

ORDINANCE NO. 37

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND WITHIN THE TOWN AND THE EXTRATERRITORIAL JURISDICTION OF BAYSIDE, TEXAS.

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WHEREAS, in order to promote the utilization of land in a manner to assure the best possible community environment in accordance with the master plan of the Town of Bayside, Texas; and

WHEREAS, in order to guide and assist the developers in the correct procedure to be followed and to inform them of the standards which shall be required; and

WHEREAS, in order to protect the public interest by supervising the design, location, class, and type of streets, sidewalks, utilities, and other essential areas and services required; and

WHEREAS, in order to protect and promote the health, safety, and general welfare of the citizens of Bayside, Texas, the provisions of this Ordinance shall be held to be the minimum requirements to provide for a permanent, well-organized, and wholesome community environment, including adequate public utilities, sufficient open space, and safe streets; now, therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF BAYSIDE, TEXAS:

ARTICLE I - GENERAL PROVISIONS

SECTION 1: INTERPRETATION AND PURPOSE:

In the interpretation and application of the provisions of this Ordinance, it is the intention of the City Council that the principles, standards, and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the Town of Bayside and in its extra-territorial jurisdiction; and, where other Ordinances of the Town are more restrictive in their requirements, such Ordinances shall control.

The procedure and standards for the development, layout, and design of subdivisions of land within the corporate limits and within the extra-territorial jurisdiction of the Town are authorized by Article 970a and 974a of REVISED CIVIL STATUTES OF TEXAS.

The extra-territorial jurisdiction of the Town of Bayside is now one-half (1/2) mile from the corporate limits. As the Town grows, the extra-territorial jurisdiction will be extended in accordance with Article 970a, REVISED CIVIL STATUTES OF TEXAS, and the requirements of this Subdivision Ordinance shall be extended into any and all new areas of extra-territorial jurisdiction.

SECTION 2: DEFINITION OF TERMS:

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future,

words in the plural number include the singular number, and words in the singular number include the plural number. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word "shall" is interpreted to mean mandatory, while the word "may" is merely directory.

- A. Subdivision and Related Terms. The term, "subdivision", shall be interpreted to mean the division of a parcel of land into three (3) or more lots or tracts for the purpose of transfer of ownership; the dedication of streets, alleys, or easements; or for use for building development - provided that a division of land for agricultural purposes into lots or tracts of five (5) acres or more, and not involving a new street or alley, shall not be deemed to be a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate either to the process of subdividing or to the land subdivided. The terms, "subdivider" and "developer", are synonymous and are used interchangeably and shall include any person, partnership, firm, association, corporation, and/or any officer, agent, employee, servant, and trustee thereof who does, or participates in the doing of, any act towards the subdivision of land within the intent, scope, and purview of this Ordinance.
- B. Lot and Lot of Record.
1. Lot. The term, "lot", shall be interpreted to mean any land occupied by a building and its accessory buildings - including such open space as is required by ordinances of the Town - and having its principle frontage upon a public street or officially-approved place.
 2. Lot of Record. The term, "lot of record", shall be interpreted to mean any lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Refugio County.
- C. Street and Alley.
1. Street. The term, "street", shall be interpreted to mean a way for vehicular traffic, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated.
 - a) Arterial streets and highways are those which are used primarily for fast or heavy traffic and which are designated in the Master Plan as a primary street.
 - b) Collector streets are those which carry traffic from minor streets to a major system of arterial streets and highways, including the principle entrance streets of a residential development and streets for circulation within such development and which are designated in the Master Plan as secondary streets.

- c) Minor streets are those which are used primarily for access to abutting property.
 - d) Marginal access streets are minor streets which are parallel and adjacent to arterial streets and highways, and which provide access to abutting property and protection from through traffic.
 - e) Cul-de-sac is a short, minor street having but one vehicular access to another street and terminated by a vehicular turn-around.
 - f) Dead-end street is a street with only one opening, other than a cul-de-sac.
2. Alley. The term, "alley", shall be interpreted to mean any minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on the street.
- D. Easement. The term, "easement", shall be interpreted to mean a right granted for the purpose of limited public or semi-public use across, under, or over private land.
- E. Council. The term, "Council", as used in this Ordinance, shall be interpreted to mean the Town Council of Bayside, Texas.
- F. Chief Administrative Officer. The term, "Chief Administrative Officer", shall mean the person designated by the City Manager or Mayor to administer the provisions of this Ordinance.
- G. Plat and Approved Plat.
- 1. Plat. The term, "plat", shall mean a complete and exact subdivision plan submitted to the Council for final approval and which, if approved, shall be submitted to the County Clerk of Refugio County, Texas, for recording.
 - 2. Approved Plat. The term, "approved plat", shall be interpreted to mean a plat of subdivision which has been approved in accordance with the requirements of this Ordinance and which has been filed for record with the County Clerk of Refugio County, Texas.
- H. Standard. The term, "standard", shall refer to the official Town maps, Master Plan, Ordinances, and other specifications of the Town of Bayside, Texas.

