

**ORDINANCE NUMBER 1233**

**AN ORDINANCE OF THE CITY OF COLEMAN, TEXAS, REPEALING AND REPLACING ARTICLES 10.02 AND 10.03 OF CHAPTER 10 SUBDIVISION REGULATION OF THE CITY CODE OF ORDINANCES WITH A NEW SUBDIVISION ORDINANCE; PROVIDING RULES AND REGULATIONS FOR THE PLATTING AND SUBDIVIDING OF LANDS FOR ADDITIONS TO THE CITY OF COLEMAN, AND FOR THE METHOD OF APPROVING AND MANDATORY REFERRAL OF SUCH PLATS AND SUBDIVISIONS BY SAID CITY; PROVIDING STANDARDS AND SPECIFICATIONS FOR STREETS, UTILITIES AND OTHER PUBLIC IMPROVEMENTS IN SAID SUBDIVISION; PROVIDING FOR THE PAYMENT BY THE SUBDIVIDER OF INSTALLATION COSTS OF UTILITIES WITHIN THE SUBDIVISION; PROVIDING FOR THE EXTENSION OF UTILITIES TO SUCH SUBDIVISION; GRANTING AUTHORITY TO THE CITY TO IMPLEMENT SUCH RULES, REGULATIONS, STANDARDS AND SPECIFICATIONS; PROVIDING FOR CONFLICTS WITH OTHER ORDINANCES, AND FOR REPEALS THEREOF IN CERTAIN CASES; PROVIDING FOR AMENDMENT, SEVERABILITY AND AN EFFECTIVE DATE UPON PUBLICATION; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.**

**WHEREAS**, the City of Coleman (the “City”) is a home-rule municipality created pursuant to Article XI Section 5 of the Texas Constitution with powers of self-government, including the power to adopt and enforce ordinances necessary to preserve good government, order, and security to the City and its inhabitants as authorized in Texas Local Government Code Chapter 51, including subdivision regulations as provided by Chapter 212; and

**WHEREAS**, Chapter 212 of the Local Government Code requires that the City conduct a public hearing on the proposed subdivision regulations;

**WHEREAS**, the City Council has published notice of the public hearing and has conducted a public hearing on the proposed subdivision regulations as required by law:

**WHEREAS**, the City Council of the City of Coleman finds that the subdivision regulations contained herein are necessary to insure the health and safety of and are in the best interest of the citizens of Coleman, Texas;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLEMAN, TEXAS:**

I. Repeal and Enactment. That Articles 10.02 and 10.03 of the Code of Ordinances of the City of Coleman are hereby repealed and this Ordinance attached as Exhibit A and the provisions contained herein regarding subdivision regulations within the City are enacted and shall be adopted as the City’s Subdivision Ordinance, and shall be codified in Article 10.02 of the Code of Ordinances of the City of Coleman.

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II. Repealing Provision. The City Council of the City of Coleman declares that any prior ordinance or any provision in any prior ordinance, as may be applicable, including Ordinance No. 975, is hereby repealed to the extent that such ordinance or provision of an ordinance conflicts or contradicts the amendments and provisions enacted herein.

III. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstances for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, or ineffectiveness or such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

IV. Notice. It is hereby officially found and determined that the meeting at which this Ordinance was adopted 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, Gov't. Code*.

V. Effective Date. This Ordinance shall take effect and be in full force and effect from and after the date of its passage on the second and final reading and publication of the caption of the Ordinance in a newspaper of general circulation within the City, as may be required by law.

PASSED AND APPROVED on first reading on this the 5th day of January, 2023.

PASSED, APPROVED AND ADOPTED on second reading on this the 19th day of January, 2023.

/s/ Tommy Sloan  
Tommy Sloan, Mayor

ATTEST:

/s/ Betty Bivins  
Betty Bivens, City Secretary

Date: January 19, 2023

*PLANNING/CAPACITY/BUILDING PROJECT*  
*FOR*  
*THE CITY OF COLEMAN, TEXAS*

*2015 TxCDBG Planning #7215174*

*SUBDIVISION REGULATIONS*

*PREPARED BY*  
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**CITY OF COLEMAN**  
**SUBDIVISION ORDINANCE**

**TABLE OF CONTENTS**

Section 1:	Authority	3
Section 2:	Purpose	4
Section 3:	General Provisions	4-5
Section 4:	Definitions	5-10
Section 5:	Sequence of Events	10-11
Section 6:	Policies and Special Provisions	11-16
Section 7:	Variances	15-16
Section 8:	Preliminary Plat	17-23
Section 9:	Final Plat	23-28
Section 10:	Replats	28
Section 11:	Administrative Approval	29
Section 12:	Standards and Specifications	29-42
Section 13:	Guarantee of Performance	42-45
Section 14:	Filing Fee Schedule	46
Section 15:	Where Subdivision is Unit of a Larger Tract	46-47
Section 16:	Authority of the City Council	47-48
Section 17:	Warning and Disclaimer of Liability (Flood Protection)	48
Section 18:	Compliance	48
Section 19:	Withholding Improvements and Services	48
Section 20:	Severability Clause	49
Section 21:	Penal Provisions	49
Section 22:	Appeals	49
Section 23:	Amendment of Ordinance	49-50
Section 24:	Effective Date	50

COMPREHENSIVE SUBDIVISION ORDINANCE  
FOR THE CITY OF COLEMAN, TEXAS

SECTION 1. AUTHORITY

1-1. This chapter is adopted under the authority of the Constitution and Laws of the State of Texas, including Chapter 212, “Municipal Regulation of Subdivisions and Property Development,” Local Government Code, being Tex. Loc. Gov't Code §§ 212.001 et seq., as heretofore or hereafter amended, to promote health, safety, and morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, and the general welfare of the community.

SECTION 2. PURPOSE

The purpose of this Ordinance is to provide for the orderly, safe, and healthful development of the area within the city and within the area of extraterritorial jurisdiction surrounding the City, and to promote the health, safety, morals, and general welfare of the community. Hereafter every owner or subdivider of any tract of land situated within the corporate limits of the city or within the extraterritorial jurisdiction of the city who may seek to subdivide the same into two or more parts for the purpose of creating a building lot or lots or for the purpose of laying out any subdivision of the city or any additions thereto shall comply with the provisions of this chapter. Such purpose is to be promoted by provisions designed to:

- 2-1. Restrict or prohibit the subdivision of lands for uses which are dangerous to public health, safety or welfare; or which would jeopardize property in times of flood; or which, with reasonably anticipated improvements, would cause excessive increases in flood heights or velocities.
- 2-2. Protect individuals from buying lands which are unsuitable for intended purposes because of flood hazards by prohibiting the subdivision of unprotected flood hazard lands, requiring that flood hazard areas be delineated on the final plat, and areas not suitable for development be subject to deed restrictions.
- 2-3. Guide and assist subdivider/developers in correct, expeditious procedures to be followed and to inform them of the general standards which shall be required.

- 2-4. Protect the public interest by controlling the location, design, class and type of streets, sidewalks, utilities and other essential services required in the public interest and/or necessity.
- 2-5. Provide for the public welfare in those essential areas required for living, educational, recreational, industrial and commercial purposes.

SECTION 3. GENERAL PROVISIONS

3-1. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

3-2. PLANNED UNIT DEVELOPMENT

Upon application by a developer-subdivider, upon review and comment by the city staff as hereafter provided for, and upon review by the Commission, the Governing Body may modify or waive design standards set forth in this Ordinance when such developer-subdivider intends and formally applies to utilize the "planned unit (or clustered) development" concept for the development of a parcel(s) of land. The granting of a waiver or modification under this Section shall not violate the purpose or objectives of this Ordinance and shall not be considered as a variance as covered in Section 6. The minimum size for a planned unit development project shall be five (5) acres.

3-3. ENGINEERING DESIGN STANDARDS AND SPECIFICATIONS

Reserved

SECTION 4. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this section.

