

**Subdivisions**

**CITY OF CELESTE, TEXAS**

**SUBDIVISION ORDINANCE**

**ORDINANCE NO. 01092024A**

**CITY OF CELESTE, TEXAS**

**SUBDIVISION REGULATIONS**

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS, PLANS, AND SUBDIVISION OF LAND WITHIN THE CITY OF CELESTE, TEXAS, AND ITS LEGALLY DEFINED EXTRATERRITORIAL JURISDICTION; CONTAINING CERTAIN DEFINITIONS; PROVIDING PROCEDURES FOR THE APPROVAL OF SUBDIVISION PLATS; PRESCRIBING REGULATIONS FOR THE DESIGN AND CONSTRUCTION OF STREETS, SIDEWALKS, ALLEYS, WATER AND SANITARY SEWAGE UTILITIES, DRAINAGE, AND COMMUNITY FACILITIES; PROVIDING A PENALTY FOR EACH VIOLATION THEREOF; PROVIDING A VALIDITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, under the provisions of the Constitution and laws of the State of Texas, including particularly Texas Local Government Code Chapters 212, 214, 242 and 3000, as heretofore and hereafter amended, every owner of any tract of land situated within the City of Celeste, Texas, who may hereafter divide the same in two (2) or more parts described by metes and bounds or otherwise for the purpose of laying out any subdivisions of such 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, are required to submit a plat of such subdivision of addition for approval by the City Council of the City of Celeste; and,

WHEREAS, the rules and regulations of the city established by this ordinance governing lots, plats and subdivisions of the land in the corporate limits of the City of Celeste are hereby extended to and shall apply to all of the area under the extraterritorial jurisdiction of said city; and,

WHEREAS, this ordinance provides procedures, restrictions, and procedures in order to protect public health, safety and welfare and to preserve public and private property.

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

## **1. RECITALS ADOPTED.**

All the above premises and recitals are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

## **2. SUBDIVISION REQUIREMENTS ADOPTED.**

- A. On and after the effective date of this ordinance, any person, firm, corporation, or organization seeking the approval of any lot, permit, plat, plan or replat of any subdivision or land within the City of Celeste, Texas, and its legally established extraterritorial jurisdiction shall be required to comply with the requirements of this ordinance before such approval may be granted, to wit:

There is hereby adopted, for the purpose of providing rules and regulations governing the platting and replatting of land into lots and subdivisions within the City of Celeste and its extraterritorial jurisdiction and the physical development of such property, this ordinance and said subdivision ordinance being included as Exhibit "A" to this ordinance which is hereby incorporated herein as if set out in full.

- B. In furtherance of the intent and implementation of the Subdivision Regulations attached hereto, the provision for updating and adding engineering standards, designs and procedures is further confirmed. The City Engineer is hereby authorized to establish a City design manual and standard construction details to be maintained by the City Engineer and available to the public. The City Engineer may adopt other existing design manuals and standards used by other governmental entities as deemed appropriate. The City Council hereby delegates future authority to draft, amend, approve and/or adopt any and all engineering standards for design, development, utilities, streets, drainage, traffic flow and construction related matters to the City Engineer, or designee. The engineering and design standards may be drafted, amended, approved and/or adopted, from time to time, at the discretion and determination of the City Engineer, or designee. As engineering standards and designs are drafted, amended, approved and/or adopted by the City Engineer, or his/her designee, said standards shall be included and substituted for the existing engineering standards, and shall thereafter have the same force of law and effect as if originally adopted hereby. A copy of the current engineering standards and procedures shall be kept on file and available for review at City Hall. The City Council hereby delegates future authority to draft, amend, approve and/or adopt any and all development, design and engineering procedures, including checklists, review criteria and forms, to the City Engineer or designee.
- C. A standard fee schedule is hereby established.

- I. Fee Schedule Authorized.

1) A fee schedule and schedule of charges shall be established by the City, including fees and charges to be paid when any plat or other matter requiring City review is submitted to the City. Each of the fees and charges so established shall be paid in advance, and the City council, commission or board shall take no action until said fees and charges have been received by the appropriate City staff.

2) All future authority to draft, amend, approve and/or adopt any and all fee schedules and checklists for review and inspection related matters are delegated to the City Mayor, or his/her designee, with the input of the City Engineer. The fee schedule may be drafted, amended, approved and/or adopted, from time to time, at the discretion and determination of the City Mayor, or his/her designee, with the input of the City Engineer.

## II. Construction Permit Fee.

The City staff or engineer may compute the Construction Permit Fee or it may be set by the fee schedule.

## III. Other Fees Authorized.

The City staff or engineer shall establish other fees including, but not limited to, fees for the filing and review of construction plans, drainage plans, grading, traffic studies or similar design or construction plans and inspection fees. These fees are in addition to other customary fees such as building and construction inspection fees related to code enforcement.

### **3. PROHIBITION.**

It shall be unlawful for any person in the city limits of the City to perform any action in violation of the terms, conditions or restrictions of a this ordinance, specifically including Exhibit A. Each day any violation of this ordinance or Exhibit A shall continue shall constitute a separate offense.

### **4. PENALTY.**

Any person, firm, partnership or corporation violating any provision of this ordinance, including Exhibit A, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$2,000.00 per day and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. Said criminal penalty shall not restrict or limit other enforcement actions including but not limited to request for temporary order, request for injunction, request for declaratory judgment, civil suit or other enforcement proceedings. Allegation and evidence of a culpable mental state is not required for proof of any offense defined by this Ordinance.

### **5. REPEALER/CUMULATIVE.**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Celeste, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances. Where provisions of the zoning ordinance or other

ordinances conflict with this ordinance, the more restrictive or stringent provision shall control. This Ordinance, upon its enactment and effective date, only to the extent there is a direct conflict and the more restrictive ordinance cannot be applied, shall repeal conflicting provisions that may be contained in other City ordinances or regulations, except to the extent they apply to obligations and violations arising prior to the enactment of this Ordinance. The penalties provided in this Ordinance shall be cumulative and not exclusive of any other rights and remedies the City may have. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief, pursue civil enforcement, seek attorneys' fees and costs, and take any other action for any and all violations of this ordinance.

**6. SEVERABILITY.**

Should any sentence, paragraph, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the ordinance as a whole.

**7. SAVINGS CLAUSE.**

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

**8. EFFECTIVE DATE.**

The ordinance shall become effective immediately upon publication of the caption.

**9. LAWFUL MEETING**

That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**APPROVED, PASSED AND ADOPTED** by the City Council of the City of Celeste, Texas, on the 9 day of January, 2024.

APPROVED:

Shaunna Cole  
Shaunna Cole, Mayor

ATTEST:

Cherie Hubbard  
Cherie Hubbard, City Secretary

# ARTICLE I. GENERAL PROVISIONS

## ***Section 1.01 Short Title***

This ordinance may be known as and referred to as the "Subdivision Regulations" of the City of Celeste, Texas.

## ***Section 1.02 Purpose***

It is the purpose of this ordinance to provide for the safe, efficient, and orderly development of the city, and the provision of adequate streets, utilities, services, and facilities, all in accordance with the comprehensive plan for the city.

## ***Section 1.03 Authority***

These subdivision regulations are adopted under the authority of Texas Local Government Code 212, which article is hereby made a part of these regulations.

## ***Section 1.04 Jurisdiction***

These regulations shall govern any and every person, firm, corporation, entity or organization owning any tract of land within the corporate limits of the City of Celeste who may hereafter request a building permit for an improperly or unplatted parcel; divide the same into two (2) or more parts; or combine two or more contiguous tracts, 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 street, alleys or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

By the authority of the Texas Local Government Code 212 and 242, which articles are hereby made a part of these regulations, these regulations shall be extended to and shall apply to all of the area outside of the corporate limits of said city but within the extraterritorial jurisdiction of said city. Such jurisdiction shall extend into and encompass all those areas not within the jurisdiction of some other municipality, and extending in all directions from the corporate limits of the City of Celeste and all of its extensions.

No agent, officer or employee of the City shall authorize work unless these regulations have been complied with.

## ***Section 1.05 Approval Required***

City shall withhold all City improvements and issuance of building permits from subdivisions and development activity not officially approved by the City Council. Unless and until any plat, plan or replat shall have been first approved in the manner provided herein, it shall be unlawful for any person, firm, corporation, entity or organization to construct or cause to be constructed any streets, utilities, buildings, drainage or other improvements to any tract of land; and it shall be unlawful for any official of said city to issue any permit for such improvements or to serve or connect said land, or any part thereof, or for the use of owners or purchasers of said land, or any part thereof, with any public utilities such as water, sewers, lights, gas, etc., which may be owned,

controlled, distributed, franchised, or supplied by such city. No building permits will be issued for the construction of any building on any unplatted land within the City of Celeste; minor repair or grading permits may be issued. When additions, alteration, or repairs within any twelve month period exceed fifty percent (50%) of the value of an existing building or structure on previously unplatted property, the land upon which such building or structure is located shall be platted in accordance with the provisions of this ordinance.

### ***Section 1.06 Improvements Required***

All of the improvements required under these regulations, or improvements which, in the judgment of the City Engineer, are necessary for the adequate provision of streets, utilities, drainage, services, and facilities to the subdivision and to surrounding areas of the city, shall be constructed at the sole expense of the developer, unless other provisions are approved by the City Council. Payment for any and all improvements which are not to be made at the time of the primary construction of the subdivision or development shall be made a part of a binding contract, signed by the developer and approved by the City Council.

Any rebates or other payments to the developer by the city for the cost of oversized improvements or off-site improvements required as a part of the subdivision or development and necessary for the adequate and efficient development of surrounding areas of the city, shall be paid only from monies received by the city from the subdividing or development of surrounding areas, and such rebates or payments shall not be made until such monies are received by the city, unless other provisions are approved by the City Council.

### ***Section 1.07 Annexation***

If the property is not within the city limits of the City of Celeste and the subdivision contains three (3) or more lots, the owner shall request the city for annexation through lawful annexation proceedings so as to qualify the subdivision to receive city services, when available, and to afford zoning protection, as allowed by law. Annexation is a prerequisite for zoning. The City Council shall consider the request for annexation within one hundred twenty (120) days of submittal or as required by applicable law. After such time, said request is null and void, unless other provisions are made in the facilities agreement governing the development. Annexation may be requested concurrently with Zoning.

### ***Section 1.08 Zoning***

If the property is not zoned as required for the proposed subdivision, permanent zoning shall be secured as a prerequisite to any application for platting. Application for zoning includes completion of required forms, payment of required fees, and performance of other requirements of the zoning ordinance and the rules and regulations of the city, as the same may be from time to time, passed or amended. Zoning may be requested concurrent with preliminary plat review.

**Section 1.09 Variances and Appeals**

These rules and regulations are the standard requirements of the City of Celeste, Texas. Suspension of any of these rules and regulations may be granted by the City Council upon a good and sufficient showing by the owner that there are special circumstances or conditions affecting the property in question, or that enforcement of the provisions of this ordinance will deprive the applicant of a substantial property right, and that such suspension, if granted, will not be materially detrimental to the public health, safety, welfare or injurious to other property or property rights in the vicinity. Each and every application for variance shall be decided solely and entirely on its own merits; and the disposition of any prior or pending application for variance shall not be allowed to enter into or affect any decision on the application in question. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary interests standing alone shall not be justification for the granting of a variance.

The owner of any tract of land aggrieved by the decision made under these regulations by any administrator or official of the city may to the City Council for relief from such administrative decision.

**Section 1.10 Definitions**

Words and terms used in this ordinance, unless otherwise specified, shall have their normal meaning in commonly accepted usage. The word "shall" shall be deemed as mandatory; the word "may" shall be deemed as permissive. Certain words and terms shall have the meaning for the purpose of this ordinance as defined following:

- (1) City: The municipal corporation of the City of Celeste, Texas, together with its governing and operating bodies.
  - (a) City council: The duly elected governing body of the city.
  - (b) City official or administrator: Any person, elective or appointive, or any employee, or any board or commission authorized or constituted by city ordinance or state law to act in behalf of the municipality. (Ex. City Attorney, City Administrator, City Clerk, City Engineer, etc.)
  - (c) Surveyor: A licensed state land surveyor of a registered public surveyor as authorized by the state statutes to practice the profession of surveying in the State of Texas.
  - (d) City Engineer: The engineer employed by the city, or the engineers retained as consultants to the city, authorized under the provisions of the Texas Engineering Registration Act to practice engineering in the State of Texas.
- (2) Comprehensive plan: The general plan for the growth and development of the city and its environs; and including any elements of such plan, such as a land use plan, thoroughfare plan, utilities plan, schools and parks plan, and others.
- (3) Land planner: Any person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system, and space appropriate to the efficient removal of storm water and the provision of public services and utilities all consistent with long-range goals and the objectives of the comprehensive plan. A land planner may be trained in any of several

specialties; and, where appropriate to his experience, the term includes architect, engineer, landscape architect, and surveyor.