ARTICLE II - PROPOSED AND FINAL PLATS

SECTION 1: PROCEDURE FOR APPROVAL OF PROPOSED PLAT:

- A. Preliminary Planning. The subdividers shall avail themselves of the advice and assistance of the Town officials and consult early and informally with the Chief Administrative Officer, or other person designated, before preparing the preliminary plat and before formal application for its approval in order to save time and money and make the most of available opportunities.
- B. Conditional Approval of Preliminary Plat.
1. Upon reaching conclusions informally, as recommended above, regarding the general proposed program and objective, the subdivider shall prepare a preliminary plat (see Section 2 of this Article), together with improvement plans and other supplemental material as applicable in other sections of this Ordinance.
 2. Ten (10) copies of the preliminary plat and supplemental materials specified shall be submitted to the City with the filing fee as provided herein, along with written application for conditional approval at least ten (10) days prior to the Council meeting at which it is to be considered. Copies or prints of the proposed subdivision, drawn on sheets a maximum size of twenty-four inches by thirty-six inches (24" x 36") and drawn to a scale of either one hundred feet to the inch (1"=100') or fifty feet to the inch (1"=50') shall be submitted in the numbers specified herein above. In cases of large developments which would exceed the dimensions of the sheet when applying a one hundred foot (100') scale, preliminary plans may be two hundred feet to the inch, (1"=200'). The ten (10) copies or prints of the proposed subdivision shall show the following:
 - a) Boundary lines, bearings, and distances sufficient to locate the exact area proposed for the subdivision.
 - b) The name and location of all adjoining subdivisions adjacent to the tract proposed for subdivision, drawn to the same scale and shown in dotted lines and in sufficient detail to show accurately the existing streets and alleys and other features that may influence the layout or development of the proposed subdivision. Adjacent unplatted lands shall show property lines and owners of record.
 - c) The location and width of all streets, alleys, and ways, existing or proposed, within the subdivision limits. In the case of easements, a written statement as to the easement use shall be included with the plat.

- d) The location of all existing property lines, buildings, sewer or water mains, gas mains, or other underground structures, easements of record, and other existing features within the area proposed for subdivision.
 - e) Proposed arrangement of lots and proposed use of same; however, approval of a preliminary plat or final plat with uses so indicated does not constitute approval of such usage.
 - f) The title under which the proposed subdivision is to be recorded, the name and address of the owner with the name of the licensed land surveyor and registered professional engineer platting the tract.
 - g) Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.
 - h) Scale, North arrow, date, and other pertinent data.
 - i) Contours with intervals of two feet (2') or less shown for the area. All elevations on the contour map shall be referenced to the latest U.S.C. and G.S. data.
 - j) All physical features of the property to be subdivided, including the location and size of all water courses, ravines, bridges, culverts, existing structures, drainage area(s) in subdivision acreage, area(s) draining into subdivision, and other features pertinent to subdivisions. The outline of wooded area(s) or the location of important individual trees may be required.
3. The following notice shall be placed on the face of each preliminary plat by the developer:
- "Preliminary Plat - For inspection purposes only."
4. The City Administrative Officer, or other person so designated, shall make a study of the plat and give a written report to the Council before its final action on the preliminary plat.
5. Following 1) review of the preliminary plat and other materials submitted for conformity thereof to the regulations; and 2) following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Council shall, within thirty (30) days after the filing of such preliminary plat, act thereon as submitted or modified; and, if approved, the council shall express its approval as conditional or state its disapproval, if any, and its reasons therefore.

6. The action of the Council shall be noted on two (2) copies of the preliminary plat, referenced, and attached to any conditions required by the Council. Action of the Council shall be certified by the Chief Administrative Official. One such copy of the plat shall be returned to the subdivider and the other retained in the files of the Town of Bayside.
7. Conditional approval of a preliminary plat by the Council shall be deemed an expression of approval as to the layout submitted on the preliminary plat and a guide to the installation of streets, water and sewer, and other required improvements and utilities, and also as to the preparation of the final or record plat. Except as provided for herein, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval noted (as provided in Subsection 5 of this Section) have been met.
8. Conditional approval of a preliminary plat shall be effective for one year unless reviewed by the Council in the light of new or significant information which would necessitate the revision of the preliminary plat. If no development or change in requirement has occurred which would affect the proposed plat at the end of the year of an effective approval, the Council may extend its approval another year without the submission of a new preliminary plat by again approving the original preliminary plat. No filing fee is required for such approval.