4-1. ACCEPTANCE OF COMMUNITY FACILITIES

The written notification from the City Engineer to the developer which constitutes the city's acceptance for the ownership and maintenance of the community facilities

or public improvements after the facilities are constructed and approved. The acceptance shall not constitute a waiver of any warranties for materials or workmanship either expressed or implied.

4-2. ADJACENT PROPERTY OWNER

The owner of the property that shares a property line with the subject property or abuts the opposite side of a right-of-way.

4-3. ADMINISTRATOR

The person designated by the Mayor to administer and coordinate the provisions of this ordinance.

4-4. ALLEY

A way which extends only secondary means of access to abutting property; a minor public right-of-way, not intended to provide the primary means of access to abutting lots and which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

4-5. AS-BUILT PLANS

Plans of record that include any significant changes that occurred during construction from the plans as they were originally approved by the City Engineer.

4-6. BLOCK

A piece or parcel of land composed of two or more lots with each lot having access to a public street, road, railroad right-of-way, or a combination thereof.

4-7. BUILDING SETBACK LINE

The line within a property defining the minimum permissible horizontal distance between a building and the adjacent street right-of-way line.

4-8. CITY

The City of Coleman, Texas.

4-9. COMMISSION

The Planning and Zoning Commission or Committee of the City of Coleman, Texas.

4-10. COMPREHENSIVE PLAN- CURRENT (OR MOST CURRENT)

The most current Comprehensive Plan is a statement of official public policy containing the goals and objectives of the community, the capital improvements program, plan for public utilities systems, the land use plan, the major thoroughfare

plan, the community facilities plan, flood management program, the subdivision and zoning regulations, and other development codes, ordinances, policies, and plans promulgated by the City Council for the quality and orderly growth of the community.

4-11. CROSSWALK WAY

A public right-of-way, 6 feet or more in width between property lines, which provides pedestrian circulation.

4-12. CUL-DE-SAC

A street having but one outlet to another street, and terminated on the opposite end by a vehicular turnaround.

4-13. DEAD-END STREET

A street, other than a cul-de-sac, with only one outlet.

4-14. DEVELOPER.

A person, firm, corporation or other legal entity, or his designee undertaking construction of private or public improvements to property. This includes any facilities which will be dedicated to the public or any private construction which requires a building permit.

4-15. EASEMENT

A grant by the property-owner to the public, a corporation, or persons of the use of a strip of land for specific purpose.

4-16. FENCE

Any barrier constructed for the purpose of separating parcels of land.

4-17. FILING

The state mandated thirty (30) day period for action on any document submitted in accordance with this ordinance under Section 212.009 Texas Local Government Code shall begin when,

1. The preliminary plat is deemed filed when all fees, documents, drawings and approvals required hereunder are filed with the City Secretary;
2. The final plat is deemed filed when the approved preliminary plat along with any stipulations and /or conditions required by the



Commission have been filed with the City Secretary as a final plat with all necessary fees, documents, certifications and drawings required hereunder are in the possession of the City Secretary; and If at any time the City Secretary deems that required information has not been provided for whatever reason, the filing shall be deemed canceled and begin again upon the filing of the required information.

4-18. 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.

4-19. GOVERNING BODY

The City Council of the City of Coleman, Texas.

4-20. LOT

An undivided tract or parcel of land smaller than five (5) acres having its principal frontage on a public street or officially approved open space, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract and which is identified by a tract or lot number or a symbol in a duly approved subdivision plat which has been properly filed on record.

4-21. PAVEMENT WIDTH

The portion of a street available for vehicular traffic; where curbs are laid, it is the portion between the back of the curbs.

4-22. PERSON

Any individual, partnership, association, firm, corporation, governmental agency, or political subdivision.

4-23. SETBACK (or BUILDING) LINE

A line on a plat parallel, or nearly so, to the street right-of-way, indicating the limit beyond which buildings, structures or fences may not be erected.

4-24. SHALL, MAY

The word "shall" is always mandatory. The word "may" is discretionary.

4-25. STREET

Any public thoroughfare or right-of-way, dedicated to the public and not designated as an alley, which provides vehicular access to adjacent land.

- A. An arterial street primarily provides movement and vehicular circulation to various sections of the City.
- B. A collector street primarily provides both movement and access, carrying traffic from local streets to arterial streets or carrying traffic through or to adjacent commercial or industrial areas.
- C. A local street is one which is used primarily for access to abutting properties.
- D. A marginal access street is a street which is parallel to and adjacent to an arterial street or highway and primarily provides access to abutting properties and protection from through traffic.
- E. A half street means a right-of-way dedicated for a new street by a developer along such developer's perimeter property line equal to only one-half of the total right-of-way width required by this Code. Dedication of a "half street" presumes future dedication of a corresponding amount of right-of-way from adjoining land in order to provide the total right-of-way required for a proposed street. The dedication of additional right-of-way along an existing street is not considered a "half-street."

4-26. STRUCTURE

Anything constructed or erected on the ground including but without limitation to buildings, factories, sheds, cabins, mobile homes, open carports and other similar items.

4-27. SUBDIVIDER

Any person 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.

4-28. SUBDIVISION

The division of a lot, tract or parcel of land (situated either within the corporate limits or within the City's statutory extraterritorial jurisdiction) into two or more parts, lots

or sites for the purpose, whether immediate or future, of sale, division of ownership or building development. Subdivision includes that property-related action legally described by metes and bounds, lot and block number, or other comparable method and includes the re-subdivision of land or lots which are part of a previously recorded subdivision, but it does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new street, alley, or easement of access.

4-29. SURVEYOR

A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State statutes to practice the profession of surveying.

4-30. Any office referred to in this Ordinance by title means the person employed or appointed by the City in that position, or his duly authorized representative(s). Definitions expressly prescribed herein are to be constructed in accordance with the Planning Ordinance, if any, or other applicable ordinance of the City, or in the absence of such Ordinances, then in accordance with customary usage in municipal planning and engineering practices.

SECTION 5. SEQUENCE OF EVENTS

The following sequence (i.e., “steps”) of events is required for all subdividing and land development.

- A. The developer and staff hold a pre-application conference.
- B. The developer submits preliminary plat along with the application and filing fee.
- C. The Commission reviews the preliminary plat.
- D. The preliminary plat is approved by Commission. If disapproved, return to step A.
- E. The preliminary plat is approved by City Council. If disapproved, return to step A above.
- F. The preliminary plat is filed with the City Secretary.
- G. The developer submits a final plat on a portion of the preliminary plat along with the application and filing fee.

- H. The Commission approves the final plat. If disapproved, return to step B.
- I. City Council approves the final plat and accepts dedication of rights-of-way and easements. If disapproved, return to step G.
- J. The City Engineer approves the engineering plans and specifications for the entire final plat; if disapproved, the plans and specifications shall be corrected and resubmitted. If the final plat is not filed of record, and the final plat does not include sufficient right-of-way and easements for the engineering plans to conform to this chapter, then return to step G.
- K. The developer submits the required bonds, inspection fee and a copy of the construction contract(s) for all phases of the construction on the engineering plans to include excavation, the placement of underground utilities and storm drainage, and street improvements, and the developer attends the preconstruction conference.
- L. The city files the plat in the plat records at the County Clerk's office of the Coleman County Courthouse.

