

There is hereby adopted, for the purpose of providing rules and regulations governing the platting and replatting of land into subdivisions within the City of Blue Ridge and its extraterritorial jurisdiction and the physical development of such property, an ordinance numbered as 85-17 adopted on September 10, 1985 and as thereafter may be amended. A copy of this subdivision ordinance has been included as Exhibit "A" to this chapter.

Exhibit "A"

**CITY OF BLUE RIDGE, TEXAS**

## **SUBDIVISION ORDINANCE**

Adopted on September 25, 1985 and  
amended by the ordinance adopting the Code of Ordinances

**CITY OF BLUE RIDGE, TEXAS**

ORDINANCE NO. 85-17

SUBDIVISION REGULATIONS <sup>[2]</sup>

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

WHEREAS, under the provisions of the Constitution and laws of the State of Texas, including particularly Chapters 231, Acts of the 40th Legislature, Regular Session, 1927, as heretofore and hereafter amended (compiled as Articles 974a and 6702.1 Vernon's Annotated Civil Statutes), and the provisions of Section 4 of the Municipal Annexation Act, 1963, (compiled as Article 970a, Vernon's Annotated Civil Statutes), as heretofore and hereafter amended, every owner of any tract of land situated within the City of Blue Ridge who may hereafter divide the same in two (2) or more parts described by metes and bounds or otherwise for the purpose of laying out any subdivisions of such tract of land or any addition to said city, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, are required to submit a plat of such subdivision of addition for approval by and the City Council of the City of Blue Ridge; and,

WHEREAS, the rules and regulations of the city established by this ordinance governing plats and subdivisions of the land in the corporate limits of the City of Blue Ridge are hereby extended to and shall

apply to all of the area under the extraterritorial jurisdiction of said city, as provided for in the Municipal Annexation Act, 1963, enacted by the State of Texas and which appears as Article 970a, Vernon's Annotated Civil Statutes; and,

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

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

Footnotes:

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**State Law reference**— Regulation of subdivisions and property development, V.T.C.A., Local Government Code, ch. 212.

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**Editor's note**— Any reference to Article 974a, Vernon's Annotated Civil Statutes shall now mean Chapter 212 of the V.T.C.A., Local Government Code or its appropriate sections or subsections thereof. Any reference to Article 970a, Vernon's Annotated Civil Statutes shall now mean Chapter 43 of the V.T.C.A., Local Government Code or its appropriate sections or subsections thereof.

## ARTICLE I. - GENERAL PROVISIONS

### Section 1.01 - Short Title

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

### Section 1.02 - Purpose

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

### Section 1.03 - Authority

These subdivision regulations are adopted under the authority of Article 974a of Vernon's Annotated Revised Civil Statutes of the State of Texas, which article is hereby made a part of these regulations.

### Section 1.04 - Jurisdiction

These regulations shall govern any and every person, firm, corporation, or organization owning any tract of land within the corporate limits of the City of Blue Ridge who may hereafter divide the same into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said city, or for laying out suburban lots or building lots, or any lots, and street, alleys or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

By the authority of the Municipal Annexation Act, 1963, Article 970a, Vernon's Annotated Civil Statutes of the State of Texas, which article is hereby made a part of these regulations, these regulations shall be extended to and shall apply to all of the area outside of the corporate limits of said city but within the extraterritorial jurisdiction of said city. Such jurisdiction shall extend into and encompass all those

areas not within the jurisdiction of some other municipality, as classified in Article 970a, Vernon's Annotated Revised Civil Statutes, and extending in all directions from the corporate limits of the City of Blue Ridge and all of its extensions.

#### Section 1.05 - Approval Required

Unless and until any plat, plan or replat shall have been first approved in the manner provided herein, it shall be unlawful for any person, firm, corporation, or organization to construct or cause to be constructed any streets, utilities, buildings or other improvements to any tract of land; and it shall be unlawful for any official of said city to issue any permit for such improvements or to serve or connect said land, or any part thereof, or for the use of owners or purchasers of said land, or any part thereof, with any public utilities such as water, sewers, lights, gas, etc., which may be owned, controlled, distributed, franchised, or supplied by such city. No building permits will be issued for the construction of any building on any unplatted land within the City of Blue Ridge; minor repair permits may be issued. When additions, alteration, or repairs within any twelve month period exceed fifty percent (50%) of the value of an existing building or structure on previously unplatted property, the land upon which such building or structure is located shall be platted in accordance with the provisions of this ordinance.

#### Section 1.06 - Improvements Required

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

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

#### Section 1.07 - Annexation

If the property is not within the city limits of Blue Ridge and the subdivision contains three (3) or more lots, the owner shall request the city for annexation through lawful annexation proceedings so as to qualify the subdivision to receive city services, when available, and to afford zoning protection. The City Council shall consider the request for annexation within one hundred twenty (120) days of submittal. After such time, said request is null and void, unless other provisions are made in the facilities agreement governing the development.

#### Section 1.08 - Zoning

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

#### Section 1.09 - Variances and Appeals

These rules and regulations are the standard requirements of the City of Blue Ridge, Texas. Suspension of any of these rules and regulations may be granted by the City Council upon a good and sufficient showing by the owner that there are special circumstances or conditions affecting the property in question, or that enforcement of the provisions of this ordinance will deprive the applicant of a

substantial property right, and that such suspension, if granted, will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Each and every application for variance shall be decided solely and entirely on its own merits; and the disposition of any prior or pending application for variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interests standing alone shall not be justification for the granting of a variance.

The owner of any tract of land aggrieved by the decision made under these regulations by any administrator or official of the city shall first apply to the City Council for relief from such administrative decision. Any aggrieved party having any interest in the matter may appeal the ruling by the Planning and Zoning Commission regarding the decision to the City Council.

#### Section 1.10 - Definitions

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

- (1) City: The municipal corporation of the City of Blue Ridge, Texas, together with its governing and operating bodies.
  - (a) City council: The duly elected governing body of the city.
  - (b)
  - (c) City official or administrator: Any person, elective or appointive, or any employee, or any board or commission authorized or constituted by city ordinance or state law to act in behalf of the municipality. (Ex. City Attorney, City Clerk, City Engineer, etc.)
  - (d) Surveyor: A licensed state land surveyor of a registered public surveyor as authorized by the state statutes to practice the profession of surveying in the State of Texas.
  - (e) City engineer: The engineer employed by the city, or the engineers retained as consultants to the city, authorized under the provisions of the Texas Engineering Registration Act to practice engineering in the State of Texas.
- (2) Comprehensive plan: The general plan for the growth and development of the city and its environs; and including any elements of such plan, such as a land use plan, thoroughfare plan, utilities plan, schools and parks plan, and others.
- (3) Land planner: Any person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system, and space appropriate to the efficient removal of storm water and the provision of public services and utilities all consistent with long-range goals and the objectives of the comprehensive plan. A land planner may be trained in any of several specialties; and, where appropriate to his experience, the term includes architect, engineer, landscape architect, and surveyor.
- (4) Street: A public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service.
- (5) Subdivider or developer: Any person or agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The terms "subdivider" and "developer" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided.
- (6) Subdivision: The word "subdivision" shall mean the division of any lot, tract or parcel of land, situated within the corporate or extraterritorial limits of the City, into two (2) or more lots, tracts or parcels of land for the immediate or future purpose of sale or development or for laying out residential, commercial or industrial lots or any lots and streets, alleys or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. It also includes resubdivision or replatting of parcels of land, lots or tracts, except for parcels of land, lots or tracts

located in a Single-Family Residential District, as defined by the Comprehensive Zoning Ordinance No. 92-08, as amended, provided no additional lots are created by the resubdivision or replatting.

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

- (a) General development plan: A map, drawing or chart drawn to scale on which is shown the subdivider's proposed arrangement of streets, lots, easement, other public spaces, and general land uses on all contiguous properties owned or held under single ownership from which a proposed subdivision is intended to be made. The general development plan may be the same as a preliminary plat, if such plan complies with the requirements of a preliminary plat.
  - (b) Preliminary plat: The phrase "preliminary plat" shall be any plat of any lots, tract or parcel of land that is not to be recorded, but is only a proposed division of land and is presented only for review and study by the city.
  - (c) Final plat: A map, drawing or chart prepared according to the provisions of this ordinance, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county.
  - (d) Certified land division: A map, drawing or chart delineating parcels of land offered for rent or lease for other than agricultural uses and which (i) is not required by statute of state regulation to be filed in the map and plat records of the county; and, (ii) does not involve or require the dedication of public street or alleys; and, (iii) has been certified by the City Council as having met the conditions of this ordinance. A certified land division shall be treated as a subdivision plat under these regulations, except that it is properly certified for filing with the City Secretary rather than the County Clerk. In addition, a final plat of the property indicating legal boundaries and any public dedications and easements shall be prepared and filed with the County Clerk.
- (7) Extraterritorial jurisdiction (ETJ): All land situated, as classified by Article 970a of the Vernon's Annotated Revised Civil Statutes, in all directions from the corporate boundary of the city and its extensions, and which is not in conflict with the ETJ of another municipality.
  - (8) Easement: An area intended for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or operation of any of its respective utility or drainage systems within any of these easements. Any public utility shall at all times have the right of unobstructed ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.
  - (9) Street width: The words "street width" shall be the shortest distance between the lines which delineate the right-of-way of a street.
  - (10) Residential estate subdivision: A subdivision of lots of no less than one and one-half (1- 1 / 2 ) acres, or such greater area as may be indicated from soil percolation tests, intended for single-family use which may be determined by the city to be adequately developed and served by septic tanks, wells, and/or other facilities normally associated with rural development.
  - (11) Mobile home park: An area or development intended for the renting or leasing, but not sales, of sites for the location and/or occupancy of mobile homes. A mobile home park shall have filed with the city a certified land division approved by the commission according to the provisions of this ordinance.
  - (12) Replatting: The word "replatting" shall be the resubdivision of any part of a previously platted subdivision, addition, lot or tract.
  - (13) Lot: A distinct and separate undivided tract or parcel of land having frontage on a public street, which is, or in the future may be, offered for sale, conveyance, transfer or improvement as a building site.

- (14) Engineering Standards: A document adopted by the City Council by ordinance, which is intended to establish standards for the design and construction of public facilities.\*
- (15) Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

\* The current version of the Engineering Standards, including all amendments thereto adopted subsequent to the adoption of Ordinance No. 13-11, is hereby ratified and approved. A copy of the current version of the Engineering Standards, including all amendments thereto adopted subsequent to the adoption of Ordinance No. 13-11, is on file in the Development and Neighborhood Services Department and is available online at [http://www.cityofBlueRidge.com/new\\_page/development\\_tools.html](http://www.cityofBlueRidge.com/new_page/development_tools.html).

## ARTICLE II. - SPECIAL PROVISIONS

### Section 2.01 - Facilities Agreement

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

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

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

The developer shall have a continuing responsibility under this facilities agreement after the filing of the final plat and until all facilities and improvements has proceeded to the point that certain parts of the subdivision for use prior to the completion of all improvements. This shall not be done if the release of such improvements, and the facilities agreements shall remain in force for all portions of the subdivision for which a release has not been executed.

### Section 2.02 - Development Permit

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

### Section 2.03 - Pro Rata Payments

The developer shall be fully responsible for the construction of oversize or off-site access, utilities, drainage, and other improvements necessary for his subdivision and the surrounding area, unless other provisions are approved by the City Council. Provisions for reimbursement of costs in excess of those

necessary to serve his subdivision, and any other provisions, shall be made a part of the facilities agreement. For any subsequent subdivisions utilizing such facilities, any cost due prior developers shall be prorated as the use by the new subdivision bears to the amount due. Such prorated amounts will be made a part of any subsequent facilities agreement, collected by the city, and repaid to the original developer making such improvements.

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

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

#### Section 2.04 - City Participation

The city may participate with the developer on major items of construction, such as lift stations, bridges or streets adjacent to the subdivision, which benefit existing or future development in addition to that being subdivided. The amount of financial responsibility of each party and the terms of discharging such responsibility may be provided for in a facilities agreement.

