

ORDINANCE NO. 19-3686

AN ORDINANCE OF THE CITY OF PLAINVIEW, TEXAS, DELETING IN ITS ENTIRETY CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF PLAINVIEW AND REPLACING IT WITH A NEW CHAPTER 10 ENTITLED "SUBDIVISION REGULATIONS", INCORPORATING ARTICLES 10.01 THROUGH 10.09, APPENDIX "A" AND APPENDIX "B"; PROVIDING FOR NEW DEVELOPMENT CONSISTENT WITH THE CITY'S COMPREHENSIVE LAND USE PLAN; PROVIDING FOR HARMONIOUS DEVELOPMENT IN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ); PROMOTING THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE COMMUNITY; ESTABLISHING LOT AND SUBDIVISION STANDARDS, STANDARDIZED DEVELOPMENT PROCEDURES, PLAT APPROVAL PROCESS, PERMIT APPROVAL PROCESS, ADMINISTRATIVE APPROVALS, AND PUBLIC BODY APPROVALS; PROVIDING AN APPEALS PROCESS; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING A PENALTY CLAUSE OF UP TO \$2000 PER DAY PER VIOLATION; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Plainview, Texas pursuant to the constitution and laws of the State of Texas including, but not limited to, Article 11, Section 5 of the Texas Constitution as a home rule city, has the authority to set forth ordinances and regulations and exercise its police powers for the public health, safety, morals, or general welfare of the citizens of the City of Plainview; and

WHEREAS, Chapter 212 of the Texas Local Government Code authorizes the City Council of the City of Plainview, Texas ("City Council"), after conducting a public hearing, to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality;

WHEREAS, on October 28, 2018, the Planning and Zoning Commission of the City of Plainview and the City Council conducted a joint workshop to review a draft of the Subdivision Ordinance and the public was afforded an opportunity to provide public comment on the draft ordinance through the end of November 2018;

WHEREAS, the Planning and Zoning Commission considered this draft of the Subdivision Ordinance on January 3, 2018, and voted to recommend the City Council approve this ordinance; and

WHEREAS, on January 8, 2018, the City Council conducted a public hearing at a regular council meeting and all interested persons were given an opportunity to speak on

the proposed ordinance; and

WHEREAS, Texas Local Government Code § 212.003 grants the City of Plainview to extend its authority outlined in its Subdivision Ordinance to its extraterritorial jurisdiction as determined by Chapter 42 of the Texas Local Government Code; and

WHEREAS, in order to ensure that new development is consistent with the City's Comprehensive Plan; to provide for the harmonious development within the City and its extraterritorial jurisdiction by properly aligning all existing and planned streets, infrastructure and utilities; to promote the health, safety, morals and general welfare of the community; to provide for the adequate provision of traffic, light, air, recreation, transportation, water, drainage, sewage and other facilities; to ensure that development is compatible with and properly integrated into existing and future neighborhoods; to assure that facilities to be accepted and maintained by the City are properly located and constructed, and other matters enumerated within the Subdivision Ordinance; and

WHEREAS, the City Council of the City of Plainview, finds replacing in its entirety the previously approved Chapter 10 of the Code of Ordinances for the City of Plainview regarding subdivision regulations better serves the citizenry of the City of Plainview and better meets the goals outlined above and is reasonable and beneficial for the public health, safety and general welfare of the citizens of Plainview and a proper exercise of its police power;

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

SECTION 1. The recitals set forth above are hereby found to be true and correct and are incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

SECTION 2. The Code of Ordinances for the City of Plainview, Texas is hereby amended by deleting in its entirety "CHAPTER 10 SUBDIVISION REGULATION", including all articles and appendices therein, and replacing it with an ordinance, which is attached hereto and incorporated herein as though set forth fully herein, entitled "CHAPTER 10 SUBDIVISION REGULATIONS" including all articles and appendices outlined therein.

SECTION 3. Penalty. Any person found in violation of any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in accordance with the general penalty provision found in Section 1.01.009 of the Code of Ordinances of the City of Plainview, Texas.

SECTION 4. Effective Date. This ordinance shall take effect immediately from and after its final passage and publication as may be required by governing law.

SECTION 5. Repealed. All other terms and provisions of the Code of Ordinances of the City of Plainview, not in conflict herewith and not hereby amended shall remain in full force and effect.

SECTION 6. Severability. Should any paragraph, section, sentence, phrase, clause or word of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 7. Publication. The City Secretary of the City of Plainview is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method provided by law.

Passed and approved on first reading this 8th day of January, 2019.

Passed and approved on second reading this 22nd day of January, 2019.


Susan Blackerby, Mayor Pro Tem

ATTEST:


Belinda Hinojosa, City Secretary

APPROVED AS TO CONTENT:


Jeffrey Snyder, City Manager

APPROVED AS TO FORM:


Matthew L. Wade, City Attorney



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CHAPTER 10 SUBDIVISION REGULATIONS

Article 10.01 - Authority, Purpose, and Applicability

Sec. 10.01.001, Title

The City of Plainview Subdivision Regulations shall be known as, and may be referred to as “the Plainview Subdivision Regulations” or “this Chapter.”

Sec. 10.01.002, Authority

This ordinance is adopted:

- a. Under the authority of the Constitution and laws of the State of Texas, including but not limited to the following chapters of the Texas Local Government Code (TLGC), as amended:
 1. Chapter 42, *Extraterritorial Jurisdiction of Municipalities*;
 2. Chapter 212, *Municipal Regulation of Subdivisions and Property Development*; and
 3. Chapter 245, *Issuance of Local Permits*.
- b. Pursuant to the provisions of the City’s Home Rule Charter.

Sec. 10.01.003, Purposes

The purposes of this ordinance are to:

- a. Ensure that new development is consistent with the City’s Comprehensive Plan;
- b. Provide for the harmonious development of the City and its extraterritorial jurisdiction (ETJ) by properly aligning all existing and planned streets along with other necessary municipal infrastructure;
- c. Promote the health, safety, morals, and general welfare of the community;
- d. Provide adequate provision for traffic, light, air, recreation, transportation, water, drainage, sewage and other facilities;
- e. Ensure that development is compatible with and properly integrated into existing and future neighborhoods;
- f. Assure that facilities to be accepted and maintained by the City are properly located and constructed;
- g. Ensure that subdivisions and subdivision improvements are designed to:
 1. Reduce potential impacts on street congestion by:
 - a. Providing alternative travel routes;
 - b. Promoting alternative modes of transportation; and
 - c. Lessening overall vehicle miles traveled.
 2. Promote the orderly layout and use of land;
 3. Secure safety from fire and other dangers;
 4. Protect groundwater and surface water resources from contamination; and
 5. Facilitate adequate infrastructure development for neighborhood schools, parks, and playgrounds.



Sec. 10.01.004, Jurisdiction

Unless otherwise noted all provisions of this Chapter apply only within the corporate limits of the City of Plainview, Texas and its extraterritorial jurisdiction (ETJ).

Sec. 10.01.005, Applicability

- a. **Generally.** Any owner of land located inside the corporate limits of the City of Plainview or within its ETJ wishing to subdivide such land, into two or more parts for any and all land uses, shall submit to the Planning and Zoning Commission an application which shall conform to the minimum requirements set forth in this Chapter.
- b. **Exemption.** Parcels of property being subdivided are exempt from the requirements of this Chapter when each new parcel of property will
 1. Be ten acres or greater;
 2. Have public road frontage; and
 3. Have no public improvement dedicated to the property.

Sec. 10.01.006, Consistency with Zoning and Comprehensive Plan

- a. **Comprehensive Plan.** All subdivisions shall be consistent with the City's most recent Comprehensive Plan
- b. **Zoning.**
 1. Within the corporate limits, no land contained in any proposed subdivision shall be reserved for any land use other than a use permitted by Article 14.03, *Land Uses*, of this Code of Ordinances for the zoning district in which the land is located.
 2. All subdivisions shall conform with Article 14.05, *Lot, Density, Design, and Historic Standards*, of the City's Code of Ordinances.
 3. No subdivision design shall be approved that requires a change in zoning until the rezoning request is officially approved.

Sec. 10.01.007, Enactment and Effective Date

- a. **Enactment.** The enactment of this Chapter shall repeal and replace the City of Plainview Subdivision Regulations, as adopted on October 24, 1989, by Ordinance 89-2807, replaced by Ordinance 19-3686, hereafter titled the *City of Plainview Subdivision Regulations Ordinance*, and adopted by the City Council on January 22, 2019.
- b. **Effective Date.** The effective date of January 25, 2019 shall be the date when this Ordinance enters into the full force of the law.

Sec. 10.01.008, Transition Standards

- a. **Development Approvals Predating Code's Effective Date.**
 1. It is the City's intent to respect existing development approvals. Approved development may be carried out within the scope of the development approval, including applicable standards in effect at the time of approval, provided that the approval was valid and has not lapsed per Sec. 10.05.005, *Inactive and Expired Applications*.
 2. This Section does not prevent the City from:
 - a. Adopting or enforcing building codes; or



- b. Prohibiting the use of building materials that have been proven to be inherently dangerous.

b. Pending Applications.

1. Except as provided in subsection b(2) below, each application for development approval shall be evaluated only by the adopted ordinances and technical regulations in effect at the time that each complete application is submitted.
2. Applications that are not pursued with due diligence may expire pursuant to Sec. 10.05.005, *Inactive and Expired Applications*.

Article 10.02 - Lot and Subdivision Standards

Sec. 10.02.001, Development Design Principles

- a. **Generally.** The standards of this Article shall be applied when applicable to subdivision plat review in the context of the development design principles of this Section. It is the policy of the City that the principles of this Section be applied to the maximum extent possible without imposing burdensome restrictions on the applicant.
- b. **Compatibility.** A proposed subdivision plat shall be designed in a way that:
 1. Provides appropriate space for buffers and transitions between incompatible land uses;
 2. Provides vehicular and pedestrian linkages between residential uses and nonresidential uses;
 3. Protects neighboring property from stormwater runoff;
 4. Anticipates and provides for future vehicular and pedestrian connections to neighboring properties that are likely to be developed or redeveloped with similar or supportive land uses within ten years;
 5. Minimizes interference with existing access to adjacent and nearby properties, unless new and improved access is provided by the proposed development; and
 6. Does not reduce the effectiveness of public utilities that are provided to surrounding development.
- c. **Consistency with City Public Improvement Plans.** The proposed site development plan or subdivision plat shall conform to all adopted and applicable capital improvement plans of the City with regard to public infrastructure and facilities, including trails and parks.
- d. **Future Development.** The proposed subdivision plat shall be designed in a way that shows how future development of adjacent parcels under common ownership will relate to the parcel that is the subject of the application in terms of transportation linkages and utilities.

