

ORDINANCE NO. 2006-10-03-26

AN ORDINANCE AMENDING CHAPTER 8, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, SUBDIVISIONS, PROVIDING A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS:

That Chapter 8, Code of Ordinances, City of Elgin, Texas, is hereby amended by adding the following changes Subdivisions, which shall read as follows:

I.

**CHAPTER 8
SUBDIVISIONS**

SECTION 1: GENERAL PROVISIONS

A. AUTHORITY

This Chapter is adopted under the authority of the Constitution and Laws of the State of Texas, specifically compiled in Section 212.001-212.017, Local Government Code, V.T.C.A.

B. PURPOSE

This chapter shall govern every person, firm, partnership, association, corporation or other legal entity owning any tract of land within the corporate limits of the City of Elgin within the extraterritorial jurisdiction of this city as prescribed by the State law, as from time to time amended, who may hereafter divide any tract into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said city, or for laying out suburban lots or building lots or any lots, and streets, alleys or parks or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

SECTION 2: DEFINITIONS

For the purpose of this chapter, certain terms and words are hereby defined; terms not defined herein shall be construed in accordance with the city zoning ordinance (Chapter 11), other codes and ordinances or their customary usage and meaning.

City shall mean the City of Elgin.

Subdivision shall mean the division of any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose of sale or building development or transfer of ownership, whether immediate or future. Such term shall include re-subdivision of land or lots. The following shall not be defined as subdivision: testamentary division of property, partnership division of property upon dissolution, or division of property between two (2) or more owners of an undivided interest by court order. Division of land into parcels of five (5) acres or more shall not be included within this definition of subdivision unless any such subdivision of five (5) acres or more includes the planning or development of a new street.

Re-subdivision shall mean the division of an existing subdivision, together with any change of lot size therein, or with relocation of any street lines.

Shall or May The word "shall" shall be deemed mandatory; the word "may" shall be deemed permissive.

Plat shall mean a map or chart of the subdivision. It shall include the plan, plat or re-plat, both singular and plural.

Major Street shall mean a principal traffic thoroughfare which continues, or is intended to continue, across the city and which serves to connect remote parts of the city. It may also be a principal connecting street with State or Federal Highways.

Secondary or Collector Street shall mean a continuous street through several residential districts intended as a connecting street between residence districts and major streets or business districts.

Minor or Residential Streets shall mean all streets not otherwise indicated.

Secretary shall mean the secretary of the Elgin planning and zoning commission, or the authorized representative of the secretary.

Extraterritorial Jurisdiction shall mean that area adjacent to the corporate limits of the city over which the city is authorized to control, among other things, subdivisions as prescribed or defined by law.

Conceptual/Concept Plan shall mean a map or plat designed to illustrate the general design features and street layout of a proposed subdivision which is proposed to be developed and platted in sections

Revised Preliminary shall mean a plat which has been previously submitted and is being resubmitted with changes.

Certificate of Serviceability shall mean a document issued at no charge by the city engineer, certifying that a proposed plat can be adequately served with water and sewer according to the urban services element of the general plan.

City Engineer shall mean a duly qualified and licensed engineer hired by the city. In the event the city does not have an engineer, his duties herein shall be performed by the city manager with recommendations of consulting engineers as needed.

Urban Services Element shall mean an element of the general plan for the City of Elgin as adopted and amended by the city council.

Planning and Zoning Commission shall mean the duly appointed city planning and zoning commission of the City of Elgin appointed by the city council.

SECTION 3: PURPOSE AND JURISDICTION

A. REGULATIONS TO CONTROL SUBDIVISION OF LAND

The city council of the City of Elgin does hereby adopt the following regulations to hereafter control the subdivision of land within the corporate limits of the City of Elgin and within the extraterritorial jurisdiction thereof, in order to provide for the safe, orderly and healthful development of the community and to secure adequate provision for traffic, light, air, recreation, transportation, water, drainage, sewage, and other public facilities.

B. TERRITORIAL LIMITS OF REGULATIONS

The territorial jurisdiction under this chapter shall include all land located within the corporate limits of the city and all land lying within one mile of the corporate limits of the city, as from time to time extended.

SECTION 4: APPLICATION

A. CITY PLANNING AND ZONING COMMISSION APPROVAL REQUIRED

It shall be unlawful for any landowner, or the agent of any landowner, to lay out, subdivide, plat, or re-plat any land into lots, blocks, and streets within the jurisdictional limits of the city without the approval of the city planning and zoning commission. It shall also be unlawful for any such owner or agent to offer for sale or to sell any such property therein or thereby which has not been laid out, subdivided, platted, or re-platted in accordance with this chapter.

B. CITY IMPROVEMENTS TO BE WITHHELD

The city will make no improvements nor will the city maintain any streets or furnish any public utility service in any addition or subdivision for which approved preliminary and final plats are not on file with the Director of Planning and the county clerk.

C. BUILDING PERMITS WITHHELD UNLESS CHAPTER COMPLIED WITH

No street number and no building permit shall be issued for the construction of any building on any piece of property subdivided after the date hereof, unless said property has been subdivided or resubdivided in accordance with this chapter.

SECTION 5: PROCESSING PROCEDURE

A. CONCEPT PLAN

(1) Required Copies: Filing Deadline

The subdivider shall submit a concept plan of the entire area being subdivided. A reproducible tracing and the number of legible copies outlined in the current concept plan checklist shall be submitted to the planning department for presentation to the planning and zoning commission on the designated plat submission date preceding the meeting at which approval is requested. An electronic version shall be sent to the planning department and the City's engineer.

(2) Listing of Adjacent Property Owners Required

The submittal shall contain a listing of all adjacent property owners and other property owners within two hundred (200) feet of the property proposed to be subdivided, with addresses as recorded by Bastrop County Tax Appraisal District or the Travis County Tax Appraisal District.

(3) Planning Department to Notify Affected Property Owners

The planning department will mail a notice, by registered or certified mail, to each property owner named as required by paragraph (2) above, which notice shall state in effect that a subdivision proposal is pending before the planning and zoning commission, and shall include the date, place, and time of the planning and zoning commission meeting.

(4) Scale

The concept plan shall be drawn to the scale designated on the current concept plan check list and shall show or be accompanied by the information outlined in the current concept plan checklist.

(5) Planning and Zoning Commission to Review Within Thirty (30) Days

The planning and zoning commission shall review the concept plan and within thirty (30) days, act upon said plan as submitted or as modified and, if approved, shall express its approval as "conditional approval" and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and the reasons therefor.

At the meeting during which the concept plan comes up for review, the party submitting such plan shall appear in person or by agent or by attorney.

(6) Planning and Zoning Commission to Note its Action

The planning and zoning commission shall note its action and conditions, if any, on three (3) copies of the concept plan.

(7) Distribution of Concept Plan

Of the three (3) copies, one (1) shall be returned to the subdivider, one (1) shall be filed with the director of planning, and one (1) shall be retained by the planning and zoning commission.

(8) Authority to Proceed

Approval of the concept plan does not constitute acceptance of the subdivision, but it's authority to proceed with the preparation of the preliminary plat. Any work done on the subdivision before the final plat is accepted and recorded is done at the risk of the subdivider. Approval of the concept plan expires at the end of two (2) years. The planning and zoning commission may, if a written request from the subdivider is received prior to the end of the two-year period, grant an extension for up to two (2) additional years.

If any major changes are required by the planning and zoning commission, the commission may require submission of another concept plan.

B. PRELIMINARY PLAT

(1) Required Copies: Filing Deadline

The subdivider shall submit a preliminary plat of the entire area being subdivided. A reproducible tracing and the number of legible copies outlined in the current preliminary plat checklist shall be submitted to the director of planning for presentation to the planning and zoning commission on the designated plat submission date preceding the meeting at which approval is requested. An electronic version shall be sent to the planning department and the City's engineer.

(2) Plat Requirements

The plat shall be drawn to scale of one inch to one hundred feet (1 = 100=) and shall show and be accompanied by the following information.

- (a) The name of the subdivision, which shall not duplicate an existing or pending subdivision.
- (b) A complete legal description by metes and bounds of the land being subdivided.
- (c) The total acreage and total number of lots and blocks within the subdivision.

- (d) The name of the owner (and address unless given in letter of transmittal). If the owner is a partnership, corporation, or other entity other than an individual, the name of the responsible individual such as president or vice-president must be given.
- (e) The name of the registered engineer or registered public surveyor responsible for preparing the plat.
- (f) Scale: 1 = 100'. The prior written consent of the department of public works will be required for use of a smaller scale.
- (g) North point: North to be at the top of the sheet if possible.
- (h) Date: Each revision shall bear a new date.
- (i) Ownership boundaries shall be drawn in very heavy lines and shall include overall dimensions and bearings.
- (j) Boundary lines and adjacent right-of-way lines of the proposed subdivision shall be drawn with dashed lines.
- (k) A tie to an original corner of the original survey of which said land is a part.
- (l) Name and location of adjacent subdivisions, streets, easements, pipelines, watercourses, etc., and the property lines and name of adjoining property owners in unsubdivided tracts.
- (m) Existing and proposed topographic and planimetric features within the subdivision, including watercourses and ravines, high banks, width of existing or proposed easements, contour lines at two (2) foot intervals, and any other physical features pertinent to the subdivision.
- (n) Existing transportation features within the subdivision including the location and width of rights-of-way, streets, alleys and easements.
- (o) Proposed features including location, width, surfacing, and name of streets; approximate width and depth of all lots, location of building lines, alleys and easements; and schematic plans and outline specifications for drainage, sanitary facilities and utilities.
- (p) Designation of any sites for special uses including churches, sewage disposal plants, water plants, business, industry, or other special land uses. If proposed use is unknown, designate as unrestricted. Where a proposed site in the area taken in by a proposed addition or subdivision is planned for a school, park or public building such site shall be reserved on the preliminary plat for the proposed facility.
- (q) Limits of the 25-year and 100-year floodplain for all waterways draining fifty (50) acres or more.
- (r) Statement that the preliminary plat conforms to the adopted concept plan.
- (s) Statement outlining the estimated average, single family lot size and the estimated range of lot sizes by grouping of less than 7,500 square feet, 6,000-7,500 square feet, 7,500-9,000 square feet, 9,000 + square feet.

(Ordinance No. 97-12-02-31 of December 2, 1997)

(3) Director of Planning to Certify Information

The director of planning or his designated representative will certify that all of the above, information is on the plat submitted, and incomplete submittals will be returned to the developer prior to submittal to the planning and zoning commission.