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

#### Section 2.05 - Flood Damage Prevention

- (1) General: The city will strongly discourage the platting of property for construction purposes that is in a natural flood plain or other area that is subject to flooding.
- (2) Liability: The city will not be financially liable for any damages due to flooding.
- (3) Review by City Engineer: The city engineer will review all subdivision proposals and other proposed new development to assure compliance with Article 3.600 (Flood Damage Prevention Ordinance) of the City's Code of Ordinances, as amended.
- (4) Definitions.
  - (a) Base flood elevation line: Elevation lines established on the flood hazard boundary map showing projected flood surface elevation that can be expected for a 100 year flood.
  - (b) Flood: A general or temporary condition of partial and complete inundation of normally dry land areas from the overflow of streams, rivers or other inland water.
  - (c) Flooding: Same as "flood."
  - (d) Flood hazard boundary map: An official map or plat, approved by the Federal Insurance Administration, on which the boundaries of the flood plain area having special flood hazards have been drawn for the purpose of the emergency flood insurance program.
  - (e) Flood plain: A relatively flat or low area adjoining a river, stream, water course, bay or lake, which has been in the past or can reasonably be expected in the future to be covered temporarily by flooding of high water.
  - (f) Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to properties and structures, primarily for the reduction or elimination of flood damage to lands, water and sanitary facilities, structures, and contents of buildings.
  - (g) Floodway: The minimum areas of a riverine flood plain reasonably required for passage of flood waters.

- (h) Floodway encroachment lines: The lines marking the limits of floodways on the official flood hazard boundary map.
  - (i) Riverine: Structures located beside a river, stream, or water course.
  - (j) Start of construction: The placement of permanent construction, such as pouring of footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, land clearing, grading, or filling.
  - (k) Substantial improvements: Any repair, reconstruction, or improvement of a property, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the property either (a) before the improvement is started or (b) if the property has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any wall, ceiling, floor, or other structural part of the building commences.
  - (l) Water surface elevation data: The elevation in relation to mean sea level expected to be reached by floods at various magnitudes and frequencies at pertinent points along a stream.
- (5) Building permits shall be required of all proposed construction or other improvements located within the flood plain area.
- (a) All residential building permit applications for new construction of substantial improvements shall be accompanied by a statement of a duly registered (Texas) surveyor or engineer certifying that the lowest floor (including basement) elevation will be at least two feet (2') above the base flood elevation line.
  - (b) All other building permit applications shall be reviewed by the building inspector to determine that the proposed construction or repair uses: construction materials and utility equipment that are resistant to flood damage; construction methods and practices that will minimize flood damage.
  - (c) Further, all other building permit applications shall be reviewed by the building inspector to assure that the proposed construction and substantial improvements (including prefabricated and mobile homes) are: protected against flood damage; designed (modified) and anchored to prevent flotation, collapse, or movement of the structure.
  - (d) The city engineer will review all subdivision proposals and other proposed new development to assure that: all such proposals are consistent with the need to minimize flood damage; all public utilities and facilities, such as gas, electrical, sewer and water systems, are constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazards.
  - (e) The city engineer will require new or replacement water supply systems and sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems so as to avoid impairment or contamination during flooding.
- (6) After floodways are identified and designated, no new construction or major improvement will be authorized in the floodway that restrict the normal flow of floodwaters or raise the water surface elevation above the base flood elevation line.

### ARTICLE III. - PROCEDURE

#### Section 3.01 - Development Application Submittal and Processing Procedures

- (1) Pre-Submittal Meeting.
  - (a) *Option to Meet with City Staff.* Prior to the official submission of an application for review and consideration, the applicant(s) has the option to request and attend a pre-submittal meeting ("Pre-Submittal Meeting") with City staff.
  - (b) *Meeting Request.* To schedule a pre-submittal meeting, the applicant shall make a request for a Pre-Submittal Meeting with the Department of Development Services ("Development Services")

and such request shall describe the type of development desired and/or the type of application that the applicant intends to submit. The application shall then be notified by Development Services of the meeting time and place for the requested meeting.

- (c) *Vested Rights*. There shall be no vested rights based on a pre-submittal meeting.
  - (d) *Effect*. Following the Pre-Submittal Meeting, the applicant may proceed with the submittal of an application.
- (2) General Application Contents:
- (a) *Application Contents Generally*. All applications shall be submitted on a form supplied by Development Services with the required information as stated on the application form. Incomplete applications shall not be accepted for filing and shall not be considered officially filed.
    - (1) The filing of all applications required under these Subdivision Regulations and all written responses submitted under Section 212.0093 of the Texas Local Government Code shall occur only on an official Development Review Schedule Date for each such filing, which shall be set by the Development and Neighborhood Services Director and published on the City website. A complete application or written response attempted to be filed on a date other than an official Development Review Schedule Date set pursuant to this subsection shall be considered filed on the first Development Review Schedule Date following the attempted date of filing.
  - (b) *Modification of Applications Prior to Approval*. The applicant may modify a complete application following its filing only in accordance with the procedures set forth in this subsection.
    - (1) *Modifications Requested by the City*. If the modification is for revisions requested by the City, and the modification is received at least eleven (11) calendar days prior to the time scheduled for decision on the application, the application shall be decided within the original period for decision (from the original official filing date) prescribed by these Subdivision Regulations.
    - (2) *Other Modifications*. In all other instances (e.g., when the applicant chooses to submit a revised application on his own accord because of a change in development decisions), submittal of a modified application shall not be permitted. The applicant may choose to withdraw the application and submit a new application or have the municipal authority act on the original application.
  - (c) *Initiation, Complete Application and Expiration*.
    - (1) *Initiation by Owner*. An application required under these Subdivision Regulations may be initiated only by the owner of the property subject to the application, or by the owner's duly authorized representative. If the applicant is a representative of the property owner, the application shall include a written and notarized statement from the property owner, such as a duly executed "Power of Attorney", authorizing the representative to file the application on the owner's behalf.
    - (2) *Applicability*. The procedures within this Subsection 3.01(c) shall apply to all applications that are required by the City under and submitted in accordance with this[these] Subdivision Regulations.
    - (3) *Determination of Completeness*. Every application shall be subject to a determination of completeness by the responsible official for processing the application. An application must be complete in order to be accepted for filing, review and action by the City. Incomplete applications shall be rejected.
      - (i) The application shall only be accepted by the responsible official for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of these Subdivision Regulations and other applicable law. A typographical error shall not, by itself, constitute an incomplete application.

- (ii) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of these Subdivision Regulations.
  - (iii) A determination of completeness of an application shall be conducted in accordance with the following procedures:
    - (A) The applicant shall be notified in writing if the submitted application is incomplete. Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, following submission of the application.
    - (B) If the application is determined to be incomplete, the notification shall specify the documents or other information needed to complete the application, and shall state the date the application will expire (See Subsection 3.01(2)(c)(7) (Expiration of Application)) if the documents or other information are not provided to the City. The notification need not identify all reasons why the application was deemed incomplete. If the notice contains one or more reasons why the application was deemed incomplete, addressing the reason(s) identified in the notice does not guarantee acceptance of a subsequent or resubmitted application.
    - (C) If the application is determined to be complete, the application shall be processed as prescribed by these Subdivision Regulations.
  - (iv) It is not guaranteed that an accepted, complete application will be approved, if after the application is deemed complete, it is determined that the application does not comply with these Subdivision Regulations.
- (4) *Resubmittal after Notification of Incompleteness.* If the application is resubmitted after a notification of incompleteness, the application shall be processed upon receipt of the resubmittal. An additional determination of completeness shall be made thereafter as described in Subsection 3.01(2)(c)(3) (Determination of Completeness). The statutory 30-day time frame for action on "plats" and "plans" as defined by State law shall begin when the City deems the application is complete (See Subsection 3.01(2)(c)(8) (Official Filing Date).
- (5) *Order of Application Filing and Acceptance.*
- (i) Where preliminary site plan approval is required by the Zoning Ordinance prior to the filing or approval of a site plan application, no application for final plat, minor plat, conveyance plat or replat approval shall be accepted for filing or action until a site plan is approved for the property subject to the proposed plat.
  - (ii) Where site plan approval is required by the Zoning Ordinance prior to development, no application for final plat, minor plat or replat approval shall be accepted for filing or action until a site plan has been approved for the property subject to the proposed plat.
  - (iii) Where the filing and approval of a flood study, traffic impact analysis, traffic circulation study, façade plan and/or landscape plan/tree survey is required by these Subdivision Regulations, the Zoning Ordinance or other applicable law or regulation, no application for approval of a preliminary plat, final plat, minor plat, conveyance plat, replat, preliminary site plan or site plan shall be accepted for filing or action in connection with the property subject to such proposed plats or plans until the following have been filed, accepted and approved in this sequential order:
    - (A) Flood study, if required;
    - (B) Traffic impact analysis, if required;
    - (C) Traffic circulation study, if required;
    - (D) Façade plan; and
    - (E) Landscape plan/tree survey.
  - (iv) No application for approval of a traffic impact analysis shall be accepted for filing or action until a flood study, where a flood study is required under these Subdivision

Regulations, the Zoning Ordinance or other applicable law or regulation is required, has been approved. Failure to file and obtain approval of a flood study, where required, shall be grounds for denial of the traffic impact analysis application.

- (v) No application for approval of a traffic circulation study shall be accepted for filing or action until a flood study and/or a traffic impact analysis, where such plan or plans are required under these Subdivision Regulations, the Zoning Ordinance or other applicable law or regulation is required, has or have been approved. Failure to file and obtain approval of a flood study and/or a traffic impact analysis, where required, shall be grounds for denial of the traffic circulation study application.
  - (vi) No application for approval of a façade plan shall be accepted for filing or action until a flood study, a traffic impact analysis and/or traffic circulation study, where such plan or plans are required under these Subdivision Regulations, the Zoning Ordinance or other applicable law or regulation is required, has or have been approved. Failure to file and obtain approval of a flood study, a traffic impact analysis and/or traffic circulation study, where required, shall be grounds for denial of the façade plan application.
  - (vii) No application for approval of a landscape plan/tree survey shall be accepted for filing or action until a flood study, a traffic impact analysis, traffic circulation study and/or façade plan, where such plan or plans are required under these Subdivision Regulations, the Zoning Ordinance or other applicable law or regulation is required, has or have been approved, Failure to file and obtain approval of a flood study, a traffic impact analysis, traffic circulation study and/or façade plan, where required, shall be grounds for denial of the landscape plan/tree survey application.
- (6) *Extension of Right to 30-day Action.*
- (i) *Request.* An applicant is entitled to submit in writing a request for an extension of the right to 30-day action in relation to the decision time for "plats" and "plans" as defined by State law of thirty (30) days, as mandated by State law. Requests for extension not submitted in writing shall be ineffective.
  - (ii) *Received.* If the applicant is requesting an extension of the right to 30-day action, the written request must be received by the municipal authority on or before the seventh (7th) calendar day prior to the municipal authority's meeting at which action on the application would have to be taken based on the 30- day requirement in State law. Extension requests that are not received by that day shall not be considered properly submitted, and action shall be taken on the application at such meeting as scheduled.
  - (iii) *Requirements Maintained.* Submission of a request for an extension of the right to 30-day action, and acceptance of the request by the municipal authority, shall not be deemed in any way a waiver of any requirement within these Subdivision Regulations.
- (7) *Expiration of Application.* The application shall automatically expire at the close of business on the forty-fifth (45th) calendar day after the date the application is received, and it will be returned to the applicant together with any accompanying documents and materials, if:
- (i) The City provides to the applicant written notice that the application is incomplete; and
  - (ii) The applicant fails to provide the specified documents or other information necessary to comply with the City's requirements relating to the application within the time provided in the notification.
- (8) *Official Filing Date.* The 30-day time period established by State law for processing and deciding an application shall commence on the official filing date. The official filing date of an application, if deemed complete as required by these Subdivision Regulations, or a written response submitted under Section 212.0093 of the Texas Local Government Code shall be the first official Development Review Schedule Date established pursuant to these Subdivision Regulations after the date on which the application or written response was deemed complete following receipt thereof by the City's Development Services Department.

