



CITY OF GRANBURY SUBDIVISION ORDINANCE #09-360

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**SUBDIVISION ORDINANCE
CITY OF GRANBURY, TEXAS**

I. SECTION 1 - GENERAL PROVISIONS

Section 1.1 AUTHORITY

The following rules and regulations are hereby adopted as the Subdivision Regulations of the City of Granbury, Texas, and shall be applicable to the filing of plats, the subdivision of land and the development of property, as that term is defined herein and in Chapter 212 of Vernon's Texas Local Government Code, within the corporate City limits of the City of Granbury as they may be from time to time adjusted by annexation or disannexation and within all the areas of the extraterritorial jurisdiction of the City of Granbury as that area may exist from time to time as provided by Chapter 42, Vernon's Texas Local Government Code. The City shall have all remedies and rights provided by said Chapter 212 with regard to the control and approval of subdivisions and plats both within the City and within its extraterritorial jurisdiction.

Section 1.2 INTERPRETATION AND PURPOSE

In the interpretation and application of the provisions of these regulations, it is the intention of the City Council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City of Granbury and its jurisdiction, amending certain other ordinances of the City and superseding the previous subdivision ordinance. Where other ordinances of the City are more restrictive in their requirements, such other ordinances shall control

Subdivision of land is the first step in the process of urban development. The distribution and relationship of residential, commercial, industrial, and agricultural uses throughout the community along with the system of improvements for thoroughfares, utilities, public facilities, and community amenities determine in large measure the quality of life enjoyed by the residents of the Community. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life character. A community's quality of life is of public interest. Consequently, the subdivision of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. The regulations contained herein are designed and intended to encourage the development of a quality urban environment by establishing standards for the provision of adequate light, air, open space, storm water drainage, transportation, public utilities and facilities and other needs necessary for insuring the creation and continuance of a healthy, attractive, safe, and efficient community that provides for the conservation enhancement and protection of its human and natural resources. Through the application of these regulations, the interests of the public,

as well as those public and private parties, both present and future, having interest in property affected by these regulations are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this ordinance further the possibility that land will be developed for its most beneficial use in accordance with existing social economic and environmental conditions.

The procedure and standards for the development, layout and design of subdivisions of land within the corporate limits and Extraterritorial Jurisdiction of the City of Granbury, Texas are intended to:

- A. Promote the health, safety, morals and general welfare of the community and the safe, orderly and healthful development of the City;
- B. Establish adequate policies and procedures to guide development of the City and its extraterritorial jurisdiction;
- C. Provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure improvements to maintain land values, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the City for correction of inadequate facilities that are designed to serve the public;
- D. Ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
- E. Ensure against the dangers of fires, floods, erosion, landslides, or other such menaces;
- F. Preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features;
- G. Realistically and harmoniously relate new development of adjacent properties;
- H. Ensure that public facilities for water supply, drainage, disposal of sanitary and industrial waste, and parks are available for every building site and with adequate capacity to serve the proposed subdivision before issuance of a certificate of occupancy or release of utility connections or final inspection within the boundaries of the plat;
- I. Assure that new development adequately and fairly participates in the dedication and construction of public infrastructure improvements that are necessitated by or attributable to the development or that provide value or benefit that makes the development feasible;

- J. Help prevent pollution, assure the adequacy of drainage facilities, control storm water runoff, safeguard the water table, and encourage the wise use and management of natural resources throughout the City and its extraterritorial jurisdiction in order to preserve the integrity, stability, and beauty of the community and the value of the land; and
- K. Promote and develop the utilization of land in a manner to assure the best possible community environment in accordance with the Master Plan and the Comprehensive Zoning Ordinance of the City of Granbury;
- L. Guide and assist the developers in the correct procedures to be followed and to inform them of the standards which shall be required;
- M. Protect the public interest by supervising the location, design, class and type of streets, sidewalks, utilities and essential areas and services required;
- N. Assist orderly efficient and coordinated development within the extraterritorial jurisdiction;
- O. Provide neighborhood conservation and prevent the development of slums and blight;
- P. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
- Q. Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community;
- R. Provide the best possible design for each tract being subdivided;
- S. Provide the most attractive relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide the proper location and width of streets;
- T. Prevent pollution of the air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard both surface and groundwater supplies; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;

- U. Establish adequate and accurate records of land subdivision;
- V. Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments within the territorial jurisdiction;
- W. Encourage and promote open-space, park land and recreation space opportunities located within residential neighborhoods;
- X. Provide for adequate light, air, and privacy; secure safety from fire, flood, and other danger; and prevent overcrowding of the land and undue congestion of population;
- Y. Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities, and;
- Z. Encourage the development of a stable, prospering economic environment;

Minimum standards for development are contained in the zoning ordinance, the building code and in this ordinance. However, the Future Land Use Plan expresses policies designed to achieve an optimum quality of development in the urban area. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the Plan and in this ordinance, and is encouraged to exceed the minimum standards required herein.

Section 1.3 APPLICATION OF REGULATIONS

Before any pre-application proposal, plan, plat, amended plat or replat of a subdivision or addition of land within the City of Granbury or its Extraterritorial Jurisdiction is recorded with the County Clerk, it shall first be approved in conformity with the provisions of this Ordinance. No transfer of land in the nature of a subdivision as defined herein shall be exempt from the provisions of this Ordinance unless otherwise specified, even though the instrument or document of transfer may describe land so subdivided by metes and bounds. The filing of any plan, plat, amended plat or replat without complying with the requirements of this Ordinance shall be deemed a violation of the provisions of this Ordinance and is hereby prohibited. The transfer of any land by the delivery of or by the filing of any instrument in the nature of a conveyance without having first complied with the requirements set forth herein shall be deemed a violation of the provisions of this Ordinance and is hereby prohibited. There is, however, excepted from the provisions of this Ordinance any conveyance transferring any land or interest in land to or from the State of Texas or City of Granbury, Texas. No subdivision plat shall be recorded

until a final plat, replat, minor plat or amending plat accurately describing the property to be conveyed has been approved in accordance with these subdivision regulations. Furthermore, no building permit, or certificate of occupancy, or plumbing permit, or electrical permit, or utility tap or certificate of acceptance for required public improvements shall be issued by the City for any parcel or plat until:

- A. A plat has been approved in accordance with these regulations
- B. All water, wastewater, streets, drainage, electrical, public utilities and park improvements, whether they are public or private, as required by these regulations, have been constructed and accepted by the City of Granbury in accordance with SECTIONS 4 & 5 of this Ordinance, the City's Public Improvement Policy or other applicable regulations.
- C. To carry out the purposes hereinabove stated, it is declared to be the policy of the City to guide and regulate the subdivision and development of land in such a manner as to promote orderly growth both within the City and where applicable, within its extraterritorial jurisdiction, it is determined that:
 - 1. Land must not be platted until proper provision has been made for adequate public facilities for roadways, drainage, water, wastewater, public utilities, capital improvements, parks, recreation facilities, and rights-of-way for streets.
 - 2. Proposed plats, or subdivisions which do not conform to the policies and regulations shall be denied, or, in lieu of denial, disapproved conditioned on conformance with conditions, and;
 - 3. There shall be an essential nexus between the requirement to dedicate rights-of-way and easements and/or to construct public works improvements in connection with a new subdivision and the need to offset the impacts on the City's public facilities systems created by such new development.

Section 1.4 OWNER CONSENT

Except as otherwise expressly provided herein , the written consent of the owner of any tract of land to be subdivided in accordance with the terms of this Ordinance shall be required for any application relating to or for a plat, replat, pre-application proposal, plat amendment, or any application to be reviewed by the Development Review Committee. The owner's representative may provide the required written consent in place of the owner if the representative has, in a form acceptable to the City Attorney, express written authority to act on behalf of the owner. The owner's written consent shall be required in accordance with this Section 1.4, regardless of

whether this Ordinance refers to the party making application to the City pursuant to this Ordinance as “owner,” “subdivider,” “person” “developer” or “applicant”.

Section 1.5 JURISDICTION

As authorized by Sub-chapter A and B of Chapter 212 of the Local Government Code, the provisions contained in the following sections of these subdivision regulations shall apply to any of the following forms or types of land subdivision and development activity within the city limits or its extraterritorial jurisdiction.

- A. The division of land into two or more tracts, lots, sites or parcels; or
- B. All subdivisions of land whether by metes and bounds division or by plat, which were outside the jurisdiction of the City's subdivision regulations in Hood County, Texas and which subsequently came within the jurisdiction of the City's subdivision regulations through:
 - 1. Annexation; or
 - 2. Extension of the City's Extra-Territorial Jurisdiction.
- C. The division of land previously subdivided or platted into tracts, lots, sites or parcels subject to and not in accordance with adopted City Subdivision Regulations in effect at the time of such subdividing or platting and having occurred on or after November 9, 1982 (adoption date of current ordinance); or
- D. The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site except as otherwise provided herein; or
- E. When a building permit is required on property for the following reasons but not limited to:
 - 1. New Construction
 - 2. Moving of a primary structure onto vacant property
- F. For tracts where any public improvements are proposed
- G. Whenever a property owner proposes to divide land lying within the City or its extraterritorial, jurisdiction into two or more tracts for purpose of development, that results in parcels or lots all greater than five (5) acres in size, or in the event that development of any such tract is intended, and where

no public improvement is proposed to be dedicated, he shall first obtain approval of a development plat that meets the requirements of Texas Local Government Code Chapter 212, subchapter B. See Section 2.5 of this Ordinance for requirements for Development Plats.

Section 1.6 EXEMPTIONS

The provisions of these subdivision regulations shall not apply to:

- A. Land legally platted and approved prior to the effective date of these subdivision regulations except as otherwise provided for herein (construction of facilities shall conform to construction standards in effect at the time of construction); or
- B. Land constituting a single tract, lot, site or parcel for which a legal deed of record describing the boundary of said tract, lot site or parcel was filed of record in the Deed Records of Hood County, Texas on or before November 9, 1982 (adoption date of current ordinance).
- C. Inheritance or gift of land within immediate family by metes and bounds of tracts on which no improvements or alteration is occurring; or
- D. Existing cemeteries complying with all State and local laws and regulations (does not apply to new cemeteries or expansion of existing cemeteries); or
- E. Divisions of land created by order of a court of competent jurisdiction; or
- F. When a building permit is requested for unplatted or already platted parcels for the following activities:
 - 1. Replacement or reconstruction of an existing primary single-family or duplex structure but not to exceed the square footage of the original structure.
 - 2. Additions (increase in square footage of structure) constituting not over sixty percent (60%) of the existing structure's value and not over fifty percent (50%) of the gross floor area.
 - 3. Accessory buildings.
 - 4. Remodeling or repair (no expansion of square footage).
 - 5. Moving a structure off a lot or parcel or for demolition permits.

Section 1.7 APPLICABLE LAW

All applications for plat approval, including final plats, pending on the effective date of these regulations and which have not lapsed shall be reviewed under regulations in effect immediately preceding the date of adoption of these regulations.

Section 1.8 INTERPRETATION, CONFLICT AND SEPARABILITY

- A. Interpretation - In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

- B. Conflict with Other Laws - These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations, or other provision of law, the provision which is more restrictive or imposes higher standard shall control.

- C. Separability - If any part of the provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

Section 1.9 SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adopting of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided in these regulations.

Section 1.10 SUPERSEDING REGULATIONS

Upon the adoption of these regulations according to law, all Subdivision Regulations of the City of Granbury previously in effect are hereby superseded, except as provided in Section 1.6 (*Exemptions*).

Section 1.11 AMENDMENTS

For the purpose of protecting the public health, safety and general welfare, the Planning and Zoning Commission and City Council may from time to time propose amendments to these regulations which shall then be approved or disapproved by the City Council at a public meeting.

Section 1.12 VARIANCES

- A. General - The City Council may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured when it finds that unreasonable hardships or difficulties may result from strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal. Any variance granted shall not have the effect of nullifying the intent and purpose of these regulations. When considering a variance, the City Council shall consider the following:
1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 4. The variance will not, in any manner vary, the provisions of the Zoning Ordinance or Future Land Use Plan, Thoroughfare Plan, and other adopted Plans, except that those documents may be amended in the manner prescribed by law.
- B. Conditions - In approving variances, the City Council may require such conditions as will, in its judgment secure substantially the purposes described in Section 1.2, Interpretation and Purpose.

C. Procedures

1. An application for each variance shall be submitted in writing by the property owner or subdivider to the DRC by the Development Review Committee (DRC) Pre-Application Deadline as a part of the pre-application proposal for DRC review. The application shall state fully the grounds for the variance request and all of the facts relied upon by the petitioner and it shall be the burden of the applicant or subdivider to provide in writing the requisite evidence for each variance request in response to the procedural requirements found in Section 1.12.A.1-4 in order for the City Council to make their findings.
2. Where a hardship is identified in a land study which will result in a request for a variance, the Planning and Zoning Commission may recommend a conditional variance. A conditional variance shall receive final approval along with a preliminary plat provided that the preliminary plat conforms to the land study and no new information or reasonable alternative plan exists which, at the determination of the City Council, voids the need for a variance. All variances shall have final approval or disapproval by the City Council.

Section 1.13 ENFORCEMENT, VIOLATIONS, AND PENALTIES

- B. Violations and Penalties - Any person, firm or corporation who violates any of the provisions of this Ordinance or who fails to comply with any provision hereof shall be guilty of a misdemeanor and upon conviction, shall be subject to fine not to exceed Five Hundred (\$500.00) Dollars and each day that such violation continues shall constitute a separate offense. Prosecution or conviction shall not be a bar to any other remedy authorized by this or other law.
- C. Civil Enforcement - Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose additional penalties, to restrain, correct, or abate a violation of these regulations, whether such violation occurs with respect to lands within the corporate boundaries of the City or within the City's extraterritorial jurisdiction. These remedies shall be in addition to the penalties described above.

Section 1.14 PAYMENT OF ALL INDEBTEDNESS ATTRIBUTABLE TO A SPECIFIC PROPERTY REQUIRED PRIOR TO HEARINGS BEFORE CITY COUNCIL, OR PLANNING AND ZONING COMMISSION.

No person who owes delinquent taxes, delinquent paving assessments or any other delinquent debts or obligations, and which are directly attributable to a piece of

property shall be allowed to record an approved plat until the taxes, assessments, debts, or obligations directly attributable to said property and owned by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City Manager has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid at time of platting.

Section 1.15 RIGHT TO DENY HEARING

The City shall have the right to deny a hearing if the person or applicant proposing a subdivision of land does not:

- A. Submit all the information necessary and required for a pre-application proposal and/or plat application by the required deadlines;
- B. Pay the required application fees;
- C. Fail to provide any other items or information as prescribed by this and other applicable ordinances.

Section 1.16 MISREPRESENTATION OF FACTS UNLAWFUL

- A. It shall be unlawful for any person to knowingly or willfully misrepresent or fail to include, any information required by this Ordinance on any application for annexation, zoning, development, or subdivision of property.
- B. Penalties and Exceptions - If any applicant for such hearing, or any owner of property subject to such hearing, shall allow such hearing before the Planning and Zoning Commission and/or the City Council to be heard in violation of any of the provisions of the Ordinance, such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a penalty as per Section 1.13.

Section 1.17 DEFINITIONS

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the singular number and words in the singular number include the plural number. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word "shall" is always mandatory, while the word "may" is merely directory.

Addition - One lot, tract or parcel of land lying within the corporate boundaries of the City which is intended for the purpose of development.

Administrative officers - Any office referred to in this chapter, or ordinance, by title, i.e., city manager, city attorney, city secretary, city planner, director of community development, city engineer, director of public works, etc., shall be the person so retained in this position by the city, or his duly authorized representative. This definition shall also include engineering, planning and other consultants retained by the City to supplement or support existing city staff as deemed appropriate by the City.

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 service access to the back or sides of properties otherwise abutting on a street.

Amending or Amended Plat - A revised plat correcting errors or making minor changes to the original recorded final plat.

Amenity - An improvement to be dedicated to the public or the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this ordinance.

Approved public access easement or approved public place - An easement designated on the final plat which provides access to all platted lots. The easement shall meet all of the requirements as set forth for a dedicated street (i.e. construction standards, width, and function) but may be privately maintained.

Bathymetric Survey – A survey measure of depth and relief of lake bottom elevation.

Block length - For a residential subdivision that distance of a block face measured along the centerline of a right-of-way from one street intersection to another or to the midpoint of a cul-de-sac or to a 90 degree turn.

Bond - Any form of a surety bond in an amount and form satisfactory to the City.

BRA. – Brazos River Authority.

Building setback line - A line within a property defining that point beyond which no part of a building or other structure shall project. The minimum horizontal distance a structure must be from a property line.

Capital improvements program - The official proposed schedule of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by City Council.

Canal Cut-Through—a canal constructed to provide boating access between Lake Granbury and property that is not contiguous to the shoreline of Lake Granbury.

City - The City of Granbury, Texas, together with all its governing and operating bodies.

City Council - The duly elected governing body of the City of Granbury, Texas.

City Engineer – “City engineer” shall apply only to such registered professional engineer or firm of registered professional consulting engineers that has been specifically employed by the City.

City Manager - The person holding the position of city manager as appointed by the City Council according to the City Charter.

Construction Plan or Drawing - The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision or addition in accordance with the requirements of the City as a condition of the approval of the plat.

Contiguous - Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

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

Dead-end Canal – A canal with one main lake entrance.

Dead-end Finger – A dead-end canal located off a primary canal.

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

Development Review Committee (DRC) - The Development Review Committee shall be responsible for reviewing land studies, drainage plans, vacations, concept plans, draft plats, pre-application proposals, plats, preliminary engineering design plans and any other items deemed necessary which are associated with development.

Development Review Committee (DRC) Comment and Plat Application Deadline – The point in time where the subdivider must provide corrected land studies, drainage plans, vacations, concept plans, draft plats, pre-application

proposals, Facilities Improvement Agreement and surety, preliminary engineering or other items which have been requested by the DRC, with all fees paid, in order for the subdivider to make a complete, correct formal plat application submittal for the next available public hearing.

Development Review Committee Pre-Application Deadline – The deadline for a subdivider/applicant to submit a Pre-Application Proposal for review and comment by the Development Review Committee (DRC).

Drainage Plan - A general plan for handling the storm water affecting property proposed for development. The Drainage Plan shall show how and where water will be received from adjacent higher areas; how and where it will be collected and handled within the property; and how and where it will be discharged to a recognized drainage way in a lower area. The plan shall deal with individual watershed areas as necessary; show the proposed phasing of development and attendant phasing of drainage improvements; describe any unusual water features anticipated; provide topographic, physical and geographical information; and form the basis for subsequent review of design plans submitted for property to be final platted.

Dwelling Unit - Any building or portion thereof, which is designed or used as living quarters for one or more families.

Easement - The word “easement” shall mean an area for restricted use on private property upon which a public entity or utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on or under any of these easements. The public entity or utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of construction, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

Escrow - A deposit of cash with the City in accordance with City policies.

Exaction Requirement - A requirement imposed as a condition for approval of a plat, preliminary plat, building permit, planned development district or other development permit application to:

- (1) dedicate an interest in land for a public infrastructure improvement;
- (2) construct a public infrastructure improvement; or
- (3) pay a fee in lieu of constructing a public infrastructure improvement.

