

ORDINANCE NO. 2013-005

AN ORDINANCE OF THE CITY OF ROBINSON, TEXAS ESTABLISHING RULES AND REGULATIONS GOVERNING PLATS AND SUBDIVISIONS OF LAND WITHIN ITS CORPORATE LIMITS; REPEALING AND REPLACING ORDINANCE NO. 96-010 (APPENDIX B TO THE CODE OF ORDINANCES OF THE CITY OF ROBINSON, TEXAS); PROVIDING FOR THE SURVIVAL OF SUBDIVISION RULES AND REGULATIONS BEING REPLACED FOR THE LIMITED PURPOSE OF DETERMINATIONS ON PENDING SUBMISSIONS; PROVIDING FOR PLAT APPROVAL PROCESS AND REQUIREMENTS FOR PLATS; PROVIDING FOR REGULATIONS REGARDING STREETS, ALLEYS, SIDEWALKS, UTILITIES, IMPROVEMENTS, LOT AND BLOCK DESIGN AND OTHER MATTERS; MAKING IT UNLAWFUL TO SUBDIVIDE PROPERTY WITHOUT COMPLYING WITH THIS ORDINANCE; MAKING VIOLATION A CRIMINAL OFFENSE (MISDEMEANOR) PUNISHABLE BY A FINE NOT TO EXCEED \$2,000; MAKING EACH DAY OF VIOLATION A SEPARATE OFFENSE; PROVIDING FOR OTHER METHODS OF ENFORCEMENT; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, under the laws of the State of Texas, every owner of a tract of land situated within the corporate limits of the City of Robinson who may subdivide, plat, or re-plat such tract of land is required to submit plats of said subdivision to the City of Robinson for approval; and

WHEREAS, the City Council of the City of Robinson is empowered to adopt and promulgate rules and regulations governing plats and subdivisions of land within the City.

THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROBINSON, McLENNAN COUNTY, TEXAS:

SECTION 1. Ordinance No. 96-010 (Appendix B to the Code of Ordinances of the City of Robinson, Texas) governing plats and subdivisions of land is REPEALED and replaced with the rules and regulations set forth in Section 2 of this Ordinance, except that the rules and regulations of Ordinance No. 96-010 shall survive for the limited purpose of application to submissions on file with the city as of the adoption of this Ordinance, and shall govern determinations of the city on such pending submittals. This Ordinance was adopted after a public hearing was held thereon in accordance with applicable law.

SECTION 2. The following rules and regulations regarding plats and the subdivision of land are hereby ADOPTED:

PART I: GENERAL PROVISIONS

Sec. 1.1 SHORT TITLE

This ordinance shall be cited as the Subdivision Ordinance of the City of Robinson.

Sec. 1.2 AUTHORITY OF THE CITY OF ROBINSON TO ADOPT A SUBDIVISION ORDINANCE

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas.

Sec. 1.3 PURPOSE

This Subdivision Ordinance of the City of Robinson has been adopted in accordance with the Comprehensive Plan for the City of Robinson to promote the health, safety, and general welfare of the city through orderly and beneficial development. The purpose of these regulations is to secure safety from fire, flood, and other dangers; to provide orderly growth in the city; provide equitable access to air, water, and light; to guard these resources against misuse and pollution; to protect the beauty, value, and stability of the land located in the city; to foster a beneficial relationship between the land and traffic circulation; to facilitate safe convenient, efficient movement of pedestrian and vehicular traffic by means of proper dimensioning and location of streets and buildings; to insure the adequate provision of water, sewerage, drainage, streets, parks, and open space to all citizens; to safeguard the character and stability of all parts of the city; to expedite the transfer and development of property through the requirement of correct legal description and adequate surveyor monumentation; and to assist developers in making decisions concerning the use of resources.

Sec. 1.4 INTENT

In order to accomplish the purposes set forth in Section 1.3, it is the intent of this ordinance:

- a) To direct development and redevelopment in the city in accordance with the goals, objectives, and policies of the Comprehensive Plan;
- b) To encourage the orderly layout and appropriate use of land through a consistently applied subdivision procedure;

c) To maintain or improve the quality of development and redevelopment of land through engineering and design standards;

d) To provide for the fair and expeditious administration of this ordinance through cooperative and coordinated review process.

Sec. 1.5 COMPLIANCE WITH THE SUBDIVISION ORDINANCE

It shall hereafter be unlawful for any person or agent of any person to layout, subdivide, or plat any land within the City of Robinson into lots, blocks, or other parcels, or to sell or otherwise transfer property therein which has not been laid out, subdivided, and platted according to these regulations.