- (d) *Application Processing, Action and Appeal.*
- (1) *Action by Responsible Official.* The responsible official for an application shall initiate internal (i.e., City) review and assessment of the application following the City's development review procedures.
  - (2) *Decision.* The municipal authority for the application shall approve, approve with conditions, or deny the application within the time period prescribed by these Subdivision Regulations or other applicable law.
  - (3) *Conditions Attached.* The municipal authority may attach such conditions to the approval of an application as are reasonably necessary to ensure compliance with all applicable requirements of these Subdivisions Regulations.
  - (4) *Notification of Appeal.* Whenever appeal is taken from a final decision on an application following a public hearing, or whenever the City is to consider revocation of an application which was obtained following a public hearing, personal notice of the appeal or revocation proceeding shall be provided to the applicant.
- (e) *Public Hearings.*
- (1) *Setting the Hearing.* When the responsible official determines that an application is complete and that a public hearing is required by these Subdivision Regulations or by State law, the official shall cause notice of such hearing to be prepared and made in accordance with State law. The time set for the hearing shall conform to the time periods required by these Subdivision Regulations and by State law.
  - (2) *Conduct the Hearing.* The public hearing shall be conducted in accordance with State law. Any person may appear at the public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state his or her name and address, and if appearing on behalf of an organization, state the name of the organization for the record.
  - (3) *Record of Proceedings.* The board/commission conducting the hearing shall record the proceedings using standard municipal record-keeping procedures.
- (f) *Amendments and Expiration.*
- (1) *Amendments/Revisions to an Approved Application.* Unless another method is expressly provided by these Subdivision Regulations, any request to amend or revise an approved application shall be considered a new application, which must be decided in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.
  - (2) *Time of Expiration.*
    - (i) Unless otherwise expressly provided by these Subdivision Regulations, an approved application shall automatically expire two (2) years following the approval date of the application, and shall become null and void, and all activities under the application thereafter shall be deemed in violation of these Subdivision Regulations, if:
      - (A) The applicant fails to satisfy any condition that was imposed by these Subdivision Regulations or as part of the approval of the application or that was made under the terms of any Development and/or Facilities Agreement, within the time limits established for satisfaction of such condition or term; or
      - (B) The applicant fails to submit a subsequent complete application required by these Subdivision Regulations within the time so required; or
      - (C) A Facilities Agreement (Article II (Special Provisions), Section 2.01) is not approved for the development.
    - (ii) If no time limit for satisfaction of conditions is specified in the decision on the application, the time shall be presumed to be two (2) years following the date the

application was approved, except as provided in Subsection 3.01(2)(g) (Expiration for Projects Approved Prior to September 1, 2005).

(iii) Except as provided in Subsection 3.01(2)(g) (Expiration for Projects Approved Prior to September 1, 2005), or upon a different date being determined pursuant to a vested rights petition, an application approved prior to the effective date of these Subdivision Regulations shall expire in accordance with the terms of the regulations in effect at the time the application was filed.

(4) *Effect of Expiration.* Upon the expiration of an approved application, all previously approved applications for the same property shall also expire on the expiration date if the filing of an application was required to avoid expiration for the previously approved application(s), except as provided in Subsection 3.01(2)(g) (Expiration for Projects Approved Prior to September 1, 2005). Thereafter, a new application must be submitted for consideration and approval subject to regulations in effect at the time the new application is filed.

(g) *Expiration for Projects Approved Prior to September 1, 2005.*

(1) *Two-Year Expiration Established.* Notwithstanding any other provision of this Subdivision Ordinance, for any approved application for which no expiration date was in effect on September 1, 2005, an expiration date of two (2) years following the date of approval of the application shall apply.

(2) *Five-year Expiration Established.* Notwithstanding any other provision of these Subdivision Regulations, once an application has expired under Subsection 3.01(2)(g)(i) (Two-Year Expiration Established) all previously approved applications for the same property also shall expire no later than five (5) years following the date of filing of the first application for the project for which the expired application was filed.

Section 3.02 - Reserved

Section 3.03 - Preliminary Plat

The commission shall be furnished with seven (7) legible prints of the preliminary plat together with seven copies of necessary supporting documents describing the type of development, provision of services, development procedure and timing, and engineering studies. Such materials shall be received no later than twenty-five (25) days before the commission meeting scheduled for review of the preliminary plat. No plat will be considered by the commission until and unless the prescribed filing fees have been paid.

The developer shall obtain a checklist to be furnished by the city. Such checklist shall be attached to the preliminary and final plats, and shall be authenticated by proper officials of the city and the developer certifying that the plat has been fully and properly processed in accordance with these provisions.

The preliminary plat shall be delivered to the plan administrator who shall cause the same to be checked and verified, prepare a report to the commission setting forth his findings, and file such report, together with the plat, with the commission at the meeting scheduled for review.

The subdivider should be present at the meeting; however, the subdivider, by written notice filed with the plan administrator, may designate his land planner, engineer, surveyor, or like agent for the processing of his subdivision.

(1) General development plan:

When a subdivision is a portion of a tract larger than forty (40) acres in size to be subdivided later in its entirety, a general development plan of the entire tract shall be submitted with the preliminary plat of the portion to be first subdivided. The general development plan shall show the schematic layout of the entire tract and its relationship to adjacent property within the neighborhood unit. When appropriate, more than one (1) tract or subdivision may be included within the general development plan.

The general development plan shall delineate the proposed characteristics of the area in terms of major categories of land use, dwelling units and population densities, general layout of lots and streets, drainageways, utility trunk lines, location of sites for parks, schools and other public uses, present and proposed zoning, and such other information as the commission finds to be necessary for making a decision on the approval of the preliminary plat.

A general development plan shall be considered to be a detailing of the comprehensive plan and shall become effective upon adoption by the commission; providing, however, that no general development plan shall be approved other than in substantial conformity with the comprehensive plan. Every general development plan adopted by the commission shall be so certified by the chairman of the commission and a copy thereof shall be placed on file with the city secretary as part of the public record. A general development plan is to continue in force until amended or rescinded by the commission and shall be the official guide to the owners of all property within its area of coverage. Where multi ownerships preclude the preparation of a general development plan by a single owner, the commission is authorized to prepare or to cause such plan to be prepared. No preliminary plat within an area for which a general development plan has been adopted shall be approved except in substantial conformity with such adopted plan.

Commission approval shall include, approval of the sequence of development and construction of phases of the project as can reasonably be determined. It may include such stipulations or conditions as the commission deems necessary in order to accomplish the purposes of this ordinance and to protect the health, safety and welfare of the community.

- (2) Scale and drawing size: The preliminary plat shall be drawn to a scale of one hundred feet (100') to the inch or larger. The drawing size should be 24" by 36".
- (3) Existing features inside subdivision:
  - (a) Topography to be shown with mean sea level contour intervals of five feet (5'); or less if requested by the city engineer.
  - (b) The locations, widths, and names of all existing or platted streets, alleys, easements, existing permanent buildings, railroad rights-of-way, and other important features such as creeks, abstract lines, political subdivisions or city limits, and school district boundaries.
  - (c) Existing sewers, water mains, culverts, or other underground structures with pipe sizes, grades, and locations indicated.
- (4) Existing features outside subdivision: Similar features to (3)(b) above shall be identified for a distance of two hundred feet (200') outside the proposed subdivision. Property lines and the names of adjacent subdivisions and/or the names of record of adjoining parcels of unsubdivided land shall be indicated. Features outside the subdivision should be shown in lighter or dashed lines as appropriate to distinguish from features within the subdivision.
- (5) New features inside subdivision:
  - (a) The boundary line, accurate in scale, of the tract to be subdivided, with accurate distances and bearings indicated.
  - (b) The layout, designations, names and widths of any and all proposed streets, alleys and easements.
  - (c) The layout, lot numbers, setback lines, and approximate dimensions of proposed lots and blocks.
  - (d) All parcels of land intended to be dedicated or reserved for public use, or reserved in the deeds for the use of all property owners in the proposed subdivision, or reservations for other uses together with the purpose or conditions and limitations of such reservations, if any.
  - (e) A schematic plan of the proposed water and sanitary sewer lines and related facilities, and proposed drainage facilities including drainage areas, preliminary estimated runoff, points of concentration, and the location of proposed lines, inlets, culverts, and bridges. Such utility and drainage plans may be submitted on separate sheets at the same scale as the preliminary plat.

- (6) Location map: A location map of the proposed subdivision at a scale of one inch (1") to two thousand feet (2,000') showing existing and proposed major features covering an area of at least one (1) mile in all directions from the proposed subdivision, as requested by city engineer.
- (7) Title information:
  - (a) The proposed name of the subdivision with section of sequencing designation, as appropriate.
  - (b) North point, scale, date and acreage of the proposed subdivision.
  - (c) The names and addresses of the owner, developer and land planner, engineer, and surveyor, as appropriate.
  - (d) The tract designation, abstract and other description according to the real estate records of the city or county.
  - (e) Total number of lots, and designation and amounts of land of the proposed uses within the subdivision.
- (8) Acceptance block: The following notice shall be placed on the face of each preliminary plat and utility plan by the subdivider:

"PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY"

The following certificate shall be placed on the preliminary plat by the subdivider:

"ACCEPTED FOR PREPARATION OF FINAL PLAT"

_____ Mayor, City of Blue Ridge, Texas	_____ City Secretary City of Blue Ridge, Texas
_____ Date	_____ Date

- (9) Acceptance and expiration:

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

When a preliminary plat has been accepted by the commission and the City Council, the final plat for all or a part of the area shall be submitted within six (6) months thereafter; otherwise the acceptance shall terminate and shall be void, unless prior to the expiration of said acceptance the time for filing of the final plat is extended at the written request of the subdivider. The first filing extension (not to exceed ninety (90) days) shall be granted by the plan administrator. Any further extensions shall be considered by the City Council.

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

The subdivider at any time thereafter may submit a new design for commission acceptance following the same procedure as required for the original application. If the new design for the same area or a lesser part thereof is filed within ninety (90) days following commission non-acceptance, no new filing fee

will be required. No resubmittal and no new fee shall be required when commission non-acceptance is for the purpose of further study or hearing by the city on related matters such as zoning, flood control, utility service, or coordination with other governmental jurisdiction.

- (10) Combination preliminary and final plat: The subdivider may, at his option, elect to combine his preliminary plat and final plat whenever the tract of land (i) is to be resubdivided to effect no more than three (3) lots, and (ii) no change of street locations would be required, and (iii) the proposed development will be of the same type of use and of comparable intensity as adjacent existing or planned development.

#### Section 3.04 - Final Plat

When a preliminary plat has been accepted by the commission and the City Council, or changes designated by same have been made by the subdivider, the subdivider may prepare his final plat for all or a portion of the area in form for acceptance by the City Council. The final plat shall be submitted to the commission who shall cause the same to be checked and verified as to its conformance with the preliminary plat as accepted by the commission. If the final plat is incomplete or does not conform, the final plat shall be deemed not to have been submitted until any and all deficiencies are corrected. Seven (7) direct prints and one (1) mylar drawing of the final plat shall be delivered to the plan administrator at least twenty five (25) days prior to the scheduled meeting of the City Council at which action is requested. No final plat may be considered by the city until the prescribed filing fees have been paid.

When the commission has confirmed that all requirements have been complied with, he shall submit a written confirmation to the subdivider, which shall specify the meeting of the City Council scheduled for review of the final plat. Said written confirmation shall be deemed the date of submissions of the final plat by the subdivider. The plan administrator shall prepare a report of the final plat and shall submit the final plat, with his report, for review at the next scheduled meeting of the City Council.