(4) Planning and Zoning Commission to Review Within Thirty (30) Days

The planning and zoning commission shall review the preliminary plat, and within thirty (30) days, act upon said plat as submitted or as modified and, if approved, shall express its approval as "conditional approval" and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and the reasons therefor.

At the meeting during which the preliminary plat comes up for review, the party submitting such plan shall appear in person or by agent or by attorney.

(5) Planning and Zoning Commission to Note its Action

The planning and zoning commission shall note its action and conditions, if any, on four (4) copies of the preliminary plat.

(6) Distribution of Plat Copies

Of the four (4) copies, one (1) shall be returned to the subdivider, one (1) shall be filed with the director of planning, one (1) shall be furnished to the building official, and one (1) shall be retained by the planning and zoning commission.

(7) Authority to Proceed

Approval of the preliminary plat does not constitute acceptance of the subdivision, but is authority to proceed with the preparation of the final plat. Any work done on the subdivision before the final plat is accepted and recorded is done at the risk of the subdivider. Approval of a preliminary plat expires at the end of three (3) years. The planning and zoning commission may, if a written request from the subdivider is received prior to the end of the three (3) year period, grant an extension for up to one (1) additional year.

If any major changes are required by the planning and zoning commission, the commission may require submission of another preliminary plat.

C. FINAL PLAT

(1) Required Copies: Filing Deadline

The subdivider shall provide one (1) reproducible and fifteen (15) legible white print copies of the final plat, outlined in the current final plat checklist, to the planning and zoning commission after the preliminary plat has been approved and all required changes and alterations thereto have been made.

An electronic version shall be sent to the planning department and the City's engineer.

(a) No final plat will be considered unless a concept plan and preliminary plat has first been submitted and approved, except:

- (i) that the requirement for a concept plan may be waived, in writing, by the director of planning if in his opinion the proposed subdivision requires no new streets or utilities and has an established land use by either existing zoning or existing development, and

- (ii) when the requirement for a concept plan is waived in accordance with (i) above, the applicant shall provide a list of adjacent property owners outlined in subsection A (2) of this section and a public hearing shall be held by the planning and zoning commission in conjunction with its consideration of the preliminary plat.
- (b) The final plat shall be filed with the director of planning at least fifteen (15) days prior to the meeting at which approval is requested.

(c) Annexation

Where land to be subdivided lies outside the existing city limits a final plat shall be accompanied by a petition for annexation; except where the director of planning determines, in writing, that the city does not wish to annex or is not capable of annexing the subject land at the time the application for final plat approval is requested.

(d) Plat to be Accompanied by Application for Zoning

Where land to be subdivided lies outside the existing city limits and is to be annexed and requires original zoning; or where land to be subdivided lies within the existing city limits and requires rezoning for the uses proposed in the concept plan, a final plat shall be accompanied by a zoning request which shall be in conformance with the concept plan approved by the planning and zoning commission.

(e) Plat Requirements

The final plat shall be drawn in India ink on tracing cloth, mylar or a comparable substitute, sheets twenty-four inches by thirty inches (24" x 30"), and to a scale of one inch to one hundred feet (1" = 100'). Where more than one (1) sheet is required, an index sheet of maximum size, eighteen inches by twenty-four inches (18" x 24") shall be filed showing the entire subdivision. The following information will be shown on or will accompany the plat:

- o A title including the name of the subdivision; the name of the landowner or owners; the name of the registered engineer or registered public surveyor responsible for the preparation of the plat; the scale and location of the subdivision with reference to an original corner of the original survey of which said land is a part; the date, north point, and total acres in the subdivision.
- o The certificate of the registered engineer or licensed surveyor who surveyed, mapped and monumented the land shall be placed on the face of the plat as follows:

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF BASTROP or TRAVIS COUNTY.

That I, _____, do hereby certify that I prepared this plat from an actual and accurate on-the-ground survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Elgin, Texas.

Signature and Seal of
Registered Engineer or Surveyor

- o A certificate of ownership and dedication to the public of all streets, easements,

alleys, parks, playgrounds, or other dedicated public uses, signed and acknowledged before a notary public by the owners and any holders of liens against the land and shall be placed on the face of the plat.

- o An accurate on-the-ground boundary survey of the property with bearings and distances and showing the lines of all adjacent land, streets, easements, and alleys with their names and width. (Street, alleys, and lot lines in adjacent subdivision shall be shown dashed.) All necessary data to reproduce the plat on the ground must be shown on the plat.
- o A certificate of approval to be signed by the chairman and secretary of the planning and zoning commission shall be placed on the face of the plat.
- o The plat shall show all existing features within the area being subdivided, such as existing watercourses, railroads, width of streets, alleys and easements to be retained and other physical features deemed pertinent to the subdivision.
- o Streets, alleys and easements that are to be dedicated shall be shown with the following engineering data:
 - o For Streets: Complete curve data (delta, length of curve, radius, point of curvature, point of reverse curvature, point of tangency) shown on the centerline of on each side of the street; length and bearing of all tangents; dimensions from all angle points of curve to an adjacent side lot line shall be provided. The number of feet of roadway shall also be shown on the plat.
 - o For Watercourses and Easements: Distances to be provided along the side lot lines from the front lot line or the high bank of a stream. Traverse line to be provided along the edge of all large watercourses in a convenient location, preferably along a utility easement if paralleling the drainage easement of stream.
- o Lot and block lines and numbers of all proposed lots and blocks with complete dimensions for front, rear and side lot lines.
- o Building set back lines shall be shown on all lots.
- o Two (2) sets of plans and specifications prepared by a registered engineer shall be provided for the installation of water, sewer, paving and drainage, and said plans and specifications must be approved by the city engineer prior to the beginning of any construction of the subdivision.
- o A receipt showing that all taxes have been paid shall be submitted with the final plat.
- o The planning and zoning commission shall be satisfied that the subdivider will be in a financial position to install or cause to be installed at his own cost, risk, and expense all of the improvements herein required. The planning and zoning commission may require such security as it in its sole and absolute discretion may deem best in order to insure the orderly development within any subdivision, specifically including, but not limited to a performance bond equal to the estimated cost of the improvements; a bank letter of credit; a personal guarantee; or by requiring the subdivider to grant a lien upon the property contained in such subdivision in favor of the City of Elgin to secure the estimated costs of such improvements. It is expressly understood that as a condition to the approval of said subdivision, no sales will be completed until all utilities are installed and all

other improvements required by this chapter are made within the block in which said lot is contained.

- o Drainage easements to cover the limits of the 25-year flood plain.
- o Limits of the 100-year floodplain.
- o Minimum finished floor slab elevations, at a minimum of one (1) foot above the 100-year flood plain level, for all lots adjacent to or affected by the flood plain.
- 0 A certificate of a registered professional engineer shall be placed on the face of the plat as follows:

STATE OF TEXAS

COUNTY OF BASTROP / TRAVIS

I, _____ I do hereby certify that the information contained on this plat comply with the subdivision ordinances and the storm water drainage policy adopted by the City of Elgin, Texas.

Signature and Seal of
Registered Professional Engineer

SECTION 6: GENERAL REQUIREMENTS AND STANDARDS

A. SUBDIVIDER TO RETAIN AN ENGINEER: OTHER REQUIREMENTS

(1) Responsibilities of Engineer

The subdivider shall retain the services of an engineer, registered in the State of Texas, whose seal shall be placed on each sheet of the drawings, and who shall be responsible for the design and inspection of the drainage, roads and streets, and sewer and water facilities within the subdivision. The services performed by the engineer shall be as designated in the 1967 issue of "Manual of Professional Practice - General Engineering Service", published by the Texas Society of Professional Engineers, and shall include both design and inspection as defined therein.

(2) Subdivider to File Either Letter of Credit or Performance Bond Prior to Approval of Final Plat

Prior to approval of the final plat, the subdivider shall file with the city engineer either an irrevocable letter of credit issued by a banking or other financial institution authorized to do business in Texas or a performance bond executed by a corporate surety licensed to do business in the State of Texas, in an amount equal to the cost of the uncompleted and unaccepted improvements required by this chapter, as estimated by the city engineer, conditioned that the subdivider will complete such improvements within two (2) years from the date of final plat approval. Such letters of credit and bonds shall conform to forms approved by the city council.

(3) Requirements Prior to Final Acceptance for Maintenance

Prior to final acceptance for maintenance of the completed improvements by the city council, the subdivider shall file with the city engineer the following:

- (a) Either a one (1) year warranty bond executed by a corporate surety licensed to do business in the State of Texas, conditioned that the improvements are free from defects in materials and workmanship, or a letter of credit from a banking or other financial institution authorized to do business in Texas, committing funds for the correction and repair of any defects in materials or workmanship; said bonds or letters of credit shall be in the amount of ten percent (10%) of the contract price, and they shall conform to forms approved by the city council; and
- (b) One (1) set of reproducible "AS BUILT" plans for each project, which further contains or has attached thereto a certificate of a registered professional engineer in substantially the following form:

STATE OF TEXAS) (

COUNTY OF BASTROP) (

COUNTY OF TRAVIS) (

I, _____ I do hereby certify that the improvements as built and as described herein comply with the subdivision ordinances and stormwater drainage policy adopted by the City of Elgin, Texas.

Signature and Seal of
Registered Professional Engineer

- (c) An affidavit from the subdivider stating that to the best of his information and belief, the contractor(s) has complied with the regulations contained in this chapter.

B. STREETS - GENERAL

(1) Arrangement

Residential developments which introduce new street systems shall endeavor to avoid a grid design and shall be encouraged, within the framework of applicable ordinances, to plan street systems that offer curvilinear design while facilitating safe and adequate traffic circulation.

(2) Street Design Criteria

(a) Soils Investigation

The subdivider shall, at his own expense, cause to be made a soils investigation by a qualified and independent geotechnical engineer licensed to practice in the State of Texas. The field investigation shall include test boring within the rights-of-way of all proposed streets. The number of locations of such boring shall be subject to the approval of the city engineer. Atterberg limits and moisture contents shall be determined for all significant boring samples. The method used for these determinations all be the same as those used by the State Department of Highways and Public Transportation using their latest Manual of Testing Procedures, 100-E Series test methods. The results of the soil investigation shall be presented to the subdivider and to the city engineer in written report form. Included as a part of the report shall be a graphical or tabular presentation of the boring data giving Atterberg limits and moisture contents, a soil description of the layers of different soils encountered in the profile of the hole, their

limits in relation to a fixed surface datum, and such other information as needed to complete the soils investigation for payment design purposes. Minimum depth of soil profile boring extends eighteen (18) inches behind of the back of the curb. Minimum thickness of flexible base included in the pavement design shall be eight (8) inches, for residential streets, twelve (12) inches for collector streets and eighteen (18) inches for major thoroughfare unless otherwise specified by the city engineer. Minimum thicknesses of hot-mix, hot-lay asphalted concrete included in the pavement design shall be one and one-half (1-1/2) inches for residential streets, two (2) inches for collector streets, and three and one-half (3-1/2) inches for major thoroughfare classifications. Street and alley pavements in commercial and industrial areas shall utilize the design criteria set forth herein for collector streets.

