

CITY OF KENEDY, TEXAS
SUBDIVISION ORDINANCE

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City of Kenedy, Texas

Ordinance No. 07-13-2004

"SUBDIVISION ORDINANCE"

AN ORDINANCE OF THE CITY OF KENEDY, TEXAS, PROVIDING THE GENERAL RULES AND REGULATIONS GOVERNING PLATS AND SUBDIVISIONS OF LAND WITHIN THE CORPORATE LIMITS AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF KENEDY; PROVIDING GENERAL PROVISIONS, DEFINITIONS AND PROCEDURES; PROVIDING REQUIREMENTS AND REGULATIONS FOR IMPROVEMENTS FOR ALL SUBDIVISIONS; ESTABLISHING MINIMUM DESIGN STANDARDS AND SPECIFICATIONS; PROVIDING FOR VARIANCES AND INSPECTION OF IMPROVEMENTS, PROVIDING FOR AND PENALTY; ESTABLISHING FILING FEES AND CHARGES, REQUIRING A MAINTENANCE BOND AND WITHHOLDING OF IMPROVEMENTS UNTIL A SUBDIVISION IS APPROVED; REPEALING CONFLICTING ORDINANCES; AND PROVIDING A SEVERABILITY CLAUSE AND EFFECTIVE DATE.

WHEREAS, it is desirable to provide for the orderly, safe, and healthful development of the area within the city and within the extraterritorial jurisdiction of the city and to promote the health, safety, and general welfare of the community; and

WHEREAS, under the provisions of the Constitution and laws of the State of Texas, the City of Kenedy may adopt Subdivision Regulations which effect any tract of land situated within the City of Kenedy or the Extraterritorial Jurisdiction of said City which is hereafter divided in two (2) or more tracts described by metes and bounds or otherwise for the purpose of laying out any subdivision of such tract of land or any addition to said City; and

WHEREAS, it is the opinion of the City Council of the City of Kenedy that Subdivision Regulations should be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENEDY, TEXAS, THAT THE FOLLOWING SUBDIVISION REGULATIONS ARE HEREBY ADOPTED AS THE RULES AND REGULATIONS FOR THE PLATTING AND SUBDIVISION OF LAND WITHIN THE CITY OF KENEDY AND ITS EXTRATERRITORIAL JURISDICTION.

I. GENERAL

A. General Provisions and Intent

It is the intention of the city council that the standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City of Kenedy and within its extraterritorial jurisdiction. These regulations shall govern every person, firm, partnership, association or corporation owning any tract of land within

the City Limits or Extraterritorial Jurisdiction of the City of Kenedy who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said City, or for laying out suburban lots or building lots, or any lots, streets, alleys, parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

No subdivision plat shall be filed or recorded, and no lot in a subdivision inside the Corporate Limits of the City of Kenedy or within its Extraterritorial Jurisdiction shall be improved or sold until the plat shall have been approved by the City of Kenedy.

B. Authority and Purpose

This ordinance is adopted under the authority of the Constitution and Laws of the State of Texas, including particularly Chapter 212 of the Local Government Code for the purpose of providing for the orderly, safe, and healthful development of the area within the City and within the area surrounding the City and to promote the health, safety, morals, and general welfare of the community by securing adequate provision for water, sewage, drainage, traffic, light, air, recreation, transportation, and other facilities.

C. Jurisdiction

Any owner of land located inside the Corporate Limits of the City of Kenedy or within its Extraterritorial Jurisdiction wishing to subdivide such land shall submit to the Planning and Zoning Commission a plan of the subdivision which shall conform to the minimum requirements set forth in these regulations. An owner subdividing his land into parcels of not less than five (5) acres each for agricultural use and not involving new streets or access easements shall be exempt from these requirements.

Any owner subdividing land outside the Corporate Limits of the City of Kenedy, but within its Extraterritorial Jurisdiction shall submit a plan of subdivision to the Planning and Zoning Commission which shall conform to Chapters 242 and 42 of Local Government Code and the minimum requirements set forth in these regulations, and which is subject to the approval of both.

II. DEFINITIONS

For the purpose of this ordinance, the following terms, phrases, words, and other derivations shall have the meaning ascribed to them hereafter. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices. Any office referred to in this ordinance by title means the person employed or appointed by the city in that position, or his or her duly authorized representative.

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

- B. Arterial streets - streets used primarily for fast or heavy traffic as designated in the thoroughfare plan.
- C. City - the City of Kenedy, Texas;
- D. City Council - the governing body of the City of Kenedy, Texas;
- E. City engineer - The registered professional engineer or firm of registered professional consulting engineers that has been specifically designated as such by the city council to act on behalf of the city on engineering related matter;
- F. Collector streets - streets which carry traffic from minor streets to the system of arterial streets and highways, including the principal entrance streets of a residential development or business park and those streets for circulation within such a development as designated on the thoroughfare plan.
- G. Commission - the appointed planning and zoning commission of the City of Kenedy.
- H. Crosswalk - a public right-of-way which provides pedestrian circulation;
- I. Cul-de-sac - a short, minor street having only one outlet to another street and terminates in a vehicular turn-around;
- J. Dead-end-street - a street, other than a cul-de-sac, with only one outlet;
- K. Developer - this term may be determined by the city to be synonymous with subdivider;
- L. Engineer - a person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore, or hereafter amended, to practice the profession of engineering;
- M. Extraterritorial Jurisdiction - (also known as ETJ) is that area of land lying outside and adjacent to the Corporate Limits of the City of Kenedy over which the City of Kenedy has legal control as set forth in Chapter 42 of Local Government Code (within one-half mile of the Corporate Limits, in the Corporate Limits, in the case of a municipality with fewer than 5,000 inhabitants);
- N. HUD-code manufactured home -- means a structure: (i) constructed after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; (ii) built on a permanent chassis; (iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; (iv) transportable in one or more sections; and (v) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and includes the plumbing, heating, air conditioning and cooling systems of a home;

- O. Land planner - Any person other than surveyors or engineers who possesses and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related developments; such proficiency after having been acquired by education in the field of landscape architecture or other specialized planning curriculum and by actual experience and practice in the field of land planning;
- P. Lot - an undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract;
- Q. Key lot - a lot which has frontage upon a side street in addition to a front street.
- R. May - the word "may" shall be deemed as permissive;
- S. Minor streets - those streets which are used primarily for access to abutting properties, also referred to as residential streets.
- T. Manufactured home - means a "HUD-code manufactured home";
- U. Manufactured home park - is a type of development where land is owned under one ownership and individual lots or spaces are leased or rented, with or without manufactured homes on them, to other persons for the purposes of placing or maintaining a manufactured home thereon. A manufactured home park, for these purposes, shall be defined as any lot, tract, or parcel of land upon which more than one manufactured home is located;
- V. Mobile home - means a structure (i) constructed before June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; (ii) built on a permanent chassis; (iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; (iv) transportable in one or more sections; and (v) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet, and includes the plumbing, heating, air conditioning and cooling systems of a home;
- W. Pavement width - the portion of a street available for vehicular or pedestrian traffic. Where curbs are laid, it is the portion between the face of the curbs;
- X. Person - any individual, association, firm, partnership, corporation, governmental agency, or political subdivision;
- Y. Plat - shall mean a map or chart of the subdivision. It shall include plan, plat or replat, in both singular and plural.
- Z. Re-subdivision - shall mean the division of an existing subdivision, or the relocation of any street lines.