C. Approval of Final Plat.

1. The final plat (see Section 3 of this Ordinance) shall conform to the preliminary plat as approved and shall incorporate all changes, directions, and additions imposed by the Council. The final plat shall not be released for filing until detailed engineering plans have been approved by the Town.
2. If so desired by the developer, the final plat may constitute only that portion of the approved preliminary plat which is proposed to be recorded and then developed; provided, however, that such portion conforms to all the provisions of this Ordinance.
3. Engineering plans showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers, and other engineering details of the proposed subdivision shall be submitted to the Chief Administrative Officer along with the final plat of the subdivision. Such plans shall be prepared by a registered professional engineer and shall conform to the design standards established by the Town of Bayside, Texas. The final plat will not be released for filing until detailed engineering plans have been approved by the Chief Administrative Officer.

4. Upon receipt of the final plat, accompanied by a final filing fee as prescribed herein (Article IV, Section 3), the Chief Administrative Officer shall check the plat to ascertain its compliance with these provisions and the action of the Council. When the copy of the final plat has been checked and found to meet all the general requirements and design standards, the developer, or his engineers, shall submit twelve (12) copies of the final plat to the Chief Administrative Officer. The Chief Administrative Officer shall stamp on each of the twelve (12) copies the certificate of approval of the Council when such final plat has been approved. The developer, or his authorized agent, shall secure the required number of plats and record them with the County Clerk, Refugio County, Texas, within thirty (30) days of the date of the final approval, otherwise the final approval of the Council becomes invalid. Six (6) copies of the recorded final plat shall be returned immediately to the Chief Administrative Officer.
5. Subdivision plats for housing projects, apartment areas, shopping centers, and industrial districts will not be required, except in cases where dedication for streets, street-widening, alleys, or easements are required. Site plans shall be filed with the Town for approval by the City Council as required by zoning ordinances.

SECTION 2: PRELIMINARY PLATS:

- A. Physical Size. The preliminary plats shall be prepared on sheets a maximum size of twenty-four inches by thirty-six inches (24" x 36"), regardless of the size of the subdivision.
- B. Scale. The scale should be either one hundred feet to the inch (1"=100') or fifty feet to the inch (1"=50'), but it may be two hundred feet to the inch (1"=200') in cases of large developments which would exceed the dimensions of a sheet when using a one hundred-foot scale.
- C. Contour. Each subdivision consisting of three (3) acres or more shall be prepared on a topographic base map showing contours at intervals of not more than two feet (2'). Any subdivision smaller than three (3) acres which, in the opinion of the Chief Administrative Officer, would be affected by the topographical features of the terrain, shall also show contours at one (1) foot intervals. All topographical maps shall be based on sealevel data.
- D. Other Data. The following data will be shown on the preliminary plat:
 - 1) The record lot lines, survey abstract lines, corporation lines, and the location of existing utility easements, streets, highways, and expressways and freeways which traverse, abut, or are within a reasonable distance of the subdivision;
 - 2) The proposed locations, widths, and names of streets and the proposed locations and width of alleys, easements, walkways, open channels, and lots;

- 3) The title of the proposed subdivision or addition, the name of the subdivider and engineer, and the name of the surveyor platting the tract;
 - 4) The names and areas of large tracts and/or lot dimensions and addition names of all property abutting or adjoining the subdivision or located across any adjoining streets;
 - 5) The North point, scale, and data;
 - 6) The lot or tract numbers and/or City block numbers, addition names, and dates when recorded.
- E. Plat Paper. All preliminary and final plats shall be printed on good grade, processed paper in blue-line or direct black and white.
- F. Orientation. All plats shall be drawn with North direction to the top or left side of the plat.
- G. Building Lines. The proposed building lines shall be shown in conformance with the Zoning Ordinance or provisions herein.

SECTION 3: FINAL PLATS:

- A. Physical Size. All final plats shall be submitted on sheets of paper twenty-four by thirty-six inches (24" x 36") and drawn to a scale of not less than one hundred feet to the inch (1"=100'). Where more than one sheet is required to encompass the subdivision, an index sheet, twenty-four by thirty-six inches (24" x 36"), shall be filed showing the entire subdivision on one sheet, together with the complete dedication, attests, dates, titles, and seals.
- B. Exterior Boundary and Corner Markers. The exterior boundary of the subdivision shall be indicated by a distinct dash line and corner markers by individual symbols.
- C. Measurements. The length and bearing of all straight lines, radii, arc lengths, tangent lengths, and central angles of all curves shall be indicated along the boundary line of the subdivision and along each block. All dimensions along the lines of each lot shall be shown. The curve data pertaining to block or lot boundary may be placed in a curve table at the base of the plat and prepared in table form.
- D. Identification of Plat. The names of all adjoining subdivisions, the dimensions of all abutting lots, lot and block numbers, and accurate reference ties to courses and distances of at least two (2) recognized land corners shall be shown.
- E. Identification of Streets. The names and accurate locations of all streets adjoining, abutting, or within not more than five hundred feet (500') of the subdivision shall be shown.