- (b) All streets shall have concrete curbs extending six (6) inches above the pavement surface. Pavements with asphalt surfaces shall have an eighteen (18) inch concrete gutter six (6) inches thick, the entire concrete curb and gutter section shall be twenty-four (24) inches wide. All valley gutters shall be of reinforced concrete and shall be six (6) feet wide. Where valley gutters are constructed, pavement at the curb radii shall be squared off with reinforced concrete. Minimum curb radii shall be as follows:

Street Intersections	15 Feet
Alleys	10 Feet
Commercial Driveways	10 Feet
Residential Driveways	5 Feet

- (c) Backfill Behind Curb

Compacted backfill shall be placed on all of the rights-of-way behind curbs to a minimum elevation equal to the top of the curb.

- (d) Utility Locations in Streets

Insofar as practicable, as determined by the city engineer, utilities in the street rights-of-way shall be situated behind the curb.

- (3) Width

- (a) Major streets shall have a minimum dedicated right-of-way of ninety (90) feet and a minimum paving width of sixty (60) feet.
- (b) Collector streets shall have a minimum dedicated right-of-way of sixty (60) feet and a minimum paving width of forty (40) feet.
- (c) Minor or residential streets shall have a minimum right-of-way of fifty (50) feet and a minimum pavement width of thirty (30) feet.
- (d) Minor streets having a right-of-way width of less than one hundred (100) feet shall be increased to a one hundred (100) foot right-of-way for a distance of one hundred fifty (150) feet on either side of any intersection with another major street. The right-of-way shall be gradually and uniformly increased from the regular right-of-way width to the one hundred (100) foot width within an additional one hundred fifty (150) feet.

(4) Curves

Complete curve data (delta, length of curve, radius, point of curvature, point of reverse curvature, point of tangency) shown on the centerline or on each side of the street; length and bearings of all tangents and dimensions from all angle points of curve to an adjacent side lot line shall be provided.

(a) Major Streets

Curves in major streets are to have a center-line radius of two thousand (2,000) feet or more. Exceptions to this standard may be granted only by the city planning and zoning commission.

(b) Collector Streets

Curves in secondary or collector streets are to have a centerline radius of four hundred (400) feet or more. Exceptions to this standard may be granted only by the city planning and zoning commission.

(c) Minor Streets

Curves in minor or residential streets are to have a maximum centerline radius of one hundred fifty (150) feet and a minimum centerline radius of sixty (60) feet.

(d) Reverse Curves

Reverse curves are to be separated by a minimum tangent of one hundred (100) feet.

(e) Street Jogs/Intersections

Street jogs and street intersections shall be no closer than one hundred fifty (150) feet.

(5) Intersections

(a) All streets, major, secondary, or minor, shall intersect at a ninety (90) degree angle. Variations must be approved by the planning and zoning commission.

(b) Curbs at acute angle intersections approved by the city planning and zoning commission shall have twenty-five (25) foot radii at acute corners.

(c) Each new street intersection with, or extending to meet, an existing street, shall be tied to the existing street on centerline.

(6) Cull-De-Sacs

(a) Dead-end streets may be platted where the commission deems advisable and where the land being subdivided adjoins property not being subdivided, in which case, the streets shall be carried to the boundaries thereof. Streets designed to be permanently dead-end, shall not be longer than six hundred (600) feet and shall be provided at the closed end with a paved cul-de-sac at least eighty (80) feet in diameter on a street right-of-way of at least one hundred (100) feet in diameter.

(b) Temporary turnarounds are to be used at the end of a street more than four hundred

(400) feet long that will be extended in the future. The following note should be placed on the plat: "Cross-hatched" area is temporary easement for turn-around until street is extended (direction) in a recorded plat.

(7) Partial or Half-Streets

Partial or half-streets may be provided where the planning and zoning commission feels that a street should be located on a property line.

(8) Street Names

New streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the city.

(9) Private Streets

Private streets are prohibited.

C. ALLEYS

(1) Pavement Type

All alleys shall be paved with materials conforming to street paving requirements.

(2) Width

A minimum paved width of fourteen (14) feet and a minimum right-of-way of twenty (20) feet shall be required for all alleys.

(3) Drainage

Adequate drainage shall be provided within the paved section or by swales to drain all lots to streets without drainage easements through lots where possible. The depth of swale shall be as required for drainage with a minimum longitudinal slope of one-half (1/2) of one percent (1%) toward a street or drainage easement.

D. SIDEWALKS

Sidewalks shall be provided on both sides of all streets adjacent to property zoned for residential or commercial uses. Sidewalks shall not be required along streets adjacent to property zoned for industrial uses. Sidewalks on major thoroughfares or collector streets shall be forty-eight (48) inches wide. Sidewalks on other streets shall be at least forty-two (42) inches wide. Sidewalks shall be located in the street right-of-way, the exact location to be at the discretion of the director of planning. Where trees or other objects block the course of the sidewalks, the city building inspector will locate and size the sidewalk. Pedestrian ramps shall be required where sidewalks meet curbs.

(1) ADA Requirement

All sidewalks must comply with the Texas Accessibility Standards administered by the Texas Department of Licensing and Regulation and the Americans with Disabilities Act of 1990, as amended, whichever is more restrictive. The developer shall submit its sidewalk plans to the Texas Department of Licensing and Regulation, or its successor, for review and upon completion, for inspection. The City will not accept sidewalks until the developer provides

documentation that the sidewalk plans have been reviewed and approved by the Texas Department of Licensing and Regulation or its successor.

(2) Sidewalk Location

Sidewalks for all street classifications shall be installed on both sides of the street right-of-way or within a sidewalk easement. Sidewalks shall be installed on the rear and front of all double frontage lots and on the side of all corner lots. A double frontage lot includes any lot which is bordered on two or more sides by streets, even if access is not available to one or more of the streets. Sidewalks are also required along the street frontage of all parks. The exact size and location of all sidewalks shall be at the discretion of the Director of Planning. The Director of Planning may allow trails in lieu of sidewalks in special cases if they are in the best interest of the City. Types, sizes and locations of trails shall be at the discretion of the Planning Director.

(3) Design

All sidewalks shall be a minimum of four (4) feet in width when separated by a distance of at least three (3) feet from the roadway curb. Sidewalks closer than three (3) feet from the roadway curb shall be a minimum of five (5) feet in width.

(4) Time of Installation

- (a) All sidewalks required by these regulations shall be completely installed and constructed by the developer, or his successors in title, within three (3) years for the City's approval and acceptance of the subdivision plans.
- (b) If sidewalks are not completely installed and constructed within said three (3) year period, the City may:
 - (I) obtain and/or extend security as required in Chapter 8, Section 6.A (2) of this Code, or
 - (II) exercise any other rights available under this code or state law.

(5) Cash Payment

The City may require a cash payment by the developer in lieu of construction of a sidewalk if the City Planning Director determines that the sidewalk should not be built. The cash payment shall equal the cost of installing and construction the sidewalk. The developer shall make the cash payment prior to the acceptance of any subdivision improvements.

E. LOTS

(1) Area

The area of all lots platted within the city shall conform with Chapter 11 hereof, (the zoning ordinance) on the basis of the district in which such lots lie and the use to which they are to be put and they shall conform to the regulations of said Chapter 11, including any minimum area, width, and depth requirements. All lots platted in subdivisions located outside the city limits, but within the city's extraterritorial jurisdiction shall be a minimum of seven thousand, five hundred (7,500) square feet, and shall otherwise conform to the requirements of District R-2, contained in Chapter 11. If approval by the planning and zoning commission for smaller lots is sought the development density shall be limited to the lesser of the following:

- (a) A minimum lot size of six thousand (6,000) square feet, or
- (b) Twice the density, expressed in dwelling units per acre, of any recorded residential subdivision lying within two hundred (200) feet of the proposed development.

(Ordinance No. 97-12-02-31 of December 2, 1997)

(2) Width

The minimum width of a lot at the front building line of all lots platted within the city shall conform to Chapter 11 hereof, on the basis of the zoning district in which they lie. All lots platted in subdivision located outside the city limits, but within the city's extraterritorial jurisdiction shall conform to the requirements of District R-2, contained in Chapter 11.

(3) Lot Facing

(a) Street Frontage

Each lot shall be provided with the minimum frontage on an existing or proposed public street required by the zoning ordinance.

(b) Double Front

Double front lots are prohibited except when backing on major thoroughfares.

(c) Front Facing

Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing adjacent lots at right angles to each other should be avoided.

(4) Lot Numbering

All lots shall be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved of an overall preliminary plat.

(5) Driveway Restrictions

Rear and side driveway access to major thorough-fares shall be prohibited.

F. BLOCKS

(1) Block Length

(a) Residential-Single Family Standard or Large Lot Development

- (i) Residential blocks for through streets shall be no longer than thirteen hundred fifty (1,350) feet measured along the center of the block, nor shorter than six hundred (600) feet.
- (ii) Maximum block length along a major street shall be fifteen hundred (1,500) feet except under special conditions upon approval from the planning and zoning commission.

(b) Residential-Two Family or Small Lot Development

Residential blocks for duplex or small lot development (lots less than nine thousand (9,000) square feet) shall be designed to provide for a cul-de-sac or loop street pattern.

The maximum length for a cul-de-sac designed to accommodate duplex or small lot development shall be four hundred fifty (450) feet.

The maximum length of any leg of a loop road shall be six hundred (600) feet provided the total length of the loop does not exceed twelve hundred (1,200) feet.

(c) On Major Street

Maximum block length along a major street shall be fifteen hundred (1,500) feet except under special conditions and upon approval of the planning and zoning commission.

(d) Block length shall be measured along the centerline of the street from the street's intersection with the right-of-way of any intersecting street or in the case of a cul-de-sac from the said intersecting right-of-way to the end of the cul-de-sac "bulb" right-of-way.