Filing Date - The date the City staff determines the subdivider has provided a complete application, together with drainage plans, vacations, draft plats, pre-

application proposals, preliminary engineering or other items, in compliance with State law and this and other applicable ordinances, including any complete variance application(s), and all fees have been paid. Thereafter, the plat shall be scheduled for review by the Planning and Zoning Commission.”

Final Plat (Also record plat or file plat) - The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor with the subdivision location referenced to a survey corner and all boundaries, corners, and curves of the land division sufficiently described so that they can be reproduced without additional references. The final plat of any lot, tract, or parcel of land shall be recorded in the records of Hood County, Texas. An amended plat is also a final plat.

Flood Plain (100 Year) - Any land area susceptible to a 1 percent (1%) annual-chance (or susceptible to a one hundred (100) year frequency storm) of being inundated by flood waters. This condition could result from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters.

Floodway – The stream channel plus that portion of the overbanks that must be kept free from buildings, structures, fill or any other encroachment in order to discharge the 1 percent (1%) annual-chance flood.

Floodway Fringe – Areas that fall within the 100-year floodplain, but are outside the floodway. Development will, by definition, cause no increase in the one-hundred (100) year frequency flood.

Flow-through Canal – A canal cut-through with two or more main lake entrances.

Homeowner's Association - The HOA shall be organized as a non-profit corporation with automatic membership in the HOA when property is purchased. This shall be specified in the covenants which run with the land, and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Assessments shall also be handled in covenant form rather than as articles of incorporation since the latter may be easily amended. Included in the maintenance covenants shall be procedures for changing them at stated intervals since maintenance costs may change over time. Deeds shall also mention the rights and responsibilities of property owners to the HOA. The HOA shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata share formula for all property owners.

Improved Drainage Channel - A drainage channel constructed to design standards, with constant cross sections, used to convey the 100 year design frequency storm plus one foot of free board, within its banks.

1. Unlined Channel - This channel has a trapezoidal shape with side slopes no steeper than 3 feet horizontal to 1 foot vertical (4 to 1 preferred). The side slopes are smooth, free of rocks and are covered with approved turf. The bottom section has either a natural solid rock surface or a reinforced concrete pilot channel.
2. Lined Channel - This channel has a trapezoidal shape with side slopes no steeper than 1 foot horizontal to 1 foot vertical. The entire surface is covered with reinforced concrete.

Land planner - Persons other than surveyors or engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial, and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning, and may be a member of the American Institute of Certified Planners.

Lot or Lot of Record - A divided or 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; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

MSL – Mean Sea Level

Master Plan - The phrase Master Plan shall mean the comprehensive land use and thoroughfare plan of the city and adjoining areas as adopted by the City Council and the City Planning and Zoning Commission, including all its revisions. This plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks, water, sewer, and other public and private developments and improvements.

Minor Plat - A plat that proposes the creation of four (4) or fewer lots fronting on an existing street, which does not require the creation of any new street or the extension of any municipal (or public) facilities.

Natural Channel - An earthen drainage channel in its natural state, generally with irregular cross sections. This channel has its original meanders and does not have consistent side slopes. Such channels may be modified by cutting or filling in accordance with plans approved by the City. Natural channels may be approved with or without channel improvements provided that:

1. The 100-year frequency storm flow cannot be contained in a seventy-two (72) inch internal diameter pipe.

2. No effective erosion is anticipated or expected.
3. The smallest cross section can convey the flood waters of a 100 year frequency storm, plus one foot of free board, within its banks.
4. Sufficient flood plain and floodway easements are dedicated to provide protection to adjacent properties or facilities and
5. Arrangements have been made for perpetual maintenance by an approved maintenance entity.

Non-Local Streets - Streets classified as primary collectors, secondary thoroughfares and primary thoroughfares.

On-site Facilities or Improvements - On-site shall mean those existing or proposed facilities or improvements constructed within the property boundaries of the plat. On-site shall also mean those existing or proposed facilities required to be constructed or improved immediately adjacent to the property which are required to serve the development. These include both public & private: streets, water lines, sewer lines, storm drainage, curb and gutter, and any other construction or reconstruction to serve the property.

Off-site Facilities or Improvements - Off-site facilities shall mean those facilities or improvements required for service to the site but not located within the boundaries of the plat. These include both public & private: streets, water lines, sewer lines, storm drainage, curb and gutter, and any other construction or reconstruction to serve the property.

Park Plan – A park site plan drawn at an appropriate scale that indicates the required park facilities and the relationship of those facilities to the proposed park development.

Perimeter Street – Any existing or planned street which abuts the subdivision or addition to be platted.

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

Plan for Development - A plan outlining the proposed use(s) of a tract or tracts of land, which provides the City fair notice of the intended project and the nature of the permit sought. It includes an application for approval of a plat or an application for approval of a zoning change or site plan which contains, at a minimum, a graphic depiction or sketch of the tract and describes the proposed uses of land, their location within the tract(s) and the general layout of streets and parks or other open spaces. It

does not include any information or exhibit presented to (1) City staff for the purpose of seeking information regarding the applicable regulations or (2) the Planning and Zoning Commission or City Council unless the information or exhibit is required to be submitted with the permit application.

Planning and Zoning Commission - The Planning and Zoning Commission of the city.

Plat – refers generally to a plat application which has been formally filed after addressing all of DRC comments, providing all requisite information, material and studies and paying all required fees. This reference shall include inferences to a preliminary plat, final plat, amending plat, minor plat, replat or development plat.

Pre-Application Proposal - Draft applications submitted for Development Review Committee (DRC) review, including information required by this Ordinance for each land study, a preliminary plat, replat, amended plat, development plat or a final plat proposal, along with an original, signed application.

Preliminary Plat - The graphic expression of the proposed overall plan for subdividing, improving, and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of proposed development.

Private Facilities System - With respect to water, wastewater, roadway, drainage or parks, the facilities owned or operated and maintained by or on behalf of the property owner, valid (Home or Business) Owner’s Association or other private entity to provide services to the new development and/or subdivision and which may also be accessed by the public.

Facilities Improvements Agreement (FIA) - A contract between the developer and the City by which the developer promises to construct one or more of the following facilities within a public right-of-way or easement, within a specified time period following final plat approval: (i.e., water, sanitary sewer, street, storm drainage, street lights and street name signs.). The design of public and private facilities will be required to meet the specifications contained within this ordinance and the City’s Public Improvement Policy (PIP), as amended. [For example, a proposed private road or drainage way proposed to be maintained by a property owner or valid established maintenance entity will be required to meet the design and constructions standards for public facilities contained herein].

Public or Private, Facilities (also may be referred to as “Public or Private, Improvements”) - A water, wastewater, roadway, drainage or park facility that is a part of one or more of the City’s public facilities systems or private facilities system tied to the infrastructure network or system and which are required to be designed to

the specifications and standards outlined in the Public Improvement Policy (PIP). These are distinguished from private service systems which solely serve a structure.

Public Park Land dedicated to the City specifically for development and use as a public recreational area.

Replating – “Replating” or replat is the resubdivision of any part or all of any block or blocks of a previously platted subdivision, additional lot or tract.

Right-of-way - A parcel of land, situated between facing property lines, occupied or intended to be occupied by a street, parkways, medians or alley. Where appropriate right-of-way may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or for any other special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Secondary Canal – A canal segment that connects the main lake with a flow-through canal.

Street - A public right-of-way, however designated, which provides vehicular access to adjacent land.

1. Primary Thoroughfare streets should carry the major portion of trips entering and leaving the urban area, as well as the majority of through movements desiring to bypass the City. The thoroughfare system should carry a high proportion of the total urban area travel on a minimum of mileage.
2. Secondary Thoroughfare streets include all thoroughfares not classified as primary and contains facilities that place more emphasis on land access than the higher classification, and offer a lower level of traffic mobility. The secondary thoroughfare system should interconnect with and augment the primary system.
3. Primary collector streets collect traffic from several subdivisions or neighborhoods and channels it into the thoroughfare systems. These streets may serve truck traffic to and from an area, although they are generally not considered through routes.
4. Residential collector streets provide for both land access to adjacent property and local traffic movements within residential neighborhoods. These streets collect traffic from residential streets in the neighborhood and channels it into higher classification streets.

5. Industrial streets provide direct access to industrial areas or parks. Total vehicular traffic may be low, but the percentage of truck traffic is high.
6. Commercial streets provide direct access to commercial areas or serve traffic in a central business district. These streets are frequently congested and speeds are slow due to higher traffic volumes but with a low percentage of truck traffic. Residential streets carry traffic directly to and from collector streets and provide direct access to low density and single family property.

Street Width - The portion of the right-of-way constructed and designated for vehicular traffic. The shortest distance between the opposite edges of a paved surface or where curbs exist, the distance measured from face of curb to face of curb.

Subdivider - Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term “subdivider” shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, such as a developer, or land sought to be subdivided.

Subdivision (also Addition) - A division or redivision of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of such limits, for the purpose of transfer of ownership, layout of any subdivision of any tract of land or any addition, or for the layout out of building lots, or streets, alleys or parts of other portions for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

Substandard Street - An existing street that does not currently meet the minimum requirements as to width, appurtenances or pavement section for a roadway of its anticipated function or designated classification. A standard street is a roadway that is so constructed that it meets or exceeds all requirements of its designated classification.

Surveyor - A licensed state land surveyor or a registered public surveyor, as authorized by the State statutes to practice the profession of surveying.

Utility - Water, sanitary sewer, electric, gas, telephone, cable TV or any other such item of service either for public or private use.

II. SECTION 2 – PROCEDURES

Section 2.1 REQUIREMENTS FOR COMPLETENESS DETERMINATION

- A. Every application for approval of a plat or plan for development shall be subject to a determination of completeness by the Director of Community Development/City Planner.

- B. No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this Ordinance. For a determination of completeness to be issued, an application must include the following:
1. A completed application form signed by the owner or the owner's authorized agent;
 2. Every item, study and document required by this Ordinance or other applicable ordinances for the type of plat being submitted or required for a plan for development; and
 3. A non-refundable application submittal fee, as specified in the fee schedule.
- C. The City Manager and City Planner/Community Development Director may from time to time identify additional requirements for a complete application that are not contained within but are consistent with the application standards set forth in this Ordinance.
- D. A determination of completeness shall not constitute a determination of compliance or approval with the substantive requirements of this Ordinance or any other applicable regulation.
- E. Determination of Completeness; Expiration
1. Not later than the tenth business day after the date an application for approval of a plat or a plan for development is submitted, the City Planner/Community Development Director or his/her designee shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by this Ordinance or other applicable ordinances have been submitted. A determination that the application is incomplete shall be mailed to the applicant within such time period by United States Certified Mail or regular mail at the address listed on the application or by personal delivery to the applicant or the applicant's agent. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information is not submitted within 45 days from the date the application was submitted.
 2. An application for approval of a plat or plan for development filed on or after the effective date of this ordinance shall be deemed complete on the 11th business day after the application has been received, if the applicant has not otherwise been notified that the application is

incomplete. For purposes of this Section, the applicant shall be deemed to have been notified if the City has mailed or delivered a copy of the determination as provided in Subsection 2.1.E.1.

3. The processing of an application by any City employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing. The incompleteness of an application shall be grounds for denial of the application regardless of whether a determination of incompleteness was mailed to the applicant.
4. An application for approval of a plat or plan for development shall be deemed to expire on the 45th day after the application is submitted to the Director of Community Development/City Planner for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this Ordinance or other applicable ordinances as specified in the determination provided to the applicant. Upon expiration, the application will be returned to the applicant together with any accompanying documents. Thereafter, a new application for approval must be submitted.
5. No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

Section 2.2 PRE-APPLICATION AND DEVELOPMENT REVIEW COMMITTEE

- A. The purpose of the Development Review Committee process is to assess the development proposal required under by this Ordinance to (1) provide the City with certain information needed for proper enforcement of the provisions of this Ordinance, including information not evidenced on that will not be shown on the plat and (2) to facilitate cooperation between City staff and the subdivider so that the proposed plat application ultimately submitted to the City by the subdivider is acceptable and in proper form.
- B. The subdivider should avail himself or herself of the advice and assistance of the City officials and shall be required to consult with the Development Review Committee, through the Director of Community Development or other designated administrative officers before presenting a preliminary plat, replat, amended plat, development plat, final plat or any other formal application for approval of a plan for development. The purpose of a pre-application proposal is to save time, money, and to avoid unnecessary delays.
- C. Pre-application proposals for Development Review Committee review shall include the information required by this Ordinance or other applicable ordinances for the type of application to be submitted. The applicant shall

acknowledge that the pre-application meeting is not intended to be an application nor a plat and is for informational purposes only. If the applicant does not desire that the pre-application meeting be conducted for informational purposes, a pre-application meeting shall not be conducted and the pre-application proposal shall be processed as an application.

- D. If the subdivider wishes to proceed with the pre-application proposal, he shall submit the information prior to the Development Review Committee Pre-Application Deadline, as established by the Director of Community Development. The calendar outlining the dates for the Development Review Committee meeting, Development Review Committee Comment and Plat Application Deadline and available public hearing dates for Planning and Zoning Commission and City Council meetings will be available in Community Development Department. The Development Review Committee shall make comments on the Pre-Application Proposal, and forward the comments to the subdivider in order that the Pre-Application Proposal may form into a complete plat application. The subdivider shall then be required to address the DRC comments prior to by the Development Review Committee Comment and Plat Application Deadline.
- E. Once the DRC comments have been addressed to the satisfaction of the DRC, the pre-application proposal may be filed and submitted as a plat application for consideration and approval by the Planning and Zoning Commission. Pre-Application Proposals which fail to address the Development Review Committee Comments, fail to comply with the requirements of this Ordinance, or that are submitted after the DRC Comment and Plat Application Deadline shall not be considered filed with the City and shall be returned to the subdivider as incomplete.

Section 2.3 PLAT SUBMISSION

Once the pre-application proposal has been approved by the Development Review Committee, the subdivider may prepare and submit for Planning & Zoning Commission or city staff consideration whichever is applicable, via the Community Development Department, a plat that complies with the requirements of this Ordinance. If the subdivider intends to develop the subdivision shown on the pre-application proposal in phases or sections, the preliminary plat shall include all those sections or phases of the subdivision that the subdivider intends to develop. However, only those sections or phases of the subdivision intended for immediate development shall be provided on the final plat. The subdivider shall submit to the Planning & Zoning Commission and City Council the plat and any supporting documentation required by the Development Review Committee (such as the associated application, variance(s) requested, study results, covenants and restrictions information, etc.) in a form approved by the Director of Community Development and/or the City Attorney. The number of copies of the plat that must be submitted shall be as determined by the Director of Community Development, not less than seventeen (17) full-scale and one standard 8-1/2" x 11", one CAD File (*.dwg, *.dgn,

*.shp, or any similar file as determined by the Director of Community Development) depicting the platted boundaries which shall be given on the State Plan Coordinate System, and one (1) electronic image file, each copy in the form required by the Director of Community Development. The application and accompanying copies of the plat must be submitted to the Community Development Department prior to the DRC Comment and Plat Application Deadline. If the application, plat or any of the required materials are not submitted prior to the Development Review Committee Comment and Plat Application Deadline, the application may be with-held from the public hearing agenda as outlined in Section 1.15, or the plat may be recommended for disapproval by the Planning & Zoning Commission, and/or recommended for denial by City Council. No lots within a subdivision may be sold until a plat has been considered and acted on by the Planning & Zoning Commission, and approved by the City Council, or approved by the appropriate City Official (where applicable), whichever the case may be.

Section 2.4 PROCEDURE FOR APPROVAL OF A PRELIMINARY PLAT AND SUBMISSION REQUIREMENTS

- A. The preliminary plat shall be submitted to the City of Granbury with the filing fee as provided by separate resolution at least thirty (30) days prior to the Planning and Zoning Commission meeting at which it is to be considered. The preliminary plat shall be in accordance with the Master Plan including all adopted water, sewer, future land uses, and thoroughfare plans. The preliminary plat shall be prepared by an engineer, land planner, surveyor, or other qualified individual. It shall be a requirement that the preliminary plat show the entire parent survey or tract of land to be subdivided, even if the subdivider proposes to develop the parent tract or land in survey in future phases. Incrementally carving out select lots from the original survey or tract of land without showing the entire survey and tract and availing known intent and purpose for the remainder is prohibited. It is recommended that during the review of the Land Study or preliminary plat that a Drainage Plan and Concept Review of Engineering Problems shall be submitted to the City staff for review and comment. This will permit the City staff to better review the submittal and encourage early resolution of difficulties. If the Drainage Plan is not submitted in advance as recommended above, it must be submitted prior to submittal of the request for the preparation of a Facilities Improvements Agreement and/or the final plat.
- B. Copies of prints of the proposed subdivision drawn on sheets at a size of eighteen inches by twenty-four inches (18" x 24") and drawn to scale of one hundred feet or fifty feet to the inch (1" = 100' or 1" = 50') shall be submitted along with seventeen (17) folded copies. The required number of copies and any reductions shall be specified by the City staff on an application form. In cases of large developments which would exceed the dimensions of the sheet of one hundred feet (100') scale, preliminary plats may be two hundred feet to the inch (1" = 200') or a scale approved by the Director of Community

Development. Preliminary plats which do not include the required data, number of copies and information will be considered incomplete and not accepted for submission by the City and shall not be scheduled until the proper information is provided to the city staff. Additional copies of the preliminary plat may be required if revisions or corrections are necessary. A preliminary plat shall include all contiguous property under the ownership or control of the applicant. It may contain more than one phase which, if so, shall be clearly identified.

- C. Following review of the preliminary plat and other material submitted for conformity thereof to these regulations, and discussions with the subdivider on changes deemed advisable and the kind and extent of improvements to be installed, the Planning and Zoning Commission shall, within a thirty (30) day period after the Filing Date, act thereon as submitted, or modified. If approved, the Planning and Zoning Commission shall recommend its approval, denial or conditional denial and state any conditions of such conditional denial and reasons therefore.
- D. The application for a preliminary plat shall be approved, conditionally denied or denied by the City Council following review and recommendation by the Planning and Zoning Commission. The City Council shall take action within thirty (30) days of the Planning and Zoning Commission action. Upon approval or when conditions have been met as a part of the conditional denial, the final plat may be filed with the City for consideration.
- E. Proposed preliminary plats or subdivisions which do not conform to the policies and regulations shall be denied, or, in lieu of denial, conditionally denied based on conformance with conditions. Except as provided herein, approval of a preliminary plat by the City Council constitutes authorization for the property owner, upon fulfillment of all requirements of approval or conditions which have been met as a part of a conditional denial, to submit an application for final plat approval. If required, a Facilities Improvements Agreement or any other necessary agreement must be approved prior to approval of the final plat.
- F. Standard of approval- A preliminary plat shall not be approved by the Planning and Zoning Commission or by the City Council unless the following standards have been met:
 - 1. The preliminary design plans have been submitted to the Director of Community Development and approved by the Development Review Committee at the discretion of the Director of Community Development.
 - 2. The plat conforms to applicable zoning and other regulations.
 - 3. The Plat meets all other requirements of these regulations.

