

EXHIBIT "A"

The following requirements are deleted from the Code of Ordinances as shown by ~~strikeout~~ and structure corrections as shown by underline as follows:

Chapter 17.5 – SUBDIVISIONS

ARTICLE I. – LANGUAGE OF THE SUBDIVISION ORDINANCE

Sec. 17.5-1. - General construction of language.

The following general rules of construction apply to the textual provisions of this chapter.

- (1) Section and subsection headings in this chapter do not govern, limit, modify or in any manner affect the scope, meaning, or intent of any provision.
- (2) The word "shall" is mandatory and not discretionary. The word "may" is discretionary.
- (3) Words used in the present tense include the future tense. Masculine pronouns shall include the feminine. Words used in the singular include the plural, and words used in the plural include the singular unless the context clearly indicates the contrary.
- (4) Unless the context clearly indicates the contrary, the following conjunctions are to be interpreted as follows:
 - a. "And" indicates that all connected items or provisions apply;
 - b. "Or" indicates that all connected items or provisions apply singly or in combination;
 - c. "Either/or" indicates that the connected items or provisions apply singly but not in combination.

Sec. 17.5-2. - Definitions

The following definitions shall apply to the textual provisions of this chapter:

911 coordinator. The person designated by the city staff to coordinate addressing of lots, tracts, parcels, homes, businesses, farms, ranches, etc. with departments providing emergency services (police, sheriff, fire, and EMS), phone companies, and U.S. Postal Service.

Addition. Any land subdivided in accordance with these regulations, approved by the city, and added to the city map as part of the city.

Administrative changes. Authorized changes proposed by an engineer or surveyor that can be approved by city staff administratively prior to plat recordation. Authorized changes shall include, ~~but not exceed (with one exception noted below),~~ the items listed in Section 212.016, Local Government Code, V.T.C.A., that outline the approval requirements of an amending plat. ~~In addition to the items listed in Section 212.016, Local Government Code, V.T.C.A., one exception is allowed. Easements, that do not alter or interfere with the approved plat requirements (i.e. drainage specifications) and are not dedicated as permanent improvements, are to be considered authorized administrative changes.~~

Alley. A public right-of-way, other than a street, providing access to the abutting premises.

Amended subdivision plat. A recorded plat approved by the city amending a preceding plat, pursuant to Section 212.016 of the Texas Local Government Code.

~~Approved by the city or city approval, and its recommendation to the city council, and final review and approval by the city council, or approval by the city council for all other plats unless specifically stated otherwise.~~

Arterial streets (or thoroughfares). ~~The primary urban traffic-carrying street or roadway which provides continuity and high traffic volume movement between major centers such as neighborhoods, commercial centers, etc. Arterial or thoroughfares are usually spaced at approximately one-mile intervals unless terrain or other barriers create a need for major deviation.~~

~~(1) Type A+ major regional arterial. A type A+ major arterial or thoroughfare provides three (3) 12-foot lanes in both directions with a 14-foot wide median within a 120-foot right-of-way.~~

~~(2) Type A major arterial. A type A major arterial or thoroughfare provides three (3) 12-foot lanes in both directions with a 14-foot wide median within a 110-foot right-of-way.~~

~~(3) Type B+ minor arterial. A type B+ minor arterial or thoroughfare provides two (2) 12-foot lanes in both directions with a 14-foot wide median within a 90-foot right-of-way. See Street Design Section of the Infrastructure Design and Construction Manual (IDCM).~~

As-built plans. See definition of Record drawings.

~~Authorized administration. The city engineer or city manager has the authority to approve administrative changes prior to plat recordation.~~

Block (geographic block). A tract of land bounded by streets or any of the following: a public park, a cemetery, railroad right-of-way, a shoreline, a waterway, or the boundary line of a municipality.

Block (legal designation). A portion of a particular addition and identified as a block made up of one (1) or more surveyed lots and not necessarily completely surrounded by geographic features such as streets or alleys.

Build. To erect, convert, enlarge, construct, reconstruct, or structurally alter a building.

Building. A roofed structure, supported by columns or walls for the shelter, support, or enclosure of persons, property, or animals. Also, anything built that requires a permanent location. This term also includes structure.

Building permit. A permit issued by the city staff for the construction of a new structure or the renovation or addition to an existing structure. Foundation, plumbing and electrical permits are included within this designation.

CCN. Certificate of Convenience and Necessity.

~~Certificate. A document signed by city planner or designated person the status of compliance with the city subdivision ordinance [this chapter] of a given tract or parcel of land.~~

City. The City of Copperas Cove, Bell, Coryell, and Lampasas Counties, Texas.

~~City approval. See Approved by the city.~~

City attorney. Legal counsel of the city.

City building official. The chief building official of the city.

City council. The city council of Copperas Cove, Texas.

City engineer. The city engineer of the city.

City limits. The corporate limits of the city.

City planner. The city planner for the city.

~~City staff. Employees of the city, including, but not limited to, city planner, city engineer, director of public works, director of water/wastewater, director of building and development, police chief and fire chief.~~

City Standard Details and Specifications. A collection of standards and specifications included in the IDCM.

~~Collector street. The street or roadway which has the primary function to collect and distribute traffic from local access streets to arterials or thoroughfares.~~

- ~~(1) Type B major collector. The type B major collector is applicable to streets that serve areas which are significant traffic generators or have continuity sufficient to attract moderately high traffic volumes of fifteen thousand (15,000) to twenty thousand (20,000) vehicles per day. The type B major collector provides for two (2) 11-foot lanes in both directions with a 12-foot wide raised or painted median within an 80-foot right-of-way.~~
- ~~(2) Type C+ major collector. The type C+ major collector is applicable to streets that interrupt traffic from residential areas and accommodate this movement to the nearest major collector or arterial and attract low to moderate traffic volumes of five thousand (5,000) to fifteen thousand (15,000) vehicles per day. The type C+ major collector provides for two (2) 11-foot lanes in both directions within a 70-foot right-of-way.~~
- ~~(3) Type C collector. The type C collector is applicable to streets that interrupt traffic from residential areas and accommodate this movement to the nearest major collector or arterial and attract low traffic volumes of up to five thousand (5,000) vehicles per day. This type of collector street should be located in a manner to discourage through traffic movements. This type of collector street should be discontinuous near the center of a neighborhood. The type C collector provides for one (1) 11-foot lane in both directions and an eight-foot parking lane on both sides within a 60-foot right-of-way. See Street Design Section of the IDCM.~~

Comprehensive plan. A master plan for development of the city or any of its geographical parts, adopted, or thereafter amended by the planning and zoning commission and city council.

Consanguinity. The quality or state of being related to another by blood. That is, one is the descendant of the other or they share a common ancestor. A person has first degree of consanguinity with his father, mother, daughter, or son.

Construction plans. Maps or drawings prepared by a licensed professional engineer, showing the specific location and design of public improvements to be installed in accordance with the requirements of the City engineer and as also defined in Section 212.009, Subsection (2), Local Government Code, V.T.C.A.

Corner lot. A lot immediately adjacent to the intersection of two (2) streets.

County. County or counties where a subdivision lies.

County clerk. The recording officer of legal records for the county where subdivision is located.

County commissioners court. The commissioners court in the county of jurisdiction.

Cul-de-sac. A local street with only one (1) outlet and having a terminal for safe, convenient reversal of direction.

Datum. The reference on which elevations are established. Unless approved otherwise by the City engineer, all elevations shall reference vertical datum as noted on the current FEMA FIRM.

Developer. See definition of Sub divider.

Development. Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.

Planning Development Services Department. The city department that acts as the regular technical advisors to the planning and zoning commission, and the city council.

Division. The dividing of a tract of land in two (2) or more parts using a metes and bounds description in a deed of conveyance, or in a contract for a deed, by using a contract for sale or other executory contract to convey, or by using any other method.

DMP. City of Copperas Cove Drainage Master Plan, latest edition or revision.

Driveway. An approved access from a public street that allows vehicular access to a lot.

Easement (utility and drainage). An authorization granted by the property owner to the city, the public, an individual, or a private utility corporation for installing or maintaining utilities or drainage facilities over or under private land, together with the right to enter the property with machinery and vehicles necessary for the maintenance of the utilities or drainage facilities.

Easement (vehicular or ingress/egress). An authorization to cross a piece of property, granted by the property owner to a specified person or persons or the public.

ETJ. Extraterritorial jurisdiction.

Extraterritorial jurisdiction. The extraterritorial range of the city authority outside the corporate limits as authorized by Section 42.022, Local Government Code, V.T.C.A.

FEMA. Federal Emergency Management Agency.

Filing date. For purposes of Texas Local Government Code Chapter 212.009, et seq., a plan or plat is considered filed when all documents specified and required by these regulations are accepted by the City upon the applicable submittal date(s) and the appropriate fee has been paid.

FIRM. Flood insurance rate map.

Freeways and expressways. A freeway is the highest type facility in the major street system. It is a high-volume facility which has full control of access and full grade separation at intersecting streets, permitting heavy traffic at high speeds.

Frontage. Any side of a lot abutting on a street.

FSRS. ISO fire suppression rating schedules for fire defense with the Texas amendments.

IDCM. Infrastructure Design and Construction Manual.

Industrial street. Industrial streets are moderate volume, low-speed streets designed to provide access to abutting industrial land.

Infrastructure Design and Construction Manual. A collection of criteria, specifications and standards associated with public improvements, created by committee, and approved by City Council. This manual illustrates and describes the required design criteria, installation and material for publicly-dedicated infrastructure.

ISO. Insurance Services Office.

Licensed professional engineer. A professional engineer licensed and registered by and in the State of Texas.

Local streets. See Street Design Section of the IDCM Design Criteria Manual.

Lot. A tract, plot, or portion of a subdivision or other parcel of land having fixed boundaries.

Lot improvement. Any building, structure, grading, paving, work of art, or other object constituting a physical betterment of the land on which it is situated.

Marginal access streets. A street which runs parallel and adjacent to an arterial street and which provides access to abutting properties while protecting them from through traffic.

Minor plats. ~~Plats, replats or resubdivisions, or amended plats for subdivisions containing ten (10) lots or less.~~ Those plats that can be administratively approved in accordance with Texas Local Government Code Section 212.0065, et seq.

Municipal Authority. The authority responsible for approving any plat or plan as dictated by these regulations.

One hundred-year floodplain (area of special flood hazard). An area subject to a one (1) percent or greater chance of flooding in any given year, as designated on the FIRM issued by FEMA or as determined by the developer's engineer.

Open space. Land which is not covered by structures or paving material.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal or equitable title in the land sought to be subdivided under these regulations.

Park road. Any street which is primarily used for park access and is within a public dedicated park.

Paving width. The shortest distance measured from back of curb to back of curb or on a curb-less rural street from edge of pavement to edge of pavement.

Performance guarantee. An assurance (usually in the form of a cash bond, a performance bond, or a letter of credit) that all required improvements will be completed to city specifications within a specified period of time.

Person. An individual, corporation, or association.

Planning and zoning commission. The planning and zoning commission of the city, established in accordance with the home rule authority of the city and Chapters 211 and 212, Local Government Code, V.T.C.A., and having authority to review and ~~recommend approval~~ approve, approve with conditions or ~~disapproval~~ disapprove of all subdivision plats.

Plat (final). The map of a subdivision which is presented to the authorized approving authority(ies) for review, recommendation and/or action, and if approved, is recorded in the ~~deed~~ plat records of the county in which the property is located.

Plat (preliminary). The preliminary maps and plans which indicate the proposed layout of the subdivision which are presented to the ~~planning and zoning commission~~ approving authorities for review and approval.

Private street. A roadway that is not dedicated for public use which provides access to two (2) or more properties.

Public improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, public utility, or other facility for which the city has agreed to assume responsibility for maintenance and operation.

Public utility.

- (1) City owned, operated, and maintained utilities, including water, sewer, and drainage.
- (2) Utilities such as electric, gas, telephone, and cable television which are regulated by the Texas Public Utility Commission and which have a franchise agreement with the city to own, operate, and maintain utilities in the public rights-of-way and easements.

Record drawings. Plans prepared by a licensed professional engineer showing his signature and stamped or embossed seal showing that the project has been constructed.

Red lines. Making note of all changes in red font color by city staff simultaneously.

Registered professional land surveyor. A land surveyor licensed and registered by and in the State of Texas.

Re-subdivision plat or replat. Any change in the map of an approved or recorded subdivision plat except those covered by the amended plat. Any such change constitutes a subdivision of property and shall be approved by the city appropriate Municipal Authority.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, alley or other special use, shown to be separate and distinct from adjacent lots or parcels of land, and not included in the dimensions or areas of such lots or parcels.

Right-of-way width. The shortest distance between the lines delineating the right-of-way.

Rural street. Street or road built to rural street standards.

Rural street standards. Street or road built with side drainage ditches (bar ditches) with no curb and gutter; sometimes referred to as strip paving or open section.

Service road. A lesser classified functioning street which is usually parallel and adjacent to a limited access or full access-controlled freeway and functions as an integral part of that system. It provides protection from through traffic to abutting properties and is situated within the right-of-way of that higher classified system.

Setback. The distance between a building foundation or wall and the property line.

Setback line (building line). An established line which is parallel to and set back from the street right-of-way line, side lot lines and rear lot line which identifies an area into which no part of the building foundation shall project.

Street. A public or private thoroughfare which affords the principal means of access to abutting property.

Street classification map. A map classifying city streets based on criteria set out in the comprehensive plan.

Structure. Anything constructed or erected which requires a location on the ground or attached to something having a location on the ground, including, but not limited to, buildings of all types, but exclusive of customary fences or boundary or retaining walls, off premises signs, billboards, and poster panels.

Subdivider. The owner or legal representative of the owner of land proposed for subdivision.

Subdivision.

- (1) Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots or to create from said land one (1) or more lots of record, including an addition to the city, for which the purpose is to:
 - a. Lay out suburban, building, or other lots;
 - b. Transfer of ownership; or

- c. Lay out streets, alleys, squares, easements, parks or other parts of the tract intended to be dedicated for public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts.

(2) Any land, vacant or improved, which is re-subdivided or proposed to be re-subdivided.

(3) The act of dividing or assembling land by any means.

These definitions apply to land within the city or its ETJ and include land divided or assembled by metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale, intestacy, lease map, plat or any recorded instrument or by using any other method.

A division of land under this definition does not include a division of land into parts greater than five (5) acres, where each part has access and no public improvement is being dedicated.

Subdivision plat. The final map or drawing by which the owner or owners of record plan of subdivision is presented for approval and which, if approved by the applicable Municipal Authority, is recorded in the county ~~deed~~ plat records of the county in which the subdivision is located.

TCEQ. Texas Commission on Environmental Quality.

TMP. Transportation Master Plan.

Transportation Master Plan (TMP). A map delineating both existing and proposed freeways, expressways, and arterial streets for the city or its ETJ as adopted in the comprehensive plan or thereafter amended by the planning and zoning commission and city council.

TxDOT. Texas Department of Transportation.

Vacated subdivision plat. A recorded instrument approved by the city nullifying a preceding recorded plat to the pre-existing legal description of the property, upon request of the owner, in accordance with Local Government Code 212.013.

Zoning ordinance. The official zoning ordinance of the city together with any and all amendments.

Secs. 17.5-3—17.5-20. - Reserved.

Article II – General Provisions

Sec. 17.5-21. - Short title.

This chapter shall be cited as the subdivision ordinance of the City of Copperas Cove, Texas.

Sec. 17.5-22. - Authority of the city to adopt a subdivision ordinance.

The ordinance from which this chapter is derived is adopted under the authority of the Constitution and laws of the State of Texas.

Sec. 17.5-23. - Purpose.

