

SUBDIVISIONS*

* **Editors Note:** Ord. No. 94-16, adopted September, 20, 1994, did not specifically amend the Code and has been included herein as superceding the provisions of former Appendix B relative to subdivisions, which derived from Ord. No. 77-9, adopted May 3, 1977. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Charter References: Flood prevention and protection standards for subdivision proposals, § 46-68.

Cross References: Environment, ch. 38; fire protection and prevention, ch. 42; floods, ch. 46; solid waste, ch. 78; streets, sidewalks and certain other public places, ch. 82; utilities, ch. 94; zoning, App. A. _____

Sec. 1. General provisions

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ORDINANCE NO. 94-16

An ordinance prescribing rules and regulations governing plats, plans and subdivisions of land within the corporate limits of the City of Commerce, Texas or within its jurisdiction; containing certain definitions; providing for a preliminary plat, a final plat, and providing for final approval of subdivisions by sections; prescribing regulations for streets, sidewalks, alleys, sanitary utilities, water mains, storm sewers and other drainage structures and public utilities, more specifically contained in subdivision ordinance draft marked Exhibit "A" and made a part hereof as if copied herein verbatim; repealing all conflicting ordinances; providing a savings clause; prescribing a penalty clause; declaring an emergency; and providing an effective date.

Whereas, under the laws of the State of Texas, hereafter every owner of any tract of land situated within the corporate limits of the City of Commerce, Texas, or within its jurisdiction; who may hereafter divide the same in two or more tracts described by metes and bounds or otherwise for the purpose of laying out any subdivision of such tract of land or any addition to said City of Commerce; or for laying out suburban lots or building lots, or any lots, and streets, alleys or parks and other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, are required to submit a plat of such subdivision or addition for approval by the city planning and zoning commission of the City of Commerce; and

Whereas, the city commission of the City of Commerce is empowered by law to promulgate and establish the general plan of said city and its streets, alleys, parks, public utility facilities, including those which have been or

may be laid out, together with the general plan for the extension of such city and of its roads, streets, and public highways within the city or within its jurisdiction.

If any section, part or provision of this appendix is declared unconstitutional or invalid, then in that event, it is expressly provided, and it is the intention of the city commission of the City of Commerce, Texas, in passing this appendix, that all other parts of this appendix shall not be affected thereby and shall remain in full force and effect.

This ordinance repeals all other ordinances and parts of ordinances in conflict with the terms of this ordinance.

Prescribing a penalty in accordance with Local Government Code 54.011 and 2, et. seq. as amended of Acts 1987, ch. 680, and for civil enforcement remedy in addition to penalty.

Whereas, an emergency is apparent for the immediate preservation of order, health, safety, and general welfare of the public, all rules and regulations requiring the reading of ordinances more than one time on more than one occasion are hereby suspended.

This ordinance shall take effect and be in force form and after its passage and approval. On and after the passage of this ordinance any person, firm or corporation seeking approval of any plat, plan or replat of any subdivision of land within the corporate limits of the City of Commerce or within its jurisdiction, shall be required to comply with the requirements of this ordinance before such approval may be granted, to-wit:

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

SECTION 1.

GENERAL PROVISIONS

Section 1.1. Authority.

Section 1.2. Interpretation and purpose.

Section 1.3. Application of regulations.

Section 1.4. Jurisdiction.

Section 1.5. Exemptions.

Section 1.6. Applicable law.

Section 1.7. Interpretation, conflict and separability.

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Section 1.10. Amendments.

Section 1.11. Variances.

Section 1.12. Enforcement, violation and penalties.

Section 1.13. Payment of all indebtedness.

Section 1.14. Right to deny hearing.

Section 1.15. Misrepresentation of facts unlawful.

Section 1.16. Definitions.

Section 1.1. Authority.

The following rules and regulations are hereby adopted as the Subdivision Regulations of the City of Commerce, Texas, and shall be applicable to the filing of plats and the subdivision of land, as that term is defined herein and in Chapter 212 of Vernon's Texas Local Government Code, within the corporate city limits of the City of Commerce as they may be from time to time adjusted by annexation or disannexation and within all the areas of the extraterritorial jurisdiction of the City of Commerce as that area may exist from time to time as provided by Chapter 42, Vernon's Texas Local Government Code. The City shall have all remedies and rights provided by said Chapter 212 with regard to the control and approval of subdivisions and plats both within the city and within its extraterritorial jurisdiction.

Section 1.2. Interpretation and purpose.

In the interpretation and application of the provisions of these regulations, it is the intention of the city commission that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City of Commerce and its jurisdiction, amending certain other ordinances of the city and superseding the previous subdivision ordinance. Where other ordinances of the city are more restrictive in their requirements, such other ordinances shall control.

Subdivision of land is the first step in the process of urban development. The distribution and relationship of residential, commercial, industrial, and agricultural uses throughout the community along with the system of improvements for thoroughfares, utilities, public facilities, and community amenities determine in large measure the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life character. A community's quality of life is of public interest. Consequently, the subdivision of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. The regulations contained herein are designed and intended to encourage the development of a quality urban environment by establishing standards for the provision of adequate light, air, open space, stormwater drainage, transportation, public utilities and facilities, and other needs necessary for insuring the creation and continuance of a healthy, attractive, safe, and efficient community that provides for the conservation, enhancement, and protection of its human and natural resources. Through the application of these regulations, the interests of the public, as well as those public and private parties, both present and future, having interest in property affected by these regulations are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this appendix further the possibility that land will be developed for its most beneficial use in accordance with existing social, economic, and environmental conditions.

The procedure and standards for the development, layout and design of subdivisions of land within the corporate limits and extraterritorial jurisdiction of the City of Commerce, Texas are intended to:

- A. Promote and develop the utilization of land in a manner to assure the best possible community environment in accordance with the master plan and the comprehensive zoning ordinance of the City of Commerce;
- B. Guide and assist the developers in the correct procedures to be followed and to inform them of the standards which shall be required;

C. Protect the public interest by supervising the location, design, class and type of streets, sidewalks, utilities and essential areas and services required;

D. Assist orderly, efficient and coordinated development within the extraterritorial jurisdiction;

E. Provide neighborhood conservation and prevent the development of slums and blight;

F. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;

G. Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community;

H. Provide the best possible design for each tract being subdivided;

I. Provide the most attractive relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide the proper location and width of streets;

J. Prevent pollution of the air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard both surface and groundwater supplies; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;

K. Preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to these natural features;

L. Establish adequate and accurate records of land subdivision;

M. Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments within the territorial jurisdiction;

N. Protect and provide for the public health, safety, and general welfare of the community;

O. Provide for adequate light, air, and privacy; secure safety from fire, flood, and other danger; and prevent overcrowding of the land and undue congestion of population;

P. Protect the character and the social and economic stability of all parts of the community and encourage the orderly and beneficial development of all parts of the community;

Q. Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land; and minimize the conflicts among the uses of land and buildings;

R. Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities;

S. Encourage the development of a stable, prospering economic environment;

Minimum standards for development are contained in the zoning ordinance, the building code and in this appendix. However, the master plan and future land use plan expresses policies designed to achieve an optimum

quality of development in the urban area. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the master plan and in this appendix, and is encouraged to exceed the minimum standards required herein.

Section 1.3. Application of regulations.

A. No subdivision plat shall be recorded until a final plat, accurately describing the property to be conveyed, has been approved in accordance with these subdivision regulations. Furthermore, no building permit, or certificate of occupancy, or plumbing permit, or electrical permit, or utility tap or certificate of acceptance for required public improvements shall be issued by the city for any parcel or plat or until;

1. A plat has been approved in accordance with these regulations, and
2. All improvements, as required by these regulations, have been constructed and accepted by the City of Commerce, or
3. Assurances for completion of improvements have been provided in accordance with section 6.

Section 1.4. Jurisdiction.

The provisions of these subdivision regulations, as authorized by Subchapter A and B of Chapter 212 of the Local Government Code, including the technical construction standards and specifications, shall apply to the following forms of land subdivision and development activity within the city limits or its extraterritorial jurisdiction:

- A. The division of land into two or more tracts, lots, sites or parcels; or
- B. All subdivisions of land whether by metes and bounds division or by plat, which were outside the jurisdiction of the city's subdivision regulations in Hunt County, Texas and which subsequently came within the jurisdiction of the city's subdivision regulations through:
 1. Annexation; or
 2. Extension of the city's extraterritorial jurisdiction.
- C. The division of land previously subdivided or platted into tracts, lots, sites or parcels subject to and not in accordance with adopted city subdivision regulations in effect at the time of such subdividing or platting and having occurred on or after _____ (adoption date of current ordinance); or
- D. The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site except as otherwise provided herein; or
- E. When a building permit is required on property not platted for the following uses:
 1. Residential single-family and duplex.
 - a. New construction.
 - b. Moving of a primary structure onto vacant property.

2. Nonresidential and multifamily.
 - a. New construction.
 - b. Additions (increase of square footage of existing building more than 20 percent of the gross floor area).
 - c. Moving of a primary structure onto vacant property.
- F. For tracts where any public improvements are proposed.
- G. Whenever a property owner proposes to divide land lying within the city or its extraterritorial jurisdiction into two or more tracts for purposes of development, that results in parcels or lots all greater than five acres in size, or in the event that development of any such tract is intended, and where no public improvement is proposed to be dedicated, he shall first obtain approval of a development plat that meets the requirements of Texas Local Government Code Chapter 212, subchapter B. See section 2.6 of this appendix for requirements for development plats.

Section 1.5. Exemptions.

The provisions of these subdivision regulations shall not apply to:

- A. Land legally platted and approved prior to the effective date of these subdivision regulations except as otherwise provided for herein (construction of facilities shall conform to construction standards in effect at the time of construction); or
- B. Land constituting a single tract, lot, site or parcel for which a legal deed of record describing the boundary of said tract, lot site or parcel was filed of record in the deed records of Hunt County, Texas on or before _____ (adoption date of current ordinance).
- C. Sale, inheritance, or gift of land by metes and bounds of tracts on which no improvements or alteration is occurring; or
- D. Existing cemeteries complying with all state and local laws and regulations (does not apply to new cemeteries or expansion of existing cemeteries); or
- E. Divisions of land created by order of a court of competent jurisdiction; or
- F. When a building permit is requested for unplatted or already platted parcels for the following activities:
 1. Replacement or reconstruction of an existing primary single-family or duplex structure but not to exceed the square footage of the original structure.
 2. Additions (increase in square footage of structure) not over 50 percent of the existing structure's value and not over 20 percent of the gross floor area.
 3. Accessory buildings.
 4. Remodeling or repair (no expansion of square footage).
 5. Moving a structure off a lot or parcel or for demolition permits.

