

**ORDINANCE NO. 08-005**  
**SUBDIVISION ORDINANCE**  
**City of Johnson City**

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ORDINANCE NO. 08-005

AN ORDINANCE AMENDING ORDINANCE NO. 05-018 PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS AND SUBDIVISIONS OF LAND WITHIN THE CORPORATE LIMITS AND ONE-HALF MILE THEREOF OF THE CITY OF JOHNSON CITY; PROVIDING FOR FEES TO BE CHARGED; PROHIBITING THE EXPENDITURE OF PUBLIC FUNDS IN SUBDIVISIONS NOT APPROVED BY THE CITY COUNCIL OF THE CITY OF JOHNSON CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A SAVING CLAUSE.

WHEREAS, under the laws of the State of Texas every owner of a tract of land situated within the corporate limits and/or within one-half ( $\frac{1}{2}$ ) mile of the corporate limits of the City of Johnson City who may subdivide, plat or replat such tract of land is required to submit plats of said subdivision to the City Council of the City of Johnson City for approval; and

WHEREAS, the City Council of the City of Johnson City is empowered to adopt and promulgate rules and regulations governing plats and subdivisions of land within said area; therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOHNSON CITY, TEXAS

From and after the passage of this ordinance, all plats and subdivisions of land within the corporate limits of the City of Johnson City, and all plats and subdivisions of land outside the corporate limits of the City of Johnson City that the City Council may include within the corporate limits of the City by an extension of said corporate limits, and all tracts within one-half ( $\frac{1}{2}$ ) mile of the corporate limits, said  $\frac{1}{2}$  mile being the ETJ of the City of Johnson City as the same may be amended by State law from time to time, shall conform to the following rules and regulations:

## SECTION 1. PROLOGUE

The subdivision of land is a major factor in the process of sound community growth and ultimately becomes a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is, therefore, in the interest of the public, the developer and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards. It is the intent of these regulations to encourage the growth of the City of Johnson City in an orderly manner; and to provide attractive, well-planned, safe and healthful subdivisions with good streets and utilities, and building sites at a fair competitive price under regulations that will be uniform to all.

## SECTION 2. PENALTY FOR VIOLATION OF CHAPTER

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any amount not exceeding five hundred dollars (\$500.00). A separate offense shall be deemed committed upon each day during or on which such violation occurs or continues.

## SECTION 3. DEFINITIONS

1. ALLEY. An alley is a minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular services access to the back or sides of property otherwise abutting on a public street.

2. **BUILDING SETBACK LINES.** The building setback line is a line within a property defining the minimum horizontal distance between a building and the adjacent property line.

3. **COMBINED PLAT.** The sub-divider must submit a combined plat which will include the Preliminary and Final plat combined into one submission for consideration by the City when the tract of land being subdivided is less than 3 acres or contains no more than 3 lot. Section 10 of this Ordinance outlines submittals that are necessary.

4. **COMMISSION.** The commission is the Planning & Zoning Commission of the City of Johnson City. **COUNCIL** is the City Council of the City of Johnson City.

5. **CROSS-WALKWAY.** A cross-walkway is public right-of way six (6) feet or more width between property lines or along streets, which provides pedestrian circulation.

6. **CUL-DE-SAC.** A cul-de-sac is a short, minor street having but one vehicular access to another street and terminated by a vehicular turnaround.

7. **DEAD-END STREET.** A dead-end street is a street, other than a cul-de-sac with only one outlet.

8. **DESIGN STANDARDS.** Subdivision design standards as referenced in this Ordinance shall mean the City of Johnson City's subdivision design standards and specifications, together with all tables, drawings and other attachments, hereinafter approved and adopted by the City

Council of Johnson City, and those standards so adopted shall become a part of this Ordinance.

9. EASEMENT. A utility or drainage easement is an interest in land granted to the city for installing and maintaining utilities and drainage across, over or under private land, together with the right to enter thereon with machinery and other vehicles necessary for the maintenance of said utilities and drainage.

10. LOT. A lot is an undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot or symbol in a duly approved subdivision plat which has been properly filed for record.

11. PLAT. A plat is a complete and exact subdivision plan submitted to the City Council for approval and which, if approved, will be submitted to the county clerk for recording.

12. PUBLIC RIGHT-OF-WAY. A public right-of-way is a strip of land used or intended to be used, wholly or in part, as a public street, alley, walkway or drain.

13. ROADWAY, PAVING WIDTH. The roadway or paving width is the portion of a street available for vehicular traffic; where curbs are laid, the portion between the face of curbs.

14. STREET. A street is a public right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or however otherwise designated.

A. Arterial Street. A street used primarily for fast or heavy traffic.

B. Collector Street. A street which carries traffic from the minor streets to the major system or arterial streets and highways, including the principal entrance streets of a residential development, and principal streets for circulation to schools, parks and other community facilities within such a development and including, also, all streets which carry traffic through or adjacent to commercial and industrial areas.

C. Minor Street. A street used primarily for access to abutting residential property.

15. SUBDIVIDER. A subdivider is any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner of the land sought to be divided.

16. SUBDIVISION. A subdivision is the division of any lot, tract or parcel of land into two (2) or more parts for the purpose of sale or conveyance, development, or if a new street is involved, any division of a lot, tract or parcel of land. Subdivision includes re-subdivision and, when appropriate to the context, relates to the process of subdivision or to the land or area subdivided.

17. SUBMISSION DATE. This date shall be the first regularly scheduled meeting date at which the City Council first considers the plat.