- G. For subdivisions less than five (5) acres which contain four (4) lots or less, the requirement for a preliminary plat may be waived by the Director of Community Development or the designated administrative official if no public improvements are being proposed and if the development has access to a public street.
- H. No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the Final Plat by the Planning and Zoning Commission, City Council or designated city official(s). The applicant shall also provide copies of letters from applicable local utility companies stating that the utility company has reviewed the plat and stated any requirements. This requirement may be deferred until the final plat is submitted if approved by the Director of Community Development or the designated administrative official. Any excavation prior to approval of the final plat shall be at the subdivider's risk.
- I. The required copies or prints of the proposed preliminary (plat) subdivision shall, at a minimum, show the following information:
1. A vicinity or location map that delineates the location of the proposed preliminary plat in the City;
 2. Boundary lines, abstract lines, survey lines, corporate boundaries, existing or proposed highways and streets, bearings, and distances sufficient to locate the exact area proposed for the subdivision;
 3. The name and location of all adjoining subdivisions or property owners shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing street and alleys and other features that may influence the layout of development of the proposed subdivision; Adjacent unplatted land shall show property lines and owners of record. The subdivision name shall not duplicate any existing subdivision name. If the property is part of an existing subdivision, the existing subdivision name shall be used. If no subdivision name has been chosen, the name of the property as it is commonly or locally known shall be indicated;
 4. The location and width of all streets and alleys, rights-of-ways, sidewalks and easements existing or proposed within the subdivision limits. Proposed street names are required to be shown on all new streets. Approved street names are required at the time the final plat is approved;
 5. The location of all existing property lines, existing lot and block numbers and date recorded, buildings, existing sewer or water mains, gas mains or other underground structures, easements of record or other existing features within the area proposed for subdivision;

6. Proposed arrangement and square footage of lots (including lot and block numbers, and building lines) and proposed use of same;
7. The title under which the proposed subdivision is to be recorded, the name and address of the owner with the name of the Planner, Engineer, or Registered Public Surveyor preparing the drawing. The subdivision name shall not be duplicated, but phasing identification is allowed. The City shall determine if the proposed subdivision identification will be in conflict with existing plats;
8. Scale, north arrow, date and other pertinent data oriented to the top or left side of the sheet; contours with intervals of two feet (2) or less shown for the area with all elevations on the contour map referenced to the latest U.S.C. and G.S. data. Contours are required for subdivisions of three (3) lots or more, unless otherwise specified by the Director of Community Development;
9. Areas contributing drainage to the proposed subdivision shall be shown on the preliminary plat or the drainage plans, as necessary. This includes: any watercourses, water bodies, floodplains, floodways, flood hazard areas, significant tree masses, slopes, or other natural features within the area to be subdivided, or any similar natural feature located outside the area but which contributes to the assessment of the drainage plan submitted by the applicant. Locations proposed for drainage discharge from the site shall be shown by directional arrows;
10. All physical features of the property to be subdivided including location and size of all water courses, 100 year flood plain according to Federal Emergency Management Agency (F.E.M.A) information, Corps of Engineers flowage casement requirements ravines, bridges, culverts, existing structures, drainage area in acres or area draining into subdivisions, the outline of major wooded areas or the location of major or important individual trees, and other features pertinent to subdivision;
11. The proposed preliminary design plans of all utilities, their respective easements and roadway infrastructure (including sizes) to be constructed in the subdivision shall be shown on a separate map. The proposed connections to distribution mains shall be indicated. This includes: a.) Water mains, service connections and any special structures such as wells, elevated storage tanks and pump stations, b.) Sanitary sewer mains, service connections and any special structures or facilities, such as lift stations, septic systems, lagoons, oxidation ponds, and package plants, c.) Stormwater drainage mains, channels, retention or detention ponds, and other major drainage facilities; and d.) Street design and layout with proposed ROW and street widths and any special design requirements or needs as requested by DRC or applicant, such as detailing: boulevard entrances, off-site

improvements, ROW expansion or roadway dedication needs, a detailed Street Light Plan, etc.;

12. Where a subdivision is proposed to occur in phases, the subdivider, in conjunction with submission of the preliminary plat, shall provide a schedule of development. The dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision shall be shown along with the proposed roadway improvements for each section. The City Council shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established and may require that a traffic impact analysis be submitted for the entire project or such phases as the Council determines to be necessary to adjudge whether the subdivision will be served by adequate streets and thoroughfares;
13. All preliminary plats shall be submitted in a legible format on a good grade blue line or black line paper and drawn to a scale of one inch equals one- hundred feet or larger;
14. For land lying in the corporate limits of the City, all zoning districts and proposed changes in zoning contemplated at the time of filing the pre-application proposal. This shall also describe the project and show the proposed use for each of the proposed lots along with general site design elements (building location, parking layout, landscaping, setback information, etc.). The subdivider shall also show the proposed land use for all lots, which shall comport with the City of Granbury Comprehensive Plan;
15. The location of all existing or abandoned oil or gas wells, oil or gas pipelines and other appurtenances associated with the extraction, storage, production and distribution of natural gas or petroleum products, and all related easements on the site or on immediately adjacent property;
16. Any proposed supplemental transportation systems, showing the layout and dimensions of walkways, sidewalks, bike trails, and other related improvements;
17. The location and dimension of any existing structures, fences, paved areas, cemeteries, or other existing features within the proposed subdivision;
18. Typical cross-section of proposed street improvements;
19. The approximate dimension, location, and area of all parcels of land to be set aside for public or private parks, playgrounds or other common use of property, including area set aside for common use by the home

owners association in the proposed subdivision. Such park dedication shall be shown on the plat (*see Section 4.12 – Park Land Dedication*);

20. The following statistical data in the Title Block: a.) the total number of units per acre, b.) The total number of lots per phase or for the entire development, and c.) The number of dwelling units, the acreage, and the gross residential density by housing type;

21. A declaration confirmed by engineering analysis (if required by the City Engineer), and prepared by an engineer professionally licensed in the State of Texas, stating that the existing utility main(s) or roadway network serving a proposed subdivision is adequate. The need for additional information shall be determined as follows: Upon receipt of a pre-application proposal, the City Engineer shall review the proposed development. The City Engineer shall determine whether further, detailed studies shall be required to assess the development's impact on the existing water, wastewater, drainage or roadway systems. If the City Engineer determines that further study is necessary to confirm the adequacy of the existing utility infrastructure, mains or roadway network to serve the new development, the pre-application proposal shall be marked, identifying the point from which the subdivider's engineer shall be required to confirm by engineering analysis the adequacy of the existing infrastructure, utility or roadway system to serve the proposed development. Such analysis shall be provided to the City Engineer prior to the Development Review Committee (DRC) Comment and Plat Application Deadline in order to be placed on the agenda for the required public hearings. The City Engineer shall forward the review of the engineering report or study to the Planning & Zoning Commission and Council for their consideration;

22. The following notice shall be placed in the lower right-hand corner of the page of each preliminary plat by the developer:

“Preliminary Plat”

“Approved by the Planning and Zoning Commission” Date _____

Chairman, Planning and Zoning Commission

Attest, Administrative Assistant

“Approved by the City Council” Date _____

Mayor, City of Granbury

Attest, City Secretary

- J. Extension and Reinstatement Procedure
1. An approved preliminary plat shall be valid for a period not to exceed six months after the date of City Council approval. A one-time, six (6) month extension may be granted by the Development Review Committee, provided that a written request for an extension is signed and filed by the subdivider prior to the expiration of the preliminary plat. If a preliminary plat is not acted upon within the time period set forth herein, the subdivider will be required to file a new pre-application proposal for DRC review and pay all applicable fees.
 2. In determining whether to grant a request for extension, the Development Review Committee shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted subdivision regulations shall apply to the plat or study. The Committee shall extend or reinstate the plat or study, or deny the request, in which case the property owner must submit a new application for approval and pay all applicable fees.
- K. Notice of and a public hearing, and the approval of other lot owners (other than any lot owners that are required to join in the application) are not required for the approval of a Preliminary Plat in accordance with this Section.

Section 2.5 PROCEDURE FOR APPROVAL OF FINAL PLAT

- A. The final plat shall be in accordance with the preliminary plat, as approved, and incorporate all conditions, changes, directions and additions as approved by the City Council. The final plat shall not be submitted prior to approval of the preliminary plat and shall contain all the required information required herein for a valid final plat submittal. A final plat shall not be accepted by the City if a preliminary plat has expired and become void. At the time the developer files the final plat with the Director of Community Development, he shall also file a certificate showing that all taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property in accordance with Section 1.14.
- B. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and then develop, provided, however, that such portion conforms to all the requirements of these regulations.

- C. Twenty copies of the proposed final plat shall be submitted no later than thirty (30) calendar days before the meeting at which they shall be considered, accompanied by a filing fee as prescribed by the City Council by resolution. The Development Review Committee shall check the plat to ascertain its compliance with these regulations and report his findings to the applicant. If revisions are necessary, the applicant, developer, or their engineers shall submit additional corrected copies of the properly completed final plat to the Administrative Official for final action no later than fourteen (14) days prior to the Planning and Zoning Commission meeting. Failure to submit corrected copies shall be reason to deny the plat.

The application for a final plat shall be approved, conditionally denied or denied by the City Council following review and recommendation by the Planning and Zoning Commission. The City Council shall take action within thirty (30) days of the Planning and Zoning Commission action. Upon approval or when conditions have been met as a part of the conditional denial, the final plat may be filed for record at the Hood County Courthouse. The holding period for a decision of a conditional denial will be valid for a period no greater than six (6) months from the date of Council action unless specified otherwise by Council, at which time the final plat or replat application will be denied and become null and void in which case the subdivider will be required to resubmit and pay all applicable fees. A certificate of approval of the City Council attested by the Mayor or Mayor Pro Tem and City Secretary, as provided herein, shall be attached to the plat when such final plat has been approved. The final plat shall not be released for filing with Hood County until acceptance of the completed project as described in Section 5. Notice of and a public hearing, and the approval of other lot owners (other than any lot owners that are required to join in the application under this section) are not required for the approval of a Final Plat in accordance with this Section.”

- D. The final plat and replats shall be prepared by a registered public surveyor or State licensed land surveyor. Construction plans shall be prepared by a professional engineer registered in the State of Texas as required by state law governing such professions in accordance with this ordinance. Plans submitted for review by the City shall be dated and bear the responsible engineer’s name, registration number, and the designation of “professional engineer,” or “P.E.,” and an appropriate stamp or statement near, the engineer’s identification, stating that the documents are for preliminary review and are not intended for construction. Construction plans acceptable to the City shall bear the seal and signature of the engineer and the date signed on all sheets of the plans.

- E. Before approval of any final plat by the City Council and Planning and Zoning Commission, the developer shall have executed a Facilities Improvements Agreement and provided a security deposit in accordance with Section 5 of these regulations.

After approval of the plat, plans, and specifications by the City of Granbury, the developer shall cause a Contractor to install the facilities in accordance with the approved plans and standard specifications of the City and at the developer's expense (also see Section 5). The developer shall employ engineers, surveyors, and other professional as-necessary to design, stake and supervise the construction of such improvements and shall cause his contractor to construct the said improvements in accordance with these regulations. The Public Works Department shall inspect the installation of the improvements.

When all of the improvements have been completed and are found to be installed in accordance with the approved final construction plans and specifications and upon receipt by the City of Granbury of a maintenance bond, the developer's engineer shall submit to the City one (1) complete set of full size drawings showing all changes made in the plans during construction and containing on each sheet an "As Built" stamp bearing the signature of the engineer and date. After review and approval of the preceding set of "As-Built" plans, one (1) set of "As Built" sepias and a letter stating the contractor's compliance with these regulations shall be submitted. After receipt of the required plans and letter, the Director of Public Works shall receive and accept for the City of Granbury the title, use and maintenance of the improvements in accordance with Section 5.6.

The approved, final construction plans shall be valid for a period of one (1) year after approval by the Director of Public Works or City Engineer. The City Engineer may grant a one-time, one (1) year extension, after which the plans must be resubmitted for approval if no construction has occurred.

F. Timing of Public Improvements

1. The Planning and Zoning Commission and City Council may require that all public improvements be installed and accepted by the City prior to the filing of the final plat by the City Secretary. Also see Section 5.

The City Council may permit or require the deferral of the construction of public improvements if in its judgment, deferring the construction would not result in any harm to the public, or offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. Any required public improvement(s) approved for deferred construction shall be

provided for as required in the Facilities Improvements Agreement prior to the approval of the final plat.

2. If the Planning and Zoning Commission and City Council does not require that all public improvements be installed and accepted by the City prior to signing of the final plat, it shall require that the applicant execute a Facilities Improvements Agreement and provide security for the agreement as provided for in Section 5.

Section 2.6 AMENDING PLAT

- A. *Prerequisite for Amending Plat-* The subdivider requesting an amending plat shall prepare a pre-application proposal and comply with all application procedures set forth in Section 2 of this Ordinance.

Upon compliance with the pre-application procedures set forth herein, the Planning & Zoning Commission may recommend for approval, conditional denial or denial, and the City Council may approve, conditionally deny or deny and, if approved or when specific conditions have been met as a part of the conditional denial, issue an amending plat, which may be recorded and then is controlling over the preceding plat without vacation of that plat, only if the amending plat is signed by the applicant (property owner or City of Granbury) and the only purpose(s) of the amending plat is/are one or more of the following:

1. to correct an error in a course or distance shown on the preceding plat;
2. to add a course or distance that was omitted on the preceding plat;
3. to correct an error in a real property description shown on the preceding plat;
4. to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
5. to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
6. to correct any other type of scrivener or clerical error or omission previously approved, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
7. to correct an error in courses and distances of lot lines between two adjacent lots if:

- a. both lot owners join in the application for amending the plat;
 - b. neither lot is abolished;
 - c. the amendment does not attempt to remove recorded covenants or restrictions; and
 - d. the amendment does not have a material adverse effect on the property rights of the other owners in the plat;
8. to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
9. to relocate one or more lot lines between one or more adjacent lots if:
- a. the owners of all those lots join in the application for amending the plat;
 - b. the amendment does not attempt to remove recorded covenants or restrictions; and
 - c. the amendment does not increase the number of lots;
10. to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
- a. the changes do not affect applicable zoning and other regulations of the City;
 - b. the changes do not attempt to amend or remove any covenants or restrictions; and
 - c. the area covered by the changes is located in an area that the Planning and Zoning Commission and City Council has approved, after a public hearing, as a residential improvement area; or
11. to replat one or more lots fronting on an existing street if:
- a. the owners of all those lots join in the application for amending the plat;
 - b. the amendment does not attempt to remove recorded covenants or restrictions;
 - c. the amendments does not increase the number of lots; and

- d. the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities
- B. Approval authority for amending plat- The Director of Community Development and Director of Public Works may approve an amending plat (approval of both shall be required) that complies with this section and does not require a variance. If the subdivider does not make the necessary corrections, provide the city all the necessary documentation, or does not pay the required fees by the scheduled Development Review Committee (DRC) Comment and Plat Application Deadline, the subdivider forfeits his/her privilege for the consideration for staff approval and such pre-application proposal for an Amending Plat request for staff consideration shall be null and void. It will be required that the subdivider shall pay another pre-application fee in order to present the revised plat application as a Replat to the Planning & Zoning Commission for recommendation and City Council for approval/disapproval at the next available application deadline for DRC review. If an amending plat is not approved by the Director of Community Development and Director of Public Works within twenty-one (21) calendar days after the Development Review Committee (DRC) Comment and Plat Application Deadline or if the Amending Plat application requires a variance to this ordinance, the amending plat (and variance request, if any) application shall be considered null and void and a Replat application shall be scheduled for consideration at the next available Planning & Zoning Commission hearing. Additionally, the Director of Community Development or the subdivider may, at their discretion, elect to present the amending plat to the Planning & Zoning Commission for recommendation and City Council for approval/disapproval; provided, however, that the amending plat must be placed on the Planning & Zoning Commission agenda before the Development Review Committee (DRC) Comment and Plat Application Deadline. If the subdivider does not agree to conditions of approval imposed by the Development Review Committee or the Director of Community Development, the subdivider shall submit written notice of such to the Director of Community Development before the Development Review Committee (DRC) Comment and Plat Application Deadline, whereupon the amending plat will be scheduled for consideration at the next available Planning & Zoning Commission meeting. Action will be taken on the amending plat in the same manner as for a plat, as set forth in Section 2.6 (Replat) of this chapter.
- C. Notice, public hearing and approval of other lot owners not required. Notice of and a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat in accordance with this section.
- D. Filing. Upon the approval of an amending plat in accordance with this section the amended plat may be filed with the Hood County Clerk for recording.

Section 2.7 MINOR PLAT

- A. Prerequisite for Minor Plat - The subdivider requesting a Minor Plat shall prepare a pre-application proposal, pursuant to Section 2.1 of this Ordinance. The pre-application proposal and any variance request shall be submitted prior to the Development Review Committee pre-application deadline. Once DRC comments have been addressed by the subdivider, the plat application may be filed and submitted as a Minor Plat application for consideration and approval. The Planning & Zoning Commission and the City Council may approve, conditionally deny or deny, and, if approved or when specific conditions have been met as a part of the conditional denial may be recorded only if it is signed by the property owner, its only purpose is to create four (4) or fewer lots fronting on an existing street, and it does not require the creation of any new street or the extension of municipal facilities.
- B. Approval authority for Minor plat- The Director of Community Development and Director of Public Works may approve a Minor Plat (approval of both shall be required) that complies with this section and that does not require a variance to this ordinance. If the subdivider does not make the necessary corrections, provide the city all the necessary documentation, or does not pay the required fees by the scheduled Development Review Committee (DRC) Comment and Plat Application Deadline, the subdivider forfeits his/her privilege for the consideration for staff approval and such Pre-Application proposal for a Minor Plat request for staff consideration shall be null and void. It will be required that the subdivider shall pay another Pre-Application fee in order to present the revised plat application as a Final Plat to the Planning & Zoning Commission for recommendation and City Council for approval/disapproval at the next available application deadline for DRC review. If a Minor Plat is not approved by the Director of Community Development and Director of Public Works twenty-one (21) calendar days after the Development Review Committee (DRC) Comment and Plat Application Deadline or if the Minor Plat requires a variance, the Minor Plat (and variance request, if any) shall be scheduled for consideration at the next available Planning & Zoning Commission meeting. Additionally, the Director of Community Development or the subdivider may, for any reason, elect to present the Minor Plat to the Planning & Zoning Commission for recommendation and City Council for final disposition. If the subdivider does not agree to conditions of approval imposed by the Development Review Committee or the Director of Community Development, the subdivider shall submit written notice of such to the Director of Community Development before the Development Review Committee (DRC) Comment and Plat Application Deadline, whereupon the Minor Plat will be scheduled for consideration at the next available Planning & Zoning Commission meeting. Action will be taken on the Minor Plat in the same manner as for a plat, as set forth in Section 2.3 (Final Plat) of this Ordinance.
- C. Notice, public hearing and approval of other lot owners not required. Notice

of and a public hearing, and the approval of other lot owners (other than any lot owners that are required to join in the application) are not required for the approval and issuance of a Minor Plat in accordance with this Section.

- D. Filing. Upon the approval of an Minor Plat in accordance with this section by the City Council or by the Director of Community Development and Director of Public Works, the Minor Plat may be filed with the Hood County Clerk for recording.