#### SECTION 6. POLICIES AND SPECIAL PROVISIONS

- 6-1. No permit shall be issued by the City for the installation of septic tanks upon any lot in a subdivision unless such septic tank system meets requirements applicable to State law applied to local conditions.
- 6-2. No building, repair, plumbing, electrical or similar 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, except as provided for in Section 6 of this ordinance.
- 6-3. The City shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

- 6-4. The City shall not sell or supply any water or sewerage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- 6-5. On behalf of the City, the City Attorney shall, when directed by the Governing Body, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof which occurs within the extraterritorial jurisdiction of the City as such jurisdiction is determined under Chapter 212, Subchapter A of the Texas Local Government Code, or within any area subject to all or a part of the provisions of this Ordinance.
- 6-6. If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the Governing Body of the City shall pass a resolution reciting the fact of such non-compliance or failure to secure final plat approval. Said resolution shall recite the fact that the provisions of paragraphs 6-1 to 6-4 of this Section apply to the subdivision and the lots therein.
- The City Secretary shall, when directed by the Governing Body, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed Records of the county or counties in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument in the Deed Records of such county or counties stating that paragraphs 6-1 to 6-4 no longer apply.
- 6-7. PROVIDED, however, that the provisions of this Section shall not be construed to:
- A. prohibit the issuance of building, repair, plumbing, or electrical permits with respect to any lots or building tract;
  - B. prohibit the repair, maintenance, or installation of any street or building;
  - C. prohibit the repair, maintenance, or installation of any street or public utility service; for, to, or abutting any lot, in these instances: where the last recorded conveyance of such lot or tract prior to passage of this Ordinance was by metes and bounds; or where a building is in existence on said lot prior to passage of this Ordinance; or where such subdivision, whether by recorded

plat or by actual occupancy and use, was in existence prior to the passage of this Ordinance.

6-8. LAND SUITABILITY

- A. No land shall be subdivided which is held unsuitable for its intended use by the City for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earthslides, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature harmful to the health, safety or welfare of the future residents of the proposed subdivision or community.
- B. However, the Governing Body may approve the preliminary and final plats if the subdivider improves the land consistent with the standards of this and other applicable ordinances to make the area, in the opinion of the Governing Body suitable for its intended use. The Governing Body may also approve the preliminary and final plats if the subdivider agrees, in writing, to make suitable improvements and places a sum in escrow pursuant to Section 11 of this Ordinance to guarantee performance.
- C. In determining the appropriateness of land subdivision at the site, the Governing Body shall consider the stated purpose and objectives of this Ordinance, and
  - (1) The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads, and intended uses.
  - (2) The danger that intended uses may be swept on to other lands or downstream to the injury of others.
  - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions including flood conditions.
  - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - (5) The importance of the services provided by the proposed facility to the community.

- (6) The availability of alternative locations not subject to flooding for the proposed subdivision and land use.
- (7) The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future.
- (8) The relationship of the proposed subdivision to the most current Comprehensive Plan and flood plain management program for the area.
- (9) The safety of access to the property in times of flood and other natural disasters and emergencies for emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

6-9. APPROVAL REQUIRED

All plans, plats or re-plats of land laid out in building lots and for streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and descriptions of all streets, alleys, or public ways intended to be deeded or dedicated for public use, or for the use of purchasers or owners of the land fronting thereon or adjacent thereto, which is not intended to be platted into lots or other designated tracts, and any addition or plan of streets or public ways, located outside the City limits, within Coleman County and entirely or in part within the statutory extraterritorial jurisdiction of the City of Coleman shall be submitted to the Commission for their consideration with relation to the most current Comprehensive Plan. Said Commission shall submit their recommendation on the above items to the Governing Body for their official consideration and action. No such plat or re-plat or dedication or deed of street or public way shall be filed with the County Clerk as provided by law until such plat or re-plat or dedication or deed shall have endorsed on it the fact that it has first been submitted to the Commission and to the Governing Body, and by said Governing Body been duly approved.

- 6-10. A Preliminary Plat of any proposed subdivision shall be submitted to the Commission and Governing Body for approval before the subdivider proceeds with the preparation of the Final Plat for record.

6-11. All construction work, such as street paving, storm sewers, curb and/or gutter work, sanitary sewers, water mains, and electrical construction performed by the owner, developer or contractor, shall be subject to inspection during construction by the proper authority of the City and shall be constructed in accordance with appropriate provisions of this and other applicable Ordinances and public engineering standards.

6-12. LARGE LOT ESTATE SUBDIVISION

Large lots with wide frontage result in less drainage and traffic demands than single-family residential developments consisting of small lots with narrow frontages and widths. Therefore, the facility requirements and public impacts of the larger, “estate-type” single-family residential developments are less intensive. Residential developments undertaken pursuant to this section shall conform to the following provisions and are considered exempt from conflicting provisions in this ordinance.

A. DEFINITION

A large lot subdivision is defined as a subdivision in which the minimum lot size is one acre and minimum street frontage for any lot is sixty (60) feet with a minimum lot width of one hundred twenty (120) feet at the building setback line.

B. LOT STANDARDS

1. The minimum lot area shall be one (1) acre when a municipal sanitary sewer system is available to service a lot. If no municipal sanitary sewer system is provided to service a lot, the minimum lot size shall be one and one-half (1.5) acres.
2. The building setback requirements shall be forty (40) feet for the front yard, twenty (20) feet for the back yard, and ten (10) feet for the side yard.

C. UTILITIES

1. If municipal water or sewer utilities of sufficient capacity are available within two thousand (2,000) feet of the proposed site, the subdivider or developer shall be required to extend the utilities to the site and make them available to every lot in the development.



2. In all other cases, water wells and septic systems constructed in the subdivision must be in conformance with the rules and regulations of the Texas Commission on Environmental Quality, the Texas Department of Health and the County of Coleman.

6-13. APPLICABILITY OF OTHER PROVISIONS IN THIS ORDINANCE

All other provisions of this ordinance which are not in conflict with the specific provision of this section shall be considered applicable to large lot estate subdivisions.

SECTION 7. VARIANCES

- 7-1. The Commission may recommend and may authorize a variance from this Ordinance when, in its opinion undue hardship will result from requiring strict compliance. In granting a variance, the Commission shall prescribe only condition that it deems necessary or desirable in the public interest. In making the findings required herein, the Commission 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.

7-2. No variance shall be granted unless it is found that all of the following apply:

- A. There are special circumstances or conditions, including unique topography, affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the REASONABLE USE OF HIS LAND; and
- B. The variance is necessary for the preservation and enjoyment of the Legal Property Rights of its owner; and
- C. The purposes and intent of this Ordinance are observed; and
- D. There is no increase in the flood hazard or flood damage potential; and
- E. The granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to the legal rights to other property in the area; and

- F. The granting of the variance will not prevent the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance. Such findings, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Commission's meetings at which such variance is recommended and granted. Variance may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured and substantial justice done. Financial hardship to the subdivider, standing alone, shall not constitute undue hardship.

## SECTION 8. PRELIMINARY PLAT

### 8-1. GENERAL

The intent of a preliminary plat is to seek the permission and advice of the Commission to subdivide a tract or tracts of land. A preliminary plat is intended to show how the owner/developer plans to lay out lots, streets, easements, and the like and gain concurrence from the Commission prior to the preparation of a final plat. A preliminary plat generally will be required when any unplatted properties are intended to be subdivided. Preliminary plats will also be required when previously platted properties are to be materially altered or changed. Contours will be required on all preliminary plats in order to show the lay of the land and to show any existing water courses that might be present on the property. The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this Ordinance; (Plat may be prepared in conjunction with a Land Planner). The utility, drainage and street plans for the subdivision (preliminary and final plats) shall be prepared and certified by a professional engineer.

### 8-2. TIME FOR FILING AND COPIES REQUIRED

The subdivider shall file six (6) blue or black line copies of the plat together with a reproducible copy of the original, with the City Secretary at least fifteen (15) days prior to the date of the next regularly scheduled Commission meeting. The state mandated thirty (30) day period for action on any document submitted in accordance with this ordinance under Section 212.009 Texas Local Government Code shall

begin when,

- A. The preliminary plat is deemed filed when all fees, documents, drawings and approvals required hereunder are filed with the City Secretary;
- B. The final plat is deemed filed when the approved preliminary plat along with any stipulations and /or conditions required by the Commission have been filed with the City Secretary as a final plat with all necessary fee, documents, certifications and drawings required hereunder are in the possession of the City Secretary; and
- C. If at any time the City Secretary deems that required information has not been provided for whatever reason, the filing shall be deemed canceled and begin again upon the filing of the required information.

#### 8-3. FILING FEES

Such plat (both preliminary and final) shall be accompanied by a filing fee in an amount as determined by resolution of the Governing Body. No action by the Governing Body shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for preliminary plat approval or should the plat be finally disapproved by the Governing Body.

