

CITY OF PORT ISABEL
COMPREHENSIVE PLAN
PLANNING PERIOD 2005-2015

APRIL, 2005

J. SUBDIVISION ORDINANCE

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The data, information, analysis, and recommendations presented herein are exclusively for planning and budgeting purposes and do not constitute engineering analysis or detailed cost estimates. Engineering for each of the recommended tasks are beyond the scope of these studies and should be performed in the customary fashion as projects are defined and implemented.

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J. INTRODUCTION

This chapter contains a new proposed Subdivision Ordinance as prepared by **Ricardo Gomez & Associates (RGA)** and reviewed by City Staff. It's presented as the *recommended* Ordinance for the City. The Ordinance was prepared to direct the platting of land consistent with the proposal's of the City's previously prepared Land Use Plan. The Ordinance was based on sound platting and planning principles and consistent with all applicable laws. For references purposes only, a copy of the existing ordinance is also contained herein.

SUBDIVISIONS

ORDINANCE NO. _____

AN ORDINANCE PROVIDING RULES AND REGULATIONS FOR THE PLATTING AND SUBDIVISION OF LANDS WITHIN THE CORPORATE LIMITS AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE **CITY OF PORT ISABEL, TEXAS**; PROVIDING FOR THE GRANTING OF AUTHORITY TO THE CITY TO IMPLEMENT SUCH RULES, REGULATIONS, STANDARDS, AND SPECIFICATIONS; DEFINING TERMS; PROVIDING FOR A METHOD OF APPROVING AND MANDATORY REFERRAL OF SUCH PLATS AND SUBDIVISIONS BY SAID CITY; PROVIDING SAFEGUARDS AND SPECIFICATIONS FOR STREETS, UTILITIES, AND OTHER PUBLIC IMPROVEMENTS IN SAID SUBDIVISION; PROVIDING FOR VARIANCE; PROVIDING FOR CONFLICTS WITH OTHER ORDINANCES, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE; PROVIDING FOR ENFORCEMENT; PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE COMMISSIONERS OF THE **CITY OF PORT ISABEL, TEXAS**

Section 1.01. Authority.

This Ordinance is adopted under the authority of the Constitution and Laws of the State of Texas, including particularly, Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as amended (compiled as Article 974a, Vernon's Texas Civil Statutes), the provision of Section 4 of the Municipal-Annexation Act as amended (compiled as Article 974a, Vernon's Texas Civil Statutes), and Subchapter A. Regulations of Subdivisions, Sub-Section 212, Texas Local Government Code.

Section 1.02. Purpose.

The purpose of this Ordinance is to provide for the orderly, safe, and healthful development of the area within the City and within the area surrounding the City and to promote the health, safety, morals, and general welfare of the community.

Section 1.03. Conformance to general plan.

No plat or subdivision of land within the **City of Port Isabel, Texas**, and within its extraterritorial jurisdiction as determined by Article 974a, Vernon's Texas Civil Statutes, and Article 970a, Vernon's Texas Civil Statutes, and Subchapter A. Sub-Section 212, Texas Local Government Code, shall be approved unless the plat conforms to the general plan of said City and its roads, streets, alleys, easements, parks, playgrounds, and public utility facilities, including those which have been or may be laid out, and to the general 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.

Section 1.04. Defining terms.

For the purpose of this Ordinance the following terms, phrases, words, and their derivation shall have the meaning ascribed to them in this section. When consistent with the context, words used in the present tense shall include the future; words in the plural include singular. The word “shall” is always mandatory while the word “may” is merely directory. Those words not expressly prescribed herein are to be construed in accordance with the Zoning Ordinance or other applicable ordinance of the City, or in the absence of such ordinances, then in accordance with customary usage in municipal planning and engineering practices.

Alley: A minor public right-of-way which is used primarily for vehicular service access to the back or sides or properties otherwise abutting on a street, and not intended to provide the primary means of access to abutting lots.

Office: reference made to any office in this ordinance by title means the person employed or appointed by the City in that position, or his duly authorized representative.

Board: *The City of Port Isabel* Planning and Zoning Board, an appointed advisory board.

Building setback line: The line within a property defining the minimum permissible horizontal distance between a building and the adjacent street right-of-way line.

City: *The City of Port Isabel , Texas.*

City Commission: The duly elected members of the City Commission

Comprehensive general plan: The comprehensive plan *is* a statement of public policy containing the goals and objectives of the community, the capital improvement program, the land use plan, the major thoroughfare plan, the community facilities plan, the subdivision and zoning regulations, and other development codes, ordinances, policies and plans or amendments promulgated by the City Commission for the quality and orderly growth of the community.

Crosswalk: A public right-of-way, six (6) feet or more in width between property lines, which provides pedestrian circulation.

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

Dead-end street: A street, other than a cul-de-sac, with only one outlet.

Engineer: A person duly authorized under the provisions of the Texas Engineering Registration Act, as hereto fore or hereafter amended, to practice the profession of civil engineering.

Extraterritorial jurisdiction; annexations (ETJ/A): The extent of a City’s ability to annex territory located outside its corporate boundary as determined by Chapter 42, of the Texas Local Government Code.

