

TOWN OF ROUND TOP

ORDINANCE NO. _____

SUBDIVISION ORDINANCE

AN ORDINANCE OF THE TOWN OF ROUND TOP, TEXAS, REGULATING SUBDIVISIONS IN THE TOWN OF ROUND TOP; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; SETTING PROCEDURES FOR THE APPLICATION FOR AND APPROVAL OF PRELIMINARY AND FINAL PLATS; ESTABLISHING STANDARDS FOR PUBLIC UTILITIES, PROPERTY, PARK DEDICATION, STREETS, AND DRAINAGE; ESTABLISHING REQUIREMENTS FOR CONSTRUCTION PLANS; INCLUDING FINDINGS OF FACT, ENACTMENT PROVISIONS, REPEALER, SEVERABILITY, PUBLICATION, EFFECTIVE DATE, PUBLIC NOTICE & MEETING.

WHEREAS, the Town Council of the Town of Round Top (“Town Council”) finds that regulating the development of subdivisions is in the Town’s interest;

WHEREAS, pursuant to Texas Local Government Code Chapter 51 the Town Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

WHEREAS, the Town Council desires to adopt regulations that apply to subdivisions within the Town’s corporate limits consistent with State law and in order to promote the public health, safety and general welfare;

WHEREAS, the Town Council hereby adopts subdivision regulations as authorized by Chapter 212 of the Texas Local Government Code to promote the health, safety, and general welfare of the Town, as well as the safe, orderly, and healthful development of the Town; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ROUND TOP, TEXAS, THAT:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

The laws of the Town of Round Top shall hereby read in accordance with *Exhibit A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. PUBLICATION

The Town Secretary is hereby directed to record and publish the attached rules, regulations and policies in and among the records of the Town, as may be required by law.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED ON READING THIS 6TH DAY OF FEBRUARY, 2017.

TOWN OF ROUND TOP:

Hon. Barnell Albers, Mayor

ATTEST:

Dwight M. Nittsche, Town Secretary/Municipal Clerk

APPROVED AS TO FORM:

Cary L. Bovey, Legal Counsel

Sec. 1.101 Administration

(a) Short Title. This Ordinance may be known and cited as the “Town of Round Top Subdivision Ordinance” and will sometimes be referred to herein as “this Ordinance.”

(b) Authority. This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including but not limited to Chapter 212 of the *Texas Local Government Code*, as amended.

(c) Purpose. This Ordinance was created to provide for the orderly, safe and healthful development of the area within the corporate limits of the Town; promote the health, safety and general welfare of the community; establish orderly policies and procedures to guide development of the Town; provide for establishment of minimum specifications for construction and engineering design criteria; ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare and to protect against the dangers of fires, floods, erosion, landslides, or other such menaces; provide proper utilities and services for adequate drainage, water supply, waste water systems, disposal of sanitary and industrial waste, and other utility services; provide streets that ensure safe, convenient and functional systems for vehicular and pedestrian circulation; furnish adequate sites, convenient to schools, parks, playgrounds, and other community services, respecting topography and existing vegetation so that the natural beauty of the land shall be preserved.

(d) Interpretation. In the interpretation and application of the provisions of these regulations, it is the intention of the Town Council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the Town of Round Top, and, where other ordinances of the Town are more restrictive in their requirements, such other ordinances shall control.

(e) Fees. All fees related to this Ordinance shall be set by the Town Council and an officially adopted *Fee Schedule* shall be available at the office of the Town Secretary. Fees must be paid in accordance with the Town’s fee schedule and all third party fees that the Town incurs for work performed by entities other than the Town and individuals other than Town employees for reviewing applications or taking action with respect to a proposed subdivision must be reimbursed by the Developer.

(f) Severability & Validity. It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid by the valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

(g) Amendment. The Town Council may from time to time amend this Ordinance, in accordance with appropriate procedures provided by law. It is the responsibility of the Developer to obtain the most current Town of Round Top Subdivision Ordinance as adopted by

the Town Council.

SEC. 1.102 Requirements

(a) Compliance to This Ordinance. No Developer shall subdivide any tract of land that is located within the corporate limits of the Town except in conformity with the provisions of this Ordinance, as amended.

(b) Compliance with Other Ordinances. All subdivisions and development shall comply with all other applicable law and ordinances, whether or not specified herein.

(c) Plat Required. The owner of a tract of land located within the corporate limits of the Town of Round Top who divides the tract into two or more parts to lay out a subdivision of the tract, including an addition to the Town of Round Top, to lay out suburban, building or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated for public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts must have a plat of the subdivision prepared. A division of a tract under this Ordinance includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this Ordinance does not include a division of land into parts greater than five (5) acres, where each part has access to an existing or proposed street by frontage on such street, and no public improvement is being dedicated.

(d) Certification Regarding Compliance with Plat Requirements. On the written request of a Developer, a utility provider, or a governing body, and in compliance with Section 212.0115 of the *Texas Local Government Code*, as amended, the Town Building Official shall make the following determinations regarding the tract of land identified in the request:

1. Whether a plat is required under this Ordinance for the tract of land; and
2. If a plat is required, whether it has been prepared and whether it has been reviewed and approved by the Town Council or Town Building Official, as applicable.

If the Town Building Official determines that a plat is not required, a written certification of that determination shall be issued to the requesting party. If the Town Building Official determines that a plat is required and that the plat has been prepared and has been reviewed and approved by the Town Council or Town Building Official, where administrative approval is authorized, the Town Building Official shall issue to the requesting party a written certification of that determination.

The Town Building Official shall make a determination within forty five (45) days after the date the written request is received and shall issue a written certification of that determination, within ten (10) days after the date the determination is made.

(e) Notification of Action Taken. The Town Building Official shall issue to the Developer a certificate, as required by Section 212.0115 of the *Texas Local Government Code* stating that the

plat, including final, replat or amendments, has been reviewed and approved by the Town Council or Town Building Official, as applicable.

(f) Penalty for Violation. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provision hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed Two Thousand and No/100 Dollars (\$2000.00) per day, pursuant to Chapter 54 of the *Texas Local Government Code*, as amended, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. Prosecution or conviction under this Ordinance shall never be a bar to any other remedy or relief for violations of this Ordinance including but not limited to injunctive or other equitable relief.

(g) Improvements Required. The Developer shall furnish, extend, install and/or construct all infrastructure improvements, including but not limited to, the water and sanitary sewer systems and the street and drainage facilities necessary for the proper development of the subdivision. All such facilities shall be designed and constructed in accordance with the Design Standards included in this Ordinance as Exhibit “A” and other standards, specifications and drawings as may be hereafter adopted, approved by the Town Council and placed on file in the office of the Town Secretary.

Where considered necessary by the Town Engineer and/or the Town Building Official, the facilities shall be sized in excess of that dictated by the Design Standards included in this Ordinance as Exhibit “A” to provide for future growth and expansion, and construction of sanitary sewer systems may be required regardless of whether sanitary service is currently provided at the location of the subdivision being constructed.

SEC. 1.103 Enforcement

(a) Conditions for Filing Plat. A subdivision plat shall not be filed of record until it has been approved by the Town Council, the Developer has completed improvements and provided required maintenance or surety bond(s), and such improvements have been properly inspected, approved and dedicated to the Town. Any actual recording shall be void unless such Town approval shall be endorsed on the face of the plat as hereinafter provided.

(b) No Construction until Plat Approved. No construction work shall begin on the proposed improvements in the proposed subdivision prior to the final plat being approved by the Town Council.