Sec. 1.6 APPROVAL AUTHORITY

The planning and zoning commission of the city is given the responsibility and authority to review, approve or disapprove plats for subdivision, re-subdivision plats, and vacated plats, and to recommend to the city council to approve or disapprove plats for subdivision, resubdivision plats, and vacated plats. In addition, the city council shall also review and approve or disapprove plats for subdivision, amended plats, resubdivision plats, and vacated plats. All land within the City of Robinson, hereafter subdivided into lots, blocks, or other parcels, shall be laid out subject to review and approval by the planning and zoning commission *and* the city council. All other subdivisions or plats are illegal and shall not be recognized by the city. The approval or disapproval of all subdivisions shall be heard at a planning and zoning commission public meeting, unless otherwise stated in this ordinance. In addition, approval or disapproval of all subdivisions shall be heard at a city council public meeting, unless otherwise stated in this ordinance. Amending plats and minor plats may be approved by the Director of the Planning and Community Development Department without going through the commission/council approval process as provided in this Ordinance. However, the commission and the council have approval authority and jurisdiction to act on such plats if appropriate or necessary.

Sec. 1.7 JURISDICTION/EXEMPTIONS

a) The regulations comprising this subdivision ordinance and the authority of the planning and zoning commission and the city council to regulate subdivisions shall apply to all subdivisions of land lying within the corporate limits of the City of Robinson. Except as expressly stated herein, all subdivisions within the City of Robinson must be platted and submitted for approval to the planning and zoning commission and the city council. The city shall not extend utilities, provide access to public roads, or issue building permits for the development of any property which has not received final plat approval. A subdivision plat shall be required for every owner of any tract of land who

may, divide said tract into two (2) or more lots or tracts, or create from said tract one (1) or more lots of record, including an addition to the City of Robinson, for the purpose of:

- 1) laying out suburban, building, or other lots; or
- 2) transfer of ownership; or
- 3) the laying out streets, alleys, squares, easements, parks or other parts of the tract intended to be dedicated for public use; or
- 4) the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts of the tract intended to be dedicated for public use.

b) The following types of subdivisions in the City of Robinson do not require subdivision plat submittal or approval by the planning and zoning commission and the city council; if the lot(s):

- 1) is to be used for public utility purposes, there is no need for water and sanitary sewer service, and the property is used for such purposes as transmission lines, generation structures, and substations;

Sec. 1.8 CONFORMANCE TO APPLICABLE LAWS AND REGULATIONS

a) All subdivisions in the city limits shall comply with all applicable Federal, State and local laws along with the rules and regulations enacted pursuant thereto. All subdivisions in the city limits shall also comply with the following regulations and rules:

1) A Certificate issued by the City Council, stating that the plat has been reviewed and approved, must be obtained prior to the connection of any public utility. A landowner or an entity that provides utility service, upon written notice and identifying the subject property by an attached map and field notes of record, may request the City Council to determine, by the issuance of a Certificate:

A) whether a subdivision plat will be required by the city on the described property, and

B) if a subdivision plat is required, whether an application has been filed and whether the plat has been received and approved by the commission and the city council.

- C) The city council shall within thirty (30) days of receiving the written notice, make its determination and issue the certificate.
- 2) The Zoning Ordinance of the City of Robinson, the Official Comprehensive Plan of the City of Robinson and any transportation, street or thoroughfare plans contained therein, and any standards or regulations adopted by the city council.
- 3) The City of Robinson Standard Construction Specifications and Details for Streets, Drainage, Sanitary Sewer and Water Improvements and the City of Robinson's Stormwater Management Policy; and the City Water and Wastewater System Master Plans (these documents may be found in the Planning and Community Development Department of the City of Robinson);
- 4) The State Board of Insurance Key Rate Schedule for Fire Defense.
- 5) The applicable requirements of the State Department of Health and/or related state agencies.
- 6) The applicable requirements of the Waco-McLennan County Public Health District.
- 7) The applicable regulations of the State of Texas, Department of Highways and Public Transportation (if any part of the subdivision lies adjacent to a highway controlled and/or maintained by the State).

PART II. LANGUAGE OF THE SUBDIVISION ORDINANCE

Sec. 2.1 GENERAL CONSTRUCTION OF LANGUAGE

The following general rules of construction apply to the textual provisions of this Ordinance:

- a) Section and subsection headings in this ordinance do not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of this ordinance.
- b) "Shall" and "must" are mandatory and not discretionary. "May" is discretionary.
- c) Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular unless the context clearly indicates the contrary.

- d) Unless the context clearly indicates the contrary, the following conjunctions are to be interpreted as follows:
 - 1) "And" indicates that all connected items or provisions apply;
 - 2) "Or" indicates that the connected items or provisions apply singly or in combination;
 - 3) "Either...or" indicates that the connected items or provisions apply singly but not in combination.