18. SHALL, MAY. The word “shall” is always mandatory, while the word “may” is merely permissive.

#### SECTION 4. INTERPRETATION AND PURPOSE.

In the interpretation and application of the provisions hereof, this Ordinance shall be deemed to be the minimum requirement adopted by the City Council for the protection of the public health, safety and welfare. To protect the public among other purposes, such provisions are intended to provide for a permanent wholesome environment, adequate municipal services and safe streets.

#### SECTION 5. SCOPE

This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance, or any amendments thereto, however, this Ordinance shall apply to any re-subdivision of any existing subdivision, lot or lots, including thereunder all land within the corporate area of the City of Johnson City or within the extra territorial jurisdiction of the City of Johnson City, Texas, as is designated by state statute. It is not intended by this ordinance in anyway to impair or interfere with private restrictions placed upon property by deeds, covenants or other private agreements, or with restrictive covenants running with the land to which the City is party.

## SECTION 6. JURISDICTION

From and after the date of its adoption, this Ordinance shall govern all subdivisions of land within the corporate limits of the City of Johnson City and all contiguous unincorporated areas, not a part of any other City, and within one-half (1/2) mile from the City limits, subject to the laws of the State of Texas. In the event that the Texas Legislature changes the distance from the City limits, such distance provided for in this ordinance shall thereafter conform to the distance provided by the legislature.

Any owner of the land within the limits of said subdivision jurisdiction wishing to subdivide land shall submit to the City Council a plat of the subdivision, which shall conform to the minimum requirements, set forth by these regulations. No plat of a subdivision lying within such territory or part thereof shall be filed or recorded in the Office of the County Clerk until such subdivision plat shall have been approved by the Council. Such approval shall be entered in writing on the final plat in accordance with the provisions of this Ordinance. No person shall proceed with the improvements in any subdivision until the final plat shall receive approval by the Council.

## SECTION 7. DEVELOPER'S RESPONSIBILITIES

The developer shall be responsible for the following:

Evaluation by the City of Johnson City of the impact a proposed subdivision service extension will make on the City of Johnson City's water supply/sewer service system and payment of costs for this evaluation;

Payment of reasonable costs or fees by the developer for providing water supply/sewer service capacity;

Payment of cost of any improvements to the City of Johnson City's system that are necessary to provide the water/sewer facilities within the subdivision following inspection.

## SECTION 8. PLAT SUBMITTAL- FEES

- (A) PLAT SUBMITTAL. All plats to be considered for approval under this ordinance shall be submitted to the City of Johnson City along with a completed application and fees and must be in accordance with all ordinance requirements. No plat shall be formally accepted for review by the City until it fulfills all of the requirements of this Article including street and utility plans and drainage studies as required, unless the application identifies standards which are not required to be met and contains an explanation of the reason for failure to meet the standards.
- (B) FEES.
1. Plats submitted to the City for approval shall be accompanied by a check or equivalent payable to the City of Johnson City in the amount specified in the Schedule of Fees. A reasonable Schedule of Fees shall be set by resolution of the City Council. No action by the Council will be taken until all fees have been paid to the City.
  2. In the event that the applicant requests a special filing with Blanco County, a check payable to the City of Johnson City shall be submitted to the City Secretary in the

amount of the appropriate fee. Reasonable fees for early mailing and hand delivery of plats shall be set by resolution of the City Council.

## SECTION 9. PRELIMINARY PLATS

(A) SUBMISSION. A preliminary plat of the proposed subdivision at a scale not smaller than two hundred (200) feet to the inch shall first be submitted to the Planning and Zoning Commission for approval before the preparation of the final plat. Twelve (12) copies of the plat shall be tendered with a letter of transmittal to the City at least thirty (30) days prior to the meeting at which a plat is to be submitted to the Commission. Such plat shall contain the following information:

1. The subdivision name (which must not duplicate in any manner an existing subdivision name); the names and address of any person, partnership, corporations, or other entities, including any and all lienholders having an interest in said subdivision.
2. Date, approximate north point and scale.
3. The location of existing and platted property lines, streets, watercourses, and any public utility easements on the land subdivided, and also their approximate location on the immediate adjoining land. Utility easements shall be illustrated so as to show the height above the ground surface of the easement as well as the width and length on the surface of such easement.

4. The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, reservations, blocks, lot lines and building lines. The names of streets shall conform whenever possible to existing street names, and lots and blocks shall be numbered in a systematic arrangement. Submit a letter from Blanco County Rural Addressing approving subdivision and street names.
5. Topographical information approximately equivalent to two (2) foot contour lines, and based on U.S. Geological Survey datum, shall be specified on the plan.
6. The location, size and flow line of all existing drainage structures on the land being subdivided and on adjoining tracts.
7. Location of the City limits line, the outer border of the City's extra territorial jurisdiction, and boundaries, if they traverse the subdivision or form part of the boundary of the subdivision, or are contiguous to such boundaries.
8. Vicinity sketch or map at a scale of not more than five hundred (500) feet to an inch which shall show existing streets, subdivisions, parks and public facilities in the vicinity, and the nearest gas, electric and sanitary sewer connections by arrows and major outfall and drainage ditches and structures.
9. The following notice shall be placed on each preliminary plat: "Preliminary Plat for Inspection Purpose Only." The plat shall contain the seal of a Registered

Professional Engineer, registered in the State of Texas.