(c) No Plat Changes without Approval. No changes, erasures, modifications or revisions shall be made to any plat of a subdivision after approval has been given by the Town Council and endorsed on the plat in writing, unless said change, revision or modification is first submitted to and approved by the Town Council.

(d) No Building Permit without Services. Building permits shall only be issued by the Town for any structure on any lot in a subdivision that is serviceable by the Town’s sanitary sewer system. No individual sewage disposal systems or on-sire sewage disposal systems shall be permitted on any lot or parcel within the corporate limits of the Town. All lots and parcels of real property must be connected to the Town’s wastewater system. All buildings must have a potable

onsite water source and a fresh water distribution system. All onsite facilities must be approved by the duly authorized governmental authority.

(e) No Permits without Full Compliance. No building permit shall be issued by the Town for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision which the standards contained herein or referred to herein have not been complied with in full.

(f) No Town Authorization without Full Compliance. The Town shall not authorize any other person, corporation or other entity, or any agent thereof, nor shall the Town itself repair, maintain, install or provide any streets or public utility services in any subdivision for which the standards contained herein or referred to herein have not been complied with in full.

The Town shall not authorize any other person, corporation or other entity, or any agent thereof, nor shall the Town itself sell or supply any sanitary sewer service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

(g) No Dedications on Disapproved Plats. Disapproval of a plat by the Town Council shall be deemed a refusal by the Town to accept the offered dedications shown thereon. Approval of a plat shall not be deemed acceptance of the offered dedications nor impose any duty upon the Town concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the Town have actually accepted the same by express written acceptance, entry, use or improvement. The Town Council, in any manner provided by law, may vacate any such dedication, before or after actual acceptance.

SEC. 1.104 Definitions

Addition: See *Subdivision*.

Administrative Minor Plat: A plat, having three (3) lots or fewer and adjacent to an existing street, where all required infrastructure is present, may be approved by the Town Building Official.

Alley: A minor public right-of-way generally twenty (20) feet in width, having no official name and not intended to provide the primary means of access to abutting lots which is used primarily for public utilities and vehicular service access to the back or sides of properties otherwise abutting on a street. The alley shall extend only secondary access to the abutting property unless approved by site plan or existing zoning.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year, determination based upon Federal Emergency Management Agency (FEMA) guidelines and as shown in the current effective Flood Insurance Study.

Block: A tract or parcel of land bounded by streets or by a combination of streets and public parks, cemeteries, highway, stream or Town boundary lines.

Building: Any structure built for support, shelter or enclosure of persons, or personal or movable property of any kind.

Building Official: The position charged and designated by the Town Council with the responsibility for issuing building permits and enforcing the various building and other technical codes of the Town of Round Top, Texas.

Building Permit: An official certificate issued by the Town through the Building Official that indicates that the structure has been approved, the plat has been recorded and that construction may begin.

Building Setback Line: The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street line or property line.

Certificate of Occupancy: An official certificate issued by the Town through the Building Official which indicates conformance with Town standards, regulations and conditions of zoning variances, if applicable, and that authorizes legal use of the premises.

Construction Plans: A set of drawings and/or specifications, including paving, water, wastewater, drainage or other required plans, submitted to the Town for review in conjunction with a subdivision or a development.

County: Fayette County, Texas.

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

Design Standards: The design criteria and construction standards provided in this Ordinance in Exhibit "A".

Developer: Any person, corporation, other entity or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "developer" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner of land to be divided.

Easement: An area for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance or operation of its respective systems on any of these easements. Any public utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, operating, patrolling, repairing, 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.

Engineer: A person duly authorized under the provisions of the *Texas Engineering Practice Act*, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans and specifications for subdivision development.

Extraterritorial Jurisdiction (ETJ): The unincorporated area of the County that is contiguous to the corporate boundaries of a municipality, more specifically described in Section 42.021 of the *Texas Local Government Code*, as may exist or be amended in the future.

Fee Schedule: The officially adopted *Fee Schedule*, as may be amended from time to time by the Town Council.

Final Acceptance: Acceptance by the Town of Round Top of all infrastructure improvements constructed by the Developer in conjunction with the development of land.

Final Plat: (Also known as *Record* or *Filing Plat*) The one official plat and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Surveyor or Engineer with the subdivision location referenced to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references.

Angular measurements and bearings shall be accurate to the nearest minute. Distances shall be accurate to the nearest tenth of a foot. The Final Plat of any lot, tract or parcel of land, if approved by the Town Council, shall be recorded in the Official Records of Fayette County, Texas.

Flood Plain: The area subject to be inundated by water from the base flood.

Floodway: A drainage area designated on a plat to accommodate the design flood for existing creeks and open drainage ways.

Infrastructure: All streets, alleys, storm drainage, water and wastewater facilities, utilities, lighting, transportation and other facilities as required by the Town of Round Top.

Lot: An undivided tract or parcel of land under one ownership having frontage on or access to a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement which is designated as a distinct and separate tract and which is identified by a tract or lot number or symbol in a duly approved subdivision final plat which has been properly filed of record.

Off-site: Located outside the boundary of a subdivision.

On-site: Located within the boundary of a subdivision.

Pavement Width: The portion of a street available for vehicular traffic is the portion between the edges of the pavement.

Plat: A map of a subdivision showing the location and boundaries of actual or proposed tracts and/or lots as well as other information including streets and alleys, contours, easements, survey, distance information and other required items.

Preliminary Plat: The graphic expression of the proposed overall plan for subdividing,

improving and developing a tract shown by superimposing a scaled drawing of the proposed land division on a topographic map and showing in the plan existing and proposed drainage features and facilities, street layout and other pertinent features with notations sufficient to substantially identify the general scope and detail of proposed subdivision.

Replat: The re-subdivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot or tract.

Resubdivision: See *Subdivision*.

Right-of-Way: That portion of the subdivision dedicated for public streets or public right-of-way purposes with the adjacent lot lines being the boundaries of the right-of-way.

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

Subdivision: (Includes *Resubdivision* and *Additions*) A subdivision is the division of a tract of land within the Town of Round Top, Texas into two or more parts (by lots, by metes and bounds or by any other method of subdivision or conveyance) for the purpose of thereby creating separate lots for ownership, usage or building purposes; for laying out any suburban lots or building lots, or any lots, streets, alleys or parks; or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent to the streets, alleys and parks. The term does not include a division of land into parts greater than five (5) acres, where each part has access to an existing or proposed street by frontage on such street, and no public improvement is being dedicated. The term includes any other subdivision or resubdivision of land contemplated by the provisions of Chapter 212 of the *Texas Local Government Code*.

Surveyor: A Registered Professional Land Surveyor as authorized by applicable Texas law to practice the profession of surveying.

Town: The Town of Round Top, Texas, together with all its governing and operating bodies.

Town Attorney: "Town Attorney" shall apply only to such licensed attorney or law firm that has been specifically designated as such by resolution of the Town Council or the person so retained in this position by the Town or their duly authorized representative.

Town Council: The duly elected governing body of the Town of Round Top, Texas.

Town Engineer: "Town Engineer" shall apply only to such licensed professional engineer or firm of licensed professional engineers that has been specifically designated as such by resolution of the Town Council or the person so retained in this position by the Town or their duly authorized representative.

Town Secretary: the person in charge of the official records and files for the Town, and who also exercises the powers and duties set forth herein and pursuant to applicable state law.