Sec. 2.2 DEFINITIONS

The following definitions shall apply to the textual provisions of this ordinance:

- a) *Addition*. Any land subdivided in accordance with these regulations, approved by the Planning and Zoning Commission and the City Council, and added to the City map as part of the City.
- b) *Alley*. A public right-of-way other than a street providing access to the abutting premises.
- c) *Amended subdivision plat*. A recorded plat amending a preceding plat, the sole purpose being to correct minor errors of the preceding plat.
- d) *Arterial Street*. A continuous moderate to high volume facility designed to carry major travel. Arterials should surround neighborhoods, but not penetrate them. Access should be moderately restricted along minor arterials to protect capacity by side-on development, reverse frontage developments, or requiring access via an intersection street.
- e) *Block (geographic block)*. A tract of land bounded by streets and/or any of the following: a public park, a cemetery, railroad right-of-way, a waterway, or the boundary line of a municipality.
- f) *Block (legal designation)*. A portion of a particular addition and identified as a block made up of one or more surveyed lots and not necessarily completely surrounded by geographic features such as streets or alleys.
- g) *Build*. To erect, convert, enlarge, construct, reconstruct, or structurally alter a building.
- h) *Building*. A roofed structure, supported by columns or walls for the shelter, support, or enclosure of persons, property, or animals. Also, anything built that

requires a permanent location. This term also includes “structure” as defined herein.

- i) *Building permit.* A permit issued by the City of Robinson for the construction of a new structure or the renovation or addition to an existing structure. Foundation, plumbing and electrical permits are included within this designation.
- j) *Certificate.* A document signed by the Director of the City Plan and Development Department or designated person stating the status of compliance with the City of Robinson Subdivision Ordinance of a given tract or parcel of land.
- k) *City.* The City of Robinson, McLennan County, Texas.
- l) *City attorney.* Legal counsel for the City of Robinson, McLennan County, Texas.
- m) *City engineer.* The City Engineer of the City of Robinson.
- n) *Collector Street.* Collector streets are low to moderate volume facilities, which collect traffic from local streets and carry it to an arterial or another collector street.
- o) *Commission.* The Planning and Zoning Commission of the City of Robinson, Texas.
- p) *Comprehensive plan.* A master plan for development of the City of Robinson or any of its geographical parts, adopted, or thereafter amended by the City Planning and Zoning Commission and City Council.
- q) *Consanguinity.* The quality or state of being related to another by blood. That is, one is the descendant of the other or they share a common ancestor. A person has first degree of consanguinity with his/her father, mother, daughter, or son.
- r) *Construction plans.* Maps or drawings prepared by a Registered Professional Engineer, showing the specific location and design of public improvements to be installed in accordance with the requirements of this ordinance, the City Engineer, the Planning and Zoning Commission, and the City Council.
- s) *Council.* The City Council of Robinson, Texas, having the authority to review and approve and disapprove all subdivision plats.
- t) *County.* McLennan County, Texas.
- w) *County clerk.* The recording officer of legal records for McLennan County, Texas.

- x) *County commissioner's court.* The Commissioners Court of McLennan County, Texas.
- y) *County engineer.* The Engineer for McLennan County, Texas.
- z) *Datum.* The reference on which elevations are established horizontally and vertically.
- aa) *Developer.* The owner or legal representative of the land proposed for subdivision.
- bb) *Development.* Any human-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.
- cc) *Division.* The dividing of a tract of land in two or more parts using a metes and bounds or other description in a deed of conveyance, or in a contract for a deed, by using a contract for sale or other executory contract to convey, lease lots, or by using any other method.
- dd) *Driveway.* An approved access from a public street that allows vehicular access to a lot.
- ee) *Easement (utility & drainage).* An authorization granted by the property owner to the city, the public, an individual, and/or a private utility corporation for installing and/or maintaining utilities and/or drainage facilities over or under private land, together with the right to enter the property with machinery and vehicles necessary for the maintenance of the utilities or drainage facilities.
- ff) *Easement (vehicular or ingress/egress).* An authorization to cross a piece of property, granted by the property owner to a specified person or persons or the public.
- gg) *Flag lot.* A lot meeting the minimum frontage requirements and where access to a public road is by a narrow strip of land. Flag lots may be permitted in rural and developing areas to allow development of back land areas while still maintaining their rural character.
- hh) *Frontage.* Any side of a lot abutting on a street.
- ii) *Freeways & expressways.* A freeway is the highest type facility in the major street system. It is a high volume facility which has full control of access and full grade separation at intersecting streets, permitting heavy traffic at high speeds.