Extent of Extraterritorial Jurisdiction

City Population

Less than 5,000	½ mile of City boundaries
5,000 to 24,999	1 mile beyond City boundaries
25,000 to 49,999	2 miles beyond City boundaries
50,000 to 99,999	3 ½ miles beyond City boundaries
100,000 or more	5 miles beyond City boundaries

Extraterritorial Jurisdiction/P(ETJ/Platting): The extent of a City’s ability to control subdivisions located outside its corporate boundary as determined by Chapter 212.001 which states “Extraterritorial Jurisdiction” means a municipality’s extraterritorial jurisdiction as determined under Chapter 42, except that for a municipality that has a population of 5,000 or more and is located in a county bordering the Rio Grande River, “extraterritorial jurisdiction” means the area outside the municipal limits but within five miles of those limits.

Manufactured Homes: HUD-Code: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing & Urban Development (HUD), transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

Mobile Home: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air condition, and electrical systems.

Mobile home and/or Recreational Vehicle subdivision: A unified development of single-family mobile home and/or Recreational vehicle lots for sale, lease or rental meeting all the requirements of this Ordinance and other ordinances as may apply.

Lot: 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 improvements; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed for record.

Ordinance: City of Port Isabel, Texas, Ordinance No. _____ - Subdivision Ordinance.

Pavement width: the portion of a street available for vehicular traffic where curbs are laid; it is the portion between the face of curbs.

Person: Any individual, association, firm, corporation, governmental agency, or political subdivision.

Planner, land or city: A person having an occupation classified as city or land planning.

Plat: A map or drawing of a tract of land which presents the developer's plan of his subdivision. As a general rule, the plat will show the tract's location, boundaries and area, as well as individual lot boundaries, proposed streets, alleys, utility easements, public areas and other information the City must have to determine whether the proposed subdivision complies with the requirements of local regulations for approval and a copy of which the developer intends to file for record.

Seawall: A structure placed at or near the shoreline with the purpose of separating the earth from the water and protecting the earth by its imperviousness to water, having the ability to withstand the force of normal wave and tidal action from the seaward side, and having the ability to withstand the force and weight of the elevated earth on the landward side.

Street: A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

- (a) An "arterial" is a free-flowing street normally the main thoroughfare through a community, receiving traffic from collector and minor streets.
- (b) A "collector" street carries traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- (c) A "minor" street is one used primarily for access to abutting residential property.

Sub-divider: Any person or agency dividing or proposing to divide land so as to institute a subdivision as the term is herein defined. If any event, the term "sub-divider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be subdivided. The word "developer" may be used synonymously with the word "sub-divider."

Subdivision: A division of any tract of land situated within the corporate limits of the City or within the extraterritorial jurisdiction of such limits, into two (2) or more parts for the purpose of developing any tract of land or making any addition to any town or city, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision includes re-sub-division, but it does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new street, alley or easement of access. "Sub-division" or "re-subdivision" shall also include the development, within the corporate limits of the City or within its extraterritorial jurisdiction of a mobile home or recreational vehicle park.

Surveyor: A licensed state land surveyor or a registered public surveyor, as authorized by the state statutes to practice the profession of surveying.

Suburban subdivision: All subdivisions within the extraterritorial jurisdiction of the City, within FIVE mile from the corporate limits of the City or as determined by agreement with other municipalities in the area.

Total costs: Costs of a completed system including engineering and contingencies.

Urban subdivision: A subdivision within the corporate limits of the City.

Utility easement: An interest in land granted to the City, to the public generally, and/or to a private utility corporation for the installation of and maintaining utilities across, over, or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Section 1.05. General policies.

- A. No permit shall be issued within the City by the City for the installation of septic tanks upon any lot in a subdivision within the corporate limits of the City. No permit shall be issued for the installation of a septic tank located in a lot within the extraterritorial limits of the City unless and until said lot has complied with all City and state regulations governing said installation.
- B. No building, repair, plumbing, or electrical 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 or referred to 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 sell or supply any water or sewage 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. In behalf of the City, the City attorney shall, when directed by the City, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this ordinance or the standards referred to herein with respect to any violation thereof which occurs within the City, or within the extraterritorial jurisdiction of the City as determined by agreement with other municipalities in the area, or within any area subject to all or a part of the provisions of this ordinance.
- 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 Commission shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that the provisions of paragraphs (a), (b), (e) and (d) of this section will apply to the subdivision and the lots therein. The City Secretary shall, when directed by the City, 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. 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 paragraphs (a), (b), (e) and (d) of this section no longer apply.
- G. Provided, however, that the provisions of this section shall not be construed to prohibit the issuance of building, repair, plumbing, or electrical permits with respect to any lots or building tract, nor prohibit the repair, maintenance, or installation of any street or public utility services, for, to, or abutting any lot, in these instances: where the last recorded conveyance of such lot or tract prior to passage of this Ordinance was by metes and

bounds; or where a building is in existence on said lot prior to passage of this Ordinance; or where such subdivision, whether by recorded plat or by actual occupancy and use, was in existence prior to the passage of this Ordinance.