- F. Identification of Utility Easement. The location and dimension of any utility easement adjoining or abutting the subdivision, or proposed within the subdivision, shall be shown.
- G. Identification of Survey Monuments. The description and location of all survey monuments placed in the addition or subdivision shall be shown. In all subdivisions and additions, corners, consisting of an iron rod or pipe - not less than three-quarter inches (3/4") in diameter and twenty-four inches (24") deep and set flush with the top of the final grade - shall be established at the corner of each block in the subdivision. Lot corner monuments consisting of iron rods or pipes - of a diameter of not less than one-half inch (1/2") and eighteen inches (18") deep and set flush with the top of the final grade - shall be placed at all lot corners except corners which are also block corners. In addition, curve point markers of the same specifications as lot corners shall be established. All lot corners shall be installed prior to the filing of the final plat.
- H. Legend. The final plat shall show a title including the name of the addition or subdivision, the names of the owner and engineer and/or surveyor, scale and location of subdivision with reference to original land grant or survey, an abstract number, and a North point with true or magnetic North.
- I. Certificate of Ownership. A certificate of ownership giving a metes and bounds description of the property, dedication of all streets, alleys, parkways, and parks where donated to the City, and dedication or reservation of all easements and drainage ways to the public use (signed and acknowledged before a Notary Public by the owner of the land) shall appear on the face of the plat or on the index sheet of the plats where two (2) or more sheets are required.
- J. Certificate of Engineer or Surveyor. The certificate of the licensed public surveyor who surveyed, mapped, and monumented the land (which certificates shall be attested before a Notary Public) shall be placed on the face of the plat or index sheet of the plats together with the seals of the surveyor and Notary Public. Printed seals and signatures are prohibited except for extra prints that the owner or developer may need certified for other purposes. The certificate of the surveyor to be placed on the plat shall be worded as shown below.

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 Town of Bayside, Texas.

Signed _____

(Name and Title)

Texas Surveyor # _____

- K. Tax Statement. At the time the developer files the final plat with the Chief Administrative Officer, such developer shall also file a certificate showing that all taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property.

SECTION 4: REPLATTING:

- A. Restrictions. Property shall not be replatted which has been previously platted by a common dedication except with the consent of all directly affected property owners.
- B. Requirements. The replat of the subdivision shall meet all the requirements for a new subdivision that may be pertinent, as provided for herein. It shall show the existing property being re-subdivided. No preliminary plats will be required on replats.

SECTION 5: IMPROVEMENTS PRIOR TO ACCEPTANCE:

- A. Monuments. Monuments as prescribed herein above shall be placed at all corners as required herein above.
- B. Street and Alley Improvements.
- 1) Before approval and acceptance of any final plat, the developer shall prepare (or have prepared) and submit three (3) copies of the complete engineering plans of streets, alleys, curbs and gutters, storm sewers and drainage structures, and water and sanitary sewer improvements for the area covered by the final plat. The developer shall have these plans prepared by qualified engineers, subject to the approval of the plans by the City. The Chief Administrative Officer shall review the plans and specifications and, if approved, shall mark them "Approved" and return one set to the developer. If not approved, two (2) sets shall be marked, with the objections noted, and returned to the developer for correction. After approval of the plat and of the plans and specifications, the developer shall cause a contractor to install the facilities in accordance with the approved plans and specifications and the regulations of this Ordinance. The developer shall cause the engineer to design, stake, and supervise the construction of such improvements, and shall cause the contractor to construct the said improvements in accordance with these regulations. The Town will inspect the installation of the improvements after 1) the improvements have been completed and have been found to be installed in accordance with the approved plans and specifications; 2) upon receipt by the Town of Bayside of a one-year maintenance bond in the amount of ten percent (10%) of the contract price from each separate contractor, along with three (3) sets of "as-built" plans and one set of "as-built" sepias (the plans and sepias to be "as-built"); and 3) upon receipt of a letter of the contractor's compliance with these regulations, then the Chief Administrative Officer shall receive and approve for the Town the title, use, and maintenance of the improvements.
 - 2) Minor residential streets shall be paved twenty-seven feet (27') wide from back of curb to back of curb. Minor apartment streets and secondary collector streets shall be paved thirty-seven feet (37') wide from back of curb to back of curb.

- C. Storm Drainage. An adequate storm sewer system consisting of inlets, pipes, and other underground drainage structures with approved outlets shall be constructed where drainage of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions, as established by the City, will not be considered for development until adequate drainage has been provided.

Areas subject to flood conditions as established by the Federal Insurance Administrator will not be considered for development until both adequate drainage and elevation of lots, streets, and alleys have been accomplished to meet the requirements of the Flood Plain Map.

- D. Water Supply. All subdivisions shall be provided with an approved water system designed and constructed in accordance with the Master Plan and standard specifications of the Town. In the corporate limits of the Town, all subdivisions will be connected with the Town water supply distribution system.

- E. Sewer Improvements.

