm design capacity.
- G. Sufficient and adequate inlets are to be installed to allow entry of required quantity of water into storm sewers. Inlet openings shall be about seven inches (7") high. Openings shall be as determined on the basis of one (1) linear foot of inlet per cubic foot per second of storm water to be picked up except at the sag of a street where emergency overflow is provided, 1.5 cubic foot per second per foot of inlet opening will be allowed.
- H. Street grades shall be such that excessive soil deposition from too low a water velocity or pavement scouring from too high a velocity is to be avoided as far as practical. Street grades are normally to be not less than six (6) nor more than seventy feet (70') fall per thousand linear feet and shall never be less than four (4) nor more than one hundred feet (100') fall per thousand linear feet.
- I. concrete valley gutters shall be provided to carry the water flow across all intersections.
- J. where water is dumped from a street directly into an open water-course, it shall be dumped through an approved type of inlet and outlet.
- K. An open ditch or natural drainage way through a subdivision may be left in its natural state, but if this is done, a study must be made to determine the limits of the flood plain required to carry the 50-year storm. No permanent structure may be built within the flood plain. Buildings adjacent to the flood plain must have a finish floor elevation two feet (2') minimum above the 50-year water surface. An alternate to that is to provide a concrete lined channel. The bottom width of the channel shall be six feet (6') minimum. The height of the lining shall be adequate for the calculated depth of the 25-year storm plus a two foot (2') freeboard. Walls are to be four inch (4") concrete walls sloped not steeper than one foot (1')

vertically to one and one half feet (1-1/2') horizontally. All concrete slabs are to be reinforced with a minimum of 6" x 6" x 10 gauge wire mesh, and provided with proper weep holes or other pressure relief measures.

- L. In new subdivisions the developer shall provide all the necessary easement and right-of-way required for drainage structures, including storm sewers and open lined channels. Easement width for storm sewer pipe shall be not less than ten feet (10), and easement width for open channels shall be at least twenty feet (20') wider than the top of the channel, fifteen feet (15') of which shall be on one (1) side to serve as access way for maintenance purposes.
- M. construction of all drainage facilities shall be in accordance with the manual "Standard specifications for Public Works construction" prepared by North Central Texas council of Governments and at the developer's expense.

Sec. 11-7-10 **PUBLIC WATER SYSTEM**

- A. All water mains must be in accordance with rules and regulations for public water systems as published by the Texas Department of Health, Water Hygiene Division.
- B. All water mains shall either be ductile iron or polyvinyl chloride pipe with cast iron outside dimensions and meet the material standards specified in the manual "standard Specifications for public works Construction" prepared by the North central council of Governments. Other materials may be permitted, but only upon approval of the city.
- C. All water services shall be a minimum of three-quarters inch (3/4") diameter Type "k" copper with corporate stop at main and curb stop behind curb line.
- D. Water system extensions shall be designed to provide for a domestic supply of at least two hundred-fifty (250) gallons per capita per day, delivered at a minimum pressure of forty (40) pounds per square inch.
- E. All mains installed within a subdivision must extend to the borders of the subdivision, as required for future extensions of the system, regardless of whether or not such extensions are required for service within the subdivisions.
- F. Valves shall be located so that not more than about twelve hundred feet (1200') of a line would be shut down during a water line break. Usually two (2) valves will be required at each tee and three (3) at each cross. A lesser number of valves may be used if proper shut down control can be provided.
- G. Fire hydrants shall be provided at locations such that all areas of development are located within a five hundred foot (500') radius from a fire hydrant and served by a six inch (6") or larger main.

- H. The minimum size of water main shall be six inches (6”) for residential development and eight inches (8”) for commercial development
- I. Two inch (2”) mains shall only be permitted in dead end locations not subject to future extensions and shall serve no more than six (6) three-fourths inch (3/4”) service connections.
- J. All water system installations shall be constructed in accordance with the manual “Standard Specifications for Public Works Construction” prepared by North Central Texas Council of Governments and at the developer’s expense.
- K. All water system extensions shall be financed in accordance with the policies of the City of Palmer.