10. Front and side setback lines on all lots and tracts.
11. The preliminary submittal shall contain a listing of all adjacent owners and other property owners within two hundred (200) feet of the property to be subdivided, the addresses as recorded by the County Clerk.
12. The City Secretary will mail a notice by First class United States mail to each property owner named as required by No. 11 hereof, which notice shall state in effect that a subdivision proposal is pending before the City Council and shall include the date, place, and time of the City Council meeting at which the subdivision or re-subdivision proposal will be considered.

(B) APPROVAL

1. The Planning and Zoning Commission shall forward a recommendation on the preliminary plat within thirty (30) days to the City Council after its submission to the Commission, unless such time is extended by agreement of the subdivider. The City Council shall render a decision on the Preliminary Plat within thirty days after receiving the Planning and Zoning Commission recommendation. Such decision may consist of approval, disapproval or conditional approval. Conditional approval shall be considered to be approval subject to conformity with conditions prescribed of such plat until such conditions are met. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing.

2. Approval of the preliminary plat shall be deemed an expression of approval only of the arrangement and approximate size of streets, lots, blocks, water lines, sewer lines, and drainage facilities.

## SECTION 10. FINAL PLAT

- (A) SUBMISSION. Twelve (12) copies of the final plat shall be tendered with a letter of transmittal to the City Secretary twenty (20) days prior to the meeting of the Planning and Zoning Commission at which the plat is to be considered for review. Such plat shall not be considered by the Commission until the next regular scheduled Commission meeting after the Commission's approval of the preliminary plat or preliminary plat approval shall become null and void unless an extension of time is requested in writing by the subdivider and granted by the Commission. The City Council will make a decision on the plat within thirty days (30) after receiving the recommendations of the Commission..

The final plat shall be drawn at a scale of one inch equals one hundred (100) feet on sheets measuring eight and one-half (8 ½) inches by eleven (11) inches, eleven (11) by seventeen (17) inches, seventeen (17) inches by twenty-two (22) inches, twenty-two (22) inches by thirty-four (34) inches, and where necessary, may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show or be accompanied by the following information:

1. A contour map, which must show to appropriate two (2) foot intervals the existing

natural contours of the grounds concerned and the estimated one hundred- (100) year flood plan, if any.

2. A plan of the proposed water system. Where applicable, this plan shall show the sizes and types of all lines, fittings, valve boxes and location of fire hydrants with an indicated elevation of the top of the proposed curb at its location: the location and elevation of benchmarks referred to U.S.G.S. datum; and the existing mains to which the system will be connected.
3. A plan of the proposed sanitary sewer system. Where applicable, this plan shall indicate the sizes and types and flow line grades of all lines and their locations within this system; the location and sizes of the existing mains to which this system will be connected; and the location and flow line elevations of all manholes and cleanouts. Manholes shall generally be located no more than four hundred fifty (450) feet apart. All lots shall have separate taps.
4. A plan of the proposed streets. This plan shall show the right-of-way and paved width of all streets and their centerline grades and distance with the elevations indicated at all centerline intersections and grade breaks. It shall show the location of all curbs and gutters as proposed.
5. Detail plans. The detail plan sheet shall be a composite of all details which concern the above set of construction plans, such as: Detail of the proposed catch basins, manholes, cleanouts, sewer and water house connections, street cross

sections, curb and gutter, fire hydrant location and footing construction, concrete junction boxes, head walls or any other details necessary to show intent of construction.

6. Plan profile sheets. The plan profile sheets shall be platted to a convenient and legible scale and will show the finished plan of the proposed utilities and street construction. They shall also indicate the existing profile of the natural ground along with the proposed profiles on the centerline of all streets, flow lines of all sanitary sewers, water lines, drainage channels and storm sewers.
7. North arrow. All construction plans shall include a north arrow, scale or scales and date, and shall bear the seal of a registered professional engineer in the State of Texas.
8. An acute boundary survey of the property, with bearings and distances, referenced to survey lines and established subdivisions, showing pertinent data concerning property immediately adjacent in dashed lines.
9. Right-of-way lines of streets and alleys, property lines of lots, parks and other sites with accurate dimensions, bearing or deflection angles, and radii, arcs and central angles of all curves.
10. Name and right-of-way width of each street or other right-of-way.

11. Locations, dimensions and purpose of any easements.
12. The location of minimum building setback lines from all streets, side lots and other sites.
13. Location and description of monuments that shall be placed at each corner of the boundary survey of the subdivision. Permanent lot markers shall be placed at each lot corner.
14. Numbers of all lots and blocks.
15. Surveyor's or engineer's certificate, to be placed on the subdivision plat:

"KNOW ALL MEN BY THESE PRESENTS;

That I, \_\_\_\_\_, do hereby certify that I made an actual and accurate survey of the platted land and that the corner monuments shown on the foregoing plat were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Johnson City, Texas."

16. Certificates of approval by Johnson City Council (to be placed on a plat):  
"Approved this \_\_\_\_ day of \_\_\_\_\_, 19\_\_, by the City Council of City of Johnson City, Texas."

/s/ \_\_\_\_\_  
Mayor

/s/ \_\_\_\_\_  
Secretary

17. A certificate of dedication of all streets, alleys, parks, easements, and other land intended for public use approved by the City and, signed by the owner or owners and by all other persons, firms or corporations holding a lien or owning an interest in the property subdivided and platted, which shall be acknowledged in the manner prescribed by the laws of the State of Texas for conveyance of real property.

(B) APPROVAL.