#### 8-4. FORMAL APPLICATION

Formal application for preliminary plat approval shall be made by the subdivider in writing to the Governing Body at an official public meeting.

#### 8-5. FORM AND CONTENT

- A. The plat shall be drawn to a scale of 200 feet to one (1) inch or to such a scale that it can be read easily as determined by the Administrator. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The least or smallest dimension of such drawings shall not exceed 24 X 36 inches and shall include the following:
  - 1. Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision currently located within the City or within the extraterritorial jurisdiction of the City.

2. Names and land use of contiguous subdivisions, and the owners of contiguous parcels of un-subdivided land, and a statement with appropriate references as to whether or not contiguous properties are platted and how they are used.
3. Description, by metes and bounds, of the subdivision boundaries.
4. Primary control points locations shall be shown. Descriptions and ties to such control points from which all dimensions, angles, bearings, block numbers, and similar data are referenced shall be shown. Such control point designations shall meet all requirements of the appropriate State Statutes.
5. Subdivision boundary lines should be indicated by heavy lines, and the acreage of the subdivision shown.
6. Existing conditions as follows:
  - (1) The exact location, dimensions, name and description of all existing and/or recorded streets, alleys, reservations, easements, or other public rights-of-way (including both public and private utility lines) within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.
  - (2) The exact location, dimensions, description, and flow line of existing water courses and drainage structures within the subdivision or on contiguous tracts.
  - (3) Proposed land use of each subdivided parcel.
  - (4) Flood hazard areas and explanatory notes.
7. The exact location, dimensions, description, and name of all proposed streets, street grades and cross sections, alleys, drainage structures, parks, other public areas, reservations, easements, or other rights-of-way, blocks, lots and other sites within the subdivision.
8. Date of preparation; actual and graphic scale of plat; and north arrow.
9. Draft of proposed restrictive covenants (if any) to be imposed; areas subject to special restrictions shall be described and mapped.
10. A number or letter to identify each lot or site on each block.

11. Building setback lines on fronts of all lots and sites. Side yard building setbacks lines at street intersections and crosswalk ways.
  12. Topographic information shall include contour lines on a basis of: five (5) vertical feet in terrain with a slope of two (2) percent or more, one (1) vertical foot in terrain with a slope of less than two (2) percent, and one-half (1/2) vertical foot in terrain of less than one (1) percent.
  13. Proposed fill or other structure-elevating techniques, levees, channel modifications, and other methods to overcome flood or erosion-related hazards.
  14. Designation of all land to be reserved or dedicated for open space or recreational use where deemed essential by the Planning Commission upon consideration of the type of development proposed in the subdivision. This dedication shall occur within forty-five days from the submittal of the preliminary plat.
  15. Vicinity sketch or map, at some appropriate scale, which shall clearly show existing subdivisions, street easements, rights-of-way, parks and public facilities of water, and possible storm sewer, water, gas, electric, and sanitary sewer connections by owner.
  16. Soil information which shall show characteristics for soil bearing, shrink/swell, permeability, percolation, and other pertinent aspects which could affect development of the subdivision.
- B. At the request of the City Staff, the Commission or the Governing Body, the subdivider may be required to provide the following additional information on the Preliminary Plat:
1. Preliminary plan of any required onsite waste disposal systems including disposal sites for lands subject to flooding or sanitary sewers with grade, pipe size, and points of discharge.
  2. Conceptual sketch of development of dedicated park sites.
  3. Conceptual sketches for structural and land use arrangement(s) proposed on the property and/or individual lots.

#### 8-6. PROCESSING OF PRELIMINARY PLAT

- A. The City Staff, as specified hereafter, shall check the preliminary plat as to its CONFORMITY WITH THE ADOPTED MOST CURRENT COMPREHENSIVE PLAN, major street plan, land use plan, zoning districts, and the standards and specifications set forth herein or referred to herein, or to other pertinent policies and standards of the City.
- B. Pertinent copies of the preliminary plat data shall be submitted to the City Engineer, and he shall check the same for conformity with the standards and specifications contained or referred to herein. The City Engineer, Mayor, Planning Director, Commission or Governing Body may require the applicant to submit additional topographic information, detailed plans for proposed uses and other information to determine possible flood or erosion hazards, the effect of the subdivision uses upon flood flows, and the adequacy of proposed flood protection measures. The City Engineer, Mayor, Planning Director, Commission or Governing Body may consult with expert persons or agencies for technical assistance and advice.
- C. Mandatory Referral: All proposed preliminary plats and subdivisions of land within the City and its extra-territorial jurisdiction shall be subjected to referral, review, and comment by the various governmental departments, the Independent School District, and utility service companies.
- D. In addition, as a minimum, the following checks of the preliminary plat shall be made by:
  - (1) The City Engineer:
    - (a) Drainage
    - (b) Street layout and proposed street grades
    - (c) Type of paving
    - (d) Boundary lines
    - (e) Monuments & Bench marks
    - (f) Location and size of alleys
    - (g) Availability of adequate water and sewer mains to the subdivision
    - (h) Water system layout and fire hydrant locations

- (i) Sanitary sewer easements
    - (j) Soil conditions
  - (2) The Building Inspector:
    - (a) Occupancy regulations and requirements
    - (b) Building lines and setback requirements
    - (c) Lot and block numbers
    - (d) Street numbering layout
    - (e) Street names
  - (5) Fire Marshall:
    - (a) Fire code regulations and requirements
- E. The City Engineer and/or Planning Director, on behalf of the City Staff shall aggregate the preliminary plat and accompanying data to the Commission and Governing Body with their recommendations as to modifications, additions, or alterations of such plat data.
- F. Within thirty (30) days after the preliminary plat is filed (as per Section 7-2 above), with the City Secretary, appropriate action shall have been taken by the Commission recommending either (1) conditionally approving or disapproving the preliminary plat or (2) conditionally approving the preliminary plat with modifications.
- G. The Commission shall certify: (1) that it has reviewed the preliminary plat and (2) as to its recommendation to the Governing Body for conditional approval, disapproval or conditional approval with modifications.
- H. Following action on the preliminary plat by the Commission, the developer may file a formal written application for preliminary plat approval (through the City Secretary, as agent for the Governing Body) at an official public meeting
- I. Within thirty (30) days of the filing of formal written application for preliminary plat, the Governing Body shall either (1) conditionally approve or disapprove the preliminary plat or (2) conditionally approve the preliminary plat with modification.

- J. Conditional approval of a preliminary plat by the Governing Body shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, sewer, and other required improvements and utilities and to the preparation of the final or recorded plat.
- K. Conditional approval of a preliminary plat shall be effective for no more than twelve (12) months unless reviewed by the Governing Body in the light of new or significant information which would necessitate a revision of the preliminary plat. If the Governing Body should deem changes in a preliminary plat as necessary, it shall so inform the subdivider in writing.
- L. If no circumstances have occurred which would affect the proposed plat within twelve (12) months of the effective approval of the Preliminary Plat, the Governing Body may extend the approval for up to two additional six (6) month periods. At the end of the final six (6) month extension, the preliminary approval will be revoked (in writing by the City to the subdivider) unless the final plat has been submitted for consideration.
- M. The Governing Body shall certify the preliminary plat stating its decision to conditionally approve, disapprove or conditionally approve with modifications.

## SECTION 9. FINAL PLAT

### 9-1. GENERAL

Final plats, approved by the Commission and City Council and duly recorded in the County Plat Records, will be required prior to any work being started within the limits of the final plat, except in accordance with Section 13-1. A final plat is required prior to the issuance of a building permit or extension of infrastructure. Building permits will not be issued until all public facilities (streets, roads, water, sanitary sewer, storm sewer, drainage improvements and the like) are completed and accepted by the City Engineer.

### 9-2. FORM AND CONTENT

- A. The final plat and accompanying data shall conform substantially to the preliminary plat as conditionally approved or conditionally approved with



modifications by the Governing Body. The plat shall incorporate any and all changes, modifications, alterations, corrections and conditions recommended by the Governing Body.

