

## **TOWN of BAYSIDE**

### **ORDINANCE 84 SUBDIVISION REGULATIONS**

AN ORDINANCE OF THE TOWN OF BAYSIDE, TEXAS PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS, PLANS AND SUBDIVISION OF LAND WITHIN THE INCORPORATED AREA AND EXTRA-TERRITORIAL JURISDICTION OF BAYSIDE, TEXAS, HEREIN DEFINED AS THE "CITY"; CONTAINING CERTAIN DEFINITIONS: PRESCRIBING REGULATIONS FOR STREETS, SIDE-WALKS, ALLEYS, SANITARY UTILITIES, WATER MAINS, STORM SEWERS, AND OTHER DRAINAGE STRUCTURES AND COMMUNITY FACILITIES; PROVIDING FOR A PENALTY CLAUSE, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the provisions of the Constitution and the laws of the State of Texas, including particularly Chapters 231, Acts of the 40th Legislature, Regular Session, 1927, as heretofore or hereafter amended (compiled as Articles 974a and 6626, V.A.C.S.), and the provisions of Section 4 of the Municipal Annexation Act (compiled as Article 970a), as heretofore or hereafter amended, the Town of Bayside is empowered to regulate the subdivision of property inside its corporate limits and extra-territorial jurisdiction; and

WHEREAS, the regulation of subdivisions is deemed to be necessary to provide for the orderly, safe and healthful development of the area within the City and its extra-territorial jurisdiction and to promote the health, safety, morals and general welfare of the community;

NOW THEREFORE, be it ordained by the City Council of the Town of Bayside, Texas:

On or after the passage of this Ordinance, any person, firm or corporation seeking approval of any plat, plan, replat or any subdivision of land within the corporate limits of the Town of Bayside, Texas and its legally established extra-territorial jurisdiction, shall be required to comply with the requirements of this Ordinance before such approval may be granted, to wit:

#### **SECTION 1. GENERAL**

These regulations shall govern every person, firm, association, or corporation owning any tract of land within the City Limits or the extra-territorial jurisdiction of the Town of Bayside, Texas, who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said City, or for laying out any suburban lots or building lots, or any lots, streets, alleys, parks or other portions intended for public use or the use of purchasers of lots fronting thereon or adjacent thereto. These regulations shall also govern the design, installation and construction of any public utility facilities, including but not limited to water lines or systems, sanitary sewer lines or systems, sanitary landfills, and facilities for the storage and/or treatment of wastewater within the City Limits of Bayside or its extra-territorial jurisdiction.

#### **SECTION 2. DEFINITIONS**

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

**ALLEY**: A minor traffic way used primarily for vehicular service to the rear or side of properties otherwise abutting on a street, and to provide utility service.

**ARTERIAL STREET OR THOROUGHFARE**: Any street which serves as a principal traffic way, more or less continuous across the City or areas adjacent thereto, and acts as a principal connecting street with state and interstate highways.

**CERTIFIED LAND DIVISION**: A map, drawing or chart delineating parcels of land offered for rent or lease for other than agricultural uses and which (a) is not required by statute or state regulation to

be filed in the map and plat records of the county; and (b) does not involve or require the dedication of public streets or alleys; and, (c) has been certified by the City Council as having met the conditions of this Ordinance. A certified land division shall be treated as a subdivision plat under these regulations, except that it is properly certified for filing with the City Secretary rather than the County Clerk. In addition, a final plat of the property indicating legal boundaries and any public dedication and easements shall be prepared and filed with the County Clerk.

CITY COUNCIL: The duly elected governing body of the Town of Bayside, Texas

CITY ENGINEER: The engineer employed by the City, retained by the City on a consulting basis, or the duly authorized representative of either of the above.

CITY OFFICIAL OR ADMINISTRATOR: Any person, elective or appointive, or any employee, council member or any board or commission authorized or constituted by City Ordinance or State Law to act in behalf of the municipality.

CITY: The Town of Bayside, Texas

COLLECTOR STREET: Any street which is continuous through several residential districts or neighborhoods, and is intended as a connecting street between residential districts or neighborhoods and thoroughfares, highways or business districts.