Sec. 10.02.002, Subdivision and Street Names

- a. **Naming Parameters.** Developers have the right and responsibility to determine any and all newly proposed street and subdivision names so long as:
 1. *Duplicative Names Prohibited.* The name of either a street or subdivision is not duplicative or is phonetically similar to an existing street or subdivision name, irrespective of the use of suffix. For example, Pecan Street and Pecan Avenue would be considered duplicative. Additionally, West Austin Street would be considered duplicative from East Austin Street.
 2. *Street Alignment.* Proposed streets which are obviously in alignment with other existing and named streets, shall bear the assigned name and numbering scheme of the existing streets.
- b. **Names Placed on Subdivision Plat.** Proposed street names shall be clearly depicted on any and all required subdivision plat submittals.
- c. **Emergency Management Coordination.** The Administrator shall forward the information to the proper entities for additional review as it relates to addressing for dispatching of emergency services.



Sec. 10.02.003, Streets and Public Rights-of-Way

- Subdivision Plat Approval Required.** No concrete shall be poured for streets, structures, or curbs and gutters, nor shall any flexible base material be placed on the street subgrade, or asphaltic surface applied without approval being granted. The right to do so via compliance with this Chapter and all other development regulations of the City.
- Relation to Adjoining Street System.** The proposed street system shall extend all existing major streets and existing secondary and local access streets or terminate in accordance with subsection (h).
- Future Street Access.** If the lots or tracts of land in the proposed subdivision are large enough to permit further subdivision, consideration must be given to possible future street openings and access to future lots which could result.
- Through Traffic.** Local streets shall be designed so as to discourage high-speed or through traffic.
- Topography.** The street system shall bear a logical relationship to the natural topography of the ground.
- Right-of-Way Minimum Width.** See Table 10.02.003.
- Street Pavement Minimum Width.** See Table 10.02.003.

Table 10.02.003: Right-of-Way and Street Pavement Widths by Street Classification Type¹

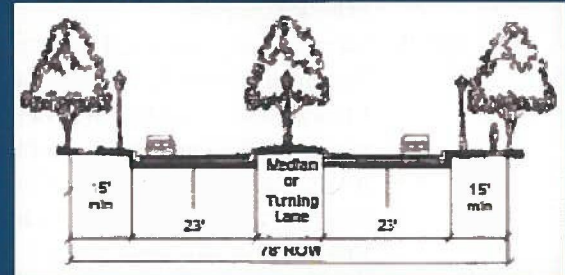
Street Types	Right-of-Way Width Minimum ²	Proposed Pavement Street Width Minimum
Arterial Street (Divided)	78 ft.	46 ft.
Arterial Street (Undivided)	76 ft.	46 ft.
Collector Street	64 ft.	40 ft.
Local Street	60 ft.	36 ft.

¹ Additional right-of-way width and/or street pavement width may be required to accommodate the existing rights-of-way and existing street pavement.

² "Right-of-Way Width Minimum" shall be measured from front lot line to front lot line of opposite lots. See Figure 10.02.003A, Right-of-Way and Pavement Width Minimums for required cross-sections.

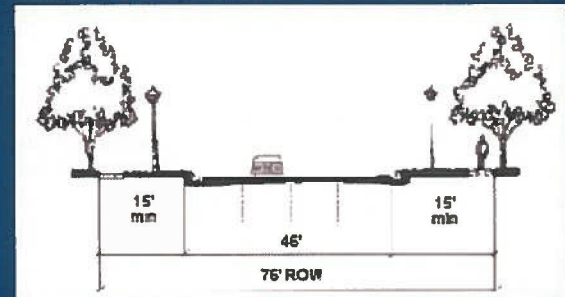
Figure 10.02.003A
Right of Way Width

Arterial - Four-lane, Divided



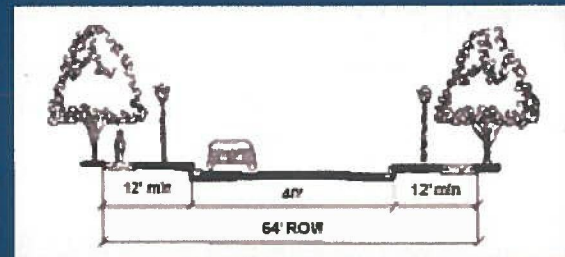
78' ROW

Arterial - Four-lane, Undivided



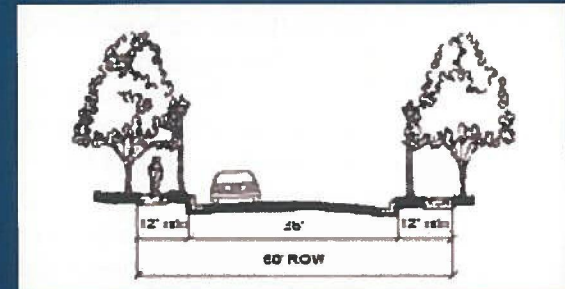
76' ROW

Collector



64' ROW

Local



60' ROW



h. Dead-End Streets, Turn-Arounds, and Cul-De-Sacs.

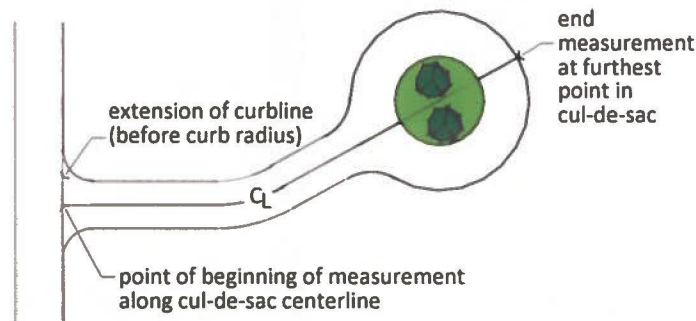
1. Generally.

- a. Permeant dead end streets without a cul-de-sac are expressly prohibited.
- b. Cul-de-sacs and temporary turn-arounds are not allowed except as provided in this subsection.
- c. Dead-end streets, turn-arounds, and cul-de-sacs are expressly prohibited on collector or arterial streets.

2. Cul-De-Sacs. Cul-de-sacs shall meet the following standards:

- a. **Maximum Length.** The maximum length of a cul-de-sac street with a permanent turnaround shall be 600 feet, measured from the right-of-way line of the intersecting street to the center point of the turn-around circle. The length of the cul-de-sac shall be measured along the centerline of the cul-de-sac street from a point beginning at the intersection of the cul-de-sac street and the intersecting street to its furthest point from the point of the beginning.

Figure 10.02.003B
Maximum Cul-De-Sac Length



b. Minimum Radii. The minimum radii of cul-de-sacs shall be at least:

1. Residential (RA, SR, MR, MF, MH Zoning Districts): 50 ft. pavement; 70 ft. right-of-way
2. Nonresidential (CU, CB, NC, GC, LI, HI Zoning Districts): 90 ft. pavement; 100 ft. right-of-way.

3. Temporary Turn-Arounds. In order to avoid requiring a cul-de-sac, dead end streets may terminate in a temporary turn-around if the following requirements are met:

- a. The temporary turn-around is being installed only as a temporary measure until the remaining phase(s) of a multiphase project can be completed.
- b. Adequate surety is provided for both the temporary turn-around construction and the future development.
- c. A 50 foot radius is installed for the temporary turn-around, which allows for emergency vehicles to turn around without backing.
- d. The turn-around shall have a paved surface and a base that meets the requirements for a public street. A gravel surface may be allowed if the temporary turn-around will be in use for less than 12 months and security is provided to pave the turn-around if the anticipated connection is not made within 12 months.
- e. The following note should be placed on the subdivision plat: "Cross-hatched area is a temporary easement for turn-around until street is extended (give direction)."



f. A temporary easement is recorded using the form provided in Appendix B, *Required Dedication Statement*.

i. Street Intersections.

1. **Angle of Intersection.** All streets shall intersect at a 90 degree angle. However, where natural resources, soils, or other site conditions justify variations from right angles, intersections between 70 and 110 degrees may be allowed, provided that the intersection is as close to 90 degrees as possible. Variations of more than five degrees must be approved by the Planning and Zoning Commission.
2. **Centerline Tie With Existing Streets.** Each new street intersecting with or extending to meet an existing street shall be tied to the existing street:
 - a. With dimensions and bearings to show relationship; and
 - b. Either on centerline or offset by the following distances:
 1. Local street: 125 ft.
 2. Collector street: 150 ft.
 3. Arterial street: 150 ft.

j. **Curb and Gutter.** Curb and gutters shall be provided along both sides of the all local streets in accordance with the *City of Plainview Street Design Technical Standards*.

k. **Street Pavement.** All streets shall be paved in accordance with the *City of Plainview Street Design Technical Standards*.

l. **Street Lighting.** Street lighting shall be provided and shall meet the design standards for intensity, location, and type as provided in the *City of Plainview Street Design Technical Standards*.

m. **Street Name and Traffic Signs.** All street name signs and traffic signs shall be provided by the City.

n. **Partial Streets/Half-Streets.** Partial streets and half streets shall be prohibited except to complete abutting partial streets or half streets that were dedicated prior to the effective date of this Chapter.

o. Private Streets.

1. Private Streets are permitted only if they meet all City requirements including, but not limited to this Ordinance and the *City of Plainview Street Design Technical Standards*.
2. Gated streets shall provide access for entry via knoxbox, electronic card, or similar access.

p. **Fire Lanes.** The City may require the applicant to provide areas reserved and identified for fire lanes or emergency access ways for certain commercial, apartment, industrial and other uses.

q. Traffic Impact Analysis.

1. Where a proposed new development may create either increased traffic, intersection congestion, or any transportation concern, the City may require the developer to fund a traffic impact analysis.
2. The developer may be required to share with the City the cost of any traffic management facility as is roughly proportional to the new development.

r. Public Rights-of-Way.

1. **Required.**
 - a. **Generally.** Alleys shall be required along the rear line of all lots to be used in all residential, commercial, and industrial districts.
 - b. **Exception.** Where other definite and assured provisions can be made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the use proposed, then the Planning and Zoning Commission may waive the alley requirement in subsection (r)1(a) for properties within either a commercial or industrial district.
2. **Width.**
 - a. **Residential.** Alleys in residential zoning districts (RA, SR, MR, MF, MH) shall not be less than 20 feet in right-of-way width and all 20 feet must be paved with either concrete or asphalt materials.



- b. *Commercial and Industrial.* Service alleys in commercial and industrial districts shall be a minimum of 25 feet in right-of-way width and must be concrete paved 20 feet in width.
- 3. *Cut-Offs.* In case of two intersecting alleys or the intersection of an alley and street, a cut-off shall be required at each corner. Cut-offs shall be triangles having two equal sides each of which shall not be less than 20 feet in length or of such greater distance to provide safe vehicular movement.
- 4. *Dead-End Alleys.* No permanent dead-end alleys shall be permitted.
- 5. *Connectivity.* Alleys and cul-de-sacs in new subdivisions shall connect to and/or be aligned with alleys and cul-de-sacs in adjacent subdivisions wherever feasible.
- s. **Technical Standards.** All streets shall be built in accordance with the *City of Plainview Street Design Technical Standards*.