This chapter has been adopted in accordance with the comprehensive plan for the city to promote the health, safety, and general welfare of the city or its ETJ through orderly and beneficial development. The purpose of these regulations is to secure safety from fire, flood, and other dangers; to provide orderly growth in the city or its ETJ; to provide equitable access to air, water, and light; to guard these resources against misuse and pollution; to protect the beauty, value, and stability of the land located in the city or its ETJ; to foster a beneficial relationship between the land and traffic circulation; to facilitate safe convenient, efficient movement of pedestrian and vehicular traffic by means of proper dimensioning and location of streets and buildings; to insure the adequate provision of water, sewerage, drainage, streets, parks, and open space to all citizens; to safeguard the character and stability of all parts of the city or its ETJ; to expedite the transfer and development of property through the requirement of correct legal description and adequate ~~monumenting~~ monumentation; to assist developers in making decisions concerning the use of resources; to reduce inconveniences to residents and the related costs to the city for correction of inadequate environmental conditions.

Sec. 17.5-24. - Intent.

In order to accomplish the purposes, set forth in section 17.5-23, it is the intent of this chapter:

- (1) To direct development and redevelopment in the city in accordance with the goals, objectives, and policies of the comprehensive plan;
- (2) To encourage the orderly layout and appropriate use of land through a consistently applied subdivision procedure;
- (3) To maintain or improve the quality of development and redevelopment of land through engineering and design standards;
- (4) To provide for the fair and expeditious administration of this chapter through a cooperative and coordinated review process.

Sec. 17.5-25. - Compliance with this chapter.

It shall hereafter be unlawful for any person or agent of any person to layout, subdivide, or plat any land within the city or its ETJ into lots, blocks, or other parcels to sell or otherwise transfer property therein which has not been laid out, subdivided, and platted according to this chapter.

Sec. 17.5-26. - Authority of city council.

The city council has the authority and has adopted this Chapter, and any subsequent amendments hereto, in accordance with the Texas Local Government Code as necessary to govern plats and subdivisions of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality. ~~shall have the responsibility and authority to review and approve or disapprove plats for subdivision, amended plats, resubdivision, and vacated plats. All land within the city or its ETJ hereafter subdivided into lots, blocks, or other parcels, shall be laid out subject to review and approval by the city council with the exception of minor plats. All other subdivisions or plats are illegal and shall not be recognized by the city.~~

Sec. 17.5-27. - ~~Authority of planning and zoning commission~~ Identification of Municipal Authority.

- (1) Planning and Zoning Commission. The planning and zoning commission is the Municipal Authority given the responsibility and authority to review plats for subdivisions, amended plats, resubdivision (replats), and vacated plats. All land within the city or its ETJ hereafter subdivided into lots, blocks, or other parcels, shall be laid out subject to review by the planning and zoning commission. All other subdivisions or plats are illegal and shall not be recognized by the city. The review of all subdivisions shall be heard at a planning and zoning commission public meeting, unless otherwise stated in this chapter. ~~The planning and zoning commission shall have full authority to give final approval for minor plats between five (5) and ten (10) lots. The planning and zoning commission shall forward all other plats to the city council with a recommendation to approve or disapprove the plat. A planning and zoning commission recommendation to the city council to disapprove a plat shall be accompanied with a written statement as to why approval of the plat should be denied.~~

~~Amending plats and minor plats of four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities as defined in Section 212.0065, Local Government Code, V.T.C.A., shall be administratively approved by the city planner. In the event that a minor plat is submitted to the city planner, which the city planner does not approve, the city planner shall not disapprove the plat but shall refer the plat to the planning and zoning commission within the time period prescribed in Section 212.009, Local Government Code, V.T.C.A.~~

- (2) City Planner. The City Planner, in consultation with the City Engineer and other necessary City staff, is designated as the Municipal Authority to administratively approve amending plats and minor plats of four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities as defined in Section 212.0065, Local Government Code, V.T.C.A. In the event that a minor plat is submitted to City Planner, which the City Planner does not approve or approve with conditions, the City Planner shall not disapprove the plat but shall place the plat on the next regularly scheduled meeting of the planning and zoning commission for decision within the time period prescribed in Section 212.009, Local Government Code, V.T.C.A.
- (3) City Engineer. The City Engineer, in consultation with the City Planner and other necessary City staff, is the Municipal Authority responsible for approving construction plans. In the event that construction plans are submitted to City Engineer, which the City Engineer does not approve or approve with conditions, the City Engineer shall not disapprove the construction plans, but shall place the construction plans on the next regularly scheduled meeting of the planning and zoning commission for decision within the time period prescribed in Section 212.009, Local Government Code, V.T.C.A.

Sec. 17.5-28. - Jurisdiction/exemptions.

The regulations comprising this chapter and the authority of the city council and the planning and zoning commission to regulate subdivisions shall apply to all subdivisions of land lying within the city or its ETJ. Except as expressly stated herein, all subdivisions within the city or its ETJ shall be platted and submitted for review to the planning and zoning commission and for approval ~~or disapproval by the city council,~~ approval with conditions or disapproval. The city shall not extend utilities, provide access to

public roads, or issue building permits, except for properties which are not subdividing or adding public infrastructure, for the development of any property which has not received final plat approval.

- (1) A subdivision plat shall be required for every owner of any tract of land who may divide said tract into two (2) or more lots or tracts, or create from said tract one (1) or more lots of record, including an addition to the city or its ETJ, for the purpose of:
 - a. Laying out suburban, building, or other lots;
 - b. Transfer of ownership;
 - c. Laying out streets, alleys, squares, easements, parks or other parts of the tract intended to be dedicated for public use; or
 - d. The use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts of the tract intended to be dedicated for public use.
- (2) In accordance with Texas Local Government Code, the following types of subdivisions ~~in the ETJ~~ do not require subdivision plat submittal or approval by the city:
 - ~~a. If each of the lots:~~
 - ~~1. Is greater than five (5) acres in size; and~~
 - ~~2. Has a minimum of three hundred (300) feet frontage on an existing dedicated right-of-way of the required width which has been accepted for maintenance by the county commissioners court having jurisdiction, or Texas Department of Transportation (TxDOT), or which has a permanent ingress/egress access easement recorded in the county deed records and approved by the city staff; and Where each part has access and no public improvement is being dedicated; and~~
 - ~~3. Does not require the extension of new utilities or street construction.~~
 - a. If each of the lot(s):
 1. Is greater than five (5) acres in size; and
 2. Is located along an existing public street, or private road or permanent ingress/egress easement for access purposes that was filed for record in the county deed or plat records; and
 3. Does not require the extension of new public utilities or public street construction; or
 4. The tract of land is to be used solely for the financing of the construction of a building, or for the refinancing of an existing building; or
 5. Where there is a division of property through either conveyance, inheritance, the probate of an estate, or by a court of law between persons related in the first degree of consanguinity, and the property is divided into unequal tracts which do not exceed one (1) tract per person related in the first degree of consanguinity, the

larger tract(s) will not have to file a plat for approval if the larger tract(s) would otherwise be exempted from the platting requirement in accordance with subsections (2)a., b. of this section. This exception from the plat submittal or approval process only applies to the initial division and transfer of property from the original transferor to a person or persons related in the first degree of consanguinity.

Sec. 17.5-29. - Conformance to applicable laws and regulations.

(a) All subdivisions in the city limits or its ETJ shall comply with all applicable federal, state, and local laws, rules, and regulations enacted pursuant thereto. All subdivisions in the city limits or its ETJ shall also comply with the following regulations and rules:

~~(2) A certificate issued by the approval authorities planning and zoning commission, stating that the plat has been submitted to and considered by the planning and zoning commission and recommended to the city council, shall be obtained prior to the connection of any public utility.~~

~~(3) A certificate issued by the city council, stating that the plat has been reviewed and approved by the city council, shall be obtained prior to the connection of any public utility.~~

~~(4) If the subdivision is in the ETJ, a certificate issued by the commissioners court having jurisdiction, stating that the plat has been reviewed and approved by that commissioners court, shall be obtained prior to the connection of any public utility.~~

~~(2) A landowner or an entity that provides utility service, upon written notice and identifying the subject property by an attached map and field notes of record, may request the city staff to determine, by the issuance of a certificate:~~

~~a. Whether a subdivision plat will be required; and~~

~~b. If a subdivision plat is required, whether an application has been filed and whether the plat has been received and approved by the city.~~

(1) Any standard or regulations adopted by the city council.

(2) The IDCM. City Standard Details and Specifications

(3) The DMP; and the water, and sanitary sewerage system master plan.

(4) The ISO FSRS.

(5) The requirements of the TCEQ or related state agencies.

(6) The requirements of the county on-site wastewater disposal regulations, if applicable.

(7) The regulations of TxDOT (if any part of the subdivision lies adjacent to a highway controlled or maintained by the state.)

(b) All subdivisions in the city limits shall comply with the zoning ordinance of the city and the comprehensive plan of the city.

Sec. 17.5-30. - 17.5-40. – Reserved

Article III – General Regulations

Sec. 17.5-41. - Subdivision approval process.

(a) [The subdivision approval process] involves:

(1) Pre application conference (recommended; required if dispute or question as to which set of subdivision regulations apply);

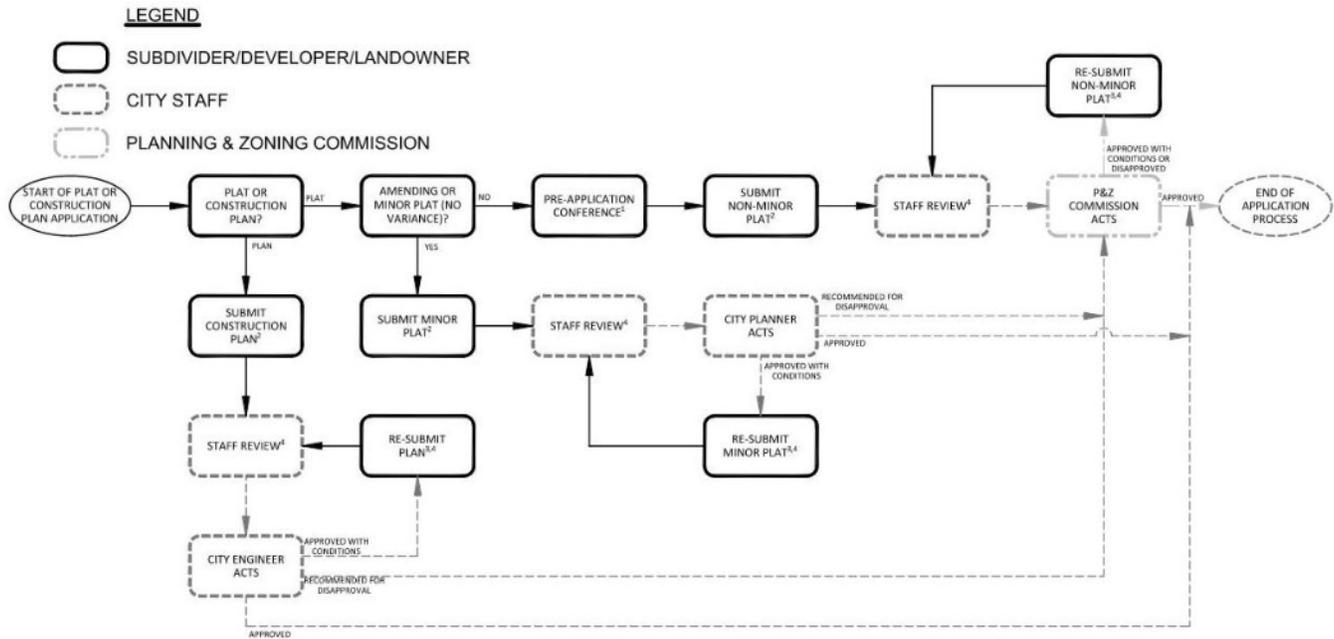
(2) Preliminary plat approval except as exempted for minor plats in subsection (b) below;
and

(3) Final plat approval (always required) and may include a resubdivision, an amended plat or a vacated plat.

(b) A preliminary plat and final plat may be submitted and processed simultaneously for city approval for minor plats.

Requirements and Approval Process for Subdivision Plats and Plans.

Submittal and Approval Process for Subdivision Plats and Plans



¹Pre-application conference requirements for non-minor preliminary and final plats: See Section 17.5-41(a) below.

²Initial submittal dates/approval process: See Sections 17.5-41(b) and (c) below.

³Resubmittal dates/approval process: See Sections 17.5-41(d) and (e) below.

⁴Staff comments do not preclude the applicant or developer from regulations found within the City's adopted model codes (IBC, IFB, IPC & NEC), zoning or land development requirements of the Code of Ordinances. In accordance with Texas Local Government Code, Chapter 212, applicants are required to respond to each staff comment in writing. Once corrections and responses are received, the City shall have fifteen (15) days after the date received to make a determination to approve, approve with conditions, or disapprove the resubmitted application.

(a) Requirements.

(1) Pre-Application Conference.

- a. Prior to submitting a preliminary non-minor subdivision plat, any person wishing to develop property shall consult with city staff for comment and direction in a pre-application conference.
- b. This conference is required for all non-minor preliminary plats before an application can be filed. For minor plats and subdivision construction plans, a pre-application conference is not required, though recommended.
- c. City Staff shall provide written documentation from the conference within 14 days.

(2) Preliminary Subdivision Plat.

- a. A preliminary plat shall be required for all non-minor plats.
- b. The preliminary plat shall cover the entire tract of land to be developed.

- c. Approval of a preliminary plat does not constitute final acceptance or city approval of the subdivision.
- d. The approved preliminary plat is not filed for record in the county plat records.

(3) Final Subdivision Plat

- a. A final plat is required for every subdivision, re-subdivision, amended subdivision and vacation.
- b. A final plat may be filed for an entire subdivision or for a specified portion of a subdivision for which a preliminary plat has been approved.

(b) Submittal and Review Process

(1) Pre-Application Conference

- a. If a pre-application conference is required or desired, the applicant is encouraged to contact the Development Services Department by the last business day of the week prior to the following week's Plat and Plan Meeting. This communication is to avoid a possible cancellation of the meeting due to inactivity.
- b. There is no fee associated with a pre-application conference.

(2) An application submittal is considered complete when the required documents and associated fee provided for the specific application, all as provided in this Chapter, are submitted to the Development Services Department either in person or online via the City's website.

(3) The application submittal dates for:

- a. Non-minor plats are restricted to the Tuesday, Wednesday, or Thursday four weeks prior to the scheduled Planning and Zoning Commission meeting at which the application will be considered. Should any of the application days (Tuesday, Wednesday, or Thursday) fall on a holiday, the submittal deadline shall be extended by one day for each holiday; or
- b. Minor plats and construction plans are restricted to the last business day of every week.

(4) Once a complete application submittal, including the required fees, is received in accordance with the foregoing, the submittal is deemed filed (Filing Date) for purposes of these regulations and Chapter 212 of the Texas Local Government Code, and the City Staff shall:

- a. Notify the relevant public utility companies that the application is available for review; and
- b. Review the plat or construction plans and any recommendations of the public utility companies.

(c) Approval Process

(1) City staff shall:

a. For non-minor plats:

1. Place the plat on the agenda for the next regularly scheduled planning and zoning commission meeting at least 14 days prior to the meeting; and
2. Make a recommendation (approve, approve with conditions, or disapprove) to the planning and zoning commission.

b. For minor plats and construction plans, administratively approve or approve with conditions, or submit a recommendation for disapproval to the planning and zoning commission within thirty (30) days of the Filing Date of a complete application, unless a variance is required. If a variance is required, then the application submittal will follow the approval process for a non-minor plat.

(2) For non-minor plats, the planning and zoning commission will then approve, approve with required conditions, or disapprove pending compliance with specific conditions and requirements within thirty (30) days of the Filing Date.

