

CITY OF WHITEWRIGHT, TEXAS

SUBDIVISION ORDINANCE

ORDINANCE NO. 444

Revised January 4, 2022

CITY OF WHITEWRIGHT, TEXAS

SUBDIVISION REGULATIONS

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS, PLANS, AND SUBDIVISION OF LAND WITHIN THE CITY OF WHITEWRIGHT, 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 Whitewright who may hereafter divide the same in two (2) or more parts described by metes and bounds or otherwise for the purpose of laying out any subdivisions of such tract of land or any addition to said city, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, are required to submit a plat of such subdivision of addition for approval by the Planning and Zoning Commission and the City Council of the City of Whitewright; 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 Whitewright 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 WHITEWRIGHT, 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 Whitewright, 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 and 242

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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 Whitewright, 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 Whitewright 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 Texas Local Government Code 212 and 242, which articles are hereby made a part of these regulations, these regulations shall be extended to and shall apply to all of the area outside of the corporate limits of said city but within the extraterritorial jurisdiction of said city. Such jurisdiction shall extend into and encompass all those areas not within the jurisdiction of some other municipality, as classified in Article 970a, Vernon's Annotated Revised Civil Statutes, and extending in all directions from the corporate limits of the City of Whitewright and all of its extensions.

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

Section 1.05 - Approval Required

City shall withhold all City improvements and issuance of building permits from subdivisions not officially approved by the City Council.

Unless and until any plat, plan or replat shall have been first approved in the manner provided herein, it shall be unlawful for any person, firm, corporation, 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 Whitewright; 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 Whitewright and the subdivision contains three (3) or more lots, the owner shall request the city for annexation through lawful annexation proceedings so as to qualify the subdivision to receive city services, when available, and to afford zoning protection, as allowed by law. Annexation is a pre-requisite for zoning. 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 secured as a prerequisite to any application for platting. Application for zoning including 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 Whitewright, 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 Planning and Zoning Commission 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.

Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done.

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 Whitewright, Texas, together with its governing and operating bodies.
 - (a) City council: The duly elected governing body of the city.
 - (b) Commission: The Planning and Zoning Commission, as appointed by the City Council to administer these regulations.
 - (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 Administrator, City Clerk, City Engineer, etc.)
 - (d) Surveyor: A licensed state land surveyor or 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, business, partnership, corporation, association, or agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The terms "subdivider" and "developer" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided.
- (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 land, lots, or tracts.

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

- (16) Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

ARTICLE II. - SPECIAL PROVISIONS

Section 2.01 - Facilities Agreement

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

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

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

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

Section 2.02 - Development Permit

A development permit 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 may require a more detailed drainage study. The City Engineer shall issue such development permit when all conditions of this ordinance have been satisfied.

Section 2.03 - Pro Rata Payments

The developer shall be fully responsible for the construction of oversize or off-site access, utilities, drainage, and other improvements necessary for the subdivision and the surrounding area, unless other provisions are approved by the City Council. Pro Rata payments are not required. Provisions for reimbursement of costs in excess of those necessary to serve the subdivision, and any other provisions, if any, shall be made a part of the facilities agreement, otherwise pro rata payments shall not apply. For any subsequent subdivisions utilizing such facilities, any cost due prior developers shall be prorated as the use by the new subdivision bears to the amount due. Such prorated amounts will be made a part of any subsequent facilities agreement, collected by the city, and repaid to the original developer making such improvements only from amounts actually collected by the City.

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 – Floodplains (Zoning and Easements)