Section 1.6. Applicable law.

All applications for plat approval, including final plats, pending on the effective date of these regulations and which have not lapsed shall be reviewed under regulations in effect immediately preceding the date of adoption of these regulations.

Section 1.7. Interpretation, conflict and separability.

A. *Interpretation.* In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

B. *Conflict with other laws.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute of other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

Section 1.10. Amendments.

For the purpose of protecting the public health, safety and general welfare, the planning and zoning commission or city commission may from time to time propose amendments to these regulations which shall then be approved or disapproved by the city commission at a public meeting.

Section 1.11. Variances.

A. *General.* Where the city commission finds that unreasonable hardships or difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured; provided that the variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the city commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
4. The variance will not in any manner vary the provisions of the zoning ordinance or master plan, future land use plan, thoroughfare plan, and other adopted Plans, except that those documents may be amended in the manner prescribed by law.

B. *Criteria for variances from development exactions.* Where the city commission finds that the imposition of any development exaction pursuant to these regulations exceeds reasonable benefit to the property owner or is so excessive as to constitute confiscation of the tract to be platted, it may approve variances to such requirements, so as to prevent such excess.

C. *Conditions.* In approving variances, the city commission may require such conditions as will, in its judgement, secure substantially the purposes described in section 1.2.

D. *Procedures.*

1. A petition for a variance shall be submitted in writing by the property owner at the time when the development plat, preliminary plat or final plat is filed for the consideration of the planning and zoning commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

2. Where a hardship is identified in a land study which will result in a request for a variance, the planning and zoning commission may recommend a conditional variance. A conditional variance shall receive final approval along with a preliminary plat provided that the preliminary plat conforms to the land study and no new information or reasonable alternative plan exists which, at the determination of the city commission, voids the need for a variance. All variances shall have final approval or disapproval by the city commission.

E. *Criteria for variances for street exactions.* Where the city commission finds that the imposition of any dedication or construction requirement for streets pursuant to these regulations exceeds reasonable benefit to the property to be platted, it may approve variances to such requirements, so as to prevent such excess. In order to qualify for a variance under this section, the property owner shall demonstrate that the costs of right-of-way dedication and/or construction for non-local streets imposed pursuant to these regulations substantially exceeds the incremental costs of providing land and transportation improvements necessary to offset the additional traffic impacts generated by or attributable to the development on the transportation network serving the property, including that which may be generated by or attributed to other phases of the project or property to be developed.

Section 1.12. Enforcement, violations, and penalties.

A. *Violations and penalties.* Any person who violates any of these regulations for lands within the corporate boundaries of the city shall be subject to a fine of not more than \$2000.00 per day, pursuant to the Texas Local Government Code 54.011 and 2, et. seq. as amended of Acts 1987, ch. 680.

B. *Civil enforcement.* Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose additional penalties, to restrain, correct, or abate a violation of these regulations, whether such violation occurs with respect to lands within the corporate boundaries of the city or within the city's extraterritorial jurisdiction. These remedies shall be in addition to the penalties described above.

Section 1.13. Payment of all indebtedness attributable to a specific property required prior to hearings before city commission or planning and zoning commission.

A. No person who owes delinquent taxes, delinquent paving assessments or any other delinquent debts or obligations, and which are directly attributable to a piece of property shall be allowed to record an approved plat until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the city manager has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid at time of platting.

Section 1.14. Right to deny hearing.

The city shall have the right to deny a hearing if the person or applicant proposing a subdivision of land does not submit the information required to be shown on a plat and the required application fees as prescribed by this and other ordinances.

Section 1.15. Misrepresentation of facts unlawful.

A. It shall be unlawful for any person to knowingly or willfully misrepresent, or fail to include, any information required by this appendix on any application for annexation, zoning, development, or subdivision of property.

B. Penalties and exceptions. If any applicant for such hearing, or any owner of property subject to such hearing, shall allow such hearing before the planning and zoning commission and/or the city commission to be heard in violation of any of the provisions of the appendix, such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a penalty as per section 1.12.

Section 1.16. Definitions.

For the purpose of this appendix, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word "shall" is always mandatory, while the word "may" is merely directory.

- A. *Addition.* One lot, tract or parcel of land lying within the corporate boundaries of the city which is intended for the purpose of development.
- B. *Administrative officers.* Any office referred to in this chapter, or ordinance, by title, i.e., city manager, city attorney, city secretary, city planner, director of community development, city engineer, director of public works, etc., shall be the person so retained in this position by the city, or his duly authorized representative. This definition shall also include engineering, planning and other consultants retained by the city to supplement or support existing city staff as deemed appropriate by the city.
- C. *Alley.* A minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.
- D. *Amended plat.* A revised plat correcting errors or making minor changes to the original recorded final plat. Also termed amending plat.
- E. *Amenity.* An improvement to be dedicated to the public or the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this appendix.
- F. *Approved public access easement or approved public place.* An easement designated on the final plat which provides access to all platted lots. The easement shall meet all of the requirements as set forth for a dedicated street (i.e. construction standards, width, and function) but may be privately maintained.
- G. *Block length.* For a residential subdivision, that distance of a block face measured along the centerline of a right-of-way from one street intersection to another or to the midpoint of a cul-de-sac or to a 90 degree turn.
- H. *Bond.* Any form of a surety bond in an amount and form satisfactory to the city.

- I. *Building setback line.* The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street line.
- J. *Capital improvements program.* The official proposed schedule of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by city commission.
- K. *City.* The City of Commerce, Texas, together with all its governing and operating bodies.
- L. *City commission.* The duly elected governing body of the City of Commerce, Texas.
- M. *City engineer.* "City engineer" shall apply only to such registered professional engineer or firm of registered professional consulting engineers that has been specifically employed by the city.
- N. *City manager.* The person holding the position of city manager as appointed by the city commission according to the city charter.
- O. *Concept plan.* A sketch drawing of initial development ideas superimposed on a topographic map to indicate generally the plan of development and to serve as a working base for noting and incorporating suggestions of the city manager, planning and zoning commission, engineer, or others who are consulted prior to the preparation of the preliminary plat.
- P. *Construction plan or drawing.* The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision or addition in accordance with the requirements of the city as a condition of the approval of the plat.
- Q. *Contiguous.* Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.
- R. *Cul-de-sac.* A street having but one outlet to another street, and terminated on the opposite end by a vehicular turnaround.
- S. *Dead end street.* A street, other than a cul-de-sac, with only one outlet.
- T. *Easement.* The word "easement" shall mean an area for restricted use on private property upon which a public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements. The public utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.
- U. *Escrow.* A deposit of cash with the city in accordance with city policies.
- V. *Filing date.* The filing date is when all necessary forms, fees, and copies are submitted and accepted for filing by action of issuance of a fee receipt by the city.
- W. *Final plat (also record plat or file plat).* The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer with the subdivision location referenced to a survey corner and all boundaries, corners, and curves of the land division sufficiently described so that they can be

reproduced without additional references. The final plat of any lot, tract, or parcel of land shall be recorded in the records of Hunt County, Texas. An amended plat is also a final plat.

- X. *Improvement or developer agreement.* A contract entered into by the developer and the city by which the developer promises to complete the required public improvements within the subdivision or addition within a specified time period following final plat approval.
- Y. *Land study.* A general plan for an area proposed for partial or complete subdivision. The land study shall show the proposed locations of land uses, streets, phasing of development, important physical features, and other applicable information for the entire area to be subdivided.
- Z. *Land planner.* Persons other than surveyors or engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial, and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning, and may be a member of the American Institute of certified planners.
- AA. *Lot or lot of record.* A divided or undivided tract or parcel of land having frontage on a public street and which is or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.
- BB. *Master plan.* The phrase master plan shall mean the comprehensive plan of the city and adjoining areas as adopted by the city commission and the city planning and zoning commission, including all its revisions. This plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks, water, sewer, and other public and private developments and improvements.
- CC. *On-site facilities or improvements.* On-site shall mean those existing or proposed facilities or improvements constructed within the property boundaries of the plat. On-site shall also mean those existing or proposed facilities required to be constructed or improved immediately adjacent to the property which are required to serve the development. These include streets, water lines, sewer lines, storm drainage, curb and gutter, and any other construction or reconstruction to serve the property.
- DD. *Off-site facilities or improvements.* Off-site facilities shall mean those facilities or improvements required for service to the site but not located within the boundaries of the plat. These include all oversizing for streets, sewer lines, water lines, storm drainage, as well as the excess capacity of facilities such as water storage tanks and wastewater treatment plants available for new development.
- EE. *Pavement width.* The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion face to face.
- FF. *Perimeter street.* Any existing or planned street which abuts the subdivision or addition to be platted.
- GG. *Person.* Any individual, association, firm, corporation, governmental agency, or political subdivision.
- HH. *Planning and zoning commission.* The planning and zoning commission of the city.

- II. *Preliminary plat.* The graphic expression of the proposed overall plan for subdividing, improving, and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of proposed development.
- JJ. *Replatting.* "Replatting" or replat is the resubdivision of any part or all of any block or blocks of a previously platted subdivision, additional lot or tract.
- KK. *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 use of right-of-way shall also include parkways and medians outside of pavement. The usage of 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.
- LL. *Street.* A public right-of-way, however designated, which provides vehicular access to adjacent land.
1. Major thoroughfares (also arterial streets, primary thoroughfares, etc.) provide vehicular movement from one neighborhood to another, to distant points within the urban area or to freeways or highways leading to other communities.
 2. Collector streets (also feeder streets, secondary thoroughfares, etc.) provide vehicular circulation within neighborhoods and from minor streets to major thoroughfares.
 3. Local residential streets (also minor thoroughfares or streets, etc.) are primarily for providing direct vehicular access to abutting residential property.
- MM. *Street width.* The shortest distance between the lines which delineate the rights-of-way of a street.
- NN. *Subdivider.* Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, such as a developer, or land sought to be subdivided.
- OO. *Subdivision (also addition).* A division or redivision of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of such limits, for the purpose of transfer of ownership, layout of any subdivision of any tract of land or any addition, or for the layout out of building lots, or streets, alleys or parts of other portions for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.
- PP. *Substandard street.* An existing street or highway that does not meet the minimum specifications is not constructed to the ultimate extent for the type of roadway it is designated for in the major thoroughfare plan. A standard street is a street or highway that meets or exceeds said standard specifications and major thoroughfare plan.
- QQ. *Surveyor.* A licensed state land surveyor or a registered public surveyor, as authorized by the State statutes to practice the profession of surveying.