- Aa. Shall - the word "shall" shall be deemed as mandatory;
- Bb. Street - a way for vehicular traffic and other public uses, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.
- Cc. Subdivider - any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided;
- Dd. Subdivision - any division of any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose of sale, lease, or rental. It also includes the resubdivision or replatting of land, lots or tracts. Transfer of ownership of any land, lots or tracts to heirs of an estate shall be excluded from this definition. For these purposes, the creation of a manufactured home park shall be considered a subdivision, regardless whether there is a division of land or not.
- Ee. Surveyor - a licensed state land surveyor or a registered public surveyor, as authorized by state statute to practice the profession of surveying;
- Ff. Utility easement - an interest in land granted to the city, to the public generally, and/or to a private utility corporation, for installing and maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

III. PRELIMINARY PLAT SUBMISSION AND APPROVAL

A. PRELIMINARY PLAT REQUIREMENTS

1. Preliminary Plat - A preliminary plat shall be prepared by a surveyor, engineer, or land planner. The plat shall conform to these subdivision regulations and the city's zoning regulations. It shall contain:
 - a. Name and address of the owner, subdivider or developer, engineer, surveyor, or land planner;
 - b. Proposed name of the subdivision;
 - c. Names of adjacent subdivisions or owners of adjacent parcels of unsubdivided land. The platting of adjoining property and streets shall also be shown;
 - d. An accurate boundary survey of the property and a meets and bounds description;
 - e. A north point, scale of plat, and date of preparation;
 - f. The location, dimensions, name, and description of all streets, alleys, easements, lots and other sites proposed within the subdivision. Where the proposed subdivision is a unit of a larger tract proposed for future development, the preliminary plat shall be accompanied by a layout of the entire tract showing the tentative layout of streets, blocks, drainage, and utility improvements. The overall

- layout, if approved by the planning and zoning commission, shall be attached to the smaller approved subdivision and made a part of the permanent records. Thereafter, plats of subsequent units of such subdivision shall conform to the approved overall layout unless it is amended by the city;
- g. Contours at intervals of one (1) vertical foot. Unless due to terrain, another interval is authorized by the city engineer;
 - h. Preliminary drainage proposals including drainage areas affecting the property;
 - i. Existing and proposed utility service to the property;
 - j. Existing public utility easements;
 - k. Number assigned to each lot and number or letter assigned to each block;
 - l. Front building setback lines shown on all lots and sites and side building lines at street intersections;
 - m. A key map showing relation of subdivision to major thoroughfares in all directions to a distance of at least one-half(1/2) mile.
 - n. The following certification shall be placed on the preliminary plat:

APPROVED FOR PREPARATION OF FINAL PLAT SUBJECT TO ANY CONDITIONS ENUMERATED IN THE PLANNING & ZONING COMMISSION MINUTES OF THIS DATE.

Mayor, City of Kenedy

Date

- 2. Submission Requirements - The subdivider shall submit fifteen (15) blue or black line copies of the preliminary plat to the city secretary at least twenty-one (21) days prior to the planning and zoning commission meeting at which the plat is to be considered. Each copy of the plat must be clearly marked "Preliminary Plat". The Preliminary Plats must accompany the filing fee(s), and 15 copies of a letter of transmittal, stating briefly the type of street surfacing, drainage, sanitary facilities, and water supply proposed, and the name and address of the owner or agent, engineer, and surveyor.
- 3. Form - The preliminary plat shall be drawn on not larger than 24" x 36" at a scale no greater than 1" = 200'.

B. PRELIMINARY PLAT APPROVAL

- 1. Upon receiving the requisite copies of the preliminary plat and transmittal letter and the required filing fees, the city secretary shall:
 - a. Inform the subdivider of the time of the next planning and zoning commission meeting at which the preliminary plat will be considered.
 - b. Provide for the review of the plat by the appropriate officials, being the City engineer, water and sewer superintendent, and any other officials he/she deems appropriate,

- including, but not limited to: the telephone company, gas company, electric company, cable T.V., and school district.
- c. Two (2) copies of the plat will be provided to the city engineer for his/her review. The city engineer will then return one to the city secretary with his/her comments and recommendations.
 - d. Following the staff review, the preliminary plat will then be placed on the planning and zoning commission agenda its consideration.
2. Planning and Zoning Commission shall, within thirty (30) days after the filing of preliminary plat, submit one of the following recommendations to the City Council:
 - a. Approval
 - b. Approval with conditions
 - c. Disapproval
 - d. Disapprove without prejudice for subdivider to resubmit the plat after further consideration or action by city staff
 3. The city council shall, within thirty (30) days after the Planning and Zoning Commission has submitted its recommendation, conclude one (1) of the following:
 - a. Preliminary plat approved.
 - b. Preliminary plat approved with conditions.
 - c. Preliminary plat not approved but may be returned for further consideration by the Planning and Zoning Commission.
 - d. Preliminary plat disapproved.
 4. The action of the city council shall be noted on two (2) copies of the preliminary plat along with references to any conditions determined and attached thereto. One (1) copy shall be returned to the developer and the other copy retained as a permanent record by the city.
 5. The conditional approval of the preliminary plat does not in any manner constitute the acceptance of the subdivision nor the improvements placed therein, but is merely an authorization to proceed with the preparation of the final plat. Approval of the preliminary plat, if granted, shall be valid for not longer than one (1) year after the date of approval of the preliminary plat unless the final plat has been approved and recorded within the one year period.
 6. Conditional approval shall be considered to be the approval of a plat or replat until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing. If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the preliminary plat, as submitted, shall be deemed to be recommended for approval to the City Council.

7. Approval of the preliminary plat shall be deemed an expression of approval of the layout only and shall not constitute acceptance of the final plat.
8. Preliminary approval will expire six (6) months after the approval by the City Council of the preliminary plat or sections thereof. The Subdivider may apply in writing for an extension prior to the end of such six (6) month period. This period may be extended six (6) months, but not beyond a total of one (1) year.

C. PRELIMINARY PLAT FILING FEES

The following schedule of fees and charges shall be collected by the city when any preliminary plat is tendered to the city for consideration of approval. Such fees and charges shall accompany the application of the proposed plat and no action of the planning and zoning commission shall be valid until the filing fee has been paid. This fee shall not be refunded to the subdivider should the plat be disapproved.