- (4) Street: A public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service.
- (5) Subdivider or developer: Any person, business, partnership, corporation, association, or agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The terms "subdivider" and "developer" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided. Developer may also include the developer of a commercial lot or property, as determined by the City Engineer.
- (6) Subdivision: The word "subdivision" shall mean the division of any lot, tract, or parcel of land situated within the corporate or extraterritorial jurisdiction limits of the city, into two (2) or more lots, tracts or sites for the immediate or future purpose of sale or development, or for laying out residential, commercial, or industrial lots, or any lots and streets, alleys, or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. It also includes resubdivision or replatting of land, lots, or tracts. These regulations may also apply to a developer of a commercial lot or property, as determined by City Engineer.

Division of land for agricultural purposes, in parcels of five (5) acres or more, shall not be included within this definition unless such division of five (5) acres or more includes the planning or development of a new street, alley or access easement.

- (a) General development plan: A map, drawing or chart drawn to scale on which is shown the subdivider's proposed arrangement of streets, lots, easement, other public spaces, and general land uses on all contiguous properties owned or held under single ownership from which a proposed subdivision is intended to be made. The general development plan may be the same as a preliminary plat, if such plan complies with the requirements of a preliminary plat.
- (b) Preliminary plat: The phrase "preliminary plat" shall be any plat of any lots, tract or parcel of land that is not to be recorded, but is only a proposed division of land and is presented only for review and study by the city. A preliminary plat is required unless specifically waived by the City Engineer.
- (c) Final plat: A map, drawing or chart prepared according to the provisions of this ordinance, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county.
- (d) Certified land division: A map, drawing or chart delineating parcels of land offered for rent or lease for other than agricultural uses and which (i) is not required by statute of state regulation to be filed in the map and plat records of the county; and, (ii) does not involve or require the dedication of public street or alleys; and, (iii) has been certified by the City Council as having met the conditions of this ordinance. A certified land division shall be treated as a subdivision plat under these regulations, except that it is properly certified for filing with the City Secretary rather than the County Clerk. In addition, a final plat of the property indicating legal boundaries and any public dedications and easements shall be prepared and filed with the County Clerk.



- (7) Extraterritorial jurisdiction (ETJ): All land situated, as classified by Local Gov't Code 42.021, in all directions from the corporate boundary of the city and its extensions, and which is not in conflict with the ETJ of another municipality.
- (8) Easement: An area intended for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, repair, improvement, enlargement or operation of any of its respective utility or drainage systems within any of these easements. Any public utility shall at all times have the right of unobstructed ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, enlarging, inspecting, patrolling, maintaining, adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.
- (9) Street width: The words "street width" shall be the shortest distance between the lines which delineate the right-of-way of a street.
- (10) Residential estate subdivision: A subdivision of lots of no less than one and one-half (1- 1/2) acres, or such greater area as may be indicated from soil percolation tests, intended for single-family use which may be determined by the city to be adequately developed and served by septic tanks and/or other facilities normally associated with rural development.
- (11) Manufactured home park: An area or development intended for the renting or leasing, but not sales, of sites for the location and/or occupancy of mobile homes. A manufactured home park shall have filed with the city a certified land division approved by the commission according to the provisions of this ordinance.
- (12) Replatting: The word "replatting" shall be the resubdivision of any part of a previously platted subdivision, addition, lot or tract.
- (13) Lot: A distinct and separate undivided tract or parcel of land having frontage on a public street, which is, or in the future may be, offered for sale, conveyance, transfer or improvement as a building site. Lot shall also mean a tract, plot or portion of a subdivision, addition or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or possession, or for development.
- (14) Development means any man-made change to improved or unimproved real estate, including but not limited to construction of buildings or other structures, which results in demand for water or wastewater facilities.
- (15) General design standards means the design specifications designated by the City of Celeste or its Engineer as standards for construction on all public infrastructure constructed in the City.
- (16) Oversize main means a water or wastewater main required to interconnect property being developed with the existing water or wastewater system which exceeds twelve (12) inches in diameter and exceeds the estimated demand as determined by the City Engineer.
- (17) Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

## **ARTICLE II. SPECIAL PROVISIONS**

### ***Section 2.01 Facilities Agreement***

The subdivider shall be required to enter into an agreement with the city which shall govern the subdivision or development activity if there are agreements, pro rata payments, city participation in cost, escrow deposits or other future considerations, matters for confirmation or clarification, variances granted to this ordinance or other nonstandard development regulations and all improvements to be dedicated to the city are not to be completed prior to filing of the final plat in the county records. This agreement shall be based upon the requirements of this ordinance; and shall provide the city with specific authority to complete the improvements required in the agreement in the event of failure by the developer, and to recover the full legal costs of such measures. The city may subordinate its facilities agreement to the prime lender if provided for in said agreement.

The facilities agreement shall be a legally binding agreement between the city and the developer specifying the individual and joint responsibilities of both the city and the developer. Unusual circumstances relating to the subdivision shall be considered in the facilities agreements such that the purpose of this ordinance is best served for each particular subdivision. Such facilities agreement may stipulate pro rata payments, city participation in unusual facilities, escrow deposits or other payments for future facilities, variances granted to this ordinance, and other particular aspects of the development. The developer shall include in such an agreement a hold harmless and indemnity clause agreeing to hold the city harmless against any claim arising out of the developer's subdivision or any actions taken therein.

In the event of a disagreement between the plan administrator and the developer concerning stipulations of the facilities agreement, the City Council shall review said stipulations and make recommendation for resolving the disagreement.

Even after the filing of any final plat, the developer shall have a continuing responsibility to fulfill all of the developer's responsibilities defined in the facilities agreement, whether or not sufficient facilities and improvements have been completed to allow a portion of the subdivision to be used prior to the completion of all required improvements.

### ***Section 2.02 Development Permit***

A development permit may be required prior to the clearing, grading, filling, dredging, construction of public streets, utilities, or drainage, or other improvements which may affect adjacent or surrounding properties. Such permit shall describe the property and the nature of the development, and shall be accompanied by construction plans and specifications adequate to describe the improvements. All plans accompanying permits for any work within a flood plain shall be certified by a professional engineer competent to make such determination. The City Engineer may require a more detailed drainage study. The City Engineer shall issue such development permit when all conditions of this ordinance have been satisfied.

**Section 2.03 Pro Rata Payments**

The developer shall be responsible for the full cost and construction of all on-site and off-site roads, drainage, detention, facilities, utilities and all other matters necessary to serve the project at full capacity and/or buildout, including all new facilities, upsizing, enlargement and/or extensions, The developer shall also be fully responsible for the construction of oversize or off-site access, utilities, drainage, and other improvements necessary for the subdivision and the surrounding area, unless other provisions are approved by the City Council. Pro Rata payments are not required. Provisions for reimbursement of costs in excess of those necessary to serve the subdivision, and any other provisions, if any, shall be made a part of the facilities agreement, otherwise pro rata payments shall not apply. For any subsequent subdivisions utilizing such facilities to which pro rata payments apply, any cost due prior developers shall be prorated as the use by the new subdivision bears to the amount due. Such prorated amounts will be made a part of any subsequent facilities agreement, collected by the city, and repaid to the original developer making such improvements only from amounts actually collected by the City. No pro rata payments shall apply unless documented in an agreement approved by the City Council prior to the work, constructions or expense.

All such reimbursements or prorations shall be based on the actual cost of the improvements at the time of their construction subject to comparison with other current unit and/or project costs. The original developer shall therefore provide the city with acceptable documentation of actual construction costs from which calculation of reimbursable amounts will be made for inclusion in the facilities agreement.

In the case that the subdivision shall utilize streets, utilities, drainage, or other facilities already constructed through the use of funds of the city, the developer shall pay to the city for the use of such facilities an amount equal to that which would be required to serve the subdivision under the requirements of this ordinance, based upon policies developed and approved by the City Council.

**Section 2.04 City Participation**

The city may, at its sole discretion, participate with the developer on major items of construction, such as lift stations, bridges or streets adjacent to the subdivision, which benefit existing or future development in addition to that being subdivided. The amount of financial responsibility of each party and the terms of discharging such responsibility may be provided for in a facilities agreement. No city participation shall apply unless documented in an agreement approved by the City Council prior to the work, constructions or expense.

The construction of certain facilities required by the provisions of this ordinance may not be possible or practical at the time the developer prepares his plans for public improvements. Such deletion or delay on improvements may be specified in the facilities agreement, together with provisions for escrow deposits or future payment by the city and/or developer.

## **Section 2.05 Floodplains (Zoning and Easements)**

- (1) General: The city will strongly discourage the platting of property for construction purposes that is in a natural flood plain or other area that is subject to flooding. Flood plains and environmentally sensitive areas, including but not limited to water resources, sources, biological resources and unique habitats, may also require additional studies, requirements and procedures.
- (2) New Construction or Reconstruction Developments located within a 100 year floodplain as identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps must develop the site in full compliance with the National Flood Protection Act and all applicable federal and state statutory and regulatory requirements.
- (3) Liability: The city will not be financially liable for any damages due to flooding.
- (4) Developer is solely responsible for all drainage and flood prevention. Future disputes regarding flooding and drainage do not involve the City or its staff.
- (5) Notice of potential damage from flooding and compliance with FEMA standards and procedures shall be put on the request for a building permit by owner.
- (6) Definitions.
  - (a) Base flood elevation line: Elevation lines established on the flood hazard boundary map showing projected flood surface elevation that can be expected for a 100 year flood.
  - (b) Flood: A general or temporary condition of partial and complete inundation of normally dry land areas from the overflow of streams, rivers or other inland water.
  - (c) Flooding: Same as "flood."
  - (d) Flood hazard boundary map: An official map or plat, approved by the Federal Insurance Administration, on which the boundaries of the flood plain area having special flood hazards have been drawn for the purpose of the emergency flood insurance program.
  - (e) Flood plain: A relatively flat or low area adjoining a river, stream, water course, bay or lake, which has been in the past or can reasonably be expected in the future to be covered temporarily by flooding of high water.
  - (f) Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to properties and structures, primarily for the reduction or elimination of flood damage to lands, water and sanitary facilities, structures, and contents of buildings.
  - (g) Floodway: The minimum areas of a riverine flood plain reasonably required for passage of flood waters.
  - (h) Floodway encroachment lines: The lines marking the limits of floodways on the official flood hazard boundary map.
  - (i) Riverine structures: Structures located beside a river, stream, or water course.
  - (j) Start of construction: The placement of permanent construction, such as pouring of footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, land clearing, grading, or filling.
  - (k) Substantial improvements: Any repair, reconstruction, or improvement of a property, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the property either (a) before the improvement is started or (b) if the property has been damaged and is being restored, before the damage occurred. Substantial improvement

is started when the first alteration of any wall, ceiling, floor, or other structural part of the building commences.

- (l) Water surface elevation data: The elevation in relation to mean sea level expected to be reached by floods at various magnitudes and frequencies at pertinent points along a stream.
- (7) Building permits shall be required of all proposed construction or other improvements located within the flood plain area.
  - (a) All residential building permit applications for new construction of substantial improvements shall be accompanied by a statement of a duly registered (Texas) surveyor or engineer certifying that the lowest floor (including basement) elevation will be at least two feet (2') above the base flood elevation line.
  - (b) All other building permit applications shall be reviewed by the building inspector to determine that the proposed construction or repair uses: construction materials and utility equipment that are resistant to flood damage; construction methods and practices that will minimize flood damage.
  - (c) Further, all other building permit applications shall be reviewed by the building inspector to assure that the proposed construction and substantial improvements (including prefabricated and manufactured homes) are: protected against flood damage; designed (modified) and anchored to prevent flotation, collapse, or movement of the structure.
  - (d) The City Engineer will review all subdivision proposals and other proposed new development to assure that: all such proposals are consistent with the need to minimize flood damage; all public utilities and facilities, such as gas, electrical, sewer and water systems, are constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazards.
  - (e) The City Engineer will require new or replacement water supply systems and sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems so as to avoid impairment or contamination during flooding.
- (8) After floodways are identified and designated, no new construction or major improvement will be authorized in the floodway that restrict the normal flow of floodwaters or raise the water surface elevation above the base flood elevation line.
- (9) Existing drainage easements shall be preserved and no construction, work or filling shall occur in said areas without express approval from the City Engineer. No obstruction to the natural flow of water shall occur either during construction or upon final completion. All owners of property affected by such construction or filling shall be included and given notice of the request by owner.

### ***Section 2.06 Land and Traffic Study***

Regardless of stage of proceedings, or prior submissions, the City Engineer may require a land study by the subdivider to include information otherwise noted in these requirements for the tract and surrounding tracts, including but not limited to existing and proposed streets and roads, water lines, sewer lines, culverts, bridges, underground structures, easements, rights of way, buildings, railroads and railroad right of way, topography, existing drainage channels, creeks, waterways and detention sites, private restrictions, private amenities, pools, recreation and park facilities, city limits, school district boundaries, county boundaries, the limits of the tract and scale distances,

the names of adjacent subdivisions or the name of record or owners of adjoining parcels of unsubdivided land and other important features.