SEC. 1.105 General Subdivision Development

(a) All property not subdivided into lots, blocks and streets, or property to be resubdivided, within the Town shall hereafter be laid out subject to the approval of the Town Council and no other subdivision will be recognized by the Town.

(b) All plats within the Town of Round Top become a part of the total development of the Town and of its environs; therefore, the study of each submitted plat must include consideration of the conditions of the surrounding area and the interests of the abutting property owner(s).

(c) Developers may, and are encouraged to, meet with Town staff prior to submitting a preliminary plat in order to obtain appropriate information and feedback in the preparation of a subdivision plat.

(d) Prior to the consideration of the plans and plats by the Town Council, the Town Building Official and his/her duly authorized representatives shall review the submittal and provide comments regarding compliance with the Town's subdivision regulations.

SEC. 1.106 Procedure Summary

(a) Conformance to Procedure. Any owner or Developer of any lot, tract or parcel of land located within the corporate limits of the Town who may wish to effect a subdivision of such land shall conform to the general procedure described as follows:

1. Pre-application Conference.
2. Preliminary Plat.
3. Final Plat and Construction Plans.
4. Posting of Performance Bonds.
5. Construction Improvements.
6. Posting of Maintenance Bonds.
7. Town Acceptance of Improvements.
8. Recording of the Final Plat.

(b) Unauthorized Changes Prohibits Recording. Any change in the Preliminary Plat directed by the Town Council, unless accepted by the Developer and the Final Plat so changed, shall prohibit the Developer from recording the Final Plat.

SEC. 1.107 Procedure for Application Submittal

(a) Filing of an Application. Pursuant to Texas Local Government Code, Chapter 245, as amended, the rights to which an applicant is entitled shall accrue on the filing of a complete application that gives the Town fair notice of the project and the nature of the permit sought. A complete application is considered filed on the date the Town receives the application. An applicant may mail the application by certified mail or otherwise deliver the application to the following address:

Town of Round Top
Attn: Town Building Official
204A North Washington

P. O. Box 215
Round Top, TX 78954

(b) Expiration of Application. An application shall expire forty-five (45) days after the date the application is filed if:

1. the applicant fails to provide the documents, payment of fees, or other information necessary to comply with the Town's technical requirements relating to the form and content of the application;

2. the Town provides the applicant no later than ten (10) business days after the next Town Council Meeting after the day the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and

3. the applicant fails to provide the specified documents or other information within the aforesaid forty-five (45) day period.

(c) Filing Date of Application. An application for approval of a plat, including a preliminary, final, replat and amendment, shall be filed with the Town Building Official by the applicant.

(d) Review for Application Completeness. The Town Building Official shall determine if the application for approval of a plat meets all of the content requirements of this Ordinance. An incomplete application will be returned to the applicant within twenty (20) business days following the date of filing. The Town Building Official shall notify the applicant in writing of the noted deficiencies. Upon correction of the deficiencies, the application may be resubmitted to the Town Building Official.

(e) Withdrawal of an Application. At any time during the platting process, the applicant may make a request in writing to the Town Building Official that the Plat, including a preliminary, final, replat or amendment, be withdrawn from the present consideration of the Town Council. Such written request abandons the initial filing date with the Town, and if refiled will result in a subsequent date to be the new filing date for the plat. The applicant may be permitted, without the necessity of paying an additional filing fee, to withdraw and refile the plat with the Town on the new filing date designated in the written request.

SEC. 1.108 Preliminary Plat – General Requirements

(a) Preliminary and Final Plat Required. Except as provided in subsection (c) below, for all property which must be platted, a Preliminary Plat is required.

(b) Preliminary Before Final. No Final Plat will be accepted for consideration if the Town Council has not approved the Preliminary Plat.

(c) Requirement Waived. For property which is less than three (3) acres in area and contains no infrastructure improvements to be dedicated to the Town, the Town Building Official may waive the requirement for a Preliminary Plat.

(d) Administrative Minor Plat Approval. A preliminary and final plat submitted having three (3) lots or less may be approved administratively by the Town Building Official pursuant to *Texas Local Government Code*, Section 212.0065.

(e) Registered Surveyor Required. All preliminary plats must be prepared by a Registered Professional Land Surveyor.

(f) Positive Recommendation not Acceptance. Recommending approval of the Preliminary Plat by the Town Council does not constitute official acceptance of the proposed subdivision by the Town.

SEC. 1.109 Preliminary Plat - Application Form and Content

(a) Application Submittal. The Developer shall provide six (6) 18" x 24" bond copies and six (6) copies of a maximum size of 8-1/2" x 14" of the Preliminary Plat.

(b) Fees Required. The submittal shall include payment of the required fees as provided for in the fee schedule in the *Fee Schedule* adopted by the Town Council. The Town will not consider any Preliminary Plat until the prescribed fees have been paid in full.

(c) General. The Preliminary Plat shall include the following general information:

1. The Preliminary Plat shall be drawn to a scale such that the maximum possible detail is shown and still fit on the 18" x 24" document.

2. Include the name and address of the Developer and the Engineer or Surveyor responsible for the design or survey, tract designation and other descriptions according to the abstract and survey records of Fayette County, Texas.

3. Include the proposed name under which the subdivision is to be recorded. The name shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the corporate limits of the Town.

4. The Preliminary Plat shall include an accurate location of the subdivision with reference to the abstract and survey records of Fayette County, Texas.

5. Include the name and recording information for any contiguous subdivisions, the location of any contiguous lots, which shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets and alleys; the name of owners and recording information for any contiguous parcels of unsubdivided land and an indication of whether contiguous properties are platted and filed of record.

6. Include a vicinity map showing location of tract by reference to existing streets or highways.

7. Include the location of Town limit lines, the Town's extraterritorial jurisdiction boundary lines and zoning district boundaries, if they traverse the subdivision, form part

of the boundary of the subdivision, or are contiguous to such boundary.

8. Include conditions adjacent to the tract affecting design of the subdivision including such information as may be available from field observation, aerial photographs and available maps.

9. Include the date of preparation, the scale of the drawing and a north arrow.

10. Name the responsible entity, such as a homeowners association, for the operation and maintenance of any building, park, equipment, pools, plantings, lawns or other legal interests, if it is proposed that they are to be shared by owners of the real property within the subdivision.

11. Private restrictions.

12. Certification by a Registered Professional Land Surveyor to the effect that the plat represents a survey made by the surveyor and that all the monuments shown thereon actually exist and that their location, size and material description are correctly shown (*see example below*).

13. A certificate of ownership and dedication of all streets, alleys, parks, easements, trails, playgrounds and other public improvements to public use forever by all owners and Lien Holders of the land, with a certificate of acknowledgment by a Notary Public, along with a complete and accurate metes and bounds description of the boundary of the land to be subdivided and the streets and other areas to be dedicated (*see example below*).

STATE OF TEXAS	§	CERTIFICATE OF SURVEYOR
COUNTY OF _____	§	
I, the undersigned, a <u>registered professional land surveyor</u> in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.		
(Surveyor's Seal)		
Registered Professional Land Surveyor		

STATE OF TEXAS

§
§§ OWNER'S
§§ ACKNOWLEDGMENT &
§ DEDICATION

COUNTY OF _____

I (we), the undersigned, owner(s) of the land shown on this plat within the area described by metes and bounds as follows:

(Metes and Bounds Description of Boundary)

and designated herein as the _____

Owner

Date: _____

STATE OF TEXAS

§
§

COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.