(d) Re-submittal Process

(1) For non-minor plats, minor plats or construction plans approved with conditions or disapproved by the planning and zoning commission, any changes made by the subdivider to respond to an approval with conditions or disapproval shall be resubmitted to the city only on the first business day on or after the date 15 days before the planning and zoning commission meeting at which the applicant desires the application to be considered by the commission (Filing Date); or

(2) For minor plats or construction plans administratively approved with conditions, any changes made by the subdivider to respond to an approval with conditions shall be resubmitted to the city on the last business day of every week (Filing Date).

(e) Re-submittal Approval Process

(1) For non-minor plats, minor plats or construction plans previously approved with conditions or disapproved by the planning and zoning commission, the planning and zoning commission will approve, approve with conditions, or disapprove pending compliance with specific conditions and requirements; or

(2) For minor plats or construction plans administratively approved with conditions, city staff shall approve or approve with conditions, or submit a recommendation for disapproval to the planning and zoning commission pending compliance with specific conditions and requirements; and

(3) The applicable Municipal Authority shall take action on all resubmittals within fifteen (15) days of the Filing Date of a complete resubmittal.

Prior to submitting a preliminary or final subdivision plat, any person wishing to develop property shall consult with city staff for comment and direction. At this stage, decisions are made concerning what information and documents should be submitted for review.

Sec. 17.5-43. - Reserved. Preliminary subdivision plat approval.

- (a) ~~If a proposed subdivision involves street or utility construction, or has unusual topography, a preliminary plat shall be required. The preliminary plat shall cover the entire tract of land to be developed.~~
- (b) ~~Upon receipt of the preliminary plat with the required fees and all submittals and documentation required by this chapter for preliminary plats, city staff shall cause the plat to be reviewed by the public utility companies and receive their recommendation. City staff shall review the plat and the recommendations of the public utility companies and make a recommendation to the planning and zoning commission. The planning and zoning commission will then approve or disapprove the plat pending compliance with specific conditions and requirements. Approval of the preliminary plat does not constitute final acceptance or city approval of the subdivision. The approved preliminary plat is not filed for record in the county plat records.~~
- (c) ~~The preliminary plat remains active until one (1) year from the date the planning and zoning commission gives approval or disapproval pending compliance with specific conditions and requirements. During that time all specific conditions and requirements for approval shall be met or a final plat shall be submitted to the planning department for staff review and planning and zoning commission consideration.~~
- (d) ~~If the requirements for approval have not been met or no final plat has been submitted at the end of one (1) year following the approval or disapproval date, the approval or disapproval pending compliance with specific conditions and requirements becomes null and void, and a new preliminary plat shall be submitted. The city planner may, with reasonable cause, grant an extension of approval beyond the time limit upon the written request of the developer or of city staff.~~
- (e) ~~The planning and zoning commission shall have final authority to approve preliminary plats.~~

Sec. 17.5-44. - Reserved. Final subdivision plat approval.

~~Final plat approval is required for every subdivision, resubdivision, amended subdivision and vacated plat. A final plat may be filed for an entire subdivision or for a specified portion of a subdivision for which a preliminary plat has been approved. Upon receipt of all the required documents, city staff shall cause the plat to be reviewed by the public utility companies and receive their recommendation. City staff shall review the final plat for compliance with the subdivision regulations and the recommendations of the public utility companies, and notify the developer of deficiencies in the plat and actions needed to correct the plat. This city staff review shall be in the form of a recommendation for approval, approval pending compliance with specific conditions and requirements, or disapproval to the planning and zoning commission.~~

- (1) ~~Minor plats. The planning and zoning commission shall approve or disapprove a minor plat within thirty (30) days after the plat submittal deadline from which the planning department~~

~~received the application for subdivision approval. A minor plat is not required to be approved by the city council unless an appeal or variance is required.~~

~~(2) Other plats. The planning and zoning commission shall recommend to the city council:~~

~~a. Approval of the final plat;~~

~~b. Approval of the final plat pending the completion of specific conditions and requirements; or~~

~~c. Disapproval within thirty (30) days after the final plat submittal deadline from which the planning department received the application for subdivision approval.~~

~~The city council will consider and approve or disapprove the plat within thirty (30) days after the date the plat is recommended for approval by the planning and zoning commission.~~

~~A final plat which has been recommended to be disapproved or approved subject to specific conditions and requirements by the planning and zoning commission shall be forwarded to the city council unless the owner specifically requests in writing that the final plat approval process be suspended. A final plat that is recommended for approval subject to specific conditions and requirements by the planning and zoning commission and the owner has requested in writing that the approval process be suspended will remain active for one (1) year from the date of conditional approval. During the one (1) year from the date of conditional approval, all conditions and requirements for the planning and zoning commission recommendation for approval shall be met and the revised final plat shall be resubmitted for approval. If all of the conditions and requirements have not been met by the end of one (1) year from the date of conditional approval, the final plat shall become null and void as though no plat had been submitted. The city planner may, with reasonable cause, grant an extension of the time limit at the written request of the developer or of city staff.~~

Sec. 17.5-45. - Filing fees and procedures.

(a) Pre-application conference. No fee is charged for a pre-application conference.

(b) Preliminary subdivision plat. Any owner or developer requesting approval of a preliminary subdivision plat shall file an application on forms prescribed and furnished by the planning development services department.

The fee for processing a preliminary plat shall be determined by the city council and paid to the "City of Copperas Cove" through the planning development services department. A schedule of fees shall be made available to the public by the planning development services department.

(c) Final subdivision plat. Any owner or developer requesting approval of a final subdivision plat shall file an application on forms prescribed and furnished by the planning development services department.

The fee for processing and recording a final plat shall be determined by the city council and paid to the "City of Copperas Cove" through the planning development services department. A schedule of fees shall be made available to the public by the planning development services department.

Sec. 17.5-46. - Required documents.

The required number of documents indicated shall be submitted to the planning development services department.

- (1) Pre-application conference. The following documents shall be submitted to the planning development services department at the pre-application conference:
 - a. Two (2) copies of a sketch plan of the entire subdivision, drawn approximately to scale, showing proposed street, lot, utility, and drainage layout;
 - b. Two (2) copies of a location map showing the subdivision in relation to existing streets or roadways (i.e. city or county road map);
 - c. Documentation or statement from property owner indicating consent for proposed development.
- (2) Preliminary plat approval. The following documents shall be submitted to the planning development services department for preliminary plat review and approval:
 - a. ~~Four (4)~~ Two (2) copies of a legible, accurately scaled plat of the entire subdivision, including all adjacent land owned by the developer, prepared by a registered professional land surveyor or a licensed professional engineer showing:
 1. The subdivision boundary as determined by a boundary survey or by recorded description of the property;
 2. The street and lot layout and the proposed use of the property;
 3. Proposed and existing easements, sewers, water lines, gas mains, water courses, ravines, bridges, culverts, existing structures, drainage areas in acreage, and other features pertinent to subdivision;
 4. Proposed and dedicated right-of-way;
 5. The proposed legal description of the subdivision;
 6. The proposed name of the subdivision;
 7. The date of the plat and of any revisions;
 8. The scale to which the plat was drawn, (1" = 100');
 9. Computed total acreage;
 10. A north arrow;
 11. The name and address, signature, and date of signature of the owner of the property;
 12. The words "Preliminary Plat For Review Purposes Only";
 13. The planning and zoning commission approval date;

14. The TCEQ water CCN number;
15. The electric service company or cooperative that is certified to serve the area;
16. Adjacent platted property or the owner and deed reference for adjacent unplatted property; and
17. Streets and street names.
18. Location Map showing:
 - i. The proposed subdivision in relation to existing streets or other easily recognizable geographic features;
 - ii. A north arrow; and
 - iii. The proposed name of the subdivision.
- b. Two (2) copies of a topographical map of the entire subdivision based on an actual on-the-ground, LIDAR, or photogram metrical survey, showing existing contours at a minimum of two-foot intervals, with all elevations referenced to the current FEMA FIRM datum. Contour lines may be omitted in order to limit contours to a quarter inch spacing in areas of the topographical map with steep land features, but in no case shall contour intervals exceed ten (10) feet. The source of the contour data shall be indicated on the map. The benchmark used shall be identified by location and reference elevation. Topographic information may be included on the plat described in subsection (2)a. of this section or be placed on a separate map drawn to the same scale as the above plat. TxDOT monument information is required.
- c. ~~Four (4)~~ Two (2) copies and One (1) electronic copy of a location map showing:
 1. The proposed subdivision in relation to existing streets or other easily recognizable geographic features;
 2. A north arrow; and
 3. The proposed name of the subdivision.
- d. One (1) copy of a listing of the computed square footage or acreage of irregular shaped lots.
- e. For sites not served by sanitary sewer, the sub divider shall submit ~~two (2) copies of a report sealed by a licensed professional engineer or registered sanitarian indicating percolation tests have been conducted and determining the environmental suitability for safe operation of septic systems. The report shall determine a minimum lot size, density, and type of proposed disposal system. This report is to be submitted to the city engineer.~~ approval documentation from the appropriate county for which the development is taking place.
- f. Every document noted above shall be submitted in PDF format.

Failure to submit all required documents in the required number shall be considered an incomplete application for preliminary plat approval. No preliminary plat shall be ~~forwarded to~~ placed on the agenda for the planning and zoning commission's for consideration and action until the submittal is complete.

Sec. 17.5-47. - Final plat review, approval and recording.

The final plat and the following documents shall be submitted to the ~~planning~~ development services department for review. These documents shall be submitted with the final plat for it to be filed for record in the county plat records:

- (1) ~~Four (4)~~ Two (2) copies and One (1) electronic copy of a legible, accurately scaled plat of the entire subdivision or portion thereof, prepared by a registered professional land surveyor showing:
 - a. The subdivision boundary as determined by a boundary survey done on the ground by a registered professional land surveyor;
 - b. The street and lot layout with blocks numbered consecutively throughout the subdivision, the lots numbered consecutively throughout each block;
 - c. Proposed and existing alleys and easements;
 - d. Proposed and dedicated rights-of-way and reservations;
 - e. All dimensions and other surveying information necessary to produce the plat on the ground including:
 1. Linear and curvilinear dimensions shall be shown in feet and decimals of a foot;
 2. Bearings reference shall be shown by the current standards as prescribed by the State of Texas Land Surveyors Board;
 3. The radii, tangents, central angles, the long chord distance and bearings for all curves and curved lot lines, and arc lengths of all curves;
 4. The lengths and bearings of all straight lines;
 5. The dimensions from all angle points and points of curve of lot lines;
 6. Existing lot lines (shown by dashed lines) for property being resub divided;
 7. Side lot lines perpendicular to the street may have the bearing shown; and
 8. State plane coordinates for a minimum of two (2) adjacent corners of the subdivision or tie to a known subdivision, highway station or intersection, or other point approved by the City engineer;
 - f. Recording data for all property to include the owner's name and acreage;
 - g. Names and dimensions of proposed and existing streets within and adjacent to the subdivision unless where right-of-way becomes impractical;

- h. The proposed name of the subdivision;
- i. The date of the plat and of any revisions;
- j. The scale to which the plat was drawn, (1" = 100') unless this scale is impractical and another is approved by the ~~City engineer and City Planner staff~~ City Engineer and City Planner;
- k. A north arrow;
- l. The name and address, signature, and date of signature of the owner of the property;
- m. The certificate of the registered professional land surveyor responsible for the survey of the properties being subdivided in the following form:

"KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I made an actual and accurate survey on the ground of the platted land, and that the corner monuments shown on the foregoing plat were properly placed under my personal supervision, in accordance with the Subdivision Ordinance of the City of Copperas Cove, Texas.

Signature of Surveyor

Texas Registration No.

Address

- n. Abandoned streets, alleys and easements with ordinance number and date;
- o. A monument legend;
- p. The certificate of ownership of all land covered by the plat and dedication of all streets, alleys, parks, easements and other land intended for public use, signed by the owner(s), and by all other persons owning an interest in the property subdivided and platted, which shall be acknowledged in the manner prescribed by the laws of the State of Texas for the conveyance of real property, in the following form:

"THE STATE OF TEXAS

COUNTY OF _____

This is to certify that I (we), [Name(s) of Owner(s)], am (are) the legal owner(s) of the land shown on this plat, being a tract of land conveyed to me (us) by deed dated (Date) and recorded in Volume _____, Page _____ (File No.

_____) , of the Deed records of _____ County, Texas, and designated herein as the (Subdivision Name) in (the ETJ of) the City of Copperas Cove, Texas.

FURTHER, I (we), the undersigned, do hereby DEDICATE to the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places shown on this plat for the purpose and consideration therein expressed.

(Owners)

THE STATE OF TEXAS

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____, known unto me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that such person executed the same for the purpose and considerations therein stated.

Given under my hand and seal of office this _____ day of _____, 20_____.

Notary Public, _____ County, Texas

q. Certification in accordance with section 17.5-29(1)a., & b., c. stating: ~~that the plat has been submitted to and considered by:~~

1. For a non-minor plat that the plat has been submitted to and considered by the planning and zoning commission and recommended to the city council and that the plat has been reviewed and approved by the planning and zoning commission as follows:

"This plat has been submitted to and considered by the Planning and Zoning Commission of the City of Copperas Cove, Texas, and is hereby ~~recommended approved by such the Commission to the City Council for its consideration for approval.~~

APPROVED this _____ day of _____, 20 _____, by the Planning and Zoning Commission of the City of Copperas Cove, Texas.

CHAIRMAN, PLANNING & ZONING COMMISSION

SECRETARY, PLANNING & ZONING COMMISSION -

APPROVED this the _____ day of _____, 20 _____, by the City Council of the City of Copperas Cove, Texas.

MAYOR, CITY OF COPPERAS COVE

ATTEST: CITY SECRETARY

APPROVED this the _____ day of _____, 20 _____, by the
County Commissioners of _____ County, Texas.

COUNTY JUDGE

FILED FOR RECORD this _____ day of _____, 20 _____, in
Volume _____, Page _____ of the Plat Records of _____
County, Texas";

2. For a minor plat that the plat has been submitted to and considered by the development services department and that the plat has been reviewed and approved by the development services director as follows:

"This plat has been submitted to and considered by the Development Services Department of the City of Copperas Cove, Texas, and is hereby approved by the Director.

APPROVED this _____ day of _____, 20 _____, by the
Development Services Director of the City of Copperas Cove, Texas.