Sec. 11-7-11 **PUBLIC SEWER SYSTEM**

- A. All sanitary sewer extensions shall be designed in accordance with the latest rules and regulations as published by the Texas State Department of Health.
- B. All sewers shall be designed with consideration for serving the full drainage area subject to collection by the sewer in question except as modified by the city because of the projected rate of development or the financial feasibility of the proposed extension.
- C. In determining the population equivalent for design purposes, undeveloped areas shall be estimated at not less than five (5) persons per acre. The contributing sewage flow shall be estimated at not less than five (5) persons per acre. The contributing sewage flow shall be estimated on the basis of an average flow of one hundred (100) gallons per person per day plus infiltration of one thousand (1,000) gallons per acre per day. The peaking factor for pitfall sewers shall be determined as:

$$\text{Peaking Factor} = 1 + \frac{14}{4 + \text{sq-root of } P}$$

P = population in thousands

- D. The minimum size of sewer main shall be six inches (6”) for residential development and eight inches (8”) for commercial development. Ord. 165.
- E. All sanitary sewer mains, services, and fittings shall be either polyvinyl chloride (PVC) sewer pipe or vitrified clay pipe and meet the material standards as specified in the manual “Standard Specifications for public Works Construction” prepared by North Central Texas Council of Governments.

- F. All sewers shall be designed with hydraulic slopes sufficient to give mean velocities, when flowing full or half full, of not less than two feet (2') per second nor more than five feet (5') per second based on Kutter's or Manning's formulas using an 'n' value of 0.013.
- G. Sewers shall be designed in straight alignment wherever possible. Where horizontal curvature must be used, the smallest radius shall be one hundred feet (100').
- H. Manholes shall be constructed at all changes in grade, alignment, or size of sewer and at all intersections of sewers except service sewers and at the ends of all sewer lines that will be extended. Maximum allowable distance between manholes shall be four hundred feet (400').
- I. All lateral and sewer mains installed within a subdivision must extend to the borders of the subdivision, as required for future extensions of the collection system, regardless whether or not such extensions are required for service within the subdivision.
- J. All sewer system construction shall be in accordance with the manual "Standard Specifications for public works Construction" prepared by North Central Texas Council of Governments at the developers expense.
- K. In addition, the developer, at his expense, shall be required to extend sewer lines to the city's main sewer line in accordance with city specifications.

Sec. 11-7-12 **CONSTRUCTION WHERE PUBLIC WATER AND/OR SEWER IS NOT AVAILABLE**

If a proposed subdivision is located beyond the drainage area of an approved sewage collection system or beyond the service area of an approved water distribution system the subdivider shall be required to furnish, with his preliminary plat, satisfactory evidence, including (but without limitation) 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/or that soil conditions are such that satisfactory sewage disposal can be provided by the use of approved septic tanks or developer installed sewage treatment systems. Construction of private utilities shall be in accordance with Texas Department of Health standards.

Sec. 11-7-13 **MOBILE HOMES NOT LOCATED IN MOBILE HOME PARKS**

- A. Only one (1) mobile home will be permitted per lot or tract of land.
- B. All mobile homes shall be installed and anchored in accordance with Texas Department of Labor and Standards rules and regulations.
- C. All mobile homes shall contain at least one (1) operable smoke detector.
- D. No mobile home manufactured prior to June 15, 1976 shall be occupied as a dwelling.
- E. All mobile homes occupied as dwellings shall be located and placed on separate lots with the front door facing the Street.
- F. A minimum setback requirement of twenty-five feet (25) shall be required when placing a mobile home for permanent occupancy.
- G. All mobile homes installed after the date of this subsection shall be required to be mounted upon a permanent foundation system which shall be either a solid concrete or masonry foundation or on a concrete pier and beams.
- H. A fire resistant skirting shall be required around the bottom of the perimeter of the mobile home and all wheels shall be removed.
- I. No driveway shall be permitted in the front yard of any mobile home lot except along either side of the lot at a right angle to the street or as circular driveway. The driveway shall be constructed on all-weather type material.
- J. All mobile homes must be connected to a public water supply system through piping that conforms to City's Plumbing Code.

- K. Each mobile home shall be connected to a sewer system approved by the Texas Department of Health and/of Texas Water Commission, When connection to an approved sewer system is not available within one hundred feet (100'), then individual septic tanks may be used for sewage disposal. Installation, construction, and operation of septic tanks must be in accordance with all state standards. All piping must comply with the Palmer Plumbing requirements.

