

JAMES BURGESS

Mayor

RITA BISHOP

Councilmember Place 1

KAYLA SANGUINETTI

Councilmember Place 2



JEANIE SCOTT

Mayor Pro Tem/

Councilmember Place 3

GERONIMO HERNANDEZ

Councilmember Place 4

PHYLLIS LEWIS

Councilmember Place 5

VENUS SPECIAL COUNCIL MEETING

Venus Civic Center

210 S. Walnut

Venus, Texas 76084

Monday, May 24, 2021 7:00 PM

Special Agenda

Page

1. Call to Order, Roll Call, Invocation, Pledge of Allegiance

2. Announcements from Mayor:

Cell phones are to be turned off or placed on vibrate/silent only. No conversation or comment from the audience is permitted unless specifically called upon by the Mayor. Please remain respectfully quiet.

3. Citizen Public Comment Period:

Citizens may sign up before the meeting begins and will be allowed up to 5 minutes to address the Mayor and Council. The Mayor, Council members and staff members may not respond or converse with speakers during this time. The comments from the speaker must be in the form of a statement. By State law, no questions may be asked or answered for items not appearing on the agenda.

4. Consideration and Action items:

4.1. Discuss and consider appointment of a member to the Planning and Zoning Commission.

There is one vacancy created by Ms. Propser on the Planning and Zoning Commission that will need to be filled. Councilmember Place 2, Sanguinetti will recommend appointee.

I make a motion to appoint _____ as a voting member to the Planning and Zoning Commission.

5. Workshop:

- 5.1. Conduct workshop regarding amending the Subdivision Ordinance.

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[711-2020-10.pdf](#) 

[20210511 182414 290397 Chapter 26 SUBDIVISIONS AND DEVELOPMENT.pdf](#) 

6. Executive Session:

The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, pursuant to authorization by the Texas Open Meetings Act TEXAS GOVERNMENT CODE, 551.074 (personnel matters).

Section 551.074 (a)(1) to discuss and deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: City Administrator interviews.

- 6.1. Recess into Executive Session.

- 6.2. Reconvene into Open Session.

7. Adjournment

The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, pursuant to authorization by the Texas Open Meetings Act TEXAS GOVERNMENT CODE, Chapter 551.071 (Private consultation with attorney for the city), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

This is to certify that a copy of this Notice of Meeting was posted on the bulletin of City Hall, 700 W. Hwy 67 Venus, Texas and at a place readily accessible to the general public at all times and to the City's website www.cityofvenus.org, Friday, May 21, 2021 by 5:00 P.M..

Callie Green,
City Secretary

For more information or a copy of the Open Meetings Act, please contact the Attorney General of Texas at 1-800-252-8011; the City Secretary at 972-366-3348, ext. 211 or visit the City of Venus web site at www.cityofvenus.org. This building is wheelchair accessible. Any requests for Interpretive Services must be named 48 hours in advance of the scheduled meeting. To make arrangements please call 972-366-3348.



ORDINANCE NO. 711-2020-10

AN ORDINANCE OF THE CITY OF VENUS, TEXAS AMENDING THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE OF THE CITY OF VENUS, TEXAS TO UPDATE THE ZONING DISTRICTS OF THE CITY OF VENUS, TO EXPAND THE TYPES OF ZONING DISTRICTS AVAILABLE TO CREATE THE RESIDENTIAL, SMALL LOT DISTRICT AND THE CENTRAL BUSINESS DISTRICT WITHIN THE CITY, TO UPDATE THE MINIMUM LOT SIZE REQUIREMENTS FOR THE SINGLE-FAMILY RESIDENTIAL DISTRICT, AND TO AMEND THE REGULATIONS GOVERNING THE EXISTING AND NEW ZONING DISTRICTS IN THE CITY FOR CONSISTENCY; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Venus, Texas (hereinafter “City Council”) finds that public health, safety, welfare, and aesthetic concerns create the need to enact zoning regulations and that due diligence requires periodic review of zoning regulations; and

WHEREAS, the City of Venus has adopted a Code of Ordinances which Code establishes a series of zoning districts governing the zoning and use of land throughout the City; and

WHEREAS, the City of Venus is a Type A General-Law Municipality organized under the laws of the State of Texas; and

WHEREAS, the City has appointed a Planning and Zoning Commission to review potential changes to the City’s Zoning Ordinance; and

WHEREAS, the Council has determined that Ordinance 242-2001, the City’s Zoning Ordinance, should be amended; and

WHEREAS, the Council has determined that the Ordinance 243-2001, the City’s Subdivision Ordinance, should be amended; and

WHEREAS, on September 24, 2020, the Planning and Zoning Commission held a public hearing on various amendments to the Code of Ordinances as set forth in this Ordinance, afforded the public an opportunity to comment regarding the proposed amendments, and made a final report for consideration of the City Council at its regular meeting on October 12, 2020; and

WHEREAS, on September 3, 2020, a date at least fifteen (15) days prior to the regular October 12, 2020, meeting of the City Council, the City published notice of public hearing on the proposed amendments contained herein in the official newspaper of the City, held a public hearing on October 12, 2020, considered the final report issued by the planning and zoning commission, provided an opportunity for public comment, and to the extent comment was provided, the City Council considered that comment and all information presented; and

WHEREAS, having considered all information presented, the City Council having reviewed the proposed amendments to its Code of Ordinances as contained herein, determined that adoption of the proposed amendments was necessary to ensure the safe, orderly and healthful development of the City; and

WHEREAS, after compliance with all legal notices required by Chapter 211 of the Texas Local Government Code, and after due deliberation and consideration of the proposed amendments at the City's lawfully posted open meeting on the 12th day of October, 2020, the City Council finds and determines that the proposed regulations are consistent with the City's Comprehensive Plan, are reasonable, and that the best interests of the public are served by adoption of this amendment to the City of Venus Zoning and Subdivision Ordinances as more specifically set forth herein.

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

SECTION 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. Amendment. The Code of Ordinances of the City of Venus is hereby amended to adopt amendments pertaining to Single Family Lot Districts and a Central Business District, to add R-1S and CB zoning districts as new zoning districts and to add and amend regulations governing setbacks in the City's zoning districts, specifying uses in such new districts, and specifying regulations for new and existing districts, and providing amendments to related regulations; combining those amendments with existing regulations contained in Code of Ordinances, and adopting this Ordinance as an amendment to the Code of Ordinances of the City of Venus, Texas.

SECTION 3. Ordinance #243-2001 Subdivision Ordinance, as amended, Section 7(8), codified as Section 26-103, Division 3, entitled "Standards and Specifications", of Article II, entitled "Residential Subdivisions" of Chapter 26, entitled "Subdivisions and Development", of the Code of Ordinances of the City of Venus, is hereby amended to read in its entirety as follows:

"Lots, residential.

All lots shall abut an approved street for a distance of at least 50 feet and shall provide safe and convenient pedestrian and vehicular access from the lot onto the street. Lots on cul-de-sacs shall also have a 50-foot minimum frontage at the property line. On cul-de-sacs, the 50 feet of frontage will be measured at the minimum setback line; such setback line shall be no less than 20 feet from the front property line to the face of the building and shall be required on all lots. Minimum lot area shall be 5,000 (50 by 100) square feet. (see table in zoning ordinance)."

SECTION 4. Ordinance #243-2001 Subdivision Ordinance, as amended, Section 7(12)(A), codified as Section 26-107, Division 3, entitled “Standards and Specifications”, of Article II, entitled “Residential Subdivisions” of Chapter 26, entitled “Subdivisions and Development”, of the Code of Ordinances of the City of Venus, is hereby amended to read in its entirety as follows:

“Building Setback Lines and minimum lot sizes.

Setbacks for various zoning districts can be found in the Zoning Ordinance, codified at article II of Chapter 34 of the Code of Ordinances.”

SECTION 5. Ordinance #243-2001 Subdivision Ordinance, as amended, Section 18(7), codified as Section 26-118(g), Division 3, entitled “Standards and Specifications”, of Article II, entitled “Residential Subdivisions” of Chapter 26, entitled “Subdivisions and Development”, of the Code of Ordinances of the City of Venus, is hereby amended to read in its entirety as follows:

7.[(g)] Alteration of lot size.

(A)[(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 the Local Government Code.

(B)[(2)] No lot shall be replatted to reduce the size of the lot originally platted by a common dedicatory, 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 50-foot frontage with an area of 5,000 square feet, except for property having a retail business, restricted business, or industrial zone classification and not for residential use, or granted a variance by the Board of Adjustment.

SECTION 6. Ordinance #243-2001 Subdivision Ordinance, as amended, Section 18(8), codified as Section 26-118(h), Division 3, entitled “Standards and Specifications”, of Article II, entitled “Residential Subdivisions” of Chapter 26, entitled “Subdivisions and Development”, of the Code of Ordinances of the City of Venus, is hereby amended to read in its entirety as follows:

“Building permits. When an applicant exhibits a duly executed and recorded deed covering a lot having a minimum dimensions of 50 feet by 100 feet, and such lot is being assessed for city 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.”

SECTION 7. Ordinance #242-2001 Zoning Ordinance, as amended, Section 4(33), codified as Section 34-3 entitled “Definitions”, of Article I, entitled “In General”, of Chapter 34, entitled “Zoning”, of the Code of Ordinances of the City of Venus, is hereby amended to restate the following definition, to be placed in alphabetical order among the existing definitions:

“*District* means a portion of the territory of the city, within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this chapter. The term “R District” shall mean any AG, MH, MHS R-1L, R-1, R-1S, R-2, R-3, or R-4 District; the term “I District” shall mean any I-1 or I-2 District; and the term “C District” shall mean any C-1, C-2 or CB District.”

SECTION 8. Ordinance #242-2001 Zoning Ordinance, as amended, Section 5(A), codified as Section 34-47(a), Article II, entitled “Districts”, of Chapter 34, entitled “Zoning”, of the Code of Ordinances of the City of Venus, is hereby amended to read in its entirety as follows:

“For the purposes of this chapter, the city is hereby divided into 18 districts as follows:

AG	Agricultural District
R-1L	Single-Family Large Lot District
R-1	Single-Family Residential District
R-1S	Single-Family Small Lot District
R-2	Two-Family Residential District
R-3	Multiple-Family Residential, Low Density District
R-4	Multiple-Family Residential, High Density District
C-1	Restricted Commercial District
C-2	General Commercial District
CB	Central Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
MH	Manufactured Home Park District
MHS	Manufactured Home Subdivision District
PD	Planned Development District
S	Sign Overlay District
FP	Floodplain Overlay District
H	Historical Overlay

SECTION 9. Ordinance #242-2001 Zoning Ordinance, as amended, Section 11A is hereby added, to be codified as Section 34-50A, Article II, entitled “Districts”, of Chapter 34, entitled “Zoning”, of the Code of Ordinances of the City of Venus, and shall read in its entirety as follows:

“R-1S Single-Family Residential, Small Lot District

- (a) *Purpose.* The R-1S Single-Family Residential, Small Lot District is established to allow for smaller lots. This district is intended to provide denser urban or suburban settings than provided by other residential zoning districts. Development in the R-1S district is limited primarily to single-family dwellings and certain community and recreational facilities to serve residents of the district.
- (b) *Uses permitted.* The following uses shall be permitted:
 - (1) One-family dwellings, detached and constructed on site. Manufactured homes are prohibited from occupying sites in the R-1S district.
 - (2) Parks and playgrounds.

- (3) Accessory uses, including but not limited to, the following:
 - a. Noncommercial athletic fields and playfields, including stadiums and grandstands.
 - b. Temporary buildings for storage of building materials and equipment for construction purposes, when on the same or adjoining lot as the principal use, for a period not to exceed the duration of such construction.
- (c) *Conditional Uses*. The following conditional uses may be allowed in the R-1S district, subject to the provisions of Section 6 [codified as section 34-11], and the distance specified in this subsection shall prevail, unless they are modified by the board of adjustment in accordance with the provisions of Section 6 [codified as section 34-11].
 - (1) Public utility and public service uses as follows:
 - a. Electric substations.
 - b. Gas odorizing stations and gate stations.
 - c. Railroad rights-of-way, but not including railroad yards and shops, freight and service buildings, or rights-of-way for switch, lead, spur or team tracks.
 - d. Telephone exchanges and telephone transmission equipment buildings.
 - (2) Colleges and universities, provided that the zoning lot shall not be less than 40 acres.
 - (3) Churches, parish houses, and convents.
 - (4) Public and private schools.
- (d) *Area, yard, height, and lot coverage requirements*. The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23 [codified as section 34-62], entitled "Schedule of District Regulations," and other applicable provisions of Section 24 [codified as article III of chapter 34], entitled "Supplementary District Regulations."
- (e) *Automobile parking space regulations*. For parking space requirements, see Section 25 [codified as article IV of chapter 34].
- (f) *Landscaping*. For landscaping requirements, see Section 26 [codified as article V of chapter 34]."