COMMISSION: The Planning Commission, as appointed by the City Council.

COMPREHENSIVE PLAN: Also referred to as a Master Plan. The general plan of the City and adjoining areas as adopted by the Planning and Zoning Commission and City Council, including all its revisions and parts. This plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, parts and other public and private developments and improvements.

EASEMENT: An area intended for restricted use on private property, upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growth which in any way endanger or interfere with the construction, maintenance, or operation of any of its respective utility or drainage systems within any of these easements. Any public utility shall at all times have the right of unobstructed ingress and egress to and from and upon said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, adding to or removing all or part of its respective systems without the necessity, at any time, of procuring the permission of anyone.

EXTRA-TERRITORIAL JURISDICTION ETJ: All land situated, as classified by Article 970a of the Vernon's Annotated Revised Civil Statutes, in all directions from the corporate boundaries of the City and its extensions.

FINAL PLAT: A map, drawing or chart prepared according to the provisions of this Ordinance, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of Refugio County, Texas, whichever is appropriate.

GENERAL DEVELOPMENT PLAN: A map, drawing or chart, prepared according to the provisions of this Ordinance, drawn to scale on which is shown the subdivider's proposed arrangement of streets, lots, easements, other public spaces, and general land uses on all contiguous properties owned or held under single ownership from which a proposed subdivision is intended to be made. The general development plan may be the same as a preliminary plat, if such plan complies with the requirements of a preliminary plat.

PLAN ADMINISTRATOR: The City Official designated to administer the provisions of these regulations.

PRELIMINARY PLAT: A map, drawing or chart, prepared according to the provisions of this Ordinance, drawn to scale on which is shown the subdivider's proposed arrangement of streets, lots, easements and other public spaces in the subdivision that is not to be recorded for record but is only a proposed division of land for review and study by the City.

PRIVATE SEWAGE FACILITY: A facility designed for the transportation, collection, and/or treatment of wastewater for more than a single residential unit or for commercial or industrial purposes.

RESIDENTIAL STREET: Any street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is used primarily for access to abutting properties.

STANDARD SPECIFICATION AND CODES: The standard specifications and codes adopted by the City Council and all revisions thereof, for all public works improvements in the Town of Bayside shall be applied to all improvements constructed under the provisions of these subdivision regulations.

STREET: A public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property, and to provide utility service.

SUBDIVIDER OR DEVELOPER: Any individual, firm, association, syndicate, co-partnership, corporation or other organization dividing or proposing to divide land, or making improvements to such land, so as to effect a subdivision of land hereunder for himself, or itself, or for another.

SUBDIVISION: The division of any lot, tract or parcel of land into two (2) or more lots or sites for the purpose of sale or of building development or for the purpose of making improvements to the property which will allow development, whether immediate or future. The term includes resubdivision replatting of an existing subdivision, building upon, or other development of land, but does not include the division of land for agricultural purposes, i.e., ranching, farming and dwelling pertaining to such uses, in tracts of ten (10) acres or more and not involving any new street, alley or easement of access. However the term shall include the design, installation or construction of streets, alleys, roads or other thoroughfares, water lines or systems, sewer lines or systems, public utilities, sanitary landfills, and facilities for the storage and/or treatment of wastewater. When appropriate to context, the term subdivision shall relate to the process of subdividing, or to the land subdivided, and shall include the resubdivision of land.

ZONING ORDINANCE: The duly adopted ordinance of the Town of Bayside establishing certain districts within the City, and regulating the use of land, size of lots, size and height of buildings, and other elements of developments and land use within those districts.

