

CITY OF SEVEN POINTS, TEXAS

ORDINANCE NO 270.

AN ORDINANCE OF THE CITY OF SEVEN POINTS, TEXAS, REPEALING CHAPTER 8, SECTION 1 THROUGH 10 OF THE CODE OF ORDINANCES, THE SUBDIVISION ORDINANCE OF THE CITY OF SEVEN POINTS, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON DECEMBER 12, 1978; APPROVING AND ADOPTING REVISED ~~SUBDIVISION REGULATIONS~~, EXTENDING SUBDIVISION REGULATIONS TO THE EXTRATERRITORIAL JURISDICTION OF THE CITY; DEFINING TERMS; ESTABLISHING PLATTING PROCEDURES; ESTABLISHING SUBDIVISION REGULATIONS FOR MANUFACTURED HOME PARKS AND MANUFACTURED HOME SUBDIVISIONS, TOWNHOUSE DEVELOPMENTS, PATIO HOME DEVELOPMENTS, CONDOMINIUM DEVELOPMENTS, AND CLUSTER DEVELOPMENTS; ESTABLISHING STANDARDS AND SPECIFICATIONS FOR SUBDIVISION DEVELOPMENT; ESTABLISHING STANDARDS FOR PUBLIC FACILITY DEVELOPMENT; ESTABLISHING RESPONSIBILITY FOR INSTALLATION OF FACILITIES; PROVIDING FOR GUARANTEES OF PERFORMANCE; PROVIDING FOR DEDICATIONS AND CERTIFICATES; PROVIDING FOR APPEALS; PROVIDING FOR VARIANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH VIOLATION OF THE ORDINANCE AND PROVIDING FOR ENFORCEMENT OF SUBDIVISION REGULATIONS IN THE CITY'S EXTRATERRITORIAL JURISDICTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, under the laws of the State of Texas, authority is conferred upon the City of Seven Points to regulate the subdivision of property for the purposes established in Section 3 of this ordinance; and

Whereas, the Planning and Zoning Commission has recommended the adoption of the regulations as promulgated in this ordinance; and

Whereas, a public hearing has been held and notice of said hearing was properly published in a paper of general circulation in the City of Seven Points at least fifteen days prior to such hearing date;

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

That the City of Seven Points Subdivision Ordinance passed by the City Council on December 12, 1978, together with all amendments thereto, is hereby amended in its entirety to read as follows:

SUBDIVISION DEVELOPMENT ORDINANCE

SECTION 1 – TITLE AND AUTHORITY

1.1 Title

This ordinance shall be officially known, cited, and referred to as the Subdivision Regulations of the City of Seven Points, Texas (hereinafter "these regulations" or "this ordinance").

1.2 Authority

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapter 212, Local Government Code, as amended, and Section 12.002, Property Code, as amended. The Planning and Zoning Commission of the City of Seven Points (hereinafter "PZC") shall review and make recommendations to the City Council to approve, conditionally approve, and disapprove applications for the platting or subdivision of land, including land studies, preliminary plats, final plats, amended plats, re-plats, and vacations of plats. The PZC may grant variances from these regulations pursuant to the provisions of Section 17.

[Local Government Code, § 212.006(a)]

The Mayor is vested with the authority to approve minor plats. The Mayor may, for any reason, elect to present a minor plat to the PZC for approval. The Mayor shall refer any minor plat refused for approval to the PZC within 30 days of the official date of application.

[Local Government Code, § 212.0065]

SECTION 2 – JURISDICTION

2.1 Regulations Applicable to Corporate Limits and Extraterritorial Jurisdiction

These regulations apply to all subdivisions of land located within the corporate limits of the city and within the city's extraterritorial jurisdiction, as provided by law, and to all additions of land within the corporate limits of the city, except as expressly stated herein.

[Local Government Code, § 212.003]

2.2 Subdivisions Not Requiring Approval

The following types of subdivisions do not require approval by the City of Seven Points; however, the city shall not extend utilities, provide access to public roads, or issue building permits for the development of any property which has not received final plat approval, except as otherwise provided by this ordinance.

1. The division of land into two or more parts where all parts are larger than five (5) acres and where no new building or improvement is proposed and no required public improvement is to be dedicated.
2. The creation of a remainder of a tract caused by the platting of a portion of the tract, provided the remainder is larger than twenty (20) acres.
3. The creation of a leasehold for a space within a multi-occupant building or a commercial building site which does not abut a public street, or the division of property into such leaseholds, provided that the property is a part of an approved subdivision or addition and regulated in accordance with the site plan requirements of the city, and such plat has been amended as may be required to add easements or otherwise serve the leasehold. For purposes of this section, a leasehold abuts a public street if it is immediately adjacent to a public street or if it is so close to a public street that no usable property lies between the leasehold and the public street.
4. The creation of a leasehold for agricultural use of the subject property, provided that the use does not involve the construction of a building(s) to be used as a residence or for any purpose not directly related to agricultural use of the land or crops or livestock raised thereon.
5. The division of property through inheritance, probate of an estate, or by a court of law.
6. The tract is located wholly within a municipality with a population of 5,000 or less, is divided into parts larger than 2.5 acres, and abuts any part of an aircraft runway.
[Local Government Code, § 212.0046]

A written request may be directed to the PZC for information concerning whether a plat is required under these regulations, in accordance with Section 212.0115, as amended, of the Texas Local Government Code.

The exclusion of such activities from these regulations does not waive any jurisdiction the city now exercises or may exercise over such matters.