The City Engineer may also require a traffic study to identify traffic impacts of the proposed development, including but not limited to existing traffic plans, thoroughfare and collector streets, proposed development, existing and future streets, roads, traffic counts, expected population and traffic increases, traffic patterns, pedestrian traffic, emergency responses and emergency response vehicles, traffic safety, congestion, the limits of the tract and scale distances, the names of adjacent subdivisions or the name of record or owners of adjoining parcels of unsubdivided land, impact on other areas and other related matters. The subdivider should consider these matters in preparing and presenting any request for a plat or variance and provide the city with all relevant details and information. The study shall show the layout and width of proposed thoroughfares and collector streets and shall show a general configuration of proposed residential streets.

The study shall contain the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, schools, businesses, railroad rights-of-way, and topography with existing drainage channels or creeks, and other important features such as political subdivisions, corporate limits and school district boundaries. The City Engineer may further specify the form and contents of any traffic and/or land study.

For a commercial project, regardless of whether there is a subdivision of lots, the City Engineer may require land studies and traffic studies as found necessary for proper development of the project. The City Engineer may require a plat, plan, design and other matters for proper commercial project evaluation and assessment.

## ***Section 2.07 Fees***

The City shall adopt a uniform fee schedule, which may be changed from time to time by the City Council. Each of the fees and charges provided therein shall be paid in advance, and the City Council shall take no action until said fees and charges have been received by the City.

## ***Section 2.08 Water and Wastewater Main Extensions***

### **1. Basic Policy.**

(a) Connection to water and wastewater systems. All subdivisions and each lot to be developed within the City of Celeste shall be served by an approved water supply and distribution system and by an approved sewage collection and disposal system. No development shall be approved unless adequate assurances are provided that such development will be connected with the City's water supply and distribution system and with the City's wastewater system. No building permits shall be issued until satisfactory evidence of such connection has been provided. Private wells are generally prohibited unless determined necessary by the City Engineer based upon the specifics of a particular project.

(b) Responsibility for installation and extensions. All improvements required under these regulations, City ordinances, or improvements which, in the judgment of the City Engineer, are necessary for the adequate provision of streets, utilities, drainage, services and facilities to the subdivision shall be constructed at the sole expense of the developer, unless other agreements are first approved by the City Council. The developer shall install all water and wastewater facilities needed to serve the development and shall extend all water and wastewater mains and appurtenances necessary to connect the development with the City's water supply and distribution system and with the City's wastewater system. All initial costs of installation shall be borne by the developer subject to City participation in oversize costs pursuant a required written agreement. Requests for City extension of water and wastewater mains shall be as provided for in subsection 3 or 4 below.

(c) Condition of granting main extension. Authority to extend water and wastewater mains to serve a proposed development shall be granted by the City only upon a determination by the City Engineer that all facilities necessary to adequately serve the development are in place or will be in place prior to the issuance of building permits for structures developed on such land.

(d) Location of facilities. The location of all water and wastewater mains necessary to serve a proposed development shall be in accordance with the City's master plan(s) for water and wastewater facilities and in accordance with the City's subdivision regulations and general design standards. Mains or facilities shall not be placed in TxDOT right-of-way, except as necessary to cross such right-of-way. Location of all facilities and easements is subject to the review and approval of the City's Engineer.

(e) Construction standards. All water and wastewater facilities required by these regulations shall be designed and constructed in accordance with the requirements and specifications adopted by the City of Celeste or its Engineer.

(f) Permanent lift stations. Should a lift station be required by the City Engineer to provide wastewater service to a subdivision or development that by reason of topography cannot be served by a gravity sanitary sewer system to the City of Celeste Wastewater Treatment Plant, the developer shall design and construct a permanent lift station and all appurtenances thereto at the developer's expense. The lift station shall be designed and constructed for the entire drainage area as approved by the City Engineer. Once the permanent lift station is constructed and operational and accepted by the City of Celestes Engineer, the City shall take ownership and operation of any public lift station. A private lift station shall only be allowed with specific approval of the City Engineer.

(g) Duty on connector. All persons and entities seeking connection to City water and/or wastewater systems are responsible for all connections, easements, enlargements, extensions, upgrades, upsizing, increased capacity, costs and expenses and shall comply with and be governed by this ordinance, as well as other applicable ordinance. Customary tap fees shall also apply in addition to the requirements of this ordinance.

## **2. Extension of Water and Wastewater mains for development.**

Developers shall extend water and wastewater mains to and through the property that is to be subdivided or developed in accordance with the following procedures and minimum standards:

(a) Size of mains. Water and wastewater mains shall be sized and designed to provide full capacity at full buildout and as approved by the City's Engineer.

(b) Extensions with property to be developed. All water and wastewater mains shall be extended through and/or across the frontage of the property to be developed in streets, alleys, or in easements to the tract or addition in order to provide service to adjacent property where applicable.

(c) Acquisition of easements. The developer must obtain all offsite easements which are necessary for extending water and wastewater mains to the property being developed. A metes and bounds description of the easements and a survey drawing of the easements must be submitted to the City Engineer along with the proper legal documentation creating the easement. After approval of the metes and bounds description by the City Engineer, the document will be returned to the developer for acquisition of the required signatures. The executed document and filing fees will be returned to the City Engineer for filing with the County Clerk.

(d) Agreement required. Prior to extension or construction of any facility for which there will be a City reimbursement, the developer shall execute an agreement with the City that clearly defines the scope and details of the proposed extension and which contains the developer's agreement to abide by all regulations of the City and to deliver to the City clear and unencumbered title to all proposed improvements prior to the time of acceptance by the City. The agreement shall provide for security in a form of a payment bond by the developer or his contractor for proposed work and will require a release of liens prior to final acceptance by the City. The City shall not be responsible for any cost, expense, oversizing, construction or other fees or money in the absence of a specific written agreement approved by the City Council. Said written agreement must be approved by the City Council prior to the developer incurring any cost or beginning any construction and must specifically itemize any City costs, expenses, or contributions. Failure to obtain a prior written agreement approved by the City Council waives any claim for costs, expenses, or contributions, specifically including, but not limited to, any claims based on proportionality.

### **3. Participation and reimbursement by City in the cost of oversize water and wastewater mains.**

(a) City participation policy. The City may participate in the reasonable construction costs of oversize water or wastewater mains and appurtenances thereto that exceed twelve (12) inches in diameter. The developer initially shall be responsible for the entire cost of the oversize main. As a condition under these procedures, City may require the oversizing of infrastructure subject to cost agreement.

(b) No funds available. In no event will the City be required to participate in the costs of oversize mains pursuant to this section if there are no funds available for such purposes.

(c) Participation and reimbursement requests. A request for City participation authorized by subsection (a) and (b) hereof shall be initiated through the submission of an application for participation by the developer prior to the initiation of construction. The application shall be accompanied by engineering drawings approved by the City engineering division showing the reimbursable items, a copy of estimated costs for construction, final quantities, oversize calculations for all reimbursable items, performance bond and a project location map.



(d) City reimbursement. If the request for City participation is approved by the City Council following dedication and acceptance of a facility or appurtenances in which it has agreed to participate, the City shall refund the costs of oversizing such facility in accordance with the following procedures and standards.

(1) Oversizing standards. The following standards apply to the determination of the costs of oversizing water and/or wastewater mains:

a. Where the size of the water or wastewater main needed exceeds that of a 12-inch diameter water or wastewater main, the size of the main to be installed shall be determined by the City Engineer whose decision shall be final.

b. The amount of the City's participation shall be determined by the City Council and shall not exceed the difference in cost between a 12-inch diameter main with appurtenances and the oversized main with appurtenances as required by the City Engineer.

(2) Oversize cost determination. The extent of the City's participation in the costs of oversized mains shall be determined by agreement or by comparing costs computed by the following two (2) methods:

a. Method 1. The developer shall take at least three (3) bids on installation of a system using a 12-inch diameter main and the larger size that will actually be installed. Copies of the bids, tabulations and figures shall be submitted to the City Engineer. Calculations shall delineate the total cost for installation of the oversize mains with appurtenances, along with the cost for installing 12-inch diameter mains with appurtenances, with the differences noted as participation by the City.

b. Method 2. The City Engineer shall establish unit prices for similar types of construction done in the previous twelve (12) months. These unit prices shall establish costs based upon estimates obtained on similar projects within the last twelve (12) months or base unit costs used to determine the maximum difference in cost between the 12-inch diameter main size and the cost of oversize mains to be installed. The unit prices shall be incorporated into this section as if fully set forth herein and shall be used to determine the City's participation.

c. City Engineer's option. The City Engineer shall have the option to establish the method in subsection b. whenever he considers the results of the method in subsection a. to be unreasonable or whenever the developer fails to submit the proper information as required.

d. Street rights-of-way. A development shall be responsible for the full cost of utilities which cross street right-of-way.

(3) Exception to City participation. The City will not participate in the cost of an oversized main if the development requires a main equal to the line constructed to serve the development.

(e) Prior Written Agreement Required. The City shall not be responsible for any cost, expense, oversizing, construction or other fees or money in the absence of a specific written agreement approved by the City Council. Said written agreement must be approved by the City Council prior to the developer incurring any cost or beginning any construction and must specifically itemize any City costs, expenses, or contributions. Failure to obtain a prior written agreement approved by the City Council waives any claim for costs, expenses, or contributions, specifically including, but not limited to, any claims based on proportionality.

#### **4. Extension of Mains.**

(a) Extension to serve development. The City may, but shall not be required to, extend a water or wastewater main to serve a development in lieu of installation by the developer subject to the following standards and procedures:

(1) Request by developer. The developer may petition the City to extend a water or wastewater main to serve the development in lieu of the developer constructing the facilities.

(2) Criteria. If the City agrees to extend the water or wastewater main, the City's procedures for competitive bidding and award of contract must be followed. The developer shall execute an improvement agreement with the City prior to the initiation of construction.

(3) Condition of extension. As a condition of granting the developer's request to extend a water or wastewater main, the developer shall deposit cash in an amount equal to one hundred (100) percent of the projected costs of the extension, less the cost of the City's oversize participation if applicable, together with easements required by subsection 2(c). Such deposit shall not constitute a waiver of, or otherwise affect the obligation of the developer to pay, impact fees for water or wastewater facilities.

## **ARTICLE III. PROCEDURE**

### ***Section 3.01 Predesign Conference***

Prior to the filing of a preliminary plat, the subdivider should consult with the plan administrator and the City Engineer or their duly authorized representatives concerning the ultimate land use of the proposed development, the most advantageous subdivision plan, the suitability of the location of the proposed subdivision, the arrangement of streets, alleys, and lots, the layout of utility lines and availability of service from trunk mains and other regulations and policies of the city regarding development. Conditional approval as to the general land use of the proposed subdivisions should be obtained from the plan administrator prior to preparation of the preliminary plat.

### ***Section 3.02 Notice of Intent and Authority***

The subdivider shall submit to the City a letter or form showing the name and address of the actual property owner and that of the land planner stating authority and intent to subdivide a particular property, briefly describing the location, amount of land, and particulars as to the intended use of the property, and requesting that the review of a preliminary plat for the property be placed on the agenda of a scheduled commission meeting. The applicant may provide notice of any request to extend the 30-day period for a period not to exceed 30 days.

### ***Section 3.03 Preliminary Plat***

The City Council shall be furnished with seven (7) legible prints of the preliminary plat together with seven copies of necessary supporting documents describing the type of development, provision of services, development procedure and timing, and engineering studies. The City Council can set submission deadlines for review and scheduling of the preliminary plat. No plat will be considered properly submitted for consideration by the City Council until and unless the prescribed filing fees have been paid along with submission of all required applications, checklists, plans and items. A preliminary plat is required for all subdivisions prior to the construction of public improvements; however, the City Engineer may allow an applicant to proceed to a final plat without filing of a preliminary plat based on the size and nature of the proposed development.

The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed.