(2) Block Width

Blocks shall be wide enough to allow two (2) tiers of lots of at least minimum depth, except when prevented by the size of the property or the need to back up to a major thoroughfare.

(3) Block Numbering

Blocks shall be numbered consecutively within the subdivision and/or sections of an overall plat as recorded.

G. BUILDING LINES

The building lines of all lots platted within the city shall conform to the setback requirements of Chapter 11 hereof, on the basis of the zoning district in which such lots lay. All lots platted in subdivisions located outside the city limits, but within the extraterritorial jurisdiction shall conform to the requirements of District R-2, contained in Chapter 11.

H. EASEMENTS

The subdivider shall dedicate or grant easements as follows:

Where necessary to adequately serve the subdivision with public utilities, easements shall be retained for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines, or other utilities, sidewalks, trails or open space as the city may require. Including easements along the outside boundaries of any subdivision where the City deem said easements necessary.

Such easements may be required across part of lots (including side lines) other than along boundary lines, if in the opinion of the planning and zoning commission same is needed.

I. DRAINAGE AND STORM SEWERS

The policies and standards contained herein are to ensure adequate stormwater drainage and flood control within the City and its extraterritorial jurisdiction. Any development or improvement of property

which affects stormwater runoff or flood control is subject to the provisions of this article. These minimum requirements are intended to protect public health and safety, to prevent property damage, and to minimize the cost of maintaining drainage facilities.

(1) Storm Drainage Facilities Defined

Storm drainage facilities are hereby defined as being all parts of a drainage system, consisting of streets, alleys, storm sewers, channels, culverts, bridges, swales, detention or retention facilities, and any other feature which stormwater flows over or through. The city has the right to regulate, review, and approve construction plans as well as to inspect and/or enter upon any such drainage facilities by use of dedicated rights-of-way, easements, or floodway easements.

- (a) Design of all drainage facilities, including inlets, storm sewers, outfalls, culverts and ditches, shall conform with the specifications, codes and the stormwater drainage policy, as adopted.
- (b) Design and construction of all drainage facilities shall conform to the City of Elgin specifications and follow the general guidelines below:

(2) Hydraulic Manual specifications adopted

Definitions, formula, criteria, and data as set out in the Hydraulic Manual, Second Edition of the Texas Highway Department Bridge Division, dated December 1985, and subsequent revisions, are hereby adopted. When site development detail plans are not available, the values to be used for the "runoff coefficient," C, being as follows:

Description of Area	Runoff Coefficient, C
Public use areas (parks and open space)	0.03
Low density (residential up to 6 units per acre)	0.40
Medium density (residential up to 6 units per acre up to 12 units per acre)	0.45
High density (residential over 12 units per acre)	0.50
Manufactured homes	0.45
Industrial use areas	0.70
Commercial, retail, or office use	0.75

Note: The area of individual streets shall be considered a part of the adjacent properties.

(3) Drainage calculation and design

Drainage calculation and design shall be based on the city comprehensive land use plan or the official zoning map, whichever produces the greater calculated runoff.

(4) Stormwater runoff design specifications (Detention)

Engineering design using a design frequency of 100 years shall provide that the development or improvements to the property will not create or allow for any increase in the stormwater runoff greater than the volume which exists from such property prior to the development or improvements. Additional development, improvements or redevelopment of property from the effective date of this article shall be in compliance with this chapter except as approved by the zoning board of adjustment.

(5) Drainage design requirements

Drainage design requirements shall provide for protection during a storm recurrence interval where the projected storm flow is carried in the streets and drainage system in accordance with the following: .

- (a) Minor streets, in conjunction with other drainage facilities, shall be designed to contain the runoff from a storm with a design frequency often years such that the maximum depth of water does not exceed the top of curb elevation. The runoff from a storm with a design frequency of 100 years shall be contained within the right-of-way.
- (b) Collector streets, in conjunction with other drainage facilities, shall be designed to contain the runoff from a storm with a design frequency of 25 years such that the maximum depth of water does not exceed the top of curb elevation. The runoff from a storm with a design frequency of 100 years shall be contained within the right-of-way.
- (c) Major road/arterial streets, in conjunction with other drainage facilities, shall be designed to contain the runoff from a storm with a design frequency of 50 years such that at least one lane of traffic in each direction remains open. The runoff from a storm with a design frequency of 100 years shall be contained within the right-of-way.
- (d) Where low points (sags) occur in streets, storm drainage facilities shall be designed to divert the runoff from a storm with a design frequency of 100 years.
- (e) The developer shall be responsible for the cost of design and construction of any enlargement or reconstruction of existing drainage facilities required to serve the proposed development.
- (f) Open channels shall be designed to contain the runoff from a storm with a design frequency of 100 years and shall have a minimum of two feet of freeboard to top of bank.
- (g) The highest water level of natural watercourses shall be determined from whichever of the following is highest:
 - 1) A storm with a design frequency of 100 years.
 - 2) The highest flood recorded.
 - 3) The Corps of Engineers standard project flood.

(6) High water levels

All areas below an elevation of two feet above the high water level shall be included in the floodway easements. The high water level shall be the highest elevation of the following:

- (a) A storm with a design frequency of 100 years.
- (b) The highest flood recorded.
- (c) The corps of engineers standard project flood.
- (d) The high bank.

(7) Minimum design elevation for bridges

The minimum design elevation for bridges (bottom side or girders or stringers) shall be two feet above the high water level. The high water level shall be the highest elevation of the following:

- (a) A storm with a design frequency of 100 years.
- (b) The highest flood recorded.
- (c) The corps of engineers standard project flood.

(8) Drainage Plant Review

The following are the minimum items required for drainage plan review:

- (a) Site plan showing existing and proposed contours; existing and proposed pervious and impervious cover areas.
- (b) Pre-development and post-development runoff calculations using the Rational, TxDOT, or other widely accepted methods.
- (c) Detention pond required volume calculations using City of Austin or other widely used methods. The proposed pond shall have a volume greater than or equal to the required volume with one foot of free board. The flow line of the detention pond shall be concrete lined.
- (d) Design analysis and details of outlet structure. Outlet structures shall be designed to restrict the 2, 10, 25, and 100-year storm rate of discharge to predevelopment rate of runoff. For small facilities it is recommended that a concrete outlet structure with a vertical slot be used instead of small pipes for maintenance reasons. Outlet structure to include a spillway for storms greater than the 100-year storm.
- (e) Depth/storage/discharge table. Discharge leaving the pond and discharge leaving the entire site (in the event there is offsite drainage that does not flow into the pond, but must be accounted for in the pond calculations).
- (f) Seal of a Texas Registered Professional Engineer on all drawings and calculations.
- (g) Finish Floor Slab is 1' above Top of Curb (TOC) or the CL (centerline) of the street.
- (h) Approved TxDOT permit if required.
- (i) Two (2) copies of construction drawings.
- (j) Show ROW line on all streets.
- (k) Manholes

Manholes (inlets or junction boxes) shall be provided at all changes in grade or alignment, sewer intersections, and at a maximum of one thousand (1,000) feet.
- (l) Inlets

Design of inlets shall conform to the City of Elgin standard specifications.
- (m) Pipe

Pipe for storm drains shall be concrete pipe in sizes as shown on the approved plans. Pipe eighteen (18) inches or larger in diameter shall be reinforced concrete pipe (RCP), ASTM C76, Class 3. Where, in the opinion of the city engineer, added strength of pipe is needed for traffic loads over minimum cover or for excessive height of backfill, concrete pipe. Monolithic, reinforced concrete sewers may be used for storm sewers thirty-six (36) inches and larger.
- (n) Major Drainage Ways

Design of major drainage ways through a subdivision and major structures, such as box culverts or bridges, across a major drainage channel, shall be coordinated with the Flood Plain Coordinator.

(o) Drainage Collection Facilities (All On-Site)

- (i) Drainage collection facilities (all on-site) shall be constructed with underground storm sewers. If it can be established by certified engineering data to the satisfaction of the city engineer that storm sewers are not physically feasible, open ditches may be used, provided that such on site channels are lined with concrete. These structures shall be of sufficient cross section and slope as to fully contain design flows and facilitate self cleaning. Outfalls shall enter major collector drainage ways and major streams at grade or be designed and constructed with adequate concrete aprons, energy dissipaters or similar features to prevent erosion.
- (ii) Detention ponds and related structures may utilize either existing natural open sections which may be modified, or newly constructed facilities. If modified or newly constructed facilities are utilized, they shall be lined with permanent materials including, but not limited to: concrete or vegetation (see sub-paragraph (v) below for special conditions and exceptions for vegetation);
- (iii) Vegetated channels be allowed only to convey off-site water through a subdivision shall have sufficient grade to provide velocities that will allow self-cleaning but will not be so great as to create erosion. Side slopes shall not be steeper than three (3) to one (1) to allow for future growth and to promote slope stability. All slopes shall be hydro mulched, sodded or seeded with approved grass, grass mixtures or ground cover suitable to the area and season in which they are applied;
- (iv) Sodding shall be St. Augustine or Bermuda with sufficient soil attached to sustain growth and must be alive at the time of application;
- (v) Hydromulch shall be applied as follows: Between April 15 and October 1, for each 1,000 square feet, two (2) pounds of hulled Bermuda seed, and twenty (20) pounds of fertilizer (16-20-0 with magnesium, sand and sulfur). On slopes, add forty (40) pounds of cellulose fiber mulch and one-half (2) pound Hydro-Tack soil binder or acceptable substitute.

Between October 1 and April 15, for each 1,000 square feet, six (6) pounds Rye grass seed, twenty (20) pounds of fertilizer (15-10-10 with magnesium and sulfur). On slopes add forty (40) pounds of cellulose fiber mulch and one-half (2) pound of Hydro-Tack soil binder or acceptable substitute. As soon as practical after April 15, the April 15 to October 1 application described above must also be made, provided, however, surfaces must be reshaped to original configuration prior to the second application;

Hydromulch growth must be established over eight-five percent (85%) of applied areas prior to acceptance of subdivision improvements by the city, with no exposed area exceeding ten (10) square feet. "Established growth" shall mean the vegetation has reached a height of one and one-half (1-1/2) inches and is of a density such that it can be reasonably expected to be self-sustaining.