Sec. 10.02.004, Sidewalks

- a. **Required Width.** Sidewalks not less than five feet in width shall be required on both sides of all city streets.
- b. **Distance from Roadway.** With the exception of properties located in the Central Business (CB) Zoning District, sidewalks shall be constructed at least five feet from the off of the edge of the curb. This distance is measured from the back edge of the curb to the front edge of the sidewalk. If the street does not have a curb, then the measurement will be from the back edge of the road to the front edge of the sidewalk.
- c. **Crosswalks Required.** Crosswalks are required at the intersections of the following classifications of streets:
 - 1. Expressway and arterial.
 - 2. Arterial and arterial.
 - 3. Arterial and collector.
- d. **Technical Standards.** All sidewalks shall be built in accordance with the *City of Plainview Street Design Technical Standards*.
- e. **Maintenance.** Owners of property that abut a public sidewalk shall:
 - 1. Maintain the property between the edge of the pavement or the inside of the curb and the owner's property line; and
 - 2. Provide for continuing compliance with Sec. 14.05.006(b)(1), *Obstruction Prohibited*.

Sec. 10.02.005, Blocks

- a. **Block Length.**
 - 1. *Minimum.* Block length shall be a minimum of 500 feet.
 - 2. *Maximum.* Blocks shall not be more than 1,200 feet in length.
- b. **Block Width.** Blocks shall be wide enough to allow two tiers of lots with a block width no less than 220 feet, except where reverse frontage lots are located along an arterial or collector street or where such an arrangement is prevented by the size or other inherent site conditions on the property.
- c. **Block Numbering.** The City reserves the right to provide any and all block numbers. Applicants need not submit plats and/or plans with block numbering.

Sec. 10.02.006, Lots

- a. **Lot Size.** All lots and tract sizes must conform to the regulations of Article 14.05, *Lot, Density, and Design Standards*, including minimum area, width, and depth.



b. Corner Lots.

1. Corner lots with a width of less than 65 feet are to be at least 5 feet wider than average of interior lots in the block.
2. Corner lots with a width of less than 75 feet adjacent to an arterial street or expressway, as defined by Appendix A, *Thoroughfare Map*, are to be at least 15 feet wider than the average of interior lots in the block.

c. Lots on Expressway or Arterial Streets. Lots facing or backing on expressway or arterial streets shall be at least five feet deeper than average lots facing on collector or local streets.

d. Lots on Drainage Easements. Minimum usable lot depths for lots backing on natural drainage easements shall be not less than 50 feet measured between rear lot line and drainage easement.

e. Lot Shape.

1. Lots shall be as rectangular as is practicable.
2. The ratio of depth to width shall not exceed two and one-half (2.5).
3. Irregular shaped lots shall have sufficient width at the building line to meet frontage requirements for the appropriate zoning district.

f. Lot Lines. Side lots shall be approximately at right angles to the centerlines of abutting streets. Alternative configurations may be approved to accomplish a public purpose, such as the preservation of natural resources.

g. Lot Facing.

1. *Street Frontage.* Each lot shall be provided with adequate access to an existing or proposed public street by frontage on such street not to be less than 40 feet.
2. *Through lots.*
 - a. Generally. Through lots are prohibited.
 - b. Exception. Through lots are permitted only under the following circumstances:
 1. The lot is not within a rural or residential zoning district (RA, SR, MR, MF, MH) ;
 2. The lot fronts on one side to an expressway (*See Appendix A – Thoroughfare Map*); and
 3. A front building line shall be adhered to for each street.
3. *Front Facing.* Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing adjacent lots at right angles to each other should be avoided.

h. Lot Numbering. The City reserves the right to provide any and all lot numbers. Applicants need not submit plats and/or plans with lot numbers.

i. Lot Consolidation. Lots may be consolidated provided that

1. None or only one of the applicable lots has a primary habitable structure located on it; and
2. The minimum lot area requirements of the zoning district are met pursuant to either Table 14.05.002, *Rural and Residential Development Standards*, or Table 14.05.003, *Nonresidential and Mixed Use Development Standards*.

Sec. 10.02.007, Easements

a. Generally. During the development approval process, the City may require a variety of easements on private property. These easements may include, but are not limited to the following purposes:

1. Pedestrian access;
2. Solid waste removal;
3. Fire protection or hazard mitigation;
4. Access to public utilities or drainage areas;
5. Utilities; and
6. Drainage.

b. Utility Easements. Easements across lots centered on rear and side lot lines shall be provide for utilities where necessary and shall be a minimum of 10 feet wide for two utility services (e.g., electric,



- gas, telephone, etc.) or 14 feet to 20 feet for two or more utility services. Consideration for size and alignment of utility easements shall be stated in the *City of Plainview Street Design Technical Standards*.
- c. **Water and Wastewater Easements.** Easements required for water and wastewater shall be a minimum of 10 feet in width in the right-of-way of the front property line or as otherwise specified in the *City of Plainview Water and Sewer Construction Standards*.
 - d. **Drainage and Stormwater Easements.** Whenever necessary for reasons of water drainage the City may require a stormwater or drainage easement that meets the requirements set out in the *City of Plainview Stormwater Standards*.
 - e. **Fire Protection Easements.** Rear fire protection access easements, where necessary to provide adequate protection for the structure, shall be improved as appropriate for fire protection equipment, at a minimum width of 20 feet, with appropriate turning radii for the City's fire protection equipment as determined by the Fire Department.
 - f. **Pedestrian Access Easements.** Pedestrian access easements for sidewalk construction may be required in accordance with the *City of Plainview Street Design Technical Standards*.
 - g. **Encroachments and Removal of Encroachments.** No structures or permanent encroachments shall be allowed to be located within the area of any easement required by this Section. While the City or utility provider benefiting from the easement will make efforts to minimize disturbances, both, however, shall have the right to remove any encroachment, structure, fence, landscaping (including overhanging limbs, shrubbery, or vegetation), or other improvements placed upon or over such easement. The City and/or utility provider shall not be obligated to restore or replace any such encroachment but shall restore any disturbed ground surfaces with seeding. The City may assess the cost of removing an unauthorized improvement from an easement against the landowner, including the placing of a lien on the property.
 - h. **Maintenance of Easements.** The responsibility for the regular maintenance of the ground surface (meaning moving and removal of trash cans) in any easement shall rest with the owner of the property within which the easement exists.

Sec. 10.02.008, Access Management

- a. **Access to Major Streets.** Where a subdivision borders on or contains the right-of-way of an expressway (See Appendix A, *Thoroughfare Map*), drainage way or railroad, the Planning and Zoning Commission shall require either:
 - 1. A public service street that meets or exceeds the *Texas Department of Transportation Roadway Standards* that is parallel to and on both sides of such right-of-way; or
 - 2. A lot without means of vehicular access.
- b. **Driveway Restrictions.**
 - 1. *Rear and Side Driveway Access.* Rear and side driveway access to expressway, arterial, and collector streets (See Appendix A, *Thoroughfare Map*) shall be prohibited.
 - 2. *Distance between Driveways and Intersections.* Driveways shall be located a minimum of 35 feet away from the intersection of streets or other driveways, measured from the curb return of the street to the curb return of the portion of the driveway closest to the street.
 - 3. *Access Points.* No lot shall have more than two driveways accessing the same street.
- c. **Driveway Design Requirements.** See *City of Plainview Street Design Technical Standards*.



Sec. 10.02.009, Survey and Monument Specifications

a. Information Required.

1. *Generally.* The following shall be used for mapping natural resources or other features of subdivision plats, site development plans, or other plans or plats as otherwise required by this Section. In general, boundaries shall be measured as follows:
 - a. Measurements for the boundary are to be made horizontally, perpendicular from, or radial from any feature or point.
 - b. Boundaries that are dependent on elevation shall be based upon on-site elevations and shall not be interpolated.
2. *Waterbodies and Watercourses.*
 - a. *Floodplains.* All development within the City, not part of a previously approved plan or plat, shall show the boundary of the floodplain and floodway, if such exists on the site. Such delineation shall be by a registered professional land surveyor.
 - b. *Streams.* Streams (perennial, intermittent, mapped, and unmapped) with identifiable banks and beds shall have their boundaries set at the top of the bank.
 - c. *Wetlands.* Wetlands shall be measured by the criteria of the U.S. Army Corps of Engineers.
 - d. *Other Waterbodies/Watercourses.* Initial identification of other waterbodies/watercourses not otherwise classified shall be made using the U.S. Geological Survey quadrangle maps or more accurate information, as available. Field survey verification to determine evidence and location of channelized flow is required for subdivision plats and site development plans.
3. *Topography.* Topographic lines shall be required only when the construction of a building is within the 100-year floodway and all other requirements permitting the land to be developed have been satisfied. When topographic lines are required they shall be drawn at one-foot contour intervals unless such intervals are impractical due to essentially flat topography.

b. Monumentation. Survey monuments shall be required.

1. *Monument Markers.* All boundary corners, angle points, or points of curvature or tangency, including block corners, lot corners, street intersections, and all angle points and points of curvature in street lines must be monumented by a surveyor using sufficient, stable and reasonably permanent survey markers.
2. *Monument Size and Material.* Each monument shall be described in such a way as to clearly define the size, type of material, and the nature of the monument (*i.e.*, three-fourths-inch iron pipe, five-eighths-inch iron rod, cotton spindle, mag nail, etc.).
3. *Standards.* All monuments shall be set to the standard of the Texas Board of Professional Land Surveying Practices Act and the general rules of practices and procedures of the Texas Board of Professional Land Surveying and shall bear reference caps as indicated.
4. *Benchmarking.*
 - a. *Location.* A benchmark monument or survey marker of a sufficient, stable, and reasonably permanent nature shall be found or placed within the boundaries of or within 300 feet of the boundaries of the subdivision for project elevation control.
 - b. *Identification.* The placement of the benchmark with the location, description, and elevation of the benchmark shall be identified on the face of the plat.
 - c. *Reference.* All project benchmarks and all project elevations shall be referenced to the published National Geodetic Survey (NGS) datum adjustment of the current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the property location. Equations may be used to translate other datum adjustments to the required adjustment.



Sec. 10.02.010, Stormwater and Flood Management

- a. **Stormwater.** All improvements shall be constructed in accordance with the *City of Plainview Stormwater Control Technical Standards*.
- b. **Flood Management.** Any parcel of property within the City of Plainview which is also within the most recent Federal Emergency Management (FEMA) 100 Year Flood Zone will not be considered for subdivision until adequate drainage or flood management protection has been provided.