Section 2.8 FINAL PLATS (INFORMATION AND FORMAT REQUIREMENTS)

- A. All final plats shall be submitted on sheets no larger than eighteen inches by twenty-four inches (18"x24") and to a scale of not less than one hundred feet to the inch (1" = 100') or larger. Where more than one sheet is required to encompass the subdivision, an index sheet eighteen inches by twenty-four inches (18"x24") shall be filed showing the entire subdivision together with the complete dedication, attests, dates, titles and seals, on one (1) sheet.
- B. The exterior boundary of the subdivision shall be indicated by a distinct bold solid line and corner markers by individual symbols.
- C. The length and bearing of all straight lines, radii, arc lengths, tangent length and central angles of all curves shall be indicated along the lines of each lot. The curve data pertaining to block or lot boundary may be placed in a curve table. Building lines shall be shown and any private deed restrictions shall be submitted with the plat.
- D. The names of all adjoining subdivisions, the dimensions of all abutting lots, lot and block numbers and accurate reference ties to courses and distances of at least one recognized land corner shall be shown. A location map drawn to scale shall also be shown. X and Y coordinates shall be provided for all lot corners and right-of-way information. A listing of the lots and their collating area in square feet shall be provided either on the plat or separately.
- E. The names and accurate location of all adjacent streets. A letter from Hood County approving street names is required prior to filing the final plat with the City on property located within the City's extra territorial jurisdiction.
- F. The location and dimension of any utility easement adjoining or abutting the subdivision or proposed within the subdivision shall be shown. It shall be the applicant's responsibility to coordinate with appropriate utility companies for placement of utility easements.
- G. The description and location of all survey monuments placed in the addition or subdivision shall be shown (see Section 4.3 for specifications).

H. The final plat shall contain a title block in the lower right corner of the page. The words "Final Plat", the name of the addition or subdivision, the name of the owners, their address and telephone number, and the address and legal description of the project shall be shown in the title block. The final plat shall provide the name of the engineer/surveyor, north point, date of preparation and date of revisions. The graphic scale shall be not less than 1" = 100 feet. Located in the lower right hand corner Place "Cabinet _____, Date _____". The plat shall be signed and sealed.

I. Flood Plain Restrictions:

1. If a flood plain easement is required or proposed, the following full statement of restriction shall be placed in the dedication instrument on the subdivision plat.

FLOOD PLAIN RESTRICTION

No construction shall be allowed within the flood plain easement, without the prior written approval of the City. In order to secure approval, detailed engineering plans and/or studies for the improvements, satisfactory to the City, shall be prepared and submitted by the party or parties wishing to construct within the flood plain. Where construction is permitted, all finished floor elevations shall be a minimum of two (2) feet above the 100 year design frequency storms elevation. Any construction approved within the flood plain shall not increase the 100-year design frequency storm elevation.

2. The following statement shall be required when an unlined improved drainage channel, in a drainage easement, or when a flood plain easement is proposed.

FLOOD PLAIN/DRAINAGEWAY MAINTENANCE

The existing creeks, streams, or ponds (drainage ways) traversing along or across portions of this addition, will remain unobstructed at all times and will be maintained by the individual lot owners, homeowner's association or approved maintenance entity whose lots are traversed by or adjacent to the drainage ways. The City of Granbury will not be responsible for the maintenance, erosion control, and/or operation of said drainage ways. Property owners shall keep the adjacent drainage ways traversing their property clean and free of debris, silt or other substances which would result in unsanitary conditions, and the City shall have the right of entry for the purpose of inspecting the maintenance work performed by the property owners.

The drainage ways are occasionally subject to storm water overflow and/or bank erosion that cannot be defined. The City of Granbury shall not be liable for any damages resulting from the occurrence of these phenomena, nor the failure of any structure(s) within the drainage ways. The drainage way crossing each lot is contained within the flood plain easement lines as shown on the plat.

3. If a floodway easement is required or proposed, the following full statement of restriction shall be placed in the dedication instrument of the subdivision plat.

FLOODWAY RESTRICTION

No encroachment, including fill, new construction or improvements shall be allowed within the floodway easement.

- J. Finished floor elevations of building foundations shall be shown on lots adjacent to a floodway or areas susceptible to flooding.
- K. An Owner's certificate shall be attached to and be a part of the final subdivision plat and shall contain a minimum of the following information:
 1. A statement that the subdivided area is legally owned by the applicant.
 2. An accurate legal description by the line deflection, necessary curve data, and line distance of all lines bounding the property with descriptions correlated to a permanent survey monument.
 3. A statement signed by the owner and acknowledged before a Notary Public as to the authenticity of the signatures, saying that the owner adopts the plat as shown, described and named and they do dedicate to the public forever the streets and alleys shown on the plat. The owner further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.
 4. A Registered Public Surveyor's Certificate, with a place for signatures.

5. A place for plat approval signature of the Mayor or Mayor Pro-Tem of the City Council and a place for the Secretary to attest such signature and the approval date by Planning and Zoning Commission and City Council.
6. Examples 6a and 6b show the information required on the Final Plat which meet the above requirements. Other examples for applicable purposes are set forth by 6c and d.
 - a. OWNER'S CERTIFICATE (Example)

STATE OF TEXAS §
 COUNTY OF HOOD §

WHEREAS, (John Doe and Jane Doe) are the Owners of a tract of land, situated in the XYZ Survey, Abstract No. 999, Hood County, Texas and being out of a _____ acre tract conveyed to them by Joe Smith and Tom Smith and a _____ tract conveyed to them by John Smith and being more particularly described as follows:

(Enter accurate metes and bounds property description here)

NOW, THEREFORE, KNOWN ALL MEN BY THESE PRESENTS:

That _____ acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as _____, an addition to the City of Granbury, Texas (*if located within the city limit boundary, or*] Hood County, Texas, within the City of Granbury's Extra-Territorial Jurisdiction [*if located outside of the city boundary*]) and does hereby dedicate, in fee simple, to the public use forever, the streets, alleys and canals shown thereon. The streets and alleys are dedicated for street purposes, and canals are dedicated generally for watercraft ingress/egress purposes as shown hereon. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Granbury. In addition, Utility Easements may also be used for the mutual use and accommodation of all public and franchise utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public and franchise utilities being subordinate to the Public's, City of Granbury's, the Brazos River Authority's (BRA) and/or Hood County's use thereof. The City of

Granbury, Hood County, BRA, public utility and franchise utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements or dedicated areas, even if these easements or dedicated areas are to be maintained by the property owner or Home/Business Owner's Association. The City of Granbury, Hood County, BRA, public utility and franchise utility entities shall at all times have the full right of Ingress and Egress to or from their respective easements or dedicated areas, even if these easements or dedicated areas are to be maintained by the property owner or Home/Business Owner's Association for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone. This property is located within the (*City of Granbury or City of Granbury's extraterritorial jurisdiction*).

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Granbury, Texas.

WITNESS, my hand, this the _____ day of _____, 20____

BY:

Authorized Signature or Owner

Printed Name and Title

STATE OF TEXAS §

COUNTY OF HOOD §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared John Doe and Jane Doe, Owners, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

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

Notary Public in and for the
State of Texas

b. SURVEYOR'S CERTIFICATE (Example)

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Regulations of the City of Granbury, Texas.

Registered Public Surveyor Seal

STATE OF TEXAS §

COUNTY OF HOOD §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____ Surveyor, known to me to be the person whose name is subscribed to this plat.

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

Notary Public in and for the
State of Texas Seal

(SIGNATURES REQUIRED FOR COUNCIL APPROVAL)

“Approved by the Planning and Zoning Commission” Date _____

Chairman, Planning and Zoning Commission

Attest, Administrative Assistant

“Approved by the City Council” Date _____

Mayor, City of Granbury

Attest, City Secretary

(SIGNATURE BLOCK FOR PLATS APPROVED BY CITY STAFF, AMENDING PLATS AND MINOR PLATS ONLY)

“Approved by the Community Development Dept.” Date _____

Director of Community Development

Notary Public

“Approved by the Public Works Department” Date _____

Director of Public Works/City Engineer

Notary Public

c. **VISIBILITY, ACCESS AND MAINTENANCE EASEMENTS (Example)**

The area or areas shown on the plat as “VAM” (Visibility, Access, and Maintenance) Easements(s) are hereby given and granted to the City, its successors and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM Easement. The City shall have the right but not the obligation to maintain any and all landscaping within the VAM Easement. Should the City exercise this maintenance right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The City may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the owners. No structure, object, or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height of eleven (11) feet above the top of the curb, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the VAM easement as shown on this plat. The City shall also have the right but not the obligation to add any landscape improvements to the VAM

Easement, to erect any traffic control devices or signs on the VAM Easement and to remove any obstruction thereon. The City, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.

d. FIRE LANES (Example)

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, an approved, hard surface (hot mix asphalt concrete 'HMAC' or concrete) and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs and/or markings in conspicuous places along such fire lanes, stating, "Fire Lane, No Parking/Tow-Away Zone." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

Section 2.9 DEVELOPMENT PLATS

- A. Authority - This section is adopted pursuant to Texas Local Government Code, Chapter 212, Subchapter B, Sections 212.041 to 212.050, as amended.
- B. Applicability - For purposes of this section, the term "development" means the construction of any building, structure or improvement of any nature (residential or nonresidential), or the enlargement of any external dimension thereof. This section shall apply to any land lying within the City or within its extraterritorial jurisdiction in the following circumstances:
1. The development of any tract of land which has not been platted under Section 2.3 of this ordinance, unless expressly exempted herein;
 2. The development of any tract of land for which the property owner claims an exemption from the City's subdivision regulations, which exemption is not expressly provided for in such regulations;
 3. The development of any tract of land for which the only access is a private easement or street;

4. The division of any tract of land resulting in parcels or lots each of which is greater than five (5) acres in size, and where no public improvement is proposed to be dedicated.
- C. Exceptions - No development plat shall be required, where the land to be developed or divided has received final plat approval under Section 2.3 of the Ordinance prior to the effective date of this section, or from which an application for preliminary or final plat approval for such land is pending on or is submitted subsequent to such date. The City Council may, from time to time, exempt other development or land divisions from the requirements of this section.
- D. Prohibition on development - No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued, for any development or land division subject to this section, until a development plat has been approved by the Planning and Zoning Commission and City Council and filed with the City Secretary.
- E. Standards of approval - The development plan shall not be approved until the following standards have been satisfied:
1. The proposed development conforms to all City plans, including but not limited to, the Master Plan, thoroughfare plan, land use plan, park master plan, utility plans and applicable capital improvements plans;
 2. The proposed development conforms to the requirements of the zoning ordinance;
 3. The proposed development is adequately served by public facilities, and services, parks and open space in conformance with City regulations;
 4. Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered;
 5. The proposed development conforms to the design and improvement standards contained in the City's subdivision regulations, design construction manuals and other applicable ordinances.
- F. Conditions - The City may impose such conditions on the approval of the development plat as are necessary to assure compliance with the standards in subsection (E) above.
- G. Land Study Requirement - Whenever a property owner proposes to divide land into tracts or lots each of which is greater than five (5) acres and for which no public improvements are proposed, he shall submit a study defining the layout of streets lots, open spaces, easements, and other elements of the

subdivision required to produce a developable addition together with his application for approval of a development plan.

- H. Approval Procedure - The application for a development plat shall be approved, conditionally denied or denied by the City Council following review and recommendation by the Planning and Zoning Commission. Upon approval or when conditions have been met as a part of the conditional denial, the development plat shall be filed with the City by the City Secretary.
- I. Submittal requirements - Each development plat shall:
 - 1. Be prepared by a registered professional land surveyor;
 - 2. Clearly show the boundary of the development plat;
 - 3. Show each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement involving a change therein;
 - 4. Show all easements and rights-of-way within or adjacent to the development plat;
- J. No Vesting - Approval of a development plat does not grant the owner of the platted property vested rights under Chapter 245, Texas Local Government Code.

Section 2.10 REPLATTING

- A. Replat required - Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the final platting of land by these regulations.
- B. Replatting without vacating preceding plat - A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
 - 1. Is signed and acknowledged by only the owners of the property being replatted;
 - 2. Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the Planning and Zoning Commission and City Council; and
 - 3. Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

- C. Previous requirements or conditions of approval which are still valid.
1. In addition to compliance with “B” above, a replat without vacation of the preceding plat must conform to the requirements of this section if:
 - a. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
 - c. Compliance with this Subsection (c) is not required for approval of a replat of part of the preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
- D. Notice of the public hearing required under “B” above shall be given before the 15th day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in the County and by written notice, with a copy of any special conditions, sent to the owners, as indicated on the most recently approved ad valorem tax roll of the City, of lots that are in the original subdivision within two hundred (200) feet of the lots to be replatted. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City. Information regarding property owners of record who are entitled to receive written notice as established herein shall be provided by the subdivider prior to the Development Review Committee (DRC) Comment and Plat Application Deadline.
- E. If twenty percent (20%) or more of the owners to whom notice is required to be given under Subsection “B” above file with the City a written protest of the replatting before or at the hearing, approval of the replat will require the affirmative vote of three-fourths of the City Council members present. In computing percentages of ownership, each lot is considered equal to all other lots regardless of size or number of owners, and the owners of each lot are entitled to cast only one vote per lot. The area of streets and alleys shall be included in computing the percentage of land area.
- F. Any replat which adds or deletes lots must include the original subdivision boundaries.
- G. If the previous plat is vacated as prescribed in Section 212.013 of the Texas Local Government Code, a public hearing is not required for a replat of the area vacated.

- H. The replat of the subdivision shall meet all the requirements for a final plat for a new subdivision that may be pertinent, as provided for herein.
- I. The title shall identify the document as “Lots _____, being a replat of Lots _____ of Block _____ of the _____ Subdivision”.
- J. All taxes and other fees due on replatted lots shall be paid and cleared before final approval of the replat by the City Council.

Section 2.11 PLAT EXPIRATION TERM AFTER CITY APPROVAL

Any plat, Final Plat, Minor Plat, Amending Plat or Replat shall be deemed to have expired and become null and void, if it has not been appropriately filed for record at the Hood County Courthouse within six (6) months from the approval date of the City of Granbury. Should the plat become null and void, the subdivider will be required to file a new pre-application proposal for review, comment and action and pay all required application and review fees.

III. SECTION 3 - SUBDIVISION DESIGN STANDARDS

Section 3.1 STREETS

- A. The arrangement, character, extent and location of all streets shall conform to the requirements of this ordinance and the City of Granbury Master Plan, and shall be considered in their relation to existing and planned streets or driveways, to topographical conditions, to drainage constraints, to public safety and in their appropriate relations to the proposed uses of the land to be served by such streets. Reserve or residual strips of land controlling access to or egress from other property, or having the effect of restricting or damaging the adjoining property for subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision.
- B. Proposed streets shall provide a safe, convenient and functional system for vehicular and pedestrian circulation and shall be properly related to the Master Plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development.
- C. Any land study or subdivision plat involving a change to a proposed alignment shown in the Master Plan must be preceded by submission of a request for change to the City staff and the Planning and Zoning Commission. The Commission will forward a recommendation to the City Council to either disapprove the request or approve an amendment changing the alignment shown in the plan.
- D. When a street is not shown on the Master Plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing streets in surrounding areas,
2. Conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impracticable,
3. Provide for future access to adjacent vacant areas which will likely develop under a similar zoning classification.
4. Not conflict in any way with existing or proposed driveway openings.
5. Allow for the appropriate dedication and/or improvement on each plat application to meet the minimum street construction and Right-of-Way standards.

E. All dedicated public streets shall conform to the General Design Criteria provided in the following table:

GENERAL DESIGN CRITERIA

STREET CLASSIFICATION		MIN. ROW WIDTH*	MIN. ROADWAY WIDTH FACE TO FACE	WIDTH OF EACH REQUIRED LANE IN FEET
PRIMARY THOROUGHFARE	TP6U	100'	80'	12-11-11-12(ct)-11-11-12
	TP6D	106'	2-35'	12-11-12-16(m) 12-11-12
SECONDARY THOROUGHFARE	TS4D	84'	2 – 24'	12-12-16(m)-12-12
	TS4U	68'	48'	12-12-12-12
COLLECTOR	C4U	64'	44'	11-11-11-11
	C4D	70'	2-22'	11-11-6(m)-11-11
COMMERCIAL/ INDUSTRIAL	C/I2U	60'	40'	8(p)-12-12-8(p)
RESIDENTIAL COLLECTOR	RC2U	60'	36'	8(p)-10-10-8(p)
	RC2D	66'	2-20'	8(p)-12-6(m)-12-8(p)
RESIDENTIAL	R1U	50'	30'	8(p)-14-8(p)

* - Footnote: (m) = median, (ct) = continuous left turn lane, (p) = parking lane

1. Additional right-of-way other than the minimums shown above in the General Design Criteria, may be required at intersections and high

volume driveways for turning lanes. This additional right-of-way will be determined by the City during the design phase of the street system and before submittal of the final plat.

2. All proposed streets shall be planned, designed and constructed based on their anticipated function, traffic volumes, adjacent land use and system continuity.
 3. Where a subdivision abuts or contains an existing or proposed primary thoroughfare, the City may require marginal access streets, reverse frontage (lots which back to the primary thoroughfare), deep lots with rear service alleys, or such treatment as may be necessary for adequate protection to residential properties and to afford separation of through and local traffic. No street intersecting a primary or secondary thoroughfare shall vary from a ninety degree angle of intersection by more than five degrees. Intersections of two collectors, or a collector and a local street, shall not vary from ninety degrees by more than ten degrees. Intersections of all other streets shall not vary from ninety degrees by more than fifteen degrees. As much as possible, street intersections should be laid out so as to intersect at right angles.
- F. Residential streets shall be so laid out that their use by through traffic will be discouraged, but access is provided to adjacent subdivisions.
- G. Intersecting streets with centerline offsets of less than one hundred twenty five (125) feet shall be avoided. Greater centerline offsets as may be required by the City shall be provided where necessary.
- H. Reserve strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed by the City under conditions approved by the Planning and Zoning Commission and City Council.
- I. Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the requirements of this ordinance and the Master Plan, and where the City finds it will be practical to require the dedication of the other one-half when the adjoining property is subdivided. If the owner or subdivider is responsible for one-half (1/2) of the street, the owner or subdivider shall escrow the amount of the construction cost of the facility, unless the City participates in the construction of the facility. Whenever a partial street previously has been platted along a common property line, the other portion of the street shall be dedicated. Improvements shall be made to all on site facilities as defined herein (see Definitions, 1.16).

- J. A street ending permanently in a cul-de-sac shall not be longer than six hundred (600) feet and at the closed end shall have a turnaround provided for, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. The cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of cul-de-sac turnaround. A street ending in a temporary cul-de-sac to allow for subsequent phasing of the development or continuation of a road at a later date may be used, provided that: the closed end shall have a turnaround outside roadway diameter of at least eighty (80) feet with the roadway base, materials and design thickness to be approved by the City Engineer; the easement or proper dedication shall be in place to allow for the public usage of the temporary cul-de-sac; and, the developer shall provide surety in the amount to cover a standard cul-de-sac design meeting the standard specifications of the City for a permanent cul-de-sac. If necessary, the City of Granbury may draw from the surety in order to construct the permanent cul-de-sac prior to the term of the filed surety expiring.

- K. Dead end streets are not allowed except to provide for access to adjacent land areas and in no case shall be more than two hundred fifty (250) feet in length or equal to one lot depth, whichever is greater. Any dead end street of a permanent or a temporary nature, if longer than two hundred fifty (250) feet, shall have a surfaced turning area eighty feet in diameter for a cul-de-sac. Where adjacent property contains an existing dead end street over 250 feet in length without a cul-de-sac which abuts the proposed subdivision, the Public Works Director shall require the developer to construct a cul-de-sac as provided above.