### SECTION 3. PURPOSES, AUTHORITY AND JURISDICTION

1. It is the purpose of this Ordinance to provide for the safe, efficient, and orderly development of the City, and to secure adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewer and other facilities.
2. These regulations shall govern any and every person, firm, corporation, or organization owning any tract of land within the City Limits of Bayside who may hereafter divide the same into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said City, or laying out suburban lots or building lots, or any lots, streets, alleys or parks or other portions intended for public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto. By the authority of the Municipal Annexation Act, 1968, Article 970a, Vernon's Annotated Civil Statutes of the State of Texas, which article is hereby made a part of these regulations shall be extended to, and shall apply to, all of the area outside of the corporate limits of said City but within the extra-territorial jurisdiction of said City. Such jurisdiction shall extend into and encompass all those areas as classified in Article 970a, Vernon's Annotated Revised Civil Statutes, and extending in all directions from the City Limits of Bayside and all of its extensions.
3. Unless and until any plat, plan or replat shall have been first approved in the manner provided for under these regulations, it shall be unlawful for any person, firm, corporation, or organization to construct or cause to be constructed any streets, utilities, buildings or other

improvements to any tract of land; and it shall be unlawful for any official of said City to issue any permit for such improvements, including building permits, or to serve or connect said land, or any part thereof, for the use of the owners, purchasers, or users of said land, or any part thereof, with any public utilities such as water, sewer, lights, gas, etc., which may be owned, controlled, distributed, franchised, or supplied by said City.

4. All of the improvements required under these regulations, or improvements specified in the comprehensive plan of Blue Ridge or improvements which, in the judgment of the City Engineer, are necessary for the adequate provision of streets, utilities, drainage, services and facilities to the subdivision and to surrounding areas of the City, shall be constructed at the sole expense of the developer, unless other provisions are formally approved by the City Council. Payment for any and all improvements which are not to be made at the time of the primary construction of the subdivision or development shall be made a part of a binding contract, signed by the developer and approved by the City Council. Any rebates or other payments to the developer by the City for the cost of oversized improvements or off-site improvements, required as a part of the subdivision or development, and necessary for the adequate and efficient development of surrounding areas of the City shall be paid only in accordance with the pro rata Ordinance of the City of Bayside unless other provisions are formally approved by the City Council.
5. If the property is not zoned as required for the proposed subdivision, permanent zoning shall be requested. Application for zoning includes completion of required forms, payment of required fees and performance of other requirements of the Zoning Ordinance and the rules and regulations of the City as the same may be from time to time, passed or amended. Zoning may be requested concurrently with preliminary plat review.
6. These rules and regulations are the standard requirements of Bayside, Texas. Suspensions of any of these rules and regulations may be granted by the City Council upon a good and sufficient showing by the owner that there are special circumstances or conditions affecting the property in question, or that enforcement of the provisions of this Ordinance will deprive the applicant of a substantial property right, and that such suspension, if granted, will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Each and every application for variance shall be decided solely and entirely on its own merits; and the disposition of any prior or pending application for variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interest standing alone shall not be justification for the granting of a variance.
7. The owner of any tract of land aggrieved by the decision made under these regulations by any administrator or official of the City shall first apply to the city council for relief from such administrative decision. Any aggrieved party having any interest in the matter may appeal the ruling by the city council regarding the decision to the district court.

#### SECTION 4. PROCEDURES:

All property not subdivided into lots, blocks, and streets, or property to be subdivided within the City or within its extra-territorial jurisdiction shall hereafter be subject to the approval of the City Council, and no other subdivision will be recognized by the City.

1. **PRE-APPLICATION CONFERENCE:** Prior to the filing of a preliminary plat, the subdivider shall consult with the City Council concerning the ultimate land-use of the proposed development, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, alleys and lots, and the layout of utility lines and availability of service from trunk mains. If necessary a written record of the meeting shall be kept by the City, and a copy provided to the developer.