SECTION 10. Ordinance #242-2001 Zoning Ordinance, as amended, Section 16A is hereby added, to be codified as Section 34-55A, Article II, entitled "Districts", of Chapter 34, entitled "Zoning", of the Code of Ordinances of the City of Venus, and shall read in its entirety as follows:

"CB Central Business District

- (a) *Purpose*. The CB Central Business District is intended to be used primarily in a single, high-density area to serve as the commercial and cultural city center core (or "downtown") of the city. The district is designed primarily for commercial, retail, planned-unit and mixed-use developments.
- (b) *Generally*.
 - (1) All business establishments shall be retail or service establishments which deal directly with customers. All goods produced on the premises shall be sold to customers only on the premises where produced unless otherwise authorized in this section.
 - (2) All business, servicing or processing, except for off-street parking, off-street loading, temporary display of merchandise such as garden, lawn, and recreational supplies and equipment for sale to the public, and automobile service station operation, shall be conducted within completely enclosed buildings of permanent structure.

- (3) Parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over 1½ tons capacity when located within 150 feet of a residential district boundary line.
- (c) *Uses permitted.* The following uses shall be permitted:
- (1) Any use permitted in the C-1 and C-2 districts, except those excluded in (d) below or designated conditional uses in (e) below;
 - (2) Residential dwelling units (apartments) are permitted above a ground floor business;
 - (3) Business uses above the ground floor are permitted on any floor above the ground floor, except in those buildings where residential dwellings are established;
 - (4) Parks;
 - (5) Single-family, two-family and multi-family residential lots and lodging uses present on the effective date of the ordinance from which this section is derived. Upon the demolition of any such residential or lodging units or termination of any such use, the restrictions established for this district shall take effect.
- (d) *Uses prohibited.* The following uses are prohibited:
- (1) Single- and two-family and multi-family residential lots; mobile, manufactured and modular home parks and subdivisions;
 - (2) Any use permitted only in I-1 or I-2 districts;
 - (3) Cleaning and dyeing facilities;
 - (4) Golf driving ranges;
 - (5) Creameries and ice cream plants; ice plants, cold-storage plants;
 - (6) Spray-painting operations;
 - (7) Repair/storage garages and other incidental storage;
 - (8) Rental cars, trucks, and trailers by automobile renters or service stations;
 - (9) Hospitals, sanitariums, nursing homes, and personal care facilities;
 - (10) Laboratories for research development and testing;
 - (11) Manufacturing and processing other than an accessory use customarily incidental to permitted commercial sales and service uses;
 - (12) Any use which is objectionable to a reasonable person by reason of emission of odor, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property
- (e) *Conditional uses.* The following conditional uses may be allowed in the CB District subject to the provision of section 6 [codified section 34-11].
- (1) Boardinghouse (bed-and-breakfast), hotels and motels;
 - (2) Automobile service station operations, body shops and tire shops;
 - (3) Creameries and ice cream plants.
- (f) *Area, yard, height, and lot coverage requirement.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23 [codified as section 34-62], entitled "Schedule of District Regulations," and other applicable provisions of Section 24 [codified as article III of chapter 34], entitled "Supplementary District Regulations."
- (g) *Automobile parking space regulations.* For parking space regulations, see Section 25 [codified as article IV of chapter 34].
- (h) *Screening.* Unlike other Commercial districts (C-1, C-2), the CB zoning district does not require natural screening, walls or green belts when abutting Residential uses, lots or districts (AG, R-1L, R-1, R-1S, R-2, R-3, R-4).

- (i) *Landscaping*. For landscaping requirements, see Section 26 [codified as Article V of chapter 34].

SECTION 11. Ordinance #242-2001 Zoning Ordinance, as amended, Section 15(G), codified as Section 34-54(g), Article II, entitled “Districts”, of Chapter 34, entitled “Zoning”, of the Code of Ordinances of the City of Venus, is hereby amended to read in its entirety as follows:

“Screening. In the C-1 district, whenever a C-1 use abuts the R-1L, R-1, R-1S, R-2, R-3, R-4, a wall or fence of not less than six feet nor more than eight feet in height is required.”

SECTION 12. Ordinance #242-2001 Zoning Ordinance, as amended, Section 16(G), codified as Section 34-55(g), Article II, entitled “Districts”, of Chapter 34, entitled “Zoning”, of the Code of Ordinances of the City of Venus, is hereby amended to read in its entirety as follows:

“Screening. In the C-2 district, whenever a C-2 use abuts an R-1L, R-1, R-1S, R-2, R-3, or R-4 use, a wall or fence of not less than six feet nor more than eight feet in height is required. Natural screening may be substituted for a wall or fence upon approval of the city council. Refer to Venus Fence Ordinance [codified as article IV of chapter 8] for further clarification.”

SECTION 13. Ordinance #242-2001 Zoning Ordinance, as amended, Section 21(E)(12), codified as Section 34-60(e)(12), Article II, entitled “Districts”, of Chapter 34, entitled “Zoning”, of the Code of Ordinances of the City of Venus, is hereby amended to read in its entirety as follows:

“Screening. Screening shall be provided according to the following requirements:

- a. In the event that a townhouse development backs up or sides upon a R-1, R-1S, R-2, R-3, or C district, a solid masonry screening fence of not less than six feet nor more than eight feet shall be erected and maintained along the property line separating the two districts;
- b. A masonry screening fence shall consist of materials of equal composition and characteristics as the main buildings in the townhouse development; and
- c. No such screening fence shall be erected so as to obstruct the vision of motorists at alley, street, or drive intersections.”

SECTION 14. Ordinance #242-2001 Zoning Ordinance, as amended, Section 23, codified as Section 34-62, Article II, entitled “Districts”, of Chapter 34, entitled “Zoning”, of the Code of Ordinances of the City of Venus, is hereby amended to read in its entirety as follows:

“Schedule of district regulations

[the following table represents a summary of district regulations]

	Districts													
	R-1L	R-1	R-1S	R-2	R-3	R-4	MH	MHS	C-1	C-2	CB	I-1	I-2	AG

Maximum height (ft.)	--	35	35	35	45	45	35	35	45	50	50	50	50	50
Minimum side yard interior (ft.)	10	8	5	8	8	8	G	8	A	A	A	A	A	20
Minimum side yard corner lot street side (ft.)	15	15	15	15	15	15	15	15	15	15	15	15	15	25
Minimum rear yard (ft.)	25	25	20	25	25	25	G	25	A	A	A	A	A	25
Minimum front yard (ft.)	50	25	20	25	25	25	G	25	A	A	A	A	A	35
Minimum lot area (sq. ft.)	3 acres	7,000	5,000	10,000	B	C	6,500	10,000	A	A	A	--	--	2 acres
Minimum building size (sq. ft.)	1,450	1,250	1,250	1,250	850	D	G	1,250	E	E	E	--	--	1,000
Masonry (percent) ^F	80	80	80	80	80	80	--	80	80	80	80	80	--	80
Minimum lot width (ft.)	120	70	50	80	80	80	G	80	A	A	A	A	A	75
Minimum lot depth (ft.)	200	100	100	100	100	100	G	100	A	A	A	A	A	120
Maximum building area (percent)	40	50	50	50	50	50	50	50	A	A	A	A	A	40

^A None required except where a nonresidential use abuts a residential lot the requirement shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements as provided within this chapter.

^B Lot area shall be not less than 9,000 square feet for dwelling unit construction. For each dwelling unit over three in number, no less than 1,500 square feet of additional lot area is required. A maximum of ten units may be constructed per acre.

^C Lot area shall be not less than 7,500 square feet for each dwelling or dwelling group have three dwelling units and not less than 1,000 square feet of lot area, in addition, for

each additional dwelling unit over three in number. A maximum of 16 units may be constructed per acre.

^D Minimum building size shall be: for one bedroom unit—650 square feet; two bedroom—780 square feet; three bedroom—930 square feet.

^E Requirements for residential construction shall be the same as for the R-4 District; nonresidential construction minimum building size shall be 500 square feet.

^F Masonry requirements shall mean a brick, stone or similar material veneer attached to an outside wall.

^G See Section 19 [codified as section 34-58] for additional manufactured home district regulations.

^H [Reserved]

^I R-2 residential units must comply with all R-2 restrictions regardless of which district the unit is located in.

The schedule of district regulations notwithstanding, the exterior of additions and/or modifications to existing non-masonry single-family residential structures and accessory buildings to such structures may consist of materials consistent with the exterior of the existing structure.”

SECTION 15. Ordinance #242-2001 Zoning Ordinance, as amended, Section 25(B)(2), codified as Section 34-121(b)(2), Article IV, entitled “Parking and Storage”, of Chapter 34, entitled “Zoning”, of the Code of Ordinances of the City of Venus, is hereby amended to read in its entirety as follows:

“Definitions and restrictions. It shall be illegal for any person to park, or to allow to be parked on any property under his control, any automobile, bus, truck, motorcycle, motor home, camper, trailer, boat or any vehicle on any portion of a front yard or side yard of any area which is zoned R-1L, R-1, R-1S, or R-2, under this chapter unless:

- a. Said area is a part of a hard-surfaced driveway or parking area;
- b. Said area is a part of a required hard-surfaced driveway that provides access to a garage, carport or off-street parking area required by this article;
- c. Said area is part of a side yard which is enclosed by a screening fence at least six feet in height and so constructed that no person can see through into the area surrounded by the fence;
- d. The term "vehicle" as used herein shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power. The term "hard-surfaced" as used in this subsection (b) shall include cement, asphalt, brick and other commonly accepted pavement which may be approved by the city inspector;
- e. A single-width driveway running from the street access to a garage or other parking area shall not utilize more than 15 percent of any residential front yard, except for front yards with a front footage width of less than

seventy feet, in which case the maximum width for a single driveway shall be 11 feet;

- f. A double-width driveway running from the street access to a garage or other parking area shall not utilize more than 27 percent of any residential front yard, provided that the maximum width of a driveway shall not exceed 24 feet in any case and shall not exceed 18 feet for front yards with a front footage width of less than seventy feet;
- g. A triple-width driveway running from the street to a garage or other parking area shall not utilize more than 33 percent of any residential front yard, provided that the maximum width of a driveway shall not exceed 30 feet in any case, and shall not be permitted for front yards with a front footage width of less than 80 feet;
- h. A drive apron means the connection between a driveway and the traveled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon; or
- i. Circular driveways used for turnarounds or through traffic shall not utilize more than 30 percent of any residential front yards or corner side yards with a front footage or less than 80 feet.”

SECTION 16. Ordinance #242-2001 Zoning Ordinance, as amended, Section 26 preamble, codified as Section 34-141, Article V, entitled “Landscaping”, of Chapter 34, entitled “Zoning”, of the Code of Ordinances of the City of Venus, is hereby amended to read in its entirety as follows:

“Purpose

These landscaping regulations provide standards and criteria for new landscaping which are intended to promote the value of property, enhance the welfare, and improve the physical appearance of the city. The standards contained in this section are deemed to be minimum standards and shall apply to all new construction occurring within zoning districts R-1L, R-1, R-1S, R-2, R-3, R-4, CB, C-1, C-2, I-1, and I-2.”