- (1) General: The city will strongly discourage the platting of property for construction purposes that is in a natural flood plain or other area that is subject to flooding. Floodplains and environmentally sensitive areas, including but not limited to water resources, biological resources and unique habitats, may also require additional studies, requirements and procedures.
- (2) Liability: The city will not be financially liable for any damages due to flooding.
- (3) Developer is solely responsible for all drainage and flood prevention and assure compliance with FEMA NFID Management standards. Future disputes regarding flooding and drainage do not involve the City or its staff.
- (4) Notice of potential damage from flooding and drainage do not involve the City or its staff
- (5) Definitions.
 - (a) Base flood elevation line: Elevation lines established on the flood hazard boundary map showing projected flood surface elevation that can be expected for a 100 year flood.
 - (b) Flood: A general or temporary condition of partial and complete inundation of normally dry land areas from the overflow of streams, rivers or other inland water.
 - (c) Flooding: Same as "flood."
 - (d) Flood hazard boundary map: An official map or plat, approved by the Federal Insurance Administration, on which the boundaries of the flood plain area having special flood hazards have been drawn for the purpose of the emergency flood insurance program.
 - (e) Flood plain: A relatively flat or low area adjoining a river, stream, water course, bay or lake, which has been in the past or can reasonably be expected in the future to be covered temporarily by flooding of high water.
 - (f) Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to properties and structures, primarily for the reduction or elimination of flood damage to lands, water and sanitary facilities, structures, and contents of buildings.
 - (g) Floodway: The minimum areas of a riverine flood plain reasonably required for passage of flood waters.

- (h) Floodway encroachment lines: The lines marking the limits of floodways on the official flood hazard boundary map.
 - (i) Riverine structures: Structures located beside a river, stream, or water course.
 - (j) Start of construction: The placement of permanent construction, such as pouring of footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, land clearing, grading, or filling.
 - (k) Substantial improvements: Any repair, reconstruction, or improvement of a property, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the property either (a) before the improvement is started or (b) if the property has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any wall, ceiling, floor, or other structural part of the building commences.
 - (l) Water surface elevation data: The elevation in relation to mean sea level expected to be reached by floods at various magnitudes and frequencies at pertinent points along a stream.
- (6) Building permits shall be required of all proposed construction or other improvements located within the flood plain area.
- (a) All residential building permit applications for new construction of substantial improvements shall be accompanied by a statement of a duly registered (Texas) surveyor or engineer certifying that the lowest floor (including basement) elevation will be at least two feet (2') above the base flood elevation line.
 - (b) All other building permit applications shall be reviewed by the building inspector to determine that the proposed construction or repair uses: construction materials and utility equipment that are resistant to flood damage; construction methods and practices that will minimize flood damage.
 - (c) Further, all other building permit applications shall be reviewed by the building inspector to assure that the proposed construction and substantial improvements (including prefabricated and manufactured homes) are: protected against flood damage; designed (modified) and anchored to prevent flotation, collapse, or movement of the structure.
 - (d) The City Engineer will review all subdivision proposals and other proposed new development to assure that: all such proposals are consistent with the need to minimize flood damage; all public utilities and facilities, such as gas, electrical, sewer and water systems, are constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazards.
 - (e) The city engineer will require new or replacement water supply systems and sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems so as to avoid impairment or contamination during flooding.
- (7) 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.
- (8) Existing drainage easements shall be preserved and no construction, work, or filling shall occur in said areas without express approval from the City Engineer. No obstruction to the natural flow of water shall occur either during construction or upon final completion. All owners of property affected by such construction or filling shall be included and given notice of the request by owner.

Section 2.05 Land and Traffic Study

Regardless of stage of proceedings, or prior submissions, the City Engineer may require a land study by the subdivider to include information otherwise noted in these requirements for the tract and surrounding tracts, including but not limited to existing and proposed streets and roads, water lines, sewer lines, culverts, bridges, underground structures, easements, rights of way,

buildings, railroads and railroad right of way, topography, existing drainage channels, creeks, waterways and detention sites, private restrictions, private amenities, pools, recreation and park facilities, city limits, school district boundaries, county boundaries, the limits of the tract and scale distances, the names of adjacent subdivisions or the name of record or owners of adjoining parcels of unsubdivided land and other important features.

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

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

Section 2.06 Fees

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

Section 2.07 Water and Wastewater Main Extensions

1. Basic Policy.

a) Connection to water and wastewater systems. All subdivisions and each lot to be developed within the City of Whitewright shall be served by an approved water supply and distribution system and by an approved sewage collection and disposal system. No development shall be approved unless adequate assurances are provided that such development will be connected with the City's water supply and distribution system and with the City's wastewater system. No building permits shall be issued until satisfactory evidence of such connection has been provided.