SECTION 2
PROCEDURES

Section 2.1. Pre-application.

Section 2.2. Procedure for approval of a preliminary plat and submission requirements.

Section 2.3. Procedure for approval of final plat.

Section 2.4. Final plats (information required).

Section 2.5. Development plats.

Section 2.6. Replatting.

Section 2.7. Amended plat.

Section 2.8. Plat vacation.

Section 2.1. Pre-application.

The subdivider(s) should avail themselves of the advice and assistance of the city officials and consult early and informally with the city manager or other designated administrative officers before preparing a land study, a preliminary plat, or a final plat and before formal application for approval, in order to save time, money, and avoid unnecessary delays.

Section 2.2. Procedure for approval of a preliminary plat and submission requirements.

A. On reaching conclusions at the pre-application conference regarding a general development program and objectives, the subdivider shall prepare a preliminary plat which, together with improvement plans and other supplementary materials as specified shall be submitted to the City of Commerce with the filing fee as provided by separate ordinance and written application for conditional approval at least 21 days prior to the planning and zoning commission meeting at which it is to be considered. The preliminary plat shall be in accordance with the master plan including all adopted water, sewer, future land uses, and thoroughfare plans. The preliminary plat may be prepared by an engineer, land planner, surveyor, or other qualified individual.

B. Copies of prints of the proposed subdivision drawn on sheets at a size of 24 inches by 36 inches and drawn to a scale of 100 feet or 50 feet to the inch (1"=100' or 1"=50') shall be submitted in the number of copies specified by the city. The required number of copies and any reductions shall be specified by the city staff on an application form. In cases of large developments which would exceed the dimensions of the sheet of 100 feet scale, preliminary plats may be 200 feet to the inch (1"=200') or a scale approved by the city administrative official. Preliminary plats which do not include the required data, number of copies and information will be considered incomplete and not accepted for submission by the city and shall not be scheduled until the proper information is provided to the city staff. Additional copies of the preliminary plat may be required if revisions or corrections are necessary. A preliminary plat shall include all contiguous property under the ownership or control of the applicant. It may contain more than one phase which, if so, shall be clearly identified.

C. Following review of the preliminary plat and other material submitted for conformity thereof to these regulations, and discussions with the subdivider on changes deemed advisable and the kind and extent of improvements to be installed, the planning and zoning commission shall, within a 30 day period after the submittal of such preliminary plat to the city, act thereon as submitted, or modified. If approved, the planning and zoning

commission shall recommend its approval or state the conditions of such approval, if any, or if disapproved, its disapproval and reasons therefor.

D. After the planning and zoning commission has made its recommendation, the preliminary plat shall be scheduled for the next possible city commission agenda. The city commission shall take action on the preliminary plat within 30 days of the planning and zoning commission action.

E. Conditional approval of a preliminary plat by the planning and zoning commission and city commission shall be deemed an expression of approval to the layouts submitted on the preliminary plat as a guide for the future installation of streets, water, sewer, and other required improvements and utilities and to the preparation of the final or record plat. Except as provided for herein, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval noted as provided in this section have been met. Any developer or subdivision agreements shall be approved prior to approval of the final plat.

F. Standards for approval. No preliminary plat shall be approved by the planning and zoning commission or by the city commission unless the following standards have been met:

1. The construction plans have been approved by the city engineer.
2. Provision for installation and dedication of public improvements has been made.
3. The plat conforms to applicable zoning and other regulations.
4. The plat meets all other requirements of these regulations.

G. For subdivisions less than five acres which contain only one lot, the requirement for a preliminary plat may be waived by the city manager or the designated administrative official if no public improvements are being proposed. See section 4 for additional requirements for plats where the requirement for dedication of land for parks or cash in lieu thereof is applicable.

H. No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the final plat by the planning and zoning commission and city commission. The applicant shall also provide copies of letters from applicable local utility companies stating that the utility company has reviewed the plat and state any requirements. This requirement may be deferred until the final plat is submitted if approved by the city manager or the designated administrative official. Any excavation prior to approval of the final plat shall be at the subdivider's risk.

I. The required copies or prints of the proposed preliminary subdivision shall show the following:

1. A vicinity or location map that delineates the location of the proposed preliminary plat in the city;
2. Boundary lines, abstract lines, survey lines, corporate boundaries, existing or proposed highways and streets, bearings, and distances sufficient to locate the exact area proposed for the subdivision;
3. The name and location of all adjoining subdivisions or property owners shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing street and alleys and other features that may influence the layout of development of the proposed subdivision; Adjacent unplatted land shall show property lines and owners of record;

4. The location and widths of all streets, alleys and easements existing or proposed within the subdivision limits. Proposed street names are required to be shown on all new streets. Approved street names are required at the time the final plat is approved;
5. The location of all existing property lines, existing lot and block numbers and date recorded, buildings, existing sewer or water mains, gas mains or other underground structures, easements of record or other existing features within the area proposed for subdivision;
6. Proposed arrangement and square footage of lots (including lot and block numbers) and proposed use of same;
7. The title under which the proposed subdivision is to be recorded, the name and address of the owner with the name of the planner, engineer, or registered public surveyor preparing the drawing. The subdivision name shall not be duplicated, but phasing identification is allowed. The city shall determine if the proposed subdivision identification will be in conflict with existing plats;
8. Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses;
9. Scale, north arrow, date and other pertinent data oriented to the top or left side of the sheet;
10. Contours with intervals of two feet or less shown for the area with all elevations on the contour map referenced to the latest U.S.C. and G.S. data;
11. Areas contributing drainage to the proposed subdivision shall be shown on the preliminary plat or separate map, if necessary. The information may be shown on a smaller scale supplemental drawing. Locations proposed for drainage discharge from the site shall be shown by directional arrows;
12. All physical features of the property to be subdivided including location and size of all water courses, 100-year floodplain according to Federal Emergency Management Agency (F.E.M.A.) information, Corps of Engineers flowage easement requirements, ravines, bridges, culverts, existing structures, drainage area in acres or area draining into subdivisions, the outline of major wooded areas or the location of major or important individual trees, and other features pertinent to subdivision;
13. A proposed construction plan of all utilities and infrastructure (including sizes) to be constructed in the subdivision shall be shown on a separate map. The proposed connections to distribution mains shall be indicated;
14. Where a subdivision is proposed to occur in phases, the subdivider, in conjunction with submission of the preliminary plat, shall provide a schedule of development. The dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision. The city commission shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established and may require that a traffic impact analysis be submitted for the entire project or such phases as the commission determines to be necessary to adjudge whether the subdivision will be served by adequate streets and thoroughfares.
15. All preliminary plats shall be submitted in a legible format on a good grade blue line or black line paper;
16. Proposed or existing zoning;

17. The following notice shall be placed in the lower right-hand corner of the page of each preliminary plat by the developer:

"Preliminary Plat"

"Approved by the Planning and Zoning Commission"

Date _____

"Approved by the City Commission" Date

J. *Effect of approval.* Approval of a preliminary plat by the city commission constitutes authorization for the property owner, upon fulfillment of all requirements and conditions of approval, to submit for approval an application for final plat approval.

K. *Extension and reinstatement procedure.*

1. Approval of a preliminary plat shall be effective for two years unless reviewed by the planning and zoning commission and city commission in the light of new or significant information which would necessitate the revision of the preliminary plat. If no development or change in requirements has occurred which would affect the proposed plat at the end of the two year period of an effective approval, the city commission may, at the request of the applicant, extend its approval another year without the submission of a new preliminary plat by reapproving the original preliminary plat. No filing fee is required for such reapproval.
2. Sixty days prior to or following the lapse of approval for a preliminary plat, as provided in these regulations, the property owner may petition the city to extend or reinstate the approval. Such petition shall be considered at a public meeting at the planning and zoning commission and city commission.
3. In determining whether to grant such request, the city commission shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted subdivision regulations shall apply to the plat or study. The planning and zoning commission and city commission shall extend or reinstate the plat or study, or deny the request, in which instance the property owner must submit a new application for approval.
4. The planning and zoning commission and city commission may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval. The planning and zoning commission and city commission may also specify a shorter time for lapse of the extended or reinstated plat or study than is applicable to original approvals.

Section 2.3. Procedure for approval of final plat.

A. The final plat shall be in accordance with the preliminary plat as approved and incorporate all conditions, changes, directions and additions as approved by the city commission. The final plat shall not be released for filing until detailed engineering and construction plans have been approved by the City of Commerce. The final plat shall not be submitted prior to approval of the preliminary plat (see section 2.2 G for exceptions). At the time the developer files the final plat with the city administrative official, he shall also file a certificate showing that all taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property in accordance with section 1.13.

B. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and then develop, provided, however, that such portion conforms to all the requirements of these regulations. The final plat shall also include construction plans and cost estimates for construction of improvements.

C. The required number of copies of the proposed final plat and construction plans shall be submitted no later than 21 calendar days before the meeting at which they shall be considered, accompanied by a filing fee as prescribed by the city commission by separate ordinance. The city administrative official shall check the plat to ascertain its compliance with these regulations and report to the applicant. If revisions are necessary, the applicant, developer, or their engineers shall submit additional corrected copies of the properly completed final plat to the administrative official for final action no later than 14 days prior to the planning and zoning commission meeting. Failure to submit corrected copies shall be reason to determine the submittal as incomplete and not schedule the plat on the planning and zoning commission's agenda.

The planning and zoning commission shall recommend approval or denial of the final plat within 30 days of the filing date. The city commission shall take action within 30 days of the planning and zoning commission action. A certificate of approval of the city commission attested by the mayor or mayor pro tem and city secretary, as provided herein, shall be attached to the plat when such final plat has been approved.

The developer and/or applicant shall return copies of the final plat, as approved, with any other required documents and necessary fees attached thereto to the city administrative official within 30 days in accordance with requirements established by the city. All easements shall be included as required by utility companies or the City of Commerce prior to filing and a copy of letters from each applicable utility company shall be submitted to the city manager stating that the plat contains the proper easements. Mylars, reductions and blue-line copies as may be required by the Hunt County Clerk, in addition to mylar copies required by the city, shall be returned to the city secretary with the required fees. If the required copies are not returned to the city within the specified time, the city approval of the final plat shall be null and void unless an extension is granted by the city commission. The city secretary shall file the final plat within 30 working days at the Hunt County Clerk's office.