- H. A mobile home subdivision shall have no less than twenty-five (25) lots in each stage of development, and the initial or first stage shall contain at least ten (10) acres. A mobile home subdivision shall be restricted to mobile homes and/or recreational vehicles, except for non-dwelling facilities and attached enclosed porches, covered patios, carports and storage structures.
- I. Any developer seeking to establish a suburban subdivision lying partly within and partly without the extraterritorial jurisdiction of the City of Port Isabel shall, as a condition precedent to plat approval, be required to develop the entire subdivision in accordance with the terms of this Ordinance.
- J. Any developer of a subdivision lying outside the corporate limits of the City who requests City utility service for such subdivision shall, by such request, be deemed to consent and agree, and by such request shall expressly consent and agree to the applicability and enforceability of this ordinance and the housing, plumbing, building, fire and electrical codes of the City of Port Isabel to such subdivision, such express agreement to be binding upon such developer's successors and assigns. If utility extension is required, such extension will be made, at the developer's cost.
- K. Whenever there shall be a subdivision of land within the area between the extraterritorial jurisdiction of the City of Port Isabel, Texas, and a distance of five (5) miles from the corporate limits of the City; unless such area shall also be located in the extraterritorial jurisdiction of an adjoining city, any person so subdividing such property shall file a subdivision plat with the Planning and Zoning Commission of the City, for approval by the City. Such plat shall not be approved, unless it conforms to the general plan and requirements as promulgated by the Commissioners' Court of Cameron County, Texas. The Planning Commission of the City of Port Isabel is hereby authorized to approve any such plats on behalf of the City and thereafter submit the same to the County Commissioners' Court for its approval. Plat includes "re-plat".
- L. For subdivisions with lots of one acre or less, the final plat shall be accompanied by a document containing a description of the water and sewer service facilities that will be constructed or installed to service the subdivision, a statement of the date by which the facilities will be fully operable, and a document prepared by an engineer registered to practice in the State of Texas certifying that water and sewer service facilities described in the plat and attached documentation are in compliance with the Model Rules adopted by the Texas Water Code.
- M. Number of dwelling units per lot. No more than one single-family detached dwelling shall be located on each tract or lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Notice of this restriction must be given by the seller to purchasers prior to execution of any binding agreement for sale or conveyance of any real estate. Proposals which include multifamily residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design. Upon the violation of any requirement hereof, the City Commission or its authorized representative is specifically authorized to seek injunctive relief preventing the sale of any or all lots within such subdivision and requirements as provided for

hereunder. *[This section applies in only those sections of the City, or zones, where dwelling units are permitted.]*

Section 1.06. Variance.

The Planning and Zoning Board may recommend variance from this ordinance to the City Commission when in its opinion; undue hardships will result from requiring strict compliance. In recommending a variance, the Planning and Zoning Board shall prescribe only conditions that it deems necessary or desirable in the public interest. In making the findings herein below required, the Planning and Zoning Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance can be recommended, unless the Planning and Zoning Board finds:

- (1) That a written request of the developer is submitted in advance of making such request;
- (2) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;
- (3) That the granting of a variance is necessary for the preservation and enjoyment of the legal property rights of its owner;
- (4) That the granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to the legal rights other property owners enjoy in the area; and
- (5) That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance. Such findings of the Planning and Zoning Board, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Planning and Zoning Board meeting at which such variance is considered. Variance may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety, and welfare may be secured and substantial justice accomplished. Financial hardship to the sub-divider, standing alone, shall not constitute undue hardship.
- (6) The City Commission of the *City of Port Isabel* shall have the ultimate power to grant or reject variance upon receipt of a notice from the Planning and Zoning Board.

Section 1.07. Administrative enforcement.

a. *City of Port Isabel* may elect at its option to enforce one or more of the following options to this ordinance:

- (1) Denial of plat approval. Section 974a, Vernon's Texas Civil Statutes, Section 5 - "that no plat shall be recorded unless it contains such data, nor shall any court clerk record a plat which has not received the prior approval of the appropriate legislative body of a City or Planning and Zoning Board".

- (2) Institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance.
- (3) Denial of public utilities.
- (4) Denial of building permits.

- b. Any person residing in any subdivision shall have the requisite standing and authority to enforce the standards established pursuant to this ordinance and may file suit in any court of competent jurisdiction for his damages or for any declaratory or injunctive relief or such other relief as may be deemed appropriate.

Section 1.08. Authority of the City Secretary.

The City Secretary is hereby authorized to promulgate, or to have promulgated and to file for public record and use rules regulations, standards and specifications for the construction, installation, design, location, arrangement of streets, curbs, street lights, street signs, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, criteria for drainage easement requirements, drainage facilities and crosswalks, but all such rules, regulations, standards, and specifications shall be subject to the approval of the City Commission. No such rules, regulations, standards and specifications shall conflict with this or any other ordinances of the City. All such improvements shall be constructed, installed, designed, located and arranged by the sub-divider in accordance with such rules, regulations, standards and specifications

PLATTING REQUIREMENTS

Section 2.01. Preliminary conference.