## 2. PRELIMINARY PLATS:

- A. All preliminary plats shall be filed with the office of the City Secretary. The City Secretary shall sign and date all copies, and return one to the owner. No preliminary plat will be considered by the City as having been filed until the prescribed fees have been paid.
- B. At such time the preliminary plat is filed with the City for review and approval, it will be immediately passed to the Planning Commission who will make a preliminary study of the plat. If it appears substantially complete, the Planning Commission or their duly authorized representative will make a visit to the area to determine if there are apparent problems with development of subject land. If none are found, they or their duly authorized representative shall then forward the preliminary plat to the city council or their duly authorized representative with his comments. If the City Council or their duly authorized representative determines that the preliminary plat as submitted is substantially incomplete and requires a significant amount of work by the developer's engineer, the incomplete plat will be immediately returned to the developers engineer, requesting that it be completed or revised prior to the next Planning Meeting. Revised plats subsequently submitted shall be signed and dated by the City Secretary, attached to the original and then forwarded to the Planning Commission. No additional filing fees shall be required.
- C. Within 45 days after the preliminary plat is formally filed, the Commission shall conditionally approve or disapprove such plat or conditionally approve it with modifications. If it is conditionally disapproved or conditionally approved with modifications, the commission shall inform the subdivider, in writing, of the reasons at the time such action is taken.
- D. Conditional approval by the Commission of a preliminary plat shall be advisory only, and such plat shall be referred to the City Council for final action at their regularly scheduled meeting.
- E. Conditional approval of a preliminary plat by the City Council shall be deemed an expression of approval of the layout submitted on a preliminary plat as a guide to preparation of the final plat. Conditional approval of a preliminary plat shall not constitute automatic approval of the final plat.
- F. The approval of the preliminary plat by the City Council shall be effective for a period of one hundred eighty days after the approval date, after that the plat becomes null and void.
- G. Upon request of the subdivider, the City Council or their authorized representative may waive the preparation of the preliminary plat with the provision that the final plat be prepared in accordance with the provisions of both the preliminary and final plat sections.

## 3. FINAL PLATS:

- A. After approval of the preliminary plat by the City Council, a final plat, prepared by a registered public surveyor, bearing his seal, and the construction plans, prepared by a professional engineer registered in the State of Texas, and bearing his seal, shall be filed with the City Secretary's office. All copies shall be signed, dated and one copy shall be returned to the owner.
- B. No final plat will be considered by the City as being filed until the prescribed filing fees

have been paid.

- C. The final plat may constitute all or only a portion of the approved preliminary plat, but any portion thereof shall conform to all the requirements of these regulations.
- D. If the final plat is submitted for approval for portions or sections of the proposed subdivision, each portion or section shall carry the name of the entire subdivision but shall bear a distinguishing letter, number, or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivision might be finally approved in sections.
- E. Within 45 days after the final plat is formally filed, the Planning Commission will either recommend approval or disapproval of the final plat and forward it to the City Council. Any action taken by the City Council shall be final regardless of previous action of the Planning Commission.
- F. If a final plat for the subdivision, or a portion thereof, has not been submitted, or if a change in requirements has not occurred which would affect the preliminary plat, at the end of one hundred eighty (180) days after approval, then the preliminary plat shall become null and void, unless the subdivider has, in writing, requested and received an extension of time from the City Council.
- G. After examination of the final plat, the City Council shall approve or disapprove the final plat as being authorized for construction. If the plat is disapproved, it shall be returned to the owner with reasons for the disapproval.
- H. If the plat is approved by the City Council the owner has the following options concerning the filing of the final plat:
  - 1) If the owner desires to file the final plat prior to completion of construction of the roads and utilities in a subdivision, the owner shall provide appropriate financial security that assures the City Council that the construction shall conform with these regulations. The financial security can be arranged by one of the following methods:
    - (a) The owner may file a performance bond payable to the City of Bayside in the amount of the cost of construction. The bonds must be surety bonds provided by a surety company licensed to operate in the State of Texas; or
    - (b) The owner may provide funds in escrow, certificate of deposit, an irrevocable letter of credit, or other financial instrument, satisfactory to the City Council in the amount of the cost of construction. After acceptable financial security is filed with the City, and after all fees including those specified in Section 4 (d) are paid, the Mayor will sign the final plat as authorized for filing, and the owner can then file the final plat in the County Clerk's Office.
  - 2) If the owner desires not to guarantee the completion of construction, the final plat will be withheld from filing until the completion of the required construction. At such time that the City Council or his authorized representative certifies to the Mayor in writing that the construction is completed according to the City specifications, and after all fees, including those specified in Section 4 (d) are paid, the Mayor will sign the final plat as authorized for filing, and the owner can then file the final plat in the

County Clerk's Office.