D. The final plat (and any replats) shall be prepared by a registered public surveyor or state licensed land surveyor. Construction plans shall be prepared by or under the supervision of a professional engineer registered in the State of Texas as required by state law governing such professions in accordance with this appendix. Plans submitted for review by the city shall be dated and bear the responsible engineer's name, registration number, and the designation of "professional engineer," or "P.E." and an appropriate stamp or statement near the engineer's identification, stating that the documents are for preliminary review and are not intended for construction. Construction plans acceptable to the city shall bear the seal and signature of the engineer and the date signed on all sheets of the plans.

E. Before approval of any final plat by the city commission and planning and zoning commission, the developer shall prepare, or have prepared, and submit the required copies of the complete engineering construction plans of streets, alleys, storm sewers and drainage structures, and water and sanitary sewer improvements for the area covered by the final plat. A drainage plan for each lot shall be submitted with the construction plan. The drainage plan shall be made available to each builder within the proposed subdivision and all builders shall comply with the drainage plan. The developer shall have these plans prepared by their own professional engineers subject to approval of the plans by the City of Commerce. The city engineer shall review or cause to be reviewed, the plans and specifications and if approved, shall mark them approved and return one set to the developer. If not approved, two sets shall be marked with the objections noted and returned to the applicant or developer for correction. The subdivider shall provide additional sets of corrected engineering plans as specified by the city engineer for use during construction.

After approval of the plat, plans, and specifications by the City of Commerce, the developer shall cause a contractor to install the facilities in accordance with the approved plans and standard specifications of the city and at the developer's expense (also see section 6). The developer shall employ engineers, surveyors, and other professionals as necessary to design, stake and supervise the construction of such improvements and shall cause his

contractor to construct the said improvements in accordance with these regulations. The city shall inspect the installation of the improvements.

When all of the improvements are found to be installed in accordance with the approved plans and specifications, and after the improvements have been completed, and upon receipt by the City of Commerce of a maintenance bond or certificate of deposit in accordance with section 6 of this appendix from each contractor, three sets of "AS BUILT" (or "Record Drawing") plans and one set of "AS BUILT" sepias shall be submitted with a letter stating the contractor's compliance with these regulations. After such letter is received, the city manager shall receive and accept for the City of Commerce the title, use, and maintenance of the improvements according to section 6.7.

F. The engineering construction plans shall be valid for a period of one year after approval by the city's engineer. The city's engineer may grant a one year extension after which they are subject to reapproval by the city if no construction has occurred.

G. Timing of public improvements.

1. The planning and zoning commission and city commission may require that all public improvements be installed, offered for dedication and accepted by the city prior to the filing of the final plat by the city secretary. Also see section 6.

The city commission may permit or require the deferral of the construction of public improvements if in its judgment, deferring the construction would not result in any harm to the public, or offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. Any required public improvement(s) approved for deferred construction must be provided for as required in section 6.2(D) prior to the approval of the final plat.

2. If the planning and zoning commission and city commission does not require that all public improvements be installed, offered for dedication and accepted by the city prior to signing of the final plat, it shall require that the applicant execute an agreement and provide security for the agreement as provided in section 6.3.

H. (1) Amending plats and minor plats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.

(2) The city manager or his designee may, for any reason, elect to present the plat for approval to the municipal authority responsible for approving plats.

(3) The city manager or his designee shall not disapprove the plat and shall be required to refer any plat which he or his designee refuses to approve to the municipal authority responsible for approving plats within the time period specified in section 2.3, subsection C. (Ord. No. 99-3, 3-2-99)

Section 2.4. Final plats (information and format requirements).

A. All final plats shall be submitted on sheets no larger than 24 inches by 36 inches and to a scale of not less than 100 feet to the inch (1"=100') or larger. Where more than one sheet is required to encompass the subdivision, an index sheet 24 inches by 36 inches, shall be filed showing the entire subdivision together with the complete dedication, attestations, dates, titles and seals, on one sheet.

Engineering and construction plans shall also be submitted according to city standards and specifications and the requirements set forth herein. Engineering construction plans showing paving and design details of streets,

alleys, culverts, bridges, storm sewers, water mains, sanitary sewers, perimeter sidewalks, landscape plans, and other engineering details of the proposed subdivision at a scale of one inch equals 40 or 50 feet (1" = 40' or 50') horizontally and one inch equals four, five, or ten feet (1" = 4', 5', or 10') vertically shall be submitted to the city administrative official along with the final plat of the subdivision.

The number of copies as specified on the application form shall be submitted with the final plat submittal. Such plans shall be prepared by a registered professional engineer.

B. The exterior boundary of the subdivision shall be indicated by a distinct bold solid line and corner markers by individual symbols.

C. The length and bearing of all straight lines, radii, arc lengths, tangent length and central angles of all curves shall be indicated along the lines of each lot. The curve data pertaining to block or lot boundary may be placed in a curve table.

APPENDIX B

C. *Separability.* If any part of provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The city commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

Section 1.8. Saving provision.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or by discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the city except as shall be expressly provided in these regulations.

Section 1.9. Superseding regulations.

Upon the adoption of these regulations according to law, all subdivision regulations of the City of Commerce previously in effect are hereby superseded, except as provided in section 1.6.

D. The names of all adjoining subdivisions, the dimensions of all abutting lots, lot and block numbers and accurate reference ties to courses and distances of at least one recognized land corner shall be shown. A location map drawn to scale shall also be shown. X, Y, and Z coordinates shall be provided for all lot corners and right-of-way information. A listing of the lots and their collating area in square feet shall be provided either on the plat or separately.

E. The names and accurate location of all adjacent streets.

F. The location and dimension of any utility easement adjoining or abutting the subdivision or proposed within the subdivision shall be shown. It shall be the applicant's responsibility to coordinate with appropriate utility companies for placement of utility easements.

G. The description and location of all survey monuments placed in the addition or subdivision shall be shown (see section 4.3 for specifications).

H. The final plat shall show a title block in the lower right corner of the page, the words "Final Plat", the names of the addition or subdivision, the name of the owner and engineer or surveyor, the scale and location of the subdivision, north point and reference to original land grant or survey and abstract number. The final plat shall provide a place for the county clerk to stamp the number of the cabinet, drawer or area where the plat will be filed and a place for the date in the lower left-hand corner at least 2"×2" in size.

I. Finished floor elevations of building foundations shall be shown on lots adjacent to a floodway or area susceptible to flooding.

J. An owner's certificate shall be attached to and be a part of the final subdivision plat and shall contain a minimum of the following information:

1. A statement that the subdivided area is legally owned by the applicant.
2. An accurate legal description by the line deflection, necessary curve data, and line distance of all lines bounding the property with descriptions correlated to a permanent survey monument.
3. A statement signed by the owner and acknowledged before a notary public as to the authenticity of the signatures, saying that the owner adopts the plat as shown, described and named and they do dedicate to the public forever the streets and alleys shown on the plat. The owner further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.
4. A registered public surveyor's certificate, with a place for signatures.
5. A place for plat approval signature of the mayor or mayor pro tem of the city commission and a place for the secretary to attest such signature and the approval date by planning and zoning commission and city commission.
6. Following are examples of the information required on the final plat which meet the above requirements:
 - a. OWNER'S CERTIFICATE (Example)

STATE OF TEXAS §

COUNTY OF HUNT §

WHEREAS, John Doe and Jane Doe are the owners of a tract of land situated in the XYZ Survey, Abstract No. 999, Hunt County, Texas and being out of a _____ acre tract conveyed to them by Joe Smith and Tom Smith and a _____ acre tract conveyed to them by John Smith and being more particularly described as follows:

(Enter accurate metes and bounds property description here)

NOW, THEREFORE, KNOWN ALL MEN BY THESE PRESENTS:

That _____ acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as _____, an addition

to the City of Commerce, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Commerce. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Commerce's use thereof. The City of Commerce and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Commerce and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Commerce, Texas.

WITNESS, my hand, this the _____ day of _____, 19_____.

BY:

Authorized Signature or Owner

Printed Name and Title

STATE OF TEXAS §

COUNTY OF HUNT §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared John Doe and Jane Doe, Owners, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____.

Notary Public in and for the

State of Texas

b. SURVEYOR'S CERTIFICATE (Example)

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly

placed under my personal supervision in accordance with the Subdivision Regulations of the City of Commerce, Texas.

Registered Public Surveyor

Seal

STATE OF TEXAS §

COUNTY OF HUNT §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____, Surveyor, known to me to be the person whose name is subscribed to this plat.

Given under my hand and seal of office, this _____ day of _____.

Notary Public in and for the

State of Texas

Seal

APPROVED BY: Planning and Zoning Commission

City of Commerce

By

Chairman	Date
APPROVED BY:	City Commission
	City of Commerce

By:

Mayor	
City Secretary	Date

c. VISIBILITY, ACCESS AND MAINTENANCE EASEMENTS (Example)

The area or areas shown on the plat as "VAM" (Visibility, Access, and Maintenance) Easement(s) are hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM Easement. The city shall have the right but not the obligation to maintain any and all landscaping within the VAM Easement. Should the city exercise this maintenance

right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The city may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the owners. No building, fence, shrub, tree or other improvements or growths, which in any way may endanger or interfere with the visibility, shall be constructed in, on, over or across the VAM Easement. The city shall also have the right but not the obligation to add any landscape improvements to the VAM Easement, to erect any traffic control devices or signs on the VAM Easement and to remove any obstruction thereon. The city, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.

d. FIRE LANES (Example)

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

e. ACCESS EASEMENTS (Example)

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Commerce, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

f. A plat or replat of a subdivision may not be filed or recorded if there are delinquent taxes on the property. A plat or replat submitted to a county clerk will have to be accompanied by tax certificates from all taxing units that tax the property. This subsection does not apply if the subdivision of land is acquired by multiple owners through inheritance.

(Ord. No. 99-31, § 1, 11-2-99)

Section 2.5. Development plats.

A. *Authority.* This section is adopted pursuant to Texas Local Government Code, chapter 212, subchapter B, sections 212.041 to 212.050, as amended by _____ (HB 496).

B. *Applicability.* For purposes of this section, the term "development" means the construction of any building, structure or improvement of any nature (residential or nonresidential), or the enlargement of any external dimension thereof. This section shall apply to any land lying within the city or within its extraterritorial jurisdiction in the following circumstances:

1. The development of any tract of land which has not been platted under section 2.3 of this appendix, unless expressly exempted herein;
2. The development of any tract of land for which the property owner claims an exemption from the city's subdivision regulations, which exemption is not expressly provided for in such regulations;
3. The development of any tract of land for which the only access is a private easement or street;
4. The division of any tract of land resulting in parcels or lots each of which is greater than five acres in size, and where no public improvement is proposed to be dedicated.