Prior to the official filing of a preliminary plat, the sub-divider, his planner, or representative shall consult with and present a proposed plan of subdivision to the City planner for comments and advice on the procedures, specifications, and standards required by the City for the subdivision of land.

Section 2.02. Preliminary plat and accompanying data.

- (A) **General.** The sub-divider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this ordinance; plat may be prepared in conjunction with a land planner.
- (B) **Time for filing and copies required.** The sub-divider shall file thirteen (13) blue or black line copies of the plat or re-plat together with the original, with the city planner at least thirty (30) days prior to the date at which formal application for the preliminary plat approval is made to the Planning and Zoning Board.
- (C) **Filing fees.** Such plat shall be accompanied by a filing fee of [*Two hundred and fifty dollars (\$250.00)*] per plat. No action by the Planning and Zoning Board shall be valid until the filing fee has been paid. This fee shall not be refunded should the sub-divider fail to make formal application for preliminary plat approval or should the plat be

disapproved by the Planning and Zoning Board.

- (D) **Plan review fee.** A plan review fee shall accompany the filing fee. *[The base fee is \$250.00 for all proposed subdivisions. (This fee shall not be refunded should the plat be disapproved by the planning commission or withdrawn by the Sub-divider) In addition to the plan review fee, all proposed subdivisions will be assessed an additional two percent (2%) construction inspection and plan fee as determined by the City Engineer. (Said additional fee shall be due immediately upon Final Plan approval).]*
- (E) **Form and content.** The plat shall be drawn to a scale of one hundred (100) feet to one (1) inch. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:
- (1) Names and addresses of the sub-divider, record of owner(s) of land to be subdivided, and the engineer and/or surveyor preparing the plat.
 - (2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the City or within the extraterritorial jurisdiction of the City.
 - (3) Description by metes and bounds of the subdivision.
 - (4) Primary control points, description and location and ties to such control points from which all dimensions, angles, bearings, block numbers and similar data shall be referred. Control point designations shall meet all requirements of the appropriate state statutes.
 - (5) Subdivision boundary lines shall be indicated by heavy lines, and the actual acreage of the subdivision shown.
 - (6) Existing conditions as follows:
 - (a) The exact location, dimensions, name, and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of way within the subdivision, intersecting, or contiguous with its boundaries or forming such boundaries.
 - (b) The exact location, dimensions, description, and flow line of existing water courses and drainage structures within the subdivision or on contiguous tracts.
 - (c) The exact location, dimensions, description and name of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision.
 - (7) The exact location, dimensions, grade, description and name of all proposed streets, alleys, drainage structures, irrigation lines; location of electric, gas, telephone, television cable, parks; other public areas, reservations, easements, or other rights-of-way, blocks' lots and other sites within the subdivision.

- (8) Date of preparation, scale of plat and north arrow.
- (9) Topographic information shall include elevations on a one hundred-foot grid, including elevations of flow line of gutters, center line of streets and drainage ways and shall include contour lines at a vertical interval that will accurately show the slope and shape of the existing ground. It shall also include an engineer's detailed statement describing the drainage patterns of the subdivision and the adequacy of the proposed plan.
- (10) A number or letter to identify each lot or site and each block.
- (11) Building set back lines on fronts of all lots and sites and side yard building set back lines at street intersections.
- (12) Location of the City's corporate limits lines, the outer border of the City's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision or are contiguous to such boundary.
- (13) Topographic and utility details shall be shown on a separate plat.
- (14) Restrictive covenants imposed on the land, if desired by the sub-divider, are to be shown on the plat, or on a separate document, to be made a part thereof, or recorded by separate document in the office of the county clerk. If not shown on the recorded plat, a copy of such restrictions, with recording data thereon, shall be furnished to City.
- (15) Vicinity sketch or map at a scale of lot more than one hundred (100) feet to an inch which shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric and sanitary sewer connections by arrows.

(F) Processing of preliminary plat.

- (1) The City Planner shall check the preliminary plat as to its conformity with the general plan, major street plan, land use plan, zoning districts and the standards and specifications set forth herein or referred to herein.
- (2) He shall review all proposed subdivision plats to determine if the proposed subdivision is reasonably safe from flooding and that the grade inclinations for all streets, alleys, and lots are established and recorded on the plat to assure maximum drainage within the dictates of the general topography of the platted area and the areas surrounding the subdivision.
- (3) It shall also be determined that all public utilities and facilities are located and planned to minimize or eliminate flood damage.
- (4) Mandatory referral. All proposed preliminary plats and subdivisions of land within the City and its extraterritorial jurisdiction shall be submitted by the developer to the planner for referral review, and comment within ten (10) days by

the various governmental departments and the various private utility companies such as the phone company, electric company, the gas company and any water supply and irrigation districts as may apply.