SECTION 17. Ordinance #242-2001 Zoning Ordinance, as amended, Appendix B, codified as Appendix B to Chapter 34, entitled “Zoning”, of the Code of Ordinances of the City of Venus, is hereby amended to read in its entirety as follows:

“Appendix B. – Table of Common Uses

Use	AG	R-1L	R-1	R-1S	R-2	R-3	R-4	C-1	C-2	CB	I-1	I-2	MH
Livestock	X	X*											
Dairies	X												
Churches	X	X*	X*	X*	X*	X	X	X	X	X			X*
Parks	X	X	X	X	X	X	X			X			X
Single-family unit	X	X	X	X									
Schools	X	X*	X*	X*	X	X	X	X	X	X			X*
Hospital	X*						X						
Radio tower	X*	X*						X	X	X	X	X	

Public utilities	X	X*						X	X	X			
Athletic fields	X	X	X	X	X	X	X						X
Private water station		X*	X*	X*	X*	X*	X*	X	X	X			X*
Electric substation		X*	X*	X*	X*	X*	X*				X	X	X*
Two-family residential					X	X							
Multiple-family units						X	X						
Day care						X	X						
Multiple-family (high density)							X						
Manufactured home													X
Libraries and museums							X	X	X	X			
Hotel/motel							X	X*	X*	X*			
Professional offices							X	X	X	X			
Medical and dental clinic								X	X	X			
Bakery, restaurant, café, ice cream shops								X	X	X			
Parking lots								X	X	X			
Candy shop								X	X	X			
Printer								X	X	X			
Antiques								X	X	X			
Art gallery								X	X	X			
Financial institutions								X	X	X			
Camera, photography stores								X	X	X			
Coin, philatelic stores								X	X	X			
Department stores								X	X	X			
Florist								X	X	X			
Furniture store								X	X	X			
Furriers								X	X	X			
Appliances								X	X	X			
Leather, luggage								X	X	X			
Loan office								X	X	X			
Locksmith								X	X	X			
Musical instruments								X	X	X			
Reducing salons								X	X	X			
Sporting goods								X	X	X			
Tailor								X	X	X			
Telegraph office								X	X	X			

Theater								X	X	X			
Tobacco shop								X	X	X			
Travel bureau								X	X	X			
Cleaning and dyeing facility									X				
Ice plant									X				
Laundries and automobile washes									X	X			
Mortuary									X	X			
Pumping station									X	X			
Radio/TV broadcast station									X	X			
Repair and storage garage									X				
Telephone exchange									X		X	X	
Tire repair shop									X				
Auto body operations									X	X*			
Spray-paint operations									X				
Auction room									X	X			
Automobile service station									X	X*			
Blueprinting									X	X			
Floor covering									X	X			
Research lab									X				
Interior decorator									X	X			
Meat market									X	X			
Upholstery									X	X			
Taxidermist									X	X			
Advertising products											X	X	
Ambulance, bus, train, yard											X	X	
Awnings, blinds, shades											X	X	
Pharmaceutical products											X	X	
Electrical appliances											X	X	
Electrical instruments, supplies											X	X	
Furniture refinishing											X	X	
Jewelry											X	X	
Medical supplies											X	X	
Machine shop											X	X	
Metal finishing											X	X	
Metal stamping											X	X	

Machinery repair												X	X	
Orthopedic appliances												X	X	
Scientific instruments												X	X	
Sheet metal shop												X	X	
Silverware												X	X	
Shell egg business												X	X	
Bus station, terminal												X	X	
Radar installation												X	X	
Radio/TV station												X	X	
Trade schools												X	X	
Stadiums, auditoriums												X	X	
Warehouse												X	X	
Factory outlet store												X	X	
Amusement												X*	X*	
Asphalt, concrete plant												X*	X	
Gasoline/oil storage												X*	X	
Restaurant												X*	X*	
Milk processing												X	X	
Paper products													X	
Railroad freight terminals													X	
Feed mixing and grinding													X	
Foundry or metal fabrication													X	
Meat processing													X	
Cartage establishment													X	
Tire manufacturing													X	
Automobile, airplane assembly													X	

Note: * Indicates a conditional use or a restricted use. Please refer to the district regulations.

This table does not list every use within each district and is for information only. Please refer to the district regulations for uses not listed, or for further clarification.”

SECTION 18. Savings. That all rights and remedies of the City of Venus are expressly saved as to any and all violations of the provisions of any Ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 19. Cumulative Repealer. That this Ordinance does hereby combine the amendments set forth herein with existing provisions in the City of Venus Code of Ordinances, and this Ordinance shall be cumulative of all other Ordinances affecting zoning and zoning district maps which are not expressly amended or repealed hereby, and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance, including without limitations, those portions of the City of Venus Code of Ordinances which are inconsistent with this Ordinance, are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance, including without limitation, the repealed portions of the Code of Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 20. Severability. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 21. Penalty. Any person, corporation, or other entity who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars (\$2,000.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, including without limitation seeking enforcement of this ordinance through civil action as authorized by state law. Remedies and penalties shall be cumulative and not exclusive.

SECTION 22. Publication. The City Secretary of the City of Venus is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 23. Effective Date. That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

DULY PASSED and APPROVED by the City Council of the City of Venus, Texas on this the 12th day of October, 2020.

ATTEST: City Secretary

APPROVED AS TO FORM: City Attorney


James Burgess, Mayor



Chapter 26 - SUBDIVISIONS AND DEVELOPMENT¹¹

Footnotes:

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State Law reference— Municipal regulation of subdivisions and property development, V.T.C.A., Local Government Code § 212.001 et seq.; minimum requirements for subdivisions, 31 Tex. Admin. Code § 364.91.

ARTICLE I. - IN GENERAL

Sec. 26-1. - Street standards.

All streets constructed in new subdivisions in the city shall be constructed to the standards set out in Attachment A to Ordinance No. 271-2003, on file in the office of the city secretary, which is hereby adopted and incorporated herein for all purposes.

(Ord. No. 271-2003, § 1, 2-11-2003)

Sec. 26-2. - Penalty.

Any persons or their agents, servants, or employees violating or failing to comply with any of the provisions of this chapter shall be fined upon conviction not less than \$1.00 nor more than \$2,000.00, and each day any violation of noncompliance continues shall constitute a separate and distinct offense.

(Ord. No. 271-2003, § 4, 2-11-2003)

Sec. 26-3. - Stormwater and drainage standards.

- (a) The city hereby adopts the North Central Texas Council of Governments (NCTCOG) iSWM™ Criteria Manual for Site Development and Construction, dated December 2009 and revised January 2015, and adopting any amendments thereafter. The city hereby agrees to participate in the iSWM™ program as prepared by the NCTCOG. The city understands that the program is a living program that is updated as appropriate based on new information, technology and practices.
- (b) The iSWM™ criteria manual, as adopted shall be known as the City of Venus Drainage Design Manual. A full copy shall be made available on the city web site and available to developers by email or mail by request.
- (c) The City of Venus Drainage Design Manual shall be the governing document for all drainage projects under this chapter and for all development and redevelopment projects.
- (d) Any all drainage design plans submitted to the city for review and approval under this chapter shall bear the seal and signature of a licensed professional engineer carrying a valid, current license with the Texas Board of Professional Engineers.

(Ord. No. [412-2015](#), § A, 11-9-2015)

Secs. 26-4—26-20. - Reserved.

ARTICLE II. - RESIDENTIAL SUBDIVISIONS

DIVISION 1. - GENERALLY

Sec. 26-21. - Intent, purpose, authority, and interpretation.

- (a) *Intent.* In the interpretation and application of the provisions of this article, 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 city and in its extraterritorial jurisdiction; and, where other ordinances of the city are more restrictive in their requirements, such ordinances shall control.
- (b) *Authority.*
 - (1) The ordinance from which this article is derived was prepared under the authority of chapter 212, subchapter A, Texas Local Government Code, to promote health, safety, and morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, and the general welfare of the community.
 - (2) The procedures and standards for the development, layout, and design of subdivisions of land within the corporate limits and within the extraterritorial jurisdiction of the city are authorized by the Local Government Code.
- (c) *Extraterritorial jurisdiction.* The extraterritorial jurisdiction of the city is now one-half mile from the corporate limits. As the city grows, the extraterritorial jurisdiction will be extended in accordance with the Local Government Code, and the requirements of this article shall be extended into any and all new areas of extraterritorial jurisdiction.
- (d) *Purpose.* The purpose of this article is to provide for the orderly, safe, and healthful development of the area within the city and within the area of extraterritorial jurisdiction surrounding the city, and to promote the health, safety, morals, and general welfare of the community. Such purpose is to be promoted by provisions designed to:
 - (1) Restrict or prohibit the subdivision of lands for uses which are dangerous to public health, safety or welfare; or which would jeopardize property in times of flood; or which, with reasonably anticipated improvements, would cause excessive increases in flood heights or velocities.
 - (2) Protect individuals from buying lands which are unsuitable for intended purposes because of flood hazards by prohibiting the subdivision of unprotected flood hazard lands, requiring that flood hazard areas be delineated on the final plat, and areas not suitable for development be subject to deed restrictions.
 - (3) Guide and assist subdivider/developers in correct, expeditious procedures to be followed and to inform them of the general standards which shall be required.
 - (4) Protect the public interest by controlling the location, design, class and type of streets, sidewalks, utilities and other essential services required in the public interest and/or necessity.
 - (5) Provide for the public welfare in those essential services required for living, educational, recreational, industrial and commercial purposes.
- (e) *Conformance to most current comprehensive plan.* No plat or subdivision of land within the city and its extraterritorial jurisdiction, as determined by chapter 42, subchapter A, Texas Local Government Code, shall be approved unless it conforms to the most current comprehensive plan of said city and its streets, alleys, easements, parks, playgrounds, and public utility facilities, including those which have been or may be laid out, and to the most current comprehensive plan for the extension of said city and of its roads, streets, alleys, easements, and public highways, regard being had for access to public utilities.
- (f) *Interpretation.* In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- (g) *Planned unit development.* Upon application by a developer/subdivider, upon review and comment by the city staff, as hereafter provided for, and upon review by the planning and zoning commission (herein after called "the commission"), if there is one, the city council may modify or waive design

standards set forth in this article when such developer/subdivider intends and formally applies to utilize the "planned unit (or clustered) development" concept for the development of a parcel of land.

(Ord. No. 243-2001, § 1, 2-19-2001)

Sec. 26-22. - Definition of terms.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief administrative officer means the person designated by the city to administer the provisions of this article.

City engineer means the person designated or retained by the city to perform the duties of city engineer. The city may require that the developer pay all or part of the city's expenses incurred by this person, including preplanning reviews.

Council means the City Council of Venus, Texas.

Easement means a right granted or acquired for the purpose of limited public or semi-public use across, under, or over private land.

Engineer means a person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

Filing means the state-mandated 30-day period for action on any document submitted in accordance with this article under section 212.009, Texas Local Government Code, shall begin when:

- (1) The preliminary plat is deemed filed when all fees, documents, drawings and approvals required hereunder are filed with the city secretary;
- (2) The final plat is deemed filed when the approved preliminary plat, along with any stipulations and/or conditions required by the commission, has been filed with the city secretary as a final plat and all necessary fee, documents, certifications and drawings required in this article are in the possession of the city secretary; and

If at any time the city secretary deems that required information has not been provided for whatever reason, the filing shall be deemed canceled and begin again upon the filing of the required information.

Lot and lot of record.

- (1) *Lot* means any land occupied by a building and its accessory buildings, including such open space as is required by ordinances of the city, and having its principle frontage upon a public street or officially approved place.
- (2) *Lot of record* means any lot that is part of a subdivision, the plat of which has been recorded in the office of the county clerk of Johnson County or Ellis County, Texas.

Most current comprehensive plan means the statement of official public policy containing the goals and objectives of the community, the capital improvements program, the plan for public utilities systems, the land use plan, the major thoroughfare plan, the community facilities plan, the flood management program, the subdivision and zoning regulations, and other development codes, ordinances, policies, and plans promulgated by the city council for the quality and orderly growth of the community.

Plat and approved plat.

- (1) *Approved plat* means a plat of subdivision which has been approved in accordance with the requirements of this article and which has been filed for record with the county clerk of Johnson County or Ellis County.

- (2) *Plat* means 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 Johnson County or Ellis County for recording.

Setback (or building) line means a line on a plat parallel, or nearly so, to the street right-of-way, indicating the limit beyond which buildings, structures or fences may not be erected.

Standard refers to the official city maps, master plan, ordinances, and other specifications of the city.

Street, alley and block.

- (1) *Alley* means any minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on the street.
- (2) *Block* means a piece or parcel of land composed of two or more lots, or a single tract platted for the owner's convenience, with each lot having access to a public street, road, railroad right-of-way, or a combination thereof.
- (3) *Street* means a way for vehicular traffic, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, 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 comprehensive plan as a primary street, expressway, or freeway.
- 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 comprehensive plan as secondary streets.
- c. *Minor streets* are those that 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 turnaround. Cul-de-sacs shall not be longer than 600 feet and shall have a turnaround provided at the closed end. They shall have an outside roadway diameter of at least 80 feet and shall have a street-property line diameter of at least 100 feet.
- f. *Dead-end street* is a street with only one opening, other than a cul-de-sac.

Subdivision and related terms. The term, "subdivision," shall be interpreted to mean the division of a parcel of land into two 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 acres or more, and not involving a new street or alley, shall not be deemed to be a subdivision. The term "subdivision" 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 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 article.