- L. New streets which are an extension of existing streets shall bear the names of existing streets and shall be dedicated at equal or greater widths than the existing streets. No new street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the City Council based on the street names approved on the preliminary plat.

- M. All new streets dedicated within a subdivision shall be constructed in accordance with the current approved design requirements, Public Improvement Policy and any other relevant policy or regulation at the time at which the final plat is approved.

- N. Subdivisions generally shall provide one point of access in each direction (north, east, south and west) to adjacent property or to a thoroughfare. All residential developments shall provide no less than one entrance for each fifty (50) lots including stubs for future development or connection to an existing thoroughfare or collector.

- O. At any time during the pre-application proposal or plat application process,

the City Engineer may require a sight-distance study and/or a traffic impact analysis for any portion of the tract to be subdivided. The plat or any related development application which requires a traffic impact analysis or study shall be held as 'incomplete' by the City and not scheduled for a public hearing until the results of the completed study or traffic impact analysis has been submitted to, and reviewed by the City Engineer and any affected public agency [such as the State of Texas if required]. Based on the study or analysis, the City Engineer may impose stricter standards on the proposed plat in accordance with Section 3 of this Ordinance. The City Engineer shall forward a report on the traffic impact analysis or study to the Planning & Zoning Commission and Council at the next available public hearing to assist in their determination of the impact of the development to the existing and proposed roadway infrastructure, as well as assess any safety concerns.

- P. Streets which dead end at power lines or similar rights-of-way, and which are intended for future extension across these rights-of-way, shall be constructed in the right-of-way for half the distance across the rights-of-way. Streets which dead end at railroad rights-of-way shall not be required to be constructed over the railroad right-of-way by the subdivider but an agreement must be reached regarding the timing and construction of the crossing by the railroad owner.

Section 3.2 ALLEYS

Alleys, or loading courts, with a minimum paved width of twenty (20) feet or in lieu thereof, off-street loading space, shall be provided in commercial and industrial areas. Alleys are not required in residential areas except that same shall be provided where alleys of adjacent subdivisions already platted would be closed or dead-ended by failure to provide alleys in the new subdivision. New residential alleys, if provided or required as noted above, shall have a minimum paved width of fifteen (15) feet and a right-of-way width of twenty (20) feet.

Section 3.3 EASEMENTS

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be of such widths as may be reasonably necessary for the utility or utilities using same. A minimum utility easement fifteen feet (15') in width adjacent to all street rights-of-way shall be provided for gas, electric, and the utilities approved by the City. A minimum five foot (5') utility easement shall be located along all side and rear property lines, unless determined otherwise by either the City or franchised public utility company. Where a water main or sanitary sewer main crosses private property, a fifteen foot (15') Utility Easement (U.E.) centered on the utility is required. It shall be the subdivider's responsibility to determine appropriate easement widths as required by other utility companies. (Also see Section 3.8)

- B. Where a subdivision is traversed by a watercourse, drainage way, or channel, there shall be provided a drainage easement conforming substantially with such course and of such additional width as may be designated by the Development Review Committee, subject to determination according to proper engineering considerations. The required width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA). Parallel streets or parkways may be required adjacent to creeks or drainage ways to provide maintenance access or access to recreation areas. City approved utilities are permitted within the drainage easement.
- C. A lot area shall be computed inclusive of all easements. There shall be a minimum buildable area, exclusive of easements, for each lot.
- D. Where alleys are not provided in a residential subdivision, a minimum ten-foot (10') utility easement shall be provided along the rear of all lots within the subdivision. Where there are no adjoining easements existing, a minimum of ten feet (10') will be required.
- E. A twenty-five (25) foot by twenty-five (25) foot triangular visibility, access and maintenance easement (VAM) is required on corner lots at the intersection of two streets. A twenty-five (25) foot by twenty-five (25) foot triangular visibility, access and maintenance easement (VAM) is required on lots at the intersection of an alley and a street. In all such cases, the full VAM statement of restriction contained herein, shall be placed in the dedication instrument or on the face of the plat.
- F. Fire lane easements shall be provided at locations directed by the Development Review Committee. These easements shall have a minimum width of twenty-four (24) feet and a minimum height clearance of fourteen (14) feet. Any emergency access and fire lane easement more than one hundred (100) feet in length shall either connect at each end to a dedicated public street or be provided with a cul-de-sac having a minimum diameter of one-hundred (100) feet with an additional distance of ten (10) feet on all sides clear of permanent structures. The paved width of an emergency access easement may be reduced to, but not below, twenty (20) feet provided that curbs shall not exceed five (5) inches in height, and further provided that there shall be no obstructions which will interfere with the use of the full twenty-four (24) foot width of the easement by emergency vehicles and their appurtenances.
- G. No building or structure shall be constructed over or into an easement. If any building, structure or physical improvement is within an easement, it shall be the sole responsibility of the property owner to remove or abate the obstruction immediately at their sole cost.

Section 3.4 BLOCKS

- A. The length, width, and shapes of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs or the type of use contemplated.
 2. Zoning requirements as to lot sizes, setbacks, and dimensions.
 3. Needs for convenient access, circulation, control, and safety of street traffic.
- B. In general, intersecting streets determining the blocks, lengths and widths, shall be provided at such intervals as to serve cross-traffic adequately, provide adequate fire protection, and to meet existing streets or customary subdivision practices. Where existing subdivision controls, the block lengths shall not exceed one thousand two hundred feet (1,200') in length. Where no existing subdivision controls, the blocks shall not be less than five hundred feet (500') in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

Section 3.5 LOTS

- A. Lots shall conform to the minimum requirements of the established zoning district.
- B. Each lot shall front on either a dedicated public street or a private street that has access to a public street. Lots shall also have a minimum of thirty-five feet (35') frontage along a dedicated street.
- C. Irregular-shaped lots shall have sufficient width at the building line to meet frontage requirements of the appropriate zoning district. Also, the rear width shall be sufficient to provide access for all necessary utilities including refuse collection when alleys are present.
- D. Side lot lines shall be generally at right angles or radial to street lines.
- E. Double frontage lots shall be avoided except where essential to provide separation of residential development from thoroughfares as defined in Section 3.1.F. or to overcome specific disadvantage to topography and orientation. Where lots have double frontage, a front building line shall be established for each street.
- F. Double frontage lots in residential subdivisions will not be allowed without providing screening walls/fences in accordance with the City's screening standards.

Section 3.6 BUILDING SITE

- A. The Developer agrees and binds himself to prepare the subdivision and each lot by mass grading within the development for the purpose of establishing grades to manage stormwater runoff. Prior to the City issuing the Letter of Acceptance for the Improvements and Facilities contained herein, all lots within the development shall be graded within 6” (six inches) vertically of its final pad elevation based on the overall site grading plan as presented by the Developer’s Engineer and accepted by the City Engineer. Final building site grading standards are presented in Section 3.6 of the City of Granbury, Subdivision Ordinance):
1. Their shall be a minimum foundation elevation established by calculating a two-percent (2%) rise plus an additional twelve inches (12”). The rise shall be measured horizontally from the flowline-of-curb within the gutter to the foundation of the proposed structure. Fill located at the building site will be of suitable material and shall meet or exceed a minimum of a ninety-five percent (95%) compaction rate. Proof of compaction shall be provided at the expense of the applicant, subdivider or builder. Tests verifying compliance with this Section shall be conducted by a certified lab and the results forwarded to the Building Inspector prior to permit approval.
 2. The Community Development Department may approve alternative standards of site grading provided that the applicant, subdivider or builder supplies the City Engineer with proof that i) an alternative, appropriate drainage facility (i.e., lake, river, drainage channel, etc.) exists other than the top-of-curb and that ii) such facility is constructed and in-place prior to the Community Development Department approving a building permit for the building site. Additionally, structures built below the standard set forth in Section 3.6.A.1 will be graded to appropriately accommodate storm runoff around the structure. In no instance may the site be graded or the impervious cover be such that it allows for runoff or sheet-flow into any part of the structure.
 3. One-hundred (100) year frequency finished floor elevations shall be a minimum of two foot (2’) above the flood plain. No building permit shall be released for any structure located within the flood plain or floodway. The City may, at its discretion, require certification of building placement relative to the 100-year Flood Plain, floodway or any flood hazard areas delineated on the FIRM map. Such certification must be performed by a licensed, Professional Engineer or Registered Professional Land Surveyor, whichever is required by the City Engineer, and shall be provided at the applicant, subdivider or builder’s expense.

4. Each residential and commercial building site located within the corporate boundary of the City of Granbury shall be required to install sidewalks in accordance with the City of Granbury Code of Ordinances. The sidewalk standards are as follows:
 - a. Commercial uses – five foot width, from back of curb of the public or private street towards the lot, and;
 - b. Residential uses – four foot width, beginning five foot (5’) from the back of curb toward the lot.

The City may withhold a Certificate of Occupancy for a commercial use and final inspection approval for a residential structure if sidewalks are not properly installed, inspected and accepted by the City’s Building Official.

Section 3.7 BUILDING LINES

Front or street side building lines shall be shown on the final plat on all lots having street frontage and shall be consistent with the Zoning Ordinance at the time of platting.

Section 3.8 UTILITY SERVICES (not provided by the City of Granbury)

- A. For purposes of this section, the following meanings shall apply:
 1. “Utility services” - The facilities of any person, firm or corporation providing electric, telephone, TV cable, or any other such item or service for public use approved but not provided by the City of Granbury.
 2. “Feeder or feeder/lateral line” - High voltage supply electric lines carrying more than 69,000 volts that emanate from substations used to distribute power through an area to an unspecified number of customers.
 3. “Lateral lines” - Those electric or telephone lines used to distribute power from a feeder line to a single subdivision. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.

4. "Service lines" - Those electric lines used to connect between the utilities' supply system or lateral lines and the end users meter box.
- B. All subdivision plats and construction plans filed with and submitted to the City of Granbury for approval shall provide for utility services such as electrical, gas, telephone, and cable TV utility (lateral and/or service distribution) lines and wires to be placed underground. Feeder and other major transmission lines may remain overhead. However, a subdivider shall endeavor, and whenever practical, the City shall require that feeder lines are placed away from traffic arteries. Whenever practical, feeder lines which are to be placed overhead shall not be placed along both sides of the street right-of-way. Verification of acceptance of easement locations and widths by the public utilities should be provided prior to final plat approval by the City Council, and all easements should be reviewed by the utility companies and Director of Public Works for the City prior to granting final approval for all residential subdivisions affected by this section.
 - C. Each of the utility companies shall be responsible for developing administrative policies, criteria for easement size, and cost reimbursement procedures for the installation and extension of their underground utilities. Nothing herein shall prohibit or restrict any utility company from recovering the difference in cost of overhead facilities and underground utilities from the owner or developer in accordance with the provisions of such utility's approved tariff. No utility company shall be required or permitted to begin construction of underground facilities unless and until the owner or developer of the subdivision has made arrangements satisfactory to the specific utility company for the payment of such difference between the cost of overhead facilities and underground facilities.
 - D. All electrical and telephone support equipment, including transformers, amplifiers, and switching devices necessary for underground installations, shall be pad mounted or mounted underground but not overhead.
 - E. Temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines and facilities are promptly removed.
 - F. Nothing in this section shall be construed to require any existing facilities in place prior to the effective date of this section to be placed underground.

Section 3.9 WATER AND WASTEWATER FACILITIES

- A. All new subdivisions shall be connected with an approved water system designed, constructed, and capable of providing water for health and emergency purposes, including fire protection. All subdivisions must be

served by an approved means of wastewater collection and treatment. The City may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity. It shall be the subdivider's responsibility to extend utility lines to provide water or sanitary sewer service.

- B. It shall be the subdivider's responsibility to design all improvements according to the latest edition of the Master Plan, Water Distribution System Study, or Wastewater System Study, whichever is applicable. The City may require that the subdivider oversize the water system and/or the sanitary sewer system where necessary to serve land other than the tract or lots to be platted, including the oversizing of off-site water or wastewater mains necessary to extend service to the property to be platted.
- C. Extension of all utilities adjacent to any subdivision shall be made along the entire frontage of the subdivision adjacent to street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in a manner to allow future connection to said utilities by new subdivisions. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the Director of Community Development in consultation with the Public Works Director/City Engineer may waive the requirement for adjacent utility line construction.
- D. Installation of utilities not specifically referenced herein shall comply with the Texas Commission on Environmental Quality (TCEQ) rules and regulations.

Section 3.10 STORM DRAINAGE FACILITIES

The following requirements shall govern the design of all drainage facilities within the corporate limits of the City of Granbury, Texas, and its extraterritorial jurisdictional area:

- A. The basis of design for watersheds less than 500 acres will be the Rational Method. For watersheds equal to or greater than 500 acres the Unit Hydrograph Method will be the basis of design.
- B. Storm drainage improvements shall be designed for the ultimate development of the area within the watershed, whether inside or outside the subdivision or addition, since the runoff tends to increase in direct proportion to the amount of impervious area such as sidewalks, pavements, buildings, etc. The City's zoning ordinance and master plan should be used as an aid in establishing the character of future development.
- C. The following table provides approximate values for the runoff coefficient pertaining to land uses to be used in the determination of storm runoff.

RUNOFF COEFFICIENT "C"

<u>LAND USE</u>	<u>“C”</u>
PARKS OR OPEN AREAS	0.30
RESIDENTIAL (LOTS > 1.0 ACRE)	0.35
RESIDENTIAL (LOTS < 1.0 ACRE)	0.50
INDUSTRIAL	0.70
APARTMENTS	0.75
BUSINESS	0.80

In the event that an innovative design concept would result in a coefficient of runoff sufficiently different than that shown above, the Development Review Committee may allow the design runoff coefficient to be determined from approved cover data by applying 90% runoff from impervious areas and 20% runoff from pervious areas.

- D. The minimum design storm frequency to be used with various elements of the storm drainage system shall be as follows:

STREETS	5 Years
SYSTEMS COLLECTING ON GRADE INLETS	5 Years
SYSTEMS COLLECTING LOW POINT INLETS	100 Years
CULVERTS, BRIDGES, CHANNELS, CREEKS, STREET RIGHT-OF-WAY	100 Years

A drainage area map shall be provided for each installation on a scale no smaller than 1" = 200'.

- E. The owner's engineer shall determine the effect of each additions storm runoff, including all upstream runoff, on the existing drainage facilities immediately downstream of the addition. Where it is determined that existing capacity is not available immediately downstream and that property owned by others will be adversely affected with the calculated runoff, the owner's engineer shall design a drainage system, detention facility or parallel system to mitigate the problem. The City Council may withhold approval of the plat until such mitigation has been provided.
- F. Storm flow which can be contained in a seventy-two (72) inch internal diameter pipe, or smaller sized pipe, shall be carried in an underground drainage system constructed in streets, alleys or drainage easements.
- G. In those cases where storm flow cannot be handled by a pipe seventy-two (72) inches or smaller in diameter, the developer shall either install an improved drainage channel, of approved design, continue the underground drainage system with larger capacity or outfall into a natural channel.

- H. Improved drainage channels shall be designed to convey the 100 year design frequency storm while maintaining one foot of free board within its banks. Detailed drainage calculations substantiating the channel design shall be submitted to the City for its approval.

Unlined channels shall have a maximum side slope of 3:1 and a minimum grade of 0.3 foot per 100 feet. The minimum design velocity should be 3 fps, based on a 10 year frequency storm, to reduce siltation. The maximum design velocity shall be less than 8 fps, based on a 100 year frequency storm, to control erosion. Unless the excavated channel bottom is Austin Chalk, limestone, or other similar acceptable rock, a reinforced concrete pilot channel of sufficient width shall be required by the City.

- I. Lakes, detention ponds and retention ponds will be considered, and may be constructed, provided they are approved by the Development Review Committee and the City Council. The City may assume maintenance responsibilities for this type of facility only if it is wholly contained within an area the City can utilize for parks, recreational or other public purposes. If not accepted by the City, necessary flood plain easements and maintenance agreements shall be provided to insure maintenance of the facility.
- J. Other innovative drainage concepts will be considered if approved by the Development Review Committee and the City Council. Any City cost participation must be approved by the City Council.
- K. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within public rights-of-way, drainage easements shall be provided across private property to an acceptable outfall or to other public right-of-way.
 - 1. Drainage easements with a minimum width of fifteen (15) feet shall be provided for existing and proposed underground drainage systems. When the system consists of larger diameter pipe or when the depth of the system or the soil conditions dictate additional width, additional easement width shall be provided.
 - 2. Drainage easements along proposed or existing improved drainage channels shall provide sufficient width to include a channel designed to convey a 100 year design frequency storm plus one foot of free board within its banks and such additional width as may be required to provide ingress and egress for proper maintenance of the facility. The access portion of the easement shall be above the 100 year design frequency storm elevation and accessible to vehicles and equipment. The entire drainage easement shall remain unobstructed at all times. Access must also be provided at a maximum 1200 foot spacing along streets or other public right-of-way.

3. When a proposed drainage system will convey or discharge storm flow across or onto private property outside the subdivision or addition, appropriate drainage easements must be secured by the developer. Under some unusual circumstances which would preclude an adequate outfall condition, an on-site detention system may be allowed. In this case, the: design of the detention system shall be such that the additional runoff generated by the proposed development will be detained on site until it can be safely discharged off-site, and will not increase the amount of original discharge nor change the time of concentration downstream. The provision of either an adequate outfall condition or an on-site detention system shall be subject to the approval of the Development Review Committee.
 4. The widths and lengths of the drainage easements described in items 1 through 3 above shall be substantiated by a drainage study and drainage calculations or other criteria submitted to and approved by the City.
- L. Flood plain easements shall be provided along natural channels, major creeks, lakes, detention ponds and retention ponds. Flood plain easements shall encompass all areas beneath the water surface elevation resulting from a storm whose design frequency is 100 years, plus such additional width as may be required to provide ingress and egress to allow for the maintenance of the facility and for the protection of adjacent property, as determined and required by the City. The access portion of the easement shall be above the 100 year design frequency storm elevation.
1. All flood plains or regulated floodways as referenced by panel number 480357-0005B (or current panel) on the Flood Insurance Rate Map (FIRM) and the Floodway and Flood Boundary Map shall be included on the plat. If the above referenced maps do not specify a flood area along any of the above creeks or their tributaries, it shall be the developers' responsibility to establish and identify needed easements.
 2. The City Council may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, wastewater and drainage facilities, prohibit development of any portion of the property which lies within a flood plain. Such a flood plain shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except as specifically approved by the City. When floodway easements, within a flood plain easement, are required or proposed, they shall be shown along the improved or unimproved drainage way. Floodway easements are the unobstructed portion of the flood plain consisting of the primary channel and overbank areas capable of conveying the 100 year

frequency discharge without increasing the design flood elevations as defined by FEMA.

- M. In those cases where the proposed improvements or development plans alter and/or impact a floodway easement the developer shall apply to and submit to FEMA, and any other regulatory agencies all engineering data and information requested to obtain an approved "Letter of Map Revision". Only after a new or revised floodway area is designated by FEMA will the City approve the proposed plans.