2.3 Plat Approval Required

1. Except as provided above, no land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the PZC and City Council in accordance with these regulations.
2. Except as provided above and lots of record established prior to the effective date of this ordinance, no land shall be developed until the property owner has obtained approval of a final plat from the Mayor or the PZC and City Council, as required by these regulations.
3. The city shall withhold all public improvements and utilities, including the maintenance of streets and the provision of sewage facilities and water service, from all tracts, lots or additions, the platting of which has not been officially approved by the Mayor or PZC and City Council and for which a certificate of compliance has not been issued. If any plat or replat is disapproved by the PZC and City Council for any reason, such disapproval shall be deemed a refusal by the City to accept the offered dedication shown on the plat thereof and any planned or completed improvements within the area covered by any such plat or replat.
4. No building, repair, plumbing, or electrical permit or certificate of occupancy shall be issued for any parcel or tract of land until such property has received final plat approval and is in substantial conformity with the provisions of these subdivision regulations, and no private improvements shall take place or be commenced except in conformity with these regulations.
5. Once a plat, replat, or vacation/resubdivision in the city's extraterritorial jurisdiction has been approved by the PZC and City Council, that document or its related instrument(s) shall not be filed for record by the city until appropriate approval and processing has been completed with the Henderson County Commissioners Court.

2.4 Certification Regarding Compliance With Plat Requirements

1. On the approval of a plat by the Mayor or PZC and City Council, the Mayor shall issue to the person applying for the approval a certificate stating that the plat has been reviewed and approved.
2. On the written request of an owner of land, an entity that provides utility service, or the City Council, the Mayor shall make the following determinations regarding the owner's land or the land in which the entity or City Council is interested:
 - a. Whether a plat is required under this ordinance; and
 - b. If a plat is required, whether it has been prepared and whether it has been reviewed and approved.

4 Lots or Less

If the Mayor determines that a plat is not required, the Mayor shall issue to the requesting party a written certification of that determination. If the Mayor determines that a plat is required and that the plat has been prepared and has been reviewed and approved by the Mayor or PZC and City Council, as appropriate, the Mayor shall issue to the requesting party a written certification of that determination. The Mayor shall make his determination

within twenty (20) days after the date he receives the request and shall issue the certificate, if appropriate, within ten (10) days after the date the determination is made. A binding decision of the Mayor may be appealed to the PZC.

[Local Government Code, § 212.0115]

SECTION 3 – PURPOSES

These regulations are adopted for the following purposes:

1. To provide for the orderly, safe, and healthful development of the area within the city and in the city's extraterritorial jurisdiction.
2. To protect and to provide for the public health, safety, and general welfare of the community.
3. To ensure safety from fire, flood, and other danger.
4. To guide public and private development in order to provide adequate and efficient transportation, water, sewerage, drainage, and other public requirements and facilities.
5. To provide for the circulation of traffic and pedestrians required for the beneficial use of land and buildings and to avoid congestion throughout the city.
6. To establish reasonable standards of design and procedures for platting and re-platting to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of platted land.
7. To ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing facilities and services.
8. To prevent the pollution of streams and ponds; to ensure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources, and enhance the stability and beauty of the community and the value of the land.
9. To provide for open spaces through the most efficient design and layout of the land.
10. To remedy the problems associated with inappropriately platted lands, including premature subdivision, incomplete subdivision, and scattered subdivision.

SECTION 4 – DEFINITIONS

4.1 General Usage

For the purposes of this ordinance, the following terms, phrases, and words shall have the meaning ascribed to them in this section. When not inconsistent with the context, words used in the present tense include the future, words used in the singular number include the plural, and words used in the plural number include the singular. The word "may" is permissive; the word "shall" is mandatory. The terms "he", "him", "man", "man-made", etc., do not denote gender unless otherwise noted. Words and terms not expressly defined herein are to be defined according to customary usage.

4.2 Terms and Phrases Defined

1. ADDITION: One lot, tract, or parcel of land lying within the corporate boundaries or the extraterritorial jurisdiction of the city which is intended for the purpose of development.
2. AMENDED PLAT: A revised plat correcting errors or making minor changes to the original recorded final plat.
3. ALLEY: A minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a public street.
4. BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.
5. BLOCK: A tract or parcel of land designated as such on a duly recorded plat and may be entirely surrounded by public streets or by a combination of public streets and public parks, cemeteries railroad rights-of-way, or natural or man-made physical features (e.g., ditches, gullies, ridges, etc.) that disrupt what would otherwise be an unbroken landscape.
6. BUILDING: See "Structure".
7. CITY: The word "city" shall refer to the City of Seven Points, Texas.
8. CITY COUNCIL: The words "City Council" shall mean the duly and constitutionally elected governing body of the City of Seven Points, Texas.
9. CITY OFFICIALS:
 - a. CITY ATTORNEY: The person or firm retained by the city under a professional services contract to provide legal services to the city, or the person employed as City Attorney of the City of Seven Points.
 - b. CITY ENGINEER: The person or firm retained by the city under a professional services contract to provide engineering services to the city, or the person employed as the City Engineer of the City of Seven Points.
 - c. Reserved for future use.