DIRECTOR, CITY OF COPPERAS COVE DEVELOPMENT SERVICES DEPARTMENT

FILED FOR RECORD this _____ day of _____, 20 _____, in
Volume _____, Page _____ of the Plat Records of _____
County, Texas"

- r. For subdivisions which are served by a private water utility, the Texas Public Utility Commission certificate number, date of certification, and name of water utility serving the subdivision shall be shown on the plat;
- s. The plat should be no larger than necessary and easily read, and drawn to a standard format of twenty four (24) inches by thirty six (36) inches for subdivisions in Coryell County and eighteen (18) inches by twenty four (24) inches for subdivisions in Lampasas County in the required format for the appropriate county.
- (2) The following documents are required where applicable for final plat approval. Every document shall be submitted in PDF format. When required, they shall be prepared by a

licensed professional engineer and submitted to the engineering department for review and approval:

- a. Drainage report. Two (2) copies of a report showing the design calculations for drainage shall be furnished on $8\frac{1}{2} \times 11$ -inch paper. The report shall contain, but not be limited to, stormwater discharge calculations including drainage area sizes, calculations for time of concentration, corresponding rainfall intensities and runoff coefficients; gutter depth of flow and capacity; curb inlet capacity; head loss and hydraulic gradient calculations for storm sewers; and depth of flow calculations for flumes and other open channels.
- b. Plans. Plans including, when applicable, plat, drainage, water, and sewer system maps shall be submitted for subdivisions requiring the construction of any street, drainage, water, or sewer facilities.
 1. Two (2) sets of drainage, water, and sewer system maps shall be twenty-four (24) inches by thirty-six (36) inches and shall be plotted to an appropriate scale (usually $1" = 100'$).
 - i. Base maps for the drainage, water, and sewer systems shall show, but are not limited to:
 - (A) The subdivision boundary;
 - (B) The street and lot layout;
 - (C) Proposed and existing alleys and easements;
 - (D) Proposed and dedicated rights-of-way and reservations;
 - (E) Existing lot lines (shown by dashed lines) for property being re-subdivided;
 - (F) Names and dimensions of proposed and existing streets within and adjacent to the subdivision;
 - (G) Location of curbs for urban streets or edge of pavement for rural streets for proposed and existing streets within and adjacent to the subdivision;
 - (H) The proposed name of the subdivision;
 - (I) The date of the map and of any revisions;
 - (J) The scale to which the map was drawn ($1" = 100'$ unless this scale is impractical and another is approved by the City engineer ~~and City Planner~~ staff);
 - (K) A north arrow;
 - (L) Abandoned streets, alleys and easements; and
 - (M) Monument legend.
 - ii. Additionally, the drainage maps shall show, but are not limited to:

- (A) The topography of the entire subdivision based on an actual on-the-ground, LIDAR, or photogrammetrical survey, showing existing and proposed contours at a minimum of two-foot intervals, with all elevations referenced to the current FEMA FIRM datum. Contour lines may be omitted in order to limit contours to a quarter inch spacing in areas of the topographical map with steep land features, but in no case shall contour intervals exceed ten (10) feet;
 - (B) The source of the contour data;
 - (C) The benchmark used (identified by location and reference elevation);
 - (D) The boundaries of drainage basins and sub-basins with the basin or sub-basin designation, area in acres, and the discharge for each appropriate design storm;
 - (E) Offsite areas contributing drainage to the proposed subdivision (may be shown on small-scale supplemental drawings);
 - (F) The location of watercourses and drainage ways through or adjacent to the proposed subdivision;
 - (G) Drainage arrows for all streets and drainage easements; and
 - (H) The location and size of storm sewers, curb inlets, manholes, junction boxes and open channels.
- iii. Additionally, the water system maps shall show, but are not limited to:
- (A) The size and location of all water distribution mains and valves;
 - (B) The location of each service tap; and
 - (C) The location and size of each flush valve.
- iv. Additionally, the sewer system maps shall show, but are not limited to:
- (A) The size and location of all sewer mains and force mains including lift stations, manholes, clean outs, and other approved access points;
 - (B) Unless the following information is provided in a plan and profile format, the grades for each main between manholes and the depth at each lift station, manhole, and clean out; and
 - (C) The location of each service tap.
- c. Street lighting plan. Two (2) sets of the street lighting plan shall be submitted for subdivisions requiring construction of streets or alleys. The street lighting plan shall be twenty-four (24) inches by thirty-six (36) inches and shall be plotted to an appropriate scale (usually 1" = 20' or 1" = 50' horizontally). Street lighting plans shall show, but are not limited to:

1. Street light locations;
 2. Size and type of lighting; (if the city standard light is not used);
 3. Height and type of pole; (if the city standard light is not used); and
 4. Type of fixture; (if the city standard light is not used).
- (3) After the final plat is approved by the city, the following documents must be submitted to the city for recording, ~~within two (2) years of the final plat approval date. If these documents are not submitted and the plat recorded within that time, the approved final plat shall become null and void as though no plat had been submitted. The City planner staff may, with reasonable cause, grant an extension of the time limit at the written request of the developer or of city staff. (A authorized city staff may approve administrative changes prior to recordation.)~~:-
- a. ~~Two (2)~~ Signed and sealed originals of the plat ~~on four (4) mil mylar~~ in the format, size, media, and number as required by the county or counties in which the subdivision is located;
 - b. ~~Four (4)~~ Two (2) copies of the signed and sealed plat on paper;
 - c. One (1) original sealed field notes for the property being subdivided, if the field notes are not included on the plat;
 - d. One (1) original signed dedication for the public infrastructure; and
 - e. Either:
 1. A letter of acceptance from the city indicating that all required public improvements have been installed and completed in accordance with the city requirements; or
 2. The filing of performance guarantee in accordance with the terms of this subsection.
 - i. Filing security in lieu of completing prior to recording. If the subdivider chooses to file security in lieu of completing construction prior to the recording the plat the subdivider must either provide:
 - (A) A performance bond or surety bond;
 - (B) A letter of credit; or
 - (C) Escrow funds equal to the total installation cost of the required improvements.
 - ii. Security amount. Security shall be in an amount equal to one hundred (100) percent of the estimated cost of completion of the required public improvements. The issuer of any surety bond and letter of credit shall be subject to the approval of the City engineer and the city attorney.
 - iii. Performance bond. The performance bond shall comply with the following requirements:

- (A) All performance bonds must be in the forms acceptable to the City engineer and the city attorney.
 - (B) All performance bonds must be executed by such sureties as are named in the current list of Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies, as published in Circular 570, as may be amended, by the Financial Management Service, Surety Bond Branch, and U.S. Department of the Treasury.
 - (C) All performance bonds must be signed by an agent and must be accompanied by a certified copy of the authority for him to act.
 - (D) All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized in the state to issue performance bonds for the limits and coverage required.
- iv. Letter of credit. The letter of credit shall:
- (A) Be irrevocable;
 - (B) Be for a term sufficient to cover the completion of the required public improvements; and
 - (C) Require only that the city present the issuer with a sight draft and a certificate signed by credit.
- v. Acceptable bonds to city. If the surety on any performance bond furnished by the sub divider is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the state, the developer shall, within twenty (20) business days thereafter, substitute another performance bond and surety, both of which must be acceptable to the city.
- vi. Written application necessary to reduce amount of bonds. As portions of the public improvements are completed in accordance with the approved engineering plans, the sub divider may make written application to the city to reduce the amount of the original security. If the city as approved by the City engineer is satisfied that such portion of the improvements has been completed in accordance with city standards, the city may, but is not required to, cause the amount of the security to be reduced by such amount that it deems appropriate, so that the remaining amount of the security adequately insures the completion of the remaining public improvements. The city's agreement to reduce the security does not imply conditional or final acceptance of the public improvements.
- vii. Indemnification. The contractor must agree to fully indemnify and save whole and harmless the city from all costs or damages arising out of any real or asserted claim or cause of action against it of whatsoever kind of character and in addition from any and all cost or damages arising out of any wrongs, injuries,

demands or suits for damages, either real or asserted, claimed against it that may be occasioned by any act, omission, neglect or misconduct of the said contractor, his agents, servants, and employees. The contractor must further agree to comply with all applicable laws, regulations, ordinances, buildings and construction codes of the city and the state, and with any regulations for the protection of workers which may be promulgated by the government, and shall protect such work with all necessary lights, barriers, safeguards, and warnings as are provided by law.

- viii. Guarantee of materials and workmanship. The sub divider or developer shall require of the construction contractors with whom he contracts and shall himself be responsible for guaranteeing that all materials required under this chapter and workmanship in connection with such improvements are free of defects for a period of one (1) year after acceptance of the improvements by the city and other utility.
- ix. City engineer decision final. All work performed in construction, reconstruction, cutting and repairing of streets, storm sewer and other public improvements shall be subject to the approval of the City engineer or Public Works Director, whose decision shall be final. Approval by the city inspector, City engineer or other designated representative shall not relieve the developer or his or her contractor or design engineer from their responsibilities regarding the design and construction of the improvements. It shall be the duty of the developer to notify all contractors and subcontractors working on the project that all of their work is subject to inspection by the City engineer, city inspector, or other designated representative at any time. Certification of materials being used may be required by the city. The city may inspect all required improvements to ensure that construction is being accomplished in accordance with the plans and specifications approved by the city. The city shall have the right to inspect any construction work being performed to ensure that it is proceeding in accordance with the intent of the provisions of this chapter. Any change in design that is required during construction should be made by the licensed professional engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if done so in accordance with the Texas Engineering Practice Act (Texas Occupations Code, Title 6 - Regulation of Engineering, Architecture, Land Surveying, and Related Practices, Subtitle A - Regulations of Engineering and Related Practices, Chapter 1001 - Engineers and Texas Administrative Code, Title 22 - Examining Boards, Part 6 Texas Board of Professional Engineers, Chapters 131, 133, 135, 137, and 139). All revisions shall be approved by the City engineer. If the city's engineer finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the plans and specifications approved by the city, then the developer shall be responsible for completing and correcting the deficiencies at the developer's expense.

- x. Withholding of city services and improvements. The city may withhold all city services and improvements of whatsoever nature, including the maintenance of streets and the furnishing of all other city services from any subdivision or property, until all of the street, utility, storm drainage and other public improvements are properly constructed according to the approved construction plans, and until such public improvements are dedicated to and accepted by the city.
- (4) After the final plat is approved by the city, the following construction plans which conform to the ~~CSCS~~ IDCM must be submitted to and approved by the City engineer in accordance with Section 17.5-41 of this Chapter before construction can begin:
- a. Drainage report. Two (2) copies of a report showing the design calculations for drainage shall be furnished on 8½ × 11-inch paper. The report shall contain, but not be limited to, stormwater discharge calculations including drainage area sizes, calculations for time of concentration, corresponding rainfall intensities and runoff coefficients; gutter depth of flow and capacity; curb inlet capacity; head loss and hydraulic gradient calculations for storm sewers; and depth of flow calculations for flumes and other open channels. If the drainage report submitted with the plat application is still valid, a letter from the design engineer stating this fact may be submitted in lieu of another report.
 - b. Plans. Plans including, when applicable, plat, drainage, water, and sewer system maps; plan and profile sheets; and details shall be submitted for subdivisions requiring the construction of any street, drainage, water, or sewer facilities.
 - 1. ~~Four (4)~~ Two (2) sets of drainage, water, and sewer system maps shall be twenty-four (24) inches by thirty-six (36) inches and shall be plotted to an appropriate scale (usually 1" = 100').
 - i. Base maps for the drainage, water, and sewer systems shall show, but are not limited to:
 - (A) The subdivision boundary;
 - (B) The street and lot layout;
 - (C) Proposed and existing alleys and easements;
 - (D) Proposed and dedicated rights-of-way and reservations;
 - (E) Existing lot lines (shown by dashed lines) for property being resub divided;
 - (F) Names and dimensions of proposed and existing streets within and adjacent to the subdivision;
 - (G) Location of curbs for urban streets or edge of pavement for rural streets for proposed and existing streets within and adjacent to the subdivision;
 - (H) The proposed name of the subdivision;
 - (I) The date of the map and of any revisions;

- (J) The scale to which the map was drawn (1" = 100' unless this scale is impractical and another is approved by the City ~~engineer and City Planner~~ staff);
 - (K) A north arrow;
 - (L) Abandoned streets, alleys and easements; and
 - (M) Monument legend.
- ii. Additionally, the drainage maps shall show, but are not limited to:
- (A) The topography of the entire subdivision based on an actual on-the-ground, LIDAR, or photogram metrical survey, showing existing and proposed contours at a minimum of two-foot intervals with all elevations referenced to the current FEMA FIRM datum though contour lines may be omitted in order to limit contours to a quarter inch spacing in areas of the topographical map with steep land features but in no case shall contour intervals exceed ten (10) feet;
 - (B) The benchmark used shall be identified by location and reference elevation;
 - (C) The boundaries of drainage basins and sub-basins with the basin or sub-basin designation, area in acres, and the discharge for each appropriate design storm;
 - (D) Off-site areas contributing drainage to the proposed subdivision (may be shown on small-scale supplemental drawings);
 - (E) The location of watercourses and drainage ways through or adjacent to the proposed subdivision;
 - (F) Drainage arrows for all streets and drainage easements; and
 - (G) The location and size of storm sewers, curb inlets, manholes, junction boxes and open channels.
- iii. Additionally, the water system maps shall show, but are not limited to:
- (A) The size and location of all water distribution mains and valves;
 - (B) The location and size of each service tap; and
 - (C) The location and size of each flush valve.
- iv. Additionally, the sewer system maps shall show, but are not limited to:
- (A) The size and location of all sewer mains and force mains, including lift stations, manholes, clean outs, and other approved access points;
 - (B) The grades for each main between manholes and the depth at each lift station, manhole, and clean out; and

- (C) The location and size of each service tap.
2. ~~Four (4)~~ Two (2) sets of plan and profile drawings shall be twenty-four (24) inches by thirty-six (36) inches and shall be plotted to an appropriate scale (usually 1" = 20' or 1" = 50' horizontally, and 1" = 5' vertically).
- i. Plan drawings shall show, but are not limited to:
 - (A) The right-of-way of the proposed street or alley;
 - (B) The right-of-way of intersecting streets;
 - (C) Lot and block numbers;
 - (D) The location of curb and gutter in relation to monuments;
 - (E) The radii of all returns;
 - (F) The easement or right-of-way for drainage, water and sewer facilities;
 - (G) The location of top of bank of open channels in relation to monuments;
 - (H) The radii of all curves in open channels;
 - (I) The location of all stormwater structures and pipe, including all inlets, manholes, junction boxes, head walls, culverts, drops, riprap and other erosion protection systems;
 - (J) The location of all cross sections shown on the cross section sheet;
 - (K) The size and location of all water distribution mains and valves;
 - (L) The location and size of each water service tap;
 - (M) The location and size of each flush valve;
 - (N) The location of each fire hydrant; and
 - (O) The size and location of all sewer mains and force mains, including lift stations, manholes, clean outs, and other approved access points.
 - ii. Profile drawings shall show, but are not limited to:
 - (A) The existing centerline grade;
 - (B) The proposed grade of the top of the curb on both sides of the street;
 - (C) The referenced benchmark and its elevation per the current FEMA FIRM datum, unless another datum is approved otherwise by the City engineer;
 - (D) The existing grade at the proposed flow line of open channels;
 - (E) The proposed grade of the proposed flow line of open channels;

- (F) The location of all stormwater structures and pipe, including all inlets, manholes, junction boxes, head walls, culverts, drops, riprap and other erosion protection systems;
 - (G) The size and location of all sewer mains and force mains;
 - (H) The location and depth of all lift stations, sewer manholes, clean outs, and other approved access points;
 - (I) The grades for each sewer main between manholes; and
3. ~~Four (4)~~ Two (2) sets of detail drawings shall be twenty-four (24) inches by thirty-six (36) inches and shall be plotted to an appropriate scale large enough to be legible. Several details may be shown on one (1) sheet. Detail sheets shall show, but are not limited to:
 - i. The standard city details of all applicable construction items; and
 - ii. Additional details as necessary for other construction items such as culverts, headwalls, riprap, lift stations, etc.
 - c. Street lighting plan. ~~Four (4)~~ Two (2) sets of the street lighting plan shall be submitted for subdivisions requiring construction of streets or alleys. The street lighting plan shall be twenty-four (24) inches by thirty-six (36) inches and shall be plotted to an appropriate scale (usually 1" = 20' or 1" = 50' horizontally). Street lighting plans shall show, but are not limited to:
 1. Street light locations;
 2. Size and type of lighting (if the ~~city standard light~~ electric provider's standard is not used);
 3. Height and type of pole (if the ~~city standard light~~ electric provider's standard is not used); and
 4. Type of fixture (if the ~~city standard light~~ electric provider's standard is not used).
 - (5) ~~It is the intent of the city that review of construction documents shall occur within fourteen (14) days from the presentation of the plans at a staff meeting.~~
 - (6) After the construction plans are approved by the city, an original copy of the construction plans containing the City engineer's approval signature will be available and the developer notified that the plans have been released for construction to commence. The developer will submit two (2) copies of the plans on paper, along with an electronic copy in pdf format, showing the City engineer's approval signature to the Public Works department.
 - (7) Record drawings. Upon completion of construction of any and all improvements, the developer shall furnish one (1) final set of record drawings on paper, along with an electronic copy in AutoCAD (dwg) format to the Public Works department.