Sec. 11-7-14 **MOBILE HOME PARK SUBDIVISIONS**

- A. Only one (1) mobile home will be permitted per mobile home park lot or space.
- B. All mobile homes shall contain at least one (1) operable smoke detector.
- C. No mobile home manufactured prior to June 14, 1976 shall be occupied as a dwelling.
- D. A mobile home space shall be at least three (3) times larger than the mobile home to be placed on it and no less than three thousand (3,000) square feet in area. Such spaces shall be clearly delineated on the ground in accordance with the final plat approved.
- E. A minimum clearance of thirty feet (30') between mobile homes shall be provided and a minimum clearance of ten feet (10) between any mobile home and park boundary that does not abut upon a public street. When a park boundary abuts upon a public street, no mobile home shall be closer thereto than twenty-five feet (25).
- F. At least two (2) off-street parking spaces shall be provided for each mobile home space. Where individual parking spaces are used, parking may be in tandem. In addition, an additional one hundred and fifty (150) square feet for each two (2) mobile home spaces shall be provided in common area for the storage of boats and for visitor parking. All parking surfaces shall be paved with concrete or asphalt.
- G. Internal streets shall be designed for safe and convenience access to all mobile home spaces and to facilities for common use of park residents. All internal streets shall be privately owned, built and maintained. Internal streets shall be kept open and free of obstruction in order that law enforcement and fire vehicles have ready access to any areas of the mobile home park.
- H. A concrete walkway of a minimum of thirty inches (30") in width for pedestrian access to each mobile home from a street shall be constructed on each lot or space.

- I. All mobile homes in the mobile home park must be connected to a public water supply system through piping that conforms to the City's Plumbing Code.
- J. Each mobile home in the mobile home park shall be connected to a sewer system approved by the Texas Department of Health and/or Texas Water Commission. When connection to an approved sewer system is not available within one hundred feet (100'), then individual septic tanks may be used for sewage disposal. Installation, construction, and operation of septic tanks must be in accordance with all state standards. All piping must comply with either Standard Plumbing Code or the Uniform Plumbing code.
- K. The mobile home park shall be located and graded as to drain away all surface water in a safe and efficient manner and which does not adversely affect other surrounding properties.
- L. All mobile homes in a mobile home park shall be required to be mounted upon a permanent foundation system which shall be either a solid concrete or masonry foundation or on a concrete pier and beams.
- M. A fire resistant skirting shall be required around the bottom of the perimeter of the mobile home in a mobile home park and all wheels shall be removed.
- N. All service buildings (office, laundry facilities, repair shops, etc.) shall be provided with emergency fire extinguishing apparatuses.
- O. All mobile home parks shall be provided with regular garbage and refuse disposal collection services (minimum of two (2) times per week pick-up) unless part of city service.

Sec. 11-7-15 NUMBER OF SINGLE FAMILY AND MOBILE HOME DWELLINGS PER LOT

There shall be no more than one (1) single family or mobile home dwelling per lot, tract or parcel of land.

Sec. 11-7-16 STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION ADOPTED

It is hereby adopted that the latest edition of the manual entitled "Standard Specifications for public works Construction" prepared by North Central Texas Council of Governments shall govern the construction of all subdivision improvements as well as establishing standards for materials to be used unless otherwise stipulated by the city. A copy of the manual is on file in the office of the city secretary for review.

Sec. 11-7-17 **PLANNED UNIT DEVELOPMENT**

Standards and requirements of this chapter may be modified by the city council in order to encourage a complete and unique residential, business, or industrial development with full consideration for public health, safety, and welfare. A planned unit development may, under unusual circumstances, require no subdivision of land; however, generally if division into lots, drainage easement, utility easement, streets, parks, or other public lands are to be provided, or are required by the city, the requirements of this chapter for submission of a preliminary plat and a final plat shall be complied with. All planned unit development must be in accordance with the city's zoning regulations.

**ARTICLE 11-8
PARK LAND**

Sec. 11-8-1 **PARK LAND DEDICATION**
Ord. 952

A DEDICATION OF PUBLIC PARK LAND REQUIRED

It shall be required that a developer of any residential subdivision within the City's territorial jurisdiction set aside and dedicate to the public sufficient and suitable lands for the purpose of public park land or make an in-lieu financial contribution for the acquisition of such park land and/or improvements and amenities in accordance with the provisions of this Ordinance.

1. All plats receiving Final Plat approval based on this Ordinance shall conform to the requirements of this section.
2. The Council and developer may negotiate the combination of public park land dedication and/or payment of fees-in-lieu of required park land to satisfy the provisions of this Ordinance.
 - i. In the event the subdivider offers to dedicate land for a public park classification that is defined in the Master Plan, that meets the design standards of this Ordinance, and that is three 3 or more acres in size, the City shall be obligated to accept the park land dedication; provided that the Council may waive such requirement, or may designate a different tract or parcel to be dedicated.
 - ii. Where a subdivider proposes to pay an in-lieu-fee as provided for in this Section, the Council may accept such payment as satisfying the park land dedication requirements of this Ordinance, except that the City reserves the right to require the dedication of land for public park purposes in accordance with this Section when one 1 or more acres of land would be required to satisfy the park land dedication requirements of this Ordinance.