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

- (1) Scale and drawing size: The final plat shall be drawn on sheets measuring twenty-four inches (24") by thirty-six inches (36"), and shall be at a scale of one hundred feet (100') to the inch or larger. In the event that more than one (1) sheet is required, an index sheet at a reduced scale shall be provided. In addition, the developer shall furnish a signed mylar drawing and copies of the final plat in such number and of a size acceptable to the county for recording.
- (2) Features to be shown: All necessary data to locate and reproduce the final plat on the ground must be shown on the final plat.
  - (a) The boundary lines with accurate distances and bearings, a metes and bounds description of the boundary with an error of closure not to exceed one in ten thousand, exact acreage, and the exact location and width of all existing or platted streets intersecting the boundary of the tract. One (1) copy of the traverse closure sheet shall accompany the final plat.
  - (b) Bearings and distances to the nearest established street lines, official monuments, or subdivision corner, which shall be found and accurately described on the final plat. Abstract lines and municipal and school district boundaries shall be shown.
  - (c) An accurate location of the subdivision in reference to the deed records of the county which shall include the volume and page of the deed of the property to be subdivided.
  - (d) The layout, width, and names of all streets and/or alleys with the bearings and distances between points of curvature.
  - (e) The length of all arcs, radii, internal angles, points or curvature, length and bearing of the tangents. Such data to be provided on a table keyed to the curves on the final plat.

- (f) The location, width, and description of all easements for right-of-way provided for public services, utilities or fire lanes and any limitations on use of the easements.
  - (g) All lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines to the nearest second. A certification that each and every lot complies with the minimum size requirements (acreage or square footage) or either this ordinance or the zoning ordinance as appropriate; lots of lesser size shall be individually identified and sized in tabular form.
  - (h) For all lots located wholly or partially within or immediately adjacent to a flood plain area, as designated on maps provided by the Federal Insurance Administration, a designation of the minimum finish floor elevation allowed, which shall be at least one foot (1') above the one hundred year (100) flood elevation at that point.
  - (i) A continuous and sequential lettering and/or numbering of blocks and lots within the subdivision.
  - (j) Required building setback lines.
  - (k) An accurate outline description and area to the nearest hundredth of an acre of all parcels of land which are offered for dedication or reserved for public use, or reserved in the deeds for the use of all property owners in the proposed subdivision or reservations for other uses, together with the purpose and conditions or limitations of such reservations and/or dedications, if any.
  - (l) The accurate location, material and approximate size of all monuments and bench marks.
- (3) Location map: A location map of the proposed subdivision at a scale of one inch (1") to two thousand feet (2,000') showing existing and proposed major features covering an area of at least one (1) mile in all directions from the proposed subdivision if requested by the city engineer.
- (4) Title information:
- (a) The proposed name of the subdivision with section or sequencing designation, as appropriate.
  - (b) North point, scale and date.
  - (c) The names and addresses of the owner, developer and land planner, engineer, and surveyor responsible for actual design of the subdivision.
- (5) Certificates required:
- (a) A certificate, signed by the city tax assessor, stating that all taxes and assessments then due and payable on the land contained within the subdivision have been paid.
  - (b) A certificate of ownership and dedication, of a form approved by the commission, of all streets, alleys, parks, open spaces and public ways to public use forever, signed and acknowledged before a notary public by the owner and any and all lienholders of the land, and a complete and accurate description of the land subdivided and dedications made.
  - (c) Certification by a registered public surveyor, registered in the State of Texas, to the effect that the plat represents a survey made by him or under his direct supervision and that all the monuments shown thereon actually exist, and that their location, size and material are correctly shown.
  - (d) Before approval and acceptance of any final plat, the developer shall place a sum of money, equal to the total estimated cost (as determined by the city engineer) of the required street improvements, in escrow or shall give the City of Blue Ridge a certified check in this amount or shall present other financial guarantees, as sufficient to insure that the required improvements will be made at developer expense, and approved by the City Council.

KNOW ALL MEN BY THESE PRESENTS;

THAT I, \_\_\_\_\_ do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my

personal supervision, in accordance with the subdivision regulations of the City of Blue Ridge, Texas.

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

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

(e)

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

Accepted by the City Council of the City of Blue Ridge:

Mayor, City of Blue Ridge \_\_\_\_\_ Date: \_\_\_\_\_

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

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

City Secretary, City of Blue Ridge, Texas

- (6) Construction plans: Construction plan and profile sheets for all public improvements shall be submitted with the final plat. The approval of the final plat shall be contingent upon acceptance of construction plans and specifications by the city engineer. Construction plans and profiles shall be drawn on sheets measuring twenty-two (22) or twenty-four (24) by thirty-six (36) inches, and shall be the same size as the final plat. Each sheet shall include north point, scales, date and bench mark description to sea level datum. Each sheet shall show the seal and signature of the professional engineer who prepared the plans and shall include the following:
- (a) A plan and profiles of each street with top of curb grades shown. Scales shall be in one inch (1") equals forty feet (40') horizontally, and one inch equals four feet (4') vertically or such other scale approved by the city engineer.
  - (b) The cross-section of proposed streets, alleys and sidewalks showing the width and type of pavement, base and subgrade and location within the right-of-way.
  - (c) A plan and profile of proposed sanitary sewers with grades and pipe size indicated and showing locations of manholes, cleanouts and other appurtenances, section of embedment.
  - (d) A plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings and other appurtenances, with a section showing embedment.
  - (e) A plan to scale of all areas contributing storm water runoff or drainage within and surrounding the proposed subdivision. Such plan shall indicate size of areas, storm frequency and duration data, amounts of runoff, points of concentration, time of concentration and other data necessary to adequately design drainage facilities for the area.
  - (f) A plan and profile of proposed storm sewers, showing hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, culverts, outlet structures, bridges and other structures.
- (7) Acceptance and Recording: The commission and the City Council shall act upon the final plat within thirty (30) days after written acceptance by the commission as hereinbefore provided.

There shall be no conditional acceptance of a final plat by either the commission or the City Council. Refusal, denial, or non-acceptance of any portion of a final plat by the City Council shall constitute non-

acceptance of the entire final plat. The final plat shall be non-acceptance unless and until necessary fiscal agreements have been approved by the City Council.

Within ten (10) days of written acceptance by the City Engineer of all public improvements associated with the final plat approved by the City Council, the final plat shall be recorded in the Map and Plat Records of Collin County, Texas by the City Secretary. The commission shall cause prints of the record plat to be provided to the affected City offices as they may require. The final plat shall not be returned or released to the subdivider until recorded as provided above.

When a final plat has been accepted by the City Council, at least fifty percent (50%) of the public improvements must be made within one (1) year thereafter, unless some other period has been set out in a binding contract approved by the City Council; otherwise the acceptance shall terminate and shall be void, unless prior to the expiration of said acceptance the time for expiration is extended at the written request of the subdivider.

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

(8) Acceptance of final plat by sections:

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

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

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

(9) Replatting:

- (a) Any person who wishes to revise a subdivision replat which has been previously filed for record must make an application of the proposed revised plat to the City Council. The replat of the subdivision shall meet all the requirements for a subdivision that may be pertinent. However, if the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no engineering plans will be required. No preliminary plats will be required for any replats.
- (b) In the event the proposed replat involves property which has been previously developed and limited by deed restrictions or zoned as either single family or duplex residential use, then special notice requirements are triggered. After an application is filed for a replat affecting single family and duplex property, then the City Secretary shall cause a notice of the application to be published

in the official newspaper of the City at least fifteen (15) days before the date of the City Council meeting at which it is to be considered. Such notice must include a statement of the time and place at which the City Council will meet to consider the replat and to hear protests to the revision. Additionally, written notice must be sent to all owners of property located within the original plat, or if within the extraterritorial jurisdiction, to property owners within two hundred feet (200') of the property proposed for replat. Such notice may be served by depositing the notice, properly addressed and postage paid, at the local post office.

If the City Council receives written protests signed by owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred feet (200') from that area, but within the original subdivision, then a three-fourths ( 3 / 4 ths) vote is required by the City Council to approve the replat. In computing the percentage of land, the area of streets and alleys shall be included.

- (c) The fee associated with a replat shall be the same as the fee associated with a fee for a final plat as set forth in Appendix A (Blue Ridge Fee Schedule), § 19.00(c)(2) (Plat Filing and Inspection Charges) of the City's Code of Ordinances, as amended.

### Section. 3.05 - Development Plat

- (a) Authority. This Section 3.05 (Development Plat) is adopted pursuant to Texas Local Government Code, Chapter 212, Subchapter B, Sections 212.041 through 212.050, as amended.
- (b) Applicability. For purposes of this Section 3.05 (Development Plat), 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 3.05 (Development Plat) 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 or replatted prior to the effective date 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, including requirements to replat, 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 or constructed.
- (c) Exceptions. No development plat shall be required where the proposed development conforms to all applicable City plans, including but not limited to, the Comprehensive Plan, Transportation Plan, Future Land Use Plan, Park and Trails Plan, utility plans and applicable capital improvements plans. The City Council may, from time to time, exempt other development or land divisions from all or portion of the requirements of this Section 3.05 (Development Plat).
- (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 3.05 (Development Plat) until a development plat has been approved by the City's appointed or elected body with authority over plats and filed with the City Secretary.
- (e) Standards of Approval. The development plat shall not be approved until the following standards have been satisfied:

- (1) The proposed development conforms to all applicable City plans, including but not limited to, the Comprehensive Plan, Transportation Plan, Future Land Use Plan, Park and Trails Plan, utility plans and applicable capital improvements plans;
  - (2) The proposed development conforms to the requirements of the Zoning Ordinance (if located within the City's corporate limits) and the Subdivision Regulations;
  - (3) The proposed development is adequately served by public facilities and services, parks and open space (to the extent necessary based on the nature of the development) in conformance with City regulations;
  - (4) The proposed development will not create a safety hazard on a public street;
  - (5) Required dedications and/or appropriate agreements for acceptance and use of public dedications to serve the development have been tendered; and
  - (6) The proposed development conforms to the design and improvement standards contained in the Subdivision Regulations, in the City's Design Standards and in any other applicable codes or ordinances of the City related to development of a tract of land.
- (f) Conditions. The City Council 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) Approval Procedure. The application for a development plat shall be submitted to the City in the same manner as a final plat, and shall be approved, conditionally approved or denied by the City Council. Upon approval, the development plat shall be filed with the county by the City Secretary.
- (h) Submittal Requirements. Each development plat shall show all information that is required to be shown on a final plat and 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;
  - (5) Be accompanied by the required number of copies of the plat, a completed application form, the required submission fee (in an amount equal to the fee associated with final plat submission) and a certificate or some other form of verification from the Collin County Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property; and
  - (6) Be submitted to the Department of Development and Neighborhood Services for review simultaneously with the application in the same manner as for a Final Plat; failure to so comply shall result in the application being determined to be incomplete and subject to expiration in the same manner as other plats under the City's Subdivision Regulations.