Sec. 17.5-48. - Tract reservations.

Tracts or strips of land reserved for controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting subdivision, improvement, or taxation of adjacent property shall not be permitted in any subdivision.

Sec. 17.5-49. - ~~Unsuitability of land for subdivision or development.~~

~~Neither subdivision nor development shall be permitted in any area where danger to the health or general welfare of present or future inhabitants exists. Conditions which may render property unsuitable for development include, but are not limited to: flooding, poor drainage, steep or unstable slopes or rock formations, adverse earth formations or topography, and certain utility easements. Unless the developer is able to formulate methods to successfully compensate for such limiting conditions and provide for the compliance with this chapter, the CSCS, and the zoning ordinance, the property shall be deemed unsuitable for development and subdivision by the city staff.~~

Certain Easement Approvals. A plat conditionally approved based on needing non-city related easements shall have a plat note placed on the plat indicating easements need to be identified and placed on the plat. The note shall read as follows:

In accordance with Section 17.5-49 of the Code of Ordinances, this plat has been conditionally approved by the Planning and Zoning Commission based on the owner identifying and placing applicable non-city related easements upon the same prior to final approval.

On [date], the owner submitted such information and City staff hereby confirms such submittal and approval.

Development Services Director

Upon submission of proof to the City that the appropriate easements have been identified and placed on the plat, City Staff will, within 15 days of receipt of proof, sign the plat note, and the submitted plat shall be approved by operation of law. No plat may be filed prior to signature of City Staff that the easements have been acquired. Non-city related easements include, but is not limited to, the following:

- a. Electric
- b. Gas
- c. Cable
- d. Fiber
- e. Telephone

Sec. 17.5-50. - Subdivision name.

The name of a subdivision shall neither duplicate nor phonetically approximate the name of an existing subdivision in the area covered by these regulations. The City ~~planner~~ staff shall have final authority to determine if the name of a proposed subdivision does so. If required, the owner shall provide another name which does not duplicate nor phonetically approximate the name of an existing subdivision.

Sec. 17.5-51. - Engineering.

The developer shall furnish all engineering and surveying services necessary to prepare preliminary plat and final plats, required easements, construction plans and specifications, and record drawings.

Sec. 17.5-52. - Vacated subdivision plat.

- (a) A recorded subdivision plat may be vacated (nullified) at the request of the owner of the tract covered by the plat at any time before any lot in the plat is sold. The owner shall submit to the ~~planning~~ development services department a signed, notarized statement requesting the vacation of the plat. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is recorded with the county clerk of the county where the subdivision is located.
- (b) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all owners of the lots in the plat.
- (c) The ~~planning~~ development services department shall cause the plat to be vacated to be reviewed by city staff and representatives of any public utility company that may have facilities located in the subdivision. Should it be determined that any easement shown on the recorded plat must remain after the vacation of the plat, the owner shall provide and file the appropriate deed instrument before city approval is given.
- (d) The planning and zoning commission shall ~~recommend to the city council~~ be the Municipal Authority for any approvals, approvals of the vacation pending the completion of specific conditions and requirements, or disapprovals.
- (e) The planning and zoning commission shall ~~recommend to the city council~~:
 - (1) ~~Approval~~ Approve of the vacation of the plat;
 - (2) ~~Approval~~ Approve of the vacation pending the completion of specific conditions and requirements; or
 - (3) ~~Disapproval~~ Disapprove of the vacation of the plat within thirty (30) days after the plat submittal deadline on which the ~~planning~~ development services department received the application for subdivision vacation.
- ~~(f) The city council will consider and approve or disapprove the vacation within thirty (30) days after the date the plat is recommended for approval by the planning and zoning commission.~~

Sec. 17.5-53. - Amended subdivision plat.

Application shall follow the requirements of Chapter 212, Texas Local Government Code, V.T.C.A.

Sec. 17.5-54. - Resubdivision plat (replat).

Application shall follow the requirements of Chapter 212, Texas Local Government Code, V.T.C.A.

Sec. 17.5-55. - Additional requirements for certain residential resubdivisions.

Application shall follow the requirements of Chapter 212, Texas Local Government Code, V.T.C.A.

Sec. 17.5-56. - 17.5-59. - Reserved.

Sec. 17.5-60. ~~Land disturbance permit.~~ Other development, land disturbance and construction requirements.

In addition to the regulations contained within this Section, other Chapters of this Code of Ordinances are generally applicable and establish requirements that regulate the development or disturbance of real property within the corporate limits of the City. These Chapters primarily include, but without limitation, Chapter 4 (Buildings, Construction and Related Activities), Chapter 7 (Fire Prevention and Protection), Chapter 11 (Municipal Utilities and Services, including Stormwater Management/Land Disturbance), Chapter 17 (Streets, Sidewalks and Public Grounds) and Chapter 20 (Zoning).

- ~~(a) When required. A land disturbance permit shall be obtained before any land disturbance activity, including grubbing, grading, or excavating, that causes to be moved more than three (3) cubic yards of soil, fill, or other material. A permit shall be obtained whenever the land disturbance activity is within the corporate limits of the City of Copperas Cove.~~
- ~~(b) When not required. A land disturbance permit is not required for the following land disturbing activities:
 - ~~(1) The removal of woody or herbaceous plants on existing, individual one- and two-family residential parcels with currently existing residential structures. All other properties shall be subject to permitting. In instances where, in the opinion of the City engineer or designee, the removal of woody or herbaceous plants would not result in significant drainage or erosion control issues, permit may be waived.~~
 - ~~(2) Tree removal that does not disturb the root system or soil.~~
 - ~~(3) Agricultural activities such as clearing and cultivating ground for crops, construction of fences to contain livestock, construction of stock ponds, and other similar agricultural activities.~~
 - ~~(4) Clearing of narrow sightlines for the specific purpose of conducting measurements and surveys.~~
 - ~~(5) Trenching required for structural foundations or utility improvements.~~
 - ~~(6) Routine maintenance of existing landscaping.~~
 - ~~(7) When there is an approved plat, approved construction plans, and a notice of intent (NOI), when required by any agency.~~~~
- ~~(c) Required components. An applicant proposing land disturbance must submit an application for a land disturbance permit, a copy of their notice of intent (NOI) (when required by any agency), proof of a stormwater pollution prevention plan (SWPPP) (when required by any agency), along with the following items:
 - ~~(1) Completed permit application signed by the property owner or, in the case of a corporation/partnership, a party empowered to sign such actions (supported with authorizing documentation);~~~~

- ~~(2) Nonrefundable permit application fee, as established by the city council;~~
- ~~(3) Deed showing current ownership of the subject property;~~
- ~~(4) Existing topographic survey (including all existing facilities, both under and above ground);~~
- ~~(5) Proposed grading plan (including all existing and proposed facilities, both under and above ground) if existing drainage flow patterns will be changed; and~~
- ~~(6) Erosion control plan detailing how silt, sediment, and pollutants will remain onsite and how soil will be stabilized once land disturbance is complete.~~

~~Note—For homeowners of one and two family residential lots less than two (2) acres, hand sketches, combined with written descriptions of proposed modifications, shall suffice for required components (4), (5), and (6) (for permitting purposes).~~

- ~~(d) Review process. The city staff agency responsible for the intake of the permit shall be the building department, and the review of land disturbance permit applications shall be made by the city engineer. Applications shall be submitted on a form provided by the building department. The city engineer shall advise the sub divider in writing of any concerns with the permit application. The city engineer shall advise the applicant in writing of any concerns with the permit application. The City engineer shall approve the issuance of the land disturbance permit if all components required by this section have been submitted, the fee paid, and all concerns have been addressed.~~

~~The City engineer shall review the permit application for the following items:~~

- ~~(1) Completeness of the application;~~
- ~~(2) Compliance with all ordinances pertaining to drainage and detention; and~~
- ~~(3) Compliance with all ordinances pertaining to erosion control.~~

- ~~(e) Reserved.~~

- ~~(f) Issuance of permit. The building official shall issue a permit within ten (10) working days after the permit application is received, or give a detailed written notice to the sub divider that the permit application is unapproved. If response is not given within ten (10) days, sub divider may request to have the permit taken to the city manager's office for consideration.~~

~~If the permit application is returned as being unapproved, the sub divider may correct the deficiencies and resubmit the permit application for approval without paying any additional fees. If the permit application is returned a second time or if a second request is not received within forty-five (45) calendar days of the date of notice of the first written notice, the subdivider shall be required to resubmit the permit application and shall be required to pay all standard permit application fees.~~

- ~~(g) Appeal.~~

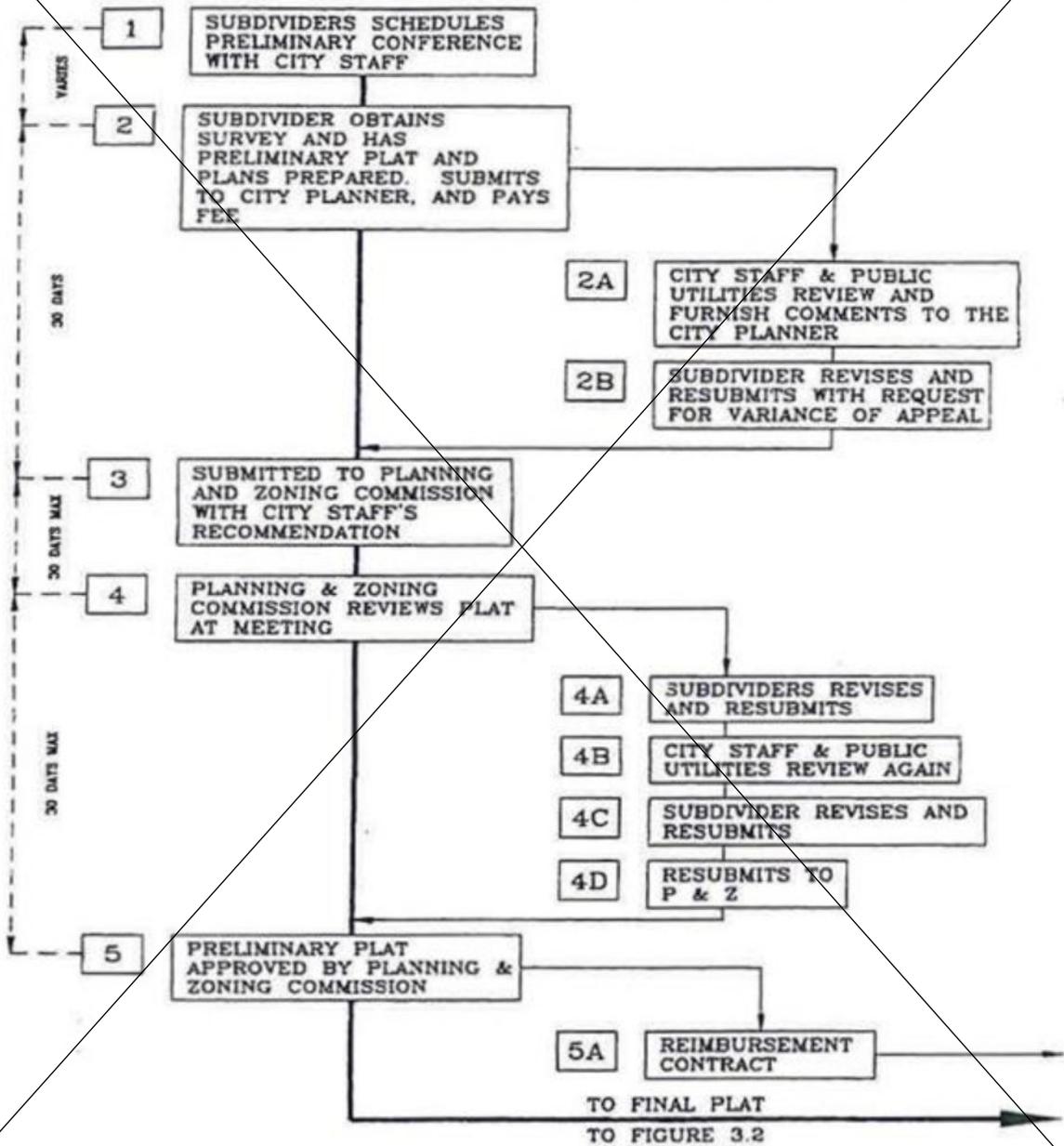
- ~~(1) Any appeals of the interpretation of this section may be made to the supervisor of the City engineer. An appeal to the supervisor of the City engineer shall be requested in writing to~~

- the City engineer requesting the appeal of the interpretation of the ordinance within five (5) business days of the ruling by the City engineer. If no appeal is filed within five (5) business days of the ruling by the City engineer, the appellant is considered to have waived their rights of appeal. For the purposes of this section, a written appeal may be made in writing by letter or email addressed to the City engineer.
- ~~(2) The supervisor of the City engineer will hear all issues and may call a meeting of the subdivider for a land disturbance permit. At this meeting, the supervisor of the City engineer will attempt to resolve any conflicts through education on the intent of the codes. No code is written and adopted that can possibly predict all circumstances that may arise. The City engineer and his/her supervisor will seek to identify alternatives to the issues that do not violate the intent of the code, but allow individual circumstances to apply using a common sense approach. The supervisor of the City engineer may elect to have more than one (1) meeting to accomplish a resolution. He/she may also use other resources at his/her discretion to research possible alternatives. These resources may include, but are not limited to: other cities with similar ordinances and codes, legal advice from the city attorney, inquiries to other officials, and consultation with other staff members of the City of Copperas Cove.~~
- ~~(3) It is generally understood that the appeal meeting(s) will begin within ten (10) business days of the receipt of the appeal.~~
- ~~(4) A final appeal may be made to the city council if no resolution can be reached through the process described above. An appeal to the city council shall be requested in writing to the supervisor of the City engineer requesting the appeal of the interpretation of the section within five (5) business days of the ruling by the supervisor of the city engineer. This final appeal may not supersede the process above, and the supervisor of the city engineer will verify that the appeal process has been exhausted prior to hearing the final appeal. The decision of the city council is final, and no further appeals may be made.~~
- ~~(5) This appeal process in no way represents a variance to the ordinance. It shall not be interpreted to be a circumvention of the intent of the ordinance. It is intended to seek all possible resolutions to interpretation issues while still complying with the intent of the ordinance.~~

Secs. 17.5-61—17.5-70. - Reserved.

Figure 3-1

FLOW PROCESS FOR SUBMITTING AND APPROVING PRELIMINARY SUBDIVISION PLATS



ARTICLE IV. - REGULATIONS FOR SPECIAL CASE SUBDIVISIONS

Sec. 17.5-71. - Development within the 100-year floodplain.

Any development regulated by this chapter and located within an area of special flood hazard shall, in addition to meeting the requirements of this chapter, meet the requirements set out in the flood damage prevention ordinance of the city.

Sec. 17.5-72. - 17.5-90. - Reserved.

ARTICLE V. - REQUIRED IMPROVEMENTS

Sec. 17.5-91. - Improvements required.

The city-staff shall require the developer to provide any improvements, temporary or permanent, deemed necessary to bring the proposed subdivision into compliance with both the comprehensive plan and the purposes set out in section 17.5-23 of this chapter, as required by this code, including, without limitation, the IDCM, and as supported by State Law.

Sec. 17.5-92. - Temporary improvements.

~~The developer shall pay all costs for temporary improvements required by the city staff.~~

If temporary improvements are required to serve the development, then the developer shall pay all costs associated with those temporary improvements.

Sec. 17.5-93. - Permanent improvements.

(a) Utilities.