Sec. 10.02.011, Water and Sewer Extensions and Connections

- a. **Connections Required.** Connection to the City's water system and the City's sewer system is required for all properties within the city limits. See Sec. 13.03.003, *Connection to Existing Main*, Sec. 13.03.004, *Extensions of Mains*, and *City of Plainview Water/Sewer Construction Standards*.
- b. **Approval Required to Cover.** No sanitary sewer, water, or storm sewer pipe shall be covered without approval of the Director of Public Works, or his representative.

Article 10.03 - Special Agreements

Sec. 10.03.001, Development and Public Improvement Agreements

The City shall not participate in the cost of any new utility or transportation improvement:

- a. Outside the corporate limits of the City; or
- b. Without a signed and agreed upon development agreement with a developer and contractor.

Sec. 10.03.002, Performance Guarantees

- a. **Applicability.** An applicant is required to furnish the requirements of this Section when proposing to either:
 - 1. Add infrastructure that will be dedicated to the City; or
 - 2. Temporarily remove and/or reinstall any infrastructure that is either owned by the City or is proposed to be deeded to the City.
- b. **Financial Agreement.** If required by subsection (a), the applicant shall furnish a good and sufficient surety bond, irrevocable letter of credit, or escrow agreement (as approved by the City Attorney) to provide funds, to indemnify the City against any repairs which may become necessary for any part of the construction work performed in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of one year from the date of final acceptance of the entire project.
- c. **Public Acceptance.** Final acceptance will be withheld until said sufficient funds are furnished to the Public Works Director for approval. The surety funds shall have attached thereto a copy of the contract for such improvements and such other information and data necessary to determine the validity and enforceability of such bond.
- d. **Permits.** No permits shall be issued by the Administrator for any development project that requires a performance guarantee until the requirements of subsections (b) and (c) have been satisfied.



Sec. 10.03.003, Property Owner Associations

- a. **Generally.** The City shall have a limited right of approval concerning the incorporation documents for a property owners' association that is proposed to be enacted within its City limits. This right of approval is limited only to the items specifically listed in subsection (c) below which directly affects the City.
- b. **No Dispute Intervention.** The City will not seek to intervene in purely private disputes pertaining to a private covenant, condition, or restriction.
- c. **Review of Agreement.** The Developer shall submit to the City Attorney all proposed property owner association incorporation documents to ensure that the following provisions are included in a format that is acceptable to the City:
 1. All items that are required by either this Chapter, Chapter 14, *Zoning*, or any additional conditions of approval, which may include specific rights of enforcement being granted to the City.
 2. Membership in the property owners' association shall be mandatory for all owners of property in the subdivision or condominium.
 3. Dues are payable to the property owners' association at regular intervals.
 4. The property owners' association has lien rights with respect to unpaid dues.
 5. The property owners' association has a perpetual existence.
 6. The property owners' association has all responsibilities for the maintenance of common open space, green space, and other facilities provided for benefit and enjoyment of members.
 7. The property owners' association has the capacity to sue and be sued.
 8. Plats and site plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas and other communally owned facilities.
 9. A homeowners association (HOA) or other similar management entity shall be organized as a nonprofit corporation with automatic membership in the HOA when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the HOA. The HOA shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata formula for all property owners.
- d. **Approval.** Approval of any property owners' association shall occur via the Planned Development (PD) Zoning District. *See Sec. 14.02.006, Planned Development District Regulations.*



Article 10.04 - Administrative Bodies

Sec. 10.04.001, Administrator

- a. **Right of Inspection.** The Administrator is empowered to enter any building, structure, or premises in the City upon which a development or land use is located, as follows:
 - 1. Entry shall be for the purpose of inspection to ensure compliance;
 - 2. Inspection shall be performed during business hours, unless an emergency exists; and
 - 3. Inspection shall be made only after:
 - a. Contact and permission is granted by the owner or tenant; or
 - b. An order from a court of competent jurisdiction.
- b. **Recommendations.** The Administrator shall make a report and recommendations with regard to all applications for development approval, except those which are decided by the Director of Public Works.
- c. **Interpretation.** The Administrator shall have the right to interpret provisions of this Chapter. Should an applicant not agree with the Administrator's interpretation, he or she has the right to appeal as per Sec. 10.07.008, *Appeals*.
- d. **Decisions.** The Administrator shall:
 - 1. Establish deadlines for how far in advance an initial application must be submitted to be reviewed by either the City Council and/or the Planning and Zoning Commission;
 - 2. Provide application materials for applicants;
 - 3. Schedule all Development Review Committee (DRC) meetings;
 - 4. Decide all administrative approvals as defined in Sec. 10.05.001, *Table of Administrative and Public Meeting Approvals*; and
 - 5. Submit in writing to an applicant any specific conditions required as a part of conditional approval for any and all applications.

Sec. 10.04.002, City Council

- a. **Home Rule Charter.** The City Council is established by City of Plainview Home Rule Charter, *Article II, City Council*.
- b. **Powers and Duties.** The City Council reserves to itself all of the powers and duties that are not expressly delegated within this Chapter of the Code of Ordinances.

Sec. 10.04.003, City Manager

The City Manager is responsible for the City's minor plat amendment process and the final plat vacation process. See Sec. 10.06.005, *Minor Plat Amendments* and Sec. 10.07.004, *Final Plat Vacation*.

Sec. 10.04.004, Development Review Committee (DRC)

- a. **Generally.** The Development Review Committee (DRC) is established for the following purposes:
 - 1. Administering the requirements of this Chapter of the Code of Ordinances;
 - 2. Ensure that all information necessary to determine compliance with this Chapter of the Code of Ordinances has been provided;
 - 3. Formulating staff recommendations;
 - 4. Rectifying review comments between City departments and referral agencies; and
 - 5. Providing cohesive and timely review of subdivision applications.
- b. **Membership.**



1. The DRC shall be comprised of the City staff designated by the Administrator and representatives from each referral agency that reviews development projects in conjunction with the City.
2. Based on the nature of a development, DRC meetings can be limited to those staff and agencies affected by the development, or can be expanded to include additional agencies or staff with review responsibilities.
- c. **Powers.** The DRC shall have the role to review and provide technical recommendations concerning any application specified in this Chapter of the Code of Ordinances.
- d. **Meetings.** DRC meetings shall be convened by the Administrator, as necessary.

Sec. 10.04.005, Director of Public Works

- a. **Right of Inspection.** The Director of Public Works is empowered to enter any building, structure, or premises upon which a development or land use is located, as follows:
 1. Entry shall be for the purpose of inspection to ensure compliance with the any construction inspections including, but not limited to the requirements of subsection (b) of this Section;
 2. Inspection shall be performed during business hours, unless an emergency exists; and
 3. Inspection shall be made only after
 - a. Contact and permission granted by the owner or tenant; or
 - b. An order from a court of competent jurisdiction.
 4. The City, via the Director of Public Works, shall be given the opportunity to inspect all phases of subdivision construction.
 5. The applicant, or his contractor, shall maintain diligent contact with the Director of Public Works, or his designee, during construction of improvements.
- b. **Recommendations.** The Director of Public Works shall make a report and recommendations with regard to all applications for development approval, except those which are decided by the Administrator.
- c. **Decisions.** The Director of Public Works shall decide all administrative approvals as defined in Sec. 10.05.001, *Table of Administrative and Public Meeting Approvals*.

Sec. 10.04.006, Planning and Zoning Commission

- a. **Creation, Membership, Rules, and Regulations.** See Sec. 14.10.005, *Planning and Zoning Commission*.
- b. **Decisions.** The Planning and Zoning Commission shall conduct all administrative or public hearing approvals and decide as defined in Sec. 10.05.001, *Table of Administrative and Public Meeting Approvals*.



Article 10.05 - Standardized Development Procedures

Sec. 10.05.001, Table of Administrative and Public Body Approvals

Table 10.05.001 Administrative and Public Body Approvals						
Permit / Plan	Required For	Timing	Exceptions	Issued By	Fee	Cross-reference ¹
Administrative Approval						
Building Permit	Construction, reconstruction, improvement, or repair of any building or structure for which an additional permit or approval is required.	Prior to commencement of construction	None	Administrator	See Sec. 3.03.004 <i>Building Permit Fees</i>	Article 3.03, <i>Buildings, & Sec. 10.06.001, Building Permit</i>
Certificate of Occupancy	Occupancy of buildings and structures including new, reconstruction, and the conversion of residential to non-residential and vice-versa.	Prior to Occupancy	None	Administrator	\$25	Sec. 14.12.002, <i>Certificate of Occupancy</i>
Concept Plan	Preliminary Plat applications, where due to the size and/or complexity of the project, a development phasing process is required.	48 hours prior to a Pre-Application Conference	Plat applications that require only one phase	Administrator	No Fee in addition to Preliminary Plat fee.	Sec. 10.06.003, <i>Concept Plan</i>
Floodplain Development Permit	See Sec. 3.13.032, <i>Permit Development Procedures</i>					
Minor Plat Amendment	Amendments to plats which fall under TLGC Sec. 212.016, <i>Amending Plat</i> .	Whenever requirements can be identified as being met	None	City Manager or Planning & Zoning Commission	\$125 per plat, plus \$5 per lot	Sec. 10.06.005, <i>Minor Plat Amendments</i>



Table 10.05.001
Administrative and Public Body Approvals

Permit / Plan	Required For	Timing	Exceptions	Issued By	Fee	Cross-reference ¹
Public Body Approval						
Preliminary Plat	Subdivision of real property	Required prior to final plat and after concept plan	See TLGC Chapter 212, <i>Municipal Regulation of Subdivisions and Property Development</i> and Sec. 10.07.003, <i>Consolidated Preliminary and Final Plats</i>	Planning & Zoning Commission	\$150 per plat, plus \$5 per lot	Sec. 10.07.001, <i>Preliminary Plats</i>
Final Plat	Subdivision of real property	Required after preliminary plat and prior or concurrent with site development plan	See TLGC Chapter 212, <i>Municipal Regulation of Subdivisions and Property Development</i>	Planning & Zoning Commission	\$150 per plat, plus \$5 per lot	Sec. 10.07.002, <i>Final Plats</i>
Consolidated Preliminary and Final Plat	Subdivision of real property (only applicable for projects meeting the requirements of Sec. 10.07.003)	Required after concept plan	N/A	Planning & Zoning Commission	\$150 per plat, plus \$5 per lot	Sec. 10.07.003, <i>Consolidated Preliminary and Final Plats</i>
Final Plat Vacation	Vacating a previously approved subdivision of real property	Prior to the sale of real property or with all owner's consent	None	Planning & Zoning Commission	\$125 per plat	Sec. 10.07.004, <i>Final Plat Vacation</i> & TLGC Sec. 212.013, <i>Vacating Plat</i>
Replats	Subdivision of real property	After plat approval when edits to a plat are necessary	See TLGC Chapter 212, <i>Municipal Regulation of Subdivisions and Property Development</i>	Planning & Zoning Commission	\$150 per plat, plus \$5 per lot	Sec. 10.07.005, <i>Replats</i>
Text Amendments	Text additions and changes to this Chapter of the City's Code of Ordinances	N/A	None	City Council	None	Sec. 10.07.006, <i>Text Amendments</i>



Table 10.05.001
Administrative and Public Body Approvals

Permit / Plan	Required For	Timing	Exceptions	Issued By	Fee	Cross-reference ¹
Variance	Deviation from the standards of this Chapter	Prior to a building permit for improvements which a variance is required;	None	Planning and Zoning Commission	\$50	Sec. 10.07.07, <i>Variances</i>
Appeals to Planning and Zoning Commission	Appeals from decisions of City Staff (Administrator, Public Works Director, etc.)	Within 30 days of the decision appealed	None	Planning and Zoning Commission	\$200	Sec. 10.07.008, <i>Appeals</i>
Appeals to City Council	Appeals from decisions of the Planning and Zoning Commission	Within 30 days of the decision appealed	None	City Council	\$200	Sec. 10.07.008, <i>Appeals</i>

TABLE NOTES:

¹ Cross-references are provided for convenience only and do not exempt the application from complying with all applicable standards of this Chapter, any other provision within the City's Code of Ordinances, or state law.