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

NOTARY PUBLIC

County, Texas

14. Letters of approval for acceptance by the following entities and/or utilities as affected by the property being platted:

- i. Texas Department of Transportation
- ii. Any other holder of dedicated easements or rights-of-way within or immediately adjacent to property.

15. The following certificates shall be placed on the Preliminary Plat:

**THE TOWN COUNCIL OF ROUND TOP, TEXAS ON THE _____ DAY OF
_____, _____ VOTED AFFIRMATIVELY TO RECOMMEND
CONDITIONAL APPROVAL OF THIS PRELIMINARY PLAT, SUBJECT TO
CONDITIONS ENUMERATED IN MINUTES OF THIS DATE.**

BY: _____

MAYOR

ATTEST: _____
TOWN SECRETARY

(d) Property. The Preliminary Plat shall include the following property information:

1. Provide the location of existing blocks, lots, building lines, water courses, ravines, bridges, culverts, present structures and any pertinent natural features in the area affected. Principal dimensions and all significant information relative to the property and within one hundred feet (100') on all sides of the subject property shall be shown.
2. Include primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
3. Include subdivision boundary lines, accurate in scale and indicated by heavy lines, of the total area proposed for subdivision and the computed acreage of the total area. Bearing and length of each boundary line shall be shown on the plat. A description by metes and bounds of the subdivision perimeter must be shown on the plat.
4. Include the location and dimensions of all existing and proposed right-of-ways, alleys, reservations, easements or other public right-of-ways within the proposed subdivision, intersecting or contiguous with its boundaries or forming such boundaries.
5. Include all existing, or recorded, and proposed lots, parks, public areas, permanent structures within or contiguous with the proposed subdivision shall be shown.
6. Include the location and dimensions of all lots and blocks with bearings, distances and all relevant curve data proposed for inclusion in the first phase of development.
7. Include the gross area of the subdivision, the proposed number of lots and the area of the individual lots and the approximate area of parks and other non-residential uses.
8. Identify each lot and block with a number or letter.
9. Indicate proposed phases for final platting.

(e) Public Utilities. The Preliminary Plat shall include the following public utility information:

1. The Preliminary Plat shall include all existing water and sewer mains, gas mains, electric and telephone lines, culverts or other underground structures or utilities within the tract and immediately adjacent thereto with pipe sizes and locations indicated.
2. In the event water and sewer lines are not on or adjacent to the tract, indicate the direction, distance and size of the destination mains, including invert elevations of the sewer lines.

3. As part of the review and comment of the preliminary plat, the size and location of all proposed water distribution mains, including valves and fire hydrants, may be required by the Town Engineer.

4. As part of the review and comment of the preliminary plat, the size and location of all proposed sewer mains, including manholes, preliminary grades for each main between manholes and the depth of each manhole may also be required by the Town Engineer. This information is also required in a Town of Round Top approved electronic format.

(f) Park Dedication. The Preliminary Plat shall show all areas proposed for park dedication and green space.

(g) Streets. The Preliminary Plat shall include the following street information:

1. Indicate all existing and proposed streets within and abutting the proposed subdivision. All streets shall conform to the Design Standards included in this Ordinance as Exhibit “A”. All pavement widths shall be dimensioned perpendicular to the direction of travel and shall be clearly shown on the Preliminary Plat.

2. When the Preliminary Plat includes curved streets, all relevant curve data including arc lengths, radii, internal angles, points of curvature, and length and bearing of tangents shall be shown. For lots facing on curved streets, the cord length of the lot at the front building setback line shall be shown.

(h) Drainage. The Preliminary Plat shall include the following drainage information:

1. The Preliminary Plat shall include topographical information including contour lines on a basis of five foot (5') intervals in terrain with a slope of five percent (5%) or more and on a basis of one foot intervals in terrain with a slope of less than five percent (5%). All elevations shall be on U.S.G.S. datum or referenced to a Town of Round Top approved benchmark on the same datum. The datum used shall be specified on the drawing.

2. Any proposed changes in topography shall be shown by contour lines on a basis of one foot (1') intervals.

3. Include a description of contributing drainage to the proposed subdivision. The submittal shall include the area, slope and type of development in the contributing area.

4. Include the locations of discharge for drainage from the proposed development, including contributing areas. In no case shall drainage areas be diverted artificially to adjacent properties or across roadways. Storm water drainage from one lot onto another shall not be allowed unless such does not pose any harm or inconvenience to the downstream property owner(s), unless specifically approved by the Town Engineer, and unless the necessary off-site drainage easement is procured on the affected property(s).

5. Indicate the location, dimension, description and flow line of existing and

proposed drainage structures and the location, flow line and 100-year flood plain and floodway boundaries of existing water courses within the subdivision or contiguous tracts.

6. Include the width of drainage and other easements, conforming to the *Design Standards* provided in this Ordinance as **Exhibit "A"**.

7. Licensed Engineer Required. The drainage provisions shall be prepared and sealed by a Licensed Professional Engineer in the State of Texas.

SEC. 1.110 Preliminary Plat - Review Process

(a) Conformity Review. Upon receipt of the Preliminary Plat and the required filing fees, the Town Building Official shall review the Plat as to its conformity with the **Design Standards** attached to this Ordinance as **Exhibit "A"**, and all other applicable ordinances, regulations and standards.

(b) Engineer's Review. The Town Building Official shall transmit one (1) copy of the Preliminary Plat to the Town Engineer, who shall review the same for conformity with applicable engineering standards and specifications set forth herein, as well as with generally accepted engineering principles when not covered specifically herein.

(c) Comments to Developer. The Town Engineer shall return comments on the Preliminary Plat to the Town Building Official with comments as to modifications, additions, alterations or other matters pertinent to the Preliminary Plat. The Town Building Official shall submit the Engineer's comments and all other staff comments to the Developer for corrections.

(d) Changes to Plat. Developer shall make changes according to comments provided and resubmit to Town Building Official.

(e) Preliminary Plats on Town Council Agenda. After all corrections are made and approved by the Town Engineer and Town Building Official

, the Town Building Official shall place an appropriate item on the agenda for consideration by the Town Council.

(f) Comments Available. The Town Building Official shall make the Town Engineer and Staff comments available to the Town Council.

SEC. 1.111 Preliminary Plat - Method of Approval

The method of approval and approval sequence are as follows:

(a) Following the review and approval of the Preliminary Plat by the Town Building Official, the Town Council shall, within forty-five (45) days, act on the submittal. If approved, the Town

Council shall indicate the conditions of approval if any.

(b) If disapproved, the Town Council shall, upon written request of applicant, state the grounds for disapproval in writing within sixty (60) days after the request is made. The applicant may then submit a corrected Preliminary Plat application to the Town.

SEC. 1.112 Preliminary Plat - Expiration

(a) The Preliminary Plat expires twelve (12) months after the Town Council approval unless a Final Plat for the property, consistent in all respects with the approved Preliminary Plat and applicable regulations, has been submitted for approval.

(b) If the subdivision is to be constructed in phases, the Preliminary Plat will remain valid provided there are no more than one (1) year between approval of the Final Plat for a phase and the submittal of the Final Plat for approval of the subsequent phase and each phase incorporates at least fifty (50) percent (by lot count) of the approved Preliminary Plat.

(c) The Preliminary Plat may also be extended once, such extension not to exceed six (6) months, with Town Council approval by filing a written request prior to the Preliminary Plat's expiration.

SEC. 1.113 Final Plat - General Requirements

(a) Final Plat Required. For all property which must be platted, a Final Plat is required.

(b) Preliminary Plat Before Final Plat. An approved Preliminary Plat, if required must first precede a Final Plat.