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

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

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

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

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

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

2. Extension of Water and Wastewater mains for development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Extension of Mains.

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

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

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

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

ARTICLE III. PROCEDURE

Section 3.01 Predesign Conference

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

Section 3.02 Notice of Intent and Authority

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

Section 3.03 Preliminary Plat

The 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 properly submitted or considered by the commission until and unless the prescribed filing fees have been paid along with submission of all required checklists, plans and items.

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.

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

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

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

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

(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 for each tract sought for subdivision 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 City staff or commission finds to be necessary for making a decision on the approval of the preliminary plat. It shall contain the name of the proposed subdivision, the name and address of the subdivider and the Engineer or surveyor responsible for the design or survey, tract designation, and other descriptions according to the abstract and survey records of Grayson County, Texas.

A general development plan shall be considered to be a detailing of the comprehensive plan and shall become effective upon final adoption; 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, schools, 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, utilities or other underground structures with pipe sizes, grades, and locations indicated.

(d) It shall show the names of tract owner and the names of adjacent subdivision or names of record owners of adjoining parcels.

(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"

_____ Chairman Planning and Zoning Commission, City of Whitewright, Texas	_____ City Secretary City of Whitewright, 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. There shall be no work done in the field on the proposed subdivision until the final plat has been accepted.

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, or as allowed by law; otherwise the acceptance shall terminate and shall be void, unless prior to the expiration of said acceptance the time for filing of the final plat is extended at the written request of the subdivider. 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 affect 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. The final plat shall contain all requirements from the preliminary plat process as well as additional requirements. 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, one AutoCAD (.dwg format) electronic file, one Adobe Acrobat (.pdf format) electronic file, or any other electronic format requested by the City Engineer, of the final plat shall be delivered to the plan administrator 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 and all required items properly submitted.

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.

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 of 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 two feet (2') 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.
 - (m) Drainage Easement Restriction (DER) – No construction, or filling without written approval of the City of Whitewright, Grayson County, Texas shall be allowed within a drainage easement. No obstruction of the natural flow of water shall occur.
 - (n) Utility Easements (UE) – Any public utility, including the City of Whitewright, Grayson County, Texas shall have the right to move and keep moved all or part of 10 any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements for the purpose of construction, reconstruction, enlargement, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.
- (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 Whitewright a certified check in this amount or shall present other financial guarantees, as sufficient to ensure that the required improvements will be made at developer expense, and approved by the City Council.

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 Whitewright, Texas.

Signature: _____ Date: _____

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

- (e) Certificate of acceptance by the City Planning and Zoning Commission: (To be placed on the plat in a manner that will permit the completion of the certificate by filling in the blank spaces.)

Accepted this _____ day of _____, 19____, by the City Planning and Zoning Commission of the City of Whitewright, Texas.

Chairman, Whitewright Planning and Zoning Commission

Attest:

Secretary, Whitewright Planning and Zoning Commission

- (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 Whitewright:

Mayor, City of Whitewright _____ Date: _____

The undersigned, the City Secretary of the City of Whitewright, hereby certifies that the foregoing final plat of _____ Subdivision or Addition to the City of Whitewright was submitted to the City

Council on the _____ day of _____, 19____, 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. 19____.

City Secretary, City of Whitewright, Texas

- (6) Construction plans: Construction plan and profile sheets for all public improvements shall be submitted with the final plat (hard copies and electronic copies as specified by the City Engineer). 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 connections, 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 connections, 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.
 - (g) The plans shall contain all necessary information for construction of the project, including screening walls.
 - (h) owner certifications as specified by the City engineer, including dedications of rights of way, easements and other matters, subject to approval and acceptance by the City
- (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.

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

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 maps and plat records of Fannin and Grayson Counties, 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.