Inside City Limits:

\$25.00 per plat plus \$1.00 per lot
\$50.00 per plat plus \$5.00/acre

Outside City Limits in Extraterritorial Jurisdiction:

\$50.00 per plat plus \$1.00 per lot
\$100.00 per plat plus \$5.00/acre

IV. FINAL PLAT SUBMISSION AND APPROVAL

A. FINAL PLAT REQUIREMENTS

1. The final plat shall conform to the preliminary plat as approved, and incorporate all conditions imposed by the city. It shall contain:
 - a. All requirements of preliminary plat;
 - b. The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public right-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearings or deflection angles and radii area, and central angle, degree of curvature tangent distance and length of all curves where appropriate;
 - c. The exact location, grade, dimensions, description, and name of all proposed streets, alleys, drainage, rights-of-way, parks, other public areas, reservations, easement or other right-of-way, blocks, lots and other sites within the subdivision with accurate dimensions, bearings or deflection angels and radii area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate;

- d. An accurate location of the subdivision with reference to the deed records of the County which shall include the volume and page of the deed of the property to be subdivided.
- e. The name and property lines of adjoining subdivisions and of the adjoining property owners, together with the respective plat or deed references.
- f. The name and location of adjacent streets, alleys, easements, water courses, etc. All lines outside of subdivision boundaries to be dashed lines.
- g. The lines and numbers of all proposed lots and blocks with complete bearings and dimensions for front, rear and side lot lines and area of each lot shall be shown. (Use block numbers only when previous units of same subdivision have numbered blocks, otherwise use continuous consecutive lot numbers throughout subdivision). If located within the city limits, the location of minimum building set back lines from all streets on lots and other sites, shall conform to the provisions of the Zoning Ordinance for the specific use assigned to the project area.
- h. Owner's acknowledgment of the dedication to public use of streets, alleys, parks, right-of-ways, easements, and other public places shown on the final plat. Such acknowledgment shall be substantially as follows:

The State of Texas

County of Karnes

I (We), the undersigned, owner(s) of the land shown on this plat and designated herein as the _____ Subdivision to the City of Kenedy, Texas and whose name is subscribed hereto, hereby dedicate to the use of the public all streets, alleys, parks, watercourses, drains, easements, water lines, sewer lines, storm sewers, fire hydrants and public places which are installed or which I (we) will cause to be installed thereon, shown or not shown, if required otherwise to be installed or dedicated under the subdivision approval process of the City of Kenedy, all the same for the purposes therein expressed, either on the plat hereof or on the official minutes of the applicable authorities of the City of Kenedy.

Owner

- i. A certification by the engineer or surveyor responsible for the preparation of the final plat and supporting data, attesting to its accuracy and that all survey work around the boundary area as well as within the subdivision shall have an error closure of no more than one foot in five thousand feet (1/5,000') or less;
- j. All survey monuments shall be shown on the plat.
- k. All deed restrictions that are to be filed with the plat shall be shown on or filed separately with the plat;
- l. Receipts showing that all property taxes and assessments are paid;
- m. The final plats shall be accompanied by complete sets of construction plans and profiles for all street and drainage improvements and water and sanitary sewer improvements;

- n. A waiver of claim for damages against the city occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision;
- o. The following certifications shall be placed on the final plat:

THE PLANNING & ZONING COMMISSION ON _____, 20____, VOTED AFFIRMATIVELY TO RECOMMEND THIS PLAT TO THE CITY COUNCIL FOR APPROVAL AND FOR FILING OF RECORD.

Chairman, Kenedy Planning & Zoning Commission

Date

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

Mayor

Date

2. Submission Requirements - The subdivider shall submit one (1) mylar copy, ten (10) blue or black line copies of the final plat and one (1) copy of the construction plans to the city secretary at least twenty-one (21) days prior to the planning and zoning commission meeting at which the plat is to be considered.
3. Form - The final plat shall be drawn on not larger than 24" x 36" at a scale appropriate for that size sheet, but a 1" = 100' is the smallest scale that will be permitted. If desired by the subdivider and approved by the city, the final plat may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed; however, such portion shall conform to all requirements. A copy of the preliminary plat showing the layout of the entire tract shall be attached to the final plat of the smaller unit and made a part of the permanent records of the city, but need not be recorded.

B. FINAL PLAT AND CONSTRUCTION PLANS PROCESSING

1. Upon receiving the requisite copies of the final plat and construction plans, along with the required filing fees, the city secretary shall:
 - a. Inform the subdivider of the time of the next planning and zoning commission meeting at which the final plat will be considered.
 - b. Provide for the review of the plat by the appropriate officials, being the City engineer, water and sewer superintendent, and any other officials he/she deems appropriate, including, but not limited to: the telephone company, gas company, electric company, cable T.V., and school district.

- c. Two (2) copies of the plat will be provided to the city engineer for his/her review. The city engineer will then return one to the city secretary with his/her comments and recommendations.
 - d. Insure that the final plat is checked against the approved preliminary plat for the subject property for compliance.
 - e. Following the staff review, the final plat will then be placed on the planning and zoning commission agenda for its consideration.
2. Planning and Zoning Commission shall, within thirty (30) days after the submittal of the final plat and engineering plan, submit one (1) of the following recommendations to the city council:
 - a. Approval
 - b. Approval with conditions
 - c. Disapproval
3. City Council shall, within thirty (30) days after the Planning and Zoning Commission has submitted its recommendation, conclude one of the following:
 - a. Final plat approved.
 - b. Final plat approved with conditions.
 - c. Final plat not approved but may be returned for further consideration by the Planning and Zoning Commission.
 - d. Final plat not approved.
4. City Secretary shall, within thirty (30) days after the City Council approval:
 - a. For plats located within the Corporate Limits of the City of Kenedy, review the file plat for proper signature and approval.
 - b. For plats located outside the Corporate Limits of the City of Kenedy but within its Extraterritorial Jurisdiction, review the file plat for proper signature and approval.
5. Subdivider shall:
 - a. Direct his engineer to design, stake and supervise the construction (to be inspected by the City) of facilities in accordance with approved plans and specifications and these regulations.
 - b. Direct his contractor(s) to construct all improvements as identified in the approved engineering plans and to provide to the City of Kenedy a one (1) year maintenance bond in the amount of ten percent (10%) of the contract price, along with three (3) blue lines sets and one computer disc in CAD format of "AS-BUILT" plans, checked and corrected by the Engineer.
6. City Secretary shall, upon completion of said improvements and compliance with these regulations receive and cause the project to be considered for acceptance by the City

Council for approval by the City of Kenedy the title, use, and maintenance of the improvements.

7. No final plat shall be filed unless and until all improvements as identified in the approved engineering plans have been constructed and all stipulations as may be set by the City Council have been met. At the discretion of the City Council, recommendation of approval for a final plat may be deferred to the Planning and Zoning Commission where the tract of land is to be subdivided to affect no more than one (1) lot.
8. Final approval will expire one (1) year after approval by the City Council unless the plat has been filed for record. The Subdivider may apply in writing prior to the end of such one (1) year period for extension. This period may, at the discretion of the City Council, be extended for another year, but not a total of two (2) years.
9. After the final plat has been finally approved and the subdivider has constructed all the required improvements and such improvements have been approved, and a maintenance bond or letter of credit has been filed as hereinafter provided, or after the plat has been finally approved and the subdivider has filed an escrow deposit sufficient to pay for the costs of all improvements as determined by the city secretary in lieu of completing construction, the city secretary shall upon written consent of the subdivider cause the final plat to be recorded with the county clerk of Karnes County. The recording fees shall be paid by the subdivider. The city secretary shall retain three (3) copies of plat recorded in the County Records for the City files.
10. Building permits will only be issued after the copy of the recorded plat is received from the county clerk and Certificates of Occupancy for any building will not be issued until it is determined that all of the improvements including streets, drainage, water, and sanitary sewer have been constructed according to approved plans and these facilities have been accepted by the city for ownership and maintenance. The city will not accept any street, drainage improvement, water or sewer line for maintenance until an acceptable one (1) year maintenance bond for all of the facilities in said subdivision has been presented to the city.