(1) Water facilities.

a. City's CCN area.

1. The developer shall furnish and install a water supply and distribution system connecting to the city's distribution system including fire hydrants which is satisfactory and sufficient to provide fire water flows for the intended land use per city specifications, in accordance with the recommendations of the ISO FSRS, the city's fire prevention and protection ordinance, and the City of Copperas Cove Fire Department.
2. Water mains and water taps and services shall be installed to serve each lot in all subdivisions within the city's CCN area. New water mains shall be installed in accordance with the ~~CSCS~~ IDCM.
3. Water mains shall be six (6) inches or larger as directed by the city engineer to maintain the minimum pressures and flow rates for both domestic and fire flows as required by the TCEQ, the ISO FSRS, and the city's fire prevention and protection ordinance. Where water mains are required by the comprehensive plan or the city engineer to be larger than are required for the new subdivision, the developer shall enter into a reimbursement contract per section 17.5-95.
4. The water distribution system shall be designed to afford effective circulation of water with a minimum of dead end mains. All dead end mains shall be provided with flush valves and discharge piping or fire hydrant meeting the IDCM. Where dead end mains are necessary as a stage in the growth of the system, they shall be located and arranged with a view to ultimately connecting them to provide looped circulation.

b. Other CCN areas.

1. Subdivisions in areas outside of the city's CCN area shall connect to the water district or company serving the area to be subdivided.
2. Before city approval of a final plat for a subdivision located outside of or beyond areas of the city's CCN, the sub divider may be required to furnish the city satisfactory evidence, including but not limited to, statements from officials of the water district or company serving the area to be subdivided that they will make water available to the proposed subdivision.
3. No lot in a subdivision shall be occupied until water which is satisfactory for human consumption approved by the TCEQ and sufficient for the intended land use is made available from a source on the land, a community source, or a public source.
4. Subdivisions to be served by a water district or company other than the city shall construct water mains ~~with a minimum size of six (6) inches. Larger mains shall be installed when required by the water district or company supplying the subdivision and shall be paid for in accordance with their policies and regulations.~~ in accordance with their policies and regulations.
5. In locations where the CCN holder cannot provide sufficient quantity of water to provide the fire flow required by this Code of Ordinances, then the developer shall provide documentation from the CCN holder confirming such fact.

(2) Sewerage facilities.

a. City limits.

1. Sanitary sewer mains and sewer taps and services shall be installed to serve all lots within the city limits and within a distance of five hundred (500) feet of a sewer main. The distance shall be measured from the nearest point of the city's sanitary sewer system to the boundary of the proposed subdivision. New sanitary sewer mains shall be installed in accordance with the ~~CSGS~~ IDCM.
2. It is the intent that within the city limits the public sanitary sewer system be used by all persons discharging wastewater, industrial waste or polluted liquids.
3. Sanitary sewer mains shall be six (6) inches or larger as directed by the City engineer. Services shall be four (4) inches or larger. Where sewer mains are required by the comprehensive plan or the city engineer to be larger than required to serve the new subdivision, the developer shall enter into a reimbursement contract per section 17.5-95.
4. The use of a small diameter sewer pressure system may be allowed, provided that the public works director and city engineer approve the system in writing. The system must be designed to current state and local requirements. It must also be clearly demonstrated that the use of a gravity collection system combined with a single lift station and force main is impractical due to a factor or factors that are unique to the proposed subdivision.

c. Extraterritorial jurisdiction.

1. Sanitary sewer mains and sewer taps and services shall be installed to serve all lots within five hundred (500) feet of a sewer main and immediately connected to the city sanitary sewer system at the expense of the sub divider of the property. The distance shall be measured from the nearest point of the city's sanitary sewer system to the boundary of the proposed subdivision. New sanitary sewer mains shall be installed in accordance with the ~~CSCS~~ IDCM.
2. All on-site sewerage facilities shall be designed, installed and operated in accordance with the rules, regulations, and standards prepared by the county in which the subdivision is located. The following certificate shall be submitted to the city engineer:

"Results of tests performed under the supervision of the official responsible for _____ County indicate that lot sizes in this subdivision are adequate for the installation and use of on-site sewerage facilities.

(Signature)

_____ County"

The statement shall be signed by the appropriate official of the county in which the subdivision is located.

- (3) Gas facilities. If the subdivision is to be served by a natural gas utility, gas mains shall be installed to serve each lot wherever a source of gas supply is within a reasonable distance. The sub divider shall arrange with the appropriate gas company for construction costs of gas mains.

- (4) Street lighting.

- a. City limits. It shall be the policy of the city that adequate street lighting for traffic safety be installed in all new subdivisions within the city limits or those in its ETJ requesting voluntary annexation. Street lights shall generally be limited to intersections, curves, dead ends, cul-de-sac and where spacing exceeds six hundred (600) feet. Installation procedures and acceptable standards for street lights shall be governed by the design and specification standards of electric utility company serving the subdivision. The use of special non-standard poles or fixtures from sources other than the electric utility shall not be accepted for dedication to the public for city maintenance. ~~Street lights on collector and minor residential streets shall be at least 100-watt high-pressure sodium vapor. Street lights on major collectors and higher shall be at least 250-watt high-pressure sodium vapor.~~ Street lights shall be per electric company provider. The city engineer shall approve the street lighting plan.

The developer shall be responsible for the cost of such street lighting installation, including the cost of service lines to supply electricity to the street lights, and all engineering costs. Once satisfactorily installed, approved, and accepted, the ownership and maintenance of the street lights shall be provided by the electric utility serving the

area. The furnishing of electric energy to the street lights shall be provided by the electric utility providing service to the area. The city will pay the energy costs of street lights located in the city limits.

- b. Extraterritorial jurisdiction. Construction of street lighting shall not be required for subdivisions located in the ETJ.
- (b) Drainage master plan. Any references to "drainage master plan" or "DMP" shall be considered as referring to Drainage Design Section of the IDCM Design Criteria Manual.
- (c) Alleys. Alleys shall not be allowed except as may be required to provide access to an existing alley in an adjacent subdivision, unless required for access to private lots due to street classification requirements (requires approval of City engineer and Public Works Director). Refer to Street Design Section of the IDCM Criteria Manual for Alley design parameters.
- (d) Streets. The developer shall provide the subdivision with adequate streets. The arrangement, character, extent, width, grade and location of proposed streets shall conform to the MTP TMP of the city. All streets shall be designed with consideration for topography, public safety and convenience, the proposed use(s) of the land to be served, and other streets existing and planned. If any part of an arterial street or freeway shown on the MTP TMP, lies in or adjacent to the proposed subdivision, that part of the street shall be platted and dedicated to the width and at the location shown on the plan.
 - (1) Street names and signs. New streets shall be named so as to provide continuity with the names of existing, connecting streets. Names identical or similar to names of existing streets shall not be approved. The developer shall confirm all proposed street names with the City and county 911 coordinators so as to avoid duplication. The city Planner staff shall have the final authority to determine if the name of a proposed street is identical or similar to names of existing streets upon the recommendation of the 911 coordinator. The developer shall provide a new name if required.

The city engineer shall determine the requirement for street and traffic control signs for subdivisions in the city and inform the developer of those requirements. The developer shall pay the city for the cost of the required street and traffic control signs. The Public Works department shall construct and install the signs after all public improvements are complete.

Street name signs in the ETJ shall be installed at the cost of the developer in accordance with the standards of the county where the subdivision is located.

- (2) Street layout. The subdivision street layout shall be designed with consideration for its probable effect on existing neighborhoods and on the future development of adjacent areas. Street layout shall also be designed with consideration for its probable effect on drainage. Streets should not run up and down hills and tee intersections should be avoided on steep slopes. Local streets shall be configured to accommodate traffic within the subdivision, such as with curvilinear, loop, and cul-de-sac streets. Collector streets shall accommodate through traffic and provide connections to arterial streets. Existing and proposed arterial streets shall be extended through the subdivision in accordance with the MTP TMP.

- (3) Relation of new streets to adjacent streets and property. Streets provided for the subdivision shall connect with existing streets in adjacent subdivisions, or shall be the reasonable projection of streets in the nearest subdivided tracts. Streets shall be continued to the boundaries of the tract being subdivided to provide points of connection for streets in subsequently developed areas. If a subdivision includes one (1) or more lots of sufficient size to allow further subdivision, the city staff may require ingress/egress easements to provide for the opening of new streets or the extension of adjacent streets.
- (4) Intersections. Refer to Street Design Section of the IDCM Criteria Manual for requirements.
- (5) Driveway access. Refer to Street Design Section of the IDCM Criteria Manual for requirements.
- (6) Street right-of-way and paving width requirements. Refer to Street Design Section of the IDCM Criteria Manual for requirements.
- (7) Vertical curves. Refer to Street Design Section of the IDCM Criteria Manual for requirements.
- (8) Special purpose streets. Refer to Street Design Section of the IDCM Criteria Manual for requirements.
- (9) Street construction standards. Streets generally shall be constructed to the minimum standards of the CSCS IDCM, including its latest revisions. ~~All streets shall be constructed of approved base courses and a hot mix asphaltic concrete surface, or reinforced Portland cement concrete, or an alternative section approved by the city engineer.~~
 - a. Urban street construction standards. Streets in subdivisions with lots smaller than one-half ($\frac{1}{2}$) acre in area, or having lot road frontage of less than one hundred twenty-five (125) feet, or intended for a use other than or in addition to single-family residences, shall be constructed to urban standards as curb and gutter streets for the appropriate classification. Ribbon curb may be allowed in limited cases with the approval of the City engineer when sheet flow off of the street is preferred to concentrated discharge. See Section 17.5 - E.2.4.1 for design requirements.
 - b. Rural street construction standards. Streets in subdivisions made up solely of lots one-half ($\frac{1}{2}$) acre in area or greater, having a lot road frontage of at least one hundred twenty-five (125) feet, and intended for single-family residences, may be constructed to rural street standards ~~without curb and gutter~~. Lot Road frontage may be reduced to sixty (60) feet in culs-de-sac and knuckles (bulbed corners). See Section 17.5 - E.2.4.2 for design requirements.
 - c. Industrial street construction standards. All streets in industrial areas shall be built as curb and gutter streets to urban standards meeting the design parameters given in Street Design Section of the IDCM Criteria Manual. Pavements of streets in industrial areas shall be constructed as a minimum to arterial standards (i.e. other streets in the City Standard Details and Specifications), or greater based on expected truck traffic, and as approved by ~~the city engineer~~ staff.

(10) Participating aid policy. Street construction in new subdivisions shall be paid for on the following basis:

- a. The developer shall pay all construction costs for streets ~~no wider than forty-eight (48) feet from back of curb to back of curb, which are minor residential, standard residential, collector type C, and collector type C+ streets.~~ at and below the minor collector designation.
- b. Where streets ~~wider than forty-eight (48) feet from back of curb to back of curb~~ above the minor collector designation are required by the ~~MTP~~ TMP to serve the new subdivision, the developer shall enter into a reimbursement contract per section 17.5-95.

(e) Curb and gutter.

- (1) Construction standards. Curb and gutter shall be constructed in accordance with the IDCM ~~CSGS~~, including its latest revisions.
- (2) Requirement conditions. Refer to subsection (d)(9) of this section.

(f) Sidewalks.

- (1) Sidewalks shall be constructed in accordance with the IDCM including its latest revisions. The width of sidewalks shall be a minimum of four (4) feet except sidewalks constructed directly behind the curb shall be a minimum of five (5) feet.
- (2) Sidewalks shall be installed by the developer of a subdivision and in accordance with the development agreement as follows:
 - a. On both sides of all internal arterial and collector urban streets within the same subdivision on which driveway access is prohibited.
 - b. On the subdivision side of all arterial and collector urban streets adjacent to the subdivision on which driveway access is prohibited.
 - c. On all subdivision and developments that have significant pedestrian activity, as deemed necessary by the city ~~Planner and City engineer~~ staff.
 - d. Such additional sidewalks, as the sub divider may desire.
- (3) Sidewalks shall be installed by the owner of a lot at the time of construction of any residence, business, or other improvement requiring a building permit along all street frontages.
- (4) Sidewalks shall not be required along streets constructed to rural street standards without curb and gutter, or along any frontage of an existing street without curb and gutter, unless deemed necessary due to significant pre-existing pedestrian activity by the city ~~Planner and City engineer~~ staff.

(g) Monuments. The sub divider shall provide reference monuments or markers in the subdivision as required below:

- (1) Permanent markers. Permanent markers such as concrete reinforcement bars, smooth iron rods, metal pipe, or 60d or PK nails with a roofing shiner in pavement shall be set by a registered professional land surveyor, on the centerline of street rights-of-way at street intersections, at each end of all curves, and at the point of intersection.
 - (2) Benchmarks/vertical control. When determined by the city engineer staff to be necessary, benchmarks shall be set to effectively serve the subdivision by a registered professional land surveyor. Said benchmarks shall be based on the datum noted on the current applicable FEMA FIRM.
- (h) Cost of improvements. All required improvements shall be furnished by the developer at his expense, without reimbursement by the city, except through infrastructure construction reimbursement contracts given in section 17.5-95.
- (i) Inspection and acceptance of public improvements.
- (1) Generally. The city shall provide for the inspection of required improvements during construction to insure general conformity to the approved construction plans and specifications. If the city finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved construction plans and specifications, then the developer shall be responsible for making the necessary changes to ensure compliance.
 - (2) Inspections. Upon completion of each phase of the subdivision construction, to include water, wastewater, stormwater, etc., the developer's contractor shall notify the developer, city engineer, and Public Works Director, in writing, that the work is ready for final inspection. Within five (5) working days of receipt of the written notice, the city engineer shall complete a joint inspection with the developer and the contractor to determine that each aspect of the project has been installed as per city standards and in conformity to the approved construction plans and specifications. It shall be the duty of the contractor to demonstrate, by whatever means reasonably necessary, that this requirement is met, and provide proper documentation to support same. Documentation that this inspection has been successfully performed, signed by the three (3) parties, shall be placed in the permanent files.
 - (3) Record drawings. As required by section 17.5-47(7), the developer shall submit to the city engineer a sealed set of record drawings for the subdivision, as approved by the city.
 - (4) Engineering department acceptance. Upon documentation of satisfactory inspections by the city's inspector, receipt of the record drawings, and receipt of the maintenance guarantees* required by subsection (j) of this section, the city engineer shall forward to the city planner a certificate of acceptance for the subdivision in the following form:

"FINAL ACCEPTANCE OF THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO A SUBDIVISION KNOWN AS (Name of Subdivision), AND LOCATED IN THE CITY OF COPPERAS COVE OR WITHIN ITS EXTRATERRITORIAL JURISDICTION:

The City of Copperas Cove has reviewed the above-named subdivision and from this date or date of annexation, whichever is later, accepts all such public improvements, subject to maintenance covered under the one-year workmanship and materials guarantee. Notification shall be given to the contractor or developer by the City of Copperas Cove of any workmanship or materials corrections to be made on or before the expiration of the one-year period. Following such corrections, the security guarantee shall be released by the city.

Signature of the City Engineer

Date"

* If requested by the developer, a letter of preliminary acceptance, indicating satisfactory inspections, can be issued to aid the developer in obtaining a maintenance guarantee. The letter shall describe the remaining items required for a certificate of acceptance.