(Ord. No. 243-2001, § 2, 2-19-2001)

Sec. 26-23. - Penalty.

- (a) Any person violating provisions of this article shall be deemed to be guilty of a misdemeanor and upon conviction shall be fined in an amount not in excess of \$2,000.00. Each violation of this article shall be deemed a separate offense and each day that the violation continues shall be deemed a separate offense. Nothing herein shall prevent the enforcement of this article by another means authorized by

law, and this article may be enforced by any or all means. The choice of one remedy is not to the exclusion of any other remedy.

- (b) Any person who shall violate any of the provisions of this article, or who shall fail to comply with any of the provisions hereof, within the extraterritorial jurisdiction of the city, shall be filed on in district court, as provided for in the Local Government Code, with the purpose of restraining and enjoining the violation of this article. In addition, utilities will not be extended into the subdivision until the provisions of this article are complied with.

(Ord. No. 243-2001, § 25, 2-19-2001)

Sec. 26-24. - Policies and special provisions.

- (a) No permit shall be issued by the city for the installation of septic tanks upon any lot in a subdivision unless such septic tank system meets requirements applicable to state law applied to local conditions.
- (b) No building, repair, plumbing, electrical or similar permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full.
- (c) The city shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- (d) The city shall not permit the sale of, or supply of, any electricity, water or sewerage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- (e) On behalf of the city, the city attorney shall, when directed by the city council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this article or the standards referred to herein with respect to any violation thereof which occurs within the extraterritorial jurisdiction of the city as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this article.
- (f) If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the city council of the city shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval. Said resolution shall recite the fact that the provisions of subsections (a)—(d) of this section apply to the subdivision and the lots therein. The city secretary shall, when directed by the city council, cause a certified copy of such resolution, under the corporate seal of the city, to be filed in the deed records of the county or counties in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the city secretary shall forthwith file an instrument in the deed records of such county or counties stating that said resolution no longer apply.
- (g) It is provided, however, that the provisions of this section shall not be construed to:
 - (1) Prohibit the issuance of building, repair, plumbing, or electrical permits with respect to any lots or building tract;
 - (2) Prohibit the repair, maintenance, or installation of any street or building;
 - (3) Prohibit the repair, maintenance, or installation of any street or public utility service for, to, or abutting any lot, in these instances:
 - a. Where the last recorded conveyance of such lot or tract prior to passage of this article was by metes and bounds;
 - b. Where a building is in existence on said lot prior to passage of the ordinance from which this article is derived; or

- c. Where such subdivision, whether by recorded plat or by actual occupancy and use, was in existence prior to the passage of the ordinance from which this article is derived.

(Ord. No. 243-2001, § 3(1)—(7), 2-19-2001)

Sec. 26-25. - Land suitability.

- (a) No land shall be subdivided which is held unsuitable for its intended use by the city for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earth slides, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature harmful to the health, safety or welfare of the future residents of the proposed subdivision or community.
- (b) However, the city council may approve the preliminary and final plats if the subdivider improves the land consistent with the standards of this chapter and other applicable ordinances to make the area, in the opinion of the city council, suitable for its intended use. The city council may also approve the preliminary and final plats if the subdivider agrees, in writing, to make suitable improvements and places a sum in escrow pursuant to this article to guarantee performance.
- (c) In determining the appropriateness of land subdivision at the site, the city council shall consider the stated purpose and objectives of this article, and:
 - (1) The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads, and intended uses;
 - (2) The danger that intended uses may be swept onto other lands or downstream to the injury of others;
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions, including flood conditions;
 - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (5) The importance of the services provided by the proposed facility to the community;
 - (6) The availability of alternative locations not subject to flooding for the proposed subdivision and land use;
 - (7) The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future;
 - (8) The relationship of the proposed subdivision to the most current comprehensive plan and floodplain management program for the area;
 - (9) The safety of access to the property in times of flood and other natural disasters and emergencies for emergency vehicles; and
 - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

(Ord. No. 243-2001, § 3(8), 2-19-2001)

Sec. 26-26. - Approval required.

- (a) The following shall be submitted to the commission for its consideration with relation to the most current comprehensive plan:

- (1) All plans, plats or re-plats of land laid out in building lots and for streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto;
 - (2) Plans and descriptions of all streets, alleys, or public ways intended to be deeded or dedicated for public use, or for the use of purchasers or owners of the land fronting thereon or adjacent thereto, which is not intended to be platted into lots or other designated tracts; and
 - (3) Any addition or plan of streets or public ways, located outside the city limits, within Johnson and Ellis Counties and entirely or in part within the statutory extraterritorial jurisdiction.
- (b) Said commission shall submit its recommendation on the items in subsection (a)(1)—(3) of this section to the city council for its official consideration and action.
 - (c) No such plat or re-plat or dedication or deed of street or public way shall be filed with the county clerk, as provided by law, until such plat or re-plat or dedication or deed shall have endorsed on it the fact that it has first been submitted to the commission and to the city council, and by said city council been duly approved.
 - (d) A preliminary plat of any proposed subdivision shall be submitted to the commission and city council for approval before the subdivider proceeds with the preparation of the final plat for record.
 - (e) All construction work, such as street paving, storm sewers, curb and/or gutter work, sanitary sewers, water mains, and electrical construction performed by the owner, developer or contractor, shall be subject to inspection, during construction, by the proper authority of the city and shall be constructed in accordance with appropriate provisions of this chapter and other applicable ordinances and public engineering standards, including NCTCOG standards.

(Ord. No. 243-2001, § 3(9)—(11), 2-19-2001)

Sec. 26-27. - Single-family rural estates.

Large lots with wide frontage result in less drainage and traffic demands than single-family residential developments consisting of small lots with narrow frontages and widths. Therefore, the facility requirements and public impacts of the larger, "estate-type," single-family residential developments are less intensive. Residential developments undertaken pursuant to this section shall conform to the following provisions and are considered exempt from conflicting provisions in this article:

- (1) *Definition.* A large lot subdivision is defined as a subdivision in which the minimum lot size is three acres and minimum street frontage for any lot is 60 feet with a minimum lot width of 120 feet at the building setback line.
- (2) *Lot standards.* See chapter 34, pertaining to zoning.

(Ord. No. 243-2001, § 3(12), 2-19-2001)

Sec. 26-28. - Guarantee of performance.

- (a) *Security in lieu of completion.* Prior to the issuance of a building permit, if the subdivider chooses to file security in lieu of completing construction prior to final plat approval for recordation, he may utilize one of the following methods of posting security. If the subdivider chooses to file security, the plat shall not be approved for recordation unless the subdivider has done one of the following:
 - (1) *Performance bond.* Has filed with the city a bond executed by a surety company holding a license to do business in the state and acceptable to the city and in a form approved by the city in an amount equal to the cost of the improvements required by this article. The construction of the improvements shall be within the time as estimated and approved by the administrator. The performance bond shall be approved as to form and legality by the city attorney.

- (2) *Trust agreement.* Has placed on deposit in a bank or trust company in the name of the city and approved by the city, in a trust account a sum of money equal to the estimated cost of all site improvements required by this article, the cost and time of completion as approved by the administrator. Selection of the trustee shall be executed on the form approved by the city and approved as to form and legality by the city attorney. Periodic withdrawal may be made from the trust account for a progressive payment of installation cost. The amounts of such withdrawals shall be based upon progress work estimates and approved by the city engineering department. Such withdrawals shall be approved by the trustee.
- (3) *Unconditional guarantee from a federally insured financial institution as approved by the city.* Has filed with the city council a letter, on a form approved by the city, signed by the principal officer of a federally insured financial institution, acceptable to the city, agreeing to pay the city on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the subdivider or developer is responsible under this article. The guaranteed payment sum shall be the estimated costs and scheduling as approved by the administrator. The letter shall state the name of the subdivision and shall list the improvements for which the subdivider or developer is required to provide.
- (b) *Guarantee of materials and workmanship.* The subdivider or developer, shall guarantee all materials and workmanship of his construction contractors, with whom he contracts for furnishing materials and installing the improvements required under this article. The subdivider or developer, shall himself be responsible for guaranteeing that all materials and workmanship in connection with such improvements are free of defects for a period of two years after acceptance of the improvements by the city.
- (c) *Acceptance or rejection of construction.* If one of the above three types of security is filed by the subdivider under subsection (a) of this section, the city engineer shall inspect the construction of the improvement while in progress and he shall inspect such improvements upon completion of construction. After final inspection he shall notify the subdivider, the administrator and the city attorney in writing as to his acceptance or rejection of the construction. He shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. If he rejects such construction, the city attorney shall, on direction of the city council, proceed to enforce the guarantees provided in this article.
- (d) *Extension of time.* Where good cause exists, the administrator may recommend to the city council to extend the period of time for completion under this section. Such extension of time shall be reported to the commission and the city council and recorded in the minutes of each body. No such extension shall be granted unless security as provided in this section has been provided by the subdivider covering the extended period of time, including additional costs of review and inspection.

(Ord. No. 243-2001, § 8, 2-19-2001)

Sec. 26-29. - Responsibility for payment of off-site/on-site utility installation and other improvement costs.

- (a) Upon completion of a utility system and formal acceptance by the city, the installation becomes the property of the city to operate and maintain.
- (b) Responsibility for payment for installation cost of other improvements are as follows:
 - (1) *Streets.* The city may pay, providing funds are available, for street rights-of-way in excess of 60-foot width and for street paving in excess of 28-foot width, except where such extra widths are in commercial developments or where they are not required by the city.
 - (2) *Bridges.* The city may participate, providing funds are available, in the extra cost of large drainage structures on principal streets shown on the circulation plan.

- (3) *Street signs.* Street signs and markers, in accordance with standards adopted by the city, are required at each intersection within the subdivision and at street entrances into the subdivision. The city may provide and install all street signs at developer's expense. All signs shall be in place by the time the subdivision is open for use.

(Ord. No. 243-2001, § 9(1), (2), 2-19-2001)

Sec. 26-30. - Dedication of recreational open space and parks.

A space equal to three percent of the total property to be subdivided shall be dedicated in fee simple to the city for recreational or conservational use. In lieu of land within the property to be subdivided, the city shall have the option to arrange for the acquisition and dedication of other land of similar value if mutually agreeable to the subdivider and the city or to accept a deposit of money in a trust account in the amount of \$100.00 per lot to be used for acquisition of parkland or recreational facilities in another area. No area or facility shall be dedicated for such public purposes unless approved and accepted by the city council.

(Ord. No. 243-2001, § 9(3), 2-19-2001)

Sec. 26-31. - Variances.

- (a) The city 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 in this section 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:
- (1) *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 article would deprive the applicant of the reasonable use of his land.
 - (2) *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.
 - (3) *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 article.
 - (4) *Observance of other ordinances.* The council may not authorize a variance that would constitute a violation of any other valid ordinance of the city.
- (b) 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 article so that the general health, safety and welfare of citizens may be secured, and substantial justice is done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

(Ord. No. 243-2001, § 22, 2-19-2001)

Sec. 26-32. - Repealer; conflicting regulations.

- (a) All ordinances, or parts of ordinances, with the exception of the building codes and/or comprehensive zoning regulations of the city, which are inconsistent or in conflict with any of the provisions of this article are repealed.
- (b) Where the building codes and/or zoning regulations of the city contain regulations that are more restrictive than the regulations contained herein, the ordinances which are most restrictive shall control.

(Ord. No. 243-2001, § 23, 2-19-2001)

Sec. 26-33. - Exceptions to provisions of article.

Plats or subdivisions which have received preliminary approval by the council within one year prior to the effective date of the ordinance from which this article is derived shall be excepted from the requirements of this article, provided that the final plat of such subdivision is approved and filed for record within 180 days after the effective date of the ordinance from which this article is derived, or within one year after the approval date of the preliminary plat, whichever is greater.

(Ord. No. 243-2001, § 24, 2-19-2001)

Sec. 26-34. - Plat fees; filing requirement; inspections; compliance; bond.

- (a) The following fees shall apply to any person submitting a preliminary plat and a final plat to the city for approval:
 - (1) Subdivision of five lots or less:
Four hundred dollar subdivision fee.
Fifty dollars per lot or per acre fee whichever is greater.
 - (2) Subdivision of six to 20 lots:
Eight hundred dollar subdivision fee.
Fifty dollars per lot fee or per acre fee whichever is greater.
 - (3) Subdivision in excess of 20 lots:
One thousand two hundred dollar subdivision fee.
Fifty dollars per lot or per acre fee whichever is greater.
 - (4) Revision of preliminary plate: One-half of fee schedule in effect at the time the plat is submitted.
 - (5) Appeal to city council fee: One hundred twenty-five dollars.
 - (6) Re-plat application fee: Three hundred fifty dollars.
 - (7) Maximum fee: The maximum fee charged for a preliminary plat is \$6,500.00.