- (5) The planner shall forward the preliminary plat and accompanying data to the Planning and Zoning Board with recommendations as to modifications, additions alterations of such plat data.
- (6) Within thirty (30) days after the preliminary plat is formally filed with the planning official, the Planning and Zoning Board shall: (1) approve or (2) disapprove the preliminary plat (3) conditionally approve with modifications. The Planning Board shall inform the sub-divider, of the reasons at the time such action is taken, unless the sub-divider is present at such meeting.
- (7) Approval of a preliminary plat by the Planning and Zoning Board shall be deemed as an expression of approval of the layout submitted on the preliminary plat and as a guide to the installation of streets, water, sewer, and other required improvements and utilities and to the preparation of the final or recorded plat. Conditional approval of a preliminary plat shall not constitute an automatic approval of the final plat.
- (8) Approval or conditional approval of a preliminary plat shall be effective for only one year unless reviewed by the Planning and Zoning Board in the light of new or significant information which would necessitate a revision of the preliminary plat. If the Planning and Zoning Board should deem changes in a preliminary plat as necessary, it shall so inform the sub-divider in writing.
- (9) If no development has occurred which would affect the proposed plat after six (6) months of effective approval, approval is automatically revoked, except that the Planning Board may, upon the applications of the sub-divider, extend the approval for an additional six (6) months. If, at the end of this six-month extension no development has occurred, the preliminary approval shall be automatically revoked without further consideration.
- (10) Approval of the preliminary plat may be considered as approval of the final plat if no changes are required by the Planning and Zoning Board and all requirements herein are included on the plat ***[and all applicable water and sewer fees have been paid in full.]***

Section 2.03. Final plat.

(A) Form and content.

- (1) The final plat and accompanying data shall conform to the preliminary plat as approved or conditionally approved by the Planning and Zoning Board incorporating any and all changes, modifications, alterations, corrections, and conditions recommended by the Planning and Zoning Board.
- (2) The final plat shall be drawn at a scale of one hundred (100) feet to one (1) inch. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

- (3) The final plat shall be submitted in two (2) originals and six (6) copies at least two (2) weeks prior to the date that it is to be considered for final approval before the Planning and Zoning Board and/or City Commission. ***[The final plat shall also be submitted in digital format, as directed by the City.]*** It shall contain all of the features required for preliminary plats in section 2.02 above, and it shall be accompanied by site improvement data bearing the seal of an engineer or a registered public surveyor.
- (4) The final plat and the accompanying site improvement data shall be referred to the City Commission when recommended by the Planning and Zoning Board.
- (5) In addition to the various requirements for the preliminary plat, the final plat shall also include the following:
 - (a) The exact locations, dimensions, name, and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of way, blocks, lots, and other sites within the subdivision with accurate dimensions, bearing or deflection angles, degree of curvature, tangent distance and length of all curves where appropriate.
 - (b) The exact location, grade, dimension, description, and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other public rights-of-way, blocks, lots and other sites within the subdivision with accurate dimensions, bearing or deflection angles and radii, area, central angles, degree of curvature, tangent distance and length of all curves where appropriate.
 - (c) The exact location, grade, dimensions, description and name of all proposed drainage structures and irrigation lines; location of electric, gas, telephone and television cables.
 - (d) An engineer's statement of the minimum permissive floor elevation that will protect the improvements from flood and high waters.
 - (e) A contractual agreement signed by the owner(s) of the proposed subdivision transferring all water rights to the City or in lieu of the transferring of water rights, a financial guarantee for a sum to purchase water rights sufficient to service the proposed subdivision, as determined by the City Engineer.
 - (f) A contractual agreement signed by the owner(s) of the proposed subdivision guaranteeing the buy-in cost for the treatment of wastewater and the treatment of potable water sufficient to service the proposed subdivision as determined by the City Engineer.
- (6) The final plat shall also include the following:

- (a) Owner's acknowledgment.

State of Texas,
County of Cameron

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ___
_____ day of _____, 200__.

Notary Public in and for
_____ County, Texas

- (b) Certification by the chairman of the Board. I, the undersigned, Chairman of the Planning and Zoning Board of the City of Port Isabel, hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations of this City wherein my approval is required.

Chairman, Planning and Zoning Board

- (c) Certification of the surveyor responsible for surveying the subdivision area, attesting to its accuracy.

The State of Texas,
County of Cameron

I, the undersigned, a (public surveyor) in the State of Texas, hereby certify that this plat is true and correctly made and is prepared from an actual survey on the property made under my supervision on the ground, and further certify that proper engineering consideration has been given to this plat.

(Seal)

Registered Public Surveyor

- (d) Certification of the Mayor of the City of Port Isabel, Texas I, the undersigned, Mayor of the City of Port Isabel, Texas, hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations of this City wherein my approval is required.

Mayor, City of Port Isabel, Texas

- (e) Approval by water district or supplier:

This Plat approved by _____ Water
District on this day of _____, 200_

President

Secretary

(B) Processing of final plat. After the City Commission meets and approves the final plat, it may be considered officially approved when all fees and expenses incurred have been paid, and when all requisites of the subdivision ordinance or any other condition placed by the City Commission have been met.

Section 2-04. Standards and specifications.

No preliminary or final plat shall be approved by the Planning and Zoning Board and no completed improvements shall be accepted by the City unless they conform to the following standards and specifications:

(1) GENERAL.