Sec. 10.05.002, Pre-Application Conference

- a. **Applicant Responsibilities.** An applicant shall:
 1. Consult early and informally with the Administrator;
 2. Avail himself to the advice and assistance of the Administrator; and
 3. Submit a concept plan, in accordance with Sec. 10.06.003, *Concept Plan*, to the Administrator at least 48 hours in advance of the pre-application conference.
- b. **Administrator Responsibilities.** The Administrator shall:
 1. Informally confer with the applicant; and
 2. Advise and assist the applicant in understanding and interpreting the City's land development requirements.

Sec. 10.05.003, Application Filing Process

Every process established by this Chapter of the Code of Ordinances shall be submitted on a form approved by the City with the appropriate application fee. The City may revise any applicable form periodically to comply with any new or revised requirements of this Chapter.

Sec. 10.05.004, Application Completeness Review

- a. **General.** Upon receipt of an application pursuant to this Chapter, the Administrator shall provide the applicant with a dated receipt. Within five working days of receipt of an application, the Administrator shall review the application and determine if:
 1. The application includes all required materials and information; and
 2. Those parts of the application which are required to be prepared by licensed professionals are, in fact, prepared by such professionals.



b. Determination of Completeness.

1. If the application is complete, the Administrator shall notify the applicant in writing of this determination and require the applicant to provide a sufficient number of copies of the application.
2. No application is complete until all up-front fees for review are paid.
3. The time period for processing an application after completeness review does not start unless the fees are paid.
4. Once an application has been accepted by the Administrator, the filing fee is non-refundable.

c. Determination of Incompleteness. If the application is incomplete, the Administrator shall notify the applicant in writing, specifying the additional materials or information required to complete the application. The applicant shall provide these materials within five working days of the request or the application will be withdrawn. An application that is withdrawn may be re-filed at a future date however a new filing fee will be required.

Sec. 10.05.005, Inactive and Expired Applications

a. Generally. Applications must be diligently pursued by the applicant. This Section extinguishes applications that become stale due to applicant inaction.

b. Expiration of Inactive Applications.

1. An application becomes an "inactive application" for failure to comply with this Chapter, preventing it from being docketed for action or approved.
2. Inactive applications become "stale" after 90 days of the filing of the application if the applicant fails to address staff or referral agency review comments to allow further processing of an application, unless the applicant is actively pursuing action to address comments with staff, in which case the application shall become stale after 180 days of the date when the action was originally requested.
3. Stale applications are automatically voided six months after the original date when the action was requested if the applicant fails to take action or requests an extension of time for cause.
4. If a plat becomes stale and is voided, application fees will not be refunded and a new application and fees are required to file a subsequent plat.

c. Extension of Time.

1. Prior to the expiration of an inactive plat, the application may be extended for up to six months upon written request of the applicant for cause only; and
2. If the City amends this Chapter or adopts other regulations during the period of time when the application was inactive or stale, the application shall:
 - a. Not be subject to compliance to the new regulations until the original application is considered to be voided; and
 - b. The application shall be subject to the new regulations and ordinances if the period of time to request an extension lapses.
3. Stale applications shall expire:
 - a. After a six month extension lapses or;
 - b. If an extension was not requested.

d. Effect of Expiration. Applications that expire pursuant to this Section are automatically null and void without further notice or action by the City.

Sec. 10.05.006, Public Notice

a. Generally.

1. Notice by Publication, when required, shall be provided in accordance with the requirements of the Texas Local Government Code (TLGC).



2. Notice by Mail, when required, shall be provided to each owner and other affected persons as required by law, as indicated by the most recently approved municipal tax roll of real property.
3. Table 10.05.006, *Required Notice*, sets out the specific notice requirements for each type of application.

Table 10.05.006, Required Notice		
Type of Application	By Mail	By Publication
Preliminary Plats	Not Required	Required
Final Plats	Not Required	Required
Consolidated Preliminary and Final Plats	Not Required	Required
Final Plat Vacation	Not Required	Not Required
Replats	Required ¹	Required
Text Amendment	Not Required	Required
Variance	Not Required	Required
Appeals	Not Required	Required
Notes:		
1. Required per Texas Local Government Code (TLGC) Sec. 212.015		

b. Content of Notice. Notice shall include:

1. The date, time, and place of the hearing;
2. Staff contact and phone number;
3. A description, address, or location of the matter to be heard; and
4. A statement that the public is invited to review and comment on the application.

c. Time of Hearing. For all matters properly brought before the City Council or the Planning and Zoning Commission, the City shall select a reasonable time and place for such hearing provided; however, that such time shall be no later than 30 days following the submission of a complete application per Sec. 10.05.04, *Application Completeness Review*.

d. Computation of Time. In computing the time periods for notice, the day of mailing, publication, or posting shall not be counted, but the day of the public hearing shall be counted.

e. Constructive Notice.

1. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if there was a bona fide attempt to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a location map, typographic or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties.
2. Failure of a party to receive written notice, when notice has been actually mailed, shall not invalidate subsequent action.
3. If questions arise at the public hearing regarding the adequacy of notice, the administrative body shall direct City staff to make a formal finding as to whether there was substantial compliance with the notice requirements of this Chapter and the TLGC. City staff's findings shall be made available to the administrative body prior to final action on the request.

Article 10.06 - Administrative Approvals: Permits and Procedures

Sec. 10.06.001, Building Permit



- a. **Generally.** The Administrator shall be responsible for issuing all building permits.
- b. **Record Required.** No permit for the construction of a building or buildings upon any tract or plot shall be issued unless the plot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission and City Council and filed in the Plat Records of Hale County, Texas.
- c. **Issuance.** No Building Permits shall be issued until all improvements are in place and all necessary plans have been approved as required by the City's Code of Ordinances, unless a developer has entered into a binding development agreement with the City that has been authorized by the City Council pursuant to Article 10.03, *Special Agreements*. See Also – Art. 3.03, *Buildings*.

Sec. 10.06.002, Certificate of Occupancy

Cross Reference – Sec. 14.12.002, Certificate of Occupancy.

Sec. 10.06.003, Concept Plan

- a. **Purpose.** The purpose of the concept plan is to ensure that future and directly adjacent growth to the location of a submittal will be similar in both form and development.
- b. **Applicability.** A concept plan is required for phased large-scale development projects. When property proposed for a subdivision constitutes a unit of a larger tract owned or controlled by the subdivider, a concept plan shall be required showing the conceptual layout of the entire area of the tract, including the tentative layout of streets, blocks, drainage, water, sewer, and other improvements.
- c. **Procedure.**
 1. Concept plans are to be prepared for and presented in accordance with Sec. 10.05.002, *Pre-Application Conference*, and shall be referred to other departments and agencies, as applicable.
 2. The Administrator shall be responsible for acceptance of the proposed concept plan which will become part of the applicant's official application for a preliminary plat.
 3. When a concept plan is required, every subsequent preliminary plat must substantially comply with the approved concept plan.
 4. The overall layout of the concept plan shall be attached to and filed with a copy of the approved subdivision plat.

Sec. 10.06.004, Floodplain Development Permit

Cross Reference – Sec. 3.13.032, Permit Development Procedures

Sec. 10.06.005, Minor Plat Amendments

- a. **Applicant Responsibilities.** The applicant for a minor plat amendment shall submit to the City Manager a statement:
 1. Detailing the specific minor plat amendment requested; and
 2. Identifying the specific subsection of TLGC Sec. 212.016, *Amending Plat*, that permits the plat to be amended without requiring a replat.
- b. **City Manager Responsibilities.** The City Manager may:
 1. Administratively approve minor plat amendments when the requirements of TLGC Sec. 212.016, *Amending Plat*, are met; or
 2. Elect to present the plat to the Planning and Zoning Commission for approval, conditional approval, or denial.



Article 10.07 - Public Body Approvals: Permits and Procedures

Sec. 10.07.001, Preliminary Plats

a. Applicant Responsibilities.

1. *Basic Submittal Requirements.* Applicant shall submit to the City no later than 30 days prior to the Commission meeting at which the plat is to be considered:
 - a. Full Filing Fee.
 - b. An electronic copy in PDF format which:
 1. Can be easily printed at a scale of 24 x 36 inches;
 2. Shall be stamped "Preliminary Plat"; and
 3. Meets or exceeds the requirements of this subsection.
 - c. Letter of transmittal, stating briefly the type of street surfacing, drainage, sanitary facilities, and water supply proposed.
 - d. The name and address of the owner or agent, engineer, and surveyor; and
 - e. Supplementary materials as applicable in other sections of this Chapter.
2. *Plat Specifications.* The preliminary plat shall contain the following information:
 - a. *Scale.* Drawn to not smaller than 200 feet.
 - b. *Existing Features Inside Subdivision.*
 1. *Boundary Lines.* The existing boundary lines (accurate in scale) of the land to be subdivided. Boundary lines shall be drawn in heavy lines for easy identification.
 2. *Legal Description.* A metes and bounds description of the property.
 3. *Drainage.* The location of existing water courses, railroads, and other similar drainage and transportation features.
 4. *Location and Width.* The location and width of existing streets, alleys, easements, buildings, structures, sewers, water mains, culverts or other underground structures within or adjacent to the tract.
 5. *Survey.* All of the survey requirements of Sec. 10.02.009(a), *Information Required*, shall be met.
 - c. *Existing Features Outside Subdivision.*
 1. The platted property lines of adjoining property owners.
 2. The name and location of adjacent subdivisions, streets, alleys, easements, pipe lines, and water courses.
 3. All lines outside of subdivision boundaries are to be dashed lines.
 - d. *New Features Inside of Subdivision.*
 1. The proposed name of the subdivision.
 2. The location, right-of-way width, and names of proposed streets.
 3. The approximate width and depth of all lots. If the side lines are not parallel, the approximate distance between them at the building line and at the narrowest point should be given.
 4. The location of building lines, alleys and easements.
 5. The location and approximate size of sites for any educational services, place of public assembly, park and recreation facility or center, and/or any land use that is required to be approved as a special use pursuant to either Table 14.03.003, *Residential Uses by Zoning District* or Table 14.03.004, *Nonresidential Uses by Zoning District*.
 6. The approximate acreage of the property to be subdivided.
 7. *Key Map.* A key map showing the relationship of the subdivision to major thoroughfares in all directions within a distance of at least one mile.