C. FINAL PLAT FILING FEES

The following schedule of fees and charges shall be collected by the city when any final plat is tendered to the city for consideration and approval. Such fees and charges shall accompany the application of the proposed plat and no action of the city council shall be valid until the filing fee has been paid. This fee shall not be refunded to the subdivider should the plat be disapproved.

Inside City Limits:

\$25.00 per plat plus \$1.00 per lot
\$50.00 per plat plus \$5.00 per acre

Outside City Limits in Extraterritorial Jurisdiction:

\$50.00 per plat plus \$1.00 per lot

\$100.00 per plat plus \$5.00 per acre

V. REPLATS

A. PROCEDURES.

1. Any person who wishes to revise a subdivision replat which has been previously filed for record must make an application of the proposed revised plat to the planning and zoning commission. The replat of the subdivision shall meet all the requirements for a subdivision that may be pertinent. However, if the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no engineering plans will be required. No preliminary plats will be required for any replats.
2. In the event the proposed replat involves property which has been previously developed and limited by deed restrictions or zoned as single family residential use then the following special requirements must be adhered to. After an application is filed for replat affecting single family property, then the city secretary shall cause a notice of the application to be published in the official newspaper of the city at least fifteen (15) days before the date of the planning and zoning commission meeting at which it is to be considered. Such notice must include a statement of the time and place at which the planning and zoning commission will meet to consider the replat and to hear protests to the revision. Additionally, written notice must be sent to all owners of property located within the original plat, or if within the extraterritorial jurisdiction, to property owners within two hundred feet (200') of the property proposed for replat. Such notice may be served by depositing the notice, properly addressed and postage paid, at the local post office. Within thirty (30) days after the replat is formally filed by the subdivider, the planning and zoning commission shall approve, disapprove, or conditionally approve with enumerated conditions such plat. If the replat is disapproved or conditionally approved, the city secretary shall inform the subdivider in writing of the reasons or of any required revisions.
3. Upon approval or conditional approval by the planning and zoning commission, the replat will be forwarded to the city council for final approval. Within thirty (30) days after receiving the replat and recommendations from the planning and zoning commission, the city council shall approve, disapprove, or conditionally approve with enumerated conditions such plat. If the replat is conditionally approved, the city secretary shall inform the subdivider in writing any required revisions.
4. If written protests signed by owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred feet (200') from that area, then a three-fourths vote is required by both the planning and zoning commission and the city council to approve the

replat. In computing the percentage of land, the area of streets and alleys shall be included.

B. REPLAT FEES

The fee for replatting property shall be as follows:

Inside City Limits:

\$75.00 per plat plus \$1.00 per lot
\$75.00 per plat plus \$5.00 per acre

Outside City Limits in Extraterritorial Jurisdiction:

\$150.00 per plat plus \$1.00 per lot
\$150.00 per plat plus \$5.00 per acre

VI. GENERAL PROVISIONS

A. DEDICATION OF PUBLIC AREAS

The Planning and Zoning Commission and/or the City Council may require easements for poles, wires, conduits, storm and sanitary sewers, gas cable TV and water mains, or other utility lines if necessary or advisable in the opinion of the Commission or Council.

All services for utilities shall be made available for each lot in such a manner that it will not be necessary to disturb any curbs, gutter, street pavement, or drainage structures when connections are made. All utility lines that pass under a street or alley shall be installed before the street or alley is paved.

B. PARTIAL DEVELOPMENT OF LARGE SUBDIVISION

Final plats may be approved on portions of a larger area of land for residential or other uses for which a preliminary plat has been approved, provided that the required improvements for said portion are developed as part of the required improvements for the entire area. Water mains, storm sewers, trunk sewers, and any stand alone sewage treatment plant shall all be designated and built to serve the entire area owned by the subdivider or designed and built in such a manner that they can easily be expanded or extended to serve the entire area shown the preliminary plat.

C. UNPLATTED PROPERTY

In the event the subdivider or builder does not complete any provisions of this Ordinance pertaining to the preparation of a plat, then upon request of the City Council, a site plan shall be prepared in conjunction with the building permit plans. The form of the site plan shall be sufficient to provide information required by the City to determine if the specific project may be exempt from the platting requirements. The site plan shall be submitted for

staff review, recommendation by the Planning and Zoning Commission, and approval by the City Council. If in the review and approval process it is determined necessary that a plat should be prepared, approved, and recorded, then such standard process will be required. However, if the specific project, as identified in the site plan process clearly identifies that the platting requirement may be exempted, notice will be so given.

The purpose of said site plan is to provide sufficient information to identify the project and its effect upon the area. The site plan shall contain sufficient information relative to site design considerations, including but not limited to the following.

1. Location of proposed building(s) and structures.
2. On-site and off-site circulation of traffic.
3. Parking provisions.
4. Grading provisions.
5. Drainage provisions.
6. Landscaping provisions.
7. Placement of utilities.
8. Screening
9. Engineering for streets, drainage and utilities (if required).

The City may require other information and data for a specific site plan. This data may include, but is not limited to geologic or archaeological information, water yields, flood data, environmental information, traffic analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevation and perspective drawings, lighting, and similar information. Conditional approval of the site plan may establish certain conditions for construction based on such information.

VII. GENERAL REQUIREMENTS AND DESIGN STANDARDS

A. LOTS

1. Lot size--Lot size, width, depth, shape, and orientation of lots shall be appropriate for the neighborhood in which the subdivision is located and for the type of development and use contemplated. All lots shall front upon a public street. There shall be no more than one single family or manufactured home dwelling per lot.

Where lots are not regulated by the city's zoning ordinance, the minimum dimensions for interior residential lots shall be fifty feet (50') for width and one hundred feet (100') for depth; provided, that a decrease in depth may be made if the lot width is increased so as to provide for a minimum lot area of five thousand (5,000) square feet.

2. Key Lots--Where corner lots are key lots, the corner lot shall have a front building line on both streets, unless said key lot is separated from other lots by a dedicated street or alley.

3. Lots on Major Streets--Lots facing or backing on major streets shall be at least ten feet (10') deeper than average lots facing on adjacent minor streets.
4. Lots on Drainage Easements--Minimum useable lot depths for lots backing on natural drainage easements shall be not less than one hundred feet (100') measured between front lot line and drainage easement.
5. Lot Shape--Lots should be rectangular insofar as practicable. Sharp angles between lot lines should be avoided. The ratio of depth to width should not ordinarily exceed two and one-half (2-1/2) times. Irregular shaped lots shall have sufficient width at the building line to meet frontage requirements for the appropriate zoning district if within the city limits.
6. Lot Lines--Side lot lines should be perpendicular or radial to street frontage.
7. Lot Facing
 - a. Street Frontage--Each lot shall be provided with adequate access to an existing or proposed public street by frontage on such street not to be less than forty feet (40'), or as otherwise specified in the Zoning Ordinance, if within the city limits.
 - b. Double Front--Double frontage lots are prohibited except when backing on major thoroughfares. Where lots have double frontage, a front building line shall be established for each street.
 - c. Front Facing--Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing adjacent lots at right angles to each other should be avoided.
8. Lot Numbering--All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat. Use block numbers only when previously platted units of the same subdivision have numbered blocks.
9. Driveway Restrictions--Rear and side driveways access to major thoroughfares shall be prohibited.