- (j) Maintenance of improvements.
- (1) The developer shall be responsible for the maintenance and repair of all public improvements due to design, workmanship and materials until one (1) year after acceptance of said public improvements by the city staff.
 - (2) Prior to issuance of the certificate of acceptance by the city engineer in accordance with subsection (i)(4) of this section, a one-year maintenance guarantee in favor of the city shall be provided by the developer, in the amount of ten (10) percent of the total construction costs of public improvements. The developer shall be responsible for the provision of total construction cost information to the city engineer; the city engineer shall be authorized to reject the cost information if deemed unreasonable or incomplete. Such financial security for the maintenance of the subdivision shall be made payable to the city in one (1) of the following forms:
 - a. Cash deposit to the city.
 - b. An irrevocable letter of credit, acceptable to and approved by the city attorney, and issued by any bank duly chartered under the laws of the State of Texas that shall guarantee such funds to the city.
 - c. A maintenance bond issued by a surety company licensed by the State of Texas, acceptable to and approved by the city attorney, that shall guarantee such funds to the city.
 - ~~(3) In addition, when building permits are requested prior to the application of bituminous surfaces in accordance with section 17.5-134(a)(1), financial security shall be furnished to the city for the bituminous pavement application. Such security for the bituminous pavement of the subdivision shall be made payable to the city in one (1) of the following forms:~~

- ~~a. Cash deposit to the city.~~
- ~~b. An irrevocable letter of credit, acceptable to and approved by the city attorney, and issued by any bank duly chartered under the laws of the State of Texas that shall guarantee such funds to the city.~~
- ~~c. A performance bond issued by a surety company licensed by the State of Texas, acceptable to and approved by the city attorney, that shall guarantee such funds to the city.~~

Sec. 17.5-94. - Waiver or deferral of required improvements.

The Approving authority or authorities may recommend and make a determination for ~~to the city council~~ waiving or deferring improvements which are not deemed necessary for the protection of public health, orderly growth, safety, and general welfare. When provision of any improvement is deferred by the city council, the sub divider shall provide security for the developer's share of the cost of the deferred improvements. The security for the deferred improvements of the subdivision shall be made in accordance with section 17.5-47(3) e.2., as that section relates to the filing of performance guarantee.

Sec. 17.5-95. - ~~Infrastructure construction reimbursements.~~ Developer Participation Agreements.

~~(a) Off-site/oversized facilities.~~

~~(1) Off-site facilities. When it is necessary, in order to properly serve an entire area to be subdivided, to extend/install adequately sized streets, water mains, sanitary sewer mains, or drainage facilities, the developer shall extend/install such utilities at such subdivider's own expense and dedicate all necessary easements or rights of way at no cost to the city.~~

~~(2) Oversized facilities.~~

- ~~a. When in order to comply with the city's TMP, water and wastewater master plan, or DMP, it is necessary to install facilities designed to serve an area in excess of that required to serve the area being developed, the subdivider shall dedicate all necessary easements or rights of way at no cost to the city, and shall construct such oversized facilities.~~
- ~~b. The city planner shall notify the developer of any required oversized facilities during preliminary plat review, upon consultation with the city engineer, public works director, water/wastewater superintendents, city attorney, and Finance Director. If oversized facilities are required, a reimbursement contract shall be forwarded to the city council for approval or disapproval after the preliminary plat has been approved by the planning and zoning commission.~~
- ~~c. The developer shall be reimbursed for eligible construction costs of the oversized facilities, based on the ratio of the capacity needs of his planned development to the total capacity of the oversized utility. Whether a facility is on-site or off-site, such facility is only eligible for reimbursement if it is oversized. Oversized facilities costs shall be based on unit prices (i.e. cost per linear foot of main, per manhole, per water valve, etc.), using current construction costs at the time of development. Unit prices shall be~~

~~submitted by developer to the city planner for distribution to the city engineer, public works director or water/wastewater superintendent(s), as appropriate, for review, verification and approval.~~

~~d. If a subsequent development occurs which will utilize remaining capacities in oversized facilities, then subsequent user connection fees shall be paid to the city by such developer.~~

~~(b) Contract provisions.~~

~~(1) City participation shall be in the form of a reimbursement contract, approved by resolution of the city council, after the project has been given preliminary plat approval by the planning and zoning commission. The reimbursement contract shall be approved by the city council prior to approval of the final plat.~~

~~(2) The reimbursement shall be made at the date of the issuance of the certificate of acceptance by the City engineer in accordance with section 17.5-93(i)(4) or as otherwise mutually negotiated by the city and the developer.~~

~~(c) Subsequent user tap fee calculations.~~

~~(1) Subsequent user tap fees shall be paid at the time that such taps are made. The fees shall be calculated by the developers engineer and approved by the city engineer, using the equation in Figure 5.1 and as shown in the example in Figure 5.2, and the following additional sources:~~

~~a. Water and wastewater facilities. The developers engineer shall use the city water and wastewater master plans as a basis for calculating residential flow per dwelling unit. Figures for all other establishments shall be calculated using the latest edition of the Design Criteria for Sewage Systems, as produced by the TCEQ, which is available for inspection at the office of the department of water and wastewater.~~

~~b. Drainage facilities. The developer's engineer shall use the DMP as a basis for calculating stormwater flows.~~

~~(2) Costs used in calculating subsequent user tap fees shall be based on actual original construction costs. All calculations shall be submitted to the city planner for routing to the appropriate departments for review, verification and approval.~~

~~(a) General policies:~~

~~(1) The City may enter into an agreement with a developer of a subdivision or land within the City to construct public improvements, not including a building, related to the development or implicated by the City's comprehensive or other master plans, all as amended, or as determined by the City Manager or designee. Under such agreement, the developer shall construct the improvements and the City shall participate in the cost as authorized and subject to the provisions of Texas Local Government Code, Chapter 212, and this Section, both as amended. All agreements under this Section shall be in writing and set forth in an agreement approved to~~

form by the City Attorney and executed, following City Council authorization, by the City Manager.

(2) The developer participation agreement must establish the limit of participation by the City at a level not to exceed thirty (30) percent of the total contract price of the project.

(3) In addition, or in the alternative, the contract may allow participation by the City at a level not to exceed one-hundred (100) percent of the total cost for any oversizing of improvements required by the municipality, including but not limited to increased capacity of improvements in anticipation of other future development in the area, in accordance with Subsection (c) below. The City shall be liable only for the agreed payment of its share of the agreement, which shall be determined and executed in advance of the commencement of construction.

(4) Following entering into a developer participation agreement, but prior to the commencement of construction, the developer must deliver a performance bond executed by a corporate surety or corporate sureties duly authorized to do business in this state and in accordance with Texas Government Code, Chapter 2253, payable to the City and approved by the City as to form, for construction included in the approved construction plans, in the penal sum of one-hundred (100) percent of the cost to complete the public improvements insuring completion of the same. A power of attorney shall be attached to the bond evidencing that the agent signing the bond has authority to sign the bonds on behalf of the surety. The City shall release the bond upon completion, final acceptance, and receipt of a warranty bond for the public improvements City completed pursuant to the developer participation agreement. The performance and warranty bond requirements set forth under this subsection may not be waived.

(5) The developer shall also deliver to the City a certificate of insurance listing the City as an additional insured on its commercial general liability insurance policy with a full waiver of subrogation.

(6) There may be instances outside the platting process when a developer participation agreement may be warranted. In these cases, the person seeking the developer participation agreement will notify the City Manager in writing detailing the request and the estimated cost to the City. Following said notification, the City Manager will respond and set the agreement for City Council consideration as provided below. The City Manager or designee may also request that a developer participation agreement be advanced. In such event, City staff will notify the developer in writing and request that the developer provide estimated costs for City Council consideration.

(7) All of the developer's books and other records related to the project shall be available for inspection by the municipality.

(b) Development process:

(1) If a contemplated development implicates any capital improvement project contemplated by the City's adopted Comprehensive or other master plans (e.g., water, wastewater, thoroughfare, drainage or trail master plans, etc.), all as amended, the developer shall notify the City of such implication and the need for a developer participation agreement as soon as possible, but no

later than at the time of plat submission. The notification shall identify the infrastructure for which the developer will seek a developer participation agreement and provide an estimate of the project cost or incremental cost of oversized infrastructure that is proposed for City participation, as applicable. The City Manager or designee may also request that a developer participation agreement be advanced. In such event, City staff will notify the developer in writing and request that the developer provide estimated costs for City Council consideration.

(2) Following receipt of the developer's notice or cost estimates if the request was advanced by the City Manager or designee, the proposal will be forwarded to City Council for its consideration. Upon consideration, the City Council may agree in principle to the level of City participation and costs for the proposed infrastructure, and may instruct the City staff to proceed with detailed negotiations and, further, authorize the City Manager to enter into the agreement in principal for participation at a cost not to exceed the estimated funding level determined by City Council. This agreement in principle shall be held in suspense pending receipt of the final developer participation agreement.

(3) Following approval of the "agreement in principle," and prior to any construction activity on infrastructure included in the proposed agreement, the owner shall prepare construction drawings and provide the detailed cost for the areas for City participation. Costs shall be based on current local industry pricing (e.g., recent projects, TxDOT indices, etc.). If the final detailed cost does not exceed the figure identified in the "agreement in principle," the developer participation agreement will be prepared in final form, signed by the appropriate parties and filed in the appropriate plat file.

(4) If the final detailed cost exceeds the estimate identified in the "agreement in principle," the final agreement will be forwarded to the City Council for approval and authorization of the City Manager to execute the agreement. If the City Council elects not to enter into agreement at the increased cost but desires to retain the engineered plans, the City may enter into an agreement to retain the plans and reimburse the owner for their preparation.

(c) Oversizing Utilities and Other Infrastructure:

(1) Water lines:

(a) The City may pay oversizing costs for water lines required to be oversized by the City, as provided for in the City's comprehensive or other master plans or otherwise determined to be necessary by the City, but only to the extent of the additional capacity required by the City that exceeds the infrastructure capacity necessary to serve the owner's development.

(b) The developer shall submit documentation to the public works department detailing the total costs of the project improvements meeting the minimum standards required by the City, including the incremental costs for the oversizing of any improvements.

(c) Upon review of the proposed project and all submitted documentation, the City Council may authorize entering into a developer participation agreement whereby the City may agree to pay up to one-hundred (100) percent of the cost incident to the oversizing of project improvements.

(2) Sewer lines:

(a) The City may pay oversizing costs for sewer lines required to be oversized by the City, as provided for in the City's comprehensive or other master plans or otherwise determined to be necessary by the City, but only to the extent of the additional capacity required by the City that exceeds the infrastructure capacity necessary to serve the owner's development.

(b) The developer shall submit documentation to the public works department detailing the total costs of the project improvements meeting the minimum standards required by the City, including the incremental costs for the oversizing of any improvements.

(c) Upon review of the proposed project and all submitted documentation, City Council may authorize entering into a developer participation agreement whereby the City may agree to pay up to one-hundred (100) percent of the cost incident to the oversizing of project improvements.

(3) Oversizing roadways, drainage, and shared use paths:

(a) When a developer participation agreement to construct a roadway project is implicated and proposed, the owner shall provide a line item unit cost breakdown for the installation of a roadway required to provide the movement capacity for the owner's development and a separate line item unit cost breakdown for the installation of the additional roadway required or requested by the City. These costs shall include, without limitation, all base material, asphalt, curb, gutter, engineering, and all other items associated with the construction of the roadway and associated drainage infrastructure. In no case shall less than a local or marginal access street be considered adequate to provide the required movement capacity for a development.

(b) The City may enter into a developer participation agreement wherein the City may pay the cost difference between the required roadway calculated per subsection (c)(3)(a) above, including appurtenances and engineering and the oversized roadway width requested by the City with appurtenances, including engineering. In the event that a roadway is determined to require a thicker cross section due to proposed future additions to the roadway, the City may participate for the cost of all required asphalt and base to be installed initially to assure that the future cross sections are compatible.

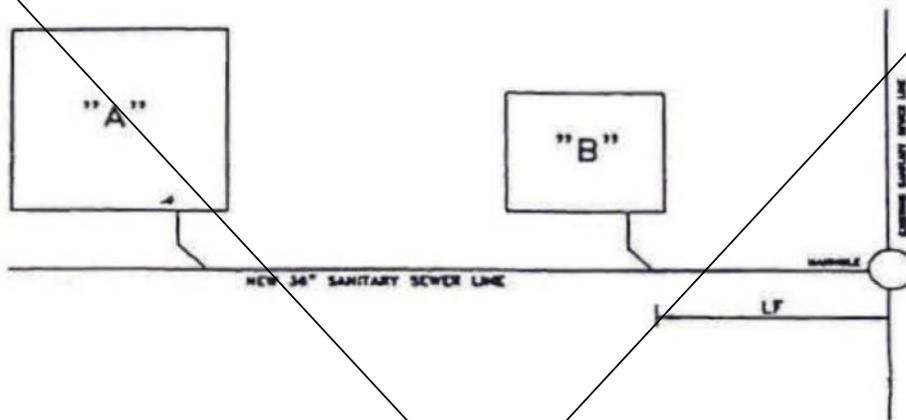
(c) The owner shall provide all rights of way for the width of the roadway required by the City. To substantiate the cost of the right of way that exceeds the right of way necessary to accommodate the movement capacity of the development, the developer shall provide a survey of the additional right of way and a determination of fair market value of the additional right of way based on local comparable sales of similar properties.

(d) A developer participation agreement shall not be approved for local/marginal access roadways within subdivisions or ingress/egress streets that must be wider than a local/marginal access road for safety reasons.

(e) The developer may submit a request for a developer participation agreement for City participation in a regional detention facility or for the oversizing of drainage infrastructure. The regional detention facility or oversized drainage infrastructure must, at a minimum, provide benefit to more than two (2) subdivisions, and meet the requirements of the Drainage section of the IDCM.

(f) If implicated by the City's adopted Trails Master Plan, the developer shall submit a proposal for a developer participation agreement reflecting the total and incremental additional cost to oversize sidewalks for trail and shared use path purposes. The information submitted shall identify the total cost of the expanded sidewalk/trail/path and the incremental cost associated with the oversizing required.

FIGURE 5.2
EXAMPLE OF SUBSEQUENT USER TAP FEE CALCULATION



The first development, "A", will discharge 500 gallons per minute (gpm) of waste water, which would require a 10" sewer line. The Master Waste Water Plan requires a 36" sewer line in this location. The first developer enters into a reimbursement contract with the City. A 36" sewer line has a capacity of 7,000 gpm and costs \$75.00 per linear foot.

The second development, "B", will discharge 400 gpm of waste water into the same 36" sewer line.

The subsequent user tap fee for "B" is calculated as follows:

$$\text{TAP FEE} = \left(\frac{B}{C + B} \right) \left(1 - \frac{A}{T_c} \right) (D)$$

WHERE:

$T_c = 7,000 \text{ gpm}$

$A = 500 \text{ gpm}$

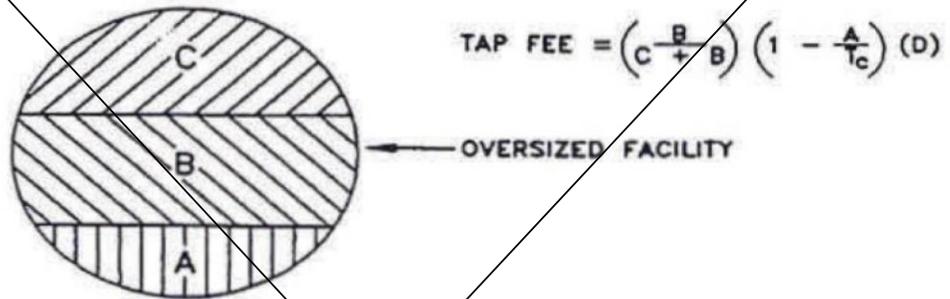
$B = 400 \text{ gpm}$

$C = T_c - B - A = 7,000 \text{ gpm} - 400 \text{ gpm} - 500 \text{ gpm} = 6,100 \text{ gpm}$

$D = \$75.00/\text{LF}$

$$\begin{aligned} \text{TAP FEE} &= \left(\frac{400 \text{ gpm}}{6100 \text{ gpm} + 400 \text{ gpm}} \right) \left(1 - \frac{500 \text{ gpm}}{7000 \text{ gpm}} \right) (\$75.00/\text{LF}) \\ &= (0.0615) (0.9286) (\$75/\text{LF}) \\ &= \$4.29/\text{LF} \end{aligned}$$

**FIGURE 5.1
SUBSEQUENT USER TAP FEE EQUATION**



WHERE:

- A = Capacity of utility used prior to new development.**
- B = Required capacity of utility for new development.**
- B+C = Remaining capacity of utility before new development.**
- C = Unused capacity of utility after new development.**
- T_c = Total capacity of A+B+C.**
- D = Total cost per LF of utility based on actual, original cost.**

NOTE:

In no case shall the capacity represented by value A be less than the minimums established by Sec. 5-3 (A) (1) (a) (3) and Sec. 5-3 (A) (2) (a) (3).