8. **Title, Date, Scale, and North Arrow.** The date, scale, north arrow and title under which the plat is to be recorded, with the name, address, and phone number of the owner and surveyor platting the tract.
- b. **Planning and Zoning Commission.** The Planning and Zoning Commission shall:
 1. Act within 30 days after the preliminary plat has been properly filed and the requirements of Sec. 10.05.004, *Application Completeness Review*, have been satisfied.
 2. Conclude one of the following:
 - a. Approval;
 - b. Conditional Approval per subsection(c); or
 - c. Disapproval.
 3. Make notes on two copies of the preliminary plat as to the action taken.
- c. **Conditional Approval.**
 1. Conditional approval shall be considered to be the status of a plat or replat until such conditions are complied with.
 2. All conditions imposed as part of a conditional approval, shall be furnished to the applicant in writing.
- d. **Effect of No Decision.** If no decision is rendered by the Planning and Zoning Commission within 30 days after the preliminary plat has been filed and the requirements of Sec. 10.05.004, *Application Completeness Review*, have been satisfied, the preliminary plat, as submitted, shall be deemed to be approved.
- e. **Effect of Approval.**
 1. Approval of the preliminary plat shall be deemed an expression of approval of the layout only and shall not constitute acceptance of the final plat.
 2. Should an applicant decide to not move forward with a final plat application, there is no requirement that the plat be vacated.
- f. **Expiration and Extension.** Preliminary approval will expire six months after the approval by the Planning Commission of the preliminary plat or of sections thereof. The applicant may apply in writing for an extension prior to the end of such six month period. This period may be extended six months, but not beyond a total of one year.
- g. **Required Public Notice.** See Sec. 10.05.006, *Public Notice*.

Sec. 10.07.002, Final Plats

- a. **Applicant Responsibilities (Pre-Approval).**
 1. **Basic Submittal Requirements.** Applicant shall:
 - a. Submit a proposal that conforms to a preliminary plat as approved per Sec. 10.07.001, *Preliminary Plat*.
 - b. Incorporate all changes, directions, and additions imposed by the City through the preliminary platting process.
 - c. Submit a tax certificate as proof that City taxes and City assessments have been paid in full.
 - d. Submit to the City no later than 20 days prior to the Planning and Zoning Commission meeting the following documents in an PDF electronic format (printed at a scale of 24 x 36 inches):
 1. A set of detailed plans signed by a State of Texas Registered Professional Engineer showing streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details; and
 2. One original final plat with all required changes and proper signatures, prepared and signed by a State of Texas Registered Land Surveyor.
 2. **Plat Specifications.** The Final Plat shall be sized and contain the information, details and documents as follows:
 - a. *Features Inside Subdivision.*



1. *Easements.* All easement lines whether existing or proposed shall be dashed.
 2. *Boundary Lines.* The proposed boundary lines with accurate distances and bearings of the land to be subdivided. Boundary lines shall be drawn in heavy lines for easy identification.
 3. *Survey.* An accurate metes and bounds description of the proposed subdivision, including reference to the following items that shall be described in a manner sufficient to determine its specifications per Federal Emergency Management Agency maps:
 - a. Section or abstract corners;
 - b. Established subdivisions;
 - c. Primary control points; and
 - d. Total acreage being platted.
 4. *Location and Width.*
 - a. The location of existing water courses and other similar drainage features, flood prone land, railroads, highways, and other transportation features.
 - b. True bearings and distances to the nearest established street lines, official monuments or subdivision corner, which shall be accurately described on the plat.
 - c. The location and width of all existing and/or proposed streets, alleys, easements, and right-of-ways.
 5. *Deed Filing.* An accurate location of the subdivision with reference to the deed records of the County which shall include the volume and page of the deed of the property to be subdivided.
- b. *Features Outside Subdivision.*
1. The name and property lines of adjoining subdivisions and of the adjoining property owners, together with the respective plat or deed references.
 2. The name and location of adjacent streets, alleys, easements, and water courses.
- c. *Streets, Alleys, Easements.* The lines and names of all proposed streets or other ways or easements to be dedicated to public use, with the following engineering and surveying data:
1. *For Streets and Alleys.*
 - a. Complete curve data (Delta, Length, Radius, Tangent, Point of Curve, Point of Reverse Curve, Point of Tangent) shown on the center line or on each side of street or in a chart on the plat which lists all such data for each curve.
 - b. Length and bearings of all tangents.
 - c. Dimensions from all angle points and points of curve to an adjacent side lot line.
 2. *For Water Courses and Easements.*
 - a. Distances to be provided along the side lot lines from the front lot line or the high bank of a stream.
 - b. Traverse line to be provided along the edge of all large water courses in a convenient location, preferably along a utility easement, if paralleling the drainage easement or stream.
 3. *Lots and Blocks.* The City reserves the right to provide any and all block numbers. Applicants need not submit plats and/or plans with block numbering.
- d. *Reservations.* The use and property dimensions of all special reservations identified for the project, including sites for educational services, place of public assembly, and park and recreation facilities or centers and/or any land use that is required to be approved as a special use pursuant to either Table 14.03.003, *Residential Uses by Zoning District* or Table 14.03.004, *Nonresidential Uses by Zoning District*.
- e. *Monuments and Control Points.*
1. The description and location of all permanent survey monuments and control points.
 2. Suitable primary control points to which all dimension(s), bearings and similar data shall be referred. Dimensions shall be shown in feet and decimals of a foot.



- f. **Key Map.** A key map showing the relationship of the subdivision to all expressways, arterials, and collectors streets, as defined by Appendix A, *Thoroughfare Map*, in all directions within a distance of at least one mile.
- g. **Title, Date, Scale, and North Arrow.** The date, scale, north arrow and subdivision title; name and address of applicant; name, address and seal of surveyor.
- h. **Dedication Statement.** All dedication statement statements are required to be on the final plat and must be in the format as shown in Appendix B, *Required Dedication Statement*.
- i. **Special Restrictions.** Where restrictions of use of land, other than those given in these regulations are to be imposed by the applicant, such restrictions shall be placed on the final plat or on a separate instrument filed with the plat.
- j. **Subdivision Improvements.**
 1. Final plats may be approved on portions of a large area of land for residential or other uses for which a preliminary plat has been approved, provided that the required improvements for said portion are developed as part of the required improvements for the entire area.
 2. Water mains, storm sewers, trunk sewers, and any sewage treatment plant shall all be designated, designed, and built to serve the entire area owned by the applicant or designed and built in such a manner that they can easily be expanded or extended to serve the entire area.
 3. Construction plans as required by this Section will be designed to serve the entire area shown on the preliminary plat.
- b. **Planning and Zoning Commission.** The Planning and Zoning Commission shall:
 1. Act within 30 days after the final plat has been filed and the requirements of Sec. 10.05.004, *Application Completeness Review*, have been satisfied along with the submittal of an engineering plan, if necessary.
 2. Conclude one of the following:
 - a. Approval;
 - b. Conditional Approval per subsection(c); or
 - c. Disapproval.
 3. Make notes on six copies of the final plat as to the action taken.
- c. **Conditional Approval.**
 1. Conditional approval shall be considered to be the status of a plat or replat until such conditions are complied with.
 2. All conditions imposed as part of a conditional approval, shall be furnished to the applicant in writing.
- d. **Administrator.** The Administrator shall, within 30 days after Planning and Zoning Commission approval:
 1. *For Plats located inside the corporate limits of the City of Plainview:*
 - a. Review the final plat for proper signature and approval; and
 - b. Record the final plat at the County Clerk Office.
 2. *For plats located outside of the corporate limits of the City of Plainview but within its extraterritorial jurisdiction:*
 - a. Review the final plat for proper signature and approval; and
 - b. Forward copies to the Hale County Administrative Offices for action and approval by the Commissioner's Court prior to recording at County Clerk Office.
 3. Retain three copies of plat recorded in the County Records for the City files.
 4. Distribute copies as directed.
- e. **Applicant Responsibilities (Post-Approval).** Upon approval the applicant shall:
 1. Direct his engineer to design, stake and supervise the construction (to be inspected by the City) of facilities in accordance with approved plans and specifications and these regulations.



2. Direct his contractor(s) to construct all improvements as identified in the approved engineering plans and to provide to the City:
 - a. A one year maintenance bond in the amount of ten percent of the contract price;
 - b. Three blue line sets; and
 - c. One original tracing set of "AS-BUILT" plans, checked and corrected by the Engineer.
3. The developer shall install all survey monuments and markers, street paving, curbs and gutters, alley grading, storm drainage, water and sanitary sewer mains and laterals, fire hydrants, water valves, traffic signs, street lights, street signs and sidewalks, within and adjacent to the subdivision, or shall provide cash deposit or other guarantee acceptable to the City for the payment of the cost of such installations prior to the final approval by the City Council.
- f. **Expiration of Approval.** Final approval will expire one year after approval unless the plat has been filed for record.
- g. **Filing.** No subdivision plat shall be filed or recorded, and no lot in a subdivision inside the corporate limits of the City shall be improved or sold until the final plat shall have been approved by the Planning and Zoning Commission.
- h. **Public Notice.** See Sec. 10.05.006, *Public Notice*.

Sec. 10.07.003, Consolidated Preliminary and Final Plats

- a. **Applicability.** The applicant may, at his option, elect to combine the preliminary plat and final plat, whenever the following conditions are satisfied:
 1. The tract of land is to be re-subdivided into no more than three lots; and
 2. The dedication of streets, utilities, and infrastructure is not required.
- b. **Procedural Process.** Should an applicant elect to consolidate the preliminary and final plat, the procedural process of the final plat as designated in Sec. 10.07.002, *Final Plats*, is applicable.
- c. **Public Notice.** See Sec. 10.05.006, *Public Notice*.