B. BLOCKS

1. Block Length--Blocks shall not be more than 1,320 feet in length.
2. Block Width--Blocks shall be wide enough to allow two (2) tiers of lots with a block width no less than 200 feet, except when prevented by the size of the property or the need to back-up to a major thoroughfare.
3. Crosswalks--Crosswalk easements of fifteen feet (15') in width across blocks exceeding 800 feet in length shall be dedicated where deemed necessary by the Planning and Zoning Commission and/or the City Council.

4. Block Numbering--Blocks are to be numbered consecutively within the overall plat and/or sections of a overall plat as recorded only when previous units of subdivision have numbered blocks, otherwise blocks shall not be numbered.

C. STREETS

1. Conformity to Major Street Plan--The width and location of streets shall conform to such Major Thoroughfare Plan as the City Council may have adopted, both as to horizontal and vertical alignment and right-of-way widths.
2. Relation to Adjoining Street System--The proposed street system shall extend all existing major streets and such secondary land local access streets may be desirable for convenience of circulation. Where possible, the width and horizontal and vertical alignment of extended streets shall be preserved.
3. Street Jogs--Where off-sets in street alignment are, in the opinion of the Planning and Zoning Commission and/or City Council, unavoidable, such off-sets may be employed, provided the distance between center lines is not less than one hundred twenty-five feet (125').
4. Large-Lot Subdivisions--If the lots or tracts of land in the proposed subdivision are large enough to suggest re-subdivision in the future, or if part of the tract is not subdivided, consideration must be given to possible future street openings and access to future lots which could result from re-subdivision.
5. Through Traffic--Local streets shall be designed so as to discourage high-speed or through traffic.
6. Topography--The street system shall bear a logical relationship to the natural topography of the ground.
7. Street Widths--"Street Right-of-Way Width" shall be measured from front lot line to front lot line of opposite lots. "Street Paving Width" shall be measured from outside to outside of pavement or curb lines.
 - a. Access or Service Roads--Access or service roads shall have a minimum right-of-way of forty feet (40').
 - b. Local Thoroughfares--Local residential streets have a minimum right-of-way of fifty feet (50'), unless otherwise specifically permitted by the Planning and Zoning Commission and the City Council. Local streets in apartment, commercial or industrial area shall have a minimum right-of-way width of sixty feet (60').
 - c. Secondary Thoroughfares--Secondary or collector streets shall have a minimum right-of-way width of sixty feet (60').
 - d. Major Thoroughfares--The width of major streets shall be determined by the Planning and Zoning Commission, the City Council, the Major Thoroughfare Plan, and adopted standards. Major streets with a right-of-way width of less than sixty-

five feet (65') are to be increased to a width of one-hundred feet (100') for a distance of one-hundred fifty feet (150') at the approach to a major street intersection, with a transition back to normal right-of-way width over a distance of an additional one-hundred fifty feet (150').

8. Street Alignment--The maximum deflection in alignment permitted without use of curve shall be ten degrees (10°).
9. Major Street Curves--Curves in major streets shall have a center line radius of 2,000 feet or more with exceptions to this standard granted only by the Planning and Zoning Commission and the City Council.
10. Secondary Street Curves--Curves in secondary or feeder streets shall have a center radius of 800 feet or more, with exception to this standard granted only by the Planning and Zoning Commission and the City Council.
11. Local Street Curves--Curves in local streets are to have a center line radius of 300 feet or more, except for "loop" or partial "loop" streets.
12. Reverse Curves--Reverse curves on major thoroughfares and collector streets shall be separated by a minimum tangent of one hundred feet (100').
13. Dead-End Streets/Cul-De-Sacs
 - a. Turn-arounds--Turn-arounds are to have a circular driving surface that has a minimum radius of forty-five feet (45') and a street right-of-way that has a minimum radius of sixty (60) feet.
 - b. Maximum Length--The maximum length of a dead-end street with a permanent turn-around shall be 400 feet, measured from the right-of-way line of the intersecting street to the center point of the turn-around circle, except in conditions of unusual topography.
 - c. Temporary Turn-Arounds--Temporary turn-arounds are to be provided at the end of streets more than 400 feet long that will be extended in the future. The following note should be placed on the plat: "Cross-hatched area is temporary easement for turn-around until street is extended (give direction) in a recorded plat."
14. Street Intersections
 - a. Angle of Intersection--Except where existing conditions will not permit, all streets, major and minor, shall intersect at a ninety degree (90°) angle. Variations of more than ten degrees (10°) on minor streets and more than five degrees (5°) on major or secondary streets must first be approved by the Planning and Zoning Commission and the City Council.
 - b. Radius at Acute Corners--Acute angle intersections approved by the Planning and Zoning Commission and the City Council are to have twenty-five feet (25') or greater radii at acute corners.

- c. Center-Line Tie With Existing Streets--Each new street intersecting with or extending to meet an existing street shall be tied to existing street on center line with dimensions and bearings to show relationship.
15. Partial or Half-Streets--Partial or half streets shall be prohibited.
16. Reserve Strips--Reserve strips controlling access to streets shall be prohibited except where definitely placed in City control under conditions approved by the Planning and Zoning Commission and the City Council. When provisional one foot (1') reserves are used along the side or end of streets that abut acreage tracts, the following note shall be used in all such dedication: "One foot (1') reserve to become automatically dedicated for street purposes when adjacent property is subdivided in a recorded plat", and access to dedicated tract is hereby prohibited until such action occurs.
17. Street Names--New streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the City.
18. Private Streets--Dedicated streets and right-of-way shall not be designated or used as private streets and such use is prohibited.
19. Access to Major Streets--Where a subdivision borders on or contains the right-of-way of a freeway, major thoroughfare, drainage way or railroad, the Planning and Zoning Commission and/or the City Council may require a service street parallel to and on both sides of such right-of-way, or they may require that residential or other type land use lots back up to said right-of-way without means of access. However, reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the Commission and the City Council.
20. Fire Lanes--The City may require the subdivider to provide areas reserved and identified for Fire Lanes or emergency access ways for certain commercial, retail, apartment, industrial and other uses.
21. Traffic Engineering Studies--Where traffic conditions require, traffic engineering studies may be required by the Planning and Zoning Commission and/or the City Council from the developer to provide technical data.

D. BUILDING LINES

If the plat is located within the city limits, building lines along all streets shall be shown on the final plat on lots and shall provide the minimum setback for front, side, and rear streets as required by the Zoning Ordinance on the basis of the respective district (agricultural, single-family, residential estate, duplex, multi-family, commercial, central business district, manufactured home, industrial).

E. EASEMENTS

1. Utility Easements--Easements at least ten feet (10') wide across the front lot lines and five foot on each side lot line shall be provided wherever necessary for utilities.
2. Drainage Easements--Where a subdivision is traversed by a water course, drainage way, channel or street, there shall be provided a storm easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the City Secretary that will be reasonably adequate for the purpose. Parallel streets or parkways may be required in connection with these easements. The drainage shall be designed to eliminate erosion of adjoining property and to facilitate routine maintenance. All building structures shall have an established finished floor elevation two feet or more above the calculated one-hundred (100) year flood elevation.