- N. Maintenance agreements between an approved maintenance entity and the City shall be required when an improved drainage channel, in a drainage easement, is constructed as an unlined channel or when a flood plain easement is proposed.
 - 1. An individual residential lot owner does not constitute a maintenance entity. A maintenance entity may include homeowner's associations, apartment complexes, or similar groups. The maintenance entity's by-laws and covenants filed of record, shall provide for ongoing maintenance. The agreement shall authorize a lien against individual abutting lots in favor of the City to secure the payment to the City for any expenses incurred by the City for maintenance in the event of default by the maintenance entity.

 - 2. An owner or owners of a nonresidential property or properties may create a maintenance entity to maintain drainage or flood plain easements, provided the entity's by-laws and covenants filed of record, provide; for on-going maintenance. Such agreements shall authorize a lien against individual abutting properties in favor of the City to secure payment for any expenses incurred if the maintenance entity is not properly maintaining the creek or drainage way, in the City's sole opinion.

- O. Border channels shall be improved as per the "Public Improvements Policy" at the time of development unless conditions preclude improvements, at that time, as determined by the Development Review Committee. In no case shall property adjacent to a recognized drainage way be final platted unless provisions are made for making it conform with all City of Granbury drainage and/or flood plain criteria. The design shall protect all platted property and shall not adversely affect property owned by others. The developing party is responsible for constructing, if necessary, a reasonable portion of the drainage way applicable to the property being developed. In no case shall any segment or portion of the drainage way be neglected by the present or future development. This may require the platting of a flood plain easement, as described above, and entering into a maintenance agreement for the property to be final platted.

Section 3.11 CANAL DESIGN STANDARDS

- A. Need & Purpose - This Section addresses the canal and waterway design standards needed to protect the water quality standards within the regulatory jurisdiction of the City of Granbury and the BRA. The spirit and intent of these design standards are to maintain water quality and recreational safety by: enhanced flushing and mixing of canal waters with the waters of the main lake, minimizing stagnation, maintaining dissolved oxygen standards, and providing the minimum widths for safe recreational watercraft ingress/egress which are vital to the health and welfare of each and every citizen within the City of Granbury's jurisdictional boundaries. This policy governs all canal design and construction standards for those who are required to file a pre-application proposal or plat application prior to the construction of any canal within the jurisdictional boundaries of the City of Granbury. This policy also addresses the needed maintenance responsibilities to support any canal proposal within Granbury's jurisdictional boundaries.
- B. Design Specification: Canal cut-throughs must be designed by a structural engineer licensed in the State of Texas and constructed and maintained in compliance with the following specifications:
1. Permanent shoreline stabilization features in the form of sea walls/bulkheads are required for canal or lakefront developments to provide permanent shoreline erosion barriers.
 2. Sea walls/bulkheads shall be constructed of reinforced concrete panels, steel or aluminium sheet pilings. Marine treated lumber products, railroad ties or other creosote or arsenic containing wood products are prohibited.
 3. Sea walls/bulkheads shall be designed to consider variable water levels, wave height, and potential wave run-up. Acceptable designs will minimize damage to retaining features and property from over-topping. Design shall consider toe protection, particularly for sea walls/bulkheads facing the main lake body. At a minimum, sea walls/bulkheads shall provide at least two (2) feet of freeboard above the Conservation Pool Elevation (CPE) of 693 feet msl, referenced to BRA Datum. [See Exhibit 3.11.E(4)]
 4. Canal sea walls/bulkheads shall be constructed, inspected and accepted before final cut-through and flooding of canal system.
 5. Appropriate erosion control barriers must be utilized during construction of sea wall/bulkheads and canal cut-throughs as approved by an engineer licensed in the State of Texas.

6. Flow-through canals are encouraged to enhance aeration and mixing.
7. Dead-end canals greater than 650 feet in length are prohibited. Dead-end canals 650 feet in length or less shall maintain a slight bottom grade with water depth shallower towards the back end of the canal to enhance flushing.
8. Canals greater than 650 feet in length must include secondary canals, which provide multiple main lake openings that are spaced no more than 2500 feet apart.
9. A pre-construction bathymetric survey shall be required at developer expense to assess the extent of dredge operations necessary for canal design. A post-construction bathymetric survey shall be conducted at developer expense to verify canal cut-through bottom elevation standards are met. Each required survey shall be filed with the BRA and City of Granbury for record prior to continuing any additional development activities.
10. Canal cut-throughs shall be a minimum of 100 feet in width between the bulkheads, measured at the canal bottom. Where rock Rip-Rap (other other approval structural support material) is approved to be utilized, the minimum 100 foot width shall be measured toe-to-toe [*see Exhibit 3.11.E(4)*] between the support material. The canal shall also maintain a bottom elevation of no less than 681 feet msl and no more than 678 feet msl. The canal bottom elevation shall be consistent throughout and shall not vary by ± 6 inches for every 100 ft in canal length or width.
11. The bottom elevation of the canal and main lake interface shall not vary significantly or shall gradually transition to the elevation contour that approximates the bottom elevation of canal.
12. A flared main lake entrance of at least three (3) times the canal width at the lake shore with an approximate 45 degree corner flare measuring a minimum distance of the width of the canal is required. The flares shall transition gradually into the natural shoreline and shall be constructed to prevent scouring. [*See Exhibit 3.11.E(3)*]

13. Canal cut-through designs shall exclude 90 degree turns that inhibit flow. When required by design, turns along canals shall be rounded and gradual in nature.
14. Dead-end fingers off main canal cut-throughs are prohibited.
15. Docks constructed on canal cut-throughs must not protrude into a canal more than 30 feet from the nearest edge of the canal. An on-water facility permit is required from the appropriate oversight regulatory authority prior to any dock construction.
16. Contiguous Property: Property contiguous to canal cut-throughs shall be served by public water and wastewater facilities.
17. Water in the canal cut-throughs must have adequate aeration to maintain a rate of dissolved oxygen of at least 5.0 mg per liter.
18. Canal cut-throughs must be maintained to be free of trash, debris, vegetation, and stagnant water. Any work to construct or maintain a canal cut-through is subject to complying with permit requirements of the City, BRA, and other entities having jurisdiction over the property. The developer shall submit documentation of state and federal regulatory permit compliance as part of plan review process. Permits include, but are not limited to, Texas Commission on Environmental Quality TPDES Construction Storm Water Permit, Storm Water Pollution Protection Plan (SWP3), and US Army Corps of Engineers Section 404 Permit review.

C. Responsible Party: A valid Homeowner's Association (H.O.A.) or Business Owner's Association (B.O.A.) shall regulate and maintain the canal cut-throughs, including sea walls/bulkheads, contiguous with property in its jurisdiction. The developer will retain responsibility until formation and recording of a valid, responsible Homeowner's Association (H.O.A.) or Business Owner's Association (B.O.A.).

D. Maintenance Bond: A two-year Maintenance Bond guaranteeing the improvements shall be submitted to the City of Granbury, along with the construction of all other public improvements (streets, water, sewer, canals and drainage systems). This shall be done prior to the acceptance of the public improvements and issuance of any building permits.

E. Exhibits:

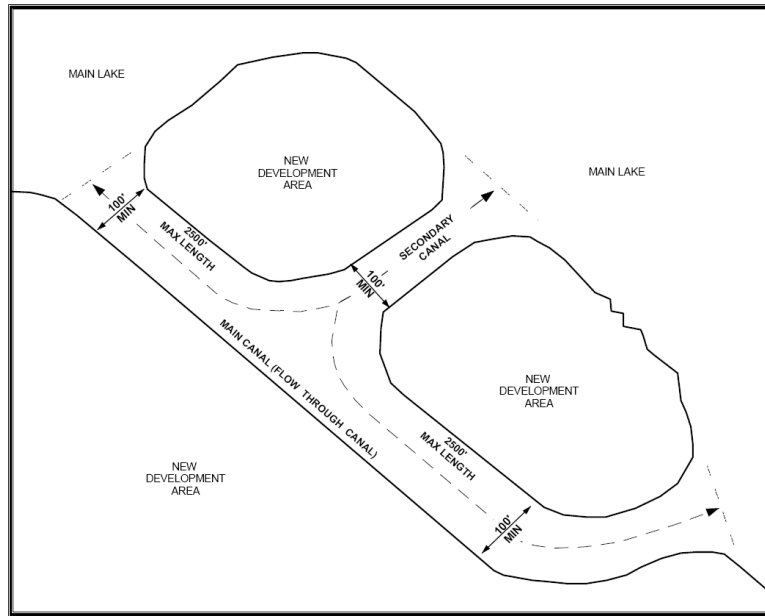


Exhibit 3.11.E(1) –Standard Multi-Entrance Canal Plan

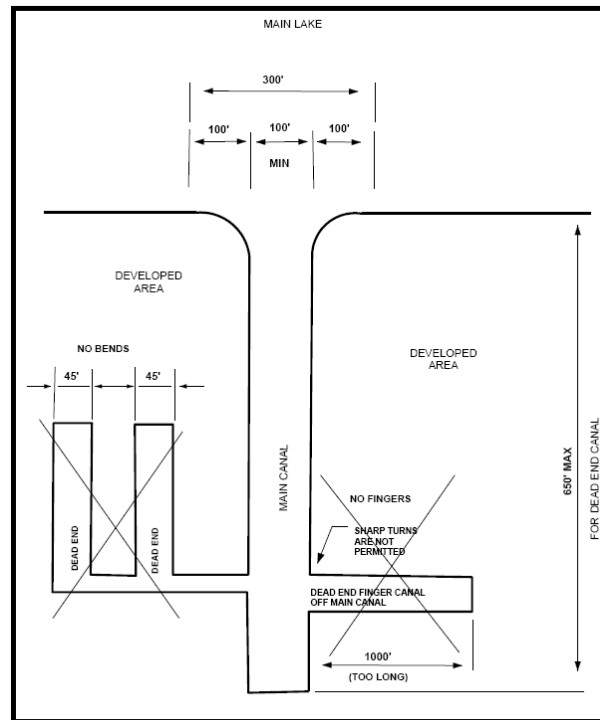


Exhibit 3.11.E(2) – Canal

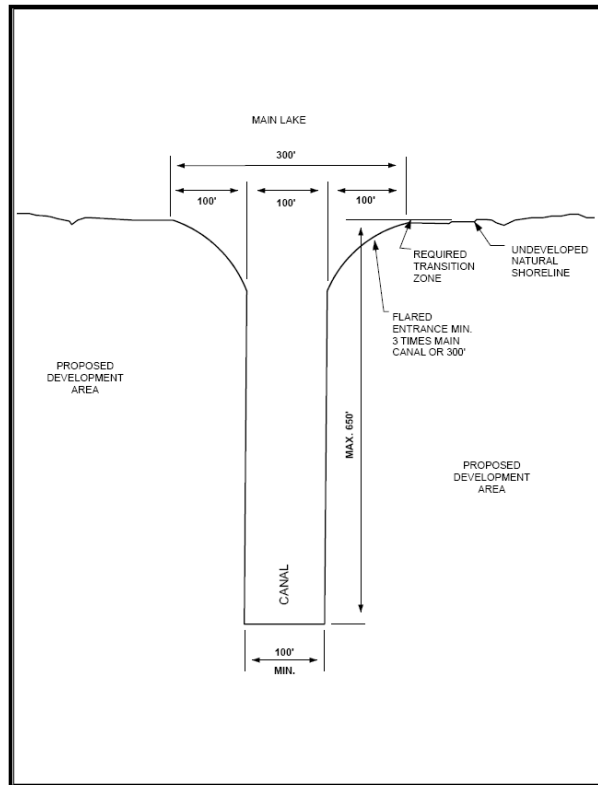


Exhibit 3.11.E(3) – Standard Layout and Flared Entrance

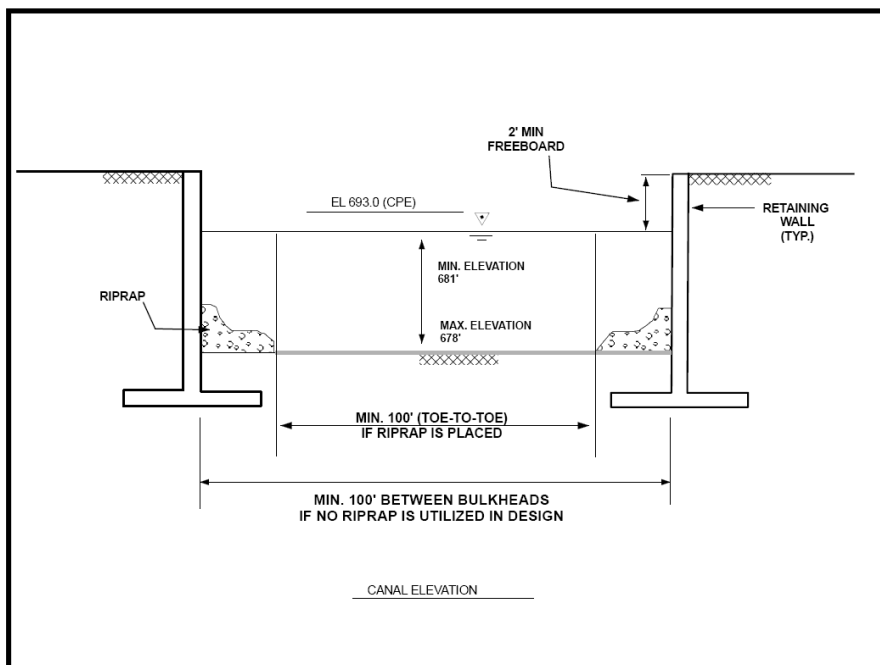


Exhibit 3.11.E(4) – Standard Canal Cross-Section

IV. SECTION 4 – IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF THE SUBDIVISION BY THE CITY

Section 4.1 IMPROVEMENTS

- A. The requirements of these Subdivision Regulations are designed and intended to ensure that all improvements are installed properly and:
1. The City can provide for the orderly and economical extension of public facilities and services;
 2. All purchasers of property within the subdivision shall have a usable, buildable parcel of land;
 3. It is necessary and desirable to provide for dedication of rights-of-way and easements for public works improvements to support new development at the earliest stage of the development process.
 4. The City desires to assure both that impacts of new development are mitigated through contributions of rights-of-way, easements and construction of capital improvements, and that a new development be required to contribute not more than its proportionate share of such costs.
 5. Proposed public works improvements serving new development shall conform to and be properly related to the public facilities elements of the City’s adopted Master Plan, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans, and;
 6. All required improvements are constructed in accordance with city standards as specified in “D” below.
- B. The land to be divided or developed must be served adequately by essential public facilities and services. No subdivision related application, plat or development shall be approved unless and until adequate public facilities exist or provision has been made for the installation of all water, wastewater, storm drainage, street, park facilities, street light improvements and electrical facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being platted or offsite. This policy may be defined further and supplemented by other ordinances adopted by the city. The public improvements required by the City of Granbury for the acceptance of the subdivision shall include, but are

not limited to those set forth in these regulations, the City of Granbury Public Improvement Policy and the City of Granbury Code of Ordinances.

- C. All aspects of the design and implementation of public improvements shall comply with the current local, State and Federal design standards and any other applicable city codes and ordinances, including the preparation and submittal of construction plans and specifications. Technical construction standards and specifications for all improvements shall be made in compliance with this Ordinance, the City's Public Improvement Policy and the Code of Ordinances and shall be made in accordance with the latest edition of "Standard Specifications for Public Works Construction" as published by the North Central Texas Council of Governments, unless otherwise specified in the following sections.
1. The standards established in this Ordinance, the Public Improvement Policy and the Code of Ordinances are for the proper dedication and construction of public works improvements and infrastructure and are based upon engineering studies and historical usages and demands by different categories of development. These regulations identify certain minimum requirements and sizes for utilities, roadways, parks and other facilities that the City Council has determined to be necessary in order to provide the minimum level of service necessary to protect or promote the public health, safety, and welfare and to assure the quality of life currently enjoyed by the citizens of Granbury. It is the intent of these regulations that no development shall occur until and unless these minimum levels of service are met. Therefore, each subdivision in the City shall be required to dedicate, construct and/or upgrade required facilities and infrastructure to a capacity that meets these minimum levels.
 2. For each category of public infrastructure, a minimum standard of infrastructure, and in some cases, service level, has been developed based upon historic studies and construction projects of the City and other cities. These minimum standards take into consideration the soil conditions and topographic configuration of the City, the use and impact analyses of the North Central Texas Council of Governments in developing standard specifications for public works installation, and other historical use and performance experiences of the City that reflect the minimum level of facilities and services that must be built to meet the health, safety and welfare of the citizens of Granbury.

3. In order to maintain prescribed levels of public facilities and services for the health, safety and general welfare of its citizens, the City may require the dedication of easements and rights-of-way for the construction of on-site or off-site public works improvements for water, wastewater, road, drainage or park facilities to serve a proposed subdivision, or require the payment of fees in lieu thereof. If adequate levels of public facilities and services cannot be provided concurrent with the schedule of development proposed, the City may deny the subdivision until the public facilities and services can be provided, or require that the development be phased so that the availability and delivery of facilities and services coincides with the demands for the facilities created by the development.
 4. Whenever the City Council determines that levels of service in excess of these minimum standards are necessary in order to promote the orderly development of the City, the owner shall qualify for reimbursement for any costs in excess of the minimum levels of service through City participation, to the extent funds are available by a pro rata reimbursement policy or other means adopted by the City.
- D. The developer/owner shall employ an engineer proficient in civil engineering and registered in the State of Texas for preparation of the drainage plan, cost estimates and, construction plans and specifications for all public improvements.
- E. The City shall require an initial demonstration that a proposed subdivision shall be adequately served by public facilities and services at the time for approval of the first development application that portrays a specific plan of development, including but not limited to a petition for establishing a planned development zoning district or other overlay zoning district, a facilities improvements agreement, development agreement or a pre-application proposal for a plat which requires public improvements.
- F. The obligation to dedicate rights-of-way for or to construct one or more public works improvements to serve a new subdivision may be deferred until approval of a subsequent phase of the subdivision where, in the opinion of the City Engineer, the right-of-way dedication and/or construction of the infrastructure is necessary to meet the minimum standards or intent of this ordinance or other adopted policy of the City, upon written request of the property owner or at the City's own initiative. As a condition of deferring the obligation, the City may require that the subdivider include provisions in the facilities improvements agreement or development agreement specifying the

time for dedication of rights-of-way for or construction of public works improvements serving the subdivision.

Section 4.2 STREETS

All streets, alleys and other improvements within the public right-of-way shall be designed and constructed in accordance with the requirements of this ordinance, the Public Improvements Policy and the City of Granbury's adopted technical specifications and standard details.

- A. Proposed roads shall provide a safe, convenient and functional system for vehicular, bicycle and pedestrian circulation and shall be properly related to the applicable thoroughfare plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. New subdivisions shall be supported by a thoroughfare network having adequate capacity, and safe and efficient traffic circulation. Each development shall have adequate access to the thoroughfare network.

Section 4.3 MONUMENTS AND MARKERS

- A. Permanent Survey Markers - All boundary corners, block corners, etc., as established in the process of creating a subdivision plat shall comply with the Texas Board of Professional Land Surveying Practices Act and General Rules of Procedures and Practices, (663.17 Monumentation).
- B. SPC Coordinates – A minimum of two (2) monuments at prominent locations (block corners, boundary corners, etc.) within a subdivision shall have Texas North Central Zone (4202) State Plane Coordinates (SPC) in U.S. Survey Feet noted on the subdivision plat. The Texas North Central Zone (4202) State Plane Coordinate (SPC) shown on the subdivision plat shall have the appropriate metadata listed.
- C. Elevation Data – – A minimum of two (2) monuments at prominent locations (block corners, boundary corners, etc.) within a subdivision of which require minimum finished floor elevations on all or part of the lots shall have the mean sea level elevations noted on the subdivision plat. The mean sea level elevations shown on the subdivision plat shall have the appropriate metadata listed.