- B. The final plat shall be drawn at a scale of 200 feet to one (1) inch. Where more than one sheet is necessary to accommodate the entire area, an indexed cover sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.
- C. The final plat shall be submitted in an original and four (4) copies and shall contain all of the features required for preliminary plats in Section 8 above, and it shall be accompanied by site improvement data bearing the seal of an engineer or a registered public surveyor.
- D. The final plat shall be accompanied by a filing fee established by the Governing Body. No action by the Governing Body shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for final plat approval or should the plat be disapproved by the Governing Body.
- E. In addition to the various requirements for the preliminary plat, the final plat shall also include the following:
  - (1) The exact location, dimensions, name, and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way, blocks, lots, and other sites within the subdivision with accurate dimensions, bearing or deflection angles and radii, area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate.
  - (2) The exact location, dimensions, description, and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements, or other rights-of-way, blocks, lots and other sites within the subdivision with accurate dimensions, bearing or deflection angles and radii, area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate.

(3) Regulatory flood elevations, boundaries of flood-prone areas, building sites (including waste disposal areas for flood-prone lands), fills, flood or erosion protective works, and areas subject to special and restrictions.

F. The final plat shall also include the following:

(1) OWNER'S ACKNOWLEDGEMENT

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

I, (WE), the undersigned, owner(s) of the land shown on this plat, and designated herein as the \_\_\_\_\_ Addition of the City of Coleman and whose name is subscribed hereto, hereby dedicated to the use of the public forever all streets, alleys, parks, water courses ,drains, easements, and public places thereon shown for the purpose of consideration therein expressed.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this  
the \_\_\_\_\_ day of \_\_\_\_\_ (Year).

\_\_\_\_\_  
Notary Public in and for \_\_\_\_\_ County, Texas

(2) CERTIFICATION BY THE COUNCIL

I, the undersigned, Mayor of the City of Coleman, hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations of this City wherein my approval is required.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

(3) CERTIFICATION OF THE SURVEYOR RESPONSIBLE FOR SURVEYING THE SUBDIVISION AREA ATTESTING TO ITS ACCURACY

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

I, the undersigned, a (registered professional engineer, public surveyor) in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey on the property made under my supervision on the ground.

\_\_\_\_\_  
Registered Professional Engineer or Registered Public Surveyor

\_\_\_\_\_  
Date

(4) CERTIFICATION BY THE ENGINEER RESPONSIBLE FOR THE PREPARATION OF THE FINAL PLAT AND SUPPORTING DATA, ATTESTING TO ITS ACCURACY

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

I, the undersigned, a registered professional engineer in the State of Texas, hereby certify that proper engineering consideration has been given this plat.

\_\_\_\_\_  
Registered Professional Engineer

\_\_\_\_\_  
Date

9-3 PROCESSING OF FINAL PLAT

- A. If desired by the subdivider and approved by the Governing Body, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop. However, such portion shall conform to all the requirements of this Ordinance.
- B. As soon as practical after the subdivider is notified of the approval of the preliminary plat, he or his engineer shall submit to the Governing Body at an official meeting the final plat of the subdivision or portion thereof.
- C. No final plat will be considered unless a preliminary plat has been submitted and approved.
- D. If an approved plat has been duly recorded and the subdivider wishes to increase the size of the lots by combining one lot with a portion of the adjacent lot in such manner that no portion of a lot remains smaller than the original lots, an additional preliminary plat will not be necessary,
- E. Within thirty (30) days after the final plat is formally filed with the City Secretary, the Governing Body shall approve or disapprove the plat.
- F. If the final plat is disapproved, THE GOVERNING BODY SHALL INFORM THE SUBDIVIDER IN WRITING of the reasons at the time such action was taken.
- G. After the final plat has been approved and in accordance with Section 13 of this Ordinance construction of improvements have been made or security has been filed in lieu of construction, the Governing Body shall cause the final

plat to be recorded with the County Clerk. The Governing Body shall also cause the check or checks for the recording fee or fees deposited at the time the final plat was filed for approval to be delivered with the final plat to the County Clerk.

## SECTION 10. REPLATS

### 10-1 GENERAL

- A. Any person who wishes to revise a subdivision plat which has been previously filed for record must make an application of the proposed revised plat to the Commission for recommendation to the Governing Body. 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, alley, building setback lines, etc., then no engineering plans or preliminary plat will be required.
- B. In the event the proposed replat involves property which has been previously developed or zoned as single-family or duplex residential use, then special requirements are triggered as follows:
  1. After an application is filed for a replat affecting single-family and duplex property, the city manager shall give notice of the application to be published in the official newspaper of the city at least fifteen (15) days before the date of the Commission meeting at which it is to be considered. Such notice must include a statement of the time and place at which the Commission will meet to consider the replat and to hear protests to the revision at a public hearing. Additionally, written notice must be sent to all owners of property located within two hundred feet (200') of the property upon which the replat is requested. Such notice may be served by depositing the notice, properly addressed and postage paid, at the local post office.
  2. If twenty percent (20%) or more of the property owners to whom notice has been required to be given file a written protest of the replatting before or at the public hearing, then the affirmative vote of at least three-fourths (3/4) of the Commission members is required to approve the replat.

## SECTION 11. ADMINISTRATIVE APPROVAL

Plats, amending plats, minor plats and replats as described in Section 212.0065 of the Local Government Code may be approved by the City Manager without consideration of the Commission or Governing Body. The City Manager may, for any reason elect to present the plat for approval to the Commission. The City Manager may not disapprove a plat but shall either approve the plat or refer said plat to the Commission for consideration.

## SECTION 12. STANDARDS AND SPECIFICATIONS

No preliminary or final plat shall be approved by the Commission or Governing Body and no completed improvements shall be acceptable by the City unless they conform to the following standards and specifications:

### 12-1. GENERAL

A. Conformity with most current Comprehensive Plan

The subdivision shall conform to the most current Comprehensive Plan of the City and parts thereof.

B. Provision for Future Subdivisions

If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow for the opening of future streets.

C. Reserve Strips Prohibited

There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

D. Standards for Construction

The street, water installation, sewer facilities and waste disposal and drainage with all appurtenances pertaining to them and facilities of other agencies as may be required shall be constructed and installed in each new subdivision in accordance with the existing design standards of the City of Coleman and the Texas Commission on Environmental Quality as amended.

### 12-2. BUILDING SITE IMPROVEMENTS

- A. No subdivision or part thereof shall be approved if a proposed subdivision development is to occur in an established flood hazard area and thereby

individually or collectively significantly increase flood flows, heights, or damages.

- B. Building sites, residences, motels, resorts, and similar uses for human occupation in established flood hazard areas shall meet the requirements of the Federal Flood Insurance Program as adopted by the City.
- C. Building sites for structures other than residences outside of established flood hazard areas shall ordinarily be filled as provided in the City's codes and ordinances controlling such activities.
- D. When the Governing Body so determines, based on study by the City Staff, that only part of a proposed plat can be safely developed, it shall limit development to that part and shall require that the method of development be consistent with its determination.
- E. When the subdivider does not intend to develop the plat himself, and the City Engineer determines that limitations are required to insure safe development, the Governing Body may require the subdivider to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the face of the final recorded plat.
- F. Floor level of the buildings are to be a minimum of 12" above the top of the nearest curb and gutter or 18" above natural ground at the site, the grade of which to be approved by the City. This minimum may be reasonably increased upon specific findings by the City Engineer that site drainage characteristics require such increase.

### 12-3 STREETS

#### A. Street Layout

Adequate and paved streets shall be provided by the subdivider. The arrangement, character, extent, width, grade, and location of each shall conform to the Most current Comprehensive Plan of the City and shall be considered in their relation to existing and planned streets, to topographic conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The

street layout shall be devised for the most advantageous development of the entire neighborhood.

B. Relation to Adjoining Street System

Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued, shall be at least as wide as such existing streets, and shall be in alignment therewith.

C. Projection of Streets

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. The distance between such projections into any one adjoining property shall not exceed six hundred (600) feet.

D. Street Jogs

Street jogs with center line offsets of less than 125 feet shall be prohibited.