Sec. 10.07.004, Final Plat Vacation

- a. **Applicability.** The owner(s) of a tract of property for which a final plat approval has been granted by the City has the right to vacate the plat:
 1. At any time prior to any lot in the plat being sold; or
 2. If any portion of the final plat has been sold, then all of the owners may request to the City that the final plat be vacated.
- b. **Applicant Responsibilities.** The applicant for a final plat vacation shall submit to the Administrator a statement:
 1. Detailing the specific plat that is requested to be vacated;
 2. Submittal of a signed acknowledged instrument declaring the owner(s) desire that the previously approved final plat be vacated; and
 3. If applicable, evidence that no portion of the tract, prior to the City's final plat approval, has been sold.
- c. **Planning and Zoning Commission.** The Planning and Zoning Commission shall approve the final plat vacation request if after inspection of the signed acknowledged instrument it concurs that the requirements of Texas Local Government Code (TLGC) Sec. 212.013, *Vacating Plat*, have been satisfied.
- d. **Administrator.** After Planning and Zoning Commission approval of a vacated plat, the Administrator shall review the vacated plat for proper signature and request that the County Clerk record the vacated plat pursuant to TLGC Sec. 212.013, *Vacating Plat*.
- e. **Public Notice.** See Sec. 10.05.006, *Public Notice*.



Sec. 10.07.005, Replats

- a. **Application Required.** Any person who wishes to revise a subdivision plat which has been previously filed for record must submit an application of the proposed revised plat to the Administrator.
- b. **Public Notice Requirement.**
 1. After an application is filed for a replat affecting Single-Family Residential Property (Single-Family Detached Dwelling, Duplex, or Townhouse), then the Administrator shall cause a notice of the application to be published in the official newspaper of the City at least 15 days before the date of the Planning and Zoning Commission meeting at which it is to be considered.
 2. Such notice must include a statement of the time and place at which the Planning and Zoning Commission will meet to consider the replat and to hear public comments to the revision at a public hearing.
- c. **Written Notice Requirement.** Written notice must be sent to all owners of property located within 200 ft. of the original plat. Such notice must be served by depositing the notice, properly addressed and postage paid at the local post office.
- d. **Legally Protested Supermajority.**
 1. *Vote Requirement.* If a proposed replat is protested [as described in subsection (2) below] the replat must receive, in order to be approved, the affirmative vote of at least three-fourths of all members of the Planning and Zoning Commission.
 2. *Legal Protest Standard.* For the legal protest approval standard to be applied, a written petition signed by the owners of at least 20 percent of the area of the land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, must be filed with the Administrator no more than 24 hours prior to the opening of the public hearing.
- e. **Public Notice.** See Sec. 10.05.006, *Public Notice*.
- f. **Procedural Process.** Replats may be submitted through the Consolidated Preliminary and Final Plat process. See Sec. 10.07.002, *Final Plats*, and Sec. 10.07.003, *Consolidated Preliminary and Final Plats*.

Sec. 10.07.006, Text Amendments

- a. **Generally.** Requests for amendments to the text of this Chapter may be initiated by the request of the Planning and Zoning Commission, City Council, or City Manager to amend, supplement, change, modify, or repeal any portion of this Chapter that is not expressly required by State or Federal Law.
- b. **Decision by City Council.** The City Council shall:
 1. Receive the written recommendation of the Commission and staff regarding the proposed amendment;
 2. Hold a public hearing prior to taking action on the proposed amendment.
 3. By majority vote, approve or deny the amendment, or continue the item to a future meeting.
- c. **Criteria for Approval.** The following criteria should be considered by the Planning and Zoning Commission and City Council: The proposed amendment should:
 1. Promote the health, safety, and general welfare of the City;
 2. Promote the safe, orderly, efficient and healthful development of the City;
 3. Be consistent with other regulations within the City's Code of Ordinances; and
 4. Be consistent with the policies of the most recent Comprehensive Plan for the City.
- d. **Non-Substantive Amendments.** Notwithstanding the other provisions of this Section, the City Council may, by resolution:
 1. Correct spelling or punctuation errors;
 2. Cross-reference changes (because another area of City Code has been moved or changed);
 3. Cross-reference errors; and



4. Correct other matters herein determined by the City Attorney to be non-substantive and not requiring a public notice requirement per either state law or Sec. 10.05.006 *Public Notice*.
- e. **Nonconformities and Retroactive Cure of Violations.**
 1. The amendment of the text of this Chapter may transform a legally non-conforming situation into a conforming one.
 2. No petition for a text amendment shall be used expressly to cure, or to create, a violation of any part of this Chapter.
- f. **Public Notice.** See Sec. 10.05.006, *Public Notice*.

Sec. 10.07.007, Variances

- a. **Unnecessary Hardship Standard.** The Planning and Zoning Commission may authorize a variance when an applicant can show that a provision of these regulations:
 1. Would cause unnecessary hardship if strictly adhered to; and
 2. Is because of a physical condition peculiar to the land.
- b. **Procedural Requirements.**
 1. Any variance authorized is required to be entered in writing into the minutes of the Planning and Zoning Commission meeting specifically stating the reason(s) for which the variance was approved.
 2. Not less than two-thirds of the entire membership of the Planning and Zoning Commission must approve the request.
- c. **Public Notice.** See Sec. 10.05.006, *Public Notice*.

Sec. 10.07.008, Appeals

- a. **Generally.**
 1. *Purpose.* The purpose of the appeals process is to provide an opportunity for affected parties to seek review of a decision in a timely and inexpensive way.
 2. *Administrator, City Manager and Public Works Director Decisions.* All decisions of the Administrator, the City Manager, and the Public Works Director, pertaining to this Chapter, may be appealed to the Planning and Zoning Commission.
 3. *Planning and Zoning Commission Decisions.* All decisions of the Planning and Zoning Commission, pertaining to this Chapter may be appealed to the City Council.
 4. *City Council Decisions.* All decisions of the City Council, pertaining to this Chapter, may be appealed to a court of competent jurisdiction.
- b. **Deadline to Appeal.** All appeals must be fully completed and submitted to the City 30 days after an official decision by any city official, committee, or governing body.
- c. **Content.** The request for appeal shall clearly state each alleged error or ground for protest which the appellant intends to assert. It cannot be amended, supplemented, or modified after the public notice of meeting is posted.
- d. **Scope of Review.** The Planning and Zoning Commission and/or City Council shall review the application in the same manner, using the same approval criteria as the decision-maker. However:
 1. No new evidence shall be presented to the Planning and Zoning Commission and/or City Council that was not considered by the decision-maker; and
 2. No issues shall be reviewed by the Planning and Zoning Commission and/or City Council that were not described or obviously implied by the notice or request for appeal.
- e. **Parties to Appeal.**
 1. Only parties shall have standing to bring an appeal. No appeal by a person who is not a party shall be heard.



2. The parties to an appeal are the Petitioner and the Respondent. The City is always a Respondent. Other interested parties may also join as respondents pursuant to Subsection (e)(3), below.
 3. A person or entity is an interested party if it demonstrates:
 - a. That final action of the City caused it injury;
 - b. The injury is different in kind or degree from injury to members of the general public; and
 - c. The injury can be remedied if the appeal is granted.
 4. The Applicant is always a party, and shall not be required to demonstrate injury if:
 - a. The Applicant is appealing an adverse decision or an adverse condition of approval, in which case the Applicant is a Petitioner; or
 - b. The Applicant's application is the subject of an appeal by another party, in which case the Applicant is a Respondent.
 5. Any person or entity that owns property within 300 feet of any parcel line of the parcel that is the subject of the appeal shall not be required to demonstrate injury.
- f. See Sec. 10.05.006, *Public Notice*.

Article 10.08 - Enforcement

Sec. 10.08.001, Non-Judicial Remedies

The City may enforce any violation of this Chapter prior to, and without, judicial process by:

- a. **Withholding Permits.** The City may deny or withhold permits, approvals, or other forms of authorization for failure to comply with the requirements of the Chapter or those of a referral agency.
- b. **Temporary Revocation of Permits.** The City may temporarily revoke permits for due cause to address an imminent danger to public health, public safety, or public or private property or to prevent irreparable harm.
- c. **Suspension of Permits.** The City may suspend any permits to allow for the correction of a violation or in response to a judgment of a court of competent jurisdiction.
- d. **Revocation of Permits and Approvals.**
 1. *Generally.* Any permit or other approval required by this Chapter may be revoked when it is determined that:
 - a. There is a violation of any provision of this Chapter;
 - b. The permit or approval was issued in error or based on false representation;
 - c. Upon the request of a referral agency with jurisdiction and due cause; or
 - d. There is a departure from approved plans required under the permit, this Chapter, or the construction requirements.
 2. *Notice.* Written notice of revocation shall state a timeframe to correct the violation.
 3. *Effect of Notice.* No work or construction may proceed after service of the revocation notice except work necessary to correct a violation.
 4. *Failure to Correct.* After the period to correct the violation lapses, and arrangements acceptable to the City have not been made, the City may:
 - a. File litigation in a court of competent jurisdiction; and/or
 - b. Remove or correct such violation and cause to be placed a lien upon the property or improvements to the property in an amount to cover all costs related to correction or abatement of the violation.

Sec. 10.08.002, Judicial Remedies



The City may seek the following judicial remedies to enforce this Chapter:

- a. **Injunctive Relief.**
 1. The City may seek an injunction to stop any violation granted under this Chapter. Such relief may include revocation or termination of permits, including limited or special use permits.
 2. In any court proceedings in which the City seeks a preliminary injunction, it shall be presumed that a violation of this Chapter is, or may be, an injury to the public health, safety or general welfare or that public health, safety or general welfare may be irreparably injured.
- b. **Abatement.** The City may seek a court order in the nature of mandamus, abatement, or other action to abate or remove a violation, or to otherwise restore the premises in question to the condition in which they existed prior to a violation.
- c. **Civil Liability.** The Administrator, or his or her designee:
 1. Has the authority to issue citations and deliver it to a person believed to be committing a civil violation; and
 2. Is declared to be the official with the duty of enforcing this Chapter with respect to:
 - a. Appearing and testifying in any trial held with respect to the citation.
 - b. Notifying the court of competent jurisdiction of any notice of intention to stand trial or any request for adjudication when a fine is not paid after formal notice has occurred.
 - c. Mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set in the citation; and
 - d. Receiving and filing a copy of each original citation and any fines or notices of intention to stand trial.
- d. **Criminal Liability.**
 1. *Punishment.* Upon conviction, any person in violation of, or showing failure to comply with, any of the provisions of this Chapter may be punished by fines and / or imprisonment, as prescribed by law, for each week or portion thereof, that the violation or noncompliance has continued.
 2. *Responsible Parties.* Every person concerned in the violation of, or showing failure to comply with this Chapter, whether the person directly commits the act, or aids or abets the same, and whether present or absent, shall be proceeded against and held as a principal.