C. *Exceptions.* No development plat shall be required, where the land to be developed or divided has received final plat approval under section 2.3 of the appendix prior to the effective date of this section, or from which an application for preliminary or final plat approval for such land is pending on or is submitted subsequent to such date. The city commission may, from time to time, exempt other development or land divisions from the requirements of this section.

D. *Prohibition on development.* No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued, for any development or land division subject to this section, until a development plat has been approved by the planning and zoning commission and city commission and filed with the city secretary.

E. *Standards of approval.* The development plat shall not be approved until the following standards have been satisfied:

1. The proposed development conforms to all city plans, including but not limited to, the master plan, thoroughfare plan, land use plan, park master plan, utility plans and applicable capital improvements plans;
2. The proposed development conforms to the requirements of the zoning ordinance;
3. The proposed development is adequately served by public facilities and services, parks and open space in conformance with city regulations;
4. Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered;
5. The proposed development conforms to the design and improvement standards contained in the city's subdivision regulations, design construction manuals and other applicable ordinances.

F. *Conditions.* The city may impose such conditions on the approval of the development plat as are necessary to assure compliance with the standards in subsection (E) above.

G. *Land study requirement.* Whenever a property owner proposes to divide land into tracts or lots each of which is greater than five acres, and for which no public improvements are proposed, he shall submit a study defining the layout of streets, lots, open spaces, easements, and other elements of the subdivision required to produce a developable addition together with his application for approval of a development plat.

H. *Approval procedure.* The application for a development plat shall be approved, conditionally approved, or denied by the city commission following review and recommendation by the planning and zoning commission. Upon approval, the development plat shall be filed with the city by the city secretary.

- I. *Submittal requirements.* Each development plat shall:
 1. Be prepared by a registered professional land surveyor;
 2. Clearly show the boundary of the development plat;
 3. Show each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement involving a change therein;
 4. Show all easements and rights-of-way within or adjacent to the development plat;

Section 2.6. Replatting.

A. **Replat required.** Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the final platting of land by these regulations. The city manager may waive or modify requirements for a preliminary plat under circumstances where the previously approved preliminary plat is sufficient to achieve the purposes set forth in this appendix.

B. **Replatting without vacating preceding plat.** A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

1. Is signed and acknowledged by only the owners of the property being replatted;
2. Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the planning and zoning commission and city commission; and
3. Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

C. **Previous requirements or conditions of approval which are still valid.**

1. In addition to compliance with "B" above, a replat without vacation of the preceding plat must conform to the requirements of this section if:

- a. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use

for not more than two residential units per lot; or

- b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
- c. Compliance with this subsection (c) is not required for approval of a replat of part of the preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

D. **Notice of the public hearing required under "B" above shall be given before the 15th day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in the county and by written notice, with a copy of any special conditions, sent to the owners, as indicated on the most**

recently approved ad valorem tax roll of the city, of lots that are in the original subdivision within 200 feet of the lots to be replatted. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the city.

E. If 20 percent or more of the owners to whom notice is required to be given under subsection "B" above file with the city a written protest of the replatting before or at the hearing, approval of the replat will require the affirmative vote of three-fourths of the city commission members present. In computing percentages of ownership, each lot is considered equal to all other lots regardless of size or number of owners, and the owners of each lot are entitled to cast only one vote per lot. The area of streets and alleys shall be included in computing the percentage of land area.

F. Any replat which adds or deletes lots must include the original subdivision boundaries.

G. If the previous plat is vacated as prescribed in section 212.013 of the Texas Local Government Code, a public hearing is not required for a replat of the area vacated.

H. The replat of the subdivision shall meet all the requirements for a final plat for a new subdivision that may be pertinent, as provided for herein.

I. The title shall identify the document as "Lots _____, being a replat of Lots _____ of Block _____ of the _____ Subdivision."

J. All taxes and other fees due on replatted lots shall be paid and cleared before final approval of the replat by the city commission.

Section 2.7. Amended plat.

Amended plat procedure:

A. An amended plat shall meet all of the informational and procedural requirements set forth for a final plat.

B. The planning and zoning commission and city commission may approve and issue an amending plat, which may be recorded and is controlling over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and the sole purpose of the amending plat shall be to:

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

7. Correct an error in courses and distances of lot lines between two adjacent lots if:
 - a. Both lot owners join in the application for amending the plat;
 - b. Neither lot is abolished;
 - c. The amendment does not attempt to remove recorded covenants or restrictions; and
 - d. The amendment does not have a material adverse effect on the property rights of the owners in the plat;
8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or
9. Relocate one or more lot lines between one or more adjacent lots if:
 - a. The owners of all those lots join in the application for amending the plat;
 - b. The amendment does not attempt to remove recorded covenants or restrictions; and
 - c. The amendment does not increase the number of lots; or
10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - a. The changes do not affect applicable zoning and other regulations of the city;
 - b. The changes do not attempt to amend or remove any covenants or restrictions; and
 - c. The area covered by the changes is located in an area that the city has approved, after a public hearing, as a residential improvement area.
- C. Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.
- D. The amended plat shall be entitled and clearly state that it is an "amended plat." It shall also state the specific lots affected or changed as a result of the amended plat and include the original subdivision plat boundary. All references to "final plat" or "replat" shall be removed.
- E. Other than noted above, the procedure for approval of plat amendment(s) shall be the same as in section 2.3.
- F. The replat shall be filed at the county in the same manner as prescribed for a final plat.

Section 2.8 Plat vacation.

A. *By property owner.* The property owner of the tract covered by a plat may vacate, upon the approval of the planning and zoning commission and city commission, the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

B. *By all lot owners.* If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

C. *Criteria.* The planning and zoning commission and city commission shall approve the petition for vacation on such terms and conditions as are in accordance with section 212.013 of the Texas Local Government Code and reasonable to protect public health, safety and welfare. As a condition of vacation of the plat, the city commission may direct the petitioners to prepare a revised final plat in accordance with these regulations.

D. *Effect of action.* On the execution and recording of the vacating instrument, the vacated plat shall have no effect. Regardless of the planning and zoning commission's and city commission's action on the petition, the property owner or developer will have no right to a refund of any monies, fees or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to by the planning and zoning commission and city commission.

E. *City initiated plat vacation.*

1. *General conditions.* The planning and zoning commission and city commission, on its motion, may vacate the plat of an approved subdivision or addition when:
 - a. No lots within the approved plat have been sold within five years from the date that the plat was signed by the city;
 - b. The property owner has breached an improvement agreement and the city is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by property owner or its successor;
 - c. The plat has been of record for more than five years and the city determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.
2. *Procedure.* Upon any motion of the planning and zoning commission or city commission to vacate the plat of any previously approved subdivision or addition, in whole or in part, the planning and zoning commission shall publish notice in a newspaper of general circulation in the county and provide personal notice to all property owners within the subdivision or addition and shall also provide notice to the city commission. The notice shall state the time and place for a public hearing on the motion to vacate the subdivision or addition plat. The planning and zoning commission shall recommend approval and the city commission shall approve the vacation only if the criteria in "C" above are satisfied.
3. *Record of notice.* If the planning and zoning commission and city commission approve vacating a plat, the city secretary shall record a copy of the resolution or ordinance in the county clerk's office with a copy of the area or plat vacated. If the city commission adopts a resolution or ordinance vacating a plat in part, it shall cause a revised final plat to be recorded which shows that portion of the original plat that has been vacated and that portion that has not been vacated.

SECTION 3.

SUBDIVISION DESIGN STANDARDS

Sec. 3.1. Streets.

Sec. 3.2. Alleys.

Sec. 3.3. Easements.

Sec. 3.4. Blocks.

Sec. 3.5. Sidewalks.

Sec. 3.6. Lots.

Sec. 3.7. Building lines.

Sec. 3.8. Utility services.

Sec. 3.9. Water and wastewater design.

Sec. 3.10. Stormwater collection systems.

Section 3.1. Streets.

A. The arrangement, character, extent, width, grade, and location of all streets shall conform to the City of Commerce thoroughfare plan, and shall be considered in their relation to existing and planned streets or driveways, to topographical conditions, to public safety and in their appropriate relation to the proposed uses of the land to be served by such streets. Reserve or residual strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision. All streets shall be constructed in accordance with section 4.

B. Proposed streets shall provide a safe, convenient and functional system for vehicular and pedestrian circulation and shall be properly related to the thoroughfare plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development.

C. Any land study or subdivision plat involving a change to a proposed alignment in the City of Commerce Thoroughfare Plan must be preceded by submission and approval of an amendment to the plan by the city commission.

D. When such a street is not on the thoroughfare plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing streets in surrounding areas,
2. Conform to a plan for the neighborhood approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impracticable,
3. Provide for future access to adjacent vacant areas which will likely develop under a similar zoning classification,
4. Not conflict in any way with existing or proposed driveway openings.

E. Minor residential streets shall be so laid out that their use by through traffic will be discouraged, but access is provided to adjacent subdivisions.

F. Where a subdivision abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage (lots which back to the arterial), deep lots with rear service alleys, or such treatment as may be necessary for adequate protection to residential properties and to afford separation of through and local traffic.

G. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed by the city under conditions approved by the planning and zoning commission and city commission.

H. Intersecting streets with centerline offsets of less than 125 feet shall be avoided.

I. Major thoroughfare intersections shall be at 90° angles and tangent to the intersecting street for at least 50 feet. Other street intersections shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect at less than 70°.

J. Street right-of-way widths for major and minor streets shall be as shown on the thoroughfare plan and where not shown therein shall be not less than as follows:

1. Arterial, divided (Type A): 120 feet
2. Arterial thoroughfare, undivided (Type B): 100 feet
3. Primary collector street (Type A): 80 feet industrial
4. Primary collector street (Type B): 60 feet
5. Secondary collector: 50 feet
6. Local residential streets: 50 feet

K. Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of these regulations and the thoroughfare plan, and where the city finds it will be practical to require the dedication of the other one-half when the adjoining property is subdivided. If the owner or subdivider is responsible for one-half of the street, the owner or subdivider shall escrow the amount of the construction cost of the facility unless the city participates in the construction of the facility. Whenever a partial street previously has been platted along a common property line, the other portion of the street shall be dedicated. Improvements shall be made to all on-site facilities as defined herein (see definitions, 1-16).

L. A cul-de-sac street shall not be longer than 600 feet and at the closed end shall have a turnaround provided for, having an outside roadway diameter of at least 80 feet and a street property line diameter of at least 100 feet. The cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of cul-de-sac turnaround. Dead end streets are not allowed except to provide for access to adjacent land areas and in no case shall be more than 250 feet in length or equal to one lot depth, whichever is greater. A dead end street may be up to 600 feet long if a temporary cul-de-sac is provided according to the above standard.