- (vi) Major streams shall not be modified without consent of applicable state and federal agencies and authorization for the director of public works and city engineer.
- (vii) If, in the opinion of the city engineer, either conditions such as drought, excess precipitation or extreme heat or cold are unsuitable for hydromulching or sodding, such applications shall be deferred by the developer. Under these circumstances, subdivision improvements may be accepted upon the provision of a letter or credit in a form acceptable to the city attorney, in an amount of twice the city engineer's estimated cost of the sod or hydromulch application and where appropriate, surface reshaping,

maintenance requirements and reapplication. If the developer is unable to meet the requirements of sub paragraph (iii) above within nine (9) months of subdivision acceptance, the letter of credit will be drawn on and the proceeds used to obtain the required vegetation cover.

- (viii) The developer shall be required to use concrete or similar permanent cover in lieu of vegetation if the city engineer determines that future maintenance is materially impaired or where channel bends and intersections, flow dissipation or similar circumstances so warrant.

(9) Storm Water Quality, Riparian Corridors, and Environment

(a) Geographic Scope

In addition to the other requirements of this chapter, this section applies to any single-family residential development of a tract exceeding 20 acres on the date of the ordinance adopting this section, and all commercial developments.

(b) Water Quality Measures for Construction Activities

- (i) Temporary and permanent best management practices shall be employed to prevent polluted stormwater runoff from all construction and development activities from entering surface waterways or groundwater during the construction process until vegetation is permanently established on the site.
- (ii) If the owner is issued an individual TPDES stormwater permit, or if the owner's Stormwater Pollution Prevention Plan and Notice of Intent comply with TPDES requirements, no additional best management practices shall be required to comply with Paragraph (1), except as provided in Paragraph (3).
- (iii) Construction best management practices may be required in addition to those (3) in the owner's Stormwater Pollution Prevention Plan permit if:
 - (A) more than five acres will be disturbed at any one time;
 - (B) development will take place on slopes greater than ten percent; or
 - (C) after construction or development activities commence, the measures in the Stormwater Pollution Prevention Plan are inadequate to ensure that pollution of surface and ground water is prevented.
- (iv) Additional best management practices under Paragraph (3) include a preconstruction site meeting, construction disturbance phasing or sequencing, re-vegetation, mulching, matting, additional locations and quantities of controls, accelerated maintenance, or other measures specified in the applicable technical manual under Subsection (j).

(c) Buffer Zones

(i) Buffer Zones for Environmentally Valuable Features

(A) In this subsection, the following terms have the following meanings:

- (1) "Wetland" means a transitional land between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and conforms to the Army Corps of Engineers' definition.

- (B) Drainage patterns for development must be designed to protect environmentally valuable features from the effects of runoff from developed areas. Special controls must be used where necessary to avoid the effects of erosion, or sedimentation, or high rates of flow.
 - (C) Buffer zones for environmentally valuable features shall be included within protective easements.
 - (D) A buffer zone is established around each environmentally valuable feature.
 - (E) Except as provided in Subparagraph (F) below, within an environmentally valuable feature buffer zone:
 - (1) the natural vegetative cover must be retained to the maximum extent practicable;
 - (2) construction is prohibited; and
 - (3) wastewater disposal or irrigation is prohibited.
- (ii) Buffer Zones for Waterways
- (A) Waterways are classified as follows:
 - (1) a minor waterway has a drainage area of at least 64 acres and not more than 320 acres;
 - (a) a minor waterway has a drainage area of at least 320 acres and not more than 640 acres;
 - (b) an intermediate waterway has a drainage area of more than 640 acres and not more than 1280 acres; and
 - (c) a major waterway has a drainage area of more than 1280 acres.
 - (B) A buffer zone is established along each classified waterway. The boundaries of the buffer coincide with the boundaries of the fully developed 100 year flood plain for the waterway, except as follows. Buffer zones for waterways shall be included within protective easements.
 - (1) For a minor waterway, the boundaries of the buffer zone are located not less than 50 feet and not more than 100 feet from the centerline of the waterway.
 - (2) For an intermediate waterway, the boundaries of the buffer zone are located not less than 100 feet and not more than 200 feet from the centerline of the waterway.
 - (3) For a major waterway, the boundaries of the buffer are located not less than 200 feet and not more than 400 from the centerline of the waterway.
 - (C) Development within a waterway zone buffer is prohibited except as follows:
 - (1) A fence is permitted only if it does not obstruct flood flows.
 - (2) A golf course or part of a golf course is permitted only if no fertilizers, pesticides, or herbicides are used within the buffer zone.

- (3) A park or similar open space use, other than a parking lot, is permitted only if a program of fertilizer, pesticide, and herbicide use is approved. Park development is limited to hiking, jogging, or walking trails and outdoor facilities, and excludes stables and corrals for animals.
- (4) A utility line may cross a waterway buffer zone.
- (5) Detention basins and floodplain alterations are permitted.
- (6) A minor waterway buffer zone may be crossed by a residential or commercial street or driveway if necessary to provide access to property that cannot otherwise be safely accessed.
- (7) An arterial street identified in the transportation plan or Comprehensive Plan may cross a major waterway buffer zone.
- (8) An arterial or collector street may cross an intermediate waterway buffer zone only if it is at least one mile from any other collector or arterial street crossing on the same waterway.
- (9) An arterial or collector street may cross a minor waterway buffer zone, provided that a collector street crossing or arterial street crossing on the same waterway.
- (10) Street and utility crossings shall be aligned to be perpendicular to the waterway buffer zone.
- (11) The Director of Planning and Development (D.P.D.) may grant exceptions to the requirements of clauses (8) through (10) where strict compliance is impracticable.
- (12) All street and utility crossings shall be designed and constructed to minimize pollution of the waterway to the greatest extent practicable.

(D) Cut and Fill

- (1) Land Balancing
 - (a) All cut and fill land balancing shall be limited to a maximum of 8 feet.
 - (b) Retaining walls shall not exceed one foot above the material being retained.
 - (c) Retaining walls over 5 feet in height shall be detailed in construction plans or plans submitted with the application for the site development permit.
- (2) Detention and Water Quality Ponds

There are no cut or fill limitations for the construction of water quality basins, stormwater detention ponds, streets, or driveways.
- (3) Spoils Disposal

- (a) No fill shall be placed on any lot unless authorized in approved subdivision construction plans or a site development permit.
- (b) Temporary spoils shall be removed prior to acceptance of streets and drainage in a subdivision.
- (c) Prior to removal of spoils from a site, the owner shall notify the Director of Planning and Development (D.P.D.) of the destination of the spoils.

(E) Post-Construction Water Quality Controls

- (1) Water quality controls are required for development with impervious cover exceeding 20% of net site area.
- (2) The controls must provide at least the treatment level of a sedimentation/filtration system and must capture, isolate, and treat the water draining to the control from the contributing area.
- (3) The required capture volume is the first one-half inch of runoff and an additional one-tenth of an inch of runoff for each 10% increase in impervious cover over 20% of gross site area.

(F) Maintenance

The Property Owners Association (P.O.A.) shall be responsible for maintaining and shall maintain all permanent water quality controls in a proper manner and consistent with city standards. The owner shall remain responsible for maintenance until either the maintenance obligation is either assumed in writing by another entity having ownership or control of the property, including an owners' association, a district, or ownership of the property is transferred to another entity. A copy of the assumption or transfer or responsibility shall be filed with the Director of Planning and Development (D.P.D.) with in 30 days of the transfer.

(1) Site Assessment and Stormwater Management Plan

- (a) An owner subject to the requirements of this section shall submit a site assessment that identifies all environmentally valuable features, waterways and their classifications, buffer zones, contours, and all other information necessary to determine compliance with this section.
- (b) An owner subject to the requirements of this section must submit a stormwater management plan that demonstrates permanent water quality controls comply with this section and shows their locations. The stormwater management plan may be included as part of a drainage plan under 82.207 or the material submitted under Subsection (b).

(G) Technical Criteria

For purposes of complying with this section the following technical criteria manual shall apply, provided that any changes to the manuals subsequent to the effective date of the subsection shall not take effect until approved by the City Council.

- (1) Technical criteria for best management practices and water quality controls in eastern watersheds, environmentally valuable features, waterways, and buffer zones are those contained in the City of Austin Environmental Criteria Manual.

Impervious cover shall be calculated as it is calculated in the City of Austin's ETJ under Chapter 30, Travis County Code.

(H) Construction Plan, Engineering, Fiscal Security, and Inspections

Water quality controls are subject to same requirements as drainage structures under this chapter regarding construction plans, engineering standards, fiscal security, and inspections.

(10) Conservation Development

(a) The City Council shall grant a waiver of substantive requirements of Section 82.209 for a development if the owner adequately demonstrates and the Commissioners Court in its sole discretion determines that the development will achieve greater overall benefits to the health, safety, morals, and general welfare of the public and a higher level of safe, orderly, and healthful development than would be achieved under Section 82.209.

(b) The following requirements must be met to obtain a waiver under this section. The owner must:

- (i) hold a pre-application conference and site inspection of the original tract with city staff;
- (ii) perform and submit a comprehensive environmental assessment and ranking of all environmentally and culturally valuable features within and adjacent to the original tract;
- (iii) submit plans and meet engineering, fiscal security, and inspection requirements for water quality measures for construction activities, post-construction water quality controls and their maintenance;

(iv) set aside 50% of the original tract located so as to conserve the highest ranking conservation areas and to maximize connectivity to high ranking environmentally and culturally valuable features on adjacent tract; provided, however, the owner need not provide for any public access to conservation areas;

(v) provide for a layout that maximizes clustering of development and minimizes the scope and impacts of infrastructure while adequately providing for health and safety;

(vi) submit a plan for perpetual management and maintenance of conservation areas, including identification of an entity obligated to perform management and maintenance and the means of financing it; and

(vii) must provide for low impact design, including minimization of light pollution; use of native vegetation; a program of fertilizer, pesticide, and herbicide use; rain water harvesting or other water conservation measures; stormwater quality management; protection of riparian corridors, habitat, groundwater recharge, and other environmentally valuable features.

J. WATER SYSTEM

The subdivider shall provide all water lines necessary to properly serve each lot of the subdivision and insure that existing and/or new water facilities can supply the required demand for domestic use and for fire protection at the desired pressure. The subdivider shall install all mains and shall extend the service to all lots terminating thereon with a curb stop and meter box. The subdivider shall submit a certificate to the city council certifying that the system has been designed in accordance with the requirements of the State Health Department, the City of Elgin, and rules of the Texas Insurance Commission.

(1) Water Mains

(a) Piping for water mains and connections shall be cast iron, ductile, asbestos-cement class 100, or PVC AWWA C-900, C-905, either mechanical or single rubber gasket joint. Service piping shall be copper or plastic as approved by the city engineer. All pipe and accessories shall be of new materials only.