#### ARTICLE IV. - DESIGN STANDARDS

##### Section 4.01 - Streets

- (1) Conformity to thoroughfare plan: The width and location of streets shall conform to such thoroughfare plan of the City of Blue Ridge as the council may have adopted, both as to horizontal and vertical alignment and right-of-way widths (see following pages):
  - (a) Arterial street or major thoroughfare: Any street designated in the comprehensive plan as being a principal route more or less continuous across the city or areas adjacent thereto, or any route carrying or designated to carry fast-moving or large volumes of traffic.
  - (b) Collector street: The phrase "collector street" shall be a street which is continuous through several residential districts and is intended as a connecting street between residential districts



Difference (%)(A)	Engineer (mph)								
	K	10	20	30	40	50	70	80	100
<b>1</b>		10	20	30	40	50	70	80	100
<b>2</b>		20	40	60	80	100	140	160	200
<b>3</b>		30	60	90	120	150	210	240	300
<b>4</b>		40	80	120	160	200	280	320	400
<b>5</b>		50	100	150	200	250	350	400	500
<b>6</b>		60	120	180	240	300	420	480	600
<b>7</b>		70	140	210	280	350	490	560	700
<b>8</b>		80	160	240	320	400	560	640	800
<b>9</b>		90	180	270	360	450	630	720	900
<b>10</b>		100	200	300	400	500	700	800	1000
<b>11</b>		110	220	330	440	550	770	880	1100
<b>12</b>		120	240	360	480	600	840	960	1200
<b>13</b>		130	260	390	520	650	910	1040	1300
<b>14</b>		140	280	420	560	700	980	1120	1400
<b>15</b>		150	300	450	600	750	1050	1200	1500

**Crest Vertical Curve: Minimum Length (feet) (L=KA)**

Algebraic Grade Difference (%) (A)	Design Speed by City Engineer (mph)	15	20	25	30	35	40	45	50
	K	5	10	15	20	30	50	65	90
<b>1</b>		5	10	15	20	30	50	65	90
<b>2</b>		10	20	30	40	60	100	130	180
<b>3</b>		15	30	45	60	90	150	195	270
<b>4</b>		20	40	60	80	120	200	260	360
<b>5</b>		25	50	75	100	150	250	325	450
<b>6</b>		30	60	90	120	180	300	390	540
<b>7</b>		35	70	105	140	210	350	455	630
<b>8</b>		40	80	120	160	240	400	520	720
<b>9</b>		45	90	135	180	270	450	585	810
<b>10</b>		50	100	150	200	300	500	650	900
<b>11</b>		55	110	165	220	330	550	715	990
<b>12</b>		60	120	180	240	360	600	780	1080
<b>13</b>		65	130	195	260	390	650	845	1170
<b>14</b>		70	140	210	280	420	700	910	1260
<b>15</b>		75	150	225	300	450	750	975	1350

(10) Horizontal alignment: The center line curve of streets and alleys shall have a minimum radius as follows:

<b>Classification</b>	<b>Minimum center line radius (feet)</b>
Arterial	1,000
Collector	500
Local (commercial or industrial)	300
Residential	150
Loop streets and alleys	75

(11) Reverse curves: Reverse curves on thoroughfares and collector streets shall be separated by a minimum tangent of one hundred feet (100').

(12) Cul-de-sacs, Dead-end streets:

- (a) The maximum length of a cul-de-sac or dead-end street with a permanent turnaround shall be six hundred feet (600'), except under unusual conditions with the approval of the City Council.
- (b) Turnarounds are to have a minimum right-of-way width of one hundred feet (100') and a minimum pavement width of eighty feet (80') for single-family and two-family uses, and a minimum right-of-way width on one hundred twenty feet (120') and a minimum pavement width of one hundred feet (100') for all other uses.
- (c) Temporary paved turnarounds are to be provided at ends of streets more than four hundred feet (400') long that will be extended in the future. The following note should be placed on the plat: "Cross-hatched area is temporary easement for turnaround until street is extended (give direction) in a recorded plat."
- (d) No other dead-end streets shall be allowed except as herein provided.

(13) Street intersections:

- (a) Except where existing conditions will not permit, all streets shall intersect at a ninety (90) degree angle. Variations of more than ten (10) degrees on residential or local streets and more than five (5) degrees on collectors and thoroughfares must have the approval of the City Council.
- (b) Acute angle intersections approved by the City Council are to have twenty-five-foot (25') or greater radii at acute corners.
- (c) Each new street intersecting with or extending to meet an existing street shall be tied to the existing street on center line with dimensions and bearings to show relationship.

(14) Partial or half-streets: Partial or half-streets may be provided where the commission feels that a street should be located along a property line. Wherever a half-street has already been provided adjacent to an area to be subdivided, the other remaining portion of the street shall be platted with such subdivision. Where part of a street is being dedicated along a common property line where no

roadway currently exists, the first dedication of right-of-way shall be two-thirds ( 2 / 3 rds) of the required width.

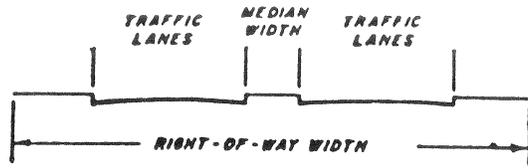
- (15) Driveway cuts: Driveway cuts or entrances to single-family or two-family uses shall not be allowed along thoroughfares, unless a siding street, or an alley with natural screening device, is provided outside the pavement of the thoroughfare. Driveway cuts shall be located so as to provide a spacing between curb radius return of at least five feet (5') for single-family and two-family uses and at least twenty feet (20') for all other uses. No property shall have more than two (2) driveway cuts onto any facing street. No driveway cut shall be located closer than twenty (20) feet from an intersection, measured from the ends of the curb radius returns.
- (16) Street names: New streets shall be named so as to provide continuity of name with existing streets and to prevent conflict with identical or similar names in other parts of the city.
- (17) Private streets: Private streets shall be prohibited.
- (18) Boundary streets:
  - (a) New local, collector, marginal access, and thoroughfare streets that will serve as boundary streets to a proposed subdivision shall conform to the applicable sections of this ordinance for right-of-way and pavement width.
  - (b) No new half-streets shall be platted except as defined in Section 4.01(14) or where required to accommodate previously platted half-streets. The developer shall make available by dedication that portion of right-of-way from his property that is a projection of a major or thoroughfare street.
  - (c) When the proposed subdivision abuts upon an existing street or half-street that does not conform to the requirements of this ordinance for right-of-way, the developer shall dedicate right-of-way sufficient to make the right-of-way on his side of the street conform to the general plan for this street and this ordinance.
  - (d) When the proposed subdivision abuts upon an existing paved street that does not have curb and gutter, the developer shall put a cash deposit, or other security satisfactory to the city, in escrow with the city to cover future assessment paving programs. This deposit shall be based upon the developer paying for curb and gutter and one-half (½) of the cost of paving a forty-one-foot-wide street measured from back of curb to back of curb with curb and gutter and underground storm sewer. This deposit shall be made in lieu of the actual construction in all cases.
  - (e) Boundary streets that are platted for the primary purpose of providing traffic routes into and through the subdivision shall be constructed as a part of the subdivision development.
- (19) Relation of adjoining streets and land: The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions, and where adjacent connections are not platted, must, in general, be the reasonable projection of streets in the nearest subdivided tracts, and must continue to the boundaries of the tract subdivided, so that other subdividers may connect therewith.

Reserve strips of land controlling access to other property or to any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision.

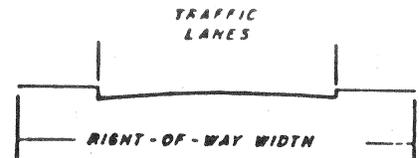
- (20) Marginal access streets: Where a subdivision abuts or contains an existing or proposed major street, railroad, or highway, the commission may require marginal access streets, reverse frontage with screen planting contained in a non access reservation along the rear property line, deep lots with rear adequate protection of residential properties and to afford separation of through and local traffic. The right-of-way for marginal access streets shall be forty feet (40').
- (21) Curb and gutter: Curb and gutter shall be installed by the developer on both sides of all interior streets. Provisions for curb and gutter shall be made on boundary streets in accordance with the paragraph entitled "Boundary streets"
- (22) Street signs: The city shall install street signs, at the developer's expense, at all intersections within the subdivision. This fee shall be paid prior to acceptance of the streets and utilities.

- (23) Laboratory testing of street material: The city may retain the services of a reputable commercial testing laboratory or will perform the necessary tests on subgrade soils and flexible base material to verify that specifications are being met. These laboratory tests will be made at the developer's expense and may include the following:
- (a) Proctor Density Curves to establish the optimum density moisture relationship for the subgrade soil and the proposed flexible base material.
  - (b) Gradation and soil constants (Atterberg Limits) tests to determine the suitability of the proposed flexible base material.
  - (c) Tests during the construction phase to determine if subgrade and flexible base material have been placed as specified.
  - (d) The proper tests to determine if the asphaltic concrete surfacing meets the requirements of the specifications.

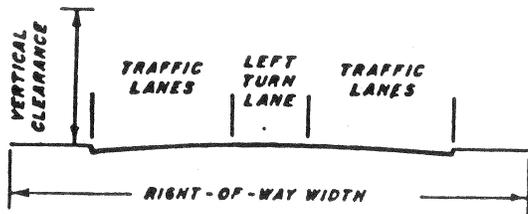
# ROADWAY CROSS SECTIONS



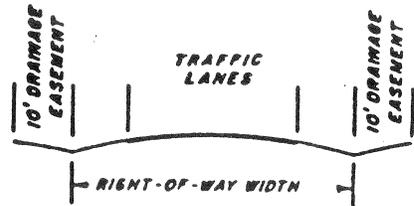
**I**  
**DIVIDED ARTERIAL OR**  
**MAJOR THOROUGHFARE**



**II**  
**UNDIVIDED COLLECTOR**  
**OR RESIDENTIAL**

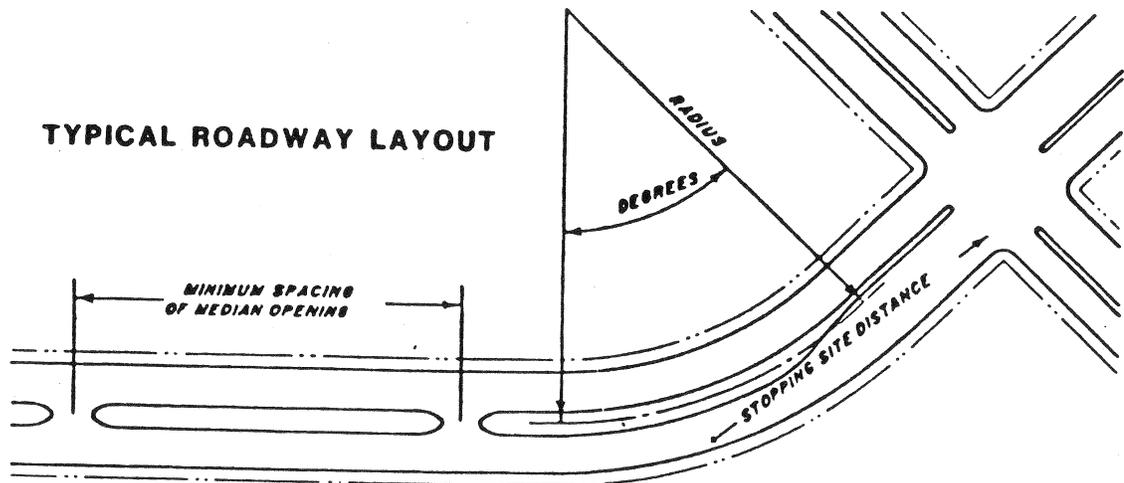


**III**  
**UNDIVIDED ARTERIAL OR**  
**MAJOR THOROUGHFARE WITH**  
**CONTINUOUS TURN LANE**



**IV**  
**ESTATE RESIDENTIAL**

## TYPICAL ROADWAY LAYOUT



## Recommended Design Standards

Design Element	Roadway Type										
	M7U	M6D	M6U	M5U	M4D	M4U	C4U	C3U	R3U	R2U	K2U
Cross section	III	I	II	III	I	II	II	II	II	II	IV
Number of traffic lanes*	6	6	6	4	4	4	4	3	3	2	2
Lane widths (feet)	12	12	12	12	12	12	11	12	10	13	12
Right-of-way-width	120	120	100	100	100	100	80	60	60	50	60
Design speed	40	40	35— 40	35— 40	35— 40	30— 40	30— 40	30— 35	25— 30	30	30
Maximum horizontal curvature											
1. Degrees	7— 15	7— 15	7—15	7—20	7—20	12— 20	12— 21	12— 21	12— 40	12— 40	12— 40
2. Center line radius (feet)	383	383	383	288	288	288	274	274	146	146	146
Stopping site distance (feet)	275	275	275	275	275	250	250	250	200	200	200
Minimum median width (feet)	n.a.	16	n.a.	n.a.	12	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Minimum spacing median opening (feet)	n.a.	300	n.a.	n.a.	300	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Vertical clearance (feet)	15	15	15	15	15	15	14	14	14	14	14

\*All roadway sections shall have a 2.5-foot curb & gutter on both sides of the outer travel lanes

(Ord. No. 13-08, adopted 2-12-13, Sec. 4; Ord. No. 17-26, adopted 2-28-17, Sec. 2; Ord. No. 17-38, adopted 7-11-17, Sec. 2)

### Section 4.02 - Lots

Lot dimensions shall be determined by the appropriate zoning classification. For subdivisions not within the city limits, lot dimensions are determined as follows:

- (1) Use: All lots shown on the plat shall be for single family residential purposes, unless otherwise provided by the zoning district of the area and so noted on the plat.