E. Street Intersections

Street intersections shall be as nearly as right angles as practicable, giving due regard to terrain, topography, site distances, and safety. No intersecting street shall be plotted with the angle included between adjoining street lines less than 75 degrees, nor more than 115 degrees. The location of fencing, landscaping, structures, signs, parking areas, or other visual obstructions shall not be such as to occur within a triangular area formed by a horizontal distance of fifteen (15) feet measured along and from the intersection of right-of-way lines at street intersection

F. Dead-End Streets

Dead-end streets shall be prohibited except as short stubs to permit future expansion.

G. Cul-de-Sacs

In general, cul-de-sacs shall not exceed 500 feet in length, and shall have a turnaround of not less than 100 feet in diameter (R.O.W.) with a pavement diameter of 80 feet in residential areas, and shall have a turnaround not less than 200 feet in diameter (R.O.W.) with a pavement diameter of 180 feet in commercial and industrial areas.



H. Minor Streets

Minor streets shall be laid out so as to discourage their use by fast and through traffic.

I. Pavement Widths and Rights-of-Way

(1) Freeway or Expressway shall have a minimum required right-of-way and pavement width as determined by the Texas Department of Transportation.

(2) Major and Secondary Thoroughfares (arterial streets) shall have right-of-way widths as shown in typical street cross sections of the Circulation Plan. The Governing Body, after receiving recommendations from the City Staff, may require a minimum right-of-way width of not more than 100 feet in those cases where such additional width is considered advisable in the opinion of the Governing Body.

(3) Collector Streets shall have a right-of-way and a pavement width as specified in the City's Circulation and Major Streets Plan.

(4) Residential Streets (local streets) shall have a minimum right-of-way of 50 feet and a minimum paved width of 28 feet back-of-curb to back-of-curb.

J. Pavement Widths and Rights-of-Way of Streets Forming Part of the Boundary of the Subdivision Shall be as Follows:

(1) Where the proposed subdivision abuts upon an existing street or half-street that does not conform to Paragraph I of this section, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform with Paragraph I, and there shall be paved so much of such right-of-way as to make the full pavement width comply with Paragraph I. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back two (2) feet to assure an adequate sub-base and pavement joint.

(2) No half-streets will be permitted in new subdivision plats.

K. Curbs and Gutters and Open Ditches

Curbs and gutters may be installed by the subdivider on both sides of all interior streets, and the subdivider may be required by the Governing Body to install curb and gutter on the subdivision side of all streets forming part of the boundary of the subdivision. The subdivider may install open ditches. Wider rights-of-way may be required by the City Engineer when installing open ditches so that a proper 3:1 slope can be constructed for the banks of the ditches.

L. Street Name and Signs

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. The subdivider will pay to the City the initial cost of street name signs. The City will purchase and install street signs. An itemized statement will then be promptly submitted to the subdivider.

M. Street Patterns

Streets shall be platted with appropriate regard to natural and topographic features so as to lend themselves to attractive treatment.

N. Street Grades

Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than eight percent (8%).

O. Street Numbers

Street numbers are to be assigned by the City.

P. The City Engineer and Governing Body may require profiles and elevations of streets to determine compliance with any requirement of this section.

#### 12-4 ALLEYS

A. Width and Paving

Alleys may be provided at the rear of all lots intended to be used for business purposes and may be provided in residential areas. Alleys shall generally be parallel to the street. Alleys shall be no less than twenty (20) feet wide and shall be paved in business areas consistent with City Engineering Standards. The right-of-way for alleys shall be dedicated to the public.

B. Intersecting Alleys or Utility Easements

Where two alleys or utility easements intersect, or where an alley or utility easement turns at a right angle, a cutoff of not less than ten (10) feet from the normal intersection of the property or easement line shall be provided along each property or easement line.

C. Dead-End Alleys

Dead-end alleys shall not be permitted.

D. Alleys Which Do Not Connect On A Straight Course

If alleys are not themselves straight within each block, or if the same do not connect on a straight course with the alleys of adjoining blocks, then all necessary easements shall be provided for the placing of guy wires in order to support poles set on curving or deviating rights-of-way of alleys.

12-5. SIDEWALKS

A. Sidewalks shall be installed in new subdivisions as deemed necessary by the Governing Body and will be installed at the expense of the person or persons building the respective structure to the sidewalk.

B. No sidewalk is required until a lot is improved but at the time such improvements are constructed, a sidewalk complying with the provisions hereof shall be provided at the front of such lot, and also along the street side of corner lots.

C. All sidewalks shall be not less than four (4) feet in width, four (4) inches in thickness and shall be of concrete construction, 3,000 p.s.i., with six (6) inch by six (6) inch #6 wire mesh.

D. Sidewalks shall parallel the street, insofar as possible.

E. As site conditions vary, sidewalks may be placed immediately adjacent to the street and next to the curb, when the street is paved, or at the property line (providing a place for street landscaping), at the option of the subdivider; but all sidewalks in a subdivision shall be uniform in this respect.

F. Additional sidewalks shall be provided as deemed necessary by the Governing Body in commercial, industrial, public, and multi-family areas; such additional sidewalks as the subdivider may desire shall be permitted.

12-6. WATER INSTALLATION

A. Water Supply and Distribution

- (1) All subdivisions shall be provided with a water supply and/or water distribution system approved by the City Engineer and the State Department of Public Health. The subdivider shall be responsible for providing this system at his expense.
- (2) All water systems located in flood prone areas, whether public or private, shall be flood-proofed above the established flood protection elevations.
- (3) If there is an existing public water supply system on or near the subdivision, the City may require the subdivider to connect to this system.
- (4) Water mains shall not be less than six (6) inches in diameter in residential areas and eight (8) inches in commercial and industrial areas.
- (5) Water mains may be required by the City to serve areas other than the subdivision.

B. Fire Hydrants

Standard fire hydrants shall be installed by the subdivider and connected to the water distribution system of the subdivision as per specifications of the Fire Marshall, City Engineer and of the State Board of Insurance.

C. Sharing in cost of oversized lines (Reserved)

12-7. SEWER FACILITIES AND WASTE DISPOSAL

- A. All subdivisions shall be connected to a sewage collection and disposal system approved by the City Engineer at the expense of the subdivider.
- B. If a separate sanitary sewage disposal system is proposed the Texas Commission on Environmental Quality must approve it in writing prior to approval of the final plat by the City and such written approval presented to the City Engineer.
- C. The City Engineer may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due

to high ground water, flooding, or unsuitable soil characteristics. Such action by the City Engineer shall be based on the review and findings of the City and/or County Health Officer. The City may require that the subdivider note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.

- D. The City Engineer may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision, the City shall require the subdivider to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the subdivider in connecting to the system.
- E. The minimum size of sanitary sewer shall be six (6) inches in diameter.
- F. Pipe shall be poly vinyl chloride (pvc) pipe or as specified by the City.
- G. Sharing in cost of oversized lines. (Reserved)

#### 12-8. UTILITY LINES AND EASEMENTS

- A. All utility lines that pass under a street or alley shall be installed before the Street or alley is paved. Where it is necessary that utility lines pass under the street or alley pavement, they shall be extended to a point at least three feet beyond the edge of the pavement.
- B. Overhead utility lines crossing alleys shall be a minimum of eighteen (18) feet.
- C. Except where alleys of not less than twenty (20) feet in width are required, easements not less than fifteen (15) feet in width shall be retained (7-1/2 feet on each side of rear lot lines). Where necessary, easements not less than ten (10) feet in width, on each side of side lot lines shall be retained for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines, or other utilities. Such easements may be required across parts of lots other than as described above upon recommendation of the City Engineer. Where the proposed platted area adjoins an un-platted area, the full alley or easement width may be required along the rear of lots adjoining the un-platted areas.

- D. At the option of the subdivider all single phase electric lines and communication lines may be installed underground at the subdivider's cost.