The parties may extend the 30-day period described above for a period not to exceed 30 days if:

- (1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and
- (2) the municipal authority or governing body, as applicable, approves the extension request. (LGC 212.009)

The plat may be delegated to the City Engineer by the City Administrator or City Council as allowed by law for amending plats, minor plats or replates. (LGC 212.0065)

Information required upon or with the preliminary plat shall be as follows:

- 1) A vicinity, or location, map that shows the location of the proposed preliminary plat within the city (or within its ETJ) and in relationship to existing roadways;
- 2) Boundary lines, abstract or survey lines, corporate or other jurisdictional boundaries, existing or proposed highways and streets (including right-of-way widths), bearings and distances related to state plane coordinates and sufficient to locate the exact area proposed for the subdivision, and all survey monuments (identified and labeled; the length and bearing of all straight lines, radii, arc lengths, tangent lengths and central angles of all curves shall be indicated along the lines of each lot (curve and line data may be placed in a table format); accurate reference ties via courses and distances to at least one recognized abstract or survey corner or existing subdivision corner shall be shown;
- 3) The name, location and recording information of all adjacent subdivisions (or property owners of adjacent un-platted property), including those located on the other sides of roads or creeks, shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys, building setbacks, lot and block numbering, easements, and other features that may influence the layout of development of the proposed subdivision; adjacent un-platted land shall show property lines, the names of owners of record, and the recording information;
- 4) The location, widths and names of all streets, alleys and easements (the applicant must coordinate with appropriate utility entities for placement of necessary utility easements and for location of all streets and median openings on highways or arterial roadways), existing or proposed, within the subdivision limits and adjacent to the subdivision. A list of proposed street names shall be submitted for all new street names (street name approval is required at the time the preliminary plat is approved);
- 5) The location of all existing property lines, existing lot and block numbers and date recorded, easements of record (with recording information), buildings, existing sewer or water mains, gas mains or other underground structures, or other existing features within the area proposed for subdivision;
- 6) Proposed arrangement and square footage of lots (including lot and block numbers) and proposed use of same including:
  - a. For nonresidential uses, the location and size of buildings (this information may be provided on a separate sheet, such as on a voluntary concept plan or preliminary site plan (see the zoning ordinance); and,
  - b. For single family residential developments, a separate table of all lots' sizes including the mean and median lot size (excluding common areas);
- 7) A title block within the lower right hand corner of the plat (and engineering plans) which shows the title or name under which the proposed subdivision is to be recorded, the name and address of the property owner and the name of the land planner, licensed engineer or registered public surveyor who prepared the plat or plans, the scale of the plat, the date the plat was prepared, and the location of the property according to the

abstract or survey records of Hunt County, Texas, The subdivision name shall not duplicate (or phonetically replicate) the name of any other platted subdivision in the city or its ETJ unless required to identify separate phases of the development. The city may require a different subdivision name if there is potential for confusion by public safety officials or the general public;

- 8) Sites, if any, to be reserved or dedicated for parks, schools, playgrounds, other public uses or for private facilities or amenities;
- 9) Scale, date, north arrow oriented to the top or left side of the sheet, and other pertinent informational data;
- 10) Contours with intervals of two feet or less shown for the area, with all elevations on the contour map referenced to the city's approved vertical control monumentation contained in appendix 1 or a subsequent control monument set as part of a development or re-development and approved for such use by the city engineer;
- 11) Areas contributing drainage to the proposed subdivision shall be shown in the engineering plans; locations proposed for drainage discharge from the site shall be shown by directional arrows;
- 12) All physical features of the property to be subdivided, including the location and size of all water courses, the 100-year flood plain according to Federal Emergency Management Agency (FEMA) information, any U.S. Army Corps of Engineers flowage easement requirements, ravines, bridges, culverts, existing structures, drainage area in acres of area draining into subdivisions, the outline of major wooded areas or the location of major trees, six inches in diameter and larger when measured four feet above ground level, and other features pertinent to the subdivision;
- 13) Engineering plans of water and sewer lines and other infrastructure (including sizes) to be constructed in the subdivision; the proposed connections to distribution mains shall be indicated;
- 14) Proposed phasing of the development; where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the preliminary plat, shall provide a schedule of development; the dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision; the city council shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the entire project or for such phases as the city council determines to be necessary to adjudge whether the subdivision will be served by adequate streets and thoroughfares;
- 15) Proposed or existing zoning of the subject property and all adjacent properties, as well as a tabulation of site development information and the intended manner of compliance with the design standards of the zoning ordinance including the required points for optional standards.
- 16) Minimum finished floor elevations of building foundations shall be shown for lots adjacent to a flood plain or within an area that may be susceptible to flooding;

Engineering plans: Along with the preliminary plat application, the applicant shall submit complete engineering plans for streets, alleys, storm sewers and drainage structures, water and sanitary sewer facilities, screening and retaining walls, landscaping and irrigation, and any other required public improvements for the area covered by the

preliminary plat. The engineering plans shall also contain any plans deemed necessary to show or document compliance with the city's ordinances pertaining to non-point source pollution control, on-site sewage facility rules, and any other applicable codes and ordinances of the city that are related to development of a land parcel. Cost estimates shall also be submitted with the engineering plans. A complete sets of engineering plans shall include the following plans or sheets (generally in this order), as well as any additional plans or sheets deemed necessary and requested by the city engineer:

- 1) Cover or title sheet — Preliminary plat.
- 2) Existing conditions plan, which shows existing topography, vegetation, tree inventory, existing natural and man-made physical features, etc. — Grading, erosion control, and water quality control plans — Paving and storm drainage plans — Utility plans for water, sanitary sewer, etc. — Traffic control plans (if necessary) — Screening and retaining wall plans — Landscaping and irrigation plans.

The city engineer shall review, or cause to be reviewed, the plans and specifications and if approved, shall mark them approved and shall return one set to the applicant. If not approved, one set shall be marked with the objections noted and returned to the applicant for correction, whereupon the applicants engineer shall correct the plans as requested and shall resubmit the corrected plans back to the city engineer for re-review.

The applicant shall have engineering plans prepared by or under the direct supervision of a professional engineer licensed in the state, as required by state law governing such professions and in accordance with this chapter and the city's design manuals and standard construction details. All engineering plans submitted for city review shall be dated and shall bear the responsible engineer's registration number, his or her designation of "professional engineer" or "P.E.", and the engineers seal and signature. The city engineer shall approve engineering plans when such plans meet all of the requirements of this chapter and the design manuals and standard construction details.

Engineering plans shall be in conformance with the design manuals and standard construction details and with the requirements set forth herein. Engineering plans showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers, sidewalks, screening and retaining walls, landscape and irrigation plans (if appropriate), and other engineering details of the proposed subdivision shall be prepared at a legible scale and shall be submitted to the city engineer (or designee) along with a copy of the preliminary plat of the subdivision.

As part of the engineering plans, a drainage plan showing how the drainage of each lot relates to the overall drainage plan for the plat under consideration shall

be submitted. The drainage plan shall be made available to each builder within the proposed subdivision and all builders shall comply with the drainage plan.

Once the engineering plans are approved by the city engineer, the property owner shall provide additional sets of the approved plans as required by the city engineer, for use during construction. A full set of the city-approved engineering plans must be available for inspection on the job site at all times.

**Additional studies and/or technical analyses:** It is generally understood and accepted that additional studies or analyses may be necessary prior to the consideration of a plat, as determined by the city engineer. This may include, but not be limited to flood studies, drainage analyses, and/or traffic impact analyses, the results of which may have significant impacts regarding the final layout of the plat. As a result, said studies and technical analyses shall be submitted and approved prior to the submittal of a plat, as allowed by law.

**Utility company review:** The applicant shall also provide copies of letters from applicable local utility companies stating that each utility company has reviewed the preliminary plat and stating any requirements, including easements, they may have. This requirement may be deferred until the time of final plat submittal by the city engineer.

**Acceptance and expiration:**

When a preliminary plat is found to conform to these regulations, or may be made to conform by making certain changes directed by the City Council, a copy of the preliminary plat with such changes if any made thereon, and the acceptance thereof by the City Council, conditioned as necessary on said changes, shall be transmitted to the subdivider. Acceptance of the preliminary plat as such shall in no way constitute final acceptance of the subdivision.

When a preliminary plat has been accepted by the City Council, the final plat for all or a part of the area shall be submitted within six (6) months thereafter, or as allowed by law; otherwise the acceptance shall terminate and shall be void, unless prior to the expiration of said acceptance the time for filing of the final plat is extended at the written request of the subdivider. Any extensions shall be considered by the City Council.

When the preliminary plat does not conform to these regulations, and that changes to make it conform are not acceptable to the subdivider, the City shall return a copy of the preliminary plat with a report of such findings to the subdivider.

The subdivider at any time thereafter may submit a new design for acceptance following the same procedure as required for the original application.

**Timing of public improvements:**

- 1) Public improvements shall be installed as required by ordinance and statute and accepted by the city following approval of the preliminary plat and release of construction by the city engineer. However, the city engineer may permit all or some of the public improvements to be installed, offered for dedication, or accepted by the city after approval of the final plat by the city council if there exists a compelling reason that is consistent with the public health, safety or welfare to do so.

- 2) The city council may permit or require the deferral of the construction of public improvements if, in its judgment, deferring the construction would not result in any harm to the public or would offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. The deferred construction of any required public improvement(s) must be approved by the city council at the time of final plat approval, and the necessary assurances for completion of the improvements, in accordance with article V, shall be a stipulation, or condition, of approval of the preliminary or final plat.
- 3) If the city council does not require that all public improvements be installed, offered for dedication, or accepted by the city prior to approval of the final plat, the applicant shall provide assurances or security for the completion of the improvements or escrowed funds, as provided in article V and article VI.

Revisions to approved preliminary plat: Minor revisions to the preliminary plat may be needed before the final plat can be filed of record. Such minor revisions as slight enlargement or shifting of easements or lot lines, addition of private or franchise utility easements, correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, etc. may occur on the final plat without having to re-approve the preliminary plat. Major revisions, such as reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation, addition or deletion of any public improvement (including corresponding easements), shall necessitate re-submission and re-approval of the plat as a revised preliminary plat. The procedures for such re-approval shall be the same as for a preliminary plat, and such re-approval may constitute a new project thus necessitating submission of a new application form, payment of new fees, and other requirements.

### ***Section 3.04 Final Plat***

When a preliminary plat has been accepted by the City Council, or changes designated by same have been made by the subdivider, the subdivider may prepare his final plat for all or a portion of the area in form for acceptance by the City Council. The final plat shall be submitted to the City Council who shall cause the same to be checked and verified as to its conformance with the preliminary plat as accepted by the City. The final plat shall contain all requirements from the preliminary plat process as well as additional requirements under this section. If the final plat is incomplete or does not conform, the final plat shall be deemed not to have been submitted until any and all deficiencies are corrected. Seven (7) direct prints, one (1) mylar drawing, one AutoCAD (.dwg format) electronic file, one Adobe Acrobat (.pdf format) electronic file, or any other electronic format requested by the City Engineer, of the final plat shall be delivered to the plan administrator. No final plat may be considered by the city until the prescribed filing fees have been paid and all required items properly submitted.

The final plat may constitute all or only a portion of the accepted preliminary plat, but any portion thereof shall conform to all of the requirements of these regulations. If final plats are submitted for acceptance by portions or sections of the proposed subdivision, each portion or section shall carry the name of the entire subdivision but shall bear a distinguishing letter, number, or subtitle. Block letters shall run consecutively throughout



the entire subdivision, even though such subdivisions might be finally accepted in sections.

Information required on a final plat. The final plat shall contain all information that is required for a preliminary plat except that physical features of or on the land, such as topography, buildings, structures, water bodies and tree cover, shall not be shown on the final plat. The final plat shall also provide a place for the county clerk of the respective county to stamp the date and location where the plat will be filed (i.e., volume or cabinet \_\_\_\_\_, page or slide \_\_\_\_\_) in the lower right-hand corner of the plat drawing, and conform to the standards of Hunt County for filing of plats.

Dedication and easement language. The final plat shall include formal irrevocable offers of dedication to the public of all streets local government uses, utilities, parks and easements, in a form approved by the city attorney. The plat shall include any other applicable language, such as for drainage, floodway or other special types of easements, or such as for a private street subdivision, as deemed appropriate and necessary by the city manager to protect the public health, safety and welfare.

(1) Certificates required:

- (a) A certificate, signed by the city tax assessor, stating that all taxes and assessments then due and payable on the land contained within the subdivision have been paid.
- (b) A certificate of ownership and dedication, of a form approved by the City, of all streets, alleys, parks, open spaces and public ways to public use forever, signed and acknowledged before a notary public by the owner and any and all lienholders of the land, and a complete and accurate description of the land subdivided and dedications made.
- (c) Certification by a registered public surveyor, registered in the State of Texas, to the effect that the plat represents a survey made by him or under his direct supervision and that all the monuments shown thereon actually exist, and that their location, size and material are correctly shown.

KNOW ALL MEN BY THESE PRESENTS;

THAT I, \_\_\_\_\_ do hereby certify that I prepared this plat from an actual and accurate 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 Celese, Texas.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The surveyor shall affix his seal on the plat adjacent to the certification.

- (d) Before approval and acceptance of any final plat, the developer shall place a sum of money, equal to the total estimated cost (as determined by the City Engineer) of the required street improvements, in escrow or shall give the City of Celeste a certified check in this amount or shall present other financial guarantees, as sufficient to ensure that the required improvements will be made at developer expense, and approved by the City Council.