(b) The minimum sizes of lines that shall be used are as follows:

Dwelling Units	Minimum Line Size
1	3/4"
2	1-1/2"
3 - 6	2"
7 - 11	4"
12 - 75	6"
more than 75	8"

(c) Water mains smaller than six (6) inches shall not be permitted.

(2) Threading

Threading on fire hydrant outlets shall be suitable for use with city fire protection equipment.

(3) Valves

At intersections of water distribution lines, the number of valves shall be one (1) less than the number of radiating lines (two (2) valves for tee connection and three (3) for cross connection).

(4) Oversize Mains

(a) Size of Mains

All water mains shall be installed in accordance with the master water and sewer plan as adopted and amended from time to time by the city. All mains shall be sized to provide adequate service to the tract to be developed. The cost of water mains up to eight (8) inches, or of a size required to serve a tract being developed, whichever is larger, shall be paid in full by the developer.

(b) Oversize - On-Site Mains

Where it is determined that an on-site main needs to be of a larger size than that required to serve the tract to be developed, the city may require the developer to install such oversized main. For mains up to sixteen (16) inches the developer shall be reimbursed the incremental cost difference required for over sizing from the oversize account approved for capital improvement projects, or through reimbursement contracts. All reimbursement contracts shall contain a provision terminating the city's obligation to reimburse costs after five (5) years from the effective date of the contract.

(c) Oversize - Approach Mains

Where it is determined that an approach main needs to be of a larger size than that required to serve the tract being developed, the city may require the developer to install such oversized main. Subject to review by the planning and zoning commission and approval by the city council, the city may reimburse the developer for the

incremental cost difference required for the over sizing of approach mains. Upon council approval, the reimbursement for approach mains will be paid out of the oversize account described in paragraph (d) below, from funds approved for capital improvement projects, through reimbursement contracts or any combination thereof. The manner of reimbursement shall be solely at the council's discretion. All reimbursement contracts shall contain a provision terminating the city's obligation to reimburse costs after five (5) years from the effective date of the contract.

(d) Oversize Account

A special oversize account is hereby established for the purpose of reimbursing developers for the cost of over sizing water mains. The account shall be funded by a fee based on the number of living unit equivalents (LUE fee) to be added to the water system. The LUE fee will be assessed to all developers regardless of whether or not they are required to install an oversized line. In the event a developer is required to install oversized line(s), the LUE prior to acceptance by the council of the utilities for maintenance. In the event a developer is not required to install oversize lines, the LUE fee for that particular plat shall be due prior to official recordation of the plat in the county clerk's office. In the event a plat is not required, the LUE fee is due when application is made for a building permit. Interest income earned from this account shall be added to the account.

(e) Reimbursement

To be reimbursed, a developer shall present in writing to the planning director, a statement of oversize credit proposed. This statement shall be presented no later than the end of the normal working day, eight (8) days prior to the regular city council meeting, at which time acceptance of the respective oversize line is considered. The reimbursement for the cost of over sizing will be paid from available funds within ten (10) days after the utilities are accepted by the city for maintenance and developers shall be reimbursed according to the order in which the utility lines are so accepted. In the event that sufficient funds are not available, interest will accrue at a rate established by the council. In the event two (2) or more utility systems are accepted at the same council meeting, the respective developers shall share proportionally in the available funds. Provided, however, that no reimbursement shall be paid to any developer who is delinquent in the payment to the city of any fees or taxes.

(f) Oversize Credit

In the event that there are sufficient funds in the oversize account to meet all previous commitments, a developer may be entitled to a credit against the LUE fee. Provided, however, no credit will be granted to any developer who is delinquent in the payment to the city of any fees or taxes. Subject to the foregoing, a developer may reduce the amount of the LUE fee by an amount equal to the reimbursement to which he will be entitled upon utility acceptance. In the event that the utility system has not been completed and accepted by the city within three (3) years from the date of plat approval, the LUE fee shall be immediately due and payable.

(g) Determining LUE Fee, Reimbursement Rate and Interest Rate

Each February, or more frequently if necessary, the city council shall review and approve the LUE fee, a fixed rate of reimbursement per inch of diameter per linear foot of oversized mains installed, and the rate of interest to be paid.

(h) Fees, Reimbursement Rate and Interest Rate

- (i) LUE Fee----- \$200.00
- (ii) Reimbursement Fee----- \$ 2.20 per inch diameter per
linear foot of oversized main
- (iii) Interest Rate----- Five and one quarter percent
(\$5.25%) per annum
- i) (Intentionally deleted for clarity)
- (j) Agreements by City to Construct Water Mains

Subject to direct authorization and approval of the city council, the city may enter into an agreement whereby the city will construct water mains required for proposed development if the council determines that the following conditions have been met:

- (i) The water main as proposed is in accordance with the master water and sewer plan;
- (ii) One (1) or more of the landowners who will benefit from the water main agree to share the cost of the construction by paying in advance their projected LUE fees as estimated by the city engineer; and
- (iii) The city has adequate funds available either from funds approved for capital improvement projects or from other sources.
- (iv) Any such advanced payments shall not be deposited in the oversize account, but shall be deposited in a special fund set aside for the construction of the specific main in question. The advanced payments shall be based on the projected number tract as determined by the city engineer from information supplied by the landowner. At the time a plat is approved for a tract for which advance payments have been made, the developer shall be entitled to a credit for each LUE fee previously paid. If at plat approval time the number of actual Lee's exceeds the number as previously estimated, the landowners will either be denied a certificate of serviceability or be required to pay additional LUE fees at the then current rate. In the event that the number of Luis is less than the number previously estimated, the landowner shall not be entitled to a refund.

K. SANITARY SEWER SYSTEM

All subdivision shall be provided with a sewage disposal system approved by the Texas State Health Department.

(1) Connection with Sanitary Sewer System Required; Exception

Connection with the sanitary sewer system shall be required except where the planning and zoning commission determines that such connection would require unreasonable expenditure of funds when compared with other methods of sewage disposal. Where septic tanks are installed, the subdivider shall conduct percolation tests under the supervision of the building official in order to determine the adequacy of proposed lot sizes; the plans for such system must be approved by the Texas State Health Department prior to approval of the final plat by the planning and zoning commission.

(2) Subdivider to Provide Sewer Service to Each Lot

The subdivider shall install all sanitary sewer mains and lines to each lot. If the public system is not within twelve hundred (1200) feet of the subdivision, those portions of the system which lie under paved areas shall be installed and capped off and temporary waste treatment will be provided in accordance with the requirement of state and county health officials.

(3) Subdivider to Submit Certificate

The subdivider shall submit a certificate to the city council of the City of Elgin, Texas, certifying that the sewer system has been approved by the State Health Department, the county health officer and the City of Elgin.

(4) Sewer Location

Where the location of the sewer is not clearly defined by dimensions on the drawings, the sewer shall not be closer horizontally than ten (10) feet, or vertically six (6) feet to a water supply main or service line. Gravity sewer lines passing over water lines shall be constructed for a distance of ten (10) feet each side of crossing with cast iron pipe with no joints within three (3) feet of crossing or encased in concrete in accordance with regulations of the Texas State Department of Health.

(5) Materials

Sewer lines may be of the following materials:

- (a) Vitrified clay pipe and fittings conforming to ASTM C-T61060T, Class II (standard strength); extra strength where required by the building official.
- (b) Plastic or other type pipe as approved in writing by the building official.
- (c) Cast iron.

(6) Construction

Sewers shall be constructed according to the City of Elgin standard specifications as to trenching, bedding, backfill and compaction.

(7) Piping Size

Six (6) inch diameter pipe shall be the minimum acceptable for sewer mains and lines.

(8) Manholes

Manholes shall be spaced not more than four hundred (400) feet apart and shall be constructed in accordance with the City of Elgin standard specifications.

(9) Force Mains

Force mains shall be cast iron or asbestos-cement pipe and fittings, pressure class. Pipe shall have either mechanical joints or rubber gasket joints, approved by the building official.

(10) Oversize Mains

(a) Size of Mains

All wastewater mains shall be installed in accordance with the master water and sewer plan as adopted and amended from time to time by the city. All mains shall be sized to provide adequate service to the tract to be developed. The cost of water mains up to eight (8) inches, or of a size required to serve a tract being developed, whichever is larger, shall be paid in full by the developer.

(b) Oversize - On-Site Mains

Where it is determined that an on-site main needs to be of a larger size than that required to serve the tract to be developed, the city may require the developer to install such oversized main. For mains up to sixteen (16) inches the developer shall be reimbursed the incremental cost difference from over sizing from the oversize account described in paragraph (d) below. For oversized mains in excess of sixteen (16) inches, the developer will be reimbursed for the incremental cost difference required for over sizing from the oversize account approved for capital improvement projects, or through reimbursement contracts. All reimbursement contracts shall contain a provision terminating the city's obligation to reimburse costs after five (5) years from the effective date of the contract.

(c) Oversize - Approach Mains

Where it is determined that an approach main needs to be of a larger size than that required to serve the tract being developed, the city may require the developer to install such oversized main. Subject to review by the planning and zoning commission and approval by the city council, the city may reimburse the developer for the incremental cost difference required for the over sizing of approach mains. Upon council approval, the reimbursement for approach mains will be paid out of the oversize account described in paragraph (d) below, from funds approved for capital improvement projects, through reimbursement contracts or any combination thereof. The manner of reimbursement shall be solely at the council's discretion. All reimbursement contracts shall contain a provision terminating the city's obligation to reimburse costs after five (5) years from the effective date of the contract.

(d) Oversize Account

A special oversize account is hereby established for the purpose of reimbursing developers for the cost of over sizing wastewater mains. The account shall be funded by a fee based on the number of living unit equivalents (LUE fee) to be added to the wastewater system. The LUE fee will be assessed to all developers regardless of whether or not they are required to install an oversized line. In the event a developer is required to install oversized line(s), the LUE fee for that particular plat shall be due prior to acceptance by the council of the utilities for maintenance. In the event a developer is not required to install oversized lines, the LUE fee for that particular plat shall be due prior to official recordation of the plat in the county clerk's office. In the event a plat is not required, the LUE fee is due when an application is made for a building permit. Interest income earned from this account shall be added to the account.

(e) Reimbursement

To be reimbursed, a developer shall present in writing to the director of public works, a statement of oversize credit proposed. This statement shall be presented no later than the end of the normal working day, eight (8) days prior to the regular city council meeting, at which time acceptance of the respective oversize line is considered. The reimbursement for the cost of over sizing will be paid from available funds within ten (10) working days after the utilities are accepted by the city for maintenance and developers shall be reimbursed according to the order in which the utility lines are so accepted. In the event that sufficient funds are not available, interest will accrue at a rate established by the council. In the event at the same council meeting, the respective developers shall share proportionally in the available funds. Provided, however, that no reimbursement shall be paid to any developer who is delinquent in the payment to the city of any fees or taxes.