4. FEES:

All applicable subdivision and zoning fees are detailed in the City's fee and rate schedule. The subdivider is required to comply with all provisions of the current fee and rate schedule. Applicable portions of that schedule are hereby incorporated into these subdivision regulations by reference, just as if they were reproduced in their entirety herein.

SECTION 5. PLAT REQUIREMENTS

1. PRELIMINARY PLAT REQUIREMENTS: All preliminary plats shall comply with the following:
  - A. *Copies*: The developer shall submit twelve copies of the preliminary plat to the office of the City Secretary.
  - B. *Subdivision Name*: The proposed name of the subdivision, which shall not conflict with the name of any other subdivision in the County, and the names of all adjacent subdivision shall be clearly labeled.
  - C. *Subdivision Owners Name*: The names, addresses and telephone numbers of the owner and/or owners of the proposed subdivision, and the name, address and telephone number of the registered public surveyor responsible for the preparation of the preliminary plat shall be clearly labeled.
  - D. *Boundary Lines*: The location of boundary lines and their relation to an original corner of the original survey, together with a vicinity map shall be clearly shown.
  - E. *Lot and Street Layout*: The location and width of existing and proposed streets, roads, lots (accurate dimensions and estimated acreage) and alleys, building lines, easements, parks, school sites, and any other feature relating to the proposed subdivision shall be shown. The plans shall show the outline of adjacent properties for a distance of a least (100) feet and how the streets, alleys or highways in the proposed subdivision may connect with adjacent land or with adjacent subdivisions which are of record. The acreage of the proposed subdivision shall be indicated on the plat.
  - F. *Drainage and Topography*: The preliminary plat must show existing drainage, the physical features of the property including water courses, the 100 year flood plain boundaries and source of information, ravines, bridges, culverts, present structures, and other features of importance for the lot and street layout. Topography of the tract shall be shown on the preliminary plat by means of contours of ten (10) foot intervals. Contours of lesser intervals may be required to better determine topography and drainage.
  - G. *Land Use*: Designation of the proposed uses of land within the subdivision whether for residential, commercial, industrial or public use, such as parks, churches, etc., shall be clearly shown.
  - H. *Drawing Requirements*: The preliminary plat shall show the North arrow, map scale and date. The preliminary plat shall be drawn to a scale not exceeding one (1) inch equal two hundred (200) feet. Preliminary plats shall be presented on standard size sheets of 24" x 36". The signature block shown in Appendix A.1 must be included on the plat.
  - I. *Utility Service*: The owner must submit a plan for providing utility service within the proposed subdivision and must show the same on the plat. The proposed water supply should be clearly indicated, i.e., municipal water, rural water supply corporation, privately owned water system, individual wells, etc., including location of fire hydrants, if any. All

public water supplies shall be approved by the Texas Department of Health. The plan for sewage disposal should be clearly indicated, i.e., municipal sewer service, privately owned/organized sewage disposal system, private sewage facilities, etc.