- 1) All subdivisions shall be provided with an approved sewage disposal system and, where the subdivision is inside the Town limits, shall be connected to the City sanitary sewer system, if readily available.
- 2) The developer shall furnish and install the complete sewer system, including the mains, manholes, cleanouts, Y-branches, and service laterals for all lots, lift stations, and appurtenances. The sewage system shall be designed and constructed in accordance with the Master Plan and standard specifications of the Town.
- 3) In locations where sanitary sewers are not available and where there are no immediate prospects for installation of sanitary sewers, septic tanks of approved type may be installed in conformity with the rules, regulations, and ordinances of the Town pertaining to public health; provided, however, that in no case shall septic tanks be installed without express approval and inspection by the Town.

- F. Underground Utilities. All public or privately-owned underground utilities shall stub out all services from mains in all directions to the property lines in streets and in alleys, where the services shall be stubbed out eighteen inches (18") inside the rear property line of platted lots and to the property line of unplatted property prior to commencing paving operations.

- G. As-built Plans. The developer, or a qualified engineer, shall present the Town with a reproducible (sepia) and complete "as-built" set of plans and three (3) sets of blue-line or black-line prints on paper of "as-built" plans for all paving, drainage, structures, water mains, and sewer mains within sixty (60) days after completion of each contract.

SECTION 6: WITHHOLDING OF IMPROVEMENTS:

- A. Pending Approval of Plat. The Town hereby defines its policy to be such that the Town will withhold all Town improvements, of whatsoever nature, including the maintenance of streets and the furnishing of sewer facilities and water service, from all additions, the plattings of which have not been approved by the Council.
- B. Pending Compliance with Regulations. The Town may withhold the issuing of a street number or building permit for the erection of any building in the Town on a newly-subdivided parcel of land until all the requirements of the subdivision regulations have been complied with, including the installation of and acceptance by the Town of all waterworks, sewer and paving improvements for the area designated.
- C. Pending Filing of Final Plat. No construction work shall begin on the proposed improvements in any proposed subdivision prior to the approval of the final plat by the Town and the filing of such final plat with the County Clerk of Refugio County.

SECTION 7: BUILDING LINES: Building lines shall be shown on the final plat on all lots intended for business and residential use and shall provide the minimum set-back as required by the Zoning Ordinance.

SECTION 8: PUBLIC SITES AND OPEN SPACES:

- A. Public Use Property. The subdivider shall give consideration to suitable sites for schools, parks, and other areas for public use, so as to conform with the recommendations of the Town Council. Any provision for schools, parks, etc., shall be indicated on the preliminary plat.
- B. Existing Topography. No individual, partnership, firm, or corporation shall deepen, widen, fill, re-route, or change the course or location of any existing ditch, channel, stream, or drainage way, without first obtaining written permission of the Town or other agency having jurisdiction.
- C. Abutting Public Sites. In cases where a subdivision contains or abuts a school, park, or playground, the subdivider shall dedicate one-half (1/2) a normal residential street, twenty-five feet (25'), and provide for one-half (1/2) the cost of paving and the full cost of all the utilities necessary. The interested agency shall provide the necessary right-of-way to make the street sixty feet (60') in width, which is thirty-five feet (35'), and provide one-half (1/2) the cost of paving.

ARTICLE III - DESIGN STANDARDS

SECTION 1: REQUIREMENTS AND DESIGN STANDARDS FOR STREETS:

- A. Conformity to Master Thoroughfare Plan. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Master Thoroughfare Plan of the Town, and these factors shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety, and to their appropriate relation to the proposed uses of land to be served by such streets.
- B. Exceptions. When such streets are not on the Master Thoroughfare Plan, the arrangement of streets in a subdivision shall either:
 - 1) Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
 - 2) Conform to a plan for the neighborhood approved or adopted by the Council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- C. Minor Streets. Minor streets shall be laid out so that their use by through traffic will be discouraged.
- D. Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Council may require marginal access streets, reverse frontages, deep lots with rear-service alleys, or such other treatment as may be necessary for adequate protection to residents of property and to afford separation of through and local traffic.
- E. Reverse Strip Controlling Access. Reverse strip controlling access to streets shall be prohibited except where its control is definitely placed under the jurisdiction of the Town under conditions approved by the Council.
- F. Street Jogs. Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.
- G. Arterial Street Intersections. Arterial street intersections shall be at ninety degree (90°) angles. Other street intersections shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect at less than sixty degrees (60°).
- H. Street Right-of-Way Widths. Street right-of-way widths shall be as shown on the Master Thoroughfare Plan and, where not shown therein, shall not be less than the following:

<u>Description</u>	<u>Minimum Width</u>
Major Thoroughfare	Eighty Feet (80')
Secondary Thoroughfare	Sixty Feet (60')
Minor Residential Street	Fifty feet (50')
Access or Service Road	Fifty Feet (50')
Minor Street - Apartment, Commercial, Industrial Areas	Sixty Feet (60')