(c) No Subdivision without Final Plat. Until the proper submittal, approval and recordation of a Final Plat:

1. No subdivision of land, nor any street laid out, nor any improvements made to the natural land shall be allowed.

2. No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale, or option be made or given.

(d) Registered Professional Land Surveyor Required. A Registered Professional Land Surveyor shall prepare all plats, whether preliminary, final, replats or amendments.

(e) Licensed Engineer Required. A Licensed Professional Engineer in the State of Texas in accordance with this Ordinance must prepare the Construction Plans.

(f) Positive Recommendation not Acceptance. It is to be understood that recommending approval of the Final Plat by the Town Council does not constitute official acceptance of the proposed subdivision by the Town.

(g) Final Plat Acceptance. The recordation of a Final Plat in the Records of Fayette County, Texas shall constitute official acceptance of the subdivision by the Town.

(i) Compliance Required. All Final Plats shall comply with other adopted ordinances, codes, or other regulations whether specified herein or not.

SEC. 1.114 Final Plat – Application Form and Content

(a) Submittal. The Developer shall provide six (6) 18" x 24" bond copies and one (1) 18" x 24" Mylar copy of the Final Plat and two (2) copies of complete Construction Plans.

(b) Fees and Application Required. The submittal shall include payment of the required fees. The Town will not consider any Final Plat until the prescribed fees have been paid in full, and an application for Final Plat approval shall be considered to be incomplete if the fees have not been paid.

(c) Tax Certificates Required. The Final Plat submittal shall include certificates from the tax collectors for the Town, School District, County and all other applicable taxing jurisdictions showing that all Town, School District, County, and all other taxing jurisdiction taxes on the land being subdivided have been paid to the current year.

(d) General. In addition to the requirements provided for a Preliminary Plat, the Final Plat shall include the following general information:

1. The Final Plat shall be supplied in a Town approved electronic format.

2. The following certificates shall be placed on the Final Plat:

ON THE _____ DAY OF _____, _____, THIS PLAT WAS DULY APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ROUND TOP, TEXAS.

**BY: _____
MAYOR**

**ATTEST: _____
TOWN SECRETARY**

SEC. 1.115 Final Plat - Portions or Phasing

(a) If desired by the Developer and approved by the Town Council, the Final Plat may constitute only that portion of the approved Preliminary Plat which the Developer proposes to record and develop; however, such portion shall conform to all the requirements of this Ordinance.

(b) If Final Plats are submitted for approval by portions or phases of the proposed subdivision, each portion or phase shall carry the name of the entire subdivision and shall bear a

distinguishing letter, number or subtitle. Identifying information shall run consecutively throughout the entire subdivision, even though such subdivision might be approved in phases.

SEC. 1.116 Final Plat - Review Procedure

- (a) Conformity Review. Upon receipt of the Final Plat and the required filing fees and application, the Town Building Official shall check the Plat as to its conformity with the Design Standards, and all other applicable Ordinances, regulations, and standards.
- (b) Engineer's Review. The Town Building Official shall transmit one (1) copy of the Final Plat and Construction Plans to the Town Engineer who shall review for the same conformity with applicable engineering standards and specifications set forth herein, as well as with generally accepted engineering principles when not covered specifically herein.
- (c) Comments to Developer. The Town Engineer shall return comments on the Final Plat and Construction Plans to the Town Building Official with comments as to modifications, additions, alterations or other matters pertinent to the Final Plat and the Construction Plans. The Town Building Official shall submit the Engineer's comments and all other staff comments to the Developer for corrections.
- (d) Changes to Plat. Developer shall make changes according to comments provided and resubmit to Town Building Official.
- (e) Plats on Town Council Agenda. After all corrections are made and approved by the Town Engineer and Town Building Official, the Building Official shall then place an appropriate item on the agenda for consideration by the Town Council.
- (f) Comments Available. The Town Building Official shall make the Town Engineer and Staff comments available to the Town Council.

SEC. 1.117 Final Plat – Lot Restrictions

- (a) The plat restrictions shall notify lot owners that structures to be built on lots which are lower than the street or streets on which they front and/or abut shall be built such that the minimum finished floor elevation is at least one (1) foot above the proposed grade of the yard adjacent to the structure.
- (b) The plat restrictions shall notify property owners that no structures shall be built in a 100-year flood plain. In no case shall the minimum finished floor elevation be less than one (1) foot above the 100-year flood plain elevation.
- (c) The plat restrictions shall notify lot owners that any filling or obstruction of the flood plain or drainage easements is prohibited.
- (d) Developer shall be required to notify lot owners that street stub outs may be developed in the future.

SEC. 1.118 Final Plat - Construction Plans

(a) General. Construction Plans shall include the following:

1. All improvements shall be designed in accordance with the Design Standards provided as part of this Ordinance in Exhibit “A”.

2. Three (3) copies of complete construction plans, specifications and engineering calculations for streets, drainage, sanitary sewers, water distribution, and any other improvements to be constructed, are required to be submitted with the Final Plat. Construction plans must be one hundred percent (100%) complete at the time of submittal. Any incomplete sets of construction plans shall be returned un-reviewed.

3. The Construction Plans shall be submitted on standard 24" x 36" sheets.

4. Each sheet of the Construction Plans shall contain a title block, including space for the notation of revisions. This space is to be completed to the plan sheet and shall clearly note the nature of the revision and the date that the revision was made.

5. Each sheet of the Construction Plans shall include north arrow, scale, date, and benchmark description to sea level datum.

6. Each Construction Plan sheet shall bear the seal and signature of the Licensed Professional Engineer in the State of Texas who prepared the plans or sheets.

(b) Paving Plan. The Construction Plans shall include, at a minimum, a plan and profile of each street with stationing if applicable, or street centerline, borrow ditch flowline and existing and proposed ground lines. The typical cross-section of proposed streets shall show the width of roadway and pavement type. All streets in the Town shall, at a minimum, be constructed to the same standards and specifications set forth in the most recent *Fayette County Subdivision Regulations* adopted by Fayette County, Texas, as amended.

(c) Sanitary Sewer and Water Plan. The Construction Plans, at a minimum, shall include a plan and profile of proposed sanitary sewers with stationing, grades and pipe sizes indicated and showing locations of manholes, cleanouts, etc., and a plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants and fittings, etc. Applicable construction details shall be included with the Construction Plans.

(d) Storm Drainage Plan. Regarding storm drainage, the Construction Plans shall include the following:

1. Include a general location map of the subdivision showing the entire watershed and the limits of all on-site and off-site storm water draining to the project.

2. Include calculations showing the anticipated storm water flow, including watershed area, percent runoff, runoff factors, storm intensity and time of concentrations showing basis for design.

3. Include a plan and profile of proposed storm sewers or channels, showing stationing, hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, outlet structures, etc.

4. Include a detailed plan for any bridges, culverts, catch basins, any other drainage structures or any other improvements to be made and shall include all of the following:

- i. The open channel or storm drain grades, design flow, design velocity, capacity and hydraulic grade line.
- ii. A plan and profile of all culverts under any street with the design flow of water, headwater and tailwater depth and tail water velocity.
- iii. The size of all driveway culverts to carry the design flow of water at each point of installation.
- iv. Typical ditch sections and the width of any right-of-way or easement needed.
- v. A summary sheet of all drainage facilities.
- vi. The seal and signature, prominently displayed on each sheet, of the Licensed Professional Engineer responsible for the design.