2. FINAL PLAT REQUIREMENTS:

- A. *Copies*: The developer shall submit twelve (12) copies of the plat, along with six (6) copies of all construction plans to the Office of the City Secretary.
- B. *Subdivision Name*: The name of the subdivision, map scale, date and North arrow, names or numbers of streets, and lot, block and section numbers within the subdivision shall be clearly shown.
- C. *Subdivision Owner's Name*: The names, addresses and telephone numbers of the owner of the proposed subdivision, and the name, address and telephone number of the registered public surveyor responsible for the preparation of the final plat.
- D. *Signature Approval Block*: The signature approval block contained in Appendix A.2 must be included on the final plat.
- E. *Boundary Lines*: The perimeter boundaries of the subdivision shall be shown with bearings and distances, referenced to a corner of the original survey, along with the names and vicinity map of adjacent subdivisions, if any. The boundary line description of the tract being subdivided shall close to an accuracy of one in ten thousand (10,000).
- F. *Utility Service*: The owner must submit a plan for providing water, sewer, and electricity within the proposed subdivision in accordance with the standards in the following section. If it is the owner's intent that each lot purchaser shall provide private septic systems, to each lot owner's needs, then copies of percolation tests performed by a registered professional engineer, registered sanitarian or a reputable testing laboratory shall be provided, together with a letter stating recommendations as to the type of septic system to be installed. If private sewage facilities or septic systems are to be used for sewage disposal, the location of each percolation test shall be noted on the plat and the area covered by that test shall be outlined clearly on the plat. All proposed private sewage facilities shall be in accordance with the rules of the Town of Bayside for private sewage facilities. A plan prepared by the person charged with performing the percolation tests on the subdivision site shall show areas not suitable for ordinary septic tank systems. Such areas shall require special systems approved by the Town of Bayside.
- G. Lots, streets, easements and set back line layout and drainage location of lots, streets, roads, public highways, utility easements, parks, 100 year flood plain boundaries, and source of flood plain information, and other pertinent features, shall be show with accurate dimensions in feet and decimals of feet and bearings with length, radius and angle of all curves, and with all other information necessary to duplicate the plat on the ground. Construction plans for the paving, drainage, water and sanitary sewer improvements shall be prepared by professional engineer of Texas and shall bear his seal. Each of the above shall be submitted as separate plans. Plan and profile drawings shall be drawn at a scale of 1 inch = 40 ft. horizontal and 1 inch = 6 ft. vertical. The location of building set-back lines on all streets, and drainage easements, and other public right-of-way or future right-of-way shall be shown.
- H. *Certification and dedication by owner*: Certification by the owner of his dedication of all streets, public highways, alleys, utilities and drainage easements, parks, if any, and other land dedicated for public use forever, signed and acknowledged before a Notary Public by said owner shall be shown.



- I. *Certificate by registered public surveyor:* Certification by a registered public surveyor shall be provided to the effect that the plat correctly represents a survey made by him, and that all the lot corners and boundary markers are correctly placed as shown thereon: the dimensions, bearings and other technical information needed for platting each lot shall be shown on the subdivision plat and shall be furnished to an accuracy of one in ten thousand.
- J. *Restriction of subdivision:* A copy of the restrictions imposed within the subdivision by the owner shall accompany the final plat. If sewage disposal is to be done by means of private sewage facilities, the restrictions shall indicate that a private sewage facility license shall be obtained from the Town of Bayside for each lot within the subdivision. The restrictions shall indicate that all driveway culverts shall be installed in accordance with City policies. The restrictions shall indicate that no building occupancy shall be allowed until the final plat is filed and the City accepts the subdivision.
- K. *Drawing requirements:* Show the North arrow, map scale and date. The final plat shall be drawn to a scale not exceeding one (1) inch equal one hundred (100) feet. Final plats shall be presented on standard size sheets of 24" x 36". The signature block must be included on the plat. The owner should also submit three (3) one (1) inch equal two hundred (200) feet, and three (3) one (1) inch equal four hundred (400) feet reductions of the plat and water and sewer plan for the City's use.

If the proposed subdivision is too large to be accommodated by a single standard sheet size, then two or more sheets may be used, with match lines clearly shown, if the original plat has been reduced for filing, then the reduction must be no more than 50% of the original size. Final acceptance of the construction improvements will not be granted until the owner submits mylar reproducible of the construction plans marked "as-built" or "record drawings".

## SECTION 6. CONSTRUCTION AND IMPROVEMENT SPECIFICATIONS

- 1. GENERAL REQUIREMENTS:
  - A. The construction plans shall have a "Certificate of Adequacy" of the plans and specification signed by the registered engineer who prepared the plans.
  - B. The contractor shall provide a maintenance bond payable to the City effective from the date of acceptance by the City for one year in the total amount of the improvements constructed.
  - C. The contractor shall execute a performance and payment bond in the amount of 100% of the construction cost for the improvements and shall furnish a copy of each to the City prior to the construction commencing.
  - D. The registered engineer retained by the owner shall be responsible for construction inspection. The registered engineer shall furnish the City a "Certificate of Completion" upon completion station the construction was in compliance with the plans and specifications.
  - E. The owner shall be responsible for all costs subsidiary to the preparation of the plans and specifications and their subsequent construction.
  - F. Design of the improvements shall be generally accepted engineering practices.
  - G. Construction Standards shall be in accordance with the Town of Bayside building codes and amendments and as amended by the Town of Bayside.