(f) Oversize Credit

In the event that there are sufficient funds in the oversize account to meet all previous commitments, a developer may be entitled to a credit against the LUE fee. Provided, however, no credit will be granted to any developer who is delinquent in the payment to the city of any fees or taxes. Subject to the foregoing, a developer may reduce the amount of the LUE fee by an amount equal to the reimbursement to which he will be entitled upon utility acceptance. In the event that the utility system has not been completed and accepted by the city within three (3) years from the date of plat approval, the LUE fee shall be immediately due and payable.

(g) Determining LUE Fee, Reimbursement Rate and Interest Rate

Each February, or more frequently if necessary, the city council shall review and approve the LUE fee, a fixed rate of reimbursement per inch of diameter per linear foot of oversized mains installed, and the rate of interest to be paid.

(h) Fees, Reimbursement Rate and Interest Rate

- (i) LUE Fee-----\$200.00
- (ii) Reimbursement Fee----- \$ 2.00 inch diameter per
linear foot of oversized main
- (iii) Interest Rate----- Five and one quarter
percent (5.25%) per annum

(i) (Intentionally deleted for clarity)

(j) Agreement by City to Construct Wastewater Mains

Subject to direct authorization and approval of the city council, the city may enter into an agreement whereby the city will construct wastewater mains required for proposed development if the council determines that the following conditions have been met:

- (i) The wastewater main as proposed is in accordance with the master water and sewer plan;
- (ii) One (1) or more of the landowners who will benefit from the wastewater main agree to share the cost of the construction by paying in advance their project LUE fees as estimated by the city engineer; and
- (iii) The city has adequate funds available either from funds approved for capital improvement projects or from other sources.

Any such advanced payments shall not be deposited in the oversize account, but shall be deposited in a special fund set aside for the construction of the specific main in question. The advanced payments shall be based on the projected number of LUE's to be placed on the particular tract as determined by the city engineer from information supplied by the landowner. At the time a plat is approved for a tract for which advance payments have been made, the developer shall be entitled to a credit for each LUE fee previously paid. If at plat approval time, the number of actual LUE's exceed the number as previously estimated, the landowners will either be denied a certificate of serviceability or be required to pay additional LUE fees at the then current rate.

In the event that the number of LUE's is less than the number previously estimated, the landowner shall not be entitled to a refund.

L. STREET LIGHTING

Street lighting shall be provided by the developer and shall conform to the Fourth Edition of the Illuminating Engineering Society Handbook or most current edition. Lighting levels shall be as recommended for very light traffic in residential areas; medium traffic on feeder streets; and heavy traffic on thoroughfares. All lighting shall be approved by the Public Works Director.

M. TRAFFIC CONTROL SIGNS, STREET SIGNS AND WATER METER BOXES

All traffic control signs shall be provided and installed by the developer and shall conform with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, Vols. 1 and 2. All street signs and water meter boxes shall be provided and installed by the developer, and said street signs and water meter boxes must meet the specifications set forth by the City of Elgin.

N. FLOOD REGULATION

The city shall review each proposed subdivision to assure the following:

(1) Proposals to Minimize Flood Damage

All such proposals are consistent with the need to minimize flood damage.

(2) Public Facilities to Minimize Flood Damage

All public utilities and facilities, such as sewage, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage.

(3) Adequate Drainage to be Provided

Adequate drainage is provided so as to reduce exposure to flood hazards.

O. DEDICATION OF PARK LANDS OR PAYMENT OF FEES IN LIEU THEREOF

Prior to approval of a planned development or a final subdivision plat, each sub-divider or developer shall dedicate park land, or contribute cash or park improvements in lieu of land dedication, or any combination thereof as determined by the City Planning and Zoning Commission

1. Definitions In this section:

Director: when used without a qualifier, means:

(a) the Director of the city's Parks, Recreation, and Special Services Department.

A. The parkland dedication requirements of Chapter 8 apply to all residential subdivisions, except as provided in Subsection (B).

B. The following are exempt from the requirements of this part:

(1) a plat with not more than four single-family lots;

(2) a re-subdivision of land that does not increase the number of dwelling units.

2. Dedication of Parkland Required:

A. A sub-divider of a residential subdivision shall provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes.

B. The area to be dedicated must be shown on the preliminary plat and the plat included in the dedication statement. Prior to filing, the sub divider shall dedicate to the City of Elgin all land required by this section when a final plat is approved.

C. The amount of parkland required to be dedicated by the sub-divider to the City is six acres for every 1,000 residents, as determined by the following formula:

$$6 \times (\text{Number Of Units}) \times (\text{Residents Per Unit}) / 1000 = \text{acres of parkland}$$

D. In calculating the amount of parkland to be dedicated under this section, the number of residents in each dwelling unit is based on density as follows:

Dwelling Units Per Acre	Residents In Each Dwelling Unit
Not more than 6	2.8
More than 6 and not more than 12	2.2
More than 12	1.7

E. In calculating the amount of parkland to be dedicated under this section, density for a multifamily subdivision is assumed to be the highest permitted in the zoning district, or if the property is not zoned, 24 dwelling units per acre.

The sub-divider may reduce the assumed density by restricting density in a restrictive covenant enforceable by the City.

For the purpose of this subsection, certain words and terms are hereby defined; terms not defined herein shall be construed in accordance with this subsection and the City zoning ordinance, as amended; other codes and ordinances, or their customary usage and meaning:

1. Minor subdivision is any residential subdivision or residential portion of a subdivision less than 50 residential units;

2. Major Subdivision is any residential subdivision or residential portion of a subdivision 50 residential units or greater;

3. Holding Costs are any and all costs incidental to the respective tract of land borne by the respective landowner.

F. Land located in a flood plain area will count for 50% credit towards the parkland dedication and flood plain shall not constitute more than 50% of the dedication.

3. Criteria for Voluntary Land Dedication

(a) Eligibility of Subdivisions for Park Land Dedication

§ Minor Subdivisions. The developer of any subdivision classified as a minor subdivision shall not be required to dedicate park land.

§

- § The developer of minor subdivisions may, at developer's option, pay the cash contribution in lieu of park land dedication, as defined In 4A, calculated pursuant to subsection 2D.
- § Major Subdivisions. The developer of any major subdivision shall be required to dedicate park land. Recommendation of a cash contribution in lieu of park land dedication may be made to the Planning and Zoning Commission by the Parks and Recreation Advisory Board.

(b) Location

The specification and codes adopted by the City Council of Elgin shall be used as a guide for location of park sites. All land intended for park purposes shall be inspected both on the plat and in the field by the Director of Parks, Recreation, and Special Services who shall make a recommendation to the Parks and Recreation Advisory Board who shall make a recommendation to the Planning and Zoning Commission. The final decision on acceptance of parkland shall be made by the Planning and Zoning Commission.

(c) Credit for Private Park Land and Facilities

Sub-dividers and developers may be allowed a credit against the park land dedication requirement for private parks or recreational facilities provided for the residents of a particular subdivision or planned development. The Parks and Recreation Advisory Board shall recommend to the Planning and Zoning Commission the amount of the credit to be allowed, if any.

4. Criteria for Contributions in Lieu of Park Land

(a) Cash Contribution in Lieu of Park Land

- § The Parks and Recreation Advisory Board may recommend to the Planning and Zoning Commission that a cash contribution be made in lieu of park land dedication;
- §
- § The in lieu of fee shall be \$22,000 per acre or amended, as set in Chapter 1, Section 22, permits and licenses page 68, upon receipt by the City and approval of the Planning and Zoning Commission prior to recording of the final plat.

(b) Deposition of Cash Contributions

All cash contributions received by the City shall be received by the Director of Planning and Development and forwarded to the Director of Finance. The Director of Finance shall deposit said funds into the park fund, as established by the City Council of Elgin after final plat approval but prior to filing of final plat.

(c) Combinations of Contributions In Lieu of Park Land

The Parks and Recreation Advisory Board may recommend to the Planning and Zoning Commission that a sub divider or developer makes a contribution of park land and cash.

5. Reservation of Additional Park Land

In the event that the park plan, specification or codes for the city specifies a larger amount of park land in a subdivision or planned development than the sub-divider or developer may be required to dedicate, the land needed beyond the respective contribution shall be reserved for subsequent acquisition by the city.

(a) City May Elect to Hold Such Land By:

- § Purchasing an option to buy the property for a period and at a price as agreed upon by the City and sub-divider or developer.
- § Indemnifying the owner of the land for all holding costs for a period of time, said costs and time period to be agreed upon by the city and sub-divider or developer.
- § If the City and sub-divider or developer cannot agree on paragraphs 5(a)(1) or 5(a)(2), then the City may elect to prohibit any development or improvement to the proposed park land for a period not to exceed twelve (12) months, during which time the City shall use reasonable and diligent efforts to acquire the necessary funds or financing to purchase the subject tract.

(b) No provision herein shall in any way be construed as a limitation of the City's authority to acquire park land by eminent domain.

6. Park Improvements Fee

A Parks improvement fee shall be \$15,000 per acre, set in Chapter 1, Section 22, permits and licenses page 68, upon receipt by the City and approval of the Planning and Zoning Commission prior to recording of final plat.

7. Land Treatment

Upon preliminary platting of the park land from the sub-divider or developer to the City, the sub-divider or developer shall not cause or allow any fill material or construction debris to be dumped on the land, or otherwise alter, damage or impair the land, water or vegetation on the park site, without written permission from the Director of Parks, Recreation, and Special Services. The Director of Parks, Recreation, and Special Services may allow the sub-divider or developer to dump fill material and take other respective actions specified in this subsection when such action would be beneficial to the park land. In such cases, the Director of Parks, Recreation, and Special Services shall provide a letter to the respective sub-divider or developer.

a. The City will have the option to place the park land in a trust for use and leverage in funding as the park is developed. The City Attorney shall be involved with the transfer of property to assure the City has ownership but through the trust process does not lose the ownership of such property.

SECTION 7: SURVEY REQUIREMENTS

A. PLACEMENT OF MONUMENTS

Monuments, consisting of one-half (2) inch iron pipe or one-half (2) inch reinforced steel or larger, twenty-four (24) inches in length, shall be placed at all corners of the block lines, and at the point of intersection of curves and tangents of the subdivision.