Note— For the orderly process of plat approval, both the preliminary and final plat, including any and all documentation required, must be submitted to the city administrator at least 21 days prior to the date the plat will be presented to the city council for action.

- (b) Commencement of any construction work, such as streets construction, storm sewers, curb and/or gutter work, sanitary sewers, meter mains, and electrical utilities shall not take place until the final approved plat has been filed with the appropriate county clerk and a performance bond, issued by a

company licensed to do business in the state, has been presented to the city administrator, in an amount equal to the estimated cost of all infrastructure planned in the subdivision.

- (c) All work in the subdivision will be subject to inspection during construction and upon completion of construction by the proper authority of the city.
- (d) All construction will comply with appropriate provisions of this chapter and other applicable ordinances and public engineering standards.
- (e) Upon completion of the subdivision and the acceptance by the city, a maintenance bond in an amount equal to 40 percent of the performance bond shall be presented to the city administrator, at which time the performance bond will be released by action of the city council.

(Res. of 2-11-2003; [Ord. No. 402-2015, § A, 3-9-2015](#))

Sec. 26-35. - Administrative fee.

For any element of the project requiring engineering review, plan review, and similar reviews, the actual costs of these reviews plus a \$50.00 administrative fee will be passed on to the developer.

(Ord. No. 297-2005, 2-14-2005; [Ord. No. 402-2015, § B, 3-9-2015](#))

Secs. 26-36—26-60. - Reserved.

DIVISION 2. - PRELIMINARY AND FINAL PLATS AND REPLATS

Sec. 26-61. - Filing procedures.

- (a) A subdivider is encouraged to work with city staff in advance of presenting a preliminary or replat to the city for filing. Prior to the city accepting a preliminary plat or replat for filing it must be in compliance with this article and contain all statutory and ordinance required information. It must be accompanied with all necessary fees and documentation. This prefilling review is recommended, but not mandatory. This administrative review is for form and not content.
- (b) After the preliminary plat or replat has been reviewed as to form by staff, the subdivider shall be notified of any defects that must be corrected prior to filing. The original or corrected preliminary plat or replat shall be received for filing by the city once this prefilling review is completed. Any preliminary plat or replat that is filed without prefilling review shall be deemed denied for any violation of required form under this article or state law; and must be refiled with new filing fees. The preplating process is for the benefit of both the subdivider and the city, and refusal of the subdivider to make use of this assistance will result in a strict interpretation of this article and of state law and a resulting denial for all violations as to required form.
- (c) A preliminary plat is not deemed filed until it has been reviewed and a letter of approval returned to the city from:
 - (1) All utility companies that might provide service to the development or have easements in the area of the development;
 - (2) Water suppliers both public and private; the school district in which the development is to be located; and
 - (3) Any other agency or department of this state or federal government.

These approvals are a prerequisite to deeming the preliminary plat filed.

- (d) During the platting process, any final plat, preliminary plat or replat that is discovered, by city staff or the engineer named by the city to review the instrument, to be in violation of the mandatory

requirements of this article and/or a controlling state statute shall be deemed to be in technical denial. This denial can be cured by:

- (1) The subdivider requesting in writing a return to an unfiled status while the defect is corrected (the corrected instrument may be refiled and no new fees shall be required for this refiling); or
- (2) An appeal to the reviewing entity (planning commission or city council) at its next meeting, agenda requirements permitting, or a special called meeting for this purpose within ten working days of the staff denial, for a determination if the defect is a required form or concept. Rejected documents, during the appeal, are deemed unfiled and time limits are tolled. The appeal will be heard at the next meeting of the commission or council or 30 days, whichever is shortest.
 - a. If the reviewing entity agrees with the subdivider, the plat, preliminary plat or replat shall be deemed refiled as of the day of the affirmative vote and no new fee shall be required for this refiling.
 - b. If denied, then the technical denial is affirmed and plat, preliminary plat or replat is deemed to be formally denied.
- (e) A plat, preliminary plat or replat shall be submitted to the reviewing entity only if it is in the final form requested by staff or prior review and nothing shall be set for review prior to a corrected document being filed with the city at least 15 days prior to the public hearing or meeting at which it is to be voted upon.

(Ord. No. 243-2001, § 3(13), 2-19-2001)

Sec. 26-62. - Preliminary plat—Preliminary planning.

The subdividers shall avail themselves of the advice and assistance of the city 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.

(Ord. No. 243-2001, § 3(14)(A), 2-19-2001)

Sec. 26-63. - Same—Conditional approval.

- (a) Upon reaching conclusions informally, as recommended above, regarding the general proposed program and objective, the subdivider shall prepare a preliminary plat (according to this division of this article), together with improvement plans and other supplemental material as applicable in other sections of this article.
- (b) Ten copies of the preliminary plat and supplemental materials specified shall be submitted to the city with the filing fee as provided in section 26-34 along with written application for conditional approval at least ten 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 18 inches by 24 inches and drawn to a scale of either one inch equals 100 feet or one inch equals 50 feet shall be submitted in the numbers specified in this subsection. In cases of large developments that would exceed the dimensions of the sheet when applying a 100-foot scale, preliminary plans may be one inch equals 200 feet. The ten copies or prints of the proposed subdivision shall show the following:
 - (1) Boundary lines, bearings, and distances sufficient to locate the exact area proposed for the subdivision.
 - (2) 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.

- (3) 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.
 - (4) 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.
 - (5) 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.
 - (6) 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 or registered professional engineer platting the tract.
 - (7) Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.
 - (8) Scale, north arrow, date, and other pertinent data.
 - (9) Contours with intervals of five feet or less shown for the area. All elevations on the contour map shall be referenced to the latest USGS data.
 - (10) 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 in subdivision acreage, area draining into subdivision, and other features pertinent to subdivisions. A drainage study shall accompany the preliminary unless waived by the administrative officer. The outline of wooded area or the location of important individual trees may be required.
- (c) The following notice shall be placed on the face of each preliminary plat by the developer:
- Preliminary Plat—For inspection purposes only.
- (d) The chief 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.
 - (e) The council shall, within 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 following:
 - (1) Review of the preliminary plat and other materials submitted for conformity thereof to the regulations; and
 - (2) Negotiations with the subdivider on changes deemed necessary, and the kind and extent of improvements to be made by the subdivider.
 - (f) The action of the council shall be noted on two copies of the preliminary plat, referenced, and attached to any conditions required by the council. The chief administrative official shall certify action of the council. One such copy of the plat shall be returned to the subdivider and the other retained in the files of the city.
 - (g) 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 as 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 in this article, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval noted (as provided in subsection (e) of this section) have been met.
 - (h) 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 that 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.

(Ord. No. 243-2001, § 3(14)(B), 2-19-2001)

Sec. 26-64. - Same—Required specifications.

- (a) *Physical size.* The preliminary plats shall be prepared on sheets a maximum size of 18 inches by 24 inches, regardless of the size of the subdivision.
- (b) *Scale.* The scale should be either one inch equals 100 feet or one inch equals 50 feet, but it may be one inch equals 200 feet in cases of large developments that would exceed the dimensions of a sheet when using a 100-foot scale.
- (c) *Contour.* The plat for each subdivision consisting of three acres or more shall be prepared on a topographic base map showing contours at intervals of not more than five feet. Any subdivision smaller than three 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 two-foot intervals. All topographical maps shall be based on sea-level 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, expressways and freeways that 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 or planner 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;
 - (7) Plat paper. All preliminary and final plats shall be printed on high-grade, processed paper in blue-line or directed black and white;
 - (8) Orientation. All plats shall be drawn with north direction to the top or left side of the plat;
 - (9) Building lines. The proposed building lines shall be shown in conformance with the zoning regulations, building codes or provisions herein.

(Ord. No. 243-2001, § 4, 2-19-2001)

Sec. 26-65. - Final plat—Approval procedures.

- (a) The final plat 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 the council has approved detailed engineering plans.
- (b) If so desired by the developer, the final plat may constitute only that portion of the approved preliminary plat which is proposed to the recorded and then developed; provided, however, that such portion conforms to all the provisions of this article.
- (c) 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.
- (d) Upon receipt of the final plat, accompanied by a final filing fee as prescribed in section 26-34, 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 12 copies of the final plat to the chief administrative officer. The chief administrative officer shall stamp on each of the 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 clerks, Johnson and Ellis Counties, within 30 days of the date of the final approval; otherwise the final approval of the council becomes invalid. Six copies of the recorded final plat shall be returned immediately to the chief administrative officer.

- (e) 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 city for approval by the city council as required by zoning ordinances.

(Ord. No. 243-2001, § 3(14)(C), 2-19-2001)

Sec. 26-66. - Same—Required specifications.

- (a) *Physical size.* All final plats shall be submitted on sheets of paper 18 inches by 24 inches and drawn to a scale of not less than one inch equals 100 feet. Where more than one sheet is required to encompass the subdivision, an index sheet, 18 inches by 24 inches, 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 recognized land corners should be shown.
- (e) *Identification of streets.* The names and accurate locations of all streets adjoining, abutting, or within not more than 500 feet 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, a monument, consisting of an iron rod or pipe not less than three-quarters of an inch in diameter and 24 inches in length and set flush with the top of the sidewalk, 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 and 18 inches in length and set flush with the top of the sidewalk, 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 the 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, alley, 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 or more sheets are required.

- (j) *Certificate of engineer or surveyor.* The certificate of the licensed professional or 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 engineer or 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 engineer or 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 City of Venus, Texas.

Signed _____.

(Name and title)

- (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 the taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property.

(Ord. No. 243-2001, § 5, 2-19-2001)

Sec. 26-67. - Development permit.

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

(Ord. No. 243-2001, § 3(15), 2-19-2001)

Sec. 26-68. - Replatting.

- (a) *Restrictions.* Property shall not be replatted that 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. Preliminary plats may be required on replats.

(Ord. No. 243-2001, § 6, 2-19-2001)

Secs. 26-69—26-95. - Reserved.

DIVISION 3. - STANDARDS AND SPECIFICATIONS

Sec. 26-96. - Conformance; provisions for future; prohibitions; standards.

No preliminary or final plat shall be approved by the city council, and no completed improvements shall be acceptable by the city, unless they conform to the following standards and specifications in this division:

- (1) *Conformity with most current comprehensive plan.* The subdivision shall conform to the most current comprehensive plan of the city and parts thereof.
- (2) *Provision for future subdivision.* If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow for the opening of future streets.
- (3) *Reserve strips prohibited.* There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.
- (4) *Standards for construction.* The street and drainage with all appurtenances pertaining to them, and facilities of other agencies as may be required, shall be constructed and installed in each new subdivision in accordance with the existing standards of the city and the North Central Texas Council of Governments (NCTCOG) Standard Specifications for Public Works Construction as amended. When in conflict, the city standards shall prevail over the NCTCOG standards.

(Ord. No. 243-2001, § 7(intro.), (1), 2-19-2001)

Sec. 26-97. - Building site improvements.

- (a) No subdivision or part thereof shall be approved if a proposed subdivision development is to occur in an established flood hazard area and thereby, individually or collectively, significantly increase flood flows, heights, or damages.
- (b) Building sites, residences, motels, resorts, and similar uses for human occupation in established flood hazard areas shall meet the requirements of the federal flood insurance program as adopted by the city.
- (c) Building sites for structures other than residences outside of established flood hazard areas shall ordinarily be filled as provided in the city's codes and ordinances controlling such activities.
- (d) When the city engineer so determines that only part of a proposed plat can be safely developed, it shall limit development to that part and shall require that the method of development be consistent with its determination.
- (e) When the subdivider does not intend to develop the plat himself, and the city engineer determines that limitations are required to ensure safe development, the city council may require the subdivider to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the face of the final recorded plat.
- (f) Floor levels of the buildings are to be a minimum of 12 inches above the top of the center line of the street it faces or 18 inches above natural ground at the site, the grade of which is to be approved by the city. This minimum may be reasonably increased upon specific findings by the city engineer that site drainage characteristics require such increase.

(Ord. No. 243-2001, § 7(2), 2-19-2001)

Sec. 26-98. - Streets.