Sec. 17.5-96. - 17.5-110. - Reserved.

ARTICLE VI. - DESIGN STANDARDS FOR LOTS AND BLOCKS

Sec. 17.5-111. - Lots.

- (a) Lot arrangements. Lot lines shall be laid out in an orderly and acceptable land planning standard with the provision that the city may require lot lines to be perpendicular or radial to the street right-of-way line. Existing and proposed conditions (e.g. topography, drainage, soils, vegetation,

vehicular and pedestrian traffic, buildings, easements, yard setback requirements) shall be taken into consideration when lots are laid out so that difficulty in obtaining a building permit for any lot located in the city limits shall be avoided.

- (b) Lot dimensions. Lot dimensions shall comply with requirements set out in the zoning ordinance, where applicable. ~~The planning and zoning commission may require lot dimensions to be increased where the lot slopes are steep and no retaining walls are shown on the construction plans.~~ Dimensions of lots being laid out for commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities required by the zoning ordinance where applicable. If a proposed lot is large enough to allow for further subdivision (i.e. at least double the required lot area), the city staff may require that the lot be situated to allow subsequently platted lots to be served by streets.
- (c) Access to lots. ~~The arrangement of streets and lots in a proposed subdivision shall be approved by the city engineer.~~
 - (1) The developer shall provide approved driveway access to each lot in the subdivision from a new or existing street by frontage along such street or through connection of a dedicated right-of-way or permanent ingress/egress access easement to an existing street.
 - (2) Whenever possible, access to single-family and two-family residences shall be made from a minor residential street in accordance with section 17.5-93(d)(5). Generally, access from arterial and collector street to low density residential land uses is discouraged and shall be allowed only in accordance with section 17.5-93(d)(5). The city engineer may require that lot sizes or arrangement be changed to allow room for a driveway design which discourages backing out into an arterial or collector street.
 - (3) When a new traffic lane is required to facilitate access to the subdivision, additional right-of-way dedication and street construction along an existing street shall be approved by the city engineer.

(d) ~~Access to lots in city's ETJ. Each lot shall be provided with adequate access to an existing public street by frontage along such street or through connection of a dedicated right-of-way or permanent ingress/egress access easement to an existing street.~~

(e) ~~Access to lots in the city. Each lot shall be provided with adequate access to an existing public street by frontage along such street or through connection of a dedicated right-of-way to an existing street~~
- (d) Easements.
 - (1) Location and Size.
 - a. Where utilities are to be located at the rear of lots, utility easements at least ten (10) feet wide shall be dedicated on each side of the rear lot lines. In instances where the rear lot lines are the exterior line of the subdivision or other location where ten (10) feet cannot be dedicated on each side of the rear lot lines, the minimum easement width shall be fifteen (15) feet.

- b. Where utilities are to be located between lots, utility easements at least five (5) feet wide shall be dedicated on each side of the interior side lot lines. In instances where the interior lot lines are the exterior line of the subdivision or other location where five (5) feet cannot be dedicated on each interior side lot lines, the minimum easement width shall be ten (10) feet.
 - c. Where utilities are to be located adjacent to the right-of-way, utility easements at least ten (10) feet wide shall be dedicated. Easements thus provided are to be used for installation and maintenance of public utilities. Wider easements shall be dedicated when necessary due to the size, depth, or nature of the utility to be installed.
 - d. Further clarification regarding easement location and size can be found in the Water, Sewer, and Drainage sections of the IDCM. In the event of any conflict between the above provisions and the IDCM, the most stringent provision shall prevail.
- (2) Easements on unplatted portions. In the event that a subdivision is approved and recorded in parts, the developer shall be required to dedicate easements across unplatted sections of the proposed subdivision if such easements are necessary for the development of a section under consideration for final approval.

(3) Construction within easements.

- ~~a. The construction of private improvements within any utility easement shall be limited to landscaping and concrete or asphalt paving for driveways, parking lots, sidewalks, etc. Landscaping and paving shall not impede, constrict, divert, or otherwise significantly alter the flow of storm water runoff as originally designed.~~
- ~~b. Without prior written approval from the Public Works Director or City engineer, no structures including portable buildings, accessory buildings or above ground or in ground swimming pools shall encroach an easement.~~
- ~~c. Fences may be permitted in a utility easement. Fences may cross drainage easements with underground facilities, but may not run parallel directly above underground structures. Fences may not cross or run parallel within drainage easements designed for surface flow, unless it can be demonstrated that the fence has been designed to allow drainage to pass through and this has been noted on the plat.~~
- ~~d. Any construction within any utility easement is at the sole risk of the owner. It shall not be the city's or a utility company's responsibility to repair, replace, or restore any private improvement including landscaping removed, damaged, or destroyed while constructing or maintaining utilities within easements.~~
- ~~e. No structures, including accessory buildings, above ground or in-ground swimming pools, the overhang of eaves, fences, etc., shall encroach a drainage easement. Any construction within any drainage easement is at the sole risk of the owner.~~

Sec. 17.5-112. - Blocks.

Refer to Street Design Criteria for block dimension requirements.

~~(a) Block dimensions. Block size and shape shall be conditioned by the type and use of the proposed development and shall be compatible with the size and shape of blocks in neighboring developments. Blocks in residential areas should be at least two hundred (200) feet, but not more than one thousand two hundred (1,200) feet, in length and at least one hundred (100) feet, but not more than three hundred fifty (350) feet, in depth. Deviation from these general requirements shall be considered on a case by case basis. The city planner and the city engineer shall make a recommendation to the planning and zoning commission and city council. The length of the block can be increased, provided that the number of lots does not exceed forty (40) for both sides of the street. Appropriate block dimensions in a commercial or industrial development are relative to land use and shall be considered on a case by case basis. Effect on the flow of traffic and safety precautions necessitated by the development shall be primary factors in determining appropriate block length. The city planner and the city engineer shall make a recommendation to the planning and zoning commission and city council.~~

~~Pedestrian walkways. The city may require the dedication of pedestrian and bicycle access to parks, schools, playgrounds, shopping centers, or other community facilities. The city planner and the city engineer shall make a recommendation to the planning and zoning commission and city council. Where the parks and recreation plan calls for bike trails, a minimum of fifteen (15) feet shall be dedicated. Other pedestrian access easements shall be a minimum of ten (10) feet.~~

Secs. 17.5-113-17.5-130. – Reserved.

ARTICLE VII. - COMPLIANCE WITH ORDINANCE

Sec. 17.5-131. - Compliance with ordinance provisions required.

It shall be unlawful for any officer or employee of the city to do or cause to be done any work upon any street or other facility in any subdivision within the city or its ETJ unless and until all requirements of this chapter have been met.

Sec. 17.5-132. - City improvements to be withheld.

The city shall withhold all city improvements, including but not limited to the recognition, acceptance and maintenance of streets and the provision of sewerage facilities and water service from any subdivision which has not been approved by the city.

Sec. 17.5-133. - Withholding improvements.

In the event that any subdivision in the city limits or its ETJ takes place without city approval, or in violation of this chapter, the city staff shall withhold and shall continue to withhold every public improvement from said subdivision until a plat of the subdivision has been approved by the city as provided above.

Sec. 17.5-134. - Issuance of Building Permits for Subdivisions with Public Improvement(s).

~~(a) No building permit shall be issued for the construction of any new building or structure or for the construction of an addition to any building or structure located on property within the city~~

which has not been platted, approved by the city, and filed for record at county deed records and with the exception that the chief building official of the city is authorized to issue building permits prior to the acceptance of a subdivision by the city in the following cases only: Building permits shall be issued under the following conditions:

- (1) ~~Where all of the subdivision requirements have been met for acceptance by the city as approved by the city engineer, save and except only application of bituminous surfaces to the streets of the subdivision and financial security for its placement has been provided in accordance with section 17.5-93(j)(3);~~ All required improvements have been completed and accepted for maintenance by the city, or
 - (2) ~~Where all of the subdivision requirements have been met for acceptance by the city as approved by the city engineer, save and except only the installation of drainage facilities have been financially secured in accordance with section 17.5-93(b)(1) and section 17.5-94;~~ A cost estimate, approved by the City engineer and certified by an engineer licensed in the State of Texas, for the completion of the subdivision construction shall be provided, and said construction shall be financially secured in accordance with the performance guarantee requirements set forth in Section 17.5-47 (3) e. 2.
 - a. ~~Cash deposit to the city;~~
 - b. ~~An irrevocable letter of credit, acceptable to and approved by the city attorney, and issued by any bank duly chartered under the laws of the State of Texas that shall guarantee such funds to the city;~~
 - c. ~~A maintenance bond issued by a surety company licensed by the State of Texas, acceptable to and approved by the city attorney, that shall guarantee such funds to the city.~~
- (b) ~~The cost estimate for the completion of items section 17.5-94 (a)(1), (2), (3) shall be approved by the city engineer.~~
- (c) ~~No property for which a building permit is granted under the exceptions in subsection (a) of this section shall be sold for occupancy until the subdivision in which it is located has been accepted by the city staff.~~
- (d) ~~No final inspection shall be performed on any structure built under the exceptions in subsection (a) of this section until the subdivision in which it is located has been accepted by the city staff.~~
- (e) ~~The city engineer shall issue a written statement to the chief building official that all the provisions of the exceptions listed in subsection (a) above have been complied with prior to the issuance of any building permit.~~
- (f) ~~No building permits shall be issued for construction on an unplatted tract of land located within the city limits. An owner who makes application for a building permit on an unplatted tract, shall cause the tract to be platted in conformance with this chapter before the permit can be issued. This provision shall only apply to the following classifications of building permits:~~
- (1) ~~A building permit for a new structure, except that a building permit for an accessory structure as defined in the zoning ordinance for a single family residential use shall be exempt from the platting requirement;~~

- ~~(2) A building permit for the renovation, remodeling or expansion of an existing structure which increases the gross floor area by twenty five (25) percent or more within a five-year period;~~
- ~~(3) A building permit for the renovation, remodeling or expansion of an existing residential structure that results in the land use of such structure to be changed to a non-residential use;~~
~~or~~
- ~~(4) A permit for the placement of a manufactured home or other structure.~~
- ~~(5) Parcels which meet the provisions of deed approval are exempt from this requirement. Deed approval of certain parcels shall be as follows:
 - ~~a. The purpose of the deed approval process is to provide for a method of approving the issuance of building permits on existing, unplatted parcels, in cases where platting is neither necessary nor productive. The deed approval process shall only apply to parcels which have not been subdivided or resubdivided since the adoption of original subdivision regulations by the city (March 3, 1964), and all required public facilities are existing.~~
 - ~~b. Under certain circumstances, approval may be given for the issuance of building permits on existing unplatted parcels, through the deed approval process. In order to be approved through the deed approval process, a parcel shall meet the following conditions:
 - ~~1. The subject parcel shall not have been subdivided or resubdivided since the date of the original adoption of subdivision regulations by the city, March 3, 1964;~~
 - ~~2. No new lots may be created by the deed approval; and~~
 - ~~3. Deed approval shall not be granted for any parcel which would require the extension of any streets or city utilities to be dedicated to and maintained by the city.~~~~
 - ~~c. Applications for deed approval shall be submitted to the city planner. The application shall consist of the following:
 - ~~1. A completed application form;~~
 - ~~2. The deed to the subject property and any other necessary documentation to substantiate that the parcel has not been subdivided since the adoption of subdivision regulations; and~~
 - ~~3. The appropriate application fee.~~~~
 - ~~d. The city planner shall review the deed approval application, and may forward the application to other departments and agencies for review, as deemed necessary. The city planner shall either approve or disapprove the deed approval within fifteen (15) working days after its submittal. If the application is approved, the city planner shall submit a letter of approval to the chief building official. If the deed approval application is disapproved, the applicant may submit either a minor plat or a regular subdivision plat, whichever is applicable.~~~~

Sec. 17.5-135. - Issuance of Certificate of Occupancy(ies) for a Subdivision to be withheld.

No certificate of occupancy shall be issued for any building in a subdivision unless and until the plat of said subdivision has been approved by the city recorded and all required applicable public improvements for the building have been completed and accepted for maintenance by the city staff. The chief building official of the city is authorized to issue a certificate of occupancy for existing buildings

~~after inspections for code compliance at the time of new ownership, tenancy, or re-initiation of utility services.~~

Sec. 17.5-136. - Violations of ordinance provisions.

The subdivision of any lot or parcel of land by the use of metes and bounds description for the purpose of evading these regulations is prohibited. Such subdivisions shall be subject to all of the requirements of this chapter and chapter 212 of the Texas Local Government Code.

Sec. 17.5-137. - Penalties for violation.

Any failure to comply with the provisions of this chapter shall constitute a misdemeanor. Each day of noncompliance shall constitute a separate offense. Each offense shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00) with the following exception:

No violation of this chapter outside the corporate limits of the city but within its ETJ shall constitute a misdemeanor nor be subject to a fine as set forth above.

Sec. 17.5-138. - Enforcement.

The city staff may institute any appropriate action or proceedings in the district court to enjoin the violation. It shall be the duty of ~~the city Planner or City engineer~~ staff to administer these regulations and to bring to the attention of the city attorney any violation or lack of compliance herewith.

Sec. 17.5-139. - Reserved. ~~Appeals.~~

- ~~(a) The owner of a subdivision may appeal the discretionary requirements placed on a plat or its plans and specifications by city staff. The appeal shall be made to the planning and zoning commission and shall be by written request. The planning and zoning commission shall consider the matter and approve or disapprove the appeal thirty (30) days after the submittal of the request or appeal.~~
- ~~(b) The owner of a subdivision may appeal the requirements placed on a plat or its plans and specifications by the planning and zoning commission. The appeal shall be made to the city council and shall be by written request. The city council shall consider the matter and approve or disapprove the appeal within thirty (30) days after the submittal of the request or appeal.~~

Sec. 17.5-140. - Variances and exceptions.

- (a) In the event that the planning and zoning commission finds that extraordinary hardships or significant practical difficulties may result from strict compliance with these regulations or that the purposes of these regulations may be better served by an alternative proposal, it may grant ~~recommend to the city council~~ a variance to these subdivision regulations so that justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The planning and zoning commission may consider ~~the recommendation~~ approval of a variance, ~~and city council may consider approval of a variance,~~ using the following guidelines. These guidelines are not intended to be exclusive. Evidence by the subdivider shall demonstrate that:

- (1) The effect of the variance shall not be detrimental to the public safety, health, welfare or injurious to other property;
 - (2) The conditions upon which the request for variance are based are unique to the subdivision under consideration, and are not generally applicable to other properties;
 - (3) Because of the specific conditions or topography of the site involved, strict enforcement of these regulations would result in this undue hardship;
 - (4) The variance requested will in no way conflict with provisions of the comprehensive plan or (city corporate limits only) the zoning ordinance.
- (b) Conditions. The planning and zoning commission may ~~recommend grant~~ grant a variance, ~~and city council may grant a variance~~, subject to such conditions as will substantially secure the objectives of this chapter.