- (2) Lot size: The size or area of the lot shall be measured in square feet, and shall conform to the zoning requirements for the area. The minimum lot size shall be six thousand (6,000) square feet, unless otherwise provided by the zoning district of the area.
- (3) Lot width: The lot width shall be the direct distance across the lot measured at the points the building line intersects the side lot lines. The minimum lot width shall be sixty feet (60').
- (4) Lot depth: The lot depth shall be the average of the length of the two (2) side lot lines. The minimum lot depth shall be one hundred feet (100').
- (5) Corner lots: Corner lots with a width of less than seventy five feet (75') are to be at least five feet (5') wider than the average of interior lots in the block. Corner lots with a width of less than eighty five feet (85') adjacent to a thoroughfare are to be at least fifteen feet (15') wider than the average of interior lots in the block.
- (6) Lots on thoroughfares: Where, in the judgment of the commission, access cannot be provided from a siding street or alley, lots facing on thoroughfares shall be at least ten feet (10') deeper and ten feet (10') wider than the average of lots facing on the adjacent local streets.
- (7) Lots on drainage easements: Minimum usable lot depths for lots backing on natural drainage easements shall not be less than eight feet (8') measured between front lot line and easement.
- (8) Lot shape: Lots should be rectangular insofar as practicable. Sharp angles between lot lines should be avoided. The ratio of depth to width should not ordinarily exceed two and one-half to one (2- 1 / 2 :1).
- (9) Lot facing:
  - (a) Each lot shall be provided with adequate access to an existing or proposed street by frontage on such street.
  - (b) Double frontage lots are prohibited except where backing on thoroughfares.
  - (c) Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing facing lots at right angles to each other should be avoided.
- (10) Lot lines: Side lot lines should be perpendicular or radial to street frontage and the following note may be used in lieu of bearings: "All side lot lines are perpendicular or radial to street frontage unless otherwise noted."
- (11) Lot numbering: All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat.

#### Section 4.03 - Blocks

- (1) Block length: The maximum block length for residential use shall be twelve hundred feet (1,200') measured along the center of the block. Six hundred feet (600') is a desirable minimum. Maximum block length along a thoroughfare shall be sixteen hundred feet (1,600'), except under special conditions approved by the commission.
- (2) Block width: Blocks shall be wide enough to allow two (2) tiers of lots of at least minimum depth, except when prevented by the size of the property or the need to back up to a thoroughfare.
- (3) Block numbering: Blocks are to be numbered or lettered consecutively within the overall plat and/or section of an overall plat as recorded.

#### Section 4.04 - Building Lines

The building line is a line beyond which buildings must be set back from a street right-of-way line or property line. Building lines shall be determined as follows:

- (1) Front street: The front building line shall not be less than twenty-five feet (25') from the front property line, except that where the lots face on a thoroughfare, the front building line shall not be less than thirty-five feet (35') from the front property line.
- (2) Side street: The side building line shall not be less than six feet (6'). The building line on the side of corner lots shall not be less than fifteen feet (15') from the side property line, except that where the lot sides on a thoroughfare, the side building line shall not be less than twenty-five feet (25') from the side street property line. Where the side of a corner lot is across the street from or adjacent to the front of other lots, the side building line of the corner lot shall be the same distance from the street as the front building line of the opposite or adjacent lots.
- (3) Rear lot lines: The rear building line shall not be less than ten feet (10'), except that the rear building line where lots back on a thoroughfare shall not be less than twenty feet (20').

#### Section 4.05 - Alleys

- (1) Commercial and industrial areas: Alleys shall be provided in commercial and industrial districts where other definite and ensured provisions are not made for service access, such as off-street loading, parking and fire-fighting access consistent with and adequate for the uses proposed.
- (2) Residential areas: Alleys may be provided in residential areas.
- (3) Alley width: All alleys shall be paved. The minimum width of the alley right-of-way shall be twenty feet (20') and the minimum pavement width shall be ten feet (10').
- (4) Turnouts: Alley turnouts shall be paved to the property line and shall be at least twelve feet (12') wide at that point. Paving radii where alleys intersect thoroughfares shall be twenty feet (20'), and shall be ten feet (10') at intersections with all other streets.
- (5) Intersections: Alley intersections and sudden changes in alignment shall be avoided, but where necessary, lot corners shall be cut off at least fifteen feet (15') on each tangent to permit safe vehicular movement.
- (6) Fences: Where driveways connect to alleys, fences shall only be constructed along the rear lot line and driveway such that the fence corner is angled, providing a cutoff at least five feet (5') from both the alley and driveway.
- (7) Dead-end alleys: Dead-end alleys shall be avoided wherever possible, but if unavoidable, shall be provided with adequate outlet or turnaround, as determined by the commission.
- (8) Paving:
  - (a) The base shall consist of five inches (5") of flexible base for an asphaltic concrete surface, or four inches (4") of clean, sharp sand for a Portland cement concrete surface.
  - (b) The asphaltic concrete shall meet the Texas Highway Department's specifications for Type D, fine graded surface course, and shall be not less than one inch (1") in compacted thickness. The Portland cement concrete shall be of a design mix using not less than five (5) sacks of cement per C.Y. of concrete to provide three thousand (3,600) pounds per square inch compressive strength at twenty-eight (28) days after placing. Concrete shall be four inches (6") in thickness, and reinforced with 6x6x6 wire mesh, or No. 3 reinforcing bars on twelve inch (12") centers. Premolded impregnated expansion joint material not less than one-half inch ( 1 / 2 ") thick shall be placed transversely at intervals not to exceed thirty feet (30') in length.
  - (c) Alleys shall have an inverted crown surface of not less than four inches (4").
  - (d) The city engineer, or his designated representative, shall inspect and accept all phases of the construction of alley pavement.

#### Section 4.06 - Easements

- (1) Use: Where necessary to provide access for the purposes of maintenance, construction, or other service, easements shall be provided for poles, wires, conduits, storm sewers, sanitary sewers, water

lines, open drainage, floodplains, gas lines, or other utilities. Such easements may be required across parts of lots, including rear and side lot lines, where alleys are not provided.

- (2) Size: Where possible, easements shall be provided fully located upon one lot. Where such is not feasible, easements shall be not less than seven and one half feet (7- 1 / 2 ') on each side of the lot line. Where overhead utility service on poles is allowed, an additional easement of five feet (5') on each side beginning at a plane twenty feet (20') above the ground shall be provided. The full width of easements shall not be less than fifteen feet (15') at ground level nor less than twenty-five feet (25') above ground.
- (3) Fire lanes: Where adequate access for fire-fighting purposes may not otherwise be provided, easements for fire lanes shall be required. Fire lane easements shall be paved to a minimum of twenty-four feet (24') in width unless a wider width is required by the Fire Code; shall be maintained by the property owner; shall be marked as such on the ground; and shall be kept free and clear at all times. Fire lanes shall conform to all geometric requirements in the Fire Code.

(Ord. No. 17-26, adopted 2-28-17, Sec. 3)

#### Section 4.07 - Reservations

- (1) Permitted uses: No land contained in the proposed subdivision shall be reserved for any use other than a use permitted by the zoning ordinance for the district in which the land to be reserved is located.
- (2) Designation on plat: The specific use for which each parcel of land is to be reserved must be shown by appropriate label or description of the plat. Provision for abandonment of a reservation in the future as may be appropriate must likewise be shown on said plat.
- (3) Parks and open space: The location and size of dedicated and/or reserved parks and open space areas shall be in conformance with the Comprehensive Plan and all other applicable City policies and ordinances, including the Parkland Dedication Ordinance. Any provision for parks or open space shall be indicated on the preliminary and final plat, and shall be subject to approval by the City Council.
- (4) Schools: The location and size of school sites shall be in conformance with the comprehensive plan and the recommendations of the applicable school district.
- (5) Public facilities: The location and size of sites for public buildings, major utility facilities, and related community facilities shall be in conformance with the comprehensive plan and the recommendations of the plan administrator.
- (6) Designated drainage/floodway areas: All areas designated as drainage or floodway easements shall be reserved for public use for drainage purposes, unless other provisions are approved by the City Council.

(Ord. No. 15-12, adopted 3-24-15, Sec. 2)

#### Section 4.08 - Improvements

- (1) Monuments and markers:
  - (a) Concrete monuments six inches (6") in diameter and twenty-four inches (24") long, shall be placed on at least two (2) block corners, boundary corners or angle points for each plat or each phase of a multiplatted area or subdivision. A one half-inch ( $\frac{1}{2}$ " ) iron reinforcing bar shall be embedded at least eighteen inches (18") in the concrete monument and placed at the exact intersecting point on the monument. The iron bar should extend from one-eighth to one-quarter of an inch above the concrete. The monuments shall be tied into the plane coordinates for the Lambert Conformal Conic Projection for Texas, North Central Zone. Reference may be made to Special Publication, No. 252, "Plane Coordinate Projection Tables for Texas," published and printed by United States Department of Commerce, Coast and Geodetic Survey. The monuments

shall be set at such an elevation that they will not be disturbed during construction and the top of the monument shall be not less than twelve inches (12") below the finish ground elevation.

- (b) Lot markers shall be one-half inch ( $\frac{1}{2}$ " ) reinforcing bar, eighteen inches (18") long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.
  - (c) Where no bench mark is established or can be found within three hundred feet (300') of the boundary of the subdivision, such bench mark shall be established as a monument, and shall be readily accessible and identifiable on the ground and shall be recorded on city bench mark datum.
- (2) Underground utilities: All distribution and service lines of electrical, telephone, television, and other wire carrier-type utilities shall be underground, except that the system of supply lines for multiple subdivision service by utilities may be overhead. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground level.
- (3) Sidewalks: Concrete sidewalks shall be provided along and adjacent to both sides of all arterials, collector streets and local streets. Sidewalks along local streets shall be at least five feet (5') wide. Sidewalks along arterials and collector streets that are not part of the City's trail system shall be at least six (6') wide. Sidewalks incorporated into the City's trail system shall be at least ten feet (10') wide, regardless of where the sidewalks are located.
- (4) Street lighting: Where electrical distribution and service wires are required to be underground, street lighting wires shall also be underground. Where ownership of street lighting facilities, such as poles and standard, luminaries, lamps, etc., will be retained by the electrical power supplier or the City, the type of street lighting facilities to be installed must be designed and installed in accordance with the City's Design Manual, created by the city engineer, as it exists, may be amended or in the future arising.
- (5) Storm sewers: An adequate storm sewer system consisting of inlets, pipes and other underground drainage structures with approved outlets shall be constructed where runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities.
- (6) Streets: Construction of streets and alleys shall be in conformance with the standard construction specifications of the City of Blue Ridge as promulgated by the city engineer. Minimum acceptable pavement for streets shall be:
- (a) Residential streets (lots less than one and one-half ( $1\frac{1}{2}$ ) acres) — minimum of six-inch reinforced concrete pavement (three thousand six hundred (3,600) pounds per square inch) with six-inch (6") integral concrete curbs or acceptable design of equal quality and life.
  - (b) Residential streets (lots of one and one-half ( $1\frac{1}{2}$ ) to ten (10) acres) — minimum of six-inch (6") reinforced concrete pavement (three thousand six hundred (3,600) pounds per square inch) or acceptable design of equal quality and life; six-inch (6") integral concrete curb may be deleted if surface drainage facilities are determined to be adequate in conformance with city's drainage ordinance.
  - (c) Thoroughfares — the greater of: (1) a minimum of nine-inch (9") reinforced concrete pavement (three thousand six hundred (3,600) pounds per square inch) with six-inch (6") integral concrete curbs or an acceptable design of equal quality and life; or (2) the minimum acceptable depth and pressure-rated reinforced concrete pavement as determined by a geotechnical investigation submitted to and approved by the City Engineer with six-inch (6") integral concrete curbs or an acceptable design of equal quality and life. Submission of a geotechnical investigation is required for all pavement sections of all thoroughfares.
  - (d) The developer shall pay the entire cost of constructing all streets and curbs.
  - (e) Subgrade shall be stabilized with six percent (6%) lime to a depth of 6 inches (6") to a compaction of ninety-five percent (95%) Standard Procter.
- (7) Water and Wastewater:
- (a) General.