M. New streets which are an extension of existing streets shall bear the names of existing streets and shall be dedicated at equal or greater widths than the existing streets. No new street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the city commission based on the street names approved on the preliminary plat.

N. All new streets dedicated within a subdivision shall be constructed in accordance with city paving widths and specifications at the time at which the final plat is approved.

O. Subdivisions generally shall provide one point of access in each direction (north, east, south and west) to adjacent property or to an arterial. All residential developments shall provide no less than one entrance for each 50 lots including stubs for future development or connection to an existing arterial or collector.

(Ord. No. 94-18, 10-18-94)

Section 3.2. Alleys.

A. Alleys shall be optional in commercial and industrial districts. Service alleys in commercial and industrial districts shall be a minimum right-of-way of 25 feet and pavement width of 15 feet.

B. Residential alleys shall not be required except to connect to a subdivision with existing alleys for the purpose of providing continuity. If alleys are constructed or required, the following standards shall be met:

1. In residential districts, alleys shall be parallel, or approximately parallel, to the frontage of the street. Alleys in residential districts shall provide a minimum of 20 feet of right-of-way and 15 feet of pavement.
2. Alleys shall be paved in accordance with the City of Commerce paving standards at the time of subdivision construction.
3. Dead end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end as recommended by the city engineer.
4. Alleys may not exceed a maximum length of 800 feet unless otherwise approved by the planning and zoning commission and city commission.

Section 3.3. Easements.

A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be of such widths as may be reasonably necessary for the utility or utilities using same. A minimum utility easement 15 feet in width adjacent to all street rights-of-way shall be provided for gas, electric, and the utilities approved by the city. It shall be the subdivider's responsibility to determine appropriate easement widths as required by other utility companies. (Also see section 3.8)

B. Where a subdivision is traversed by a watercourse, drainage way, or channel, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the city engineer, subject to determination according to proper engineering considerations. The required width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA). Parallel streets or parkways may be required adjacent to creek or drainageways to provide maintenance access or access to recreation areas. city approved utilities are permitted within the drainage easement.

C. A lot area shall be computed inclusive of all easements. There shall be a minimum buildable area, exclusive of easements, for each lot. The minimum buildable area shall be an area one-half of the required minimum lot size.

D. Where alleys are not provided in a residential subdivision, a minimum five-foot utility easement shall be provided along the rear of all lots within the subdivision. Where there are not adjoining easements existing, a minimum of 10 feet will be required.

Section 3.4. Blocks.

- A. The length, width, and shapes of blocks shall be determined with due regard to:
 - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - 2. Zoning requirements as to lot sizes, setbacks, and dimensions.
 - 3. Needs for convenient access, circulation, control, and safety of street traffic.

B. In general, intersecting streets, determining the blocks, lengths and widths, shall be provided at such intervals as to serve cross-traffic adequately, provide adequate fire protection, and to meet existing streets or customary subdivision practices. Where no existing subdivision controls, the block lengths shall not exceed 1,200 feet in length. Where no existing subdivision controls, the blocks shall not be less than 500 feet in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

Section 3.5. Sidewalks.

A. Reinforced concrete sidewalks having a width of not less than four feet (five feet if next to curb) and thickness of not less than four inches shall be constructed on both sides of the street within the subdivision. Sidewalks shall be constructed one foot from the property line within the street right-of-way and shall extend along the street frontage including the side or corner lots and block ends. Where it is impracticable for the subdivider to provide such sidewalks on side lot lines abutting major thoroughfares or drainage ditches, the requirements for these sidewalks may be waived by the city commission. The sidewalk shall be constructed before the final building inspection by the city. A certificate of occupancy will not be issued until the sidewalk is in place. Sidewalks along perimeter streets shall be installed prior to subdivision acceptance.

- B. The cost of the perimeter sidewalks may be escrowed as stated in the developer agreement.

Section 3.6. Lots.

- A. Lots shall conform to the minimum requirements of the established zoning district.
- B. Each lot shall front on a dedicated public street. Lots shall also have a minimum of 35 feet frontage along a dedicated street.
- C. Irregular-shaped lots shall have sufficient width at the building line to meet frontage requirements of the appropriate zoning district. Also, the rear width shall be sufficient to provide access for all necessary utilities including refuse collection when alleys are present.
- D. Side lot lines shall be generally at right angles or radial to street lines.
- E. Double frontage lots shall be avoided except where essential to provide separation of residential development from traffic arterials as defined in section 3.15 or to overcome specific disadvantage to topography and orientation. Where lots have double frontage, a front building line shall be established for each street.
- F. Double frontage lots in residential subdivisions will not be allowed without providing screening walls.

Section 3.7. Building lines.

Front or street side building lines shall be shown on the final plat on all lots having street frontage and shall be consistent with the zoning ordinance.

Section 3.8. Utility services (not provided by the City of Commerce).

A. For purposes of this section, the following meanings shall apply:

1. *Utility services.* The facilities of any person, firm, or corporation providing electric, telephone, TV cable, or any other such item or service for public use approved but not provided by the City of Commerce.
2. *Feeder or feeder/lateral line.* High voltage supply electric lines carrying more than 69,000 volts that emanate from substations used to distribute power through an area to an unspecified number of customers.
3. *Lateral lines.* Those electric or telephone lines used to distribute power from a feeder line to a single subdivision. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.
4. *Service lines.* Those electric lines used to connect between the utilities' supply system or lateral lines and the end users meter box.

B. All subdivision plats and construction plans filed with and submitted to the City of Commerce for approval shall provide for utility services such as electrical, gas, telephone, and cable TV utility (lateral and/or service distribution) lines and wires to be placed underground. Feeder and other major transmission lines may remain overhead. However, a subdivider shall endeavor, and whenever practical, the city shall require that feeder lines are placed away from traffic arteries (thoroughfare types A & B, section 3.15). Whenever practical, feeder lines which are to be placed overhead shall not be placed along both sides of the street right-of-way. Verification of acceptance of easement locations and widths by the public utilities should be provided prior to final plat approval by the city commission, and all easements should be reviewed by the utility companies and city engineer for the city prior to granting final approval for all residential subdivisions affected by this section.

C. Each of the utility companies shall be responsible for developing administrative policies, criteria for easement size, and cost reimbursement procedures for the installation and extension of their underground utilities. Nothing herein shall prohibit or restrict any utility company from recovering the difference in cost of overhead facilities and underground utilities from the owner or developer in accordance with the provisions of such utility's approved tariff. No utility company shall be required or permitted to begin construction of underground facilities unless and until the owner or developer of the subdivision has made arrangements satisfactory to the specific utility company for the payment of such difference between the cost of overhead facilities and underground facilities.

D. All electrical and telephone support equipment, including transformers, amplifiers, and switching devices necessary for underground installations, shall be pad mounted or mounted underground but not overhead.

E. Temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or exception, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines and facilities are promptly removed.

F. Nothing in this section shall be construed to require any existing facilities in place prior to the effective date of this section to be placed underground.

Section 3.9. Water and wastewater design.

A. All new subdivisions shall be connected with an approved water system designed, constructed, and capable of providing water for health and emergency purposes, including fire protection. All subdivisions must be served by an approved means of wastewater collection and treatment. The city may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity. It shall be the subdividers responsibility to extend utility lines to provide water or sanitary sewer service.

B. It shall be the subdivider's responsibility to design all improvements according to the latest edition of the master plan, water distribution system study, or wastewater system study, whichever is applicable. The city may require that the subdivider oversize the water system and/or the sanitary sewer system where necessary to serve land other than the tract or lots to be platted, including the oversizing of off-site water or sewer mains necessary to extend service to the property to be platted. The cost to be borne by the subdivider and any reimbursement from subsequent users of the facility to be collected by the city for the developer.

C. Extension of all utilities adjacent to any subdivision shall be made along the entire frontage of the subdivision adjacent to street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in a manner to allow future connection to said utilities by new subdivisions. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the city Engineer may waive the requirement for adjacent utility line construction.

D. Installation of utilities not specifically referenced herein shall comply with Hunt County Health Department and the Texas Department of Health rules and regulations.

Section 3.10. Stormwater collection systems.

A. *General requirements.* All plats shall conform to the city's adequate public facilities policies for drainage facilities.

B. *Design of facilities.*

1. *Standards.* Design of storm sewer systems shall be in accordance with the City of Commerce Storm Drainage Design Manual. Materials and construction shall conform to the standard specifications and standard construction details of the city. Plans shall be submitted with the plat.

2. *Accommodation of upstream drainage areas.* A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or addition. The owner's engineer shall initially determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the zoning ordinance, subject to approval by the city engineer.

3. *Effect on downstream drainage areas.* The owner's engineer, subject to approval by the city engineer, shall study the effect of each addition's storm runoff on the existing underground drainage facilities immediately downstream of the addition. Where it is determined that existing capacity is not available immediately downstream, the owner's engineer shall design a drainage system, detention facility, or parallel system to mitigate the deficiency. The commission may withhold approval of the plat until such mitigation has been provided. If oversize improvements are required, then the city shall participate in the cost as prescribed by this appendix.

4. *Location.* In general, drainage shall be provided in an underground system constructed in streets, alleys, or in easements. If approved by the city engineer, the owner may provide, at his own expense, a drainage easement of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The owner shall complete all necessary excavation on the channel and shall sod or seed the channel to prevent erosion. Unless the excavation channel bottom is Austin Chalk, limestone, or other similar acceptable rock, a reinforced concrete pilot

channel of sufficient width may be required by the city engineer to prevent erosion and/or for access purposes.

5. *Construction of underground facilities.* An owner may choose to install drainage facilities underground to save land space, where normally an open channel would be approved by the city, subject to approval by the city engineer and subject to participation policies as prescribed by this appendix.

6. *Detention facilities.* Lakes, detention ponds, and retention ponds may be constructed in all areas provided they are approved by the city engineer. The city may assume maintenance responsibilities for this type of facility only if title to the facility and sufficient surrounding area for access passes to the city, and if approved by the council; however, easements shall be provided to ensure protection of these areas for maintenance purposes.

7. *Alternate facilities.* Other innovative drainage concepts will be considered if approved by the city engineer. Any city costs must be approved by the city council.

C. *Creeks and floodplains.*

1. *Floodplain restrictions.* The commission shall, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, or where prohibited by floodplain zoning, prohibit development of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste or material, or stumps, except as specifically approved by the commission, or other duly authorized representative.