- I. Half-Streets. Half-streets shall be prohibited except when essential to the reasonable development of the subdivision in conformity with other requirements of this Ordinance, and where the Council finds it shall be practical to require the dedication of the other one-half when the adjoining property is subdivided. Whenever a partial street exists along a common property line, the other portion of the street shall be dedicated. Where part of a street is being dedicated along a common property line and the ultimate planned width is fifty feet (50'), the first dedication will be thirty feet (30'); where the ultimate planned width is sixty feet (60'), the first dedication shall be thirty-five feet (35').
- J. Cul-de-sacs. Cul-de-sacs shall not be longer than six hundred feet (600') and shall have a turn-around provided at the closed end. They shall have an outside roadway diameter of at least eighty feet (80') and shall have a street property-line diameter of at least one hundred feet (100').
- K. Connections with Existing Streets. New streets of like alignment shall bear the names of existing streets and shall be dedicated at equal or greater widths than the existing streets. No street name shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Town Council.
- L. Street Improvements. All new streets dedicated within a subdivision shall be improved in accordance with the specifications of the Town of Bayside, Texas.

SECTION 2: REQUIREMENTS AND DESIGN STANDARDS FOR ALLEYS:

- A. Industrial and Commercial Districts. Alleys shall be provided in industrial and commercial districts, except that the Council may waive this requirement where other definite and assured provision is made for service access; such as, off-street loading, unloading, and parking consistent with, and adequate for, the use proposed. Service alleys in commercial and industrial districts shall be a minimum of twenty-five feet (25') in width.
- B. Residential Districts. In residential districts, alleys may be provided parallel, or approximately parallel, to the frontage of the street. Alleys in residential districts shall be a minimum of twenty feet (20') in width.

- C. New Developments and Replatting of Old Additions. Alleys may be required in all new developments and replatting of old additions, unless expressly waived by the Council because of drainage or topographical features or because of existing conditions which may preclude the use of an alley in a particular location.
- D. Paving. Alleys must be paved in accordance with the Town of Bayside specifications. When any alley is paved, it shall be paved according to paving specifications provided for in this Ordinance and adopted by the Town Council.
- E. Cutting and Grading.
- 1) Alleys shall be cut and graded.
 - 2) Where the deflection of alley alignment exceeds thirty degrees (30°), a cutback of a minimum of fifteen feet (15'), or of such greater distance to provide safe vehicular movement, shall be established on the inside property line, and the paving of the alley shall be cut back in the same manner.
- F. Dead-end Alleys. Dead-end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turn-around facilities at the dead-end as is determined by the Town Council.
- G. Access From the Alley. Access to residential property shall be permitted from any alley; however, access from the alley shall not exclude another means of access from the front or side. No side lot access to residential property shall be allowed from any arterial street.

SECTION 3: REQUIREMENTS AND DESIGN STANDARDS FOR BLOCKS.

- A. Determination of Length, Width, and Shape. The length, width, and shape of blocks shall be determined with due regard to:
- 1) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - 2) Zoning requirements as to lot sizes and dimensions;
 - 3) Need for convenient access, circulation, control, and safety of street traffic.
- B. Specifications for Length. In general, intersecting streets, which determine the block lengths and widths, shall be provided at such intervals as to best serve cross traffic adequately and to meet existing streets, or to comply with customary subdivision practices. Where there is no existing subdivision to control, the block lengths shall not exceed one thousand six hundred feet (1,600'), and shall generally be one thousand to one thousand two hundred feet (1,000' - 1,200') in length; nor shall any block be less than five hundred feet (500') in length; however, in conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet the existing conditions, having due regard for connecting streets, circulation of traffic, and public safety.

- C. Specifications for Width. Where no existing subdivision controls, the block width or depth shall be platted to give lots with a depth-to-width ratio of generally not more than two and one-half to one ($2\frac{1}{2}:1$), and in no case more than four to one (4:1), and the platting shall be such that the block width or depth generally shall not exceed three hundred fifty feet (350') nor be less than two hundred fifteen feet (215'). When possible, the block width and length shall be such as to allow two (2) tiers of lots back-to-back to an alley.
- D. Walkways. Where blocks in the vicinity of a school, park, or shopping center are platted one thousand feet (1,000') or longer, the Council may require a walkway near the middle of the block, or at a street that terminates between the streets at the end of the block. The walkway shall not be less than four feet (4') or more than eight feet (8') in width, and shall have a four-foot (4') concrete walk through the block from sidewalk to sidewalk, or to the rear of the property line, if no street exists.
- E. Sidewalks. Pedestrian walks not less than four feet (4') wide shall be provided around the perimeter of all blocks.