- (a) *Street construction.* Materials and workmanship shall conform with city standards for street construction as passed by ordinance of the city council.
- (b) *Street names.* Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used. The city shall provide and install uniform street signs at

developer's expense. Should the subdivider choose to provide street signs other than those provided by the city, they shall conform to city standards and shall have approval by the city.

(Ord. No. 243-2001, § 7(3), 2-19-2001)

Sec. 26-99. - Sidewalks.

- (a) Sidewalks shall be installed in new subdivisions and will be installed at the expense of the person building the respective structure to the sidewalk.
- (b) All sidewalks shall be not less than four feet in width and shall be of concrete construction.
- (c) Sidewalks shall parallel the street, insofar as possible.
- (d) As site conditions vary, sidewalks may be placed immediately adjacent to the street and next to the curb when the street is paved or at the property line, providing a place for street landscaping, at the option of the subdivider, but all sidewalks in a subdivision shall be uniform in this respect.
- (e) Additional sidewalks shall be provided as deemed necessary by the city council in commercial, industrial, public, and multifamily areas; such additional sidewalks as the subdivider may desire shall be permitted.

(Ord. No. 243-2001, § 7(4), 2-19-2001)

Sec. 26-100. - Utilities lines and easements.

- (a) All utility lines that pass under a street or alley shall be installed before the street or alley is paved. Where it is necessary that utility lines pass under the street or alley pavement, they shall be extended to a point at least three feet beyond the edge of the pavement.
- (b) Overhead utility lines crossing alleys shall be a minimum of 18 feet.
- (c) Except where alleys of not less than 20 feet in width are required, easements not less than ten feet in width shall be retained five feet on each side of rear lot lines. Where necessary, easements not less than ten feet in width on each side of side lot lines shall be retained for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines, or other utilities. Such easements may be required across parts of lots other than as described above upon recommendation of the city engineer. Where the proposed platted area adjoins an unplatted area, the full alley or easement width may be required along the rear of lots adjoining the unplatted areas.
- (d) At the option of the subdivider all single phase electric lines and communication lines may be installed underground at the subdivider's cost.

(Ord. No. 243-2001, § 7(5), 2-19-2001)

Sec. 26-101. - Monuments and corner markers.

- (a) All block corners, angle points and points of curves, and all corners of boundary lines of subdivisions shall be marked with a one-half-inch steel rod, two feet in length.
- (b) Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent markers, intermediate markers shall be so set as to assure a clear view between adjacent markers. Intermediate property corner markers, consisting of a one-half-inch steel rod or three-quarter-inch pipe, three feet in length, shall be driven flush with the finished ground surface to mark the corners of all lots.

(Ord. No. 243-2001, § 7(6), 2-19-2001)

Sec. 26-102. - Drainage.

- (a) *Easement.* Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width to accommodate maintenance and future needs.
- (b) *Drainage facilities.*
 - (1) Drainage facilities shall be provided and construction as specified by the city. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets and provide positive drainage away from buildings and onsite waste disposal sites.
 - (2) Plans shall be subject to the approval of the city council. The city engineer may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods.
 - (3) The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
 - (4) Storm sewers shall be constructed with reinforced concrete pipe, high density polyethylene (HDPE), or other material, if approved by the city engineer.
- (c) *Drainage cost sharing.*
 - (1) Plans and specifications for the above improvements shall be reviewed by the city engineer for consistency with general development and city engineering standards.
 - (2) If it is determined that additional drainage facilities in the form of storm sewers within the subdivisions are necessary, the developer shall prepare, with the approval of the city engineer, plans and specifications to be used by said developer in correcting the drainage. All such work necessary to be done under such plans and specifications shall be done at the sole expense of the developer.
 - (3) Storm sewers required to provide drainage from the point where storm water emanates from the subdivision to an adequate drainage point along existing streets, may be provided by the city at its discretion. In the event that the storm drain construction is so great as to be prohibitive for either the subdivider or the city, all areas affected by such drainage shall be omitted from the development. The developers, may, at their option, either provide the necessary storm drainage outside of the subdivision, in the event that the city is unable to do so, or, by specific agreement, provide the same upon a basis for refund over a period of time agreeable to the city council.

(Ord. No. 243-2001, § 7(7), 2-19-2001; Ord. No. [412-2015](#), § B, 11-9-2015)

Sec. 26-103. - Lots, residential.

All lots shall abut an approved street for a distance of at least 80 feet (or 65 if the plat was filed before the ordinance from which this article is derived was approved) and shall provide safe and convenient pedestrian and vehicular access from the lot onto the street. Lots on cul-de-sacs shall also have a 50-foot minimum frontage at the property line. On cul-de-sacs, the 50 feet of frontage will be measured at the minimum setback line; such setback line shall be no less than 25 feet from the front property line to the face of the building and shall be required on all lots. Minimum lot area shall be 8,000 (80 by 100) square feet. (See table in section 26-107).

(Ord. No. 243-2001, § 7(8), 2-19-2001)

Sec. 26-104. - Blocks.

Block lengths shall not exceed 600 feet. Single tract blocks, platted for the owner's convenience, are not subject to these restrictions.

(Ord. No. 243-2001, § 7(9), 2-19-2001)

Sec. 26-105. - Crosswalk ways.

Crosswalk rights-of-way six feet in width shall be dedicated where deemed necessary by the city council to provide pedestrian circulation or access in schools, playgrounds, shopping centers, and transportation other than community facilities, or to provide pedestrian circulation within the subdivision.

(Ord. No. 243-2001, § 7(10), 2-19-2001)

Sec. 26-106. - Conditions attached to plat approval.

The city engineer may attach conditions to the approval of plats for areas subject to development problems in flood hazard areas, including, but not limited to, the following:

- (1) Requirements for construction or channel modifications, dikes, levees and other protective measures;
- (2) Imposition of operations controls, sureties, and deed restrictions may include floodproofing of intended uses, subject to the individual approval of the city engineer and city, as follows:
 - a. Anchorage to resist flotation and lateral movement;
 - b. Reinforcement of walls to resist water pressures;
 - c. Use of paints, membranes, or mortars to reduce seepage of water through walls;
 - d. Addition of mass or weight to structures to resist flotation;
 - e. Installation of pumps to lower water levels in structures;
 - f. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters;
 - g. Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures;
 - h. Construction to resist rupture or collapse caused by water pressure or floating debris;
 - i. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and stormwaters into the buildings or structures (gravity draining of basements may be eliminated by mechanical devices);
 - j. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flooding; and
 - k. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will ensure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately floodproofed to prevent flotation of storage containers which could result in the escape of toxic materials into floodwaters.

(Ord. No. 243-2001, § 7(11), 2-19-2001)

Sec. 26-107. - Building setback lines and minimum lot sizes.

The following requirements (Table A) establish minimum setback lines and lot sizes for the structural types described, except as provided otherwise in this chapter.

TABLE A. MINIMUM SETBACK LINES AND LOT SIZES

Residential Type	Minimum Lot Area	Minimum Lot Dimensions		Front Setback	Side Yard	Back Yard	Outside Side Yard/Corner Lot	Remarks
		Inside Lot	Corner Lot					
Standard single-family detached	8,000	80' (W), 100' (D)	80' (W), 100' (D)	25'	10', 20'****	25'	15'	
Mobile home	(See Provisions of Mobile Home Ord. No. 169-87, section 20)							
Duplex	8,000 (B)	80' (W), 100' (D)	80' (W), 120' (D)	25'	10', 20'****	25'	15'	
Townhouse or garden apartments	8,000	80' (W), 100' (D)	80' (W), 120' (D)	25'	N/A	25'	15'	
Patio homes	8,000	80' (W), 100' (D)	80' (W), 120' (D)	25'	10', 120'****	25'	15'	
Apartment complexes	8,000	80' (W), 100' (D)	80' (W), 120' (D)	25'	N/A	25'	15'	
Commercial type	6,500	65' (W), 100' (D)	80' (W), 120' (D)	N/A	N/A	25'	15'	Minimum

(Ord. No. 243-2001, § 7(12)(A), 2-19-2001)

Sec. 26-108. - Parking requirements.

- (a) *Parking space requirements and standards.* Parking space requirements and standards for various subdivision and land use types can be found in article IV of chapter 34, pertaining to zoning.
- (b) *Other uses.* As determined by review of the commission:
 - (1) Parking spaces shall be a minimum of nine feet wide and 18 feet long.
 - (2) Required parking spaces shall not occur, wholly or partially, within public rights-of-way.
 - (3) Parking areas for townhouse, apartments, or commercial areas shall be screened from adjacent duplex or single-family areas (including mobile homes) by an opaque fence or hedge six feet in height or higher.
 - (4) Parking patterns and arrangements shall conform to city engineering specifications and standards.

(Ord. No. 243-2001, § 7(12)(B), (C), 2-19-2001)

Sec. 26-109. - Sight lines at street intersections.

The location of fencing, landscaping, structures, signs, parking areas, or other visual obstructions shall not be such as to occur within a triangular area formed by a horizontal distance of 25 feet measured along and from the intersection of right-of-way lines at street intersections.

(Ord. No. 243-2001, § 7(12)(D), 2-19-2001)

Sec. 26-110. - Where subdivision is unit of a larger tract.

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided in whole or part as additional units, the preliminary and final plats shall be accompanied by a layout of the entire area, showing the tentative, proposed layout of streets, blocks, drainage, water, sewerage, and other improvements for such area. The overall layout, if approved by the city council, shall be attached to the file with a copy of the approved subdivision plat in the permanent files of the city. Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout unless changed by the city council, which may change such approved overall layout only when it finds:

- (1) That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this article; or
- (2) That adherence to the previously approved overall layout either will be detrimental to the public health, safety, or welfare, or will be injurious to other property in the area.

(Ord. No. 243-2001, § 10, 2-19-2001)

Sec. 26-111. - Improvements prior to acceptance.

- (a) *Monuments.* Monuments as prescribed herein above shall be placed at all corners as required in this article.

(b) *Street and alley improvements.*

- (1) Before approval and acceptance of any final plat, the developer shall prepare (or have prepared) and submit three 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 council.
- (2) 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 sets shall be marked, with the objections noted, and returned to the developer for correction.
- (3) 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 article. 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.
- (4) The city will inspect the installation of the improvements after:
 - a. The improvements have been completed and have been found to be installed in accordance with the approved plans and specifications;
 - b. Upon receipt by the city of a one-year maintenance bond in the amount of 100 percent of the contract price from each separate contractor, along with three sets of "as-built" plans and one set of "as-built" sepals (the plans and sepals to be "as-built"); and
 - c. Upon receipt of a letter of the contractor's compliance with these regulations, then the chief administrative officer shall receive and approve for the city the title, use, and maintenance of the improvements.

(c) *Storm drainage.*

- (1) An adequate storm sewer system consisting of inlets, pipes, and other underground drainage structures with approved outlets shall be constructed where drainage of stormwater 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.
- (2) Areas subject to flood conditions as established by the federal insurance administrator will not be considered for development until adequate drainage and elevation of lots, streets, and alleys have been accomplished to meet the requirements of the floodplain map.

(d) *Water supply.* All subdivisions shall be provided with an approved water system designed and constructed in accordance with the comprehensive plan and standard specifications of the city. In the corporate limits of the city, all subdivisions will be connected with the city water supply distribution system or an approved private system.

(e) *Sewer improvements.*

- (1) All subdivisions shall be provided with an approved sewage disposal system and, where the subdivision is inside the city limits, shall be connected to the city sanitary sewer system.
- (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 comprehensive plan and standard specifications of the city.

(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 18 inches 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 city with a reproducible (sepia) and complete "as-built" set of plans and three 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 60 days after completion of each contract.

(Ord. No. 243-2001, § 11, 2-19-2001)

Sec. 26-112. - Withholding of city improvements.

- (a) *Pending approval of plat.* The city hereby defines its policy to be such that the city will withhold all city improvements, of whatsoever nature, including the maintenance of streets and the furnishing of sewer facilities and water service, from all additions, the platting of which have not been approved by the council.
- (b) *Pending compliance with regulations.* The city may withhold the issuing of a street number or building permit for the erection of any building in the city 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 city 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 city and the filing of such final plat with the county clerks of Johnson or Ellis Counties, as appropriate.

(Ord. No. 243-2001, § 12, 2-19-2001)

Sec. 26-113. - 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 setback as required by the zoning regulations and building codes.

(Ord. No. 243-2001, § 13, 2-19-2001)

Sec. 26-114. - 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 to the recommendations of the city 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 city 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 a normal residential street, 30 feet, and provide for one-half the cost of paving and the full cost of all the utilities necessary. The interested agency shall provide the necessary right-of-way, which is 30 feet, to make the street 60 feet in width, and provide one-half the cost of paving.