(e) Certificate of acceptance by the City Council: (To be placed on the plat in manner that will permit the completion of the certificate by filling in the blank spaces.)

Accepted by the City Council of the City of Celeste

Mayor, City of Celeste, Texas. Date: \_\_\_\_\_

The undersigned, the City Secretary of the City of Celeste, hereby certifies that the foregoing final plat of \_\_\_\_\_ Subdivision or Addition to the City of Celeste was submitted to the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements, and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

City Secretary, City of Celeste, Texas

(2) Acceptance and Recording:

No final plat shall be reviewed or approved by the city council unless the following standards have been met:

- 1) The plat substantially conforms to the approved preliminary plat and other studies and plans, as applicable;
- 2) The construction and installation of required public improvements and city utilities has been completed and the improvements have been accepted by the city as conforming to the city's regulations and design standards (or the proper assurances for construction of the improvements have been submitted and approved by the city, per article V); and
- 3) The plat conforms to applicable zoning, subdivision and other development related regulations, including the city's non-point source pollution control ordinance (article 11.100 of the Code of Ordinances, as amended), on-site sewage facility rules (as applicable; article 11.200 of the Code of Ordinances, as amended), and any other applicable codes or ordinances of the city that are related to development of a land parcel.

The City Council shall act upon the final plat within thirty (30) days as hereinbefore provided.

Response to a plan or plat shall be to approve, approve with conditions, or disapprove a plan or plat within the prescribed period. For any action that conditionally approves or disapproves a plan or plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval (LGC 212.0091) The final plat shall be non-acceptance unless and until necessary fiscal agreements have been approved by the City Council.

The final plat shall be recorded in the maps and plats records of Hunt County by the City Secretary. The City shall cause prints of the record plat to be provided to the affected city offices as they may require. The final plat shall not be returned or released to the subdivider until recorded as provided above.

Prior to final acceptance by the City of improvements in the subdivision, the Engineer for the developer shall submit to the City Engineer a complete, reproducible set of drawings

of paving, drainage, utilities and other improvements showing all changes made in the plans during the construction and containing on each sheet and "As-Built" stamp bearing the signature of the Engineer and the date. An electronic file of the plat and any engineering plans shall also be submitted to the City.

Non-acceptance of a final plat by the City Council shall be deemed a refusal by the city to accept the offered dedications shown thereon. Acceptance of a final plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the city have both given their written acceptance of the improvements and have actually appropriated the same by entry, use, or improvement.

(3) Acceptance of final plat by sections:

A developer, at his option, may obtain approval of a portion or a section of a subdivision provided he meets all the requirements of this ordinance with reference to such portion or section in the same manner as is required for a complete subdivision. In the event that a subdivision and the final plat thereof are accepted in sections by the commission and City Council, each final plat of each section shall carry the name of the entire subdivision, but shall bear a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally accepted in sections.

When the proposed subdivision constitutes a unit of a larger tract owned by the developer which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final plats shall be accompanied by a layout of the entire area, showing the tentative proposed layout of streets, blocks, drainage, water, sewer and other improvements for such areas. The overall layout, if accepted by the commission, shall be attached to and filed with a copy of the accepted subdivision plat in the permanent files of the City Engineer. Thereafter, plats of subsequent units of such subdivision shall conform to such accepted overall layout, unless changed by the commission. However, except where the developer agrees to such change, the commission may change such accepted overall layout only when the commission finds:

- (a) That adherence to the previously accepted overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this ordinance, or
- (b) That adherence to the previously accepted overall layout will be detrimental to the public health, safety, or welfare, or will be injurious to other property in the area.

### ***Section 3.05 Replatting***

(a) Any person who wishes to revise a subdivision plat which has been previously filed for record must make an application of the proposed revised plat to the City Council. The procedure for replatting (resubdividing) shall be the same as for subdividing as stipulated by this Ordinance. The replat of the subdivision shall meet all the requirements for a subdivision that may be pertinent. However, if the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no engineering plans will be required. Preliminary plats may be waived for any replats.

- (b) In the event the proposed replat involves property which has been previously developed and limited by deed restrictions or zoned as either single family or duplex residential use, then special notice requirements are triggered. After an application is filed for a replat affecting single family and duplex property, then the City Secretary shall cause a notice of the application to be published in the official newspaper of the City at least fifteen (15) days before the date of the City Council meeting at which it is to be considered. Such notice must include a statement of the time and place at which the City Council will meet to consider the replat and to hear protests to the revision. Additionally, written notice must be sent to all owners of property located within the original plat, or if within the extraterritorial jurisdiction, to property owners within two hundred feet (200') of the property proposed for replat. Such notice may be served by depositing the notice, properly addressed and postage paid, at the local post office. If the City Council receives written protests signed by owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred feet (200') from that area, but within the original subdivision, then a three-fourths (3/4ths) vote is required by the City Council to approve the replat. In computing the percentage of land, the area of streets and alleys shall be included.
- (c) A fee of two hundred fifty dollars (\$250.00) per replat, plus the estimated postage cost for sending out required notices, shall be collected for each replat that does not require a preliminary plat. The proposed replat will not be reviewed or considered in any respect until such fee has been collected.

### **Section 3.06 Minor Plats**

- 1) General requirements. A minor plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the. No minor plat shall be considered submitted or filed with the city until it is determined to be administratively complete by the city.
- 2) Applicability. An application for approval of a minor plat may be filed only in accordance with state law, when all of the following circumstances apply:
  - a. The proposed division results in four or fewer lots;
  - b. All lots front onto an existing public street and the construction or extension of a street is not required to meet the requirements of this chapter; and
  - c. Except for right-of-way and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
- 3) Additional requirements. Private wells and private wastewater treatment facilities may be considered adequate when existing public water and wastewater lines are not within 500 feet of the proposed lots, as determined by the city engineer.
- 4) City engineer action. The city engineer may approve, approve with conditions or disapprove a minor plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities, or may, for any reason, elect to present the minor plat to city council for

consideration and approval, approval with conditions, or disapproval. within the time period required by state law.

- 5) Title. The minor plat shall be entitled and clearly state that it is a "minor plat."
- 6) Filing of minor plat. The minor plat shall be filed at the county in the same manner as prescribed for a final plat, and approval of a minor plat shall expire if all filing materials are not submitted to the city and if the plat is not filed at the county within the time periods specified for a final plat.

### ***Section 3.07 Dormant Plats and Permits***

- (a) All prior permits and plats (preliminary or final) that do not have an expiration date and upon which no progress has been made towards completion of the project are deemed to have an expiration date of two (2) years from the date of this ordinance. All future permits and plats (preliminary or final) shall have an expiration date of two (2) years on an individual permit or plat if no progress has been made towards completion of the project. Notwithstanding any other provision of this chapter, the expiration date on a project shall be no earlier than the fifth anniversary of the date the first permit application was filed for the project if no progress has been made towards completion of the project.
  - (b) Progress towards completion of the project shall include any one of the following:
    - (1) an application for a final plat or plan is submitted to a regulatory agency;
    - (2) a good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
    - (3) costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
    - (4) fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
    - (5) utility connection fees or impact fees for the project have been paid to a regulatory agency.
- (LGC 245.005)

## ARTICLE IV. DESIGN STANDARDS

### **Section 4.01 Streets**

Street design. The arrangement, character, extent, width, grade, location and construction of all streets shall conform to the city's thoroughfare plan as well as the design manual and standard construction details, and shall be considered in their relation to existing and planned streets or driveways (whether within the city, within its ETJ area, or within adjacent municipal or County areas), to topographical conditions, to public safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Reserve or residual strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or which will not be taxable or accessible for improvements shall not be permitted in any subdivision unless such strips of land are required by the city in the public interest (such as to enhance public safety or other public interest). All streets shall be constructed in accordance with the city's design manual and standard construction details.

Alleys. No alleys shall be required. If provided or constructed by the developer, alleys shall conform to the adopted design manual and standard construction details.

Adequacy of streets and thoroughfares.

- 1) *Responsibility for adequacy of streets and thoroughfares.* The property owner shall assure that the subdivision is served by adequate streets and thoroughfares, and shall be responsible for the costs of all rights-of-way and street improvements adjacent to the development, in accordance with the following policies and standards, and subject to the city's cost participation policies on oversized facilities.
- 2) *General adequacy policy.* Every subdivision shall be served by improved streets and thoroughfares adequate to accommodate the vehicular traffic to be generated by the development. Proposed streets shall provide a safe, convenient and functional system for traffic circulation; shall be properly related to the city's thoroughfare plan, road classification system, comprehensive plan and any amendments thereto; and shall be appropriate for the particular traffic characteristics of each development.
- 3) *Road network.* New subdivisions shall be supported by a road network having adequate capacity, ingress/egress, and safe and efficient traffic circulation. The adequacy of the road network for developments of 100 or more dwelling units, or for developments generating 5,000 or more "one-way" trips per day, or for developments involving collector or arterial streets not appearing on the city's adopted thoroughfare plan, or where deemed required by the city engineer, shall be demonstrated by the preparation and submission, along with the concept plan or preliminary plat application, of a traffic impact analysis. The traffic impact analysis shall be prepared in accordance with section 65-45. The traffic impact analysis shall take into consideration the need to accommodate traffic generated by the development, land to be developed in common ownership and other developed property. If the property to be developed is intended as a phase in a

larger development project, or constitutes a portion of the land to be ultimately developed, the city council may require a demonstration of the adequacy of the road network pursuant to this section for any or all additional phases or portions of the property as a condition of approval for the proposed concept plan or plat. If the applicant submits a traffic impact analysis for an entire phased development project, the city may require an update of the study for later phases of the development. If the concept plan or plat conforms with the thoroughfare plan and if the concept plan or plat is for a development of less than 100 dwelling units or for a development generating less than 5,000 "one-way" trips per day, then a traffic impact analysis may be required at the discretion of the city engineer.

- 4) *Off-site improvements.* Where a traffic impact analysis demonstrates the need for such facilities, the property owner shall make such improvements to off-site collector and arterial streets and intersections as are necessary to mitigate traffic impacts generated by the development or related developments.
- 5) *Dedication of right-of-way.* The property owner shall provide all rights-of way required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads, as shown in the thoroughfare plan, design manual and standard construction details or other valid development plans approved by city council. In the case of perimeter streets, at least one-half of the total required right-of-way width for such streets shall be provided unless the proposed development is on both sides of the street, in which case the full right-of-way width shall be provided. In some instances, more than one-half of the required right-of-way width shall be required when a half street is impractical or unsafe and depending upon the actual or proposed alignment of the street, such as in the case of a curved street, as may be required by the city council.
  - a. *Perimeter streets.* Where an existing half-street is adjacent to a new subdivision or addition, the other one-half of the street shall be dedicated, and an appropriate amount of the street shall be improved, by the developer of the subdivision or addition.
  - b. *Slope easements.* The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall be no steeper than three feet horizontal run to one foot vertical height, or a three-to-one slope.
- 6) *Intersection improvements.* Intersection improvements and traffic control devices shall be installed as warranted in accordance with the traffic impact analysis. Construction and design standards shall be in accordance with the city's design manual and standard construction details.
- 7) *Phased development.* Where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the preliminary plat, shall provide a schedule of development. The schedule shall set forth the intended plan of development and dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision. The city engineer shall determine whether the proposed phasing of any streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the

entire project or such phases as the city determines to be necessary to adjudge whether the subdivision will be adequately served by the phased dedication and construction of such streets and thoroughfares.

- 8) *Arrangement of streets not shown on the thoroughfare plan.* For streets that are not shown on the city's thoroughfare plan, such as local residential streets, the arrangement of such streets within a subdivision shall:
  - a. Provide for the continuation or appropriate projection of existing streets from or into surrounding areas, including at least two points of access;
  - b. Conform to a special area plan for the neighborhood approved or adopted by the city council to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
  - c. Provide for additional future access, such as by stubbing out streets for future extension to the outer boundary of the subdivision, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use; and
  - d. Not conflict in any way with existing or logically anticipated driveway openings.
- 9) *Collector and residential streets.* Residential collector streets and minor residential streets shall be laid out such that their use by through traffic will be discouraged, such as via circuitous routes or multiple turns or offsets, but such that access is provided to adjacent subdivisions. Wherever the right-of-way width of a collector or residential street must transition to a greater or lesser width, such transition shall occur along the front, side or rear lot lines of adjacent lots and shall not occur within the street intersection itself. In other words, the right-of-way width shall be the same on both sides of any street intersection.
- 10) *Adjacency of residential properties.* Where a subdivision abuts or contains an existing or proposed arterial street, the city council may require marginal access streets, reverse frontage (lots which back onto the arterial), deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through traffic and local traffic.
- 11) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their control is required by the city and approved by the city council.
- 12) *Half streets.* Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of this chapter and the thoroughfare plan, and where the city council makes a determination that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision in question. The city council may also find that it would be more practical, or cost effective, to delay construction of the other one-half of a street until the adjoining property is developed.