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

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 procedure for replatting (resubdividing) shall be the same as for subdividing as stipulated by this Ordinance. The replat of the subdivision shall meet all the requirements for a subdivision that may be pertinent. However, if the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no engineering plans will be required. Preliminary plats may be waived for any replats.
- (b) In the event the proposed replat involves property which has been previously developed and limited by deed restrictions or zoned as either single family or duplex residential use, then special notice requirements are triggered. After an application is filed for a replat affecting single family and duplex property, then the City Secretary shall cause a notice of the application to be published in the official newspaper of the City at least fifteen (15) days before the date of the City Council meeting at which it is to be considered. Such notice must include a statement of the time and place at which the City Council will meet to consider the replat and to hear protests to the revision. Additionally, written notice must be sent to all owners of property located within the original plat, or if within the extraterritorial jurisdiction, to property owners within two hundred feet (200') of the property proposed for replat. Such notice may be served by depositing the notice, properly addressed and postage paid, at the local post office.

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

- (c) A fee of two hundred fifty dollars (\$250.00) per replat, plus the estimated postage cost for sending out required notices, shall be collected for each replat that does not require a preliminary plat. The proposed replat will not be reviewed or considered in any respect until such fee has been collected.

3.05 Dormant Plats and Permits.

(a) All prior permits and plats (preliminary or final) that do not have an expiration date and upon which no progress has been made towards completion of the project are deemed to have an expiration date of two (2) years from the date of this ordinance. All future permits and plats (preliminary or final) shall have an expiration date of two (2) years on an individual permit or plat if no progress has been made towards completion of the project. Notwithstanding any other provision of this chapter, the expiration date on a project shall be no earlier than the fifth anniversary of the date the first permit application was filed for the project if no progress has been made towards completion of the project.

(b) Progress towards completion of the project shall include any one of the following:

- (1) an application for a final plat or plan is submitted to a regulatory agency;
- (2) a good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
- (3) costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- (4) fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
- (5) utility connection fees or impact fees for the project have been paid to a regulatory agency.

(LGC 245.005)

ARTICLE IV. - DESIGN STANDARDS

Section 4.01 - Streets

- (1) **Conformity to thoroughfare plan:** The width and location of streets shall conform to such thoroughfare plan of the City of Whitewright 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. Arterial streets intersect at 90 degree angles unless otherwise approved by the City.

- (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 and thoroughfares or business districts. The right-of-way for collector streets shall be sixty feet (60').
 - (c) Residential or local street: A street exclusively or primarily providing access to abutting properties. A local street may be located within a commercial or industrial area.
 - (d) Cul-de-sac: A local street having but one (1) outlet to another street, and terminated on the opposite end of a vehicular turnaround.
 - (e) Dead-end street: A street, other than a cul-de-sac, having only one (1) outlet.
 - (f) Frontage street: A local street lying parallel to and adjoining a major street right-of-way, which provides access to abutting properties and protection from through traffic.
 - (g) Alley: A public or private way designed primarily for vehicular travel to provide access to or from the rear or side property otherwise abutting on a street.
 - (h) Loop street: A local street having only two (2) outlets onto one (1) other street except a cul-de-sac.
- (2) Relation to adjoining street system: The proposed street system shall extend all existing major streets and such collector and local access streets as may be desirable for convenience of circulation. Where possible, the width and the horizontal and vertical alignment of extended streets shall be preserved.
 - (3) Street jogs: Where off sets in street alignment are, in the opinion of the City Engineer, unavoidable, such off-sets may be employed provided the distance between center lines is not less than one hundred twenty five feet (125').
 - (4) Large lot subdivision: If the lots in the proposed subdivision are large enough to suggest resubdivision in the future, or if a part of the tract is not subdivided, consideration must be given to possible future street openings and access to future lots which could result from such resubdivision.
 - (5) Through traffic: Residential and local streets shall be designed to discourage high speed or through traffic.
 - (6) Topography: The street system shall bear a logical relationship to the natural topography of the ground. The minimum grade of a street shall be 0.5% and the maximum grade shall be six percent (6%), unless otherwise approved by the City Engineer.
 - (7) Pavement and right-of-way width: All streets shall be paved with reinforced concrete paving with integral curb and gutter, and shall conform in width and section to the thoroughfare plan of the City. Right-of-way width shall be measured between front lot lines and pavement width shall be measured from back of curb. Except as provided hereinafter, no street right-of-way shall be less than fifty feet (50') wide and no street pavement shall be less than thirty-one feet (31') wide.
 - (8) Residential estate subdivision: For estate subdivision as herein defined, the City Council may allow variance to these regulations to provide for a lesser pavement and right-of-way width, and for the elimination of the requirement for curb and gutter.
 - (9) Vertical alignment: Profile grades of streets and alleys which intersect at a point of vertical intersection (PVI) shall be connected by vertical curve unless the algebraic difference between the two (2) grades is less than one percent (1%). The minimum length (in feet) of a vertical curve shall comply with the requirements shown in the following Sag and Crest Vertical Curve tables:

Sag Vertical Curve: Minimum Length (feet) ($L=KA$)									
Algebraic Grade	Design Speed by City	15	20	25	30	35	40	45	50

Difference (%)(A)	Engineer (mph)								
	K	10	20	30	40	50	70	80	100
1		10	20	30	40	50	70	80	100
2		20	40	60	80	100	140	160	200
3		30	60	90	120	150	210	240	300
4		40	80	120	160	200	280	320	400
5		50	100	150	200	250	350	400	500
6		60	120	180	240	300	420	480	600
7		70	140	210	280	350	490	560	700
8		80	160	240	320	400	560	640	800
9		90	180	270	360	450	630	720	900
10		100	200	300	400	500	700	800	1000
11		110	220	330	440	550	770	880	1100
12		120	240	360	480	600	840	960	1200
13		130	260	390	520	650	910	1040	1300
14		140	280	420	560	700	980	1120	1400
15		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
1		5	10	15	20	30	50	65	90
2		10	20	30	40	60	100	130	180
3		15	30	45	60	90	150	195	270
4		20	40	60	80	120	200	260	360
5		25	50	75	100	150	250	325	450
6		30	60	90	120	180	300	390	540
7		35	70	105	140	210	350	455	630
8		40	80	120	160	240	400	520	720
9		45	90	135	180	270	450	585	810
10		50	100	150	200	300	500	650	900
11		55	110	165	220	330	550	715	990
12		60	120	180	240	360	600	780	1080
13		65	130	195	260	390	650	845	1170
14		70	140	210	280	420	700	910	1260
15		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:

Classification	Minimum center line radius (feet)
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.
 - (d) New residential or local streets shall only intersect with other local streets or collector-classification streets; Only collector and arterial streets shall intersect with arterial streets.
- (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) Half-streets prohibited. 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.
 - (f) Developer shall bear the full cost of all roadway connections deemed appropriate by the City engineer to connect to existing streets and roads and to bring existing and/or connecting streets and roads up to a size and condition to safely convey traffic for the proposed subdivision.
 - (g) Strips of privately owned property reserved for the obvious purpose of controlling access to streets shall be prohibited except where control is definitely placed in the City under conditions approved by the City Council.
- (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 and traffic control devices: The city shall install street signs and traffic control signs and devices as deemed appropriate by the City Engineer, 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) Escrows for Adjacent Streets.
- a. When a proposed subdivision of land abuts on both sides of an existing substandard road according to the then existing current City of Whitewright standards, the Developer shall be required to improve the existing road to bring the same to the City of Whitewright standards. Any reimbursement, if due, to the Developer by the City will be made when funds become available.
 - b. If the proposed subdivision is located along only one side of a substandard road, and when in the City Council's judgment, it is not feasible to reconstruct said substandard road at the time of development of said subdivision, the City Council may permit the Developer to pay into escrow an amount equal to the Developer's share of the cost of said improvements as a condition for the approval of the final plat of the subdivision. The amount of escrow shall be determined by a "pro rata" charge as prescribed by the City and shall be payable prior to approval of plans by the City Engineer.
 - c. When funds have been provided and placed in escrow with the City of Whitewright for the development of a substandard road and the road is reconstructed by others at no cost to the City, the escrowed funds and accrued interest, if any, shall be refunded to the Developer after completion and acceptance of the improvements. In the event that a portion of the cost is borne by the City, the escrowed funds and accrued interest, if any, shall be refunded to the Developer after completion and acceptance of the improvements. In the event that a portion of the cost is borne by the City, the difference between the Developer's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded to the Developer after completion and acceptance of the improvements. d. Whenever under any of the provisions of this section, funds are required to be escrowed for the cost of future improvements to substandard roads, the form of such escrow shall be cash or its equivalent.
- (24) 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.