10. CITY OF SEVEN POINTS PLANNING AND ZONING COMMISSION (PZC): The duly organized body of citizens, duly appointed by the City Council and empowered by city ordinances and the statutes of the State of Texas.
11. Reserved for future use.
12. CLUSTER DEVELOPMENT: A development pattern for residential, commercial, industrial, institutional, or combinations of such uses in which the uses are grouped or "clustered". A "cluster development" will usually have fewer streets and shorter utility lines and often is combined with certain administrative procedures into planned unit development provisions.
13. COMMON ELEMENTS: When applied to condominium, townhouse, or similar developments:
 - a. "General common elements" means and includes:
 - (1) The land, whether leased or in fee simple, on which the building stands;
 - (2) The foundations, bearing walls and columns, roofs, halls, lobbies, stairways, and entrances and exits or communication ways;
 - (3) The basements, flat roofs, yards, and gardens, except as otherwise provided or stipulated;
 - (4) The premises for the lodging of janitors or persons in charge of the building, except as otherwise provided or stipulated;
 - (5) The compartment or installation of central services such as power, light, gas, cold and hot water, refrigeration, central heating, reservoirs, water tanks and pumps, swimming pools, and similar facilities;
 - (6) The elevators and shafts, garbage incinerators and in general all devices or installations existing for common use; and
 - (7) All other elements of the building desirably or rationally of common use or necessary to the existence, upkeep, and safety of the condominium regime.
 - b. "Limited common elements" means and includes those common elements which are agreed upon by all of the co-owners to be reserved for the use of a certain number of apartments to the exclusion of the other apartments, such as special corridors, stairways and elevators, sanitary services common to the apartments of a particular floor, and similar facilities.
14. COMPREHENSIVE PLAN: The term "Comprehensive Plan" or "Municipal Development Plan", and adaptations, amendments, or supplements thereto, which has or have been adopted in principle by the PZC shall be used as a guide for future development of the City of Seven Points and its surrounding areas.
15. CONCEPTUAL PLAN: An initial plan layout by the developer which shall be used as a tool to determine the requirements of the project and an overall design scheme for the subdivision.
16. CONDOMINIUM: A multifamily dwelling in which each dwelling unit owner owns as his fee estate the space that his unit occupies. This is the space lying between the interior surface of the unit sides and between the floor and the ceiling. The remainder of the

building and the land are called "common elements" or "common area". Each unit owner holds an undivided interest in the common elements and limited common elements as defined in the Texas Condominium Act.

17. COUNTY: Henderson County, Texas.
18. COUNTY COMMISSIONERS COURT: The words "County Commission" or "Commissioners Court" shall mean the duly and constitutionally elected governing body of Henderson County, Texas.
19. COVENANT: A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.
20. CROSSWALK: A public right-of-way not more than six (6) feet in width between property lines which provides pedestrian circulation.
21. Reserved for future use
22. DEDICATION PLAT: A plat prepared for the purpose of dedicating land or easements for rights-of-way to the city.
23. DENSITY: The ratio of the number of dwelling units per net acre of platted area being developed. Net acre shall be defined as the acreage of a site less any existing or proposed rights-of-way or flood plain that is not either reclaimed or substantially improved as open space and incorporated into the project.
24. DEVELOPER: Any person or persons, firm, or corporation subdividing or developing a tract or parcel of land to be sold or otherwise marketed.
25. DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, paving, drainage or utilities, but not agricultural activities.
26. DEVELOPMENT EXACTION: Any dedication of land or easements for, construction of, or contribution toward construction of a public improvement required as a condition of plat approval by the city under these regulations.
27. DRAINAGE WAY: All land areas needed to allow passage of the base flood, including sufficient access above the base flood elevation along each side of and parallel to the natural or excavated channel.
28. EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use or benefit by the public, a corporation, or other person or entity. An easement shall be identified on a subdivision plat, filed for record with the appropriate county clerk, and cannot be varied or altered by action of the Board of Adjustment.
29. ESCROW: A deposit of cash with the city in accordance with city policies.
30. ENGINEER: A person duly authorized and licensed under the provisions of the Texas Engineering Practice Act, as heretofore or hereinafter amended, to practice the profession

of engineering.

31. Reserved for future use.
32. EXTRATERRITORIAL JURISDICTION (ETJ): Under the terms of the Texas Municipal Annexation Act, "extraterritorial jurisdiction" means the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City of Seven Points, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for a distance of one half (½) mile.
33. FINAL PLAT: The map of a subdivision or addition to be recorded after approval by the PZC and City Council and any accompanying material and additional requirements as described in these regulations.
34. FLOOD PLAIN: Any land area susceptible to being inundated by water from the base flood.
35. HOMEOWNERS ASSOCIATION: Any organized group of landowners within a developed project with voting rights to promulgate rules and regulations over property dedicated to the ownership of the formed association.
36. LOT: A physically undivided tract or parcel of land (1) having frontage on a public street, and (2) which is, or in the future may be, offered for sale, conveyance, transfer, lease, or improvement, and (3) which is designated as a distinct and separate tract and which is identified by a lot number or tract symbol on an approved subdivision plat which has been officially recorded.
 - a. LOT DEPTH: The length of a straight line connecting the mid-point of the front and rear lot lines.
 - b. DOUBLE FRONTAGE LOT: A building lot, not a corner lot, which has frontage on two non-intersecting streets.
 - c. LOT FRONT, OR FRONTAGE: That portion of a tract of land which is the principal side of a property and which abuts on a public street to which it has direct access. This shall be the same side in which direction a building will face and the side on which there is the main entrance.
 - d. LOT WIDTH: The average length of the front and rear property lines.
37. LOT OF RECORD: A lot created prior to December 12, 1978, which is the date of first enactment of subdivision regulations for the City of Seven Points.
38. MAJOR THOROUGHFARE PLAN: See THOROUGHFARE PLAN.
39. MAJOR PLAT: See PLAT.
40. MINOR PLAT: See PLAT.
41. Reserved for future use.