- (1) Should any provision and/or regulation of this Subsection 4.08(7) conflict with any other provision and/or regulation of Article 9.100, the more stringent provision and/or regulation shall control.
  - (2) For purposes of Article 9.100 and/or any other Article set forth in Blue Ridge's Code of Ordinances, the use of the word "wastewater" shall be synonymous with "sewage" and "sewer."
  - (3) References to any ordinances, codes, standards, specifications, rules, regulations and/or other requirements of the City and/or any other agency, whether local, state or federal, in this Subsection 4.08(7) shall be as each exists, may be amended or in the future arising (collectively, "Regulations"). The Regulations referred to in this Subsection 4.08(7) are incorporated in for all purposes as if they were set out in their entirety. The City Engineer is responsible for reasonably determining any and all applicable Regulations which apply to the matters set forth in this Subsection 4.08(7). Additionally, should any conflict exist between any applicable provision(s) of the Regulations, the most stringent provision(s) shall apply.
- (b) Water and Wastewater Basic Policy.
- (1) Construction Requirements.
    - (i) All public water and wastewater mains shall be located in the frontage of the property along streets, or in easements adjacent to the development in order to provide service to adjacent property.
    - (ii) Public water and/or wastewater mains shall not be located within a private street, drive or access easement unless a public utility easement is provided.
    - (iii) The minimum easement width for water or wastewater mains shall be fifteen feet (15'), or as determined by the City Engineer. Where it is necessary for water and wastewater facilities to be located within the same easement, the easement shall be a minimum of twenty feet (20') in width, or as determined by the City Engineer.
    - (iv) No portion of a structure (including, but not limited to, walls, foundations, porches/patios and porch/patio covers, canopies, roof extensions/overhangs, chimneys, fire flues, etc.) shall encroach over or into any easement.
    - (v) A water or wastewater easement between two (2) lots must fall entirely within a single lot.
    - (vi) Easements shall be dedicated for exclusive use for water and wastewater facilities and shall be shown on the Final Plat for the specific purpose intended. When it is necessary for additional utilities to be placed within an easement, additional width shall be provided, and the easement shall be labeled for its intended purpose(s) on the Final Plat.
    - (vii) When it is necessary to relocate or replace an existing water or sewer facility to accommodate a proposed subdivision, the developer is responsible for all costs associated with the relocation, except as agreed to by the City Council for oversize participation, if any.
  - (2) Construction Plans. Plans for construction ("Construction Plans") of all water and wastewater facilities required by this Subsection 4.08(7) shall be prepared in accordance with any and all requirements set forth in the applicable Regulations. Plans for the improvements must be prepared by a licensed engineer and reviewed and accepted by the City Engineer.
  - (3) Acquisition of Easements. The developer shall be responsible for the acquisition of all required off-site easements. If the developer is unable to acquire the necessary off-site easement, the City shall be provided with easement or right-of-way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected

property owner. Upon receiving a written request for assistance, the City may, at its option, acquire these easements either through negotiations or through condemnation in appropriate situations. The developer shall reimburse the City for the costs of acquiring the necessary easements including, but not limited to, attorneys' fees, expert fees and title searches.

(c) Preliminary Utility Plan.

- (1) Concurrent with the submission of a preliminary plat, replat or minor plat, the developer shall submit a map or plan showing the location and size of water and wastewater mains, which will be required to provide adequate service and fire protection to the lots specified in the proposed plat. Plans and specifications for fire hydrant systems shall be submitted to the Fire Marshal for review and approval prior to construction.
- (2) Plan Document. The plan shall be prepared as noted in the City's Development Application Handbook, which is located in the City's Department of Development and Neighborhood Services.
- (3) Coordination with other Utility Providers.
  - (i) *Preliminary Plat.* When the subdivision is located in an area served by a utility provider other than the City, the developer must provide a water system analysis.
  - (ii) *Minor Plat, Replat.* When a subdivision is located in an area served by a utility provider other than the City, the developer must provide a letter from the utility provider stating that facilities existing in the area to which the Minor Plat and/or Replat is made a part of is capable of providing adequate domestic service and fire protection, per TCEQ minimums for a Public Water System (PWS), to the property made the subject of the Minor Plat and/or Replat. If the City Engineer has reason to believe that there may be water supply or pressure concerns, a water system analysis may be required.
  - (iii) *Final Plat.* The final plat will not be filed with the County until a letter has been provided from the utility provider stating that they have accepted the plans for construction,

(d) Miscellaneous Requirements.

- (1) No building shall be constructed over an existing wastewater, lateral or water main.
- (2) Ownership and maintenance of water and wastewater mains and service connections shall be regulated as follows:
  - (i) The title to all wastewater lines constructed, including wastewater service connections located in a right-of-way or dedicated easement, shall be vested in the City or the applicable utility provider;
  - (ii) The developer, or single customer, shall be responsible for all maintenance of the wastewater service connection, unless replacement of the service is required under the roadway or pavement. When replacement is determined to be necessary by the City Engineer, the City shall assume the responsibility for replacement of that portion under the pavement; and
  - (iii) The title to all water mains and water meters constructed, and installed, including the title to service connections, shall be vested in the City or the applicable utility provider.
  - (iv) Builders, plumbers and others are advised that in low areas where pressures may exceed eighty (80) psi, pressure-reducing devices should be installed in accordance with the then-current Plumbing Code adopted by the City of Blue Ridge. Pressure-reducing valves will not be installed in the public water system.
- (3) The City makes no guarantee that water supply or wastewater capacity will be available at any particular time or place.

- (4) Water or wastewater service lines shall not cross any adjacent lot. The public main shall be extended so as not to require the service to extend across another lot. Water and wastewater service lines shall be maintained by the property owner.
  - (5) Public water and wastewater mains adjacent to federal, state or county roadways shall be constructed outside of the right-of-way in a separate easement unless otherwise agreed by those agencies and the City.
  - (6) The developer shall pay all costs of the water and/or sewer supply and distribution system, except oversized mains which the City requires for future development of the area, if any.
  - (7) The City may require larger mains than are necessary to serve the subdivision in order to provide for future development of the area. In the event that said larger lines are required, then the developer shall be entitled to participating aid from the City on said oversized lines.
  - (8) A twelve inch (12") nominal inside diameter PVC water main has been established by the City as the standard size of water and sewer main for purposes of determining the extent of participating aid from the City. The City will only participate in the cost of water and sewer lines which are sized larger than twelve inches (12") in diameter for reasons of providing for future development. This does not apply to lines sized larger than twelve inches (12") for the purpose for serving future sections of the same subdivision.
  - (9) The amount of participation by the City will be determined by taking alternate bids for the oversized line and fittings versus the cost of a twelve inch (12") line and equivalent fittings. The City will pay the difference in cost between the oversized line and the twelve inch (12") line as determined by the alternate bids unless the City and developer enter into a written agreement providing an alternative means to compensate the developer.
- (e) Water.
- (1) Design and Construction.
    - (i) Installation of Water Facilities. The property owner shall install adequate water facilities, including fire hydrants, in accordance with all applicable requirements and specifications set forth in the Regulations.
    - (ii) Facilities for Fire, Health and Safety Emergencies. All water facilities shall be capable of providing water for fire, health and safety emergency purposes, including fire protection and suppression. Water supply facilities shall be in accordance with all applicable requirements and specifications set forth in the Regulations. The design and construction of water system improvements and alternative water sources shall comply with and be in accordance with all applicable requirements and specifications set forth in the Regulations, including the following:
      - (A) Design and construction of a water source on the site;
      - (B) Design and construction of water service from the City;
      - (C) Design and construction of a fire protection and suppression system;
      - (D) The water distribution system and the location of fire hydrants. Additionally, fire hydrants shall be located so that every building within the subdivision will be within a maximum of three hundred (300) feet of a fire hydrant measured along the ROW line/platted fire lane and perpendicular to the ROW line/platted fire lane.
  - (2) Location.
    - (i) Shown on Construction Plans. The location and design of all fire hydrants, all water supply improvements and the boundary lines of special districts, private systems and certified water service areas, indicating all improvements proposed to be served, shall be shown on the Construction Plans.
    - (ii) Extension of Lines. Extension of water lines shall be made along the entire frontage of the development adjacent to a street. If the subdivision is not adjacent to a street, the

extension of water lines shall be accomplished in such a manner as to allow convenient future connections to said lines by new subdivisions. Water lines shall be extended to all properties adjacent to the subdivision.

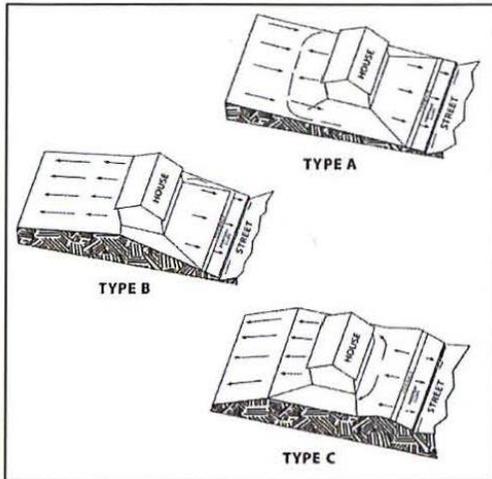
- (iii) Waiver for Requirement. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the City Engineer may approve a Minor Waiver for this requirement in accordance with the Engineering Standards prior to action on the Construction Plans or prior to action on any plat.
  - (iv) Cost of Installation. The Developer shall bear the installation costs of all water supply improvements installed by the developer, including, without limitation, off-site improvements, and shall be included in the performance guarantees, Development Agreement and/or Facilities Agreement, if applicable (see Article II, Section 2.01. above).
  - (v) Cost of Extension. Where the City's water distribution system is not planned to be extended in time to serve a proposed new development, all necessary water facilities to serve such development shall be provided by and at the expense of the developer. If oversizing of a water facility is deemed necessary by the City Engineer for future developments, then the City may participate in such oversizing costs as part of a Development Agreement and/or Facilities Agreement, if applicable (see Article II, Section 2.01, above).
  - (vi) Individual Wells.
    - (A) Within the City's Extraterritorial Jurisdiction ("ETJ"). Individual wells within the City's ETJ shall be subject to approval by the applicable County health official, and this approval shall be documented by the health official's signature on the water system statement on the Preliminary and Final Plat. The property owner must submit with the Preliminary and Final Plat applications a certificate from a professional engineer or a geoscientist, both of whom must be licensed and registered to practice in the State of Texas, verifying the adequacy of the proposed well water supply and potability prior to Preliminary Plat and Construction Plans approvals.
    - (B) Compliance with Other Regulations. Installation, operations and maintenance of individual wells shall comply with City standards, regulations of the Texas Commission on Environmental Quality (TCEQ) and any other applicable County or State rules and/or regulations.
- (e) Wastewater.
- (1) Extension of and Connection to the City's Wastewater Collection System. Extension of, and connection to, the City's sanitary sewer system shall be required for all new developments within the City's corporate limits. The City is not, under any circumstance, obligated to allow extension of municipal sewer services outside the City's corporate limits. The required extension of, and connection to, the municipal sewer system may be waived if the City Engineer determines that such extension would require unreasonable expenditures and that an on-site wastewater disposal system (see Subsection 4.08(7)(e)(5) below) will function properly and safely.
  - (2) Design and Construction. It is the policy of the City to require all wastewater collection lines to have gravity flow. The use of lift stations and force mains is prohibited unless a gravity design is impractical, as determined by the City Engineer. The location, design and sizing of all wastewater improvements shall be shown on the Construction Plans and are subject to review and approval by the City Engineer.
  - (3) Cost of Installation. The cost of installing all wastewater improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees and Development Agreement and/or Facilities Agreement, if applicable (see Article II, Section 2.01, above).