If the property owner is responsible for one-half of the street, then the property owner shall either construct the facility along with his or her development or shall provide escrow for the construction cost of his or her share of the facility (including all applicable street appurtenances such as median openings, left turn lanes into



the development, sidewalks, drainage structures, etc.). Whenever a partial street has been previously platted along a common property line, the other portion of the street right-of-way shall be dedicated such that the right-of-way is increased to the streets ultimate planned width. Improvements shall be made to all on-site facilities as defined herein (see definitions, section 65-11).

13) *Perimeter streets and associated improvements.* When a proposed subdivision, whether residential or nonresidential, abuts on one or both sides of an existing substandard street, or on a planned or future road as shown on the thoroughfare plan, being substandard according to the then existing current thoroughfare plan, the developer shall be required to improve his or her reasonable share of the existing on-site facility as that term is defined herein, including appurtenant sidewalks, screening and landscaping, storm drainage structures, water quality or erosion controls, and other on-site facilities, to bring the same to city standards, or to replace it with a standard city street as determined by the traffic impact analysis, if required, and at no cost to the city.

- a. The developer's share of improvements to a substandard perimeter road shall be at least 25 feet of pavement (including curb, if any), which is approximately equivalent to one-half (50 percent) of a collector street width (i.e., two through traffic lanes), along the entire front footage of the subdivision, unless the traffic impact analysis, if required, indicates that some other pavement width is necessary to achieve and maintain an acceptable level of service on the roadway. If the subdivision is to be located on both sides of the roadway, at least 25 feet of pavement shall be constructed by the developer on each side of the road along the entire front footage of the subdivision on each respective side of the road, unless the traffic impact analysis indicates that some other pavement width is necessary to achieve and maintain an acceptable level of service on the roadway. Design and construction of the roadway shall be in accordance with the city's thoroughfare plan (with respect to right-of-way width and general location), the design manuals, and with any other applicable city codes and ordinances.
- b. Depending upon the specific roadway in question, and upon the traffic impact analysis results, any oversizing above the minimum 25 feet width may be borne by the city, the county, the state or by some other entity to the extent that the cost of oversizing exceeds the subdivisions roughly proportionate impact. The city council may, at its option, accept escrow funds in lieu of immediate roadway construction if the subdivision derives principal access from another improved roadway and if delaying construction and improvement of the road will not harm or otherwise inconvenience neighboring property owners or the general public.
- c. Streets which dead-end at power lines or similar rights-of-way or easements, and which are intended for future extension across these rights-of-way or easements, shall be constructed in the right-of-way or easement for half the distance across the right-of-way or easement, and shall be further restricted as set forth in subsection (c)(14). A note shall be placed on the final plat clearly labeling the dead-end streets that will, at some point,

be extended across the power line easement (or right-of-way), and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Signage size and lettering shall be in accordance with the city requirements.

- 14) *Dead-end* streets. Except in unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets on adjacent land. In the case of dead-end streets, which will eventually be extended into the adjacent subdivision, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turnaround bulb (with an off-site easement) is provided at the end. A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed like a cul-de-sac. However, the city engineer may authorize the use of asphalt or other durable paving material than concrete for the arc, or wing, portions of the temporary turnaround bulb in order to minimize the cost of removing those portions later. A note shall be placed on the final plat clearly labeling any dead-end streets (if any) that will at some point be extended into the adjacent property, and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Signage and lettering must be large enough to be legible by a person with normal vision at a 20-foot distance. Any required temporary turnaround easements shall be shown on the final plat along with their appropriate recording information, if they are off-site or established by separate instrument.
- 15) *Extension of existing* streets. New streets that extend existing streets shall be dedicated at equal or greater right-of-way widths than the existing streets, or as otherwise required by the city's thoroughfare development plan and approved by the city engineer.
- 16) *Construction of new* streets. All new streets within a subdivision shall be constructed in accordance with paving widths and specifications as set forth in the design manual and standard construction details of the city at the time at which the preliminary plat application is officially submitted and deemed a complete application.
- 17) *Points of access*. All subdivisions shall have at least two points of access from improved public roadways. Driveway access onto roadways shall be provided and designed in accordance with the city's design manual and construction details that are in effect at the time the preliminary plat application is officially submitted and deemed a complete application.
- 18) *Street lights*. All street lighting shall be installed in conformance with the city's zoning ordinance. Mercury vapor luminaries shall not be accepted. All fixtures shall be hooded in a way that directs all lighting downward.
- 19) *Street names*. Street names must be submitted to the city, for review and approval as a part of the preliminary plat application, and shall become fixed at the time of approval of the preliminary plat. On the final plat, street names shall not be changed from those that were approved on the preliminary plat unless special circumstances have caused the major realignment of streets or a proposed street name(s) is discovered to have already been used elsewhere in the city (or some other similar eventuality). If additional street names are needed

for the final plat, then they must be submitted for review and approval by the city, the U.S. Postal Service, and applicable emergency service providers (including 911) along with the final plat application. A fee may be established by the city for the changing of street names after approval of the preliminary plat.

- a. Surnames of people or the names of corporations or businesses shall not be used as street names, unless approved by the city council. The city will maintain a list of existing street names (and "reserved" street names that have been approved on a preliminary plat), and will update the list as new streets are platted.
- b. New street names shall not duplicate existing street names (for example, Smith Street vs. Smythe Street; Oak Drive vs. Oak Place vs. Oak Court vs. Oak Circle; Cascade Drive vs. Cascading Drive); shall not be so similar as to cause confusion between names (for example, Lakeside Drive vs. Lake Side Drive vs. Lake Siding Drive); and shall not sound like existing street names when spoken (for example, Oak Drive vs. Doak Drive vs. Cloak Drive; Lantern Way vs. Land Tern Way). Suffixes shall be in agreement when a street is extended (for example Oak Street cannot extend Oak Drive).
- c. New streets which extend existing streets shall bear the names of the existing streets. Streets crossing thoroughfares or other roadways shall bear the same name on both sides of the thoroughfare, wherever practical. A cul-de-sac or loop that is named after another through street (such as Oak Court or Oak Circle or Oak Trail) must actually connect to the main street (Oak) from which the name is derived.
- d. The property owner shall install all street name signs and poles for the development. Installation shall be complete prior to approval of the engineering plans by the city engineer.
- e. Street name signs as specified by the city shall be installed in accordance with the city's guidelines before issuance of a building permit for any structure on the streets approved within the subdivision.

20) *Escrows for Adjacent Streets.*

- a. When a proposed subdivision of land abuts on both sides of an existing substandard road according to the then existing current City of Celeste's standards, the Developer shall be required to improve the existing road to bring the same to the City of Celeste standards. Any reimbursement, if due, to the Developer by the City will be made when funds become available.
- b. If the proposed subdivision is located along only one side of a substandard road, and when in the City Council's judgment, it is not feasible to reconstruct said substandard road at the time of development of said subdivision, the City Council may permit the Developer to pay into escrow an amount equal to the Developer's share of the cost of said improvements as a condition for the approval of the final plat of the subdivision. The amount of escrow shall be determined by a "pro rata" charge as prescribed by the City and shall be payable prior to approval of plans by the City Engineer.

- c. When funds have been provided and placed in escrow with the City of Celeste for the development of a substandard road and the road is reconstructed by others at no cost to the City, the escrowed funds and accrued interest, if any, shall be refunded to the Developer after completion and acceptance of the improvements. In the event that a portion of the cost is borne by the City, the escrowed funds and accrued interest, if any, shall be refunded to the Developer after completion and acceptance of the improvements. In the event that a portion of the cost is borne by the City, the difference between the Developer's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded to the Developer after completion and acceptance of the improvements. d. Whenever under any of the provisions of this section, funds are required to be escrowed for the cost of future improvements to substandard roads, the form of such escrow shall be cash or its equivalent.
- 21) The engineering design of streets in the City of Celeste shall conform to the then current street standards as adopted by the City of Celeste, or the requirements of this ordinance, whichever is the most stringent standard.

#### **Section 4.02 Lots**

*Lots.* Lots shall conform to the minimum requirements of the established zoning district.

- 1) Each lot shall front onto a dedicated, improved public street unless platted as an approved private street subdivision in accordance with this chapter. Lot width and access shall conform to the provisions of the city's zoning ordinance, comprehensive plan, and any other applicable city code or ordinance. Lot access onto highway, arterial and collector streets is subject to approval by the city council, which may require a traffic study or other information prior to approval of the preliminary plat in order to fully study all access issues. In all cases, lots shall meet the minimum frontage requirements in subsection (b)(6).
- 2) Irregular-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate zoning district, and shall provide a reasonable building pad without encroachment into front, side or rear yard setbacks or into any type of easement. Also, the rear width shall be sufficient to provide access for all necessary utilities, including access for driveways and solid waste collection when alleys are present. In general, triangular, severely elongated or tapered, flag or panhandle lots shall be avoided, and the city reserves the right to disapprove any such lot which, in its sole opinion, will not be suitable or desirable for the use intended.
- 3) Side lot lines shall be at 90-degree angles or radial to street right-of-way lines to the greatest extent possible. The city reserves the right to disapprove any lot which, in its sole opinion, is shaped or oriented in such a fashion as to be unsuitable or undesirable for the use intended, or which is not attractively or appropriately oriented toward its street frontage.
- 4) Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from traffic arterials or to overcome a specific disadvantage or hardship imposed by topography or other factors. Where lots have double frontage, building setback lines shall be established for

each street side, and rear yard screening shall be provided. Residential lots shall not back onto any residential street or collector street within a residential area or neighborhood.

- 5) Building lines. Front and street side building lines shall be shown on a concept plan and on any type of plat for all lots, and shall be consistent with the zoning ordinance requirements for the district in which the development is located, if subject to the city's zoning regulations and with any other applicable city ordinance.
- 6) Frontage on public streets and cross access. The subdivision shall be designed to provide adequate emergency access for public safety vehicles. Each residential lot in the subdivision shall have a minimum 30 feet of frontage on a dedicated street and, except in the central area zoning district, each multi-family and non-residential lot shall have a minimum of 100 feet, or as required by the applicable zoning ordinance, unless other provisions have been authorized through planned development approval or the grant of a variance. When adjacent to an existing or planned median divided street, all lots shall have access to a median opening, either directly or through a shared cross access easement between it and adjacent properties.

### **Section 4.03 Blocks**

- 1) *Blocks*. The length, width and shapes of blocks shall be determined with due regard to:
  - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - b. Zoning requirements as to lot sizes, setbacks and dimensions.
  - c. Needs for convenient access, circulation, control and safety of street traffic and for pedestrians or bicyclists traveling to a public park or school site within the neighborhood.
  - d. Intersecting streets shall be provided at such intervals as to serve cross-traffic adequately, to provide adequate fire protection, and to conform to customary subdivision practices. Where no existing subdivision or topographical constraints control, block lengths shall not exceed 1,200 feet in length. Where no existing subdivision or topographical constraints control, the block lengths shall not be less than 300 feet in length. Cul-de-sacs shall not exceed 600 feet in length. However, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased in accordance with the variance procedures.

### **Section 4.04 Easements**

- 1) *Minimum width and location*. The minimum width for city easements shall be 15 feet or as otherwise required by the city engineer. The minimum width for city drainage easements shall be as required by the city engineer. The width of easements for other utility providers, such as for gas, electric, telephone or cable television, shall be as required by that particular entity. It shall be the applicant's responsibility to determine appropriate easement widths required by other utility companies. Wherever possible, easements shall be centered on or

along front or side lot lines rather than across the interior or rear of lots, particularly where no alleys will be provided behind the lots.

- 2) *Storm water and drainage easements.* Where a subdivision is traversed by a watercourse, drainage way or channel, there shall be provided a storm water easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the city engineer, subject to determination according to proper engineering considerations. The required width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers, and/or the city. Single-loaded parallel streets or parkways may be required adjacent to certain portions of creek or drainage ways to provide maintenance access and/or public access to recreation areas. Other utilities may be permitted within the drainage easement only if approved by the city engineer and any other applicable entity requiring the drainage easement.
- 3) *Easement to be kept clear.* No fences or other structures shall be located within a drainage easement.
- 4) *Subdivisions with no alleys.* Where alleys are not provided in a residential subdivision, a minimum 15-foot wide utility easement shall be provided along the front of all lots, adjacent to and flush with the street right-of-way line for the potential placement of utility facilities.
- 5) *Platting required.* For new development, all necessary on-site easements shall be established on the subdivision plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity, for which they are being provided. Examples include, but are not limited to, the following: a water, sanitary sewer or drainage easement, which is dedicated to the city for a water or sanitary sewer line or for a drainage structure; an access easement, which is dedicated to the public for unrestricted access purposes; a fire lane easement, which is dedicated to the city and its fire suppression and emergency medical service providers for access purposes; or an electrical, gas or telephone easement, which is dedicated to the specific utility provider that requires the easement.
- 6) *Fire lanes.* Where adequate access for fire-fighting purposes may not otherwise be provided, easements for fire lanes shall be required. Fire lane easements shall be paved to a minimum of twenty-four feet (24') in width, unless a wider fire lane is required by the City's adopted fire code; shall be maintained by the property owner; shall be marked as such on the ground; and shall be kept free and clear at all times. Fire lanes shall conform to all geometric requirements in the Fire Code.