(e) Grading Plan. Any proposed changes in topography shall be shown by contour lines on a basis of five foot (5') intervals in terrain with a slope of five percent (5%) or more and on a basis of one foot (1') intervals in terrain with a grade less than five percent (5%).

(f) Erosion Control Plan. The Developer shall submit an Erosion Control Plan in compliance with local, state and federal guidelines.

SEC. 1.119 Final Plat - Method of Approval

The method of approval and approval sequence are as follows:

(a) After review by the Town Building Official, the Final Plat application will be sent to the Town Council for approval.

(b) The Town Council shall act on the Final Plat within thirty (30) days after the date the plat application is filed. A plat is considered approved by the Town Council unless it is disapproved within the thirty (30) day time period.

(c) If the Town Council has indicated its approval subject to certain changes being made by the applicant, the Engineer for the applicant shall make all such changes and submit the final drawing for approval by the Town Engineer prior to the signing of the certificate of approval.

(d) After the Final Plat and Construction Plans have been approved by the Town Council, and before construction of any improvements the Developer shall furnish the Town with three (3) sets of the approved Construction Plans.

SEC. 1.120 Expirations

(a) Construction Plan Expiration. If construction has not commenced within one (1) year after approval of the Construction Plans, resubmittal of Construction Plans, which comply with the Subdivision Ordinance, as amended, shall be resubmitted to the Town for review. The Town may require additional filing fees.

(b) Final Plat Expiration. The Final Plat expires one (1) year after Town Council approval, unless filed and recorded in the County, or unless construction has commenced and all the requirements of this Ordinance, prior to construction have been met.

(c) Phasing. If the subdivision is to be developed in phases, the Final Plat will remain valid provided there is no more than one (1) year between approval of the construction plans for a phase and the submittal of the construction plans for approval of the subsequent phase.

(d) Extension. The Final Plat may also be extended once, such extension not to exceed six (6) months, with Town Council approval by filing a written request prior to the Final Plat's expiration.

SEC. 1.121 Filing of the Final Plat

(a) After the following criteria are met, the Final Plat may be recorded in the Official Records of Fayette County:

1. Final Plat is approved by the Town Council and all revisions required by the Town Council are complete;
2. The Developer has submitted final copies in a Town-approved electronic file (AutoCAD format) and hard copy format of the Final Plat and Construction Plans and all required signatures have been obtained;
3. All required fees have been paid in full;
4. All public improvements have been constructed, inspected, approved and dedicated to the Town;
5. The Developer has provided proof that private restrictions (if any) have been filed of record; and
6. The Developer has provided all required maintenance bonds.

SEC. 1.122 Replats - General Requirements

(a) Replats Required. A replat is required for property in which there has been a change in

lot allocation, setbacks, dedicated infrastructure or easements.

(b) Submittal. The Developer shall submit six (6) 18" x 24" bond copies and one (1) 18" x 24" Mylar copy of the replat.

(c) Fees Required. The applicable fees shall accompany a Replat application submission.

(d) Certified Copies Required. Certified copies of the entire subdivision and deed restrictions shall accompany a Replat application submission.

(e) Subject to Final Plat Requirements. Replats are subject to the same requirements as Final Plats, and shall contain the information required for Final Plats and Construction Plans provided above that may be pertinent.

(f) Vacating Plats Required. All property to be replatted shall have the preceding plat vacated unless the Town Council waives this requirement.

(g) Notice Requirements for Replats. For Replats obtaining a waiver from having to vacate the preceding plat, a notice requirement shall apply for the Town Council meeting. Notice of a Replat public hearing shall be given with a copy of Section 212.015 (c) of the Texas Local Government Code, as amended, before the fifteenth (15th) day before the date set for the hearing, by publication and by written notice forwarded by the Town Building Official to the owners of property lying outside of the Replat boundaries and within 200 feet of those boundaries as indicated on the most recently approved municipal tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the municipal boundaries.

(h) Filing of a Protest. If twenty percent (20%) or more of the property owners to whom notice has been required to be given file a written protest of the replatting before or at the hearing, then the affirmative vote of at least three-fourths (3/4) of the Town Council is required to approve the replat.

SEC. 1.123 Amending Plats

(a) The Town Council may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the purposes listed in Texas Local Government Code, Section 212.016, as amended.⁶

(b) The Developer shall submit six (6) 18" x 24" bond copies and one (1) 18" x 24" Mylar copy of the amended plat.

(c) The applicable fees shall accompany an amending plat application submission.

(d) Notice, a hearing and the approval of other lot owners are not required for the approval and issuance of an amending plat.

SEC. 1.124 Construction - General Requirements

(a) Preconstruction Conference Required. A preconstruction conference is required prior to the start of any construction. The meeting shall include the Contractor(s), Developer's Engineer, Town Engineer, Town Building Official and representative(s) of the Town Council.

(b) Designated Representative Required. If the Developer has divided the construction of the public improvements among more than one contractor, the Developer shall designate one person to represent all of the construction for the development.

SEC. 1.125 Performance Bond

(a) Bond Required Before Construction. Prior to the construction of said improvements, the Developer (being the owner or owners of the subdivision) or the authorized agents thereof, shall be required to furnish to the Town a good and sufficient Performance Bond executed by a corporate surety approved by the Town in an amount equal to the total cost of said improvements plus ten (10) percent and guaranteeing their Construction. The bond must:

1. Be payable to the Town, and
2. Be in an amount determined by the Town Engineer to be adequate to ensure the proper construction or installation of the water and sewer service facilities and other improvements to service the subdivision but not to exceed the estimated cost of construction or installation of the facilities and Developer shall provide an *Opinion of Probable Construction Cost* prepared by the Developer's Engineer with the bond.
3. Be executed with sureties as may be approved by the Mayor, and
4. Be executed by a company authorized to do business as a surety in this state if the governing body requires a surety bond executed by a corporate surety, and
5. Be conditioned that the water and sewer service facilities and other improvements will be constructed or installed:
 - i. In compliance with the model rules adopted under Section 16.343, Water Code and the ordinances, rules and regulations of the Town, as amended, and
 - ii. Within the time stated on the plat or on the document attached to the plat for the subdivision or within any extension of that time.

(b) Cash or Credit In Lieu of Bond. In lieu of the bond an owner may deposit cash or an irrevocable letter of credit issued by a federally insured financial institution in an amount equal to the estimated cost of construction or installation of the facilities.

(c) Irrevocable Letter of Credit Requirements. If a letter of credit is issued, it must:

1. List as the sole beneficiary the Town, and

2. Be conditioned that the water and sewer service facilities and other improvements will be constructed or installed:

i. In compliance with the model rules adopted under Section 16.343, Water Code and the ordinances, rules and regulations of the Town, as amended, and

ii. Within the time stated on the plat or on the document attached to the plat for the subdivision or within any extension of that time.

(d) Expenditure of Fiscal Security. The Town may draw on the fiscal security and pay the cost of completing the public improvements if it determines that the Developer has breached the obligations secured by the fiscal security or the time period for the installation and construction of the required public improvements has expired. The Developer shall be liable for the cost that exceeds the amount of fiscal security, if any.

(e) Return of Fiscal Security. The Town shall return the fiscal security to the Developer within thirty (30) days after a final acceptance letter of the public improvements has been issued by the Town Engineer.

SEC. 1.126 Inspections

(a) Inspections Required. All construction, including but not limited to street grading, street paving, drainage structures, curb and gutter, storm sewers, sanitary sewers and water mains, shall be subject to inspection during the construction period by the proper authorities of the Town.