- B. **Formula for Calculating Area of Park Land.** The acreage of park land to be contributed prior to final approval by the Council of any residential subdivision shall be equal to two and a half 2.5 acres for each one hundred 100 new dwelling units projected to occupy the fully developed subdivision, or 5% of the total project area, whichever is greater.

Sec. 11-8-2 **FEE PAYMENT IN-LIEU OF PARK LAND DEDICATION**

When the amount of land required to be contributed is less than three 3 acres, the Council may require the developer to pay a fee-in-lieu of park land dedication.

- A. Where the payment of a fee-in-lieu of park land dedication is required or acceptable to the Council as provided for in this Ordinance, such fee shall be in an amount equivalent to the fair market value of the amount of land that would otherwise be required to be dedicated within the proposed development or a minimum of \$550.00 per residential unit, whichever is greater.
- B. The developer shall tender and pay over to the City said fee prior to recordation of the Final Plat.

Sec. 11-8-3 **SUBDIVISION CHANGES**

In the event a developer obtains Commission approval to deviate from the approved Preliminary Plat thereby increasing the number of dwelling units projected, or where the use of property is changed from a non-residential use to a residential use, the owner or developer shall be obligated to provide additional land or fee for the park land or amenities required for the additional dwellings prior to the City approving the Final Plat for recordation.

Final Platting of a Portion of an Approved Preliminary Plat. Whenever a developer applies for approval of a Final Plat which contains only a portion of the land encompassed in the approved Preliminary Plat, the developer's park land contribution shall be based on the ultimate number of dwelling units shown on the approved Preliminary Plat, and shall be satisfied prior to City approval of the first Final Plat.

Sec. 11-8-4 **DESIGN STANDARDS FOR PARK LAND.**

- A. Any land to be dedicated as park land shall be reasonably located near the geographic center of the development, adaptable for use as a public park and recreation facility as defined by the Master Plan, and designed and located so as to satisfy the following general requirements.
- B. The dedicated land should form a single parcel or tract of land at least three 3 acres in size unless it is determined that a smaller tract would be in the public interest, or that additional contiguous land will be reasonably available for dedication to or purchase by the City.
- C. Public access to public park land delineated on a Preliminary Plat shall be ensured by provision of at least fifty 50 feet of street frontage, in a manner

satisfactory to the City. Likewise, adequate space for public parking should also be considered.

- D. At the time the land abutting the delineated areas is developed, the developer of such abutting land shall construct streets along all abutting street frontage, and shall provide water and wastewater utilities to the boundary of one side of the delineated area to meet minimum requirements of this Ordinance.
- E. The land to be dedicated to meet the requirements of this Ordinance should be suitable for public parks and recreation activities. In that regard fifty percent 50% of the dedicated land area should not exceed five percent 5% grade. The Master Plan for the City shall be considered when evaluating land proposals for dedication.
- F. The location of park land may be required at the edge of a subdivision so that additional land may be added at such time as adjacent land is subdivided or acquired for public use. Otherwise a centralized location is preferred.

Sec. 11-8-5 RESTORATION OF DISTURBED PARK LAND

Any disturbed park land shall be restored and the soil stabilized by vegetative cover by the developer.

Sec. 11-8-6 FLOOD PLAIN AREAS

Areas within the regulatory one hundred 100 year flood plain may be utilized to partially meet the parkland dedication requirements. Areas in the one hundred 100 year flood plain may constitute up to fifty percent 50% of the requirement of land dedication; provided that credit may not be obtained for such land that is also dedicated for another public purpose.

Sec. 11-8-7 SCHOOL AREAS

Areas within a school site may be utilized to partially meet the parkland dedication requirements upon approval from the Planning and Zoning Commission, City Council, and the School District. Areas in a school site may constitute up to fifty percent 50% of the requirement of land dedication; provided that credit may not be obtained for such land that is also dedicated for another public purpose.

Sec. 11-8-8 CREDIT FOR PARK LAND

- A. City staff shall make recommendations based upon the park land design standards and the provisions contained herein, concerning the amount and

location of park land, credit for private park land and/or facilities, credit for land in the one hundred 100 year flood plain, and fees-in-lieu of park land dedication.

- B. That such areas and facilities for which credit is given shall include improvements for the basic needs of a local park. These improvements shall include one or more children's play areas, picnic areas, game court areas, turf play fields, swimming pools, recreational buildings, trails sidewalks, walkways or bike trails, and landscaped sitting areas. These improvements must be equivalent to \$500 per residential unit to ensure that new neighborhood parks are provided with minimum, standard amenities. All park areas and playground equipment shall be in accordance with the U.S. Consumer Products Safety Commission, Publication 325, as currently amended. These improvements shall be required before the final acceptance of the subdivision by the City Council.
- C. Dedicated park land must be established with grass by the developer. This grass must be either bermuda or zoysia and an irrigation system must be installed by the developer and approved by the City Building Official.