(Ord. No. 243-2001, § 14, 2-19-2001)

Sec. 26-115. - 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 city, 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 or 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 city under conditions approved by the council.
- (f) *Street jogs.* Street jogs with centerline offsets of less than 125 feet shall be avoided.
- (g) *Arterial street intersections.* Arterial street intersections shall be at 90 degree angles. Other street intersections shall be laid out so as to intersect at less than 60 degrees.
- (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:

Description	Minimum width (in feet)
Major thoroughfare	100*
Secondary thoroughfare	60
Minor residential street	60
Access or service road	60
Minor street—multifamily, restricted business, and industrial areas	60*

*Maximum width, 100 feet, depending upon the location and the city street plan with which the major thoroughfare is to be connected.

- (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 article, 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 60 feet, the first dedication will be 30 feet.
- (j) *Cul-de-sacs.* Cul-de-sacs shall not be longer than 600 feet and shall have a turnaround provided at the closed end. They shall have an outside roadway diameter of at least 80 feet and shall have a street-property line diameter of at least 100 feet.
- (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 city council.
- (l) *Street improvements.* All new streets dedicated within a subdivision shall be improved in accordance with the specifications of the city.

(Ord. No. 243-2001, § 15, 2-19-2001)

Sec. 26-116. - Requirements and design standards for alleys.

- (a) *Industrial and restricted business districts.* Alleys shall be provided in industrial and restricted business 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 restricted business and industrial districts shall be a minimum of 25 feet in width.
- (b) *New developments and replatting of old additions.* Alleys shall 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.
- (c) *Paving.* Alleys may be paved in accordance with the city specifications. If any alley is paved, it shall be paved according to paving specifications provided for in this article and adopted by the city council.
- (d) *Cutting and grading.*
 - (1) Alleys shall be cut and graded.
 - (2) Where the deflection of alley alignment exceeds 30 degrees, a cutback of a minimum of 15 feet, 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.
- (e) *Dead-end alleys.* Dead-end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end as is determined by the city council.
- (f) *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.

(Ord. No. 243-2001, § 16, 2-19-2001)

Sec. 26-117. - 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 1,600 feet and shall generally be 1,000 feet—1,200 feet in length; nor shall any block be less than 500 feet 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 2½:1, and in no case more than 4:1, and the platting shall be such that the block width or depth generally shall not exceed 350 feet nor be less than 215 feet. When possible, the block width and length shall be such as to allow two 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 1,000 feet 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 or more than eight feet in width, and shall have a four-foot 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 wide shall be provided around the perimeter of all blocks.

(Ord. No. 243-2001, § 17, 2-19-2001)

Sec. 26-118. - 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 some 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.
- (d) *Depth.* No lot shall be platted less than 100 feet in depth; however, in cases where an irregularly-shaped tract is platted into lots and 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 the Local Government Code.

- (2) No lot shall be replatted to reduce the size of the lot originally platted by a common dedicatory, 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 80-foot frontage with an area of 8,000 square feet, except for property having a retail business, restricted business, or industrial zone classification and not for residential use.
- (h) *Building permits.* When an applicant exhibits a duly executed and recorded deed covering a lot having a minimum dimensions of 80 feet by 100 feet, and such lot is being assessed for city 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.

(Ord. No. 243-2001, § 18, 2-19-2001)

Sec. 26-119. - 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.

(Ord. No. 243-2001, § 19, 2-19-2001)

Sec. 26-120. - Utilities required.

Sanitary sewers, storm sewers, water mains, and street improvements, along with all appurtenances pertaining to the same 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 city.

- (1) *Services beyond the limits of city 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.
- (2) *Restrictions for permit.* No building permit, nor any water, sewer, plumbing, or electrical permit shall be issued by the city to the owners or any other person with respect to any property in any subdivision covered by this article until:
 - a. Such time as the developer and/or owner has complied with the requirements of this article 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 city;
or

- b. An escrow deposit has been made with the city 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 city to make such improvements at prevailing city costs, 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 the city costs basis. Should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, the city shall in such 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 city secretary when supported by evidence of work done; or
 - c. The developer and/or owner files a corporate surety bond with the city 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 chief administrative officer.
- (3) *Extension to extraterritorial jurisdiction.* In the extraterritorial jurisdiction, where a permit is not required, no city water or sewer utilities shall be extended to the development until all sections of this article, applicable to subdivisions in extraterritorial jurisdiction have been complied with. Where no water or sewer utilities are required to be extended to the subdivision in the extraterritorial jurisdiction of the city and where the developer/owner refuses to comply with the applicable regulations of this article, the chief administrative officer of the city shall file action in district court seeking to restrain the developer/owner from violating the applicable provisions of this article, as permitted by the Local Government Code.

(Ord. No. 243-2001, § 20, 2-19-2001)

Sec. 26-121. - Street sign requirements.

Within the corporate limits of the city, street signs will be furnished and installed at each intersection by the city at the expense of the subdivider. The subdivider shall pay the city the current standard charge for the cost of materials and installation of each street sign. In subdivisions lying beyond the corporate limits of the city, 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 city and shall be installed in accordance with the standards of the city. 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.

(Ord. No. 243-2001, § 21, 2-19-2001)

Sec. 26-122. - Outdoor warning sirens.

(a) *Definitions.*

- (1) *Outdoor warning siren* commonly known as a "tornado siren" or a "weather siren" shall mean a siren designed to alert people who are outdoors of approaching or existing hazardous conditions, during dangerous emergency weather conditions, which require immediate protective actions in order to save lives and property.
- (2) *Outdoor warning system* shall mean the combination of devices and methods, including, but not limited to the outdoor warning sirens located in the area, text message, phone and electronic mail emergency notification applications, signage, etc. employed by the City of Venus to warn people of dangerous and hazardous conditions.

- (b) *Sirens required.* Subdividers shall install outdoor warning sirens if:
 - (1) The subdivision development consists of 30 or more platted lots; and
 - (2) Any of the platted lots are over one mile in distance from any other operational outdoor warning siren approved for use and/or operated by the City of Venus; or
 - (3) The platted subdivision development includes a community park, swimming pool, outdoor fitness area, playground, recreational park, sports playing fields/courts, walking trails, or other community area where people would congregate outdoors.
- (c) *Time for installation.* If an outdoor warning siren is required by this section, the city must approve of the location and specifications of the outdoor warning siren and the installation must be completed prior to any acceptance of a final plat by the city and/or city council.
- (d) *Siren specifications.* If an outdoor warning siren is required by this section, it shall meet the specifications of the current outdoor warning system and policies of the city and be approved by the public works director, city building inspector, and/or city engineer before installation and construction. Minimum specifications shall include, but are not limited to, remote control activation, oscillating functionality, battery power back-up, compatibility with other city outdoor warning sirens, site easement for maintenance and repair access, and height and amplitude ability to meet state and federal standards.
- (e) *Location.* If an outdoor warning siren is required by this section, the subdivider shall submit in their preliminary plat, the location of and the maintenance access easement locations for any and all planned outdoor warning siren for approval by the public works director, city building inspector, and/or city engineer.
- (f) *Outdoor warning siren fee.* If required by this section to install outdoor warning siren(s), a subdivider may opt not to install any required sirens and instead pay an outdoor warning siren fee of \$250.00 per lot subdivided in the plat to the city. Payment shall be made prior to the acceptance of a final plat by the city and/or the city council. The city shall only use fees collected under this subsection to improve and maintain its outdoor warning system, including the installation of new outdoor warning sirens, if practicable. If invoking this subsection, the maintenance access easement requirements of subsection (e) still apply if outdoor warning sirens are installed by the city anywhere in the subdivision development.
- (g) *Appeal.* If a subdivider wishes to challenge or request an exception to the provisions of this section, they may do so in writing and by submitting their appeal request to the city secretary. The city secretary shall then submit the appeal to the city council and include an agenda item for consideration and action for the next scheduled city council meeting.

([Ord. No. 405-2015, § A, 7-13-2015](#))

Secs. 26-123—26-139. - Reserved.

ARTICLE III. - NONRESIDENTIAL DEVELOPMENTS

Sec. 26-140. - Interpretation and purpose.

- (a) In the interpretation and application of the provisions of this article, it is the intention of the city council that the principles, standards, and requirements provided for herein shall be minimum requirements for the development of a nonresidential tract of land in the city (hereinafter referred to as "the city") and in its extraterritorial jurisdiction; and, where other ordinances of the city are more restrictive in their requirements, such ordinances shall control.
- (b) The extraterritorial jurisdiction of the city is now one-half mile from the corporate limits. As the city grows, the extraterritorial jurisdiction will be extended in accordance with chapter 43 of the Texas Local

Government Code and the requirements of this article shall be extended into any and all new areas of extraterritorial jurisdiction.

(Ord. No. 261-2002, § 1, 5-14-2002)

Sec. 26-141. - Definition of terms.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City engineer means the city's on-staff engineer or consulting engineer.

Council means the City Council of Venus, Texas.

Developer means and includes 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 nonresidential development of land within the intent, scope, and purview of this article.

Easement means a right granted for the purpose of limited public or semi-public use across, under, or over private land.

Nonresidential development. The terms "nonresidential," "development," and "commercial" are synonymous for the purposes of this article and refer to the development of a tract of land for nonresidential purposes.

Public works director means the person designated by the mayor to administer the provisions of this article.

Standard refers to the official city maps, master plan, ordinances, and other specifications of the city.

(Ord. No. 261-2002, § 2, 5-14-2002)

Sec. 26-142. - Penalty.

- (a) Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than \$500.00 per offense. 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 article, or who shall fail to comply with any of the provisions hereof, within the extraterritorial jurisdiction of the city, shall be filed on in district court, as provided for in the Texas Local Government Code, with the purpose of restraining and enjoining the violation of this article. In addition, city-owned utilities will not be extended into the development until the provisions of this article are complied with.

(Ord. No. 261-2002, § 17, 5-14-2002)

Sec. 26-143. - Preliminary planning.

The developer shall avail themselves of the advice and assistance of the city officials and consult early and informally with the public works director, or other person designated, before preparing the site plan of the proposed development in order to save time and money and make the most of available opportunities.

(Ord. No. 261-2002, § 3, 5-14-2002)

Sec. 26-144. - Site plans.

- (a) *Purpose.* The site plan is intended to show all the planning factors necessary to enable the proper approving authorities to determine whether the proposed plan for land development is satisfactory from the standpoint of public interest and complies with city ordinances.
- (b) *Physical size.* The site plans shall be prepared on sheets a maximum size of 24 inches by 36 inches, regardless of the size of the development.
- (c) *Scale.* The site plan shall be drawn to a scale of one inch equals 100 feet or one inch equals 50 feet; provided, that under special conditions, a smaller or larger scale may be accepted when prior approval of the public works director has been obtained.
- (d) *Contents.*
 - (1) *Ownership and identification.*
 - a. Name of the developer, record owner and volume and page of record ownership in the Johnson County and Ellis County deed records, and land planner, engineer or surveyor.
 - b. Proposed name of the development.
 - c. Key map showing location of tract by reference to existing streets or highways.
 - d. Date of preparation, scale of plan and north arrow.
 - e. Development boundary lines with dimensions, indicated by heavy lines, and the computed acreage of the development.
 - (2) *Existing conditions.*
 - a. The location, dimensions, name and description of all existing or recorded public and private rights-of-way, including easements within the development as well as those intersecting or contiguous with its boundaries or forming such boundaries.
 - b. The location, dimensions, identification or name of all existing or recorded residential lots, parks and public areas within the development.
 - c. Permanent structures and uses within the development, including location of houses, barns, walls, wells, tanks and other significant features.
 - d. The location, dimensions, description and flow lines of existing drainage structures and the location of flow lines and floodplains. Areas which will be inundated by a 100-year flow as defined by the latest revision of the applicable Federal Emergency Management Agency's flood insurance rate maps (FIRM) and flood boundary and floodway maps must be clearly shown.
 - e. Utilities on the tract or contiguous thereto, specifying size of lines.
 - f. Topography shown by contour lines on a basis of two-foot vertical intervals. All elevations on the contour map shall be referenced to the latest U.S.C. and G.S. data.
 - (3) *Proposed Layout.*
 - a. The location, dimensions, description and purpose of all proposed drainage ways, open spaces, easements, streets, and rights-of-way within the development;
 - b. All building setback lines;
 - c. The location of all proposed buildings and their use;
 - d. Limits of proposed paving;
 - e. Means of ingress and egress;
 - f. Areas to be landscaped;
 - g. Proposed parking layout;
 - h. Refuse and waste container location;

- i. Provisions for drainage;
 - j. Proposed water utilities, including fire protection; and
 - k. Proposed sewer utilities;
- (4) *Preliminary drainage study.* A preliminary drainage study submitted for approval concurrent with the submittal of any site plan to the city.