42. **OFF-SITE IMPROVEMENT:** Any public improvement located outside the physical boundaries of the subdivision or addition to be platted.
43. **OPEN SPACE:** Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches, and plant material.
44. **PATIO HOME:** A detached, single-family dwelling located on an individual lot with one wall coincident with a side lot line and a patio or side yard oriented toward the opposite side of the dwelling entirely enclosed by the dwelling wall, lot line wall of the neighboring dwelling, or other fences and walls. Adjoining lots shall not have common zero lot lines.
45. **PAVEMENT WIDTH:** The portion of the surface of a street available for vehicular traffic.
46. **PERIMETER STREET:** Any existing or planned street which abuts the subdivision or addition to be platted.
47. **PERSON:** Any individual, association, firm, corporation, governmental agency, partnership, or political subdivision.
48. **PLANNED UNIT DEVELOPMENTS:** Area of land controlled by landowner to be developed as a single entity for dwelling units, commercial, and/or industrial uses, the plan for which does not correspond in lot size, bulk, density, lot coverage, required open space, or type of dwelling or commercial or industrial use, to the regulations established in other sections of this ordinance.
49. **PLANNING AND ZONING COMMISSION:** See "City of Seven Points Planning and Zoning Commission".
50. **PLAT:** A map of a town, section, or subdivision showing the location and boundaries of individual parcels of land and subdivided into lots, with streets, alleys, etc., drawn to scale.
 - a. **MAJOR PLAT:** All plats not classified as minor plats, including but not limited to subdivisions of more than four (4) lots, or any plat requiring creation of any new street or extension of the city's facilities.
 - b. **MINOR PLAT:** A subdivision resulting in four or fewer lots and not requiring the creation of any new street or the extension of municipal facilities.
51. **PRELIMINARY PLAT:** The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision or addition to be submitted to the PZC and City Council for approval.
52. Reserved for future use.
53. **PUBLIC IMPROVEMENT:** Any drainage way, roadway, parkway, sidewalk, utility, pedestrian way, off-street parking area, lot improvement, open space, or other facility for which the city or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

54. PUBLIC WAY: An officially approved, privately maintained drive, constructed to city street standards, open to unrestricted and irrevocable public access, serving two or more lots with a minimum of 100 feet of frontage as their primary means of access.
55. REMAINDER: The residual land left after platting a portion of a tract. Platting of a residual may in some instances be required under the provision of this ordinance.
56. RE-PLAT: The process of amending or vacating a recorded plat.
57. RESERVE STRIP OR PARCEL: Any lot, tract, parcel, strip, or any other land which prohibits access from public or private tracts or parcels of land dedicated or intended to be dedicated to public use.
58. RESIDENTIAL FLOOR AREA: The sum of the area for residential use on all floors of the building measured from the outside faces of exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies and below grade floor areas used for habitation and residential access. Residential floor area shall not include open terraces, patios or balconies, carports, garages, special purpose common use areas or any commercial or other nonresidential space.
59. RIGHT-OF-WAY: A parcel of land occupied or intended to be occupied by a street or alley. Where appropriate, right-of-way may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or for any other special use. The term "right-of-way" shall also include parkways and medians outside of pavement. The term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.
60. SETBACK AREA: That area of a lot defined by and contained within the property lines and the setback lines.
61. Reserved for future use.
62. SETBACK LINE: A line parallel to the property line at a specific distance therefrom defining the minimum distance from the property line that a structure may be erected and beyond which no part of any structure may project.
63. SIDEWALK: A port-land cement concrete paved pedestrian walkway parallel to a street right-of-way line or street pavement edge constructed within the right-of-way of any public street.
64. STREETS:
 - a. ARTERIAL: A street bringing traffic to and from expressways and other major carriers of vehicular traffic and serving those major movements of traffic within or through the urban area. Arterials interconnect the principal traffic generators within the city as well as important rural routes. Arterials handle trips between different areas of the city and should form an integrated system. The length of the typical trip on the system should typically exceed one mile.

- b. COLLECTOR: A street serving internal traffic movements within an area of the city, such as a subdivision, and connects this area with the arterial system. Collectors do not handle long through trips.
- c. CUL-DE-SAC: A street having but one outlet to another street and terminated on the opposite end by a vehicular turn-around.
- d. DEAD-END: A street other than a cul-de-sac, with only one outlet.
- e. LOCAL: A street designed to serve properties abutting and in the immediate vicinity of the street. The sole function of local streets is to provide access to adjacent land. These streets make up a large percentage of the total street mileage of the city but carry a small proportion of the vehicle miles of travel. In and around the central business district (CBD), local streets may carry traffic volumes measured in thousands, but this is the exception. Local residential streets typically carry daily volumes of not more than 1,000 vehicles per day.

65. STRUCTURE:

- a. BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, chattel, or movable property of any kind and which is affixed to the ground. The term building shall be as if followed by the words "or part thereof". Each portion of a building separated from other portions by a firewall shall be considered as a separate building.
- b. SINGLE FAMILY/DETACHED: The term "single family detached" shall refer to a conventional style home containing no common walls with adjacent dwellings.
- c. SINGLE FAMILY/PATIO-HOME OR ZERO LOT LINE HOME: A single-family structure that may be built to one or other side yard lines with the blank wall of the adjoining home and privacy fences enclosing the remaining sides and rear lot line. The "zero-lot-line" wall shall be maintenance-free, have fire resistant openings, and no roof over or drainage toward that lot line.
- d. SINGLE FAMILY/TOWNHOUSE: The term "townhouse" shall apply to a single family attached unit with "party" walls.

66. SUBDIVISION: Any division of property for which a plat is required to be approved and recorded under the provisions of Chapter 212, Local Government Code; Section 12.002, Property Code; the Texas Municipal Annexation Act; and under this ordinance. The word "subdivision" shall mean the division of a lot, tract, or parcel of land situated within the corporate limits of the City of Seven Points, Texas, or within the City of Seven Point's extraterritorial jurisdiction into two or more parts, lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or laying out any subdivision of any tract of land or any addition of the City of Seven Points, 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 thereupon or adjacent thereto. "Subdivision" shall include re-platting, re-subdivision, and, when in the context, shall relate to the process of subdividing of the land or area. Re-subdivision shall mean the division of an existing subdivision, together with any change of lot size therein,

or with the relocation of any street lines. See Section 2.2 for subdivisions not requiring plat approval by the city.