Section 4.4 STORM DRAINAGE FACILITIES

All storm drainage facilities shall be designed and constructed in accordance with the requirements of this ordinance, the Public Improvements Policy and the City of Granbury's adopted technical specifications and standard details.

- A Drainage improvements serving new development shall be designed to prevent overloading the capacity of the downstream drainage system. The City may require the phasing of development, the use of control methods such as retention or detention, the construction of off-site drainage improvements, or drainage impact fees in order to mitigate the impacts of the proposed subdivision. The applicant may propose and the City may require the phasing of development and/or improvements in order to accommodate appropriate drainage design.

Section 4.5 WASTEWATER FACILITIES

All wastewater facilities shall be designed and constructed in accordance with the requirements of this ordinance, the Public Improvements Policy, the Wastewater System Study and the City of Granbury's adopted technical specifications and standard details.

- A All lots to be platted or land to be developed shall be served by an approved means of wastewater collection and treatment. The City Engineer shall be responsible for determining compliance with the City of Granbury's adopted technical specifications and standard details and the approved means of wastewater collection and treatment. The applicant may propose and the City may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity. It shall be the responsibility of the subdivider or developer to extend the central wastewater main through the entire public or private street frontage or through the platted or developed lot in order to allow for the continuation and extension of public services in order to accommodate growth.

Section 4.6 WATER FACILITIES

All water facilities shall be designed and constructed in accordance with the requirements of this ordinance, the Public Improvements Policy, the Water Distribution System Study and the City of Granbury's adopted technical specifications and standard details.

- A. All lots to be platted or land to be developed shall be connected to an approved water system which has capacity to provide water for domestic use and emergency purposes, including adequate fire protection. The applicant may propose and the City may require the phasing of development and/or improvements in order to maintain adequate water capacity. It shall be the responsibility of the subdivider or developer to extend the central water main through the entire public or private street frontage or through the platted or developed lot in order to allow for the continuation and extension of public services in order to accommodate growth.

Section 4.7 UTILITY SERVICES

- A. All services for utilities shall be made available for each lot in such a manner so as to eliminate the necessity for disturbing the street pavement, curb, gutter, and drainage structures when connections are made.
- B. The subdivider shall make arrangements with all other appropriate utility companies for the extension of their respective utility lines and service to and, within the Addition and for any costs or refunds of such cost.
- C. Gas lines shall be located behind the curb and on the south side of east-west streets and on the west side of north-south streets.

Section 4.8 STREET LIGHTS

All street lights shall be designed and constructed in accordance with the requirements of this ordinance, the Public Improvements Policy and the City of Granbury's adopted technical specifications and standard. A Street Lighting Plan shall be required by the City as a part of the pre-application submittal process and if required, shall be filed prior to the Development Review Committee (DRC) Comment and Plat Application Deadline.

Section 4.9 STREET NAMES AND SIGNS

- A. Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.
- B. All street name signs shall be designed and constructed in accordance with the requirements of this ordinance, the Public Improvements Policy and the City of Granbury's adopted technical specifications and standard details.

Section 4.10 IMPROVEMENT OF ADJACENT EXISTING STREETS AND UTILITIES

- A. When a proposed subdivision abuts an existing road on both sides, and the road is substandard according to the adopted Public Improvements Policy (PIP) and infrastructure and utility standards contained herein, the subdivider/developer shall be required to improve or replace the existing road, on-site sidewalks, and related storm sewers, water, wastewater and other utilities in accordance with the requirements of the adopted Public Improvements Policy (PIP) and infrastructure and utility standards contained herein, to bring the same to City standards, subject to the provisions of Subsection B.
- B. When a proposed subdivision of land abuts an existing substandard road on one side, the subdivider/developer shall be required to dedicate the right-of way necessitated by and attributable to the development, and:
 - 1. design and improve the road to the City's design standards to at least

the minimum standards, based upon factors including the impact of the proposed subdivision of the road, safety to the traveling public, conditions and life expectancy of the road, the impact of the proposed subdivision on other roads, the timing of the development in relation to need for improving the road and the impact of the traffic on the road and City's roadway system as a whole; or, at his option,

2. deposit with the City funds equal to the one half of the cost of designing and constructing the required road, i.e. pavement, sub-base, curb and gutter, storm drainage, water and wastewater, street lights, sidewalks and street signs.

Section 4.11 ELECTRICAL, TELEPHONE AND CABLE SERVICES

- A. Utility lines for electric service, telephone service and cable television service shall be installed underground in any new subdivision platted after approval of this Ordinance.
- B. Service to all street light poles shall be underground.

Section 4.12 PARK DEDICATION POLICY

- A. Need & Purpose- This Section will insure the provision of adequate park and recreational areas that are needed for healthy residential neighbourhoods within the City of Granbury. Neighborhood park facilities that are close to each home and are developed to allow full recreational fulfillment are vital to the health and welfare of each and every citizen within the City of Granbury. New residential development or an increase in density by redevelopment in existing neighborhoods creates the need for additional park and recreation facilities. This policy governs all park dedication and improvement requirements for developers who are required to file a pre-application proposal or plat application under this Section. This policy also provides for needed land acquisition for parks that serve new residential development or an increase in density by redevelopment in existing neighborhoods. The City has developed and adopted general planning standards for parks that are included within the Comprehensive Land Use Plan, adopted November, 2001.
- B. **PLANNING**
 1. The City of Granbury will require residential subdividers to dedicate land and recreation improvements for parks or pay a fee in lieu thereof as a condition of the platting process, just as land for streets, alleys, utility easements and other improvements directly attributable to the development of a new residential neighborhood are dedicated. The

Development Review Committee and subdivider will negotiate a combination of fees and parkland dedication or cash-in-lieu thereof that satisfies the requirements of this Ordinance. Terms of this negotiation will be presented to the Planning and Zoning Commission for recommendation and ultimately to the City Council for approval.

The overall program and full implementation of this Section (Park Dedication Policy) shall generally follow the City of Granbury's Comprehensive Plan regarding parks and open spaces. The Development Review Committee may develop implementation guidelines to insure the fair and objective application of this Park Dedication Policy.

2. Where recreation facilities are built for the residents of a subdivision development, a credit may be given to the subdivider for all or a portion of the land dedication (or fee-in-lieu thereof) and the park development fee based on the value of the developed park (see development options and credits). At the discretion of the Development Review Committee, a credit of up to 100% of the total amount of the park development fee may be issued.
3. Park Infrastructure - The subdivider will bear the cost of all improvements, including streets, water, sewer, storm drainage and street frontage directly related to park sites between three (3) and twenty (20) acres in size. The subdivider will provide no less than 150 feet of street frontage for each three (3) acres of park land. The required frontage can be a combination of contiguous park access drives, street frontage or access easements. Credit may also be given for access easements that allow access into the park from the surrounding neighborhood.

C. SITE SELECTION/CHARACTERISTICS OF PARKS

1. In selecting a site for a park, the city will avoid an accumulation of non-contiguous parcels of land or an accumulation of land unsuitable for park purposes.
2. Parks sites will be selected on the basis of obtaining natural, park-like settings where available and will consist of diverse topography and open space suitable for the development of recreational facilities.
3. If a subdivision cannot provide the minimum three (3) acre parcel or a smaller parcel which can potentially be contiguous to existing or future park parcels, then a fee in lieu of parkland or a combination of fee and parkland dedication will be required at the discretion of the Development Review Committee (DRC) during the pre-application

proposal process.

4. Park sites will be located, whenever possible, adjacent to and contiguous with school sites and other public or non-profit agency sites in order to make maximum use of common public facilities and grounds.
 5. Careful consideration will be given to the need for development of linear parks around natural drainage and wooded areas that provide potential recreational uses. Floodplain (based upon 100 year storm) and floodway will be accepted for park development in the following ratios.
 - a. Floodplain and natural drainage areas should not exceed seventy-five (75%) percent of the total park site.
 - b. At least fifty (50%) percent of required dedicated parkland should have slopes in range of 2-5%, well-drained, and suitable for active use development.
 - c. There will be no reduction in credit for dedication of floodplain as compared to non-floodplain property, provided the dedication satisfies provisions i and ii above.
 - d. When development occurs near a floodway that is designated as part of the city's greenbelt/trail system or determined to be suitable for trail development by the Community Services or Parks Director, the subdivider will be required to develop that section of the greenbelt/trail system that occurs within his/her development. The subdivider will construct the trails and adjacent facilities in accordance with Community Services Department design criteria and specifications. In order to facilitate greenbelt/trail development, the Development Review Committee may, at their discretion, credit the subdivider up to one-hundred percent (100%) of the required land dedication and development fee. The cost for the trail's development will be borne by the developer and will not exceed the required park development fee.
 - e. Proposed parkland boundaries of park dedications will provide reasonable access to improved street frontage for readily accessible entry into the park area by the public.
- D. LAND DEDICATION - Any required conveyance of land attributed to a proposed residential subdivision/(re)development will be roughly proportionate to the its number of residential units and population density.

1. MINIMUM REQUIREMENT: For each submitted residential subdivision plat, the *minimum* park land dedication requirement is one (1) acre of park land per seventy-five (75) units, as shown on the total build-out for the development (inclusive of all phases). This property is accepted at the ratios and specifications as set forth in Section 4.12.C SITE SELECTION AND CHARACTERISTICS OF PARKS, of this ordinance. The cash-in-lieu portion of the land dedication is contained within the City's adopted Fee Schedule. Each year, the City Council may review the cash-in-lieu of rate and adjust the rate via adoption of the Fee Schedule accordingly. Existing Planned Development zoning districts establishing pre-approved site layout and geometry (prior to the effective date of this Ordinance-March 2, 2004) shall pre-empt the requirements set forth herein.
2. Where a subdivision plat is submitted indicating multi-family or any type of single-family attached (patio home, town home, two-family, duplex, etc.) residential development, and a table of information is not provided indicating the number of dwelling units, the City will assume the highest density allowed in the zoning classification to be applied to the property by which to determine projected population in order to determine park dedication policy requirements.
3. All determinations of required land dedication will be based upon review of all pre-application proposals submitted through the City of Granbury's Community Development Department. Failure to indicate proposed park dedications or fee-in-lieu-of on the submitted pre-application proposal will be sufficient grounds for the City to reject the application, or to deny any concept plan, or plat application. Upon final agreement between the DRC and the subdivider regarding mutually acceptable parkland, such land will be indicated on the revised plat application prior to the DRC Comment & Plat Application Deadline. Such park property will be conveyed by General or Special Warranty Deed before release of the final plat on any or all portions of the subdivision thereof by the City for filing in the County plat records. Submission of park dedication documents is required for final plat approval. Park dedication documents include, but are not limited to:
 - a. A metes and bounds description of the park dedication property.
 - b. A survey plat of the park property only.
 - c. A copy of the subdivider's deed for the property (demonstrating ownership and right to dedicate to city).
 - d. An environmental statement (ESA Phase 1) that indicates that the park site (or the subdivision from which the park is

dedicated) is free of environmental contamination or hazards.

- e. documents conveying ownership to the City which may be either
 - i. A Special Warranty Deed and Title Policy provided by Developer to City insuring the City in an amount equal to the value of the dedicated property; OR
 - ii. General Warranty Deed.

- 4. The City prefers the land required to be conveyed for park dedication to be located inside the subdivision development. The City may alternatively choose to accept land conveyed for park dedication at a location outside the subdivision development so long as the land is of such proximity to the development so as to serve or benefit the neighborhood residents.

- 5. If a replat is filed, the dedication requirements will be controlled by the policy in effect at the time of replat. Additional land dedication (or fee in lieu of) will be required if the actual density of residential units constructed on the property is greater than the former assumed density or additional requirements are in force as a result of the adoption of this policy.

- 6. The City may, at its discretion, proceed to conduct such initial construction inspections, environmental tests and surveys on the land and improvements as it may deem appropriate, and the subdivider must grant to the City and its agents and employees such reasonable access to the land as is necessary to conduct such construction inspections, surveys, and tests.

- 7. If the results of such construction inspections, surveys and tests indicate a reasonable possibility of construction failure, construction dumping, flawed construction, environmental contamination or the presence of environmental hazards, the City may require further surveys and tests to be performed at the subdivider's expense as the City may deem necessary prior to its acceptance of the dedication and improvements; or in the alternative, the subdivider may be required to identify alternative property or pay the fees in lieu of such parkland dedication.

E. PAYMENT OF FEES IN LIEU OF PARKLAND DEDICATION

- 1. If the calculation for required park dedication within the proposed subdivision development results in less than three (3) acres and/or does

not meet site selection criteria pursuant to Section 4.12 of this policy, the subdivider may pay, and/or the DRC may require a fee in lieu of parkland dedication.

2. All fees collected in lieu of parkland will be dedicated for the purpose of providing adequate parkland or the maintenance or expansion of existing parkland proximate to the residential subdivision development(s). However, if acquisition and development of a park is not achievable within the proposed development the Development Review Committee, in its sole discretion, may determine that the park and recreational needs of the proposed subdivision development would be better served by the expansion of existing park sites located within or near the same neighborhood unit where the proposed subdivision development is located.
3. The amount of the fee in lieu of parkland dedication will be determined by the following method:
 - a. The amount equal to the Fair Market Value of the required land dedication and, if applicable, less a credit for the value of the land actually dedicated for park and recreational purposes. The Fair Market Value will be determined by the City of Granbury as determined through independent appraisals of comparable properties.
 - b. When the subdivider disagrees with the city's fees, the developer at their own expense may obtain an appraisal of the property by a State of Texas certified real estate appraiser, mutually agreed upon by the City and the subdivider, which may be considered by the City in determining fair market value.
 - c. If the property was acquired by the developer within the last year, the developer may submit the contract for sale or appraisal documents related to the acquisition of the property to be considered by the City in determining Fair Market Value.
4. All fee payments made in lieu of land dedication in accordance with this policy will be pro-rated on a per dwelling unit charge based on the Fair Market Value of the required dedication of the land and relative to the number of dwelling units included in the final plat submittal. Fees assessed at the time of final plat submittal will be based upon the current dedication requirements as listed in the most recent fiscal year's fee schedule for parkland dedication fees per dwelling unit. That fee will remain unchanged over the life of the development.

F. OPEN SPACE AND PARK LAND OFFSETS

1. Should the density caps contained within a given zoning district result in unused acreage or “open space” in a development, the additional “space” will offset the corresponding amount of park land dedication, providing the land meets the following requirements:
 - a. The additional “open space” is suitable to provide useful recreational functions such as: linear destination trails (those trails designed to conduct residents to the planned interlinking city wide trail system), connectivity to neighborhood facilities including shopping or schools and active park/recreation facilities.
 - b. The “open space” meets the requirements listed in Section 4.12.C SITE SELECTION AND CHARACTERISTICS OF PARKS.
 - c. Unless otherwise specified and dedicated as public space on the Final Plat and filed for record, property designated as “open space” is maintained by the development through the institution of a Home Owners Association (HOA). This maintenance responsibility will be shown on the HOA Deeds and Covenants, and shall be provided to the City at any time upon request.

G. PARK DEVELOPMENT REQUIRED

1. The developer will bear a proportionate share of the cost of improvements of a park through payment of a park development fee. Such fee can include the following recreational facilities as a minimum configuration for each three (3) acres of park land:
 - a. Playground
 - b. Picnic shelter
 - c. Practice baseball/softball field with backstop OR soccer field with goal
 - d. Walking trail
 - e. Multi-Use Slab with weatherproof basketball backboard and goal
 - g. Site grading and preparation
 - h. Turf and vegetation

- i. Paved parking areas
 - 2. The Park Development Fee is based on the costs incurred to purchase, erect and construct the minimal park amenities identified in 4.12.G.1, on a three (3) acre tract of parkland. This fee will be prorated on a per acre basis according to the parkland dedication requirements of a particular development. The Park Development Fee may be adjusted from time to time based on the annual amount of the change in the Consumer Price Index; provided, however, that the City Council retains the right to adjust the Fee in an amount greater than the annual amount of change in the Consumer Price Index. This fee will be over and above the amount needed for parkland dedication (or cash in lieu of) and infrastructure development.
- H. Development Options and Credits- Developers may select option (1) or (2) in consultation with the Community Services Director.
- 1. If mutually agreed upon by the subdivider and the Community Services Director, the subdivider may choose to develop the park site prior to final plat approval in lieu of submitting the Park Development Fee. Should the subdivider choose this option, construction of the park will be accomplished pursuant to a three-party “Facilities Improvement Agreement” between the Developer, the City and the contractor chosen by the subdivider. The cost paid by the subdivider to provide the park and recreation amenities may offset the required Facilities Improvement Agreement up to 100%. The park development fee will not exceed the estimated cost the City would incur to construct similar facilities. Prior to approval of a Park Development Agreement, the developer must submit a conceptual master plan indicating the proposed park facilities and their locations. Upon approval of the proposed Park Development Plan the subdivider may authorize preparation of construction documents for park development.
 - 2. In the event that the Community Services Director and the subdivider reach an agreement for park development prior to final plat approval, the subdivider will be required to submit park development construction plans that conform to Community Services Department design, construction and specification standards. The Community Services Department and the Public Works Department will review the construction documents for compliance with City park construction requirements. The subdivider must agree to city inspections of Park improvements. Prior to final plat approval the park construction must be approved and accepted by the City of Granbury; or in the alternative;

The sub-divider will pay the required park development fee and the

park will be scheduled for development by the Community Services Director.

I. ADDITIONAL INFORMATION CONCERNING FEES

1. All required fees must be paid and received before the recording/filing of the final plat (or any portions thereof) in the County plat records.
2. All payments made in accordance with this policy will be deposited in a designated fund as established by the City. The City will account for all such funds paid with reference to each subdivision development. Interest earned on accumulated park acquisition and development fees designated for a specific subdivision development will be used for additional acquisition and development as described in this policy.

“Open space” offsets in Section 4.12.F OPEN SPACE AND PARK LAND OFFSETS do not apply to the park development fee. All fees will be based upon the total parkland provided with a development, whether acquired as “open space” or other dedicated parkland.

J. DECISION MAKING; APPEALS

1. Unless otherwise provided in this policy, any decision will initially be made by the Development Review Committee during the pre-application proposal and/or plat review process. The Community Services Department Director, or his/her designee, will be an integral part of the decision making process for the Development Review Committee on matters regarding parks and open space.
2. Decisions of the Development Review Committee with regard to this policy may be appealed first to the City Manager, then to the Planning & Zoning Commission for recommendation, then to the City Council for final action.