- (a) Conformity with comprehensive plan. The subdivision shall conform to the comprehensive plan of the City and parts thereof as specified in section 6-1.03 of this Ordinance.
- (b) Provisions for future subdivision. If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.
- (c) Reserve strips prohibited. There shall be no reserved strips controlling access to land dedicated or intended to be dedicated to public use.

- (d) Provisions for annexation. All proposed subdivisions located outside the existing City limits of the City, but within the City's extraterritorial jurisdiction (ETJ/A), will first request voluntary annexation into the City. No action on preliminary or final plats will be final until after annexation procedures are complete.

(2) STREETS.

- (a) Street layout. Adequate and paved streets shall be provided by the sub-divider and the arrangement, character, extent, width, grade and location of each shall conform to the comprehensive plan of the city and shall be considered in their relation to existing and planned streets, to topographic conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of lands to be served by such streets. The street layout shall be devised for the most advantageous development of the, entire neighborhood.
- (b) Relation to adjoining street systems. Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets and in alignment therewith.
- (c) Projection of streets. Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provisions for the proper projection of streets into such un-subdivided areas.
- (d) Street jogs. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- (e) Street intersections. Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain, topography, site distances and safety.
- (f) Dead-end streets. Dead-end streets shall be prohibited except as short stubs to permit future expansion. These stubs will have a radius of not less than the minimum required for the safe turn around of all emergency vehicles.
- (g) Cul-de-sacs. In general, cul-de-sacs shall not exceed six hundred (600) feet in length, and shall have a turnaround of not less than one hundred (100) feet in diameter (R.O.W.) with a pavement diameter of eighty (80) feet in residential areas and shall have a turnaround not less than two hundred (200) feet in diameter (R.O.W.) with pavement diameter of one hundred eighty (180) feet in commercial and industrial areas.
- (h) Streets on comprehensive plan. Where a subdivision includes a street as shown on the major streets plan of the City, that street shall be platted in the approximate location shown on the plan. The right-of-way shall be equal to or greater than that indicated on the comprehensive plan for streets.
- (i) Minor streets. Minor streets shall be laid out so as to discourage their use by fast and through traffic.
- (j) Pavement widths and rights-of-way.

- (1) Major and secondary thoroughfares shall have right-of-way widths and pavement widths as shown in typical street cross sections of the major streets plan. The City Commission may require a minimum right-of-way width of not more than ***[one hundred-twenty (120) feet]*** in those cases where such additional width is considered advisable in the opinion of said Commission.
- (2) Collector streets shall have a minimum right-of way of sixty (60) feet and a pavement width as specified by the City.
- (3) Minor streets shall have a right-of-way of at least fifty (50) feet and a minimum paved width, including curb and gutter, of ***[thirty-two (32) feet back-to-back of curb.]***

- (k) *Pavement widths and rights-of-way of streets* forming part of the boundary subdivision (adjacent) shall be as follows:

Where the proposed subdivision abuts upon an existing street or half-street that does not conform to subparagraph (j) of this section, the sub-divider shall dedicate right-of-way width sufficient to make the full right-of-way width conform to such subparagraph, and there shall be paved so much of such right-of-way as to make the full pavement width comply with such paragraph. (Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back two (2) feet to assure an adequate sub-base and pavement joint. No half-street will be permitted in new subdivisions.)

- (k) *Curbs*. Curbs and gutters shall be installed by the sub-divider on both sides of all interior streets, and on all streets forming part of the boundary of the subdivision, ***[as specified by the City Engineer and as per City specifications.]***
- (l) *Street construction*. 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, and shall conform to the existing street naming system. Street signs will be provided and installed by the sub-divider, including any traffic control signs, (e.g. stop signs, crosswalk signs, etc.) as specified by the City and all signs shall conform to City standards and shall be installed at the expense of the sub-divider.

(3) ALLEYS.

- (a) *Width and paving*. Alleys shall be provided at the rear of all lots intended to be used for business purposes and in all residential areas, and shall be generally parallel to the street, shall not be less than twenty (20) feet wide and shall be paved in business areas under City engineering standards. The rights-of-way for alleys shall be dedicated to the public, and the land dedicated shall be suitable for vehicular and pedestrian traffic.) Residential alleys may be waived by the City if allowances for utilities are provided in the front of the lots.
- (b) *Intersecting alleys and utility easements*. Where two (2) alleys or utility easements turn at a right angle, a cutoff of not less than twenty (20) feet from the normal intersection of the property or easement line shall be provided along each property or easement line.