[Local Government Code, § 212.0041]

67. SURVEYOR: A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the Land Surveyor Practices Act of 1979.
68. THOROUGHFARE PLAN: A plan of major and secondary streets and highways and adaptations, amendments, or supplements thereto.

SECTION 5 – PLATTING PROCEDURES

5.1 Classification of Subdivisions

1. Minor subdivisions shall create no more than four lots and do not require the creation of a new street or the extension of municipal facilities. Minor subdivisions may be approved for residential and non-residential properties. Minor plat approval requires the submission of a final plat as described under Section 5.9. The Mayor may approve minor plats or refer them to the PZC for its action.
2. Major subdivisions involve the creation of new streets, the extension of municipal facilities, or the creation of more than four lots.

5.2 Submission Date

For the purpose of these regulations, the date on which the application IS first filed shall constitute the official submission date for the plat, after which the statutory period required for approval or disapproval for the plat shall commence. The official submittal date shall be the tenth day of each month (or the next work day thereafter if the tenth falls on a weekend or holiday). All applications delivered to the city after a scheduled official submittal date for the month shall be dated received on the next official submittal date.

5.3 Statutory Compliance Procedure

The City Secretary shall place the application on a scheduled meeting of the PZC prior to the expiration of thirty (30) days following the official submission date. The PZC shall approve or disapprove the application, or identify requirements which must be satisfied prior to approval of the application, at the meeting. If the PZC fails to approve or disapprove (disapproval includes the identification of requirements to be satisfied prior to approval) an application within 30 days of the official submission date, the application shall be deemed approved. The identification of requirements by the PZC which remain to be satisfied prior to plat approval shall constitute disapproval of the application for purposes of statutory compliance only. Unless the PZC unconditionally disapproves the plat application within the 30 days, the city shall continue to process the application for compliance with these regulations. The PZC may not table a preliminary plat or final plat but may request the applicant to withdraw. The item must be withdrawn by the applicant if the applicant is not ready to proceed. The applicant may resubmit the project with no additional fees if it is rescheduled within sixty (60) days of withdrawal.
[Local Government Code, 212.009]

5.4 Fees, Application Forms, and Procedures

1. Fees
 - a. Filing fees shall be made by check or cash payable to the City of Seven Points, Texas, and given to the City Secretary with whom the plat is filed for application.
 - b. No action by the PZC shall be valid until the filing fee has been paid.

- c. Plat submittals shall be accompanied by a check or cash payable to Henderson County for all recording fees required by such plats.
- d. Application fees shall be established by the City Council by separate resolution. A copy of the current fee schedule, reflecting the most recent amendments to said resolution, shall be available in the office of the City Secretary.

2. Application Forms and Procedures

The Mayor may establish procedures, forms, and standards with regard to the content, format and number of copies of information constituting an application for a preliminary plat, re-plat, vacation of plat, or final plat. Official forms may be obtained at the office of the City Secretary.

5.5 Platting in ETJ

Land in the city's extraterritorial jurisdiction is subject to platting.

5.6 Concept Plans

1. Consultation With City Secretary

Generally, prior to the official filing of a master plan, concept plan, a preliminary plat, a re-plat, or a vacating plat, the subdivider should consult with the City Secretary and/or his designate for briefing and advice on the procedures, policies, specifications, and standards required by the city for the subdivision of land.

A sketch plan, or concept plan, should be submitted to save the subdivider time and expense in reaching general agreement with the city as to the form of the plat and the objectives of these regulations.

2. Form and Content

The concept plan should show the following:

- a. General subdivision information
 - Site conditions
 - Proposed development
 - Data on land characteristics
 - Existing and proposed facilities with utilities
 - Number and size of lots
 - Business areas
 - Proposed physical improvements
- b. Location Map
 - (1) Relationship to existing community facilities with a one (1) mile radius
 - Shopping centers
 - Public schools
 - Parks and playgrounds

(2) Development name, location, scale, north arrow, and date.

c. Plan

(1) Proposed layout

- Streets
- Lots
- Other features

(2) May be made directly on a print of the topographic survey if available.

5.7 Master Subdivision Plans

1. General

If a proposed development consists of more than one (1) phase of development, then a Master Subdivision Plan shall be submitted for review and approval by the PZC before the subdivider can file for a preliminary plat approval. The City shall maintain a file of all finally approved Master Subdivision Plans. Thereafter, plats of subsequent phases of such subdivision shall conform to the approved layout or "Master Subdivision Plan", unless approval has been obtained from the PZC. Except where the subdivider agrees to a change, the PZC may change the "Master Subdivision Plan" only if it finds:

- a. That adherence to the previously approved Master Subdivision Plan will hinder the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance; or
- b. That adherence to the previously approved Master Subdivision Plan will be detrimental to the public health, safety, and welfare or will be injurious to other property in the area.

2. Form and Content

a. Name

- (1) Name of subdivision if property is within an existing subdivision.
- (2) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
- (3) Common name of property if no subdivision name has been chosen.

b. Ownership

- (1) Name, address, and telephone number of owner or agent of property.
- (2) Citation to any existing rights-of-way or easements affecting the property.
- (3) Existing covenants on the property, if any.
- (4) Name, address, and telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.

c. Description. Location of property, original survey and county, graphic scale, north arrow, and date.

d. Features

- (1) Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, and existing wooded areas; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessment rolls within one hundred (100) feet of any perimeter boundary of the subdivision.
- (2) Location, sizes, elevations, and slopes of existing sewers, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights of way; location, sizes, and depths of water mains.
- (3) Approximate topography, at the same scale as the concept plan and/or master plan.
- (4) The approximate location and widths of proposed streets.
- (5) Preliminary proposals for connection with existing water supply and sanitary sewer systems or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
- (6) The approximate location and dimensions of all proposed or existing lots.
- (7) The approximate location, dimensions, and area of parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- (8) A vicinity map showing streets and other general development of the surrounding area.
- (9) Index sheet if drawn on more than one sheet showing the entire subdivision at a suitable scale.