F. FLOOD AREAS

Areas within the jurisdiction of the regulations herein subject to flood conditions as established by Federal and State agencies and the City Engineer of Kenedy and for which the limits of such flood conditions have been adopted by the City of Kenedy, will not be considered for subdivision until adequate drainage or other approved protection has been provided.

G. REQUIRED IMPROVEMENTS

1. Streets--The minimum acceptable pavement surface shall be as follows:

<u>Classification</u>	<u>Subgrade</u>	<u>Base</u>	<u>Surface</u>
Major Thoroughfare	Lime stabilization as recommended by soil report	12" flexible	Asphalt, hot mix, hot laid, 200 lb. per sq. yd. - or- reinforced concrete. The final design of which shall be approved by the City Engineer.
Collector Street	Lime stabilization as recommended by soil report	8" flexible	Asphalt, hot mix, hot laid, 200 lb. per sq. yd. - or- reinforced concrete. The final design of which shall be approved by the City Engineer.
Local Residential	Lime stabilization as recommended by soil report	6" flexible	Asphalt, hot mix, hot laid, 150 lb. per sq. yd. or reinforced concrete. The final design of which shall be approved by the City Engineer.

A soil report with recommendation by a registered professional engineer shall be submitted with the street design data.

2. Curbs and Gutters--Curb and gutter shall be provided unless otherwise waived by the City Council and shall be constructed along both sides of all streets within the subdivision in accordance with City Specifications.
3. Sidewalks--Sidewalks shall be provided unless otherwise waived by the City Council and shall not be less than four feet (4') in width on both sides of all major and collector streets and along one or both sides of certain specified local streets.

A soil report with recommendation by a registered professional engineer shall be submitted with the street design data.

2. Curbs and Gutters--Curb and gutter shall be provided unless otherwise waived by the City Council and shall be constructed along both sides of all streets within the subdivision in accordance with City Specifications.
3. Sidewalks--Sidewalks shall be provided unless otherwise waived by the City Council and shall not be less than four feet (4') in width on both sides of all major and collector streets and along one or both sides of certain specified local streets.
4. Alleys

Alleys shall be required in all residential subdivisions unless all utility easements are dedicated along the street front of lots or when waived by the city council. Alleys, when required by the city council in residential developments, shall have a minimum width of seven and one-half feet (7-1/2') on each side of the rear lot line for a total right-of-way width of fifteen feet (15'). Alleys shall be required for commercial and industrial developments and shall have a minimum right-of-way of twenty feet (20'). Where the city council requires alleys to be paved, the pavement shall be either flexible pavement or reinforced concrete.

a. The flexible pavement section for alleys shall be:

- (1) Residential--10' width (minimum)--Lime stabilized subgrade as recommended by the soil report, 6" compacted caliche base (minimum) and 125 lbs. per square yard HMAC pavement (minimum).
- (2) Commercial--18' width (minimum)--Lime stabilized subgrade as recommended by the soil report, 8" compacted caliche base (minimum) and 150 lbs. per square yard HMAC pavement (minimum).

b. Or, the alleys may be surfaced with reinforced concrete as follows:

- (1) Residential--10' width (minimum)--6" reinforced concrete, 28 day, 3,000 PSI compressive strength reinforced with 6 x 6 x 6 galvanized woven wire mesh, on a lime stabilized subgrade, or sand base, as recommended by the soil report.
- (2) Commercial--18' width (minimum)--7" reinforced concrete, 28 day, 3,000 PSI compressive strength, reinforces with #4 bars on 12" centers both ways, on a lime stabilized subgrade or sand base, as recommended by the soil report.

c. Dead end alleys shall not be permitted. In case of intersecting alleys, a cut-off of not less than ten feet (10') from the normal intersection of the property or easement line shall be provided along each property or easement line.

5. Water

- a. Water mains of size adequate to provide a domestic water supply (six inch [6"] diameter minimum), fire hydrants, and water valves shall be installed to serve all lots within the subdivision in accordance with the Comprehensive Plan and City Specifications.
- b. Water system extensions shall be designed to provide for a domestic supply of at least 250 gallons per capita per day, delivered at a minimum pressure of 42 PSI. All water line mains shall be designed to conform with the standards of the Texas Commission on Environmental Quality (TCEQ) or appropriate regulatory agency.
- c. All water services shall be a minimum of three-quarter inch (3/4") diameter. Type "k" copper with corporate stop at main and curb stop behind curb line.
- d. Valves shall be located so that no more than about eight hundred feet (800') of a residential line or five hundred feet (500') of a business district line would be shut down during a water line break. Usually two (2) valves will be required at each tee and three (3) at each cross. A lesser number of valves may be used if proper shut down control can be provided.
- e. Fire hydrants shall be provided at locations such that all residential areas of development are located within a five hundred foot (500') radius from a fire hydrant and served by a six inch (6") or larger water main and commercial areas of development are located within a three-hundred foot (300') radius and served by an eight inch (8") or larger water main.
- f. The minimum size of water main shall be six inches (6") for residential development and eight inches (8") for commercial development. The minimum main size for industrial development shall be determined by the city engineer, but in no event, less than eight feet (8').
- g. All mains installed within a subdivision must extend to the borders of the subdivision, as required for future extensions of the system, regardless of whether or not such extensions are required for service within the subdivisions.

6. Sanitary Sewer

- a. All subdivisions within the city shall be connected to the city's sanitary sewer system and all sanitary sewer mains shall be designed in accordance with the latest rules and regulations as published by the Texas Commission on Environmental Quality and must meet the city's development and construction standards. On-site sewage treatment systems may be permitted in the developments where public sewer is not readily available or when such developments are located in the extraterritorial jurisdiction; provided, such lots are at least one acre in size and where percolation tests reveal that soil conditions are such that satisfactory sewage disposal can be provided.

- b. All sewers shall be designed with consideration for serving the full drainage area subject to collection by the sewer in question except as modified by the city because of the projected rate of development or the financial feasibility of the proposed extension.
- c. In determining the population equivalent for design purposes, undeveloped areas shall be estimated at not less than five (5) persons per acre. The contributing sewage flow shall be estimated on basis of an average flow of one hundred (100) gallons per person per day plus infiltration of one thousand (1,000) gallons per acre per day. Lateral minor sewers shall be designed such that when flowing full they will transport wastewater at a rate approximately four times the system design daily average flow. Main trunk, interceptor, and outfall sewers shall be designed to convey expected peak flow.
- d. The minimum size of sewer main shall be six inches (6") for residential development and eight inches (8") for commercial development. The minimum main size for industrial development shall be determined by the city engineer, but in no event, less than eight inches (8").
- e. All sanitary sewer mains, services, and fittings shall be polyvinyl chloride (PVC) sewer pipe and meet the material standards as specified in the city's development and construction standards.
- f. All sewers shall be designed with hydraulic slopes sufficient to give mean velocities, when flowing full or half full, of not less than two feet (2') per second nor more than five feet (5') per second based on Kutter's or Manning's formulas using an "n" value of 0.013, as set forth in the latest edition of the TCEQ's rules and regulations.
- g. Sewers shall be designed in straight alignment wherever possible. Where horizontal curvature must be used, the smallest radius shall be one hundred feet (100').
- h. Manholes shall be constructed at all changes in grade, alignment, or size of sewer and at all intersections of sewers except service sewers and at the ends of all sewer lines that will be extended. The allowable distance between manholes shall be as set forth in the latest edition of the TCEQ's rules and regulations.
- i. All lateral and sewer mains installed within a subdivision must extend to the borders of the subdivision, as required for future extensions of the collection system, regardless whether or not such extensions are required for service within the subdivision.
- j. All sewer system construction shall be in accordance with the city's development and construction standards at the developer's expense. All sewer system extensions shall be financed in accordance with the pro-rata policies of the City of Kenedy.