(Ord. No. 261-2002, § 4, 5-14-2002)

Sec. 26-145. - Improvements prior to acceptance of site plan.

(a) *Procedure; time requirements.*

- (1) Before approval and acceptance of the site plan, the developer shall prepare (or have prepared) and submit three copies of the complete engineering plans of storm drainage structures and water and sanitary sewer improvements for the area covered by the plan. The developer shall have these plans prepared by qualified engineers, subject to the approval of the plans by the city. The public works director shall review the plans and specifications and, if approved, shall mark them "Approved" and return one set to the developer. If not approved, comments shall be addressed to the developer's engineer for remedy.
- (2) After approval of the site plan and the engineering 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 article. All improvements will be accomplished at the expense of the developer.
- (3) Construction must begin within six months from the date of approval of the construction plans. Should construction not have commenced in that time frame, then the approval of the plans shall be rescinded. The plans will be resubmitted for approval to ensure compliance with the city's latest rules and requirements.
- (4) The city will inspect the installation of all off-site improvements. The city shall accept the off-site improvements after the following:
 - a. The improvements have been completed and have been found to be installed substantially in accordance with the approved plans and specifications;
 - b. Upon receipt by the city of a two-year maintenance bond for all off-site improvements in the amount of 100 percent of the contract price from each separate contractor; and
 - c. Upon receipt of one set of "as-built" plans and one set of "as-built" sepias.

(b) *Storm drainage.* All developments shall be provided with:

- (1) An adequate storm drainage 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.
- (2) Areas subject to flood conditions as established by the city and/or the federal insurance administrator will not be considered for development until both adequate drainage and elevation of the site have been provided.

(c) *Water supply.* All developments shall be provided with an approved water system designed and constructed in accordance with city rules and regulations. In the corporate limits of the city, all developments will be connected with the city water supply distribution system or an approved private system. Water lines shall be looped where possible.

(d) *Sewer improvements.*

- (1) All developments shall be provided with an approved sewage disposal system and, where the development is inside the city limits, shall be connected to the city sanitary sewer system.

- (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 city rules and regulations.
- (3) In locations where sanitary sewers are not available and where there are no immediate prospects for installation of sanitary sewers, private sewerage systems of an approved type may be installed in conformity with the rules, regulations, and ordinances of the city and county pertaining to public health; provided, however, that in no case shall private sewerage systems be installed without express approval and inspection by the city and county.
- (e) *Sidewalks.* Where pedestrian walks are required by the city they shall not be less than four feet wide and shall be provided around the perimeter of the development.
- (f) *As-built plans.* The developer shall present the city with one reproducible (sepia) complete "as-built" set of plans and one set of blue-line or black-line prints on paper of "as-built" plans for all off-site paving, drainage, structures, water mains, and sewer mains prior to the city's final acceptance of the improvements.

(Ord. No. 261-2002, § 5, 5-14-2002)

Sec. 26-146. - Withholding of permits.

- (a) *Pending approval of site plan.* The city may withhold the issuing of a building permit for the erection of any nonresidential building in the city if the site plan has not been approved by the council.
- (b) *Pending compliance with regulations.* The city may withhold the issuing of a building permit for the erection of any nonresidential building in the city until all the requirements of these development regulations have been complied with, including the installation of an acceptance by the city of all off-site waterworks, sewer, drainage and paving improvements for the area designated.

(Ord. No. 261-2002, § 6, 5-14-2002)

Sec. 26-147. - Requirements for easements.

- (a) *Utility easements.* Utility easements shall be provided for utilities where necessary, and shall be a minimum of 20 feet in width. Utility easements adjacent to public streets shall be a minimum of ten feet in width.
- (b) *Storm or drainage easement.* Where a development is traversed by a watercourse, drainageway, or channel, there shall be provided a drainage easement or drainage right-of-way conforming substantially with such course. The easement shall contain the 100-year flood and be of such additional width as may be designated by the public works director, and will be reasonably adequate for the purpose. Parallel streets or parkways may be required in connection with this easement.

(Ord. No. 261-2002, § 7, 5-14-2002)

Sec. 26-148. - Utilities required.

Sanitary sewers, storm drainage, water mains, and street improvements, along with all appurtenances pertaining to the same and facilities of other agencies as may be required, shall be constructed and installed by the developer in each new development in accordance with the current official standards of the city.

- (1) *Proposed development inside corporate limits.* All proposed developments located inside the corporate limits of the city shall connect to the water and sewer utilities at the developer's

expense. Where the sewage collection system or the water distribution system does not abut the proposed development, the developer shall be required to pay for and extend such services as required to serve the proposed development.

- (2) *Utilities extension not feasible.* Where the sewage collection system or the water distribution system does not abut the proposed development and the extension of such service is not feasible or would pose an economic hardship, the developer shall be required to furnish with his site plan satisfactory evidence, including (but without limitation) the results of soil tests and borings and statements from local and state health authorities, sanitarians, engineers and other proper officials, that water satisfactory for human consumption may be obtained from surface or subsurface water sources on the land and that soil conditions are such that satisfactory sewage disposal can be provided through the use of approved sewage treatment systems.
- (3) *Restrictions for permit.* No building permit, nor any water, sewer, plumbing, or electrical permit shall be issued by the city to the owners or any other person with respect to any property in any development covered by this article until:
 - a. Such time as the developer and/or owner has complied with the requirements of this article and the site plan regarding improvements with respect to the installation of streets, drainage, and water and sewer utilities, all according to the requirements of the city; or
 - b. The developer and/or owner files a corporate surety bond with the city 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 public works director.
- (4) *Extraterritorial jurisdiction.*
 - a. In the extraterritorial jurisdiction, no city water or sewer utilities shall be extended to the development until all sections of this article, applicable to developments, have been complied with.
 - b. Where the developer/owner refuses to comply with the applicable regulations of this article, the public works director of the city shall file action in district court seeking to restrain the developer/owner from violating the applicable provisions of this article, as permitted by the Texas Local Government Code.

(Ord. No. 261-2002, § 8, 5-14-2002)

Sec. 26-149. - Standard specifications.

The Standard Specifications for Public Works Construction as published by the North Central Texas Council of Governments in their latest amended form are adopted as the standard specifications for the city.

(Ord. No. 261-2002, § 9, 5-14-2002)

Sec. 26-150. - Engineering and construction standards.

- (a) *Drafting standards and design practices.* Drafting standards and design practices shall be equal to those standards and practices representative of the profession in the preparation of plans for construction requiring a high degree of reliability. The developer's engineer shall furnish to the city any working notes, calculations, and supplemental drawings used in the preparation of these plans for the proposed work in the development on request. The developer shall require his engineer to furnish three copies of all plans to be reviewed by the city. These plans shall be sufficiently detailed to enable the facilities to be constructed according to the engineer's intent with limited assistance from the engineer during the construction phase. The responsibility of the developer's engineer to the city shall end when all plans for which he is responsible have been approved by the city, all construction has

been completed and accepted by the city, and a set of reproducible "as built" plans of all required construction has been furnished to the city by the engineer.

- (b) *Compaction densities.* At his expense the developer shall employ an independent testing lab to test all compaction densities where specific compaction requirements are stated. These results shall be submitted to the city prior to commencing the next phase of work. The cost of all testing shall be borne by the developer.
- (c) *Drawings.* Street plan and profile sheets shall be submitted for all proposed streets.
 - (1) Profiles shall be at a scale of one inch equals 40 feet horizontal and one inch equals four feet vertical, or one inch equals 50 feet horizontal and one inch equals five feet vertical. The profile shall include the following minimum information:
 - a. Top of curb grades at 50-foot interval slopes.
 - b. Vertical curve data.
 - c. Beginning and ending stations of vertical curves.
 - d. Location of utility crossings.
 - e. Storm drain pipe and elevations may be shown on the same sheet or may be on a separate sheet for clarity, benchmark station and elevations as may be needed for information.
 - (2) Plans shall include the following minimum information:
 - a. All widths, stations of P.C. and P.T. for horizontal curves.
 - b. All horizontal curve data.
 - c. Distances and bearing.
 - d. The location of adjacent property corners and lot lines.
 - e. Lot and block designations.
 - f. All utilities crossing or adjacent.
 - g. The size and location of all storm sewer construction and intersecting streets.
- (d) *Streets.* Should street, sidewalk or alley construction be required, refer to the city's subdivision ordinance for the requirements.
- (e) *Drainage.* Drainage design and requirements shall be in accordance with the city of Fort Worth, Texas, requirements.
- (f) *Water system.*
 - (1) All mains must extend to the borders of the development to facilitate future extensions of the system.
 - (2) Water lines shall normally be PVC meeting the requirements of AWWA C900 or C905, DR18, Class 150. The minimum water line size for development shall be six inches. Smaller line sizes may be reviewed on a case-by-case basis.
 - (3) Fire flow detector checks are required on all fire lines to buildings.
- (g) *Sewer system.*
 - (1) Sewer mains must extend to the borders of the development to facilitate future extensions of the system.
 - (2) Sewer lines shall normally be PVC SDR 35 meeting the requirements of ASTM D 3034. The minimum sewer line size for development shall be eight inches. Smaller line sizes may be reviewed on a case-by-case basis.

- (3) The maximum distance between manholes shall be 500 feet. Manholes shall be provided at all points of horizontal change. Manholes shall be provided at all vertical points of intersection.
- (4) Grease traps on the service line will be required on all food service types of commercial development.

(Ord. No. 261-2002, § 10, 5-14-2002; Ord. No. [572-2017-08](#), § C, 8-14-2017)

Sec. 26-151. - Building permits.

- (a) When an applicant has an approved site plan and no off-site extension of public utilities is required, and such lot is being assessed for city taxes as conforming to the established 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.
- (b) When an applicant has an approved site plan and the extension of off-site public utilities is required, and such lot is being assessed for city taxes as conforming to the established zoning classification in the block where located, then a building permit may be issued upon completion of the construction of the off-site utilities, provided the requested use of such property conforms to the permanent zoning of the property covered by the application.

(Ord. No. 261-2002, § 11, 5-14-2002)

Sec. 26-152. - Fees.

- (a) *Filing fee.* A filing fee in the amount of \$500.00 shall be collected by the city secretary, or a designated representative, when any site plan is tendered to the city for consideration. The fee shall be paid in advance and no action of the city shall be valid until the fees, herein provided, shall have been paid.
- (b) *Plan review and inspection fee.* A fee of five percent of the estimated costs of the public improvements for the proposed development as approved by the public works director shall be paid to the city before the city approves the commencement of the construction of the improvements. Actual cost shall not exceed the actual cost to the city for review and inspection.
- (c) *Pre-payment required.* No development will be approved or building permit issued by the city until all fees have been paid to the city.

(Ord. No. 261-2002, § 12, 5-14-2002)

Sec. 26-153. - Variances.

- (a) The city 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 in this section 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 development, 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 variance will be granted unless the council finds the following:
 - (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land;

- (2) 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;
- (3) That the granting of the variance will not have the effect of preventing the orderly development of other lands in the area in accordance with the provisions of this article.

The council may not authorize a variance that would constitute a violation of any other valid ordinance of the city.

- (b) 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 article so that the general health, safety and welfare of citizens may be secured, and substantial justice be done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

(Ord. No. 261-2002, § 13, 5-14-2002)

Sec. 26-154. - Conflict with other ordinances.

All ordinances, or parts of ordinances with the exception of the building code and comprehensive zoning regulations of the city, which are inconsistent or in conflict with any of the provisions of this article shall be, and the same are, hereby repealed. Where the building code or zoning regulations of the city contain regulations which are more restrictive than the regulations contained herein, the ordinances which are most restrictive shall control.

(Ord. No. 261-2002, § 14, 5-14-2002)

Sec. 26-155. - Exceptions to provisions of article.

Site plans which have received preliminary approval by the council within one year prior to the effective date of the ordinance from which this article is derived shall be excepted from the requirements of this article; provided that the site plan of such development is approved and filed for record within 180 days after the effective date of the ordinance from which this article is derived, or within one year after the approval date of the site plan, whichever is greater.

(Ord. No. 261-2002, § 15, 5-14-2002)