1. Prior to the Planning and Zoning Commission's consideration of the final plat, the City Engineer shall review it and make his recommendation in writing to the Commission and a copy to the Developer.
2. The Commission shall forward a recommendation to the City Council on the final plat within thirty (30) days after submission to the Commission. The City Council shall render a decision, which shall consist of approval, conditional approval or disapproval within thirty days (30) after receiving Commission recommendation.
3. In those cases where a final plat is disapproved by the City Council, the developer shall be informed in writing of the Council's actions. The developer may resubmit the corrected final plat within sixty (60) days of the disapproval date (with the appropriate corrections) without the preliminary plat becoming null and void.
4. Upon approval, the Mayor and City Secretary shall affix their signatures to the reproducible drawing.

5. The final plat as approved by the City Council shall be retained by the City Secretary. The City Secretary shall file the final plat for record in the office of the County Clerk of Blanco County, when the requirements of SECTION 11 are met (recording approval) and when approval has been secured from the Blanco County Commissioners Court (when requested).

#### SECTION 11. COMBINED PLAT

When a tract of land is being divided into no more than 3 lots or the tract is not larger than three acres the sub-divider may request combined plat approval at the time he or she would normally apply for preliminary plat approval. The sub-divider shall submit a plat conforming to the final plat requirements, along with the appropriate fees for preliminary/final plat approval. The Planning and Zoning Commission may then grant final approval recommendations and submit the plat to the City Council for one step approval.

- (A) SUBMISSION. Five (5) sets of construction plans with final plat conforming with subdivision and design standards approved and adopted by the City Council shall be submitted to the City for review at least ten (10) days prior to the meeting of the Commission at which the final plat is to be considered. Construction plans, which are required to be submitted to the City, shall include, but not necessarily be limited to all the requirements of the preliminary and final plats:
- (B) APPROVAL. All construction plans shall be submitted to the City. The Water, Sewer and Inspection Departments will in turn, recommend approval or changes, and stamp the

plat before it is submitted to the Planning and Zoning Commission. After plat approval by the City Council, and prior to the issuance of building permits and start of subdivision construction, five (5) sets of corrected construction plans shall be submitted to the City for use by the City Inspectors during construction.

- (C) TIME FOR CONSTRUCTION. Street and utility construction shall begin within one year of approval of the final plat and shall be continued until completed. Should work be discontinued for longer than three (3) months, the construction plans herein provided for shall be null and void.
- (D) TIME EXTENSION. In the event development has not begun on the proposed subdivision after one year from the effective final plat approval the approval will automatically expire provided; however, that the Council may, upon written application of the subdivider, grant no more than two (2) six-month extensions.

## SECTION 12. FINAL SUBDIVISION RECORDING APPROVAL

The following requirements shall be met and tendered with a letter of transmittal to the city engineer at least thirty (30) days prior to the meeting of the Commission at which final subdivision approval is to be considered:

- (a) A written acknowledged guarantee of the serviceability of streets, sewers, water and any other utilities or improvements which shall have been required to be constructed in the subdivision, signed jointly by the subdivider and his prime

contractor. The term of the said written guarantee shall be for a period of one year commencing from the date of written acceptance by the City of all said streets, sewers, water lines and other improvements and a maintenance bond from the contractor covering 100% of the contract cost will be required.

- (b) A certificate signed by the subdivider's registered engineer that any and all improvements constructed in the subdivision have been completed in accordance with the approved construction plans and specifications and in accordance with applicable codes and City Standards.
- (c) A reproducible tracing and one copy of the final plat together with one "as-built" set of construction plans shall be delivered to the City Council.
- (d) A certificate that all obligations incurred by construction of the streets and utilities have been satisfied.
- (e) Prior to final subdivision recording approval, the City Engineer shall furnish the City Council with a written certification stating that all improvements have been satisfactorily completed in accordance with subdivision design standards, approved and adopted by the City Council for such improvements; or he shall certify that sufficient cash has been deposited with or a surety bond furnished to the City of Johnson City to secure the completion of all those improvements so required which are incomplete provided that the same must be at least 90% complete.

- (f) When a surety bond has been furnished to the City in lieu of any or all of the required improvements, it shall be delivered to the City Attorney for approval. The surety bond shall have attached thereto, a copy of the contract for such improvements and such other information and data necessary to determine the validity and enforceability of such bond. When the bond has been examined and approved, the City Attorney shall furnish the City Council with a written certification that the surety bond is valid and enforceable as regards all improvements required by this Ordinance still incomplete and for which cash deposit has not been made.
  
- (g) In the event a cash deposit has been made under subsection (e), the following regulations shall govern the same:
  - (1) Said cash deposit shall be equal to one hundred (100) percent of the total cost of construction, with said cost to be determined by City Engineer.
  
  - (2) Upon completion of each twenty-five (25) percent of construction, the City shall release twenty-five (25) percent of the deposited funds providing the City Engineer finds that such construction is in accordance with plans and specifications, and performed in a good and workmanlike manner, using only materials of good quality.
  
  - (3) The final twenty-five (25) percent shall be released after full and final completion of construction and approval of the same by the City Engineer,

if having been completed in accordance with plans and specifications, and in a good and workmanlike manner, and after the contractor has provided the City with a maintenance bond in the amount of one hundred (100) percent of the cost of the work with said bond to be issued by a reliable surety company authorized to do business in Texas. Said bond is to remain in effect for a period of one year after final acceptance and approval of construction by the City.

- (4) Any funds deposited shall be held by the City in an escrow account upon terms and conditions satisfactory to the City Attorney.