#### **Section 4.05 Reservations**

- (1) *Permitted uses.* 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.
- (2) *Designation on plat.* The specific use for which each parcel of land is to be reserved must be shown by appropriate label or description of the plat. Provision for abandonment of a reservation in the future as may be appropriate must likewise be shown on said plat.

(3) *Parks and public open space.* The applicant shall give consideration to suitable sites for parks, playgrounds and other areas for public use so as to conform with the recommendations and requirements of the comprehensive plan. Any provision for parks and public open space areas shall be indicated on the preliminary and final plat, and shall be in accordance with the zoning ordinance, and subject to approval by city council.

a) *Park land dedication.*

i. Any person, firm, or corporation offering a preliminary or final plat for development of any area zoned and to be used for single-family, duplex, townhouse or multi-family residential purposes within the city shall include on such preliminary and final plat the dedication (to the city) of land for public park purposes.

The location and size of public parks within the city shall be as approved by the city council. That determination shall be based upon existing circumstances at the time.

ii. The dedicated land required hereby shall be suitable and dedicated for park and recreational purposes only. Such land shall be free of flood plain and major utility easements, and shall be suitable for appropriate recreational and leisure activities. Lands occupied by major utility easements and transmission lines shall not be accepted. Areas having environmentally sensitive ecosystems, attractive views, topographical interest or unique natural features shall be preferred and encouraged for park land dedication.

iii. All subdivisions involving five or more lots shall be subject to a dedication of five percent of the gross area of the subdivision to the public for use as parks, playgrounds, recreational areas, open spaces, or green areas. In cases where it appears that the property to be dedicated is not suitable for such purpose or purposes, the city council may at its option, require the developer to deposit with the city an amount of money equivalent in value to five percent of the gross area, after any adjustment as described in the previous paragraph, of such proposed subdivision. In the event that the city council elects to require the deposit of such monetary sum, the amount shall be calculated on the basis of the then current tax roll fair market value of the area included in such subdivision, immediately prior to the final platting and approval thereof by the city. In such cases, all monies derived from such sources shall be used by the city either for the acquisition of additional park sites, open spaces, or green areas in said city, or for capital improvements to existing parks, open spaces or green areas, and no portion thereof may be used for maintenance to existing parks or for any other purpose.

b) *Public park access.* Park land shall be easily accessible to the public and open to public view so as to benefit area residents. A proposed subdivision adjacent to a public park or open space area shall not be designed to restrict reasonable access or visibility into the park and shall not have lots backing to the park land. Rather, the park land shall be placed along a single loaded street. Street connections between residential neighborhoods shall be provided, wherever

possible, to provide reasonable access to parks and open space areas. Proposed access and public availability, both physical and visual, of parkland shall be reviewed and approved by the city's park board and by city council.

(4) *Schools*. The location and size of school sites shall be in conformance with the comprehensive plan and the recommendations of the applicable school district.

(5) *Public facilities*. The location and size of sites for public buildings, major utility facilities, and related community facilities shall be in conformance with the comprehensive plan and the recommendations of the plan administrator.

(6) *Property owners or homeowners associations*.

1) *Applicability*. An incorporated nonprofit property owners or homeowners association (hereafter referred to collectively as homeowners association or association) must be created when a subdivision contains either common open space or other improvements which are not intended to be dedicated to the city for public use, such as private streets, a private recreation facility, landscaped entry features, floodplains and drainage easements or other private amenities. The homeowners association shall also be responsible for the maintenance of all landscaping, buffering, screening, irrigation and associated improvements adjacent to residential subdivisions along public thoroughfares. The city is not responsible for enforcing deed restrictions or protective covenants. The city has no duty to accept any proposed public dedication. Approval of a plat does not indicate acceptance of proposed dedication(s), unless specifically stated in the document.

2) *Required plans and documents*. The city may require the following:

- a. Plans and illustrations of the proposed amenities and/or common areas;
- b. Cost estimates of construction, maintenance and operating expenses;
- c. Association documents, deed restrictions, contracts and agreements pertaining to the amenities and/or common areas; and
- d. Provision of surety as required for maintenance and other expenses related to the amenities and/or common areas.
- e. Provision for studies, fees and assessments to ensure the continuous and perpetual use, operation, maintenance and/or supervision by the POA of all amenities and/or common areas.

3) *Approval required*. All amenities to be placed on land dedicated to the city, or involving the potential use of public funds for maintenance and operation shall require city council approval prior to approval of the final plat. The city council may deny any such amenity at its sole discretion.

4) *Completion*. All amenities and/or common areas must be completed and in place prior to the city engineer accepting the public improvements and prior to the final release of a certificate of occupancy and occupying of residential structures.

5) *Establishment*. Documents establishing the property owners' association shall be submitted to the city for review by the city attorney for conformance with this and other applicable ordinances prior to the approval of a final plat. The documents shall specify:

- a. That the membership in the association is mandatory for all owners of property within the subdivision;
- b. All association responsibilities and property interests;



- c. By-laws related to the governance of the association;
  - d. Covenants for maintenance assessments which run with the land;
  - e. Responsibility for liability insurance and local taxes;
  - f. Authority for the association to secure funds from its members sufficient to meet its responsibilities. This authority shall include the ability to collect dues, to increase dues, charge special assessments and place liens against property for failing to pay dues and assessments;
  - g. A requirement that the association shall provide and maintain contact information with the city secretary's office;
  - h. The right of immediate access to common areas at all times for any governmental authority or agency, including but not limited to the city and the county, their agents and employees if necessary for the preservation of public health, safety and welfare;
  - i. A prohibition on amendments pertaining to the maintenance of private streets and alleys, amenities and/or common areas and related assessments without the written consent of the city council;
  - j. A requirement that prohibits dissolution of the association without the prior written consent of the city council; and
  - k. Other city requirements as applicable.
- 6) *Maintenance reserve fund.* Prior to the transfer of the association to the lot owners, the developer must provide a reserve fund equivalent to one years dues based on full association membership.
- 7) *Property association activation.* Concurrent with the transfer of the association the developer must transfer to the association control over all utilities related to the property and amenities and/or storm water controls to be owned by the association. The developer must also disclose to the association the total cost to date related to the operation and maintenance of common property and amenities.

#### **Section 4.06 Improvements**

- (1) Monuments and markers:
- (a) Concrete monuments six inches (6") in diameter and twenty-four inches (24") long, shall be placed on at least two (2) block corners, boundary corners or angle points for each plat or each phase of a multi-platted area or subdivision. A one half-inch (1/2") iron reinforcing bar shall be embedded at least eighteen inches (18") in the concrete monument and placed at the exact intersecting point on the monument. The iron bar should extend from one-eighth to one-quarter of an inch above the concrete. The monuments shall be tied into the plane coordinates for the Lambert Conformal Conic Projection for Texas, North Central Zone. Reference may be made to Special Publication, No. 252, "Plane Coordinate Projection Tables for Texas," published and printed by United States Department of Commerce, Coast and Geodetic Survey. The monuments shall be set at such an elevation that they will not be disturbed during construction and the top of the monument shall be not less than twelve inches (12") below the finish ground elevation.
  - (b) Lot markers shall be one-half inch (1/2") reinforcing bar, eighteen inches (18") long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.

- (c) Where no bench mark is established or can be found within three hundred feet (300') of the boundary of the subdivision, such bench mark shall be established as a monument, and shall be readily accessible and identifiable on the ground and shall be recorded on city bench mark datum.
- (2) **Underground utilities:** All distribution and service lines of electrical, telephone, television, and other wire/fiber carrier type utilities shall be underground, except that the system of supply lines for multiple subdivision service by utilities may be overhead. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground level. All services for available utilities shall be made available to each lot in such a manner so as to eliminate the necessity for disturbing the street and alley pavement, curb, gutter, sidewalks, and drainage structures when connections are made. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad-mounted or placed underground, where applicable. All conduits from electric, telephone and cable TV shall be installed and buried at the expense of the developer and in accordance with the City standards and City franchisee specifications. Overhead services will not be permitted to cross public street rights-of-way.
- (3) **Sidewalks:** Paved sidewalks shall be provided along and adjacent to both sides of all: thoroughfares; collectors; residential; and local streets which are located immediately adjacent to a school site and for a distance of one (1) block along such streets leading directly to a school site. Sidewalks shall be concrete and five feet (5') wide or as required by the design manuals.
- (4) **Street lighting:** A street light plan shall be prepared for City approval at Developer's expense.
- (5) **Storm sewers:** An adequate storm sewer system consisting of inlets, pipes and other underground drainage structures with approved outlets shall be constructed where runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities as solely determined by the City Engineer.
- (6) **Streets:** Construction of streets and alleys shall be in conformance with the then current standard construction specifications, standard details, or design manuals of the City of Celeste as promulgated by the City Engineer.
- (7) **Water and wastewater facility design.**
- 1) *Water.* All new subdivisions shall be connected with an approved water system, and shall be capable of providing water for health and emergency purposes, including fire protection. The design and construction of water system improvements shall comply with the following standards:
- a. Design and construction of a water source on the site shall be in accordance with applicable regulations of the Texas Commission on Environmental Quality (TCEQ).
  - b. Design and construction of water service from the city shall be in accordance with the city's design manual and standard construction details manual, and in accordance with TCEQ standards, whichever requirement is most stringent.
  - c. Design and construction of a fire protection system shall be in accordance with the city's design manual and standard construction details, and in

accordance with the fire department serving the site (i.e., the city or the county, as applicable).

- 2) *Wastewater.* All new subdivisions shall be required to connect to the city's wastewater system unless served by other means approved by the city council. The design and construction of the wastewater system improvements shall comply with the following standards:
    - a. Design and construction of on-site waste disposal systems shall comply with applicable regulations of the TCEQ, applicable regulations of Collin or Hunt County, and with the provisions of this Code of Ordinances, whichever requirement is most stringent.
    - b. Design and construction of wastewater collection and treatment service from the city shall be in accordance with the standards in the city's design manual and standard construction details, and in accordance with TCEQ standards, whichever requirement is most stringent.
  - 3) *Applicant's responsibilities.* The applicant shall be responsible for:
    - a. Phasing of development or improvements in order to maintain adequate water and wastewater services;
    - b. Extensions of utility lines to connect to existing utility services;
    - c. Providing or procuring all necessary easements for the utilities (whether on-site or off-site);
    - d. Providing proof to the city of adequate water and wastewater service;
    - e. Providing provisions for future expansion of the utilities if such will be needed to serve future developments or lines larger than 12 inches;
    - f. Providing all operations and maintenance of the utilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the utilities;
    - g. Providing all fiscal security required for the construction of the utilities;
    - h. Obtaining approvals from the applicable utility providers if other than the city; and
    - i. Complying with all requirements of the utility providers, including the city.
  - 4) *Extension of services.* Extension of water and wastewater lines shall be made along the entire frontage of the subdivision adjacent to a street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the city council may waive the requirement for adjacent utility line construction at the time of preliminary plat approval and prior to construction of the subdivision.
  - 5) *Other regulations.* Installation, operations and maintenance of utilities not specifically referenced herein shall comply with regulations of the TCEQ and with any other applicable State rules and regulations, whichever requirement is most stringent.
- (8) Storm water collection and conveyance systems.
- 1) *System design requirements.* Drainage improvements shall accommodate runoff from the upstream drainage area in its anticipated maximum "build-out" condition, and shall be designed to prevent overloading the capacity of the downstream

drainage system. The city may require the phasing of development, the use of control methods such as retention or detention, or the construction of off-site drainage improvements in order to mitigate the impact of the proposed development. No storm water collection system shall be constructed unless it is designed in accordance with the city's design manual and standard construction details by a licensed professional engineer, and unless it is reviewed and approved by the city engineer. All plans submitted to the city engineer for approval shall include a layout of the drainage system together with supporting calculations for the design of the system.