B. BENCH MARK

At least one (1) bench mark for each subdivision shall be permanently installed in an approved manner, with the location and the elevation as shown on the plat. Permanent bench marks shall be five (5) feet long concrete posts six (6) inches in diameter with the top to be at least twelve (12) inches below finished grade.

C. LOT MARKER

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

SECTION 8: RESERVATIONS

A. PERMITTED PURPOSES

No land contained in the proposed subdivision shall be reserved for any use other than a use permitted by the zoning ordinance for the district in which the land to be reserved is located.

B. DESIGNATION ON PLAT

The specific use for which each piece of land is to be reserved must be shown by appropriate label or description on the subdivision plat. Provision for future abandonment of a reservation as may be appropriate must likewise be shown on said plat.

C. SCHOOLS

The location and size of schools shall be in accordance with the planning and zoning commission's school plan and with the requirements of the Elgin Independent School District.

SECTION 9: VARIANCES

When a subdivider can show that a provision of these regulations would cause unnecessary hardship if strictly adhered to and where, because of some condition peculiar to the site, in the opinion of the planning and zoning commission, a departure may be made without destroying the intent of such provisions, the planning and zoning commission may recommend a variance to the city council.

SECTION 10: AS-BUILT DRAWINGS

The engineer representing the subdivider shall present to the planning and zoning commission, reproducible complete "As Built Plans" for all paving, drainage structures, water lines and sewer lines within thirty (30) days after completion of each contract.

SECTION 11: FILING FEES

A. The following schedule of fees and charges shall be paid into the general fund of the City of Elgin when any map or plat is tendered to the planning department, and each of the fees and charges provided herein shall be paid in advance, and no action of the city planning and zoning commission or any other board or any other agency shall be valid until the fee shall have been paid. The planning department shall calculate the fees and charges in accordance with the following schedule:

(1) Concept Plans, two hundred and fifty dollars (\$ 250.00).

(2) Preliminary Plats and Revised Preliminary Plats, fifty dollars (\$50.00) per lot. In no case shall the be less than two hundred dollars (\$200.00);

- (3) Final Plats, Revised Final Plats, and Amended Final Plats, five dollars (\$5.00) per lot. In no case shall the fee be less than two hundred dollars (\$200.00).
- B. When only one (1) plat is submitted as specified in section 5, subsection C of this chapter, the fees for a preliminary plat and a final plat shall apply.
- C. The above fees shall be charged on all plats regardless of the action taken by the city planning and zoning commission.

SECTION 12: ACCESS REGULATIONS

- A. All entrance and exit driveways to public streets shall be located with due consideration for traffic flow and so as to afford maximum safety to traffic on the public streets. Whenever practicable, the city requires a single driveway on the property line between adjacent lots. All such entrances and exits shall be so located, designed, and restricted in number as to:
- (1) Achieve maximum feasible distance from street intersections and from exiting and proposed access connections from adjacent properties;
 - (2) Minimize left-hand turns and other turning movements;
 - (3) Discourage the routing of vehicular traffic to and from nonresidential uses through local residential streets; and
 - (4) Minimize conflict with vehicular traffic.
- B. In designing and locating entrance and exit driveways, the following regulations shall be observed:
- (1) Entrance and exit driveways to all State Highway routes within the City Limits of Elgin, Texas shall be not less than 30 feet in width i.e. one entrance and exit lane at 15 feet each nor in excess of 45 feet (one entrance and two exit lanes at 12 feet each and a maximum nine (9) foot wide landscaped median or island) in width for lots used for nonresidential purposes. For residential driveway widths shall not be less than twelve (12) feet nor more than twenty-four (24) feet. Shared driveways are permitted for nonresidential development, i.e., one common driveway serving two contiguous lots to all State Highway routes within the City Limits and located at/about the common property corner, not exceeding 45 feet in width, including any proposed median up to nine feet (9') wide. For all driveways other than to all State Highway routes within the City Limits of Elgin, Texas, entrance and exit driveways shall not exceed 24 feet and maximum 30 feet (for emergency vehicles). All access driveways to nonresidential lots shall be at 90 degrees, or within a limit of plus or minus 10 degree off 90 degree, to the intersecting public street. Landscaped islands or medians beyond the property line are prohibited in the right-of-way without prior written approval of the Texas Department of Transportation.
 - (2) Access to all other public streets shall be by no more than two points of access for each 400 feet of lot frontage, or fraction thereof. Lots less than 100 feet in width shall have no more than one point of access to any one public street. In all cases, owners and developer shall provide adequate access to each proposed lot for subdivisions, so that internal traffic management is provided.
 - (3) The minimum separation between driveways along all State Highway routes within the City limits of Elgin is 100 feet. To the greatest extent possible, proposed access to all State Highway

routes within the City limits of Elgin should align with existing driveways or public streets on the opposite side of the road. If this is not possible, then there shall be a minimum 120 foot offset, as measured from driveway edge to edge between such driveways. For all other roads or streets, the minimum distance between any two driveway entrances, whether on the same or different lots, shall be 35 feet, measured along the curb line, except for driveways on a cul-de-sac.

- (4) Driveway entrances shall be set back at least 35 feet from the point of tangency of the curb at any intersecting street.
- (5) Adequate culverts shall be provided under driveway entrances to prevent obstruction of drainage ways. The minimum size shall be eighteen (18) inches or equivalent approved by the City Engineer.
- (6) All driveways shall be designed so as to provide safe vehicular entrance and exit without the necessity of backing out into a public street.
- (7) Every driveway entrance and exit shall be at roadway grade level where the driveway intersects the City's right-of-way. For access driveways to all State Highway routes within the City limits of Elgin, a negative slope of two (2) percent shall be required where there is no curb and gutter for a minimum of eight (8) feet or to the top of the culvert, and areas with curb and gutter, a positive grade will be allowed.
- (8) All direct ingress and egress shall be designed so as to minimize increases in traffic flow on other streets within the city. Mutual access agreements on parking lots, driveways and adjoining properties shall be encouraged. The specific number, width and location of ingress and egress points shall be established by a professional traffic engineer, subject to city council approval.
- (9) All State Highway routes within the City of Elgin, Texas as described by the Municipal Maintenance Agreement between the Texas Department of Transportation and the City of Elgin, Texas are:

U.S. 290: From the east city limits of Elgin to the west city limits of Elgin.

Loop 109: From the north and east city limits of Elgin to the intersection of U.S. Highway 290.

SH 95: From the north city limits of Elgin to the south city limits of Elgin.

FM 1704: From the intersection of Loop 109 to the south city limits of Elgin.

FM 3000: From the intersection of Loop 109 to the east city limits of Elgin.

FM 1100: From 9th Street to the west city limits of Elgin.

(C) Access roadways for fire apparatus shall be designed and adhere to the following regulations:

- (1) Means of access for fire department apparatus shall consist of fire lanes, private or public streets, commercial driveways, alleys, parking lot lanes, or a combination thereof.
- (2) Means of access for fire department apparatus shall be constructed of a hard, all-weather surface, concrete or asphalt, adequately designed to support the heaviest piece of fire apparatus likely to be operated on the roadway.
- (3) Every cul-de-sac more than 150 feet in length shall be provided at the closed end with a turn-around, having a curb radius of not less than 50 feet.
- (4) Turns or bends in streets shall maintain the minimum surface width for the designated category of street.
- (5) Turns in publicly owned arterial or collector streets shall be constructed with a minimum turn

radius of 100 feet to the centerline. Turns in other public or privately owned minor streets shall be constructed with a minimum radius of 25 feet at the inside curb line and a radius of 50 feet at the outside curb line.

- (6) Street surfaces shall not be less than 18 feet wide, provided no parking is allowed; not less than 26 feet wide if parallel parking is allowed on one side; and not less than 30 feet wide if parallel parking is allowed on both sides.
- (7) Fire lanes in commercial or governmental development shall not be less than 20 feet wide, with 18 feet surface minimum.
- (8) Commercial and governmental driveways and alleys shall not be less than 15 feet in surface width. Residential driveways shall not be less than 12 feet in surface width, except in areas of 25 percent grade where ten feet surface width may be used.
- (9) Finished grades of all driveways shall not be greater than 35 percent. City Council approval is required to exceed finished grades of five percent for commercial and 20 percent for residential driveways.
- (10) Fire lanes, driveways and alleys connecting to public or private streets shall be provided with flare curb cuts extending at least two feet beyond each edge of street surface.
- (11) At least 13 feet six inches of nominal height clearance must be provided over the full width of public streets, private streets, fire lanes, commercial and governmental driveways.
- (12) Bridges, when used for access, shall be the same surface width as for fire lanes, public or private streets, driveways, alleys or parking lot lanes, and shall be maintained in accordance with the applicable sections of the Building Code, using design loading sufficient to carry the imposed loads of the fire apparatus.
- (13) Barriers defined as chains, gates, etc. may be provided at the entrance to residential driveways, provided they are installed according to the requirements of the city and fire district.
- (14) The method of security for residential development is to be as agreed upon by the contractor and the city and shall be commensurate with the item or area needing security.

(Ordinance No. 98-10-06-49 of October 6, 1998)

SECTION 13: PENALTIES

A. VIOLATION OF ANY PROVISION OF CHAPTER

Violation of any provision or provisions of this chapter by any subdivider shall constitute a misdemeanor and upon conviction of such violation in municipal court of the City of Elgin, shall be punishable as per Chapter 1, Section 5 of this Code of Ordinances.

B. OTHER LEGAL REMEDIES

No conviction or convictions under the penal provision of this chapter, or Article 427B, Texas Penal Code, shall ever be considered as any bar to any injunctive or other legal remedy, relief, right or power existing in the City of Elgin, Texas, to enforce the application and provisions of this chapter by virtue of the Constitution and laws of the State of Texas.

(Ordinance No. 93-16 of June 1, 1993)

SECTION 14: CONSTRUCTION STANDARDS

A. COMPLIANCE

In addition to the specifications written in this chapter all infrastructure shall be constructed in accordance with the City of Elgin's Construction Standards. Where or if there are conflicts between this chapter and the construction standards the City's engineer shall make a determination as to which standard will apply.

D. This Ordinance shall be effective upon final passage by the City Council (the "Effective Date").

READ, PASSED, and ADOPTED on this the _____ day of the month of _____, 2006.

CITY OF ELGIN, TEXAS

By: _____
GLAYDS F.MARKERT, Mayor

ATTEST:

SHIRLEY GARVEL, City Secretary