- k. For those areas where the City determines that a connection to the central sewer system is not practical, then individual on-site treatment shall be provided.
- l. It is the purpose of this Ordinance to ensure compliance with the Texas Department of Health requirements so that on-site sewerage facilities shall be designed, constructed, permitted, and operated to provide adequate sewage treatment and disposal that will not contaminate potable water supplies threaten the health and welfare of the public. The design, construction, permitting, and operation of on-site sewerage system for use by individual homes, small business establishments, recreational areas, institutions, and other areas shall be in accordance with the "Construction Standards for On-Site Sewerage Facilities", Texas Department of Health, effective January 1, 1988, or as may be amended. These construction standards are adopted under the authority of the Texas Sanitation and Health Protection Law, Texas Civil Statutes, Article 4477-1.
- m. All new development and construction, either in the City or its Extraterritorial Jurisdiction (ETJ), shall conform to these requirements. Existing individual disposal facilities should be upgraded to comply with Standards, in order to protect the public health and welfare. On-site sewerage facilities must be upgraded by the owner, at the owner's expense, if the operation of the facility does not comply with government regulations or results in objectionable odors, unsanitary conditions, pollution, etc.
- n. The developers of subdivisions, manufactured home (manufactured housing) parks, or commercial and industrial establishments that are remote from organized sewage collection systems shall consider the method of sewage disposal in the determination of lot size and arrangement. A sewage disposal plan shall be submitted to the appropriate local regulatory authority as a part of the construction plans prior to the consideration of approval of the file plat.
- o. Platted subdivisions served by public water supply, but utilizing individual subsurface methods for sewage disposal shall provide for individual lots having surface areas of at least one (1) acre. Platted subdivisions served by an individual water supply well and an individual sewage disposal system shall maintain a minimum of a 150 foot radius around the well in which no subsurface sewerage system may be constructed.

7. Storm Drainage

- a. Storm drainage facilities shall be provided where the run-off storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage. All drainage facilities shall be constructed in accordance with the Comprehensive Plan and City specifications.
- b. Drainage facilities shall be provided and constructed at the expense of the subdivider or developer. The subdivider or developer shall be solely responsible for the design and installation of drainage facilities so as to prevent flooding or like damages to any adjoining property.

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

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

C= A run-off coefficient which varies with the topography land use and moisture content of the soil. The run-off coefficient shall be based on the ultimate use of the land and shall be selected from below:

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

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

TABLE I
DATA FOR COMPUTING TIME OF CONCENTRATION
Velocity of Run-off in Ft./Sec. for Slope in Percent:

Description of Water Course	0% to 3% V in ft./sec.	4% to 7% V. in ft./sec.	8% to 11% V in ft./sec.	over 12% V in ft./sec.
Brushland	1.0	2.0	3.0	3.5
Pasture	1.5	3.0	4.0	4.5
Cultivated	2.0	4.0	5.0	6.0
Pavement	5.0	12.0	15.5	18.0
Channels	Determine V by Mannings Formula			
Storm Sewers	Determine V by Mannings Formula			

TABLE II
AVERAGE VELOCITY OF THE RUN-OFF FOR CALCULATING TIME OF
CONCENTRATION OR DURATION OF RAINFALL

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

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

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

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

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

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

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

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

- d. Streets shall be designed to accommodate a ten (10) year frequency storm and underground storm drains shall be designed to accommodate a twenty-five (25) year frequency storm. In addition to the storm drainage pipe, the City and/or the City Engineer may direct the on site storm water detention facilities as required -- based on the selected design storm.
- e. Design of all bridges, culverts, underpasses and open channels are to be based on a twenty-five (25) year frequency;
- f. The ten (10) year storm run-off may be carried in the streets at a depth up to the curb height, that is to the full capacity of the street. When the ten (10) year storm run-off exceeds the street capacity then storm drains must be added;
- g. Sufficient and adequate inlets are to be installed to allow entry of required quantity of water into storm sewers. Inlet openings shall be about five inches (5") high. Openings shall be as determined on the basis of one (1) linear foot of inlet per cubic foot per second of storm water to be picked up except at the sag of a street where emergency overflow is provided, one and one-half (1-1/2) cubic foot per second per foot of inlet opening will be allowed;
- h. Street grades shall be such that excessive soil deposition from too low a water velocity or pavement scouring from too high a velocity is to be avoided as far as practical. Street grades are normally to be not less than two feet fall per thousand linear feet and shall never be less than one foot (1') fall per thousand linear feet;
- i. Concrete valley gutters shall be provided to carry the water flow across all intersections;

- j. Where water is dumped from a street directly into an open water-course, it shall be dumped through an approved type of inlet and outlet;
- k. An open ditch or natural drainageway through a subdivision may be left as its current location, but a study must be made by a Registered Professional Engineer knowledgeable about drainage to determine the limits of the potential for flooding for a twenty-five (25) year storm in the drainage basin. no permanent structure may be built within the flood plain except in accordance with the city's zoning ordinance. Buildings adjacent to the flood plain must have a finish floor elevation two feet (2') minimum above the twenty-five (25) year water surface. An alternate to this is to provide a concrete lined channel. The bottom width of the channel and the other dimensions as well as all engineering details shall be provided by a Registered Professional Engineer. As a guide, in general, the height of the lining shall be adequate for the calculated depth of the twenty-five (25) year storm plus a two foot (2') freeboard. Walls are to be four inch (4") concrete walls sloped not steeper than one foot (1') vertically to one and one-half feet (1-1/2') horizontally. All concrete slabs are to be reinforced with a minimum of 6" x 6" x 6" gauge wire mesh, and provided with proper weep holes or other pressure relief measures.
- l. In new subdivisions the developer shall provide all the necessary easement and right-of-way required for drainage structures, including storm sewer and open lined channels. The easement width for storm sewer pipe shall be not less than ten feet (10'), and the easement width for open channels shall be at least twenty feet (20') wider than the top of the channel, fifteen feet (15') of which shall be on one side to serve as access way for maintenance purposes.
- m. The construction of all drainage facilities shall be in accordance with the city's development and construction standards. All concrete used in drainage structures shall, at a minimum, develop a compressive strength of three thousand (3,000) PSI. in twenty-eight (28) days.

8. Monuments

- a. Concrete survey monuments shall be placed at all corners of boundary lines of a subdivision and in any case not more than one thousand feet (1,000') apart. Such monuments shall be six inches (6") in diameter, and shall be twenty-four inches (24") deep, with a twenty-four inches (24") long one-half inch (1/2") diameter reinforcing rod set at the intersection point. The top of the monument shall be placed flush with the natural ground or meeting current surveying practice standard.
- b. Lot markers shall be one-half inch (1/2") reinforcing rod, twenty-four inches (24") long, or approved equal, and shall be placed at all lot corners flush with the ground, or countersunk if necessary, in order to avoid being disturbed.