Section 4.13 PROPORTIONALITY DETERMINATION

- A. Prior to a decision by the Planning and Zoning Commission on a final plat, replat, or development plat application or any other application for which an exaction is required as a condition of approval, the City Engineer shall prepare a written statement affirming that each exaction requirement to be imposed as a condition of plat approval or permit approval is roughly proportionate to the demand created by the subdivision or development on the applicable public facilities system of the City, taking into consideration the nature and extent of the development proposed. In making this determination, the City Engineer may consider:

1. Categorical findings of the North Central Texas Council of Governments in developing standard specifications for public infrastructure improvements;
 2. The proposed and potential use of the land;
 3. The timing and sequence of development in relation to availability of adequate levels of public facilities systems;
 4. Impact fee studies, traffic impact studies, drainage studies or other studies that measure the demand for services created by developments and the impact on the city's public facilities system;
 5. The function of the public infrastructure improvements in serving the proposed subdivision or development;
 6. The degree to which public infrastructure improvements necessary to serve the proposed subdivision are supplied by other developments;
 7. The anticipated participation by the City in the costs of necessary public infrastructure improvements;
 8. The degree to which acceptable private infrastructure improvements to be constructed and maintained by the applicant will offset the need for public infrastructure improvements;
 9. Any reimbursements for the costs of public infrastructure improvements for which the proposed subdivision is eligible; and/or
 10. Any other information relating to the impacts created by the proposed subdivision or development on the city's public facilities systems.
- B. Based upon the proportionality determination, the City Engineer shall affirm that the exaction requirements of the Subdivision Ordinance, or other ordinance requiring the permit, as applied to the proposed subdivision or development, do not impose costs on the applicant for public infrastructure improvements that exceed those roughly proportionate to the impact of the proposed subdivision or development.
- C. The City Engineer may require that the applicant, at its expense, submit any information or studies that may assist in making the proportionality determination.
- D. ROUGH PROPORTIONALITY DETERMINATION - The Planning and Zoning Commission and City Council shall consider the City Engineer's report concerning the proportionality of the exaction requirements in making a decision on a plat. The Planning & Zoning Commission and the City Council may consider the City Engineer's report in granting a variance to the requirements of the Subdivision Ordinance.

1. The City official responsible for issuing any permit for which an exaction requirement is imposed as a condition of approval shall consider the City Engineer's report concerning the proportionality of the exaction requirements in making its decision as to whether to grant the permit.

- E. ROUGH PROPORTIONALITY APPEAL – An applicant for a plat or any development which imposes an exaction requirement as a condition of approval may file an appeal to contest any exaction requirement, other than impact fees, imposed as a condition of approval or in which the failure to comply is grounds for denying the plat application pursuant to the Subdivision Ordinance.

The purpose of a proportionality appeal is to assure that an exaction requirement imposed on a proposed plat or development as a condition of approval does not result in a disproportionate cost burden on the applicant, taking into consideration the nature and extent of the demands created by the proposed subdivision or development on the City's public facilities systems.

- F. APPEALS PROCEDURE - An applicant for a final, replat, development plat or an applicant seeking approval for any other application or permit or zoning for which an exaction requirement is imposed shall file a written appeal with the City Secretary within 10 days of the date the Planning and Zoning Commission or the city official responsible for processing the application or issuing the permit takes action applying the exaction requirement. This may include denial of the permit or plat application. The applicant shall submit 15 copies of the appeal.

1. A separate appeal form shall be submitted for each exaction requirement for which relief is sought. The City Secretary shall forward the appeal to the City Engineer for informational purposes and the City Council for consideration;
2. The applicant may request postponement of consideration of the applicant's plat application by the City Council pending preparation of the study required by subsection 4.13.F(5), in which case the applicant shall also waive the statutory period for acting upon a plat for the time necessary for the City Council to decide the appeal;
3. No Facilities Improvement Agreement or developer's agreement may be executed by the City until the time for appeal has expired or, if an appeal is filed, until the City Council has made a determination with respect to the appeal.
4. The appeal shall state the reasons that application of the exaction requirement is not roughly proportional to the nature and extent of the impact created by the proposed subdivision or development on the

City's public facilities systems and does not reasonably benefit the proposed subdivision or development;

5. The appellant shall submit to the City Engineer 15 copies of a study in support of the appeal that includes, with respect to each specific exaction requirement appealed, the following information within 30 days of the date of appeal, unless a longer time is requested:
 - a. Total capacity of the City's water, wastewater, roadway, drainage, or park system, as applicable, to be utilized by the proposed subdivision or development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the subdivision. If the proposed subdivision is to be developed in phases, such information also shall be provided for the entire development, including any phases already developed;
 - b. Total capacity to be supplied to the City's public facilities systems for water, wastewater, roadway, drainage or parks, as applicable, by the exaction requirement. This information shall include any capacity supplied by prior exaction requirements imposed on the development;
 - c. Comparison of the capacity of the applicable City public facilities systems to be consumed by the proposed subdivision or development with the capacity to be supplied to such systems by the proposed exaction requirement. In making this comparison, the impacts on the City's public facilities systems from the entire subdivision or development shall be considered;
 - d. The amount of any City participation in the costs of oversizing the public infrastructure improvements to be constructed by the applicant in accordance with the City's requirements;
 - e. Comparison of the minimum size and capacity required by City standards for the applicable public facilities systems to be utilized by the proposed subdivision or development with the size and capacity to be supplied by the proposed exaction requirement; and
 - f. Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the exaction requirement imposed by the City.
6. The City Engineer shall evaluate the appeal and supporting study and shall make a recommendation to the City Council based upon the City Engineer's analysis of the information contained in the study and

utilizing the same factors considered by the Engineer in making the original proportionality determination.

- G. COUNCIL DETERMINATION - The City Council shall decide the appeal within 30 days of the date of final submission of any evidence by the applicant. Upon receipt of the final submission of evidence from the applicant, the City of Granbury shall schedule a time and date for the City Council to consider the appeal and shall cause the applicant to be notified at the address specified in the appeal form of the time, date and location at which the City Council shall consider the appeal.
1. The applicant shall be allotted time, not to exceed 30 minutes, to present testimony at the City Council meeting. The Council shall base its decision on the criteria listed in Sections 4.13.A and 4.13.F(5) and may:
 - a. Deny the appeal and impose the exaction requirement in accordance with the City Engineer's recommendation or the Planning and Zoning Commission's decision on the plat or other development application;
 - b. Grant the appeal, and waive in whole or in part an exaction requirement to the extent necessary to achieve proportionality; or
 - c. Grant the appeal, and direct that the City participate in the costs of acquiring land for or constructing the public infrastructure improvement.
 2. In deciding an appeal, the City Council shall determine whether application of the exaction requirement is roughly proportional to the nature and extent of the impact created by the proposed subdivision on the City's public facilities systems for water, wastewater, roadway, drainage, or park facilities, as applicable, and reasonably benefits the subdivision. In making such determination, the Council shall consider:
 - a. The evidence submitted by the applicant;
 - b. The City Engineer's report and recommendation, considering in particular the factors identified in Sections 4.13.A and 4.13.F(5); and
 - c. If the property is located within the City's extraterritorial jurisdiction, any recommendations from the county.
 3. The City Council may require the applicant or the City Engineer to submit additional information that it deems relevant in making its decision.

H. ACTION FOLLOWING DECISION OF COUNCIL

1. If the City Council finds in-favor of the applicant and waives the exaction requirement as a condition of plat approval, or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the plat application to the Planning and Zoning Commission or City official responsible for issuing the permit within 30 days of the date the City Council takes action, with any modifications necessary to conform the plat with the City Council's decision. The applicant shall not be deemed to have prevailed in the event that the City Council modifies the exaction requirement.
2. If the City Council finds in favor of an applicant for any other development related application or permit and waives the exaction requirement as a condition of permit approval, or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the permit application to the responsible official within 30 days of the date the City Council takes action, with any modifications necessary to conform the application with the City Council's decision. Failure to do so will result in the expiration of any relief granted by the City Council.
3. If the City Council denies the appeal and the applicant has executed a waiver of the statutory period for acting upon a plat, the City shall place the plat application on the agenda of the Planning and Zoning Commission within 30 days of the City Council's decision.
4. If the rough proportionality appeal was submitted appealing the imposition of an exaction requirement for a plat application, and City Council grants relief to an applicant but the applicant fails to conform the plat to the City Council's decision within the 30 day period provided, the relief granted by the City Council on the appeal shall expire and plat shall become null and void.
5. If the plat application is modified to increase the number of residential dwelling units or the intensity of non-residential uses, the City Manager or City Engineer may require a new study to validate the relief granted by the City Council.
6. If the plat application for which relief was granted is denied on other grounds, a new appeal shall be required on any subsequent application.

- I. APPEAL OF THE CITY COUNCIL DECISION - An applicant may appeal the decision of the City Council to the county or district court of the county in which the development is located within 30 days of the date that the Council issues its final decision. In the event that the applicant prevails in such action, the applicant will be entitled to attorneys' fees and costs, including expert witness fees.

V. SECTION 5 - REQUIREMENTS FOR ACCEPTANCE OF SUBDIVISIONS BY THE CITY OF GRANBURY

Section 5.1 WITHHOLDING SERVICES AND/OR IMPROVEMENTS UNTIL SUBDIVISION ACCEPTED

The City hereby defines its policy to be that the City will withhold ALL CITY SERVICES AND/OR IMPROVEMENT of whatsoever nature, including the maintenance of streets, the furnishing of water, wastewater service and electric service from all additions until the subdivision is accepted by the City.

Section 5.2 GUARANTEE OF IMPROVEMENTS AND FACILITIES, PUBLIC & PRIVATE

A. Before approving the final plat of a subdivision located all or partially within the City and/or the City's extraterritorial jurisdiction, the City Council must be satisfied that all public and private improvements (Defined as: On-Site & Offsite Facilities or Improvements, within Section 1.17 - Definitions) required will be constructed in accordance with the requirements of this ordinance and the Public Improvement Policy (PIP). The subdivider/developer shall, unless the City Council has determined otherwise, guarantee these improvements will be constructed by executing a Facilities Improvements Agreement in accordance with the City's Public Improvements Policy. The surety shall remain in full force and effect until the cost of infrastructure has been disbursed for the construction of the project and acceptance granted by the City, or until two (2) years from the date of FIA approval, whichever comes first. At any time after one (1) year from the execution of the FIA, default by the Developer, or upon direction from the City Council after a hearing, the City, at its discretion, may draw upon the surety and complete the infrastructure improvements. This policy requires that a security deposit be furnished in one of the following ways as listed under Section 5.2.C.

B. The Director of Community Development and Director of Public Works may approve a Facilities Improvements Agreement (FIA) that complies with this Section, which total project cost is less than \$25,000. The Director of Community Development or the Director of Public Works may, at their discretion, require a security deposit for the improvements prior to executing the Facilities Improvements Agreement under this Section. Additionally, the Director of Community Development, Director of Public Works or the subdivider may, for any reason, elect to present the Facilities Improvements Agreement and any security requirement to the City Council for approval/disapproval; provided, however, that the Facilities Improvements Agreement must be placed on the City Council agenda before the posting deadline. If a security deposit is required by the Director of Public Works or the Director of Community Development for Council consideration, the security deposit will be provided to the Director of Community Development prior to the DRC comment and application deadline if filed in conjunction with a plat or fifteen days prior to the next City Council meeting if a plat is not required under the City's

ordinances. The Facilities Improvements Agreement and security shall be in conformance with the provisions contained herein.

C. If the total project cost is estimated to be equal to or greater than \$25,000 the developer shall furnish a security deposit for the public and private improvements in one of the following ways:

1. Furnish the City with a performance and payment bond executed by a surety company authorized to do business in the State of Texas in an amount equal to one hundred twenty percent (120%) of the estimated developer's share of the cost of installing the required public improvements. The bonds shall be subject to the approval of the City Attorney and must be executed by a corporate surety in conformance with Texas law; or
2. Furnish an Irrevocable Letter of Credit, in correct form approved by the City Attorney, in an amount equal to one hundred percent (100%) of the construction costs. If an Irrevocable Letter of Credit is utilized, any alterations to the standard approved language must be pre-approved by the City Attorney; or
3. Deposit either cash or check into a non-interest bearing account with the City in an amount equal to one hundred percent (100%) of the construction costs. If funds are deposited with the City, such funds may, at the discretion of the City, be drawn upon to pay construction costs upon approval of both the developer and the City or as itemized in Section 5.2.A above.

As significant portions of the public improvements are completed in accordance with the applicable construction standards, the developer may make application to the Director of Public Works to reduce the amount of the security guarantee. If the City is satisfied that such portion of the public improvements has been completed in accordance with City standards it may cause the amount of the security guarantee to be reduced, by such amount that it deems appropriate, so that the remaining amount adequately insures the completion of the remaining public improvements.

Where City participation is necessary or desired by the developer, the developer shall guarantee one hundred percent (100%) of the estimated City's share of the cost of the required public improvements by one of the methods discussed above.

In any one of the three security options itemized above in Section 5.2.C.1-3, the City may, in order to ensure adequacy of fund balance to ensure completion of the facilities or improvements, may require the maintenance of a reasonable balance during the term of the project until completion and acceptance.

Section 5.3 EXPIRATION OF CONSTRUCTION PLAN APPROVAL

Approval of the final construction plans and specifications shall be deemed to have expired for subdivisions in which no assurances of completion have been received or

improvements have been initiated within a two (2) year period of the approval of the Facilities Improvements Agreement.

Section 5.4 REVIEW OF PLANS & SPECIFICATIONS

- A. Plans and specifications required; before beginning any construction of the regulated improvements, the subdivider shall submit to the City Engineer the number of complete sets of plans and specifications of such construction as the City Engineer shall require. These shall show such features as roadways, cross-sections and longitudinal slope for drainage, full description of proposed pavement or street improvement, its grade and slopes, dimensions and specifications concerning public utilities to be installed showing the proposed position on the ground, specifications of materials and construction, and plan-profile maps of all water lines, streets, sanitary sewers and storm sewers showing both ground surface and flow line, and any other pertinent information required by the City Engineer. These plans and specifications must be prepared by a Professional Engineer licensed by the State of Texas and shall be based on the State Plane Coordinate System, or other reference system as required by the City Engineer.
- B. Consideration of plans and specifications by City Engineer. The City Engineer shall accept the plans and specifications submitted by the subdivider under this Section if they conform to the requirements of this Ordinance and/or any variances appropriately granted and have been prepared in accordance with generally accepted engineering practices. If the plans and specifications do not conform to the requirements of general engineering practice, the City Engineer shall reject same, giving the reasons for rejection in writing to the subdivider. When the subdivider has met the objections of the City Engineer, if any, the City Engineer shall accept the plans and specifications as meeting minimum standards and forthwith deliver the same to the subdivider, the subdivider's agent or the subdivider's engineer.
- C. Acceptance of plans, specifications and Facilities Improvements Agreement prior to filing the Final Plat, Replat or Development Plat- The subdivider must have all plans and specifications approved by the City Engineer, including the quantities and estimates prior to filing the Final Plat, Replat or Development Plat with the City. If a Facilities Improvements Agreement is required, it must be prepared in conformance with the provisions contained herein and include the subdivider's original signature and final quantities and estimates based on the approved construction plans and surety. The complete Facilities Improvements Agreement shall be submitted as a part of a complete Final Plat, Replat or Development Plat application. No filing of a Final Plat, Replat or Development Plat shall be accepted prior to the Development Review Committee (DRC) Comment and Plat Application Deadline and processed for consideration by the Planning and Zoning Commission and City Council without: 1) the City Engineer's approval of the plans, specifications, quantities & estimates, 2) form approval of the Facilities Improvements

Agreement and surety by the Director of Community Development and/or the City Attorney by the DRC Comment and Plat Application Deadline, and 3.) payment of all application fees, escrow requirements, inspection fees, engineering review fees, plan review fees or any other fees assessed by the City as itemized on the City of Granbury, Schedule of Fees.

D. Construction in accordance with the plans and specifications- Whether they are ultimately dedicated as public or private improvements or facilities, construction of any of the regulated improvements shall be prohibited unless the plans and specifications for said construction have been accepted in accordance with the requirements of this Section and the City's Public Improvements Policy. Construction of any of the regulated improvements shall be prohibited unless said construction complies with the plans and specifications accepted by the City Engineer.

Section 5.5 ACCEPTANCE REQUIREMENTS

The City shall inspect the installation of all required improvements to insure compliance with City requirements and the approved final construction plans. When all required improvements have been satisfactorily completed, the City shall either accept, in writing, the improvements as having been satisfactorily completed, or shall issue a punch list to the developer denoting items remaining to be completed. The City shall not accept dedications of required improvements nor release a performance bond or other assurance, until such time as it is determined that:

- A. All improvements have been satisfactorily completed; and
- B. The standard Letter of Inspection & Acceptance had been submitted by the Developer's Design Engineer (*see example in Facilities Improvement Agreement*), and;
- C. The approved "as built" plans (mylars) have been submitted to and accepted by the City; and
- D. The required maintenance guarantee has been provided; and
- E. Any and all other requirements identified in this ordinance or other city codes and ordinances have been satisfied.

Section 5.6 ISSUANCE OF BUILDING PERMITS

- A. The City of Granbury shall withhold the issuing of a building permit for any building in the City of Granbury on a newly subdivided parcel of land until all the requirements of these subdivision regulations have been complied with, including installation and acceptance by the City of all water, wastewater,

storm drainage, sidewalks and street improvements for the area designated, except as herein provided.

- B. With the approval of the Development Review Committee, the Building Official may release up to ten percent (10%) of the newly subdivided parcel or parcels of land for building permits, provided that all public improvements and utilities relating to said land are complete. Final certificates of occupancy or inspections shall not be issued until final acceptance of the subdivision and its improvements by the City.

Section 5.7 FINAL ACCEPTANCE – NEW SUBDIVISIONS

When the street, alley, storm drainage, water and wastewater improvements provided by the developer have been completely performed on the part of the contractor, the contractor shall notify the City of Granbury that the improvements are ready for final inspection. The City of Granbury will then make such final inspections, and if the work is satisfactory and in accordance with the approved final construction plans, and the specifications included therein, then the City of Granbury will issue a letter of acceptance to the developer with a copy to the contractor. The Public Works Director or City Engineer shall write the letter of acceptance. No Certificate of Occupancy shall be issued by the City nor shall any permanent utility services be granted to the site unless all final inspections have been completed, the “Letter of Acceptance” by the City Engineer or Public Works Director has been written and any required maintenance bond has been filed with the City. The City of Granbury may, at its sole discretion, disconnect any utility services until the requirements of this ordinance have been met.

VI. SECTION 6 – FILING FEES

Section 6.1 SCHEDULE OF FEES

- A. Fees and charges for the filing of preliminary plats, final plats, replats or other development related applications shall be as established by separate ordinance of the City Council from time to time.
- B. Such fees and charges shall be imposed and collected on all preliminary plats, final plats, development plats, amended plats and replats, regardless of the action taken by the City Planning and Zoning Commission and City Council thereon. Such fees shall be collected for the purpose of defraying the costs of administrative clerical and inspection services necessary to properly review and investigate plats. All required fees unless specifically stated otherwise herein, shall be paid as required in other sections of this ordinance.

VII. SECTION 7 – ADOPTION

Section 7.1 ADOPTION OF THIS ORDINANCE

- A. This ordinance shall be cumulative of all provisions of ordinances of the City of Granbury, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

- B. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections 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 of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

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

- D. Adoption of this ordinance shall take effect immediately from and after its passage and the publication of the caption of said Ordinance as the law in such case provides.

Passed and approved by the City Council¹ of the City of Granbury, Texas, this the ___ day of _____ 2015.

Nin Hulett, Mayor
City of Granbury, Texas

Attest: (Seal)

, City Secretary
City of Granbury, Texas

Approved as to form:

_____, City Attorney
City of Granbury, Texas