### SECTION 13. EASEMENTS

- (A) UTILITIES. Except where alleys are provided for the purpose, the City shall require easements for electricity poles, wires, conduits, storm and sanitary sewers, gas and water mains, or other utility lines. The easement shall normally be taken equally from each side of the common rear lot lines and along side lot lines. However, except as provided herein, storm and sanitary sewer lines and water mains shall be placed within the City street right-of-way. Said easements shall be a minimum total of twenty (20) feet in width from ground level to thirteen (13) feet above from ground level and shall be a minimum of thirty (30) feet from thirteen (13) feet above ground level upward. Dedicated easements shall be maintained by the owner of the property upon which the easement is located; they shall be located; they shall be located entirely on lots fronting on one street only, no structure of any type shall be placed on said easement and unrestricted passage must be

maintained at all times.

- (B) DRAINAGE. Where a watercourse, drainage way, channel or stream, traverses the subdivision, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines for such water course and of sufficient width to convey all storm and flood water flowing through as may be determined by the City Council through its authorized representative, to accommodate further width or construction and allow access for maintenance. In subdivision entirely containing 'acreage tracts' of five (5) acres or more in size, an easement will be accepted.

#### SECTION 14. COMPREHENSIVE GROUP HOUSING DEVELOPMENT

For the purpose of this Ordinance, comprehensive group housing developments shall include three (3) or more apartment units, three (3) or more townhouse units, and three (3) or more condominiums, together with necessary drives and ways of access, which may or may not be subdivided into customary lots and blocks and where street right-of-way and utility easements are not necessarily dedicated to public use. All comprehensive group housing development projects shall conform with this Ordinance and to subdivision design standards and specifications approved and adopted by the City Council.

#### SECTION 15. VARIANCES AND EXCLUDED TRANSACTIONS

(A) Variances

Where, because of topographical or other physical conditions peculiar to the site, a

subdivider can show that a provision of this Ordinance would cause an unnecessary and extraordinary hardship if strictly adhered to and that the goals of the ordinance will not be met, a variance may be granted by the City Council. The City Council may authorize variances if they deem such action proper due to such topographical or other physical conditions of the land. Any variance thus authorized is required to be entered in writing in the minutes of the Council and the reason which justified the departure shall be set forth, and such variances must be authorized by affirmative vote of not less than four (4) members of the Council. Any request for variances must be submitted, in writing, by the subdivider at the time of application for preliminary plat approval. For more information concerning the procedure and the approval of plats and amendments please refer to section 15.C.

~~(B) Excluded Transactions~~

~~—The division of a tract or tracts of land into two parcels within a two-year period by the same or different owners shall not be considered a subdivision as defined in this Ordinance. The following types of transactions will not be considered a subdivision as defined in this ordinance; however, this list is not to be considered exclusive of similar transactions and is in addition to the general rules set out in this Ordinance, to-wit:~~

- ~~1. Intra family transfers~~
- ~~2. Boundary line transaction~~
- ~~3. Court ordered partitions~~
- ~~4. Partitions between husband and wife, partners, stockholders of a corporation, and other types of joint tenants~~
- ~~5. Transfer of rights-of-way or easement~~

(C) DELEGATION OF APPROVAL RESPONSIBILITY

There is hereby delegated to the Director of Public Works and the employee who is the staff liaison for the Planning and Zoning Commission or two others as Council may direct the ability to approve: ~~The governing body of a municipality may delegate two or more officers or employees of the municipality the ability to approve:~~

(1) Amending plats described by section 212.016;LGC

212.16. Amending Plat

(A) The municipal authority responsible for approving plats may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes.

- (1) to correct an error in a course of distance shown on the preceding plat;
- (2) to add a course or distance that was omitted on the preceding plat;
- (3) to correct an error in a real property description shown on the preceding plat;
- (4) to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (5) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (6) to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorder plats.

- (7) to correct an error in courses and distances of lot lines between two adjacent lots if:
- (a) both lot owners join in the application for amending the plat;
  - (b) neither lot is abolished;
  - (c) the amendment does not attempt to remove recorded covenants or restrictions; and
  - (d) the amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- (8) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9) to relocate one or more lot lines between one or more adjacent lots if:
- (A) the owners of all those lots join in the application for amending the plat.
  - (B) The amendment does not attempt to remove recorded covenants or restrictions; and
  - (C) The amendment does not increase the number of lots;
- (10) to make necessary changes to the preceding plat to create three or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if:
- (A) the changes do not affect applicable zoning and other regulations of the municipality;
  - (B) the changes do not attempt to amend or remove any covenants or restrictions; and
  - (C) the area covered by the changes is located in an area that the

municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or

- (11) to replat one or more lots fronting on an existing street if:
  - (A) the owners of all those lots join in the application for amending the plat;
  - (B) the amendment does not attempt to remove recorded covenants or restrictions;
  - (C) the amendment does not increase the number of lots; and
  - (D) the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(2) minor plats involving three or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or

(3) a replat under Section 212.0145 of the Local Government Code that does not require the creation of any new street or the extension of municipal facilities.

(b) the designated ~~person or persons may~~ must both approve the amending plat , replat or minor plat, for any reason, elect to present the plat for approval to the municipal authority responsible for approving plats.

(c) The designated persons shall not disapprove the plat and shall be required to refer any plat, which the ~~person or persons~~ refuse to approve the municipal authority responsible for approving plats within the time period specified in Section 212.009 of the LGC.

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

## (D) AMENDMENTS TO PLAT

### SECTION 16. DEDICATION AND MAINTENANCE OF STREETS

Disapproval of a plat by the City Council shall be deemed a refusal by the City to accept the offered dedications shown thereon. Approval of a plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the City concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the City have actually appropriated the same by entry, use, or improvement.