5.8 Preliminary Plat

1. General

A preliminary plat is required for all major subdivisions prior to the construction of public improvements, except as permitted under Section 2.1. If a preliminary plat is omitted, a final plat shall be required in conformance to Section 5.9.

On forms approved by the city, the applicant shall file for approval of a preliminary plat. The plat shall be prepared by or under the supervision of a registered public surveyor in the State of Texas and shall bear his seal, signature, and date on each sheet. The payment of all applicable fees shall be required at the time of submission.

The subdivider shall submit a complete formal application for Preliminary Plat approval. Partial applications shall not be accepted. Such application shall consist of:

- a. An application letter which shall state the name, address, and telephone number of the owner, subdivider, and the registered engineer or surveyor who prepared the plat;
- b. A reproducible copy of the original plat;
- c. Eight (8) blue or black line copies of the plat;
- d. The current filing fee.
- e. Variance request or waiver, if applicable.

2. Preliminary Plats – Process Steps

- (a) The City Engineer shall review the preliminary plat as to its conformity with the Comprehensive Plan, thoroughfare plan, and the standards and specifications set forth herein or referred to herein.
- (b) The City Engineer shall present the preliminary plat to the PZC with recommendations. He may also convey the comments and recommendations of any other person or agency with whom he has consulted.
- (c) The PZC shall study the preliminary plat and all recommendations, taking into consideration the requirements of these regulations. Particular attention will be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot sizes and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of other ordinances, policies, and plans.
- (d) After reviewing the preliminary plat and recommendations, the PZC will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the final plat. Said approval shall constitute authorization to prepare and submit a preliminary plat.
- (e) Within thirty (30) days after the preliminary plat is formally submitted and accepted, the PZC shall approve, conditionally approve, or disapprove such plat. The PZC shall inform the subdivider, in writing, of the conditions, if any, for approval or the reasons for disapproval.
- (f) Approval of a preliminary plat shall not constitute automatic approval of the final plat but is required in order to submit a final plat.
- (g) If a final plat is not filed with the Office of the City Secretary for official action within six (6) months of the approval of the preliminary plat, then the preliminary plat approval shall expire unless an extension is applied for and granted by the PZC.

3. Form and Content

a. Topographic Data

- Existing boundary lines, bearings, distances, and acreage.
- Present ownership, tract designation, and property lines of adjacent properties.
- Location, size, centerline of all existing and proposed utilities, drainage structures, water courses, railroad, and other physical features on and adjacent to the site.
- Location, name, type, and width of surfacing of all existing and proposed roadways and alleys on or adjoining the proposed development.
- Location, size and purpose of all existing and proposed easements and public areas on or adjoining the proposed development.
- Existing and proposed contours at intervals of two feet (2') for grades up to 5% and not more than five feet (5') for grades over 5% and based on city standard datum or N.G.V.D. datum, which shall be specified on the plat.
- Other conditions on the site such as marshes, wooded areas, buildings, and other significant features when deemed necessary by the PZC.
- Other conditions on adjacent land, such as slope, buildings, railroad power lines, towers, and other adverse non-residential land uses.

b. Title and Certificate

- Present tract designation of record owner.
- Title under which the new subdivision is to be recorded
- Notation stating acreage, scale, north arrow, datum, bench marks, and date of survey.

c. Drawings

- Drawn on sheets 24" x 36".
- Scale: 1" = 100' or larger.
- Must show:
 - All information listed under "Topographic Data" above.
 - Proposed streets with names, right-of-way widths, roadway widths, types, central angles of intersections, approximate grades and gradients, and similar information for alleys and other right-of-way easements.
 - Lot lines, lot numbers, and block numbers.
 - Any sites reserved or dedicated for parks, playgrounds, utility facilities or other public uses.
 - Any sites for multi-family dwellings, shopping centers, industry, churches, or other non-public uses exclusive of single-family dwellings.
 - Building setback lines.
 - Title, north arrow, scale, and date
 - Key map, drawn at a satisfactory scale to show the relationship of the property to adjacent existing streets and identifying features for a distance of at least one-half mile.
 - Index sheet if plat is drawn on more than one sheet showing the entire subdivision at a suitable scale.

5.9 Final Plat

1. General

- a. A final plat shall be required for subdivisions of property and the recording of single lots in accordance with Section 2.
- b. A final plat for minor subdivisions may be approved by the Mayor. All other final plats shall require approval by the PZC.
- c. No final plat shall be considered unless a preliminary plat has first been submitted and approved, except as provided in Section 2.
- d. As soon as practical after the subdivider is notified of approval of the preliminary plat, he shall submit a formal application for final plat approval. Such application shall consist of:
 - (1) An application letter which shall state the name, address, and telephone number of the owner, subdivider, and the registered engineer or surveyor who prepared the plat;
 - (2) A reproducible copy of the original plat;
 - (3) Eight (8) blue or black line copies of the plat;
 - (4) The current filing fee;
 - (5) Signed certification regarding deed restrictions;
 - (6) Two (2) copies of required engineering estimates;
 - (7) Two (2) copies of a drainage analysis of the property;
 - (8) Two (2) copies of utility construction drawings;
 - (9) Two (2) copies of street and drainage construction drawings;
 - (10) Plus, as applicable:
 - (a) Condominium documents;
 - (b) Deed restrictions.
- e. If a final plat is not filed with the County or its construction substantially underway within six (6) months of its approval, then the plat approval expires.
- f. The City of Seven Points shall maintain a file of all original approved final plats after official recording.