9. Street Name and Traffic Signs--All street name signs and traffic signs shall be provided and shall meet the type and erection standards of the City.
10. Street Lighting--Street lighting shall be provided and shall meet the design standards for intensity, location, and erection of the City of Kenedy.

H. PARTICIPATION OF THE CITY IN IMPROVEMENTS

1. The City shall not be required to participate in the cost of any improvements where such improvements required by this ordinance are outside the Corporate Limits of the City.
 - a. Right-of-Way--The subdivider shall dedicate right-of-way for streets.
 - b. Paving
 - (1) The subdivider shall pave all residential and collector streets up to thirty-seven feet (37') in width in accordance with City Specifications. Paving beyond thirty-seven feet (37') in width shall be the responsibility of the City, County, or State.
 - (2) All excess excavated material from dedicated streets and alleys not used in the development of the land being platted shall be removed from the site and deposited at disposal sites designated by the City of Kenedy.
 - c. Curbs and Gutters--Curbs and gutters shall be provided by the subdivider.
 - d. Sidewalks--Sidewalks shall be provided by the subdivider.
 - e. Water-- Where the City requires larger mains and branches than are necessary to serve the subdivision in order to provide for future development, the subdivider may be entitled to participating aid from the City, in accordance to current policy, and availability of current funds.
 - f. Sanitary Sewers--Where the City requires larger sewer lines than are necessary to serve the subdivision in order to provide for future development, the subdivider may be entitled to participating aid from the City, in accordance to current policy and availability of funds.
 - g. Storm Drainage
 - (1) Where the City requires larger storm drainage facilities than are necessary to serve the subdivision in order to provide for future development, the subdivider may be entitled to participation from the City, in accordance to current policy and availability of current funds.
 - (2) Where the City does not participate in storm drainage improvements and the cost of necessary storm drainage construction is prohibitive for the subdivider to bear, all areas affected by such drainage may be omitted from the development.
 - h. Monuments Monuments shall be provided by the Subdivider.
 - i. Lot Markers Lot markers shall be provided by the Subdivider.
 - j. Street Name Signs and Traffic Signs--Street name signs and traffic signs shall be provided by the Subdivider.
 - k. Street Lights Street lights shall be provided by the Subdivider.

2. Pro-Rata--Where water, sanitary sewer, street name signs, traffic signs, street lighting and parks and open space are subject to a pro-rata payment or a capital impact fee payment prior to final plat approval, such payment shall be considered the subdivider's payment in full for such improvement, providing the City of Kenedy has adequate funds, after the payment of such pro-rata charges, to construct the required improvements. In the event that such pro-rata payment does not provide sufficient funds to construct the required improvements and the City of Kenedy does not have sufficient additional funds to complete the construction of said required improvements, then the subdivider shall provide funds required to pay the total cost of constructing the said required improvements.
3. Building Permits--No Building Permits shall be issued until all improvements are in place, unless, otherwise authorized by City Council

K. INSPECTION OF CONSTRUCTION

The City shall be given opportunity to inspect all phases of the construction of improvements for subdivision. The subdivider, or his contractor, shall maintain daily contact with the City Engineer, or his representative, during construction of improvements.

No sanitary sewer, water, or storm sewer pipe shall be covered without approval of the City Engineer, or his representative. No concrete shall be poured for streets, structures, or curbs and gutters without said approval. No flexible base material shall be placed on the street subgrade, or asphaltic surface applied to the flexible base of a street without said approval.

VII. FEES, CHARGES AND MAINTENANCE BOND AND PENALTY

- A. Each of the fees and charges provided herein shall be paid in advance to the City of Kenedy and delivered to the City Secretary. No action of the Planning and Zoning Commission, the City Council or any other board or agency shall be valid until the fee or fees shall have been paid to the officer designated herein.
- B. Upon completion of all improvements in accordance with city specifications and standards, and their acceptance by the city, the subdivider or developer or his, her, or their contractors shall furnish the city with either a letter of credit for maintenance or a maintenance bond executed by a corporate surety holding a permit from the state of Texas to act as surety or other surety acceptable to the city. Such letter of credit or bond shall be conditioned that the subdivider or developer shall warrant such improvements in good condition for a period of twelve (12) months. The amount shall equal ten percent (10%) of the contract cost of all improvements and shall be in effect one (1) year from date of completion and acceptance by the city.

If the subdivider or developer elects to provide a letter of credit, the amount shall be placed on deposit in a bank, savings and loan association, or trust company selected by

the subdivider or developer and approved by the city council, in a trust account in the name of the city, or as an irrevocable letter of credit from a federally insured lending institution in favor of the city. Either the trust agreement or the letter of credit shall demand, such sums as are determined by the city as necessary to complete the required maintenance or improvements.

- C. Any person who fails to comply with or violates this Ordinance or any portion thereof shall, upon conviction, be guilty of a misdemeanor and shall be fined any sum not exceeding \$2,000 and each day that such violation continues shall be considered a separate offense and punishable accordingly. However, this shall not prohibit the city in obtaining a court injunction, if deemed necessary, for violations within the city's extraterritorial jurisdiction.

VIII. SPECIAL PROVISIONS

- A. The city will not permit the installation of septic tanks upon any lot in a subdivision except in accordance with Section 10 of this ordinance.
- B. No building permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein or referred to herein have not been complied with in full.
- C. The city may allow sectional development of an approved final plat, provided that the section of the final plat meets all the requirements of this ordinance in full as though it were a subdivision within itself.
- D. The city shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record; nor in which the standards contained herein, or referred to herein, have not been complied with in full.
- E. The city shall not authorize any other person nor shall the city itself sell or supply any water or sewerage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- F. In behalf of the city, the city attorney shall, when directed by the city council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this ordinance or the standards referred to herein with respect to any violation thereof which occurs within the city or within its extraterritorial jurisdiction.
- G. The provisions of this ordinance shall not be construed to prohibit the issuance of permits to any lots upon which a building exists and was in existence prior to passage of these regulations, or to prohibit the repair, maintenance or installation of any street or public

utility services for, to, or abutting any lot or tract where such lot or tract was in existence and the last recorded conveyance of which was prior to passage of these regulations.

IX. VARIANCES FROM SUBDIVISION REGULATIONS

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

- A. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of his or her land; and
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the owner; and
- C. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to the legal rights other property owners enjoy in the area; and
- D. That the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these regulations.

Such findings of the city council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the city council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of these regulations so that the public health, safety, and welfare may be secured and substantial justice done.

X. CONFLICTING ORDINANCES SEVERABILITY AND EFFECTIVE DATE

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


It is hereby declared to be the intention of the City council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality

shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections for this ordinance, since the same would have been enacted by the City council without the incorporation in this ordinance of such unconstitutional phrase, clause, sentence, paragraph or section.

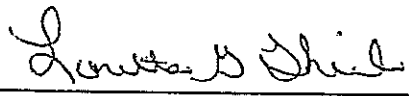
This ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law in such cases provides.

PASSED AND APPROVED on this 13 day of July, 2004 by
the City Council of the City of Kenedy, Texas.

APPROVED:


Mayor, City of Kenedy

ATTEST:



City Secretary