### SECTION 17. STREET CONSTRUCTION AND RIGHT-OF-WAY

#### (A) STREETS GENERALLY.

1. All street construction shall conform to subdivision design standards and specifications, approved and adopted by the City Council.
2. Proposed new streets shall extend existing streets or the projections at the same or greater width, but in no case less than the minimum required width as set forth in the design standards and specifications. Where, in the opinion of the Council, it is desirable to provide street access to adjoining property, proposed streets shall extend to the boundary of such property. Half streets or half alleys along the boundary of land proposed for subdivision will not be permitted.
3. The minimum width of proposed streets, measured from face of the curb to face of

the curb, shall be as shown in the subdivision design standards and specifications.

4. In general, streets shall be planned to conform to existing topographic conditions. The minimum and maximum street grades shall be determined by subdivision design standards and specifications.
5. Insofar as practicable, acute angles at street intersections shall be avoided. In all cases, however, curb radii shall be determined by subdivision design standards and specifications.
6. Horizontal curves shall be determined by subdivision design standards and specifics.
6. Street intersections with centerline offsets shall not be allowed.
7. Streets designed to have one end permanently closed shall be provided at the closed end with a turnaround with a minimum right-of-way radius of fifty (50) feet and a minimum driving surface radius of forty (40) feet. Upon and after approval of this Ordinance, streets designed to have one end permanently closed shall not be permitted unless they conform to the requirements above. A cul-de-sac shall not be more than one thousand (1000) feet in length unless approved by the City Council for specific reasons of topography or engineering design.
8. Proposed streets substantially in alignment with existing and named streets shall

bear the names of existing streets. In no case shall the proposed name for any street duplicate an existing street name or be confusingly similar. The subdivider shall provide street-name signs in accordance with existing City and 911 standards.

9. No sub-grading base material, or surface treatment work may be performed before all utility and drainage work is completed.

(B) INTERNAL STREETS:

1. The sub-divider shall be responsible, at his own expense and cost, for the construction of all streets within his subdivision.
2. The Planning and Zoning Commission shall have the right to require the dedication of street right-of-ways up to seventy feet (70) in width, and the subdivider shall furnish it without charge to the City. In the event the Commission requires a dedication of right-of-way in excess of seventy (70) feet, such excess will be offered for purchase by the City at a cost no greater than current comparable land values.
3. Anything to the contrary in this paragraph notwithstanding, in the event the subdivider of a residential subdivision is required by the City to construct a street with a paved width greater than forty-four (44) feet or of a quality higher than is required by the subdivision design standards and specifications, then the City shall reimburse the subdivider for such additional cost of increasing the width of the street or the increased cost of the higher quality street provided city building procedures were

followed such reimbursement shall be made in full on or before one year from the date of the approval of the final plat and construction plans, provided construction is in accordance with the approved construction plans and with the subdivision design standards and specifications, and is completed within such one-year period.

4. Council Approval.

- a. It shall be unlawful for the City of Johnson City to maintain the streets and roads in a subdivision, and the City will not accept or maintain said streets and roads, unless and until such streets and roads have constructed as specified, the required utilities and drainage facilities have installed and such improvements have been accepted in writing by the City Council.
  
- b. All roads and streets will not receive consideration for final approval by the City Council until at least one (1) year after original construction of streets and roads is completed. In Subdivisions in which insufficient development or building has taken place after the one-year period and where there has been insufficient use of the streets and roads to insure their stability, then such streets and roads will not be accepted by the City Council until such time as there is sufficient development to insure street and road stability. Sufficient development shall be defined as fifty percent (50%) occupancy of the total lots or tracts within said subdivision. Upon final approval, title to all streets and roads shall be conveyed to the City for their maintenance by a Warranty Deed, or Grant of Right of Way that shall be acceptable to the City Council. Accompanying such deed shall be an adequate description of streets and roads, either by reference to the approved subdivision

plat or by field notes prepared by a Registered Professional Engineer from a survey made on the ground.

5. Road Construction Specifications.

From the date of adoption of Ordinance forward, all streets and roads in any subdivision for which a plat has been filed shall adhere to the Road Construction Specifications that follow, whether or not an eventual request for City maintenance is planned.

a. Streets or Road Definitions

Minimum right of way	60 feet
Minimum crown width of roadway	32 feet
Minimum width of base material	28 feet
Minimum depth of compacted base material at crown	6 inches
Minimum height at crown	6 inches
Minimum height at shoulder	6 inches
Minimum width of surface	22 feet
Minimum width of curbed section, when curbed	36 feet
Minimum type surface – Asphalt Prime Coat with 2-course asphalt treatment	

b. Base material used for roads or streets shall be crushed limestone<sup>1</sup> and comply with the requirements of the Texas Department of Transportation.

c. Sub-base material may be locally obtained caleche and should be formed

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<sup>1</sup> Or other material approved by the City Council and the City Engineer.

so that a 6" center crown (6" higher than the shoulders) is maintained when 6" of crushed limestone base material is uniformly applied.

- d. All road-building specifications shall comply with the Texas Department of Transportation regulations.
- e. The entire right-of-way will be cleared of all timber, roots, brush, fences, boulders, or other obstructions, unless a variance is granted by the City Council. Upon completion of all construction, the right-of-way shall be seeded with native grasses, or other plants as approved by the City Council.
- f. Subgrade. The preparations of the subgrade shall follow engineering practices as required by the Texas Department of Transportation. The subgrade shall be compacted by ordinary compaction by any method, type, and size of equipment, which will give the required compaction. The subgrade must be inspected and approved by the City Council or designated representative prior to any application of base material.
- g. Base material.
  - (1) Base material shall be delivered in vehicles of uniform capacity and it shall be the responsibility of the Contractor that the required amount of the specified material shall be delivered in each 100 feet station.