2. Final Plats – Processing Steps

- a. The City Engineer shall review the final plat as to its conformity with the Comprehensive Plan, thoroughfare plan, the preliminary plat, and the standards and specifications set forth herein or referred to herein.
- b. The City Engineer shall present the final plat to the PZC with his recommendations. He may also convey the comments and recommendations of any other person or agency with whom he has consulted.
- c. The PZC shall study the final plat and all recommendations, taking into consideration the requirements of the Subdivision Regulations. Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot sizes and arrangement, the further development of adjoining lands as yet unsubdivided and the requirements

of other ordinances, policies and plans as adopted.

- d. After reviewing and discussing the final plat and all recommendations, the PZC will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the final plat.
- e. Within thirty (30) days after the final plat is filed with the PZC, the PZC shall approve or disapprove such plat. The PZC shall inform the subdivider, in writing, of the approval or the reasons for disapproval.
- f. After final plat approval and the subdivider has paid all fees, constructed all the required improvements (such improvements having been approved) or after the plat has been approved and the subdivider has filed the required security (guarantees) the plat shall be recorded with the County Clerk of Henderson County.

3. Form and Content

- a. The final plat and accompanying data shall be consistent with the preliminary plat as approved by the PZC, incorporating any and all changes, modifications, alteration, corrections, and conditions imposed by the PZC.
- b. The final plat shall be drawn in India ink on linen tracing cloth or dimensionally stable matte film sheets 24 inches wide and 36 inches long with a 1 ½ inch margin on the left side of the sheet, and margins of not less than ¾ inches on the other three sides. The plat shall be drawn at a minimum scale of 100 feet to one (1) inch or larger.

(1) Data

- Primary control points, approved by the City Engineer or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
- Tract boundary lines, right-of-way lines of streets, easements and all other rights-of-way, property lines or residential lots and other sites, with accurate dimensions, bearings or deflection angles and radii, arcs, and central angle of all curves.
- Name and right-of-way width of each street or other right-of-way.
- Location, dimension, and purpose of all easements.
- Number to identify each lot, site and block.
- Purpose for which all sites other than residential lots are dedicated or reserved.
- Minimum building setback lines on all lots and other sites.
- Location and description of monuments.
- Reference to recorded subdivision plats or adjoining public land by recorded name, date, and number.
- Present ownership, tract designation, and property lines of all adjacent unplatted land.
- Title, scale, north arrow, and date.
- Written metes and bounds description.

- (2) Titles and Certificates
 - Certification of registered professional engineer.
 - Certification of registered Texas land surveyor certifying to accuracy of survey and plat.
 - Certification of title showing that subdivider is land owner.
 - Statement by owner dedicating streets, right-of-way, and all sites for public uses as required by this ordinance.
 - Certificate of PZC.
- (3) Drawings
 - In ink.
 - 24"x36".
 - Scale: 1" = 100" or larger.
 - Index sheet if plat is more than one sheet.
- (4) Deed Restrictions – An owner/developer may do one of the following:
 - (a) The owner/developer may submit with the formal application for final plat approval a set of deed restrictions that clarifies and controls the general nature and density of the land use previously designated on the approved preliminary plat, such designations being only for the purpose of establishing the design and size of public services and infrastructure. A copy of these deed restrictions shall be filed with the filing of the approved final plat at the County Clerk's Office. The owner/developer shall be responsible for the filing fee of deed restrictions as required by the County Clerk's Office.
 - (b) If the owner/developer chooses not to do (1), then he shall be presumed to have determined to develop at the maximum residential units/acre allowed (25 units/acre) the subdivision. The city shall further presume he has chosen to design and construct all streets and utilities to serve 25 residential units/acre.

4. Requirements for Construction Drawings

When final plat application is filed for processing, the final plat shall be accompanied by two (2) complete sets of street, drainage, water and sewer construction plans and specifications in accordance with criteria established by the City Engineer and adopted by the City Council.

5. Stormwater Management Requirements

Subdivision stormwater management shall be in accordance with City of Seven Points Drainage Ordinance and design criteria established by the city engineer and adopted by the City Council. The developer/developer's Engineer shall submit two (2) copies of a drainage report with the final plat.

6. Final Copies of Construction Plans

Following approval of proposed construction drawings by the City Engineer, the developer shall submit to the City Engineer six (6) copies of revised construction drawings and specifications which bear the seal and signature of an Engineer licensed in the State of Texas.

Accompanying the six copies shall be two (2) construction cost estimates bearing the same Engineer's seal and signature.

7. **Reproducible Construction Drawings for Public Record "As Built"**

Within thirty (30) days of approval by the City Engineer of completed construction of all subdivision improvements, the developer shall provide a single set of reproducible construction drawings to the City Engineer for the city's permanent record and use as owner of the improvements.

The intent and purpose of this requirement is that the reproducible construction drawings shall show the subdivision improvements as they were actually built. To this end, the drawings shall show the latest revision of design by the developer's engineer, and shall show all field changes which required approval by the City Engineer or his duly authorized representative.

Each sheet shall bear a certification as follows, to wit:

"(date)

To the City of Seven Points:

I certify that the subdivision improvements shown on this sheet were actually built and that said improvements were built substantially as shown hereon. I further certify, to the best of my knowledge, that the materials of construction and sizes of manufactured items, if any, except concrete reinforcing bars, are stated correctly hereon.

Detailed horizontal and vertical geometry, if any, is gathered from sources believed reliable, but is not certified or guaranteed."