- (c) Dead-end alleys. Dead-end alleys **shall not be permitted**.
 - (d) Alleys do not connect on a straight course. If alleys are not themselves straight within each block, or if the same do not connect on a straight course with the alleys of adjoining blocks, then all necessary easements shall be provided for the placing of guy wires in order to support poles set on curving or deviating rights-of-way of alleys.
- (4) MINIMUM LOT SIZE. Minimum lot size shall be no less than the minimum requirements in other applicable City ordinances.
- (5) WATER INSTALLATION.
- (a) Water supply and distribution. All subdivisions shall be provided with a water distribution system approved by the City Engineer and connected to the City's approved water supply, *as per City specifications*.
 - (b) Fire hydrants. Standard hydrants shall be installed as a part of the water distribution system per specifications of the City Engineer and of the State Board of Insurance.
- (6) SEWERS.
- (a) All subdivisions shall be connected to the City's approved sanitary sewage collection and disposal system. *[as per City specifications]*
- (7) UTILITY LINES. All utility lines that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be extended to a point at least three (3) feet beyond the edge of the pavement.
- (8) 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 (1/2) inch steel rod, or three fourths (3/4) inch, iron pipe, two (2) feet in length, with the top flush with the finished ground surface.
 - (b) Where, due to topographic conditions, permanent structure or other conditions, the view is obstructed between any two (2) adjacent monuments, intermediate monuments shall be so set as to assure a clear view between adjacent monuments.
 - (c) Lot corner markers, consisting of a one-fourth inch steel rod or one-half (1/2) inch iron pipe, two (2) feet in length, shall be driven flush with the ground surface to mark the corners of all lots.
- (9) DRAINAGE.
- (a) Easements. Where a subdivision is traversed by a water course, drainage way, natural channel or stream, or where there is a necessity for such, there shall be provided an easement or right-of-way conforming substantially to the limit of such water course, plus additional widths to accommodate future needs.

(b) Drainage facilities. Drainage facilities shall be provided and constructed at the expense of the sub-divider pursuant to the City drainage policy and as specified by the City Engineer.

(11) (12) (10) BLOCKS. Block lengths shall not exceed six-hundred (600) feet.

(11) (12) (11) SIDEWALKS. Sidewalks, where required by the City, shall be installed at the expense of the developer in the manner described herein:

(a) No sidewalk is required until a lot is improved (upon completion of construction) but at the time such improvements are constructed, a sidewalk complying with the provisions herein shall be provided at the front of such lots, and also along the street side of corner lots.

(b) All sidewalks shall be not less than five (5) feet in width, and four (4) inches in depth, and of concrete, stone, or masonry construction (a greater width may be required in multi-family, commercial, and industrial areas)

(c) Sidewalks shall be as nearly parallel to the street as possible.

(d) Sidewalks shall be placed so that they are at least three feet from the curb or in line with existing sidewalks in the area.

(e) Sidewalks [shall] be installed along both sides of streets which serve as approaches to schools, playgrounds, shopping centers and other focal points of the community.

(f) In lieu of construction, cash or its equivalent may be deposited with the City in a sum equal to the actual cost of construction, plus any engineering that might be required, as an alternative to the mandatory construction of sidewalks. Such funds will be set aside by the City for the installation, as the need arises.

(g) Additional sidewalks shall be required when deemed necessary and in the interest of the City by the Planning and Zoning Board.

(h) *[All sidewalks shall comply with the Americans with Disabilities Act (ADA).]*

(12) SEAWALLS. Seawalls, as defined herein shall be constructed or installed by the sub-divider on all subdivided land having water front. *[as per City specifications]*

Section 2.05. Guarantee of performance.

(a) Construction of improvements prior to final plat recordation. If the sub-divider chooses to construct the required improvements prior to the recording of the final plat, all such construction shall be inspected while in progress by the City, and must be approved upon completion by the building official or his duly authorized representative. A certificate by such officer stating that the construction conforms to the specifications and standards contained in or referred to herein must be presented to the Planning and Zoning Board prior to approval of the final plat for recordation.

(b) Security in lieu of construction. If the sub-divider chooses to file security in lieu of

completing construction prior to the final plan approval for recordation, he may utilize one of the following methods of posting security. If the sub-divider chooses to file security, the plat shall not be approved for recordation unless the sub-divider has done one of the following:

- (1) Performance bond. The developer has filed with the Planning and Zoning Board a bond executed by a surety company holding a license to do business in the State of Texas and acceptable to the City, on the form provided by the City in an amount equal to the cost of the improvements required by this Ordinance and within the time for completion of the improvements as estimated by the City Planner. The performance bond shall be approved as to form and legality by the City Attorney.
 - (2) Trust agreement. The developer 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 ordinance, the cost and time of completion having been approved by the City Planner. Selection of the trustee shall be executed on the form provided by the City and approved as, to form and legality by the City Attorney. Periodic withdrawals 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 estimate, and approved by the trustee.
 - (3) Unconditional guarantee from local banks, or local federally insured savings and loan associations or other financial institution approved by City. Has filed with the Planning Commission a letter, on the form provided by the City, signed by the principal officer of a local bank or other 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 sub-divider or developer is responsible under this Ordinance. The guaranteed payment sum shall be estimated costs and scheduling as approved by the building official. The letter shall state the name of the subdivision and shall list the improvements for which the sub-divider or developer is required to provide for.
- (c) Acceptance or rejection of construction. If one of the above three (3) types of security be filed by the sub-divider under paragraph (b) of this section, the City Engineer shall inspect the construction of the improvements while in progress, and he shall inspect each improvement upon completion of construction. After final inspection, he shall notify the sub-divider 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 Commission proceed to enforce the guarantees provided in this Ordinance.
- (d) Extension of time. Where good cause exists, the City may extend the period of time required for completion under paragraph (b) of this section. Such extension of time shall be reported to the Planning and Zoning Board and recorded in the minutes. No such extension shall be granted unless security as provided in said paragraph (b) has been provided by the sub-divider covering the extended period of time.