Sec. 11-8-9 NEIGHBORHOOD PARK LAND CREDIT.

Where park areas and recreational facilities are to be provided in a proposed subdivision, and where such areas and facilities are to be privately owned and maintained by the future residents of the subdivision, these areas and facilities shall satisfy the requirements of park land dedication if the following standards are met:

- A. That the private ownership and maintenance of such areas and facilities are adequately provided for by recorded written agreement, conveyance, or restrictions.
- B. That the use of such areas and facilities are restricted for park and recreational purposes by a recorded covenant, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the City Council.
- C. That such areas and facilities are reasonably similar to that which would be required to meet public park and recreational needs taking into consideration such factors as size, shape, topography, geology, access, and location.

Sec. 11-8-10 IMPROVEMENTS

- A. That such areas and facilities for which credit is given shall include

improvements for the basic needs of a local park. These improvements shall include one or more children's play areas, picnic areas, game court areas, turf play fields, swimming pools, recreational buildings, trails sidewalks, walkways or bike trails, and landscaped sitting areas. These improvements must be equivalent to \$500 per residential unit to ensure that new neighborhood parks are provided with minimum, standard amenities. All park areas and playground equipment shall be in accordance with the U.S. Consumer Products Safety Commission, Publication 325, as currently amended. These improvements shall be required before the final acceptance of the subdivision by the City Council.

- B. Dedicated park land must be established with grass by the developer. This grass must be either bermuda or zoysia and an irrigation system must be installed and approved by the City Building Official. The Homeowners Association is responsible for the irrigation and maintenance of the property.

Sec. 11-8-11 PARK FUND ESTABLISHED.

- A. A separate fund to be entitled "Park Fund" shall be and is hereby created and the money paid by developers at Final Plat approval in-lieu-of the dedication of land and interest thereon, shall be held in said fund in trust to be used solely and exclusively for the purpose of purchasing and/or equipping public park and recreational land. Such fund shall be invested or held in an interest bearing account and all earnings and interest shall accrue to the Park Fund.
- B. At such time as the City Council, based upon the recommendations of the Commission and/or City staff, determines that there are sufficient funds derived from a certain area in the Park Fund to purchase usable park land, the Council shall cause negotiations to be undertaken to purchase the site by mutual agreement or by condemnation proceedings. In making such determination for the purchase of said site, the conditions of this Ordinance shall be taken into consideration.
- C. The principal and interest deposited and kept in the Park Fund shall be used solely for the purpose of purchasing and/or equipping or improving land for public park and recreation uses, and shall never be used for maintaining or operating public park facilities, or for any other purpose.

Sec. 11-8-12 METHOD OF DEDICATION

Land accepted for dedication under the requirements of this Ordinance shall be conveyed by either of the following methods:

- A. By dedication within the plat to be filed for record in Official County Records.
- B. By warranty deed transferring the property in fee simple to the City.
- C. In any event, land must be free and clear of any mortgages or liens at the time of such dedication or conveyance.

ARTICLE 11-8 REPLATS

Sec. 11-8-1 REPLATTING OF SUBDIVISIONS

A. REPLATTING PROCEDURE

Any person who wishes to revise a subdivision replat which has been previously filed for record must make an application of the proposed revised plat to the city council. The replat of the subdivision shall meet all the requirements for a subdivision that may be pertinent. However, if the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no engineering plans will be required. No preliminary plats will be required for any replats. In the event the proposed replat involves property which has been previously developed and limited by deed restrictions or zoned as single family or duplex residential use then special requirements are triggered as follows:

After an application is filed for a replat affecting single family and duplex property, then the city secretary shall cause a notice of the application to be published in the official newspaper of the city at least fifteen (15) days before the date of the city council meeting at which it is to be considered. Such notice must include a statement of the time and place at which the city council will meet to consider the replat and to hear protests to the revision. Additionally, written notice must be sent to all owners of property located within the original plat, or if within the extraterritorial jurisdiction, to property owners within two hundred feet (200') of the property proposed for replat. Such notice may be served by depositing the notice, properly addressed and postage paid, at the local post office.

If the city council receives written protests signed by owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred feet (200) from that area, but within the original subdivision, then a three-fourths (3/4's) vote is required by the city council to approve the replat. In computing the percentage of land, the area of streets and alleys shall be included.

B. REPLAT FEES

See Master Fee Schedule,