Sec. 10.08.003, Penalties

Any person violating this Chapter or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined any sum not exceeding \$2,000 and each day that such violation continues shall be considered a separate offense and punishable accordingly. *Cross References – Sec. 1.01.009 & Sec. 1.01.010.*

Article 10.09 - Rules of Construction and Definitions

Sec. 10.09.001, Rules of Construction

- a. "Shall," "will," "should," and "may."



1. The words "shall" and "will" are always mandatory.
 2. The words "should" and "may" are always discretionary.
- b. **Representative of the City.** Any office referred to in this Chapter by title means the person employed or appointed by the City in that position, or his duly authorized representative, and includes any person designated to perform the duties of such office.
- c. **Customary Usage.** Definitions not expressly prescribed in this Chapter are to be construed in accordance with customary usage in municipal planning and engineering practices.

Sec. 10.09.002, Definitions

Administrator shall mean the City Manager or his designee to administer the regulations and provisions of this Chapter of the Code of Ordinances.

Alley shall mean a minor way used primarily for vehicular and/or utility service to the rear or side of properties otherwise abutting on a street.

Applicant shall refer to any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision. The term "applicant" shall be restricted to include only the owner, equitable owner or authorized agent to such owner or equitable owner, of land sought to be subdivided.

Arterial streets shall mean streets used primarily for fast or heavy traffic with generally four or more travel lanes that are capable of carrying large volumes of traffic to and from collector streets as designated by *Appendix A, Thoroughfare Map*.

Block shall mean an area of land entirely bounded by streets.

City shall mean City of Plainview, Texas.

City Council shall mean the City Council of the City of Plainview.

Collector streets shall mean those streets which carry traffic from local streets to arterial streets and expressways, including the principal entrance streets of a residential development or business park and those streets for circulation within such a development as designated by *Appendix A, Thoroughfare Map*.

Concept Plan shall mean a plan for the development of land brought by the applicant to a pre-submittal meeting that shows in general terms the proposed land use, circulation, natural characteristics and typical layout of the area to be developed including the affected adjacent properties.

Cul-de-sac shall mean a short minor street having only one vehicular access to another street and terminated by a vehicular turn-around.

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

Easement shall mean a granted right to a person, governmental agency, or organization to use land owned by another for a specific purpose.

Expressway shall mean a divided highway of at least four lanes designed for through traffic that has full or partial control of access and generally has grade separations at major intersections.



Extraterritorial Jurisdiction (ETJ) shall mean that area of land lying outside and adjacent to the corporate limits of the City over which the City has legal control as set forth in Chapter 42 of Texas Local Government Code.

Half street shall mean a dedicated right-of-way that provides only half of the required street width.

Local streets shall mean those streets which are used primarily for access to residential and small properties as designated by *Appendix A, Thoroughfare Map*.

Lot shall mean land occupied or to be occupied by a building and any accessory buildings with its principal frontage upon a public street or right-of-way.

Lot Width shall mean the minimum distance between the side lot lines of a lot measured along a straight line at the rear of the required front yard and parallel to the street line.

Open Space shall mean property held in private ownership and regularly available for use by the occupants of more than one dwelling.

Partial street shall mean a dedicated right-of-way that provides only a portion of the required street width.

Planning and Zoning Commission shall mean the Planning and Zoning Commission of the City of Plainview.

Property Owners Association shall mean any homeowners association or any joint association that has been created to maintain property through co-ownership.

Right-of-Way shall mean land intended to be occupied for streets, sidewalks, utilities, and other public purposes. On a plat, rights-of-way are to be separate and distinct from other lots or parcels. Rights-of-way intended for public facilities shall be dedicated to public use and title transferred to the appropriate public agency.

Replat shall mean a subdivision plat representing land that has previously been included in a recorded subdivision plat.

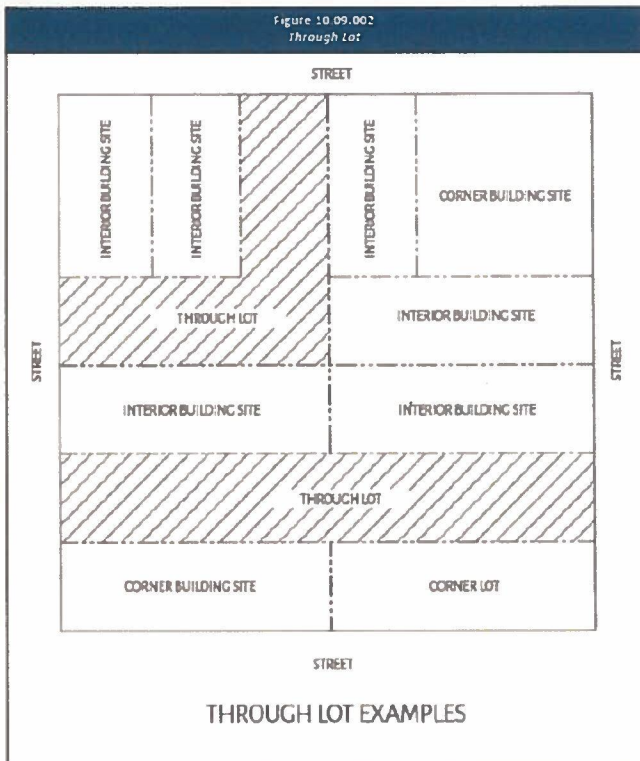
Street shall mean a public right-of-way for vehicular traffic (including bicycles) whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

Subdivision shall mean the division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale, building development or transfer of ownership with the exception of transfer to heirs of an estate, and shall include any replats.

Subdivision Plat shall mean a map or chart of a subdivision including replats.



Figure 10.09.002
Through Lot



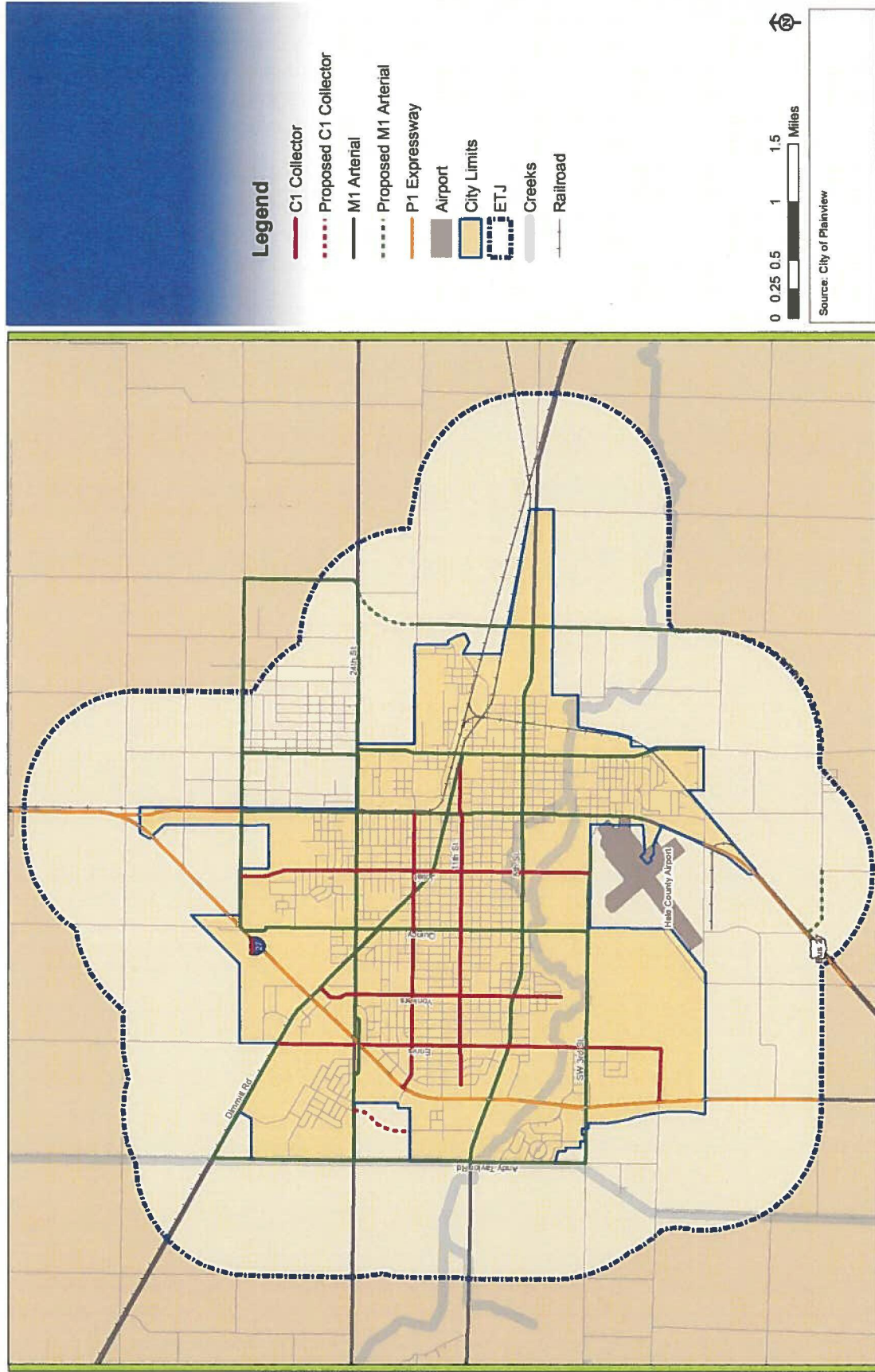
Temporary turn-around shall mean an easement temporarily granted by the subdivider of property to the City for the purpose of maintaining, replacing, and repairing a facility to be used by automobiles until such time that the remainder of the subdivision can be completed.

Through lot shall mean a lot having a pair of opposite property lines along two or more public streets, and that is not a corner lot.



PLAINVIEW, TX
explore the opportunities

Appendix A - Thoroughfare Map





Appendix B - Required Dedication Statement

DEDICATION

THE STATE OF TEXAS §

Know all men by these presents:

COUNTY OF HALE §

That Joe Public and wife, Joan Public, being the owners of the land shown and described on this plat has caused all of said lands to be surveyed, subdivided, platted, and designated as PLAT NAME UNIT NO. 1, a suburban subdivision – an addition to the City of Plainview, Texas and does declare that all streets, alleys, lanes, and easements shown upon such map or plat are dedicated to the public forever to be used as streets, alleys, lanes, and easements unless noted otherwise.

Executed this 00 day of MONTH, YEAR.

SIGNATURE LINE

Joe Public
1234 Street
Plainview, Texas
79072

SIGNATURE LINE

Joan Public
1234 Street
Plainview, Texas
79072

NOTARY ATTEST

THE STATE OF TEXAS §

Know all men by these presents:

COUNTY OF HALE §

Before me, the undersigned authority, on this day personally appeared JOE PUBLIC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he/her executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of authority on this 00 day of MONTH, YEAR.

NOTARY SIGNATURE LINE

Notary Public