2. **PARKS AND OTHER PUBLIC USES:** All subdivisions exceeding five (5) acres in gross area shall include a dedication of five percent (5%) of the gross area thereof to the public for use as parks, playgrounds and recreational areas: provided, however, that in cases where it appears that the property to be dedicated is not suitable for such purpose or purposes, then the Commission may at its option, require the developer to deposit with the Town of Bayside an amount of money equivalent in value to five percent (5%) of the gross area of such proposed subdivision. In the event that the Commission elects to require the deposit of such monetary sum, the amount shall be calculated on the basis of the reasonable cash market value of the area included in such subdivision, immediately prior to the platting and approval thereof by the City. In such cases, all monies derived from such sources shall be used by the Town of Bayside either for the acquisition of additional park sites in said City, or for capital improvements to existing parks, and no portion thereof may be used for maintenance to existing parks or for any other purpose.
3. **STREETS:** Streets, curbs, and gutters shall be designed and built according to the standards of the Town of Bayside.
  - A. Street design shall be asphalt with a twenty (20) foot minimum width.
  - B. **STREET SIGNS:** Street signs shall be installed by the subdivider at all new intersections within or abutting the subdivision. Such signs shall be of a type approved by the City, and shall be installed in accordance with the standards of the City.
  - C. **STREET LIGHTING:** Streetlights shall be installed by the subdivider at all street intersections within the subdivision, and at adjacent intersections on the North and East boundaries of the subdivision.
4. **ALLEYS:** Alleys shall be provided in business and industrial districts and shall be paved except that the City may waive this requirement where other definite and assures provisions are made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses provided.
  - A. Alleys shall be provided in all residential areas when feasible and shall be paved with asphalt, concrete, limestone or similar road material..
  - B. The minimum right-of-way of an alley shall be twenty (20) feet in industrial and business areas and fifteen (15) feet in residential areas. The Radius of the turnouts for alleys intersecting thoroughfares shall be fifteen (15) feet and shall be ten (10) feet at intersections with all other streets.
  - C. Alley intersections and sudden changes in alignment shall be avoided but, where necessary, lot corners shall be cut off at least fifteen (15) feet along each tangent from the point of intersection to permit safe vehicular movements.
5. **LOTS**
  - A. All lots shall conform to the regulations as set forth in the City's Zoning Ordinance. In any case, the minimum lot size shall be the same as the minimum residential lot specified in the Zoning Ordinance.
  - B. Corner lots in residential areas shall be wider than inside lots so as to allow an appropriate set back for both streets.
  - C. Each lot shall face onto a public street or a private drive, except in a planned unit development. Lots with street frontage at both front and rear shall be avoided, except when backing onto a highway or thoroughfare.

- D. Side lines of lots shall be approximately at right angles to straight street lines and radial to curved street lines.

6. BLOCKS

- A. The lengths, width and shapes of block shall be determined with regard to the following items.

- 1) Provision of adequate building sites suitable to the special needs of the type of use proposed.
- 2) Zoning requirements as to lot sizes and dimensions.
- 3) Needs for convenient access, circulation, control and safety of traffic.
- 4) Limitations of topography.

- B. Where no existing subdivision controls, the blocks shall not exceed one thousand two hundred (1200) feet in length, except in certain instances where topographical features warrant special consideration. These limits shall be exceeded only upon specific approval by the City. Blocks longer than six hundred (600) feet shall be avoided in business districts.

7. FIRE HYDRANTS. The Developers shall install fire hydrants within the subdivision. Such hydrants shall meet all of the design, construction, and installation policies of the Town of Bayside.

- A. Fire hydrants shall be placed on block corners or near the center of the block, to place all of every residential lot within a radius of five hundred (500) feet: but in no circumstance shall a hose lay of more than six hundred (600) feet be needed from the fire hydrant to cover all of every lot within the subdivision or tract under development.
- B. Fire hydrants shall be located in business and industrial areas so that all of every lot shall be within a radius of three hundred (300) feet, but under no circumstance shall a hose lay of more than four hundred (400) feet need to be made in order to adequately afford fire protection to the building or buildings.
- C. All fire hydrants shall be placed on water lines with a diameter of at least six (6) inches.