2. *Creek restrictions.* Major creeks shall remain in open natural condition; smaller creeks or drainage ways may be channelized provided they meet the criteria of the storm drainage design manual. When a creek or excavated channel is to remain open, or in its natural condition, it shall meet one of the following requirements:

a. For abutting single-family residential lots, dedication of drainage and maintenance easements for the creek or drainage way to the city, pursuant to subsection (d). The commission may waive this dedication requirement only for the following exceptions:

(1) Replats which were originally platted prior to the dedication requirement, if allowed by the city engineer.

(2) Subdivisions of five lots or less, as approved by the city engineer.

b. Creeks and drainage ways may be retained as a part of a nonresidential lot, and it shall be the property owner's responsibility to maintain this area, except as otherwise provided. A maintenance easement shall be granted to the city and shall grant the right but not the obligation to maintain and construct drainage facilities if the creek or drainage way is not being properly maintained. A lien may be filed against the property in favor of the city to secure payment of any expenses incurred by the city for maintenance.

c. Creek or drainage ways may be owned and maintained by an approved maintenance entity, other than individual residential lot owners provided the maintenance area is set forth by easement. A maintenance entity may include homeowner's associations, apartment complexes, or similar uses. The maintenance entity's by-laws and covenants filed of record, if any, shall provide for ongoing maintenance. The easement shall authorize a lien

against individual abutting lots in favor of the city to secure the payment to the city for any expenses incurred by the city for maintenance in the event of default by the maintenance entity.

- d. Nonresidential properties may create an entity to maintain creeks or drainage ways, provided the maintenance area is set forth by easement and the entity's by-laws, filed of record, provide for on-going maintenance. Such easements shall authorize a lien against individual abutting properties in favor of the city to secure payment for any expenses incurred if the maintenance entity is not properly maintaining the creek or drainage way. Adequate floodway easements and drainage easements shall be required that give the city the right but not the obligation to maintain and construct drainage facilities if, in the city's sole opinion, the maintenance entity is not properly maintaining the creek or drainage way.
- e. Where the city has designated a floodway or floodplain as part of the city park system, one of the following shall be provided:
 - (1) Parallel streets fronting along the park.
 - (2) Cul-de-sacs which provide public access fronting on the park.
 - (3) Loop street which provides public access fronting on the park.

In all cases, the city shall approve the proposed street alignment fronting on city parks.

D. *Dedication of drainage easements.*

- 1. *General requirements.* When a subdivision or addition is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater or drainage easement conforming substantially to the line of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the watercourse be maintained as an open channel with landscaped banks and of adequate width for maximum potential volume of flow.
- 2. *Access easements.* The property owner must provide sufficient access on each side of and parallel to creeks or drainage ways for maintenance purposes. The access shall be above the base flood elevation and accessible to vehicles and equipment. Access must also be provided at a maximum 1200 foot spacing along streets or alleys. The location and size of the access easement shall be determined by the city engineer. The maximum width of the access easement shall be 15 feet. Permanent monuments, the type and locations of which to be determined by the city engineer, shall be placed along the boundaries of the access easement and private property. This access easement shall be included in the dedication requirements of this section.
- 3. *Drainage easements on-site.* Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual, unobstructed easements as wide as the drainage course or at least 10 to 15 feet in width, depending on slopes shall be provided for drainage facilities across property outside the street lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall extend from the street to a natural watercourse or to other drainage facilities. Drainage easements shall also be provided for the natural watercourse or other drainage facilities.
- 4. *Drainage easements off-site.* When a proposed drainage system will carry water across private land outside the subdivision or addition, appropriate drainage easements must be secured.

B.[E.] In residential subdivisions with lots of 20,000 square feet or more, option may be used of surface drainage in low swales adjacent to residential streets rather than traditional curb and gutter except where swales are not practical for engineering reasons. Depth of swales shall not exceed two feet, and velocity shall not exceed five fps for a 25-year frequency design storm. Driveways shall follow the contour of the swale rather than using culverts. Underground drainage shall be incorporated into the swale design where appropriate to accommodate the dissemination of stormwater.

SECTION 4.

IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF THE SUBDIVISION BY THE CITY

Sec. 4.1. Improvements.

Sec. 4.2. Streets.

Sec. 4.3. Monuments and markers.

Sec. 4.4. Storm sewers.

Sec. 4.5. Sanitary sewers.

Sec. 4.6. Water lines.

Sec. 4.7. Utility services.

Sec. 4.8. Street lights.

Sec. 4.9. Street names and signs.

Sec. 4.10. Improvement of adjacent existing streets and utilities.

Sec. 4.11. Electrical, telephone and cable services.

Section 4.1. Improvements.

A. The requirements of these subdivision regulations as set forth below are designed and intended to ensure that for all subdivisions of land within the scope of these subdivision regulations all improvements as required herein are installed properly and:

1. The city can provide for the orderly and economical extension of public facilities and services;
and
2. All purchasers of property within the subdivision shall have a usable, buildable parcel of land;
and
3. All required improvements are constructed in accordance with city standards.

B. Adequate public facilities policy. The land to be divided or developed must be served adequately by essential public facilities and services. No subdivision shall be approved unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities, electricity and street facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being platted or offsite. This policy may be defined further and supplemented

by other ordinances adopted by the city. The public improvements required by the City of Commerce for the acceptance of the subdivision by the city shall include, but are not limited to those set forth in this section.

D. All aspects of the design and implementation of public improvements shall comply with the current local and Federal design standards and any other applicable city codes and ordinances, including preparation and submittal of construction plans and construction inspection.

Section 4.2. Streets.

A. All roadways shall be paved.

B. The rights-of-way shall be graded for their full width to provide suitable finish grades for pavements, sidewalks, and planting strips with adequate surface drainage and convenient access to the lots.

C. Minimum acceptable pavement on minor streets shall be five-inch reinforced concrete pavement 3,000 p.s.i. with six-inch integral concrete curb placed on a six-inch thickness of lime-stabilized subgrade. Pavement for all other streets shall be eight-inch minimum thickness and 3,500 p.s.i. reinforced concrete placed on six-inch thickness of lime-stabilized subgrade. Any other type of pavement to be constructed must be designed for the existing soils conditions and approved by the city's engineer.

Section 4.3. Monuments and markers.

A. *Permanent survey reference monuments.* Concrete monuments, six inches in diameter and 24 inches long, shall be placed on all boundary corners, block corners, curve points, and angle points. A copper pin one-fourth inch in diameter embedded at least three inches in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall be flush with the ground.

B. *Lot markers.* Lot markers shall be one-half-inch reinforcing bar, 18 inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground, if necessary, in order to avoid being disturbed.

Section 4.4. Storm sewers.

Storm drainage facilities shall be designed in accordance with the City of Commerce design manual for storm drainage facilities.

Section 4.5. Sanitary sewers.

A. All sewer pipe shall [be] PVC SDR-35, or equal.

B. A minimum of eight-inch sewer pipe shall be specified, except that six inches will be acceptable only on lines 600 feet and shorter and in the location where so approved by the city.

C. All sanitary sewer pipe joints shall be of the premolded type, slip joint or glued joint.

D. Where possible, sanitary sewers shall be located in the alleys or easements, and shall be a minimum of five feet deep to invert.

E. Grades and appurtenances of sanitary sewers shall conform to the requirements of the natural resource conservation commission.

Section 4.6. Water lines.

Water systems shall have a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply, to furnish fire protection to all lots, and to conform with the city's master water plan.

- A. All water mains shall [be] PVC C-900 DR-18, or equal, and shall have a minimum cover of 42 inches.
- B. Fittings shall be cast iron and shall be cement lined.
- C. In general, fire hydrants shall be placed on block corners or near the center of the block in such a manner as to put all of every lot within a radius of 500 feet (preferable 400 feet) of a fire hydrant in residential areas and within a radius of 300 feet in commercial or industrial areas.
- D. All fire hydrants shall have one pumper nozzle and two hose nozzles with the city's standard threads, shall have a main barrel valve opening of not less than five inches, and shall be placed on mains of not less than six inches in diameter. Six-inch gate valves shall be placed on all fire hydrant leads.
- E. Water mains shall be located behind the curb and on the north side of east-west streets, and on the east side of north-south streets, whenever possible.

Section 4.7. Utility services.

- A. All services for utilities shall be made available for each lot in such a manner so as to eliminate the necessity for disturbing the street pavement, curb, gutter, and drainage structures when connections are made.
- B. Water service lines shall be three-fourths-inch type "K" copper and shall be provided with a corporation at the main and a curb stop located at least two feet outside of curb.
- C. Sanitary sewer service lines shall be a minimum of four-inch and shall meet the same requirements for sanitary sewers described above. Preferable grades for service lines is two percent with one percent being the absolute minimum.
- D. The subdivider shall make arrangements with all other appropriate utility companies for the extension of their respective utility lines and service to and within the addition and for any costs or refunds of such cost.
- E. Gas lines shall be located behind the curb and on the south side of east-west streets and on the west side of north-south streets.

Section 4.8. Street lights.

- A. Before final acceptance of streets, alleys, sewers and other utilities, street light locations and installations shall be coordinated by the developer with the power company and the City of Commerce. It shall be the subdivider's responsibility to install street lights with metal poles (or approved similar material) a maximum distance of 500 feet apart and at the terminus of cul-de-sacs. The developer shall pay for the electricity until building permits are issued for two years from the date of installation, after which the city shall pay for the electricity.
- B. Street lighting shall be installed to provide an average of 0.4 foot candle per square foot on the roadway between curbs. The lowest intensity at any point should not be less than 0.1 foot candle per square foot. Street lighting materials shall be approved by the city engineer.

Section 4.9. Street names and signs.

A. *Street names.* Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.

B. *Street signs.* Street name signs shall be installed by the subdivider for all intersections (or corners) within or abutting the subdivision. Such signs shall be of a type approved by the city, and shall be installed by the developer as per City of Commerce standards.

Section 4.10. Improvement of adjacent existing streets and utilities.

A. When a proposed subdivision of land, whether residential or nonresidential, abuts on both sides of an existing substandard road, or on one side of said road, being substandard according to the then existing current thoroughfare plan, the developer may be required to improve the existing on-site road, including on-site sidewalks and storm sewers and other utilities as defined in section 1-16, to bring the same to city standards, or to replace it with a standard city street at no cost to the city.

B. The subdivider shall be responsible for construction of a minimum of one-half of the width of a residential street adjacent to the site. For the purposes of this appendix, residential properties shall be responsible for 26 feet (or 15 1/2 feet if adjacent to only one side) of paving. All other uses shall be responsible for 37 feet of paving (or 18 1/2 feet if adjacent to only one side). In lieu of construction, a proportionate fee for curbs, gutters, sidewalks, storm drainage, street lights, and street signs may be assessed against any perimeter road which shall be determined in the subdivision improvement agreement. The perimeter and off-site streets required for improvement shall be determined by the traffic impact analysis outlined in section 3.