#### 12-9. MONUMENTS AND CORNER MARKERS

- A. All block corners, angle points and points of curves, and all corners of boundary lines of subdivisions shall be marked with a one-half inch steel rod, two feet in length.
- B. Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent markers intermediate markers shall be so set as to assure a clear view between adjacent markers. Intermediate property corner markers, consisting of a one-half inch steel rod or three-quarter inch pipe, three feet in length, shall be driven flush with the finished ground surface to mark the corners of all lots.

#### 12-10. DRAINAGE

- A. Easement

Where a subdivision is traversed by a water course, drainageway, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such water course, plus additional width to accommodate maintenance and future needs.

- B. Drainage Facilities

- (1) Drainage facilities shall be provided and constructed as specified by the City. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets and provide positive drainage away from buildings and onsite waste disposal sites.
- (2) Plans shall be subject to the approval of the Governing Body. The City Engineer may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans.
- (3) The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

(4) Storm sewers shall be constructed with reinforced concrete pipe.

C. Drainage Cost Sharing

(1) Plans and specifications for the above improvements shall be reviewed by the City Engineer for consistency with general development and city engineering standards.

(2) If it is determined that additional drainage facilities in the form of storm sewers within the subdivisions are necessary, the Developer shall prepare, with the approval of the City Engineer, plans and specifications to be used by him in correcting the drainage. All such work necessary to be done under such plans and specifications shall be done at the sole expense of the Developer.

(3) Storm sewers required to provide drainage from the point where storm water emanates from the subdivision to an adequate drainage point along existing streets, may, at its discretion, be provided by the City of Coleman. In the event that the storm drain construction is so great as to be prohibitive for either the subdivider or the City, all areas affected by such drainage shall be omitted from the development. The developers, may, at their option, either provide the necessary storm drainage outside of the subdivision, in the event that the City is unable to do so, or, by specific agreement, provide same upon a basis for refund over a period of time agreeable to the Governing Body.

12-11. LOTS, RESIDENTIAL

A. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the City of Coleman Zoning Ordinance.

B. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

C. Lots zoned for development of single-family and two-family dwellings shall front upon a public street. Exceptions may be permitted for lots zoned for

condominium, townhouse and apartment developments, and commercial and industrial subdivisions when the access easement, as required, has been provided.

- D. Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography.

#### 12-12. BLOCKS

- A. The lengths, widths, and shapes of blocks shall be determined with due regard to:
  - 1) Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
  - 2) Zoning requirements as to lot size and dimensions.
  - 3) Needs for convenient access, circulation control and safety of street traffic.
  - 4) Limitation and opportunities of topography.
- B. Block lengths shall not exceed 1,600 feet, nor shall they be less than 500 feet.

#### 12-13. CROSSWALK WAYS

- A. Crosswalk rights-of-way six (6) feet in width shall be dedicated where deemed necessary by the Governing Body to provide pedestrian circulation or access in schools, playgrounds, shopping centers, and transportation other than community facilities, or to provide pedestrian circulation within the subdivision.
- B. Crosswalk ways shall be provided with a concrete sidewalk at least four (4) feet wide.

#### 12-14. CONDITIONS ATTACHED TO PLAT APPROVAL

The City Engineer may attach conditions including but not limited to the following to the approval of plats for areas subject to development problems in flood hazard areas:

- A. Construction and modification of sewage, water supply and drainage facilities to meet the standards of this or referenced ordinances and to promote the health, safety, and general welfare.



- B. Requirements for construction or channel modifications, dikes, levees and other protective measures.
- C. Imposition of operations controls, sureties, and deed restrictions may include flood-proofing of intended uses, subject to the individual approval of the City Engineer and Governing Body at the time such uses are constructed, through:
  - (1) Anchorage to resist flotation and lateral movement.
  - (2) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
  - (3) Reinforcement of walls to resist water pressures.
  - (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
  - (5) Addition of mass or weight to structures to resist flotation.
  - (6) Installation of pumps to lower water levels in structures.
  - (7) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
  - (8) Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
  - (9) Construction to resist rupture or collapse caused by water pressure or floating debris.
  - (10) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.
  - (11) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flooding.
  - (12) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare in a manner

which will assure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately flood-proofed to prevent flotation of storage containers which could result in the escape of toxic materials into flood waters.

12-15. BUILDING SETBACK LINES & MINIMUM LOT SIZES

- A. Minimum setback lines and lot sizes shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall not be less than those specified as minimum standards by the City of Coleman Zoning Ordinance, except as provided for in Section 3.
- B. The following requirements (Table A) establish minimum parking space requirements and standards for various subdivision and land use types.

**TABLE A**

<b><u>LAND USE</u></b>	<b><u>PARKING SPACES</u></b>
Single Family Unit	2.0/unit
Duplex Unit	2.0/unit
Triplex Unit	2.0/unit
Fourplex Unit	2.0/unit
Townhouses	2.0/unit
Apartments (5 or more units)	2.0/unit
Motels, similar uses	1.0/unit
Churches, Theaters, & similar uses	1.0/4 seats
Retail Establishments	1.0/300 SF gross floor area
Kindergartens, Day Nurseries	See (4) below

OTHER USES: Determined by review of Commission

- (1) Parking spaces shall be a minimum of 9 feet wide and 18 feet long.
- (2) Required parking spaces shall not occur, wholly or partially, within public rights-of-way

- (3) Parking areas for townhouse, apartments, or commercial areas shall be screened from adjacent duplex or single family areas shall be screened from adjacent duplex or single family areas (including mobile homes) by an opaque fence or hedge six (6) feet or higher.
- (4) Parking spaces listed in Table A do not include nor shall they be used for parking spaces required to adequately accommodate (off-street) employees or accommodate the storage of recreational vehicles boats, etc.
- (5) Parking patterns and arrangements shall conform to city engineering specifications and standards.

C. SIGHT LINES AT STREET INTERSECTIONS

The location of fencing, landscaping, structures, signs, parking areas, or other visual obstructions shall not be such as to occur within a triangular area formed by a horizontal distance of fifteen (15) feet measured along and from the intersection of right-of-way lines at street intersection.

SECTION 13. GUARANTEE OF PERFORMANCE

13-1. CONSTRUCTION OF IMPROVEMENTS PRIOR TO FINAL PLAT RECORDATION

If the subdivider chooses to construct the required improvements after approval of the Final Plat but prior to the recording of the Final Plat in the County Plat Records, all such construction shall be inspected while in progress by the City, and must be approved upon completion by the City Engineer, or his duly authorized representative. A certificate by such officer stating that the construction conforms to the specifications and standards contained in or referred to herein must be presented to the Governing Body prior to approval of the Final Plat for recordation.

13-2. SECURITY IN LIEU OF CONSTRUCTION

If the subdivider chooses to file security in lieu of completing construction prior to Final Plat approval for recordation, he may utilize one of the following methods of

posting security. If the subdivider chooses to file security, the plat shall not be approved for recordation unless the subdivider has done one of the following:

A. Performance Bond

Has filed with the City a bond executed by a surety company holding a license to do business in the State of Texas and acceptable to the City and on the form provided by the City in an amount equal to the cost of the improvements required by this Ordinance. The construction of the improvements shall be within the time as estimated and approved by the Administrator. The performance bond shall be approved as to form and legality by the City Attorney.

B. Trust Agreement

Has placed on deposit in a bank or trust company in the name of the City and approved by the City, in a trust account a sum of money equal to the estimated cost of all site improvements required by this Ordinance, the cost and time of completion as approved by the Administrator. Selection of the trustee shall be executed on the form provided by the City and approved as to form and legality by the City Attorney. Periodic withdrawal may be made from the trust account for a progressive payment of installation cost. The amounts of such withdrawals shall be based upon progress work estimates and approved by the City Engineering Department. Such withdrawals shall be approved by the trustee.

C. Unconditional Guarantee from a federally insured Financial Institution as Approved by the City.

Has filed with the Governing Body a letter, on the form provided by the City, signed by the principal officer of a federally insured financial institution, acceptable to the City, agreeing to pay the City on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the subdivider or developer is responsible under this Ordinance. The guaranteed payment sum shall be the estimated costs and scheduling as approved by the Administrator. The letter shall state the name of the

subdivision and shall list the improvements for which the subdivider or developer is required to provide.