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

(25) Curbs and gutter required.

In general, curbs shall be placed symmetrically in the streets.

Different locations for curbs than indicated herein may be made by the city engineer to continue an existing substantial construction to an intersection in the block where such existing construction exists.

At street intersections in the city of Whitewright, the curb face line of intersecting curbs shall conform to a five-foot radius. At all other street intersections, the curb face line shall conform to a fifteen-foot radius. Combination curb and gutter shall be constructed unless other types, such as plain curb or curb integral with street pavement or sidewalk, is authorized by the city's engineer.

Curbs in city of Whitewright in new development, shall be eight (8) to ten (10) inches high, six (6) inches wide at the top with one-quarter-inch radius on the back edge, a one-inch radius on the face edge, and a three-inch radius where joining integral gutter or pavement. The gutter integral with the curb shall extend twenty-one (21) inches from the curb face, have a minimum thickness of seven (7) inches and have a drain depth of three-quarters inch.

When plain curb is constructed in the central area district, it shall be twenty-four (24) inches overall height, six and one-half (6½) inches wide below pavement surface and six (6) inches wide at the top with the face battered one-half inch and a one-quarter-inch radius on the back and one-inch radius on the face edge.

Curbs constructed integral with the sidewalk shall be designed to eliminate water seepage into the earth below the adjacent construction, all as directed by the city's engineer.

The curb section in locations other than the central area district shall be seven (7) inches high, six (6) inches wide at the top with a one-half-inch radius on the back edge, a two-inch radius on the face edge, and a three-inch radius where joining integral gutter or pavement. Gutter integral with the curb shall extend eighteen (18) inches from the curb face, have a minimum thickness of six (6) inches, an edge thickness of six (6) inches and have a drain depth of one (1) inch. When plain curb is constructed in locations other than the central area district, it shall be twenty (20) inches overall height, six and one-half (6½) inches wide below the pavement surface and six (6) inches wide at the top with the face battered one-half inch and a one-half inch radius on the back and a two-inch radius on the face edge.

In the construction of curbs, after the concrete has been struck off to the forms and after it has become sufficiently set, the exposed surfaces shall be thoroughly worked with a wooden float. The exposed edges shall then be rounded to the specified radius with an approved edging tool. When the concrete in the curb has become sufficiently set, the inside curb form shall be carefully removed, and the surface thus exposed shall be pointed up where necessary, dummy joints marked with approved jointing tools at approximately six-foot spacing, then wetted and rubbed with a wood block to remove all form marks and other irregularities, producing a finish similar in appearance to that previously finished.

Concrete curbs shall be constructed with one-half-inch expansion joints transversal to the section at fifty-foot intervals, at points of tangency where curved for intersections and drives and at any other places required by the director of public works. The joint materials shall be anchored to one (1) section of the curb

- (27) The engineering design of streets in the City of Whitewright shall conform to the then current street standards as adopted by the City of Whitewright, or the requirements of this ordinance, whichever is the most stringent standard.

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: Residential lots shall not be allowed to front on streets with a collector or higher functional classification.
- (7) Lots on drainage easements: Minimum usable lot depths for lots backing on natural drainage easements shall not be less than eighty feet (80') 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 and only then with a minimum 10 foot wide landscaped buffer with an approved screening wall.
 - (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 (4") in thickness, and reinforced with 6×6×6 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-six feet (26') 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.

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.