- (4) Extension.
- (i) Cost. Where the City's wastewater system is not planned to be extended in time to serve a proposed new development, all necessary wastewater facilities to serve such development shall be provided by and at the expense of the developer. If oversizing of a wastewater facility is deemed necessary by the City Engineer for future developments, then the City may participate in such oversizing costs as part of a Development Agreement and/or Facilities Agreement, if applicable (see Article II, Section 2.01, above).
  - (ii) Future Extensions. Pipe stub-outs shall be located in manholes to facilitate the future extension of wastewater lines. The City Engineer will determine the location and size of the stub-outs. Wastewater lines shall be installed at a slope and depth to allow for future extension through the entirety of the applicable sewer basin.
- (5) On-Site Wastewater Disposal Systems.
- (i) In cases where the City Engineer determines that extension of, and connection to, the City's sewer system is impractical or not feasible, and where the City Engineer reviews and approves the use of an on-site wastewater disposal system(s), such on-site system(s) shall provide adequate sewage disposal for all lots, tracts, parcels and structures in the development that cannot be connected to the City's sewer system.
  - (ii) All on-site wastewater disposal systems shall be designed, permitted, constructed, operated and maintained in compliance with all applicable local, County and State regulations, and a permit for such system shall be acquired prior to Preliminary Plat and Construction Plans approvals.
  - (iii) On-site wastewater disposal facilities requiring soil absorption systems may be prohibited where such systems will not function properly due to high groundwater, flooding, unsuitable soil characteristics or other topographical or environmental issue(s).
  - (iv) Each lot, tract, parcel and structure that utilizes an individual on-site wastewater disposal system shall have a minimum land area of at least one (1) acre.
  - (v) No portion of any on-site wastewater disposal system shall be constructed within a minimum one hundred and fifty foot (150') radius around any water well either on-site or on other properties.
  - (vi) All properties and structures that are allowed to utilize an on-site wastewater system shall, at the owner's expense or using funds escrowed by the developer as set forth in this subparagraph (vi), tie onto the City's sanitary sewer system when such municipal system is extended to the service area as determined by the City Engineer. Such connection to the City's system shall occur within one (1) year after the system is made available to the area. The developer of any new subdivision shall provide escrow funds, the amount of which shall be subject to review and approval by the City Engineer, for this future connection to the City's sanitary sewer system.
  - (vii) In order to protect the public health, safety and welfare, an existing on-site wastewater disposal system shall be upgraded, or reconstructed if necessary, to comply with the City's standards by the owner, at the owner's expense, if the operation of the facility does not comply with government regulations or if it causes objectionable odors, unsanitary conditions, pollution, etc., as reasonably determined by the City.
  - (viii) In cases where a proposed residential subdivision with minimum lot sizes of one (1) acre is proposed and the lots are served by individual on-site wastewater disposal system, the Developer must convey, by virtue of the plat, the easements necessary, as reasonably determined by the City Engineer, through the proposed subdivision for the future expansion of the City's wastewater system in general conformance with the City's Capital Improvements Plan, as it exists or may be amended.

#### Section 4.09 - Drainage

- (1) The storm drainage system shall be designed in accordance with the City's Storm Water Drainage Design Criteria.
- (2) Computations for the design of the storm drainage system shall be based upon the modified rational method, using the North Central Texas Council of Government's Integrated Storm Water Management frequency curves for Collin County.
- (3) Storm drainage for residential areas (residential streets) shall be designed with a one-foot freeboard between the water surface elevation (hydraulic grade line (HGL)) and inlet throats using a twenty-five (25) year frequency rainfall. Shopping centers, industrial developments and collector streets shall be designed with a one-foot freeboard between the water surface elevation (HGL) and inlet throats using a fifty (50) year frequency rainfall. Downtown and central business districts and thoroughfare streets shall be designed with a one-foot freeboard between the water surface elevation (HGL) and inlet throats using a one hundred (100) year frequency rainfall.
- (4) A minimum "C" value of 0.55 shall be used in the rational formula for designing the drainage system in residential areas.
- (5) The drainage system shall be designed and constructed to handle rainfall runoff that originates in or traverses the subdivision.
- (6) The drainage system shall be designed so that water shall not be greater than curb deep and shall not flow farther than one thousand feet (1,000') before reaching an inlet. Water shall not be permitted to flow across intersections of collector or higher classification streets.
- (7) Street crowns shall not be flattened or warped from one (1) side of the street to the other side.
- (8) In general, rainfall runoff that cannot be handled in streets shall be put into reinforced concrete pipe or concrete-lined channels, except major outfall channels which handle water from drainage areas beyond the subdivision being constructed.
- (9) No open drainage channels shall be constructed within the areas dedicated as public streets and alleys.
- (10) Residential Lot Drainage — Except for Residential Estate Subdivisions, lot-to-lot surface drainage is prohibited for residential lots. Lot-to-lot surface drainage for Residential Estate Subdivisions is allowed only within a platted drainage easement with concrete-lined pilot channels. Pad elevations shall be no less than twelve inches (12") above curb elevation. Lot grading type and finished floor elevations shall be shown on the construction plans. Type B and Type C lot grading, as depicted below, must back to alleys or to a platted drainage easement on Homeowners Association-owned open space. Type C lot grading, as depicted below, may only be used with approval of the City Engineer.

Typical Lot Grading Patterns:



- (11) The developer shall pay for all costs of the drainage system.
- (12) If required by the City Engineer, the developer shall submit a drainage study that evaluates the upstream and downstream effects on receiving streams caused by the proposed subdivision. The developer shall pay the City, in advance, a drainage study review fee to offset the City's costs of reviewing a drainage study required under this subsection. The initial amount of the drainage study review fee is two thousand five hundred dollars (\$2,500.00). In the event that the City's costs to review the required drainage study are less than the initial amount paid by the developer under this subsection, the City shall refund the excess amount to the developer after the City's review is completed. In the event that the City's costs to review the required drainage study are more than the initial amount paid by the developer under this subsection, the developer shall be required to pay an additional amount as determined by the City Engineer, and the City shall refund any excess amount to the developer after the City's review is completed.

#### Section 4.10 - Engineering Standards

- (1) The City Council hereby delegates all future authority to draft, amend, approve and/or adopt any and all Engineering Standards to the City Manager, or his designee, with the input of the City Engineer, subsequent to the adoption of the Engineering Standards by Ordinance No. 13-11.
- (2) The Engineering Standards may be drafted, amended, approved and/or adopted, from time to time, at the discretion and determination of the City Manager, or his designee, with the input of the City Engineer. As Engineering Standards are drafted, amended, approved and/or adopted by the City Manager, or his designee, said standards shall be included and substituted for the existing Engineering Standards, and shall thereafter have the same force of law and effect as if originally adopted hereby. Prior to the adoption of any new or amended provision within the Engineering Standards, such new or amended provision shall be posted on the Development and Neighborhood Services page contained on the City of Blue Ridge's official website for a minimum of thirty (30) calendar days. The Development Services Department shall also provide notice of any new or amended provision within the Engineering Standards on the home page of the City of Blue Ridge's official website, by using a link to the Engineering Standards, for a minimum of thirty (30) calendar days prior to the enforcement of such new or amended provisions. Any individual may request to receive written notice of any new or amended provision to the Engineering Standards by providing said request in writing to the Director of Development Services. A copy of the current Engineering Standards shall be kept on file and available for review with the Department of Development Services' office and on the Development and Neighborhood Services page contained on the City of Blue Ridge's official website.
- (3) To the extent that this Article IV and the Engineering Standards are in conflict with each other, the provisions of Article IV shall prevail.

#### Section 4.11 - Compliance with City Plans, Ordinances and Policies Required

Compliance with all City of Blue Ridge ordinances and policies pertaining to the subdivision and development of land, and the City of Blue Ridge's Comprehensive Plan (where applicable), as each exists, may be amended or in the future arising, shall be required prior to approval of any application pursuant to this Ordinance. It is the property owner's responsibility to be familiar with, and to comply with the City of Blue Ridge ordinances and policies, the Comprehensive Plan and the provisions of this Ordinance. Applicable City of Blue Ridge ordinances, policies and plans with which all applications must comply include, but are not limited to, the following:

- (a) Comprehensive Plan (including all associated maps and plans);
- (b) Zoning Ordinances;
- (c) Building Codes;
- (d) Flood Damage Prevention Ordinance;
- (e) All International Codes;
- (f) Other applicable portions of the City of Blue Ridge's Code of Ordinances;
- (g) Impact Fee Ordinance;
- (h) Park Dedication policy;
- (i) Engineering Standards; and
- (j) Federal, State and Local Environmental Regulations.

#### ARTICLE V. - ENFORCEMENT

##### Section 5.01 - Standard Specifications

The specifications for materials and workmanship shall conform to the latest edition of the "Standard Specifications for Public Works Construction," published by the North Central Texas Council of Governments.

##### Section 5.02 - Inspection of Construction

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

No sanitary sewer, water or storm sewer pipe shall be covered without approval of the city engineer, or his representative. No flexible base material, subgrade material, or stabilization shall be applied to the street subgrade without said approval. No concrete shall be poured nor asphaltic surface applied to the base without said approval.

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

##### Section 5.03 - Maintenance Bond

The subdivider shall furnish a good and sufficient maintenance bond in the amount of one hundred percent (100%) of the contract price of all public improvements, or in such amount as approved by the city engineer, with a reputable and solvent corporate surety in favor of the city, to indemnify the city against any repairs which may become necessary to any part of the construction of public improvements

in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of one (1) year from the date of final acceptance of the improvements. Final acceptance will be withheld until said maintenance bond is furnished to the city.

#### Section 5.04 - Filing and Inspection Charges

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

Except as hereinbefore provided, these fees and charges shall be charged on all plats and filings, regardless of the action taken by the commission or any other board or agency of the city, and whether the plat or filing is approved or denied by the City Council.

- (1) Residential: For single-family and multifamily uses:
  - (a) Preliminary plat — Seventy-five dollars (\$75.00) per plat, plus two dollars (\$2.00) per unit.
  - (b) Final plat — Fifty dollars (\$50.00) per plat, plus three dollars (\$3.00) per unit.
- (2) Mobile homes: For developments for locating mobile homes:
  - (a) Preliminary filing — Seventy-five dollars (\$75.00) per filing, plus two dollars (\$2.00) per space.
  - (b) Final filing — Fifty dollars (\$50.00) per filing, plus three dollars (\$3.00) per space.
- (3) Other uses: For commercial, industrial, institutional, and other uses not normally platted in lots:
  - (a) Preliminary plat — Seventy-five dollars (\$75.00) per plat, plus six dollars (\$6.00) per acre.
  - (b) Final plat — One hundred dollars (\$100.00) per plat, plus ten dollars (\$10.00) per acre.
- (4) Refiling: When a preliminary plat has not been accepted by the commission, and the subdivider refiles a new design for all or a lesser portion of the preliminary plat within ninety (90) days of such non acceptance, no new fee shall be charged for the refileing.
- (5) Inspection Fee: An inspection fee of 2.5% of the cost of construction, as determined by the City Engineer, will be paid prior to the initiation of any construction.

#### Section 5.05 - Penalty

Any person, firm or corporation who shall violate any of the provisions of this ordinance or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed five hundred dollars (\$500.00) and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

#### Section 5.06 - Conflict

Any previous ordinances of the City of Blue Ridge now in effect governing the subdivision of land are hereby repealed. Whenever the requirements of this ordinance of the city, the most stringent or restrictive provision shall govern. Whenever the requirements of this ordinance conflict with the provisions of an executed facilities agreement, the provisions of the facilities agreement shall govern.

#### Section 5.07 - Severability

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

#### Section 5.08 - Effective Date

This ordinance shall become effective on **the 16th day of October, 20**.

Duly passed and adopted by the City Council of Blue Ridge, Texas this 10th day of September, 1985.

/s/  
Mayor, City of Blue Ridge

ATTEST:

/s/  
City Secretary

Approved as to Form:

/s/  
City Attorney