(2) The material shall be scarified, thoroughly wetted, mixed, manipulated, and bladed so as to secure a uniformly wetted material and pulled in over the subgrade in courses and set under the action of blading and rolling. All irregularities, depressions, or weak spots which develop shall be corrected immediately by scarifying the area affected, adding suitable material as required, reshaping and re-compacting by sprinkling and rolling.

(3) The base must be inspected and approved by the City Council's designated representative prior to the application of any surface treatment.

h. Surface Treatment.

(1) As required to comply with Texas Department of Transportation specification. In a subdivision where water lines or other utilities are installed on rights-of-way, they shall be located off and away from the roadways (paved center portion and shoulders). Fire hydrants shall be equipped with connections compatible with local Fire Department equipment.

(2) After roads and streets have been dedicated to and accepted by the City Council so that future maintenance responsibilities become a function under the City Council, the installation of any further water or utility lines, side roads, etc., on right-of-way shall be prohibited

unless expressly permitted in writing by the City Council.

- (3) Subdivisions must have control signs, guard rails, and other safety features installed at required locations on all subdivision right-of-way dedicated for public use. Culverts and bridges shall be at least as wide as the roadway portions (pavement and shoulders) of the streets and roads. Bridge abutments or other drop-offs located at the edge of the shoulder portions of any road or street shall be indicated by installation of protective posts or other devices equipped with reflectorized markers.
- (4) Right-of-way dedicated to public use shall be kept clear of tall weeds and brush so that property lines, drainage ditches, and hazardous conditions shall be readily distinguishable. Large trees that lend natural beautification to an area may be left in place on a right-of-way provided that safety on the streets and roads is not impaired.
- (5) The installation of any traffic control sign, such as denoting speed limits, yield right-of-way, stop signs, stop ahead signs, etc., shall be coordinated with the Johnson City Police Department which shall have control of law enforcement activities on all roads, streets, and thorough-fares dedicated to public use in Johnson City whose roads have been accepted by the City. Speed limit designations of public streets should be assigned in accordance with street and road

conditions, but under no circumstance shall speed limits exceed thirty (30) miles per hour. Thoroughfares not dedicated to public usage shall be clearly marked as such.

- (6) In cases where the new roads and streets as platted intersect with established roads and streets, the new roads and streets shall be if practicable, a continuation without offset of any intersecting road or street on the opposite of said established road or street.
- (7) Adequate off-street parking space must be provided in business or commercial areas.

i. Drainage

- (1) Generally, it is desired that surface drainage from private property be taken to roads and streets, or drainage courses as quickly as possible, but the practice of using roads and streets as major drainage courses is prohibited.
- (2) Design of channels shall consider velocities and shall be shaped, graded, lined, or protected to minimize or prevent scour and erosion from excessive velocities. This requirement shall extend to roadside drainage ditches often called 'bar' ditches. Seeding of native grasses or other plants as approved by the City Council shall be required to deter erosion.

- (3) All drainage structures shall be of permanent type, with concrete or metal. Drainage calculations shall be made using Talbot's Formula or other methods satisfactory to the City. Drainage structures shall be designed using a ten- (10) year flood frequency. The size of the culverts shall be subject to the approval of the City Council, but under no circumstances shall they be less than twenty-four (24") inches in diameter.
- (4) All roadways crossing streams or roadways subject to flooding must be rip-rapped on both sides as specified by the City. Concrete used as rip-rap must test 2500 psi.

## SECTION 18. CONSTRUCTION OF WATER, SEWER AND DRAINAGE FACILITIES

(A) DEDICATION OF RIGHT OF WAY. The sub-divider shall, at his own cost, dedicate such right-of-way and construct such storm sewers, drainage ditches, sanitary sewers, water mains and water lines, of such a size as to adequately serve (as recommended by the City Engineer and approved by the City Council) the area being subdivided; however, if the City should require the dedication of additional right-of-way or the construction of storm sewers, drainage ditches, sanitary sewers or water mains of a size greater than set out above, then the City shall, within one year after the date of approval of the final construction plans, provided construction has been completed within such one-year period and on accordance with the approved constructions plans, reimburse the

subdivider for any increased cost of such facilities provided city building procedures were followed. All such facilities shall be constructed in accordance with subdivision design standards and specifications approved and adopted by the City Council.

(B) OFFSITE IMPROVEMENTS. Where it is necessary, in order to properly serve the subdivision, that extension of existing City utilities be made or that drainage facilities are herein referred to as “offsite improvements,” the sub-divider shall install such offsite improvements at his own expense.

(C) WATER AND SEWER.

1. General. With respect to all utilities not furnished or supplied by the City, the sub-divider shall make the necessary arrangements therefor with the applicable private utility companies and the City and shall furnish the City Council at the time the preliminary plat is filed with satisfactory evidence from such utility companies that such utilities will be installed throughout such subdivision and the terms and conditions for install same. No owner or developer shall sell any portion of the property until completed utilities are available without City Council approval and posting of a bond.