The Certification shall be executed by, and shall bear the seal and original signature of a professional engineer who is registered in the State of Texas at the date of such certification, and shall be executed before a Notary Public, who shall attest to the identity of the signatory and the date of the certification.

5.10 Re-plats and Vacating of Subdivisions

1. **General**

Re-plats shall be submitted as required by Sections 212.014 - 212.016, Local Government Code.

2. **Processing of Re-plats/Vacatings – Process Steps**

- a. The City Engineer shall review the vacation/re-plat as to its conformity with the Comprehensive Plan, thoroughfare plan, and the standards and specifications set

forth herein or referred to herein.

- b. The City Engineer shall present the vacation/re-plat to the PZC with his recommendations. He may also convey the comments and recommendations of any other person or agency with whom he has consulted.
- c. The PZC shall study the vacation/re-plat and all recommendations, taking into consideration the requirements of these regulations. Particular attention will be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage; lot sizes and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of other ordinances, policies, and plans as adopted by the PZC.
- d. After reviewing and discussing the vacation/re-plat and recommendations the PZC will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the final plat. Said approval shall constitute authorization to prepare and submit a final plat.
- e. Within thirty (30) days after the vacation/re-plat is formally submitted, the PZC shall approve or disapprove such plat. The PZC shall inform the subdivider, in writing, of the approval or the reasons for disapproval.

3. Recordation

After plat approval and after the subdivider has constructed all the required improvements, paid all associated fees, and such improvements have been approved or after the plat has been approved and the subdivider has filed the required security (guarantees) the plat shall be recorded with the County Clerk of Henderson County or as appropriate.

4. Expiration of Re-plat or Vacating Plat Approval

If a re-plat or vacating plat approved after approval date of this subpart has not been filed for record with the County Clerk within nine (9) months of the PZC's approval then the approval of the re-plat shall expire.

[Local Government Code, § 212.013, 212.014, 212.015, and 212.016]

5.11 Street and Alley Closing

1. Submittal of Requests

The applicant shall submit a complete application. Submittal shall be made in the office of the City Secretary. Partial applications shall not be accepted. Such application shall consist of:

- a. An application letter which shall state the name, address, and telephone number of the owner and the registered engineer or surveyor who prepared the survey;
- b. One (1) copy of a survey indicating the street/alley or encroachment;

- c. One (1) copy of the surveyor's field notes describing the street/alley or encroachment;
- d. Current filing fees;
- e. Additionally required, for street or alley abandonment:
 - (1) One (1) copy of a plat showing the location of the street or alley and the names of property owners whose land also abuts the street or alley; and
 - (2) An application closing letter signed by abutting property owners concurring with the abandonment.
 - (3) An appraisal for the value of the land abandoned.
- f. Any explanatory information that the applicant wishes to provide.

2. Processing of Abandonment Requests – Process Steps

The City Engineer shall review the request as to its conformity with the Comprehensive Plan, thoroughfare plan, land use plan, and the standards and specifications set forth herein or referred to herein.

3. Form and Content

- a. Re-plats shall conform to final plat requirements.
- b. The re-plat documents shall indicate two lot configurations:
 - The existing conditions to be vacated;
 - The lot configuration to be recorded as the re-plat.
- c. That portion of the document indicating the existing conditions to be vacated shall indicate:
 - (1) Topographic Data
 - Existing boundary lines, bearings, and distances, acreage.
 - Present ownership, tract designation and property lines of adjacent properties.
 - Location, size, centerline of all existing and proposed utilities, drainage structures, water courses, railroads and other physical features on and adjacent to the site.
 - Location, name, type, and width of surfacing of all existing and proposed streets and alleys on or adjoining the proposed development.
 - Location, size and purpose of all existing and proposed easements and public areas on or adjoining the proposed development.
 - Existing and proposed contours at intervals of two feet (2') for grades up to 5% and not more than five feet (5') for grades over 5%, based on city standard datum or N.G.V.D. datum, which shall be specified on the plat.
 - Other conditions, on the site such as marshes, wooded areas, buildings,

and other significant features when deemed necessary by the PZC.

▫ Other conditions on adjacent land such as a slope, buildings, railroad power lines, towers, and other adverse non-residential land uses.

(2) Title and Certificate

- Present tract designation of record.
- Title under which the new subdivision is to be recorded.
- Notation stating acreage, scale, north arrow, datum, bench marks, and date of survey.

(3) Drawings

- Drawn on sheets 24" x 36".
- Scale: 1" = 100' or larger.
- Drawings must show:
 - All information listed under "Topographic Data" above.
 - Proposed streets with names, right-of-way widths, roadway widths, types, central angles of intersections, approximate grades and gradients, and similar information for alleys and other right-of-way easements.
 - Lot lines, lot numbers, and block numbers.
 - Any sites reserved or dedicated for parks, playgrounds, utility facilities or other public uses.
 - Any sites for multi-family dwellings, shopping centers, industry, churches, or other non-public uses exclusive of single-family dwellings.
 - Building setback lines.
 - Title, north arrow, scale, and date.
 - Key map, drawn at a satisfactory scale to show the relationship of the property to adjacent existing streets and identifying features for a distance of at least one-half mile.
 - Index sheet, if plat is drawn on more than one sheet, showing the entire subdivision at a suitable scale.

d. That portion of the document indicating the lot configuration to be recorded as the final plat shall indicate:

(1) Data

- Primary control points, approved by the City Engineer or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- Tract boundary lines, right-of-way lines of streets, easements, and all other rights-of-way, property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radii, arcs, and central angle of all curves.
- Name and right-of-way width of each street or other right-of-way.
- Location, dimension, and purpose of all easements.
- Number to identify each lot, site, and block.
- Purpose for which all sites other than residential lots are dedicated or reserved.