(b) Assuring Conformance. During the progress of the work, all materials, equipment and workmanship shall be subjected to such inspections and tests as will assure conformance with the Town requirements. If testing is necessary, the Developer shall pay for all testing.

SEC. 1.127 Work Times Limited

Work times shall be limited to Monday through Saturday, 8:00 a.m. to 5:00 p.m., unless otherwise authorized by the Town Council.

SEC. 1.128 Record Drawings

(a) Upon completion of the construction, the Developer shall request a final inspection of the work. The Developer shall provide one (1) good quality full-size reproducible bond copy and one (1) Town approved electronic file in AutoCAD format. The bond copy must be revised by the Developer to reflect construction records prior to the final inspection.

(b) The Town Engineer prior to the final acceptance of the subdivision must approve the record drawings. The record drawings shall include a copy of the approved Final Plat.

SEC. 1.129 Final Inspection

(a) The Building Official, the Town Engineer and a Contractor's representative shall perform a final inspection. All testing associated with the utility installation shall be completed prior to

the walk through.

- (b) There will be only one (1) final inspection of the development.
- (c) The Town Engineer shall prepare a list of items that must be completed prior to the final acceptance of the project.

SEC. 1.130 Maintenance Bond

(a) Maintenance Bond Required Upon Completion. Upon completion of said improvements and prior to acceptance by the Town, the Developer or the authorized agents thereof, shall be required to furnish to the Town a good and sufficient Maintenance Bond executed by a corporate surety approved by the Town in an amount equal to 20% of the total cost of said improvements and guaranteeing their maintenance for a period of one year.

(b) Permits Suspended for Non-Compliance. Issuance of building and/or certificate of occupancy permits within the subdivision may be suspended during any period of non-compliance with the requirements of this Ordinance, including this Section.

SEC. 1.131 Acceptance by the Town

(a) Once all the requirements of the Town have been met, the Town Engineer shall recommend acceptance of the subdivision in the form of a letter to the Town Council.

(b) Acceptance by the Town shall be in the form of a letter from the Mayor or other authorized Town Official to the Developer. The letter shall state that inspections were conducted and the facilities were completed in accordance with specifications and standards provided for herein or approved by the Town Council at the time the Final Plat was approved for the said subdivision.

SEC. 1.132 Permits and Services Withheld Until Full Compliance

No building permit, water, sanitary sewer, plumbing or electrical permit or service shall be issued or allowed to a Developer, owner or any other person with respect to any property in any subdivision, except for temporary construction offices, covered by this Ordinance until such time as all of the applicable requirements of this Ordinance have been satisfactorily completed and the construction accepted by the Town and the Final Plat is recorded.

SEC. 1.133 Exemptions

(a) The provisions of the regulations set forth in this Subdivision Ordinance shall not apply to:

1. Land legally platted and approved prior to the effective date of this Subdivision Ordinance, except as otherwise provided for herein (construction of facilities shall conform to construction standards in effect at the time of construction);
2. Land constituting a single tract, lot, site or parcel for which a legal deed of record

describing the boundary of such tract, lot site or parcel was filed of record in the deed records of Fayette County on or before the final adoption of this Subdivision Ordinance;

3. Sale, inheritance or gift of land by metes and bounds of tracts on which no improvement or alteration is occurring;
4. Existing cemeteries complying with all state and local laws and regulations, not including new cemeteries or expansion of existing cemeteries; or
5. Divisions of land created by order of a court of competent jurisdiction;

SEC. 1.134 Variances

(a) General. Where the Town Council finds that extraordinary hardships or practical difficulties may result from strict compliance with this Ordinance may be served to a greater extent by an alternative proposal, it may approve variances to this Ordinance so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Town Council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience or financial loss, if strict compliance with this Ordinance is carried out; and
4. That any variance does not violate any other Town ordinance or regulation.

(b) Conditions. In approving variances, the Town Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

(c) Procedures. A petition for any such variance shall be submitted in writing by the Developer at the time when the Preliminary Plat is filed with the Town Building Official prior to consideration by the Town Council. Any applicable fee must be submitted with the variance request. The petition shall state fully the grounds for the application and all of the facts relied upon by the Developer, and include clear reference to the portion of these regulations creating the hardship.

Exhibit "A"
Design Standards

(a) Streets.

All streets in the Town shall, at a minimum, be constructed to the same standards and specifications set forth in the most recent *Fayette County Subdivision Regulations* adopted by Fayette County, Texas, as amended. The width of all Town streets including easement are and continue to be sixty feet (60').

(b) Easements.

1. Easements

- a. The minimum width for Town wastewater utility easements shall be twenty feet (20') or as otherwise required by the Town Engineer. The width of easements for other utility providers, such as for water, electric, or telephone shall be as required by that particular entity. It shall be the applicant's responsibility to determine appropriate easement widths required by other utility companies.
- b. Where a subdivision is traversed by a watercourse, drainage way or channel, there shall be provided a storm drainage easement conforming substantially with the 100-year floodplain of such course and of such additional width as may be designated by the Town Engineer, subject to determination according to proper engineering considerations. The required width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers, and/or the Town. Parallel streets or parkways shall be required adjacent to certain portions of creek or drainage ways to provide maintenance access and/or public access and visibility into public open space or recreation areas. The number of lots that back or side onto creeks, drainage ways, public parks and open spaces, and public school sites shall be severely limited, and possibly prohibited, such that public access, visibility, safety and security within these areas are maximized. Other utilities may be permitted within a drainage or floodway easement only if approved by the Town Engineer and any other applicable entity requiring the drainage or floodway easement.
- c. A lot's area shall be computed inclusive of all easements. However, there shall be a minimum buildable area, exclusive of required easements, buffer zones and setbacks for each lot as required by the Town's Land Use Ordinance.
- d. Where alleys are not provided in a residential subdivision, a minimum twenty-foot (20') wide utility easement shall be provided along the front of all lots, adjacent to and flush with the street right-of-way line for the installation of utility lines and associated facilities.
- e. For new development, all necessary on-site easements shall be established on the subdivision plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity if other than the Town, for which

they are being provided. Examples include, but are not limited to, the following: a wastewater utility or drainage easement, which is dedicated to the Town for a wastewater line or for a drainage structure; an access easement, which is dedicated to the public for unrestricted access purposes; a fire lane easement, which is dedicated to the Town and its fire suppression and emergency medical service providers for access purposes; an electrical, water or telephone easement, which is dedicated to the specific utility provider that requires the easement; and so on.

(c) Blocks.

1. The length, width and shape of blocks shall be determined with due regard to:
 - i. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - ii. Land Use Ordinance requirements as to lot sizes and dimensions.
 - iii. Needs for convenient access, circulation control and safety of street traffic and for pedestrians or bicyclists traveling to a public park, school site or other location or facility within or close to the neighborhood.
2. Block length and depth shall relate directly to conditions, opportunities and constraints creating the greatest benefit to traffic circulation, safety, drainage and Town Land Use Ordinance requirements. Intersecting streets, which determine the lengths and widths of blocks, shall be provided at such intervals as to serve cross-traffic adequately, to provide adequate fire protection, and to conform to customary subdivision practices. Where no existing subdivision or topographical constraints control, the block lengths shall not exceed one thousand two hundred feet (1,200') in length. Where no existing subdivision or topographical constraints control, the blocks shall not be less than four hundred feet (400') in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased (through issuance of a waiver by the Town Council with plat approval) to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

(d) Lots.