SECTION 4: REQUIREMENTS AND DESIGN STANDARDS FOR LOTS:

- A. Conformity to Minimum Requirements. Lot dimensions shall conform to the minimum zoning requirements for the established district.
- B. Fronting. Each lot shall face on a public street.
- C. Key Lots.
 - 1) Where corner lots are key lots, that is, where lots face the frontage street and other lots face the side street, the corner lot shall have a front building line on both streets.
 - 2) Key lots or irregular-shaped lots shall have sufficient width at the building line to meet frontage requirements of the appropriate zoning district. Also, the rear width shall be sufficient to provide access for all utilities, including garbage collection, and shall not be less than ten feet (10').
- D. Depth. No lot shall be platted less than one hundred feet (100') in depth; however, in cases where an irregularly-shaped tract is platted into lots and a remnant piece of property is of sufficient area to plat one or more lots, the Council may waive the depth requirement to prevent a hardship on the developer.
- E. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to the street line.

- F. Double Frontage and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or where necessary to overcome specific disadvantages of topography and orientation. Where lots have double frontage, a front building line shall be established for each street.
- G. Alteration of Lot Size.
- 1) It shall be lawful to increase the size of lots from that originally platted; provided, however, that there is no remaining portion of a lot or a lot smaller than the original lot; and also provided, that the final plat is submitted in accordance with the requirements of a final plat as contained herein above; also, provided that such change is in compliance with Article 974a of TEXAS REVISED CIVIL STATUTES.
 - 2) No lot shall be replatted to reduce the size of the lot originally platted by a common dedicator, unless the consent of all property owners in the same addition has been obtained. Such required consent may be implied where another lot or lots in the addition, as recorded, have already been subdivided and built upon in the manner prescribed above. No lot will be reduced in width below fifty (50) foot frontage with an area of five thousand five hundred (5,500) square feet, except for property having a local retail, commercial, or manufacturing zone classification and not for residential use.
- H. Building Permits. When an applicant exhibits a duly executed and recorded deed covering a lot having minimum dimensions of fifty feet by one hundred ten feet (50' x 110'), and such lot is being assessed for Town taxes as conforming to the established lot-pattern and zoning classification in the block where located, then a building permit may be issued, provided the requested use of such property conforms to the permanent zoning of the property covered by the application.

ARTICLE IV - GENERAL REQUIREMENTS

SECTION 1: REQUIREMENTS FOR EASEMENTS.

- A. Utility Easements. Easements across lots, or centered on rear or side lot lines, shall be provided for utilities where necessary, and shall be of such width as may be reasonably necessary for the utility or utilities using the same.
- B. Storm or Drainage Easement. Where a subdivision is traversed by a watercourse, drainage way, channel, or street there shall be provided a storm easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the Chief Administrative Officer, and which will be reasonably adequate for the purpose. Parallel streets or parkways may be required in connection with this easement.

- C. Exclusion of Easement in Computing Lot Area. The lot area shall be computed exclusive of all easements, except anchor easement for public utilities, alleys, and streets.

SECTION 2: UTILITIES REQUIRED: Sanitary sewers, storm sewers, water mains, and street improvements, along with all appurtenances pertaining to the above and facilities of other agencies as may be required, shall be constructed and installed in each new subdivision in accordance with the current official standards of the Town (see also Article II, Section 5 of this Ordinance).

- A. Services Beyond the Limits of Town Systems. If a proposed subdivision is located beyond the service area of the sewage collection system or beyond the area of the water distribution system, the subdivider shall be required to furnish with his final plat satisfactory evidence, including (but without limitation) the results of soil tests and borings and statements from local and State health authorities, water engineers, and other proper officials, that water satisfactory for human consumption may be obtained from surface or sub-surface water sources on the land and that soil conditions are such that satisfactory sewage disposal can be provided through the use of approved septic tanks or similar devices.
- B. Restrictions for Permit. No building permit, nor any water, sewer, plumbing, or electrical permit shall be issued by the Town to the owners or any other person with respect to any property in any subdivision covered by this Ordinance until:
- 1) Such time as the developer and/or owner has complied with the requirements of this Ordinance and the approved final plat regarding improvements with respect to the block facing the street and/or streets on which the property abuts, including the installation of streets with proper base and paving, curbs and sewers and alleys, all according to the specifications of the Town; or
 - 2) An escrow deposit has been made with the Town Secretary; such deposit being sufficient to pay for the cost of such improvements and being accompanied by an agreement signed by the developer and/or owner authorizing the Town to make such improvements at prevailing private commercial rates, or to have the same made by a private contractor and pay for the same out of the escrow deposit. Cost of such improvements is to be determined by the Chief Administrative Officer and computed on a private commercial rate basis. Should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, the Town shall in no case be obligated to make such improvements itself, except that such deposit may be used by the owner and/or developer as a progress payment as the work progresses by making certified requisition to the Town Secretary when supported by evidence of work done; or
 - 3) The developer and/or owner files a corporate surety bond with the Town Secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the Town Administrative Officer.

- C. Extension to Extra-Territorial Jurisdiction. In the extra-territorial jurisdiction, where a permit is not required, no Town water or sewer utilities shall be extended to the development until all sections of this Ordinance, applicable to subdivisions in extra-territorial jurisdiction, have been complied with. Where no Town water or sewer utilities are required to be extended to the subdivision in the extra-territorial jurisdiction of the Town and where the developer/owner refuses to comply with the applicable regulations of this Ordinance, the Chief Administrative Officer of the Town shall file action in District Court seeking to restrain the developer/owner from violating the applicable provisions of this Ordinance, as permitted by Article 970a, VERNON'S TEXAS CIVIL STATUTES.