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 (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/fiber carrier-type utilities shall be underground, except that the system of supply lines for multiple subdivision service by utilities may be overhead. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground level. All services for available utilities shall be made available to each lot in such a manner so as to eliminate the necessity for disturbing the street and alley pavement, curb, gutter, sidewalks, and drainage structures when connections are made. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad-mounted or placed underground, where applicable. All conduits from electric, telephone and cable TV shall be installed and buried at the expense of the developer and in accordance with the City standards and City franchisee specifications. Overhead services will not be permitted to cross public street rights-of-way.
- (3) Sidewalks: 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 Whitewright 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. The minimum residential street width shall be 31-foot measured from back-of-curb to back-of-curb.
 - (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. The minimum collector street width shall be 41-foot measured from back-of-curb to back-of-curb.

- (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 Whitewright'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 (20'), 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 (30') 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. The City may require an escrow from the developer in the amount of estimated acquisition costs, including legal fees, prior to taking any action.
- (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) 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 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 Whitewright. 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 per the latest edition of the *International Fire Code* and *TCEQ* standards for a Public Water System. 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.
 - (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. 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. 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.

(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) Drainage system design shall conform to methodology solely determined by the City Engineer for all aspects of drainage detention and design. Detention shall be provided to pre-design/construction as defined by the City Engineer, in the City of Bell's drainage design manual or any alternative drainage design manual selected by the City Engineer.
- (2) Computations for the design of the storm drainage system shall be based upon the rational method, using the North Central Texas Council of Government's Integrated Storm Water Management frequency curves for Fannin and Grayson Counties.
- (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) The developer shall pay for all costs of the drainage system.
- (11) When a Developer undertakes the development of a tract that would require the extension of a storm sewer system across an undeveloped tract, lot or block, the expense of the extension of such storm sewer system shall be borne by the developer.
- (12) In general, the Developer shall provide, at his own expense, a right-of-way easement of sufficient width to permit excavation and maintenance of open channels of satisfactory depth and width including drainage on private property within the development. The Developer shall complete all necessary excavation on the channel and shall sod or seed the channel to prevent erosion. Unless the excavated channel bottom is in Chalk, Limestone, or other similar acceptable rock, a reinforced concrete pilot channel or concrete channel lining may be required by the City to prevent erosion or for access purposes. However, concrete lined channels shall not have a side slope greater than 4:1. Location, and type of construction of open channels shall be approved by the City Engineer.
- (13) With the discretionary authority and approval of the City engineer, creeks may remain in open natural condition or excavated channels may be constructed provided they meet one of the following requirements:

a. Creeks or excavated channels with side slopes of 4:1 or flatter from bottom of channel to top of bank may be platted as part of individual lots. Adequate access and flood way easements shall be provided to insure protection of these areas for maintenance purposes.

b. Creeks of drainage ways with banks which have slopes steeper than 4:1 or at the request of the City engineer drainage ways must be maintained by a maintenance entity other than individual lot owners. In such cases, the creek or excavated channel shall meet one of the following two requirements:

1) The area of the flood way shall be provided as a park or flood way management area. Prior to acceptance of any drainage way as a flood way management area by the City, the drainage way shall be cleared of all debris, trash and all objectionable underbrush and weeds. All provisions of Paragraph 2 above must be met.

2) Creeks or drainage ways in any areas which have private maintenance provisions other than individual lot owners, shall not be required as flood way management areas. The creeks or drainage ways in these areas shall not be maintained by the City. Adequate utility access and flood way easements shall be provided to ensure protection of these areas for maintenance purposes.

3) Lakes, detention ponds, and retention ponds may be constructed in all areas provided they are approved by the City Engineer. All detention ponds shall be maintained by the Developer and/or the Homeowners Association.

4) Other innovative drainage concepts will be considered if approved by the City Engineer and City Council.

5) With the discretionary authority and approval of the City engineer, open storm sewers may be constructed across the front and sides of all developments other than residential

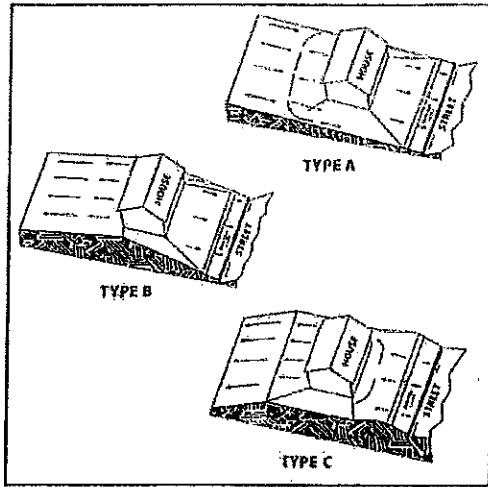
Responsibility of Owner/Occupiers:

The owner, builder, developer, tenant or any other person, firm or corporation who owns, possesses, is in custody of, builds upon, modifies or exercises control of property shall be responsible for any drainage, erosion, and/or silt, mud or sand transported from the property by drainage. The intent of this ordinance is that owners, builders and developers make provisions for properly addressing drainage issues and preventing erosion and sedimentation problems at such time as their property is proposed for development, construction, use or modification, and to continue such preventive measures during the actual construction and development of the property. Additionally, all persons, firms or corporations who, after construction and development, own, possess, are in custody of, or exercise control of the property are responsible for drainage and preventing erosion and sedimentation problems.

- (14) 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:



- (15) The developer shall pay for all costs of the drainage system.
- (16) 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 Administrator, or his/her designee, with the input of the City Engineer.
- (2) The Engineering Standards may be drafted, amended, approved and/or adopted, from time to time, at the discretion and determination of the City Administrator, or his/her designee, with the input of the City Engineer. As Engineering Standards are drafted, amended, approved and/or adopted by the City Administrator, or his/her designee, said standards shall be included and substituted for the existing Engineering Standards, and shall thereafter have the same force of law and effect as if originally adopted hereby. Prior to the adoption of any new or amended provision within the Engineering Standards, such new or amended provision shall be posted on the City of Whitewright's official website for a minimum of thirty (30) calendar days. The Permits Office shall also provide notice of any new or amended provision within the Engineering Standards on the home page of the City of Whitewright'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 City Clerk. A copy of the current Engineering Standards shall be kept on file and available for review with the Permits office and on the City of Whitewright's official website.

- (3) To the extent that this ordinance and the Engineering Standards are in conflict with each other, the provisions of this ordinance shall prevail.

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

Compliance with all City of Whitewright ordinances and policies pertaining to the subdivision and development of land, and the City of Whitewright'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 Whitewright ordinances and policies, the Comprehensive Plan and the provisions of this Ordinance. Applicable City of Whitewright 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 Whitewright's Code of Ordinances;
- (g) Park Dedication policy;
- (h) Engineering Standards; and
- (i) 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

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

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

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

The City Engineer, or his representative, may at any time cause any grading, 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.

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

The City of Whitewright may contract with an independent materials testing firm to confirm that the requirements of this ordinance are met. The cost of materials testing shall be borne by the developer. Prior to final acceptance by the City of the improvements in the subdivision, the Engineer for the Developer shall submit to the City Engineer a complete, reproducible set of drawings of paving, drainage, and other improvements showing all changes made in the plans during construction and containing on each sheet an "As-Built" stamp bearing the signature of the Engineer and the date. An electronic file of the plat and any engineering plans shall also be submitted to the City.

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

Section 5.03 - Maintenance Bond

The subdivider shall furnish a good and sufficient maintenance bond in the amount of one hundred percent (100%) of the contract price of all public improvements, or in such amount as approved by the City Engineer, with a reputable and solvent corporate surety in favor of the city, to indemnify the city against any repairs which may become necessary to any part of the construction of public improvements in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of 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 Planning and Zoning Commission or 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) Manufactured housing: For developments for locating manufactured housing:
 - (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 refiling.
- (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 Whitewright 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

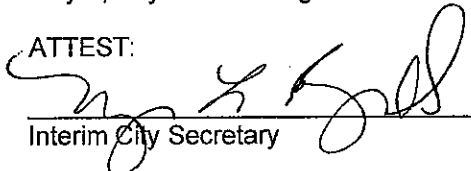
This ordinance shall become effective on the 4th day of January, 2022.

Duly passed and adopted by the City Council of Whitewright, Texas this 4th day of January, 2022.



Mayor, City of Whitewright

ATTEST:



Interim City Secretary

Approved as to Form:

City Attorney