8. RESPONSIBILITY FOR PAYMENT OF INSTALLATION COSTS

A. Street and Alley Construction

- 1) The subdivider shall, at his own expense pay for construction all streets and alleys in his subdivision and one-fourth (1/4) of all perimeter streets and alleys.
- 2) The subdivider shall not be required to pay for constructing the above-mentioned one-fourth of perimeter street in the following cases:
  - (a) Where the perimeter street is a city street that is paved with either concrete or asphalt, and where that street has existing curb and gutter, and where the proposed subdivision will not change the use of the street (i.e., change the use from residential to collector or from collector to arterial.)
  - (b) Where the proposed subdivision is located adjacent to a road or street not mentioned in Section 8, 2(a), and it is deemed not feasible, by the Town of Bayside, to improve said road or street at the time of development of the subdivision, the developer shall pay to the City a

monetary amount equal to the cost of improvements (including excavation, sub-grade preparation, paving, drainage facilities, utility adjustments and engineering) for road or street as a condition precedent to the approval of any final plat for said subdivision. The estimate of cost of said improvements shall be determined by the City Engineer with said estimate being made available to the developer. Said amount shall be placed by the City into a fund labeled Street Improvement Fund, and shall be specifically used for the improvement of said road or street. In the event that said street improvements are not completed by the City within seven (7) years from the date the final plat was filed, said payment from the developer shall be returned, on a pro rata basis, to current property owners, with interest.

- 3) Utility Construction: The Developer shall, at his own expense, pay for construction of all sanitary sewer, storm sewer, and water lines within his subdivision. The Developer shall also be responsible for the cost of construction of all water and sewer extensions necessary to provide service to the subdivision. The payment of these costs, as well as any refunds due the developer for replacement of sub-standard lines or for future liens to these extensions, shall be in accordance with the pro rata ordinance of the Town of Bayside.

#### SECTION 7. CONFLICT WITH OTHER ORDINANCES

1. Whenever the standards and specifications in this ordinance conflict with those contained in any other ordinance of the Town of Bayside, the most stringent or restrictive provision shall govern.
2. Whenever the standards and specifications in this ordinance conflict with those of Refugio County, Texas, and the property in question is located outside the City Limits of Bayside, the most stringent or restrictive provision shall govern.

#### SECTION 8. SEVERABILITY CLAUSE

Should any portion or part of this ordinance be held for any reason invalid, unenforceable, or unconstitutional, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect.

#### SECTION 9. PENAL PROVISIONS

1. Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter anything in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of misdemeanor. Whenever in this Code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or Ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not exceeding Two Thousand Dollars (\$2,000.00) for violations of municipal ordinances that govern fire safety, sanitation (not including vegetation and litter violations), public health or as the Legislature may amend from time to time.
2. The owner or owners of any building or premises, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who had assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as hereinbefore provided.



3. For offenses and other violations not included in the classes enumerated above, the maximum permissible fine will be Five Hundred Dollars (\$500.00) or as the Legislature may amend from time to time. Further, that the above mentioned violations shall be subject to a minimum fine of One Hundred Dollars (\$100.00). Provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state.
4. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense. A culpable mental state is not required for the commission of an offense under this Code of Ordinances, unless the provision defining the conduct expressly requires a culpable mental state.
5. Notice of such a penalty shall be sent to said owner at their last known address by certified and regular first class mail. Any person violating any of the provisions of this ordinance shall become liable to the Town of Bayside for any expense, loss, or damage occasioned by the Town of Bayside by reason of such violation. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this ordinance.

#### SECTION 10.EFFECTIVE DATE

This ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the Town of Bayside. This ordinance shall be in full force and effect from the date of passage forward.

Date Published in Official Newspaper 6-22-06

1<sup>st</sup> Hearing Date 6-13-06

Passed, ordained, approved and adopted this the 13<sup>th</sup> day of June, 2006

By: Billy P. Frost  
Mayor/Town of Bayside, Texas

Attest:

Connie Cramer  
City secretary