SECTION 3: FILING FEES: The following schedule of fees and charges shall be collected by the Town Secretary, or a designated representative, when any preliminary plat is tendered to the Town for consideration. Each of the fees and charges provided for herein shall be paid in advance, and no action of the Town Council shall be valid until the fees, herein provided, shall have been paid.

<u>Type of Plat</u>	<u>Fees and Charges</u>
Preliminary Plat	One Hundred dollars (\$100) per plat plus five dollars (\$5) per lot
Final Plat	One Hundred dollars (\$100) per plat plus five dollars (\$5) per lot
Re-Plats	One Hundred dollars (\$100) per re-plat, in the event that no preliminary plat is required; if a preliminary plat is required, the fee shall be the same as for a Preliminary Plat.

SECTION 4: REQUIREMENTS - STREET SIGNS: Within the corporate limits of the City, street signs will be furnished and installed at each intersection by the Town at the expense of the subdivider. The subdivider shall pay the Town the current standard charge for the cost of materials and installation of each street sign. In subdivisions lying beyond the corporate limits of the Town, street-name signs shall be placed by the subdivider at all intersections within or abutting the subdivision. Such signs shall be of the type approved by the Town and shall be installed in accordance with the standards of the Town of Bayside. The developer shall pay such sum as is computed by the Chief Administrative Officer for street signs, as set out herein, at the time at which the developer submits the final plat for approval, and this sum shall be in addition to the filing fee set forth herein above.

SECTION 5: VARIANCES: The Town Council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Council shall prescribe only conditions that it deems necessary or desirable to the public interest in making the findings herein below required. The Council shall take into account the nature of the proposed usage of land involved, the existing usage of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare of individuals in the vicinity. No variances will be granted unless the Council finds the following:

- A. Special Circumstances or Conditions. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
- B. Preservation of Property Right. That the variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance will not be detrimental to the public health, safety, or welfare of individuals, or injurious to other properties in the area.
- C. Effect on Other Lands in the Area. That the granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Ordinance.
- D. Observance of Other Ordinances. The Council may not authorize a variance that would constitute a violation of any other valid Ordinance of the City.

Such findings of the Council, together with the specific facts upon which such findings are based, shall be incorporated in the official minutes of the Council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the general health, safety and welfare of citizens may be secured, and substantial justice be done. Pecuniary hardship to the subdivider, standing alone shall not be deemed to constitute undue hardship.

SECTION 6: CONFLICT WITH OTHER ORDINANCES. All ordinances, or parts of ordinances, with the exception of the Building Code and comprehensive Zoning Ordinance of the Town, which are inconsistent or in conflict with any of the provisions of this Ordinance be, and the same are, hereby repealed. Where the Building Code or Zoning Ordinance of the Town contain regulations which are more restrictive than the regulations contained herein, the Ordinances which are most restrictive shall control.

SECTION 7: EXCEPTIONS TO PROVISIONS OF ORDINANCE. Plats or subdivisions which have received preliminary approval by the Council within one year prior to the effective date of this Ordinance shall be excepted from the requirements of this Ordinance; provided that the final plat of such subdivision is approved and filed for record within one hundred eighty (180) days after the effective date of this Ordinance, or within one year after the approval date of the preliminary plat, whichever is greater.

ARTICLE V - PENALTY AND SEVERABILITY

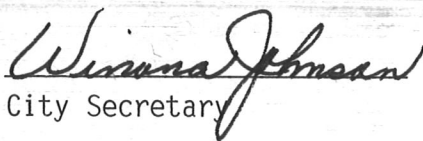
SECTION 1: PENALTY:

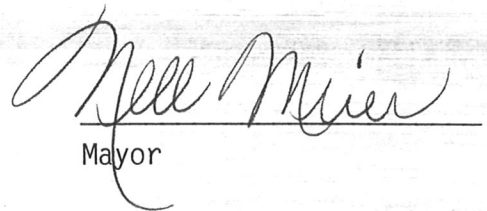
- A. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than two hundred dollars (\$200). Each transaction in violation of any of the provisions hereof shall be deemed a separate offense.
- B. Any person who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the provisions hereof, within the extra-territorial jurisdiction of the Town, shall be filed on in District Court, as provided for in Article 670a, VERNON'S TEXAS CIVIL STATUTES, with the purpose of restraining and enjoining the violation of this Ordinance. In addition, Town-owned utilities will not be extended into the subdivision until the provisions of this Ordinance are complied with.

SECTION 2: SEVERABILITY. It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are separable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

PASSED AND APPROVED THIS 24th DAY OF MARCH, 1987.

ATTEST:


City Secretary


Mayor