- 2) *Erosion and sedimentation controls.* All erosion and sedimentation controls shall conform to the design manual and standard construction details, stormwater management plan, city ordinance, or EPA requirements, whichever is most stringent. For erosion and sedimentation control, the city uses the latest edition of Storm Water Quality Best Management Practices for Construction Activities in North Central Texas (by the NCTCOG), a copy of which is on file at the city.
- 3) *Permission required.* No person, individual, partnership, firm or corporation shall deepen, widen, fill, reclaim, reroute or change the course or location of any existing ditch, channel, stream or drainage way without first obtaining written permission of the city engineer and any other applicable agency (such as FEMA or the U.S. Army Corps of Engineers) having jurisdiction. The city engineer may, at his or her discretion, require preparation and submission of a flood study for a proposed development if there are concerns regarding storm drainage on the subject property or upstream or downstream from the subject property. The costs of such study, if required, shall be borne by the developer.
- 4) *Minimizing cut and fill.* In order to help reduce storm water runoff, and resulting erosion, sedimentation and conveyance of non-point source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction. Development shall attempt to balance cut and fill required for the development.
- 5) *Prohibition of cross-street flow.* No cross-street flow (i.e., perpendicular to traffic flow) of storm water runoff shall be permitted unless approved by the city engineer. When and if such drainage flow is allowed, it must be across a concrete street (i.e., valley gutter) and as approved by the city engineer.
- 6) *Retention and detention.* All storm water retention or detention facilities that are not located underground shall be designed using materials and techniques as established in the city's design manual and standard construction details or as may be required by the city engineer and shall be maintained by a homeowners association.
- 7) *Labeling of inlets.* Developer shall install on each storm inlet a permanent title, plaque or impression stating that this inlet discharges into a river, creek, etc. in order to discourage dumping of debris and toxics. (City shall adopt a design/logo for this purpose.)

(9) Retaining walls.

- 1) *Retaining wall requirements.* In general, the use of retaining walls shall be minimized, wherever possible, through minimal and balanced cut and fill on property. When property within or directly adjacent to a subdivision contains changes in elevation exceeding two and one-half feet and the slope exceeds one unit vertical in two units horizontal, a retaining wall shall be required at the locations specified herein prior to the acceptance of the subdivision:
  - a. *Location A.* The grade change roughly follows a side or rear lot line.
  - b. *Location B.* The grade change is adjacent to a proposed building site boundary.
  - c. *Location C.* The grade change is adjacent to a water course or drainage easement.
- 2) Retaining walls shall not be constructed parallel to and/or within any portion of a utility easement.
- 3) *Retaining wall design and construction.* All retaining wall design and construction shall be in compliance with the provisions of the building code and the design manuals and standard construction details of the city, and shall be approved by the building official.
- 4) *Retaining wall maintenance.* Retaining walls shall be maintained by the owner of the property where such retaining wall is located.

(10) Screening.

- 1) *Screening required.* Where subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to an arterial thoroughfare (greater than 60 feet in right-of-way width on the thoroughfare plan); a four lane collector street; are separated from a thoroughfare by an alley; or back up to a collector or residential street (which is not allowed unless specifically approved by city council), the developer shall provide, at his or her sole expense, screening according to the following alternatives and standards. All screening including columns and decorative features shall be adjacent to the right-of-way and fully located on the private lot(s), within a separate lot or within a landscape easement assigned to the homeowners association across several lots. All forms of screening shall conform to the requirements of city ordinances and policies that govern sight distance for traffic safety and meet the following requirements:
  - a. Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the city's design manuals and standard construction details and other related city code(s) and policy(s).
  - b. A maintenance easement at least five feet in width shall be dedicated to the homeowners association on the private lot side and adjacent to the screening wall or device.
  - c. The screening wall shall be installed prior to approval of the final plat and prior to final acceptance of the subdivision. Landscape materials may be installed before the subdivision is accepted, upon approval of the city engineer.
  - d. All plants, such as trees, shrubs and ground covers, shall be maintained by a homeowners association, shall be living and in sound, healthy,

vigorous and growing condition. All plant beds shall be irrigated, with meters charged to the homeowners association.

- e. All masonry and steel screening wall plans and details must be designed and sealed by a Texas licensed professional engineer and must be approved by the building official.
  - f. Required height of screening devices, including spans between columns, shall be a minimum of six feet and shall be no more than eight feet tall. Decorative columns, pilasters, stone caps, sculptural elements, and other features may exceed the maximum eight-foot height by up to two feet for a total maximum height of ten feet for these features, provided that such taller elements comprise no more than ten percent of the total wall length in elevation view. Features that are taller than ten feet in height shall require city council approval.
  - g. Screening walls and devices shall not be constructed within any portion of a utility easement unless specifically authorized by the city and other applicable utility provider.
- 2) *Entryway features (neighborhood identification)*. Subdivisions may provide a landscaped entryway feature at access points from streets and thoroughfares into the subdivision. The entryway feature shall be placed on private property and within an easement identified for such use and shall observe all sight visibility requirements. All feature or landscaping shall be located on private property so that long-term maintenance responsibility will be borne by the property owner or an approved homeowners association. Entryway features that are located within city right-of-way shall only be allowed city council approval and only with the execution of an agreement with the city that relieves the city of maintenance responsibility and that indemnifies and holds the city harmless for damage or injury incurred by or in conjunction with such features in the right-of-way.
- 3) *Design requirements*. The entryway feature shall include low maintenance, living landscaped materials as approved by the city manager. The design of the entryway feature shall also include an automatic underground irrigation system, and may also include subdivision identification, such as signage located on the wall. All plants shall be living and in a sound, healthy, vigorous and growing condition, and they shall be of a size, fullness and height that is customary for their container or ball size, as per the latest edition of the "American Standard for Nursery Stock", by the American Association of Nurserymen, as may be amended. Any walls or structures used in the entryway feature must conform to the city's regulations pertaining to maximum height within the front yard of residential lots (see the zoning ordinance) wherever the adjacent lot sides onto the arterial street and the wall will be located within the front yard setback area. The design of the entryway shall be in accordance with design policies in the city's design manuals and standard construction details. The design of the entryway shall be reflected on the landscape and irrigation plans submitted along with the engineering plans and the preliminary plat, and shall be approved by the city manager.
- 4) The maintenance of the entryway shall be the responsibility of the applicant for a period of at least two years or until building permits have been issued for 90

percent of the lots in the subdivision, whichever event is later. Following that period of time, maintenance responsibility shall be borne by the private property owner(s) upon whose lot(s) the entryway feature is located, or by an approved homeowners association.

- 5) *Landscaping*. All landscaping and landscape screening shall conform with the city's zoning ordinance, and as interpreted and approved by the city staff.
- 6) *Signage*. All signage used to identify subdivisions shall conform with the city's sign regulations.

## **ARTICLE V. ENFORCEMENT**

### ***Section 5.01 Standard Specifications***

The specifications for materials and workmanship shall conform to the latest edition of the "Standard Specifications for Public Works Construction," published by the North Central Texas Council of Governments, the City's standard details, or design manuals.

The City Council hereby delegates all future authority to draft, amend, approve and/or adopt any and all Engineering Standards or Design Manuals for water, wastewater, drainage, traffic or other public improvements to the City Administrator, or her/his designee, with the input of the City Engineer.

The Engineering Standards may be drafted, amended, approved and/or adopted, from time to time, at the discretion and determination of the City Administrator, or her/his designee, with the input of the City Engineer. As Engineering Standards are drafted, amended, approved and/or adopted by the City Administrator, or her/his designee, said standards shall be included and substituted for the existing Engineering Standards, and shall thereafter have the same force of law and effect as if originally adopted hereby. Prior to the adoption of any new or amended provision within the Engineering Standards, such new or amended provision shall be posted on the City of Celeste's official website for a minimum of thirty (30) calendar days. The City shall provide notice by using a link to the Engineering Standards, for a minimum of thirty (30) calendar days prior to the enforcement of such new or amended provisions. Any individual may request to receive written notice of any new or amended provision to the Engineering Standards by providing said request in writing to the City. A copy of the current Engineering Standards shall be kept on file and available for review at City Hall.

The City Council hereby delegates all future authority to draft, amend, approve and/or adopt any and all Engineering Procedures, including checklists, review criteria and forms, to the City Administrator, or her/his designee, with the input of the City Engineer.

### ***Section 5.02 Inspection of Construction***

Construction shall be inspected by the City Engineer or City representative. Completion of construction to the approved plans and specifications of the City of Celeste is the responsibility of the Developer and Contractors. The responsibility of the City Engineer is to assure conformance to the accepted plans and specifications. Any change in design required during construction shall be made by the Engineer whose seal and signature are shown on the plans and shall be accepted by the City Engineer prior to making such changes.

The City Engineer, or his duly authorized representatives, shall make periodic inspection of the construction of improvements for subdivisions. Inspection of improvements by the City Engineer or his representative is not intended to and does not relieve the subdivider, or his contractor, from ensuring that the improvements are constructed in accordance with the accepted plans and specifications. The subdivider, or his contractor, shall maintain contact with the City Engineer, or his representative, during construction of improvements.

No sanitary sewer, water or storm sewer pipe shall be covered without approval of the City Engineer, or his representative. No flexible base material, subgrade material, or



stabilization shall be applied to the street subgrade without said approval. No concrete shall be poured nor asphaltic surface applied to the base without said approval.

The City Engineer, or his representative, may at any time cause any construction, installation, maintenance, or location of improvements to cease when, in his judgment, the requirements of this ordinance or the standards and specifications as hereinbefore provided have been violated, any may require such reconstruction or other work as may be necessary to correct any such violation.

The City of Celeste may contract with an independent inspection service to provide inspection, code enforcement and other inspection related services.

The City of Celeste may contract with an independent materials testing firm to confirm that the requirements of this ordinance are met. The cost of materials testing shall be borne by the developer.

Prior to final acceptance by the City of the improvements in the subdivision, the Engineer for the Developer shall submit to the City Engineer a complete, reproducible set of drawings of paving, drainage, and other improvements showing all changes made in the plans during construction and containing on each sheet an "As-Built" stamp bearing the signature of the Engineer and the date. An electronic file of the plat and any engineering plans shall also be submitted to the City

Generally, building permits will not be issued until completion of all improvements within the subdivision or resubdivision and acceptance by the City. The City Engineer shall have the authority, after reviewing the progress of construction and other relevant matters, to release portions of the subdivision for building permits. No building permit will be issued until the Developer pays to City all applicable fees and amounts and is found to be in compliance with all applicable ordinances, agreements and requirements.

### ***Section 5.03 Maintenance Bond***

The subdivider shall furnish a good and sufficient maintenance bond in the amount of one hundred percent (100%) of the contract price of all public improvements, or in such amount as approved by the City Engineer, with a reputable and solvent corporate surety in favor of the city, to indemnify the city against any repairs which may become necessary to any part of the construction of public improvements in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of two (2) years from the date of final acceptance of the improvements. Final acceptance will be withheld until said maintenance bond is furnished to the city.

### ***Section 5.04 Filing and Inspection Charges***

The City Council shall adopt a schedule of fees and charges shall be paid to the city when any preliminary plat or final plat or other filing is tendered to the City of Celeste or any other authorized board or agency of the city. Each of the fees and charges shall be paid in advance, and no action of the City Council or any other board or agency of the city shall be valid until the fees and charges shall have been paid to the city.

Except as otherwise provided, these fees and charges shall be charged on all plats and filings, regardless of the action taken by the City council or any other board or agency of the city, and whether the plat or filing is approved or denied by the City Council. Fees may include but are not limited to:

(1) Residential: For single-family and multifamily uses:

- (a) Preliminary plat.
- (b) Final plat
- (2) Manufactured homes: For developments for locating manufactured homes:
  - (a) Preliminary filing.
  - (b) Final filing
- (3) Other uses: For commercial, industrial, institutional, and other uses not normally platted in lots:
  - (a) Preliminary plat
  - (b) Final plat
  - (4) Re-filing.
- (5) Inspection Fee: Inspection fees are in addition to materials testing fees borne by the developer.

**Section 5.05 Penalty**

Any person, firm or corporation who shall violate any of the provisions of this ordinance or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed two thousand dollars (\$2,000.00) and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. Unless otherwise specifically set forth in this ordinance or in state law, as adopted, allegation and evidence of a culpable mental state is not required for proof of the violation of any provision of this ordinance.

In addition to and accumulative of all other penalties, the City of Celeste shall have the right to seek injunctive relief for any and all violations of this Ordinance.

**Section 5.06 Conflict**

Whenever the requirements of this ordinance of the city conflict with any other ordinance or requirement, the most stringent or restrictive provision shall govern. All Ordinances in conflict herewith as stated are repealed to the extent they are in conflict. Any remaining portions of conflicting ordinances shall remain in full force and effect. Whenever the requirements of this ordinance conflict with the provisions of an executed facilities agreement, the provisions of the facilities agreement shall govern.

**Section 5.07 Severability**

If any section, paragraph, clause, or part of this ordinance is declared invalid or unenforceable for any reason, such declaration shall not be held to invalidate or impair the validity, force or effect of any other section, paragraph, clause, or part of this ordinance.

**Section 5.08 Effective Date**

This ordinance shall become effective on the date of publication.

Duly passed and adopted by the City Council of Celeste, Texas this 9 day of January, 2024.

Shaunna Cole  
Mayor, City of Celeste

ATTEST:

CW Hene  
City Secretary