Section 2.06. Responsibility for payment of off-site/on-site installation costs.

Water and sewer installation necessary to provide adequate and appropriate services to

subdivisions developed under the terms of this ordinance, (or to subdivisions or additions, or any part thereof, platted and approved pursuant to former subdivision ordinances, but as to which water or sewer installations have not been made at the date of adoption of this Ordinance) shall be constructed by the City, (or the sub-divider with City direction and supervision) but the sub-divider shall deposit with the City, prior to the beginning of any such utility construction, costs funds to defray the cost of such construction, as follows:

- (1) All deposits shall be paid in cash, and shall be paid into such special or general fund as the City Commission may from time to time determine. Such payments shall not be considered as a trust fund, but rather as a contribution to construction of the City's utility system.
- (2) Upon completion of the system and acceptance by the City, the installation becomes the property of the City of Port Isabel to operate and maintain.
- (3) Contributions to construction of off-site sewer lines. The sub-divider's contributions to the cost of the offsite sewer service to the subdivision shall be equal to the installed cost, including all labor, ditching, engineering and material, of lines, lift stations, manholes, and appurtenances necessary to furnish sewer service to the subdivision. In order, to provide the service deemed necessary by the City within the subdivision or elsewhere in the City approved sewer system, the City may, at its option request funds from the services provider to pay for the pipe in excess of the size required of the developer.
- (4) Streets. The City may pay, providing funds are available, for street right-of-way in excess of sixty (60) feet in width and for street paving width in excess of forty (40) feet, except where such extra widths are in commercial or industrial developments or where they are not required by the City.
- (5) Bridges. The City may participate, providing funds are available, in the extra cost of large drainage structures on principal streets shown on the major thoroughfare plan.

Section 2.07. Where subdivision is unit of a larger tract.

Where the proposed subdivision constitutes a unit of a large tract owned by the sub-divider which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final plats shall be accompanied by a layout of the entire area, showing the tentative proposal layout of streets, blocks, drainage, water, sewerage and other improvements for such areas. The overall layout, if approved by the Planning and Zoning Board, shall be attached to and filed 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 over-all layout, unless changed by the Planning and Zoning Board. The Planning and Zoning Board may change such approval overall only when it finds:

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

Section 2.08. School sites, parks, and playgrounds.

In subdividing property, the sub-divider shall be required to dedicate *not less than* five percent (5%) of the total area being subdivided, including any land labeled for future *development in an area selected by the City. In lieu of dedication, an equivalent value of the subdivided or improved property shall be paid into a park fund for future purchase and development of public parks in other more suitable areas and will be paid upon approval of final plat. Such provisions shall be indicated on the preliminary plat in order for the City to determine if, when and in what manner such areas will be considered for dedication]* The City shall determine the method of dedication.

CHANGES, VARIATIONS AND PENALTY

Section 3.0 Changes and variations.

- (a) These rules and regulations are the standard requirements of the Port Isabel.
- (b) A suspension of any of these rules and regulations may be granted by the City in a particular case after the such subdivision, being considered by the City's Planning and Zoning Board, upon showing that there are special circumstances or conditions affecting the property in question; that enforcement of the provisions of this Ordinance will deprive the sub-divider of a substantial property right; and that such suspension, if granted , will not be materially detrimental to the public welfare or injurious to other property in the vicinity.

Section 3.1 Penalty.

Any person, firm or corporation who creates a subdivision of land, as herein defined and fails to cause the same to be platted and a plat of such subdivision to be approved and recorded as herein required, shall be deemed guilty of violating this Ordinance and any person, firm or corporation who fails to comply with any requirement of this Ordinance with reference to installations of improvements required, shall be deemed guilty of violating this Ordinance and any person, firm, or corporation found guilty of violating this Ordinance shall be subject to a fine not to exceed two hundred dollars (\$200.00) and each and every day's violation thereof shall be, and is hereby declared to be a distinct and separate offense and punishable as such.

OTHER PROVISIONS

Section 4.0. Severability.

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

Section 4.1. Conflict with other ordinances.

Whenever the standards and specifications in this Ordinance conflict with those contained in another ordinance, the most stringent or restrictive provision shall govern.

Section 4.2 Validity.

If any portion of this Ordinance shall, for any reason, be declared invalid, such invalidity shall not affect the remaining provisions thereof.

Section 4.3. Effective Date.

This Ordinance shall be effective from and after its passage and publication in conformance with State Law.

PASSED AND APPROVED this _____ day of _____, 200__.

CITY OF PORT ISABEL, TEXAS

ATTEST:

Mr. Patrick H. Marchan, Mayor

Ms. Nancy Davalos, City Secretary