C. Streets which dead end at power lines or similar rights-of-way, and which are intended for future extension across these rights-of-way, shall be constructed in the right-of-way for half the distance across the rights-of-way. Streets which dead end at railroad rights-of-way shall not be required to be constructed over the railroad right-of-way by the subdivider but an agreement must be reached regarding the timing and construction of the crossing by the railroad owner.

Section 4.11. Electrical, telephone and cable services.

A. Utility lines for electric service, telephone service and cable television service shall be installed underground in any new subdivision platted after approval of the ordinance.

B. Service to all street light poles shall be underground.

SECTION 5.

REQUIREMENTS FOR ACCEPTANCE OF SUBDIVISIONS

Sec. 5.1. Withholding improvements until approved.

Sec. 5.2. Guarantee of public improvements.

Sec. 5.3. Security.

Sec. 5.4. [Approval of construction plans for final plats; expiration.]

Sec. 5.5. [City inspection of all required improvements.]

Sec. 5.6. Maintenance bond required.

Sec. 5.7. Final acceptance.

Section 5.1. Withholding improvements until approved.

A. The city hereby defines its policy to be that the city will withhold ALL CITY SERVICES OR IMPROVEMENTS of whatsoever nature, including the maintenance of streets, the furnishing of sewage facilities, water service and electric service from all additions until the subdivision is accepted by the city.

Section 5.2. Guarantee of public improvements.

Before approving the final plat of a subdivision located all or partially within the city and/or the city's extraterritorial jurisdiction, the city commission must be satisfied that all public improvements required will be constructed in accordance with the requirements of this appendix. The subdivider shall, unless the city commission has determined otherwise, guarantee these public improvements will be constructed in one of the following ways

- A. Deposit a certified check with, and payable to, the city in an amount equal to the cost to complete such public improvements, including the cost of remaining engineering and inspection services; or
- B. Furnish the city with a performance bond executed by a surety company authorized to do business in the State of Texas in an amount equal to the cost to complete such public improvements. The performance bond shall be subject to the approval of the city attorney and must be executed by a corporate surety in conformance to Article 5160 V.A.C.S.; or
- C. The subdivider shall furnish the city with a letter of credit payable by an acceptable financial institution to the city in a form approved by the city attorney, guaranteeing the payment of an amount equal to the cost to complete such public improvements. The letter of credit shall be irrevocable and shall be for a term sufficient to cover the 12-month period plus an additional 30 calendar days and require only that the city present the issuer a letter signed by an authorized representative of the city certifying to the city's right to draw or collect funds under the specific terms of the letter of credit.
- D. Subdivision improvement agreement. In the event that an adequate water system and sanitary sewer system are not installed prior to approval of the final plat, the city, in its discretion, may permit the subdivider to enter into a subdivision improvement agreement by which the subdivider covenants to complete all required improvements to the water system and the sanitary sewer system no later than two years following approval of the final plat. The agreement shall be in a form acceptable to the city attorney and shall be accompanied by construction plans approved by the city engineer. The agreement shall set forth the estimated costs of the improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement be designed and completed to city standards, provision for city participation in the costs of the improvement, if any, and such other terms and conditions as are deemed necessary by the city. All subdivision improvement agreements shall be approved at the same time the final plat is approved.
- E. As an alternative to providing one of the above financial securities, the following may occur:

Upon approval of the final plat by the city commission and prior to it being signed by the mayor and city secretary of the City of Commerce, and before said final plat shall be allowed to be recorded in the plat records of Hunt County, Texas, the subdivider requesting final plat approval shall, within a specified time period construct all improvements as required by these subdivision regulations and provide a surety instrument guaranteeing their maintenance as required herein. In the event that all public improvements have not been constructed at the time the subdivider

requests plat recordation, the subdivider shall provide a financial security as described in paragraphs A, B, or C, above in the amount of the improvements not previously constructed. Prior to city commission granting this specific approval, the subdivider must request in a letter to the city that the final plat will not be recorded by the city in the deed records of Hunt County until such public improvements are constructed or otherwise guaranteed.

In all instances the original copy of the final plat without benefit of required signatures of city officials shall be held in escrow by the administrative officer and shall not be released for any purpose until such time as the conditions of the approval are complied with. If this option is chosen by the subdivider, the subdivider shall request same in writing to the city secretary. This letter shall be sent to the city secretary within 14 days of the approval of the plat by the city commission. In the event this option is selected, the requirement for filing the plat within 30 days pursuant to section 2.4C shall not apply.

Upon the requirements of this section being satisfied, the final plat shall be considered fully approved, except as otherwise provided for in these regulations, the original copy of the final plat shall be signed by the appropriate city officials. The city secretary shall cause said final plat to be in the plat records of Hunt County, Texas, or forwarded to Hunt County for final approval and recordation.

- F. In the event that a performance bond or a letter of credit is the method selected by the subdivider for guaranteeing such improvements, such document shall be subject to the condition that the public improvements will be completed within 12 months after approval of the final plat by the city commission, unless a longer time is approved by the city commission, upon the determination that such longer time period would not be unreasonable. In the event that the required public improvements guaranteed by such performance and/or such letter of credit are not or will not be completed within the time specified by the city commission, the city commission shall have the authority to extend the time period within which the subdivider shall complete the public improvements, subject to the extension of the expiration date of the approval of the plat, performance bond or letter of credit.

Section 5.3. Security.

A. *Waiver of security.* The city commission may waive all or a portion of the security requirements of this section if it finds that the public health, safety and general welfare will not be harmed by such waiver. The city commission shall take into consideration the extent of public improvements to be installed, and the likelihood that such improvements will be installed by the subdivider within the 12 month period, the impact, that may result, if such improvements are not timely installed, and the hardship to the subdivider if the security requirements are imposed.

B. *Release of security.* As portion of the public improvements are completed in accordance with the applicable construction standards, the subdivider may make application to the administrative officer to reduce the amount of the original letter of credit, performance bond or certified check. If the city commission is satisfied that such portion of the public improvements has been completed in accordance with city standards, said city commission may cause the amount of the letter of credit, performance bond or certified check to be reduced by such amount that the city commission deems appropriate, so that the remaining amount of the letter of credit, performance bond or certified check adequately insures the completion of the remaining public improvements.

C. *Determination of amount.* A professional engineer licensed to practice in the State of Texas shall furnish estimates of the costs of engineering and construction of all required improvements to the administrative officer or city engineer who shall review the estimates in order to determine the adequacy of the guarantee instrument for insuring the construction of the required facilities.

Section 5.4. [Approval of construction plans for final plats; expiration.]

Approval of the construction plans for final plats shall be deemed to have expired in subdivisions for which no assurances for completion have been posted or the improvements have been completed with the period of one year. In those cases where a surety instrument has been required and improvements have not been completed within the terms of said surety instrument, the city shall declare the surety to be in default and require that all the improvements be installed, unless extended under the provisions of this section.

Section 5.5. [City inspection of all required improvements.]

The city shall inspect all required improvements to insure compliance with city requirements and approved construction plans. When all required improvements have been satisfactorily completed, the city shall either accept, in writing, the improvements as having been satisfactorily completed, or shall issue a punch list to the developer denoting items remaining to be completed. The city shall not accept dedications of required improvements nor release or reduce a performance bond or other assurance, until such time as it determined that:

- A. All improvements have been satisfactorily completed; and
- B. The required number of "as built" plans have been submitted to and accepted by the city; and
- C. The required maintenance guarantee has been provided; and
- D. Any and all other requirements identified in this appendix or other city codes and ordinances have been satisfied.

Section 5.6. Maintenance bond required.

A. No construction improvements shall be approved or accepted by the city until a maintenance bond in the sum of ten percent of the improvement costs is presented to the city. The maintenance bond shall be in effect for a period of two years from the date of acceptance of the construction improvements by the city. The maintenance bond shall be written by a surety company, or companies duly and legally authorized to act as sureties in the State of Texas.

B. All contractors on construction contracts with the city, in addition to payment and performance bonds, shall submit to the city a maintenance bond in an amount equal to one hundred percent (100%) of the construction contract, to be in effect for a period of one (1) year after completion and acceptance of the project by the city.

C. The City of Commerce shall withhold the issuing of a building permit for any building in the City of Commerce on a newly subdivided parcel of land until all the requirements of these subdivision regulations have been complied with, including installation and acceptance by the city of all water works, sewage and paving improvements for the area designated, except as herein provided.

The building official and city engineer may release up to ten percent (10%) of the newly subdivided parcel or parcels of land for building permit certification, provided that all street paving and utilities relating to said land are complete. Final certificates of occupancy or inspections shall not be issued until final acceptance of the subdivision and its improvements by the city commission per section 5.7.

Section 5.7. Final acceptance new subdivisions.

When the street, alley, drainage, water and sanitary sewer improvements provided by the developer shall have been completely performed on the part of the contractor, the contractor shall notify the City of Commerce that the improvements are ready for final inspection. The City of Commerce will then make such final inspections, and if the work is satisfactory and in accordance with the approved engineering plans, and the specifications included

herein, then the City of Commerce will issue a letter of acceptance to the Contractor with a copy to the developer or owner. The city manager shall write the letter of acceptance.

SECTION 6

FILING FEES

Sec. 6.1. Schedule of fees.

Section 6.1. Schedule of fees.

Fees and charges for the filing of preliminary plats, final plats and replats shall be as established by separate ordinance of the city commission from time to time.

Such fees and charges shall be imposed and collected on all preliminary plats, final plats, development plats, amended plats and replats, regardless of the action taken by the city planning and zoning commission and city commission thereon. Such fees shall be collected for the purpose of defraying the costs of administrative, clerical and inspection services necessary to properly review and investigate plats and subdivision construction.

All required fees (applicable fees, taxes, street signs, etc.), unless specifically stated otherwise herein, shall be paid as required in other sections of this appendix. Inspection fees may be paid at the time the actual inspection is made of the project.

SECTION 7.

ADOPTION

Section 7.1. Adoption.

Section 7.1. [Adoption.]

Adoption of this appendix shall take effect immediately from and after its passage and the publication of the caption of said Ordinance as the law in such case provides.

Passed and approved by the city commission of the City of Commerce, Texas, this _____ day of _____, 1993.

Mayor

City of Commerce, Texas

Attest:

City Secretary

City of Commerce, Texas

(Seal)

Approved as to form:

City Attorney

City of Commerce, Texas