2. Utilities Furnished or Supplied by City.

a. Sewer. Sanitary sewer shall be installed to serve each lot in all subdivisions when connections are to be made immediately to a community disposal system or to a public sewage system. When such connection to a system is not to be made immediately, plans shall be prepared for future development and installation of a

sewage collecting system to serve each lot and those parts of such system that will lie in the portions of the streets and alleys intended for vehicular traffic should be installed. If sewer is not available or if the Council deems it not feasible to extend the sewer service to the addition septic systems may be installed ~~in accordance with County regulations on on lots no smaller than one (1) acre.~~ Onsite sewage facilities shall be allowed within the boundaries of the City of Johnson City according to Texas Health and Safety Code, Chapter 366 on Site Sewage Disposal Systems and On Site Sewage Facility Rules, Title 30 T.A.C Chapter 285 onsite sewage Facilities.

- b. Water. Water lines shall be installed to serve each lot in all subdivisions within the corporate limits of the City and within the extraterritorial jurisdiction thereof with exceptions as hereinafter set out. Where such connections to a system are not to be made immediately, plans shall be prepared for future development and installation of a water distribution system to serve each lot and those parts of such system that will lie in the portions of the streets and alleys intended for vehicular traffic should be installed prior to the streets being paved. The City shall approve all plans for sewer and water systems.
  
- c. If a new subdivision is so located that the utilities supplied by the City are not immediately available the sub-divider may be required to furnish the City Council satisfactory evidence including but not limited to 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 subsurface water sources on the land and that soil

conditions are such that satisfactory sewage disposal can be provided by the use of approved septic tanks or similar devices.

- d. The sub-divider may enter into a contract with a private contractor for the installation of water and sewer facilities, provided, however, that plans, specifications, contract documents and contract prices shall be approved by the City Council prior to the time that work is actually commenced.
- e. Upon approval and acceptance of the utilities (water and sewer) are installed by private contractors or upon completing thereof by the City with its personnel and equipment, the systems become the property of the City.

#### SECTION 19. BLOCKS

Blocks shall not be more than one thousand (1000) feet in length.

#### SECTION 20. LOTS

- (A) LOT LINES. Insofar as practicable, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a street, which is connected with the public street system.
- (B) LOT SIZE. Minimum lot size for single family and multi-family residential lots, condominiums and townhouses shall be established by the City Council.

(B) SEPTIC. If sewer is not available, as determined by the City Council, septic systems may be installed in accordance with County regulations and on lots no smaller than one (1) acre.

## SECTION 21. ENFORCEMENT

- (A) RECORDING OF PLAT. No plat of any subdivision shall be entitled to be recorded in the County Clerk's office or have any validity until it shall have been approved in the manner prescribed herein.
- (B) SALE OF LAND IN SUBDIVISIONS. No owner or agent of the owner of any land located within a subdivision shall sell or convey any land before such plan or plat has been given approval in the manner prescribed herein. Sale or conveyance shall be deemed to include conveyance by long-term lease (longer than 3 years) or contract for deed. The conveyance of real property included in the subdivision may be by lot and by block following recordation of the plat.
- (C) BUILDING AND REPAIR PERMITS.
1. The City shall not issue building or repair permits for any structure on a lot in a subdivision for which a plat has not been approved or recorded.
  2. The City shall not issue building or repair permits for any structure on a lot in a subdivision in which construction of the street serving such lot has not been completed except as provided for in Section 10.

3. The City shall not issue building or repair permits for any structure located farther from a pressurized fire hydrant than that distance prescribed, provided the structure is within five hundred (500) feet of a six- (6) inch water line.
  4. No certificate of occupancy shall be issued for any building on a lot in a subdivision in which all-underground utilities, drainage, and street improvements have not been completed in the manner prescribed herein.
- (D) PUBLIC IMPROVEMENTS. The City hereby defines its policy to be that the City will withhold all public improvements of whatever nature, including the maintenance of streets and the furnishing of sewer and water service from all subdivisions that have not been approved, and from all areas dedicated to the public that have not been accepted in the manner prescribed herein. All other public utilities are prohibited from providing other utility service to property that has not been subdivided in accordance with this Ordinance.
- (E) REVISION OF PLAT AFTER APPROVAL. No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Planning and Zoning Commission, and endorsed in writing on the plat, unless such changes are approved by the Commission.

## SECTION 22. REPEALER

All ordinances and parts of ordinances in conflict herewith are and the same is hereby repealed.

## SECTION 23. PROVIDING FOR SEVERABILITY

If any section, clause, paragraph, sentence, or phrase of this ordinance shall, for reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence, or phrase shall in no way affect the remainder of this ordinance, and it is hereby declared to be the intention of the City Council of the City of Johnson City, Texas, that the remainder of the ordinance would have been passed notwithstanding the validity or unconstitutionality of any section, clause, paragraph, sentence, or phrase thereof.

## SECTION 24. CITY COUNCIL APPROVAL OF EXPENDITURE OF CITY FUNDS

The City Council shall review all expenditures of City funds in cases regarding requests for the dedication of park sites, additional rights-of-way or the construction of storm sewers, channels, sanitary sewers, water mains or streets of a size greater than set out in this ordinance, and the subdivision design standards and specifications.

The City Council must approve any additional facilities of a size greater than set out in this ordinance and the subdivision design standard and specifications, prior to the start of construction or approval of final plat.

PASSED AND APPROVED THIS THE 20<sup>th</sup> DAY OF MAY, 2008.

CITY OF JOHNSON CITY, TEXAS

ATTEST: \_\_\_\_\_  
Pat Dildine, City Secretary

BY: \_\_\_\_\_  
Kermit Roeder, Mayor