1. Lots shall conform to the minimum requirements of the established zoning district in the Town's Land Use Ordinance.
2. Each lot on a subdivision plat shall front, for the entire length of the front lot line, onto a dedicated, improved public street unless the Town Council approves a waiver allowing private streets and the subdivision is otherwise platted as an approved private street subdivision in accordance with this Subdivision Ordinance and all other ordinances and regulations of the Town. Lot width and access shall conform with the

provisions of the Town's Land Use Ordinance, Comprehensive Plan, and any other applicable Town code or ordinance.

3. Irregular-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate Land Use Ordinance district, and shall provide a reasonable building pad without encroachment into front, side or rear yard setbacks or into any type of easement. In general, triangular, severely elongated or tapered, "flag" or "panhandle" lots shall be avoided, and the Town reserves the right to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended, which is an obvious attempt to circumvent the purpose and intent of lot configuration or lot width minimums, or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties.
4. Side lot lines shall be at ninety degree (90°) angles or radial to street right-of-way lines to the greatest extent possible. The Town reserves the right to disapprove any lot which, in its sole opinion, is shaped or oriented in such a fashion as to be unsuitable or undesirable for the purpose intended, or which is not attractively or appropriately oriented toward its street frontage.
5. Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from traffic arterials, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Where lots have double frontage, building setback lines shall be established for each street side, and rear yard screening shall be provided. Residential lots shall not back onto any residential street or collector street within a residential area or neighborhood, and shall not have more than one-half (1/2) of its perimeter boundaries along streets.
6. Front, rear, side and street side building lines shall be shown on a concept plan and on any type of plat for all lots, and shall be consistent with the Town's Land Use Ordinance requirements for the district in which the subdivision is located and with any other applicable Town ordinance. No auxiliary structure or building, porch, roof, or swimming pool shall be constructed so as to encroach into the building setback lines.

(e) Street Lighting.

1. The primary purpose of street lighting in the Town shall be to illuminate intersections and streets for the benefit and safety of the public.
2. Street lights will be placed only at intersections or at the ends of cul-de-sac streets, unless a block exceeds six hundred feet (600') in length.
3. For blocks longer than six hundred feet (600') in length, street lights are required at or near four hundred feet (400') intervals.
4. All costs of the lighting installation shall be borne by the Developer and appropriate service easements shall be provided.

(f) Utility Services.

1. For purposes of this section, the following meanings shall apply:
 - (a) "Utility services" - The facilities of any person, firm or corporation providing water, electric, telephone, internet or any other such item or service for public use approved but not provided by the Town of Round Top.
 - (b) "Feeder or feeder/lateral line" - High voltage supply electric lines carrying more than 69,000 volts that emanate from substations used to distribute power through an area to an unspecified number of customers.
 - (c) "Lateral lines" - Those electric or telephone lines used to distribute power from a feeder line to a single subdivision. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.
 - (d) "Service lines" - Those electric lines used to connect between the utilities' supply system or lateral lines and the end user's meter box.
2. All subdivision plats and engineering plans submitted to the Town of Round Top for approval shall provide for utility services such as water, electrical, telephone and utility lines, including but not limited to lateral or service distribution lines, and all lines, piping, wires and associated facilities shall be placed underground. Verification of acceptance of easement locations and widths by the public utilities shall be provided to the Town, by the Developer, prior to final plat approval by the Town Council, and all easements shall be reviewed by the utility companies and by the Town Engineer (for those to the Town) prior to granting final approval for any subdivision. The Developer shall also, prior to final plat approval, provide a Letter of Commitment from each utility provider, such as those providing water, electricity, and telephone, who will serve the subdivision that said utility providers will ensure the provision of necessary infrastructure and service to all portions of the proposed subdivision within twelve (12) months following final plat approval. Failure to submit such Letters of Commitment from utility providers shall constitute grounds for denial of the final plat application on the basis that there is no written assurance that the subdivision will be served by essential utility services.
3. Nothing herein shall be construed to require any existing facilities in place prior to the effective date of this Subdivision Ordinance to be placed underground.
4. The metering for utilities such as water, and electricity shall be located on the individual lots to be served, not grouped together in a centralized location(s) which shall not be permitted.
5. The locations, widths and configurations of easements for any utility service provider other than the Town of Round Top shall be determined, approved and acquired (if necessary) by the applicable utility service provider.
6. Public water supply for all new subdivisions shall be connected with the appropriate

publicly certified water.

7. Water system with mains of sufficient size and having a sufficient number of outlets to furnish adequate and safe domestic water supply to all lots shall be provided. Water lines shall extend to the property line in order to allow future connections into adjacent undeveloped property, and a box for the water meter(s) for each lot shall be installed either in the right-of-way or immediately adjacent to the right-of-way in a water meter easement.
8. Wastewater treatment for all new subdivisions shall be served by the Town of Round Top wastewater collection and treatment system.
9. The Developer shall be responsible for:
 - (a) Phasing of development or improvements in order to maintain adequate water and wastewater services;
 - (b) Extensions of utility, water, and wastewater lines to connect to existing utility services;
 - (c) Providing and/or procuring all necessary easements for the utilities (whether on-site or off-site);
 - (d) Providing proof to the Town of adequate water and wastewater service;
 - (e) Providing provisions for future expansion of the utilities if such will be needed to serve future developments, subject to the Town's oversize participation policies, if applicable;
 - (f) Providing all operations and maintenance of the utilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the utilities;
 - (g) Providing all fiscal security required for the construction of the utilities;
 - (h) Obtaining approvals from the applicable utility providers if other than the Town; and
 - (i) Complying with all requirements of the utility providers, including the Town.
10. Extension of water and wastewater lines shall be made along the frontage of the subdivision adjacent to a street. If the subdivision is not adjacent to a street, the extension of utilities shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the Town Council may waive the requirement for adjacent utility line construction at the time of Preliminary Plat approval and prior to construction of the subdivision.
11. No final plat shall be approved for any subdivision within the corporate limits of the Town until the Developer has made adequate provision for a water system and a wastewater system of sufficient capacity to adequately provide service to all tracts and lots, individually or collectively, within the area to be subdivided. The design and construction of the utility systems to serve the subdivision shall be in conformance with the Town's and other applicable jurisdiction's master plans for utility facilities, and shall be approved by the Town Engineer.
12. Upon completion of the wastewater utility facilities by the Developer and acceptance by the Town or upon completion by the Town, the facilities so constructed shall become and

remain the property of the Town and shall be maintained as a part of its wastewater utility system.

Subdivision Ordinance Fee Schedule

- A. Variances:** \$250 per variance requested and reimbursement for any third party costs that the Town incurs.
- B. Preliminary Conference:** Reimbursement for any third party costs that the Town incurs.
- C. Preliminary Plat Filing Fee:** Filing fee of \$850 and reimbursement for any third party costs that the Town incurs.
- D. Final Plat Filing Fee:** Filing fee of \$575 and reimbursement for any third party costs that the Town incurs.
- E. Construction Plan Review Fee:** \$35 per acre and reimbursement for any third party costs that the Town incurs.
- F. Construction Inspection Fee:** 5% of cost estimate to construct improvements
- G. Plat Vacation:** \$275 per plat and reimbursement for any third party costs that the Town incurs.
- H. Replat Filing Fee:** Same as for final plat.
- J. Plat Correction Fee:** \$250 per plat and reimbursement for any third party costs that the Town incurs.
- K. Final Plat Extension Fee:** \$150 per plat and reimbursement for any third party costs that the Town incurs.