13-3. GUARANTEE OF MATERIALS AND WORKMANSHIP

The subdivider, or developer, shall require guarantee of materials and workmanship of his construction contractors, with whom he contracts for furnishing materials and installing the improvements required under this Ordinance. The subdivider, or developer, shall himself be responsible for guaranteeing that all materials and workmanship in connection with such improvements are free of defects for a period of one (1) year after acceptance of the improvements by the City.

13-4. ACCEPTANCE OR REJECTION OF CONSTRUCTION

If one of the above three types of security is filed by the subdivider under Paragraph 13-2, the City Engineer shall inspect the construction of the improvements while in progress and he shall inspect such improvements upon completion of construction. After final inspection he shall notify the subdivider, the Administrator and the City Attorney in writing as to his acceptance or rejection of the construction. He shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. If he rejects such construction, the City Attorney, shall on direction of the Governing Body, proceed to enforce the guarantees provided in this Ordinance.

13-5. EXTENSION OF TIME

Where good cause exists, the Administrator may recommend to the Governing Body to extend the period of time for completion under part 13-2 of this section. Such extension of time shall be reported to the Commission and the Governing Body and recorded in the Minutes of each body. No such extension shall be granted unless security as provided in part 13-2 has been provided by the subdivider covering the extended period of time.

13-6. MAINTENANCE BOND

Upon the completion of all public improvements, including, but not limited to, streets, proper street signing, sidewalks, drainage, water, and wastewater facilities, in accordance with the city specifications and standards, and their acceptance by the city, the developer or contractor shall furnish the city with a financial guarantee

acceptable to the city. The financial guarantee shall equal 30 percent of the contract cost of such improvements and shall be in effect one year from the date of completion and acceptance by the city. The guarantee may be provided in the form of a cash escrow deposit, surety bond, or irrevocable letter of credit.

If any of the work performed by the developer or landowner is found or determined to be either defective, including obvious defects, or otherwise not in accordance with this article, the designs, plans, drawings or specifications within one year after the date of the issuance of a certificate of final completion of the work or a designated portion thereof, whichever is longer, or within one year after acceptance by the city of designated equipment, or within such longer period of time as may be prescribed by law or by the terms of any applicable special warranty required by this article, the developer shall promptly correct the defective work at no cost to the city.

If within 20 calendar days after the city has notified the developer of a defect, failure, or abnormality in the work, the developer has not started to make the necessary corrections or adjustments, the city is hereby authorized but not required to make the corrections or adjustments, or to order the work to be done by a third party. The cost of the work shall be paid by the developer.

The cost of all materials, parts, labor, transportation, supervision, special instruments, and supplies required for the replacement or repair of parts and for correction of defects shall be paid by the developer, his contractors, or subcontractors, or by the surety.

The guarantee shall be extended to cover all repairs and replacements furnished, and the term of the guarantee for each repair or replacement shall be one year after the installation or completion. The one-year warranty shall cover all work, equipment, and materials that are part of the improvements made under this section of the ordinance.

SECTION 14. FILING FEE SCHEDULE.

The following filing fees will be collected by the City when the application is submitted for property inside the corporate limits and in the extraterritorial jurisdiction (ETJ) area:

14-1. PRELIMINARY PLAT

Applications shall be \$250 plus the following:

<i>Number of Acres in Subdivision</i>	<i>Fee per Acre</i>
5 or less	\$5.00
6 to 10	4.00
11 to 50	3.60
51 to 150	2.90
151 or more	2.30

14-2. FINAL PLAT

Applications shall be \$250 plus the following:

<i>Number of Lots in Subdivision</i>	<i>Fee per Lot</i>
10 or less	\$ 3.50
11 to 50	2.80
51 to 150	2.25
151 or 500	1.80
501 or more	1.45

14-3. REPLAT

Applications shall be \$100 plus \$10 per lot.

SECTION 15. WHERE SUBDIVISION IS UNIT OF A LARGER TRACT

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided in whole or part as additional units, the preliminary and final plats shall be accompanied by a layout of the entire area, showing the tentative, proposed layout of streets, blocks, drainage, water, sewerage, and other improvements for such area.

The overall layout, if approved by the Governing Body, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the City.

Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout unless changed by the Governing Body, who may change such approved overall layout only when it finds:

- A. That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance; or
- B. That adherence to the previously approved overall layout either will be detrimental to the public health, safety, or welfare, or will be injurious to other property in the area.

#### SECTION 16. AUTHORITY OF THE CITY COUNCIL

The City Council is hereby authorized to promulgate, or to have promulgated, and to file for public record and use rules, regulations, procedures, standards, and specifications for the construction, installation, design, location, and arrangements of streets, curbs, street lights, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, criteria for drainage easement requirements, drainage facilities, and cross walkways.

Such rules, regulations, standards and specifications may be amended from time to time, provided that the Governing Body appropriately approves an amendment. No such rules, regulations, procedures, standards and specifications shall conflict with this or any other Ordinance of the City.

All such improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications.

The plat shall show the following:



Name(s) and address(es) of the subdivider(s), record of owner(s) of land to be subdivided, engineer and/or surveyor preparing the map, and name and address of the designer of the plat.

SECTION 17. WARNING AND DISCLAIMER OF LIABILITY (FLOOD PROTECTION)

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on previous flood records. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as bridge opening restricted by debris.

This Ordinance does not imply that areas outside flood hazard areas or land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the City of Coleman or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder. In no case shall responsibility or liability arise from the design or operation of subdivision drainage facilities dedicated to the City if the City has not accepted in writing the dedication and agreed to maintain and operate the facilities

SECTION 18. COMPLIANCE

No land shall hereafter be subdivided or used without full compliance with the terms of this Ordinance and other applicable regulations including zoning, official maps, health codes, and other regulations which apply to uses within the jurisdiction of this Ordinance.

SECTION 19. WITHHOLDING IMPROVEMENTS AND SERVICES

The City will withhold all City improvements of whatever nature, including the maintenance of streets and the furnishing of water and sewer service, to any subdivision or part thereof if the platting of such has not been approved by the City or in which the construction of required improvements does not comply with these regulations.

## SECTION 20. SEVERABILITY CLAUSE

Should any portion of this Ordinance be held for any reason invalid or unenforceable, the same shall not be construed to affect any other valid portion hereof, but all valid portions shall remain in full force and effect.

## SECTION 21. PENAL PROVISIONS

21-1. Any person violating any provision of this Ordinance, such violation being located within the corporate limits of the City, shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not exceeding two hundred dollars (\$200.00). Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this Ordinance. In addition to these penal provisions, the City shall have the right to institute an action in the District Court to enjoin the violation of any provision of this Ordinance.

21-2. Any person violating any provision of this Ordinance, such violation being located outside the corporate limits of the City but within the City's extraterritorial jurisdiction, shall not be considered as committing a misdemeanor, nor shall any fine provided in Section 21-1 above be applicable; however, the City shall have the right to institute an action in the District Court to enjoin the violation of any provision of this Ordinance.

## SECTION 22. APPEALS

Any subdivider aggrieved by any finding or action of the commission, which involves the jurisdiction of the City Council, which is herein defined as dedication of, or improvements to, streets, or installation of other public improvements, shall appeal in writing to the City Council within 30 days from the date of such finding or action and not thereafter. Appeals of other actions by the Commission shall be to courts of appropriate jurisdiction.

## SECTION 23. AMENDMENT OF ORDINANCE

- 23-1. An amendment to this Ordinance may be initiated by any party or person.
- 23-2. Upon initiation of an amendment, the initiating party or person shall request the Administrator to put such amendment on the agenda of the next regular meeting of the Commission.
- 23-3. Within thirty-one (31) days after first consideration of the amendment by the Commission, the Commission shall forward a written recommendation of the amendment's disposition to the Governing Body.
- 23-4. The Governing Body shall hold a public hearing on the amendment within thirty-one (31) days within receipt of the recommendation by the Commission.