- jj) *HUD-Code manufactured home.* A structure, constructed on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.
- kk) *HUD-Code subdivision.* A subdivision designed and intended for residential use where residence is permitted in HUD-code homes, each being located on a separate lot. Such subdivision may retain a central management and may be operated as a planned unit development retaining ownership of streets and common open spaces.
- ll) *Improvements.* Any construction and/or materials that are a part of or connected to water, sewer, streets, lighting or drainage facilities to be dedicated to the public.
- mm) *Local streets.* Local streets are low volume, low-speed streets designed to provide access to abutting residential land.
- nn) *Lot.* A tract, plot, or portion of a subdivision or other parcel of land having fixed boundaries.
- oo) *Lot corner.* A lot situated at the intersection of two streets.
- pp) *Lot improvement.* Any building, structure, or other object constituting a physical betterment of the land on which it is situated.
- qq) *Minor plats.* Plats involving four or fewer lots fronting on an existing street not requiring the creation of any new street or the extension of municipal facilities.
- rr) *Modern Roundabout.* A type of circular intersection with specific features including yield control of all entering traffic, channelized approaches, deflection of entering traffic, and appropriate geometric curvature to ensure that travel speeds on the circulatory roadway are typically less than 30 mph.
- ss) *One-hundred year flood plain (area of special flood hazard).* An area subject to a one percent (1%) or greater chance of flooding in any given year, including but not limited to areas designated as Zone "A", "AE" on the Flood Hazard Boundary Map (FHBM) issued by the Federal Emergency Management Agency.

- tt) *Open space.* Land which is not covered by structures or paving material.
- ww) *Owner.* Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal or equitable title in the land sought to be subdivided under these regulations.
- xx) *Parent Tract.* The original tract of land prior to any division.
- yy) *Paving width.* The shortest distance measured from lip of gutter to lip of gutter or on a rural section from edge of pavement to edge of pavement.
- zz) *Planning and Zoning Commission.* The Planning and Zoning Commission of the City of Robinson established in accordance with the Home Rule Authority of the City of Robinson, and having authority to review, approve, disapprove, and recommend to the City Council approval or disapproval of all subdivision plats.
- aaa) *Planning and Community Development.* The City of Robinson department that acts as the regular technical advisors to the Planning and Zoning Commission.
- bbb) *Performance guarantee.* An assurance (usually in the form of a Cash, Cashier's Check, Cash Bond, a Depositary Agreement, a Performance Bond, or a Letter of Credit) that all required improvements will be completed to City of Robinson specifications within a specified period of time.
- ccc) *Person.* An individual, corporation, or association.
- ddd) *Planned unit development.* A group of buildings designed for construction as a unified development.
- eee) *Planned Unit Development (PUD) Ingress-egress easement.* An easement that provides access to and across a lot(s) in a proposed planned unit development subdivision to either another private ingress/egress easement or public right-of-way.
- fff) *Preliminary Plat.* The preliminary maps and plans which indicate the proposed layout of the subdivision. THIS IS NOT A PLAT for purposes of timelines for approval of the final plat.
- ggg) *Plat approval.* Date approved by City Council.
- hhh) *Plat recording.* Recordation in the Official Public Records of McLennan County after signature by the City Secretary's office is shown on the plat.
- iii) *Plat (final).* The map of a subdivision (and any required accompanying material)

which is presented to the Planning and Zoning Commission and the City Council for approval, and which, if approved, is recorded in the Official Public Records of McLennan County.

- jjj) *Private Ingress-egress easement.* An easement that provides access for specified individuals or groups to and across a lot(s) in either an existing or proposed subdivision to either another private ingress/egress easement or public right-of-way.
- kkk) *Private street.* A roadway that is not dedicated for public use which provides access to two (2) or more properties.
- lll) *Professional Engineer.* A Professional Engineer licensed and registered by and in the State of Texas.
- mmm) *Public improvement.* Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, public utility, or other facility for which the city has agreed to assume responsibility for maintenance and operation.
- nnn) *Public Ingress-egress easement.* An easement that provides access for the general public to and across a lot(s) in either an existing or proposed subdivision to a public right-of-way.
- ooo) *Record drawings/plans.* Plans prepared by a Registered Professional Engineer showing his or her signature and stamped or embossed seal showing that the project has been constructed.
- ppp) *Registered Professional Land Surveyor or Surveyor.* A Land Surveyor licensed and registered by and in the State of Texas.
- qqq) *Re-subdivision plat.* Any change in the map of an approved or recorded subdivision plat except those covered by the amended plat. Any such change constitutes a subdivision of property and shall be submitted to the Planning and Zoning Commission and the City Council.
- rrr) *Right-of-way.* A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, alley or other special use, shown to be separate and distinct from adjacent lots or parcels of land, and not included in the dimensions or areas of such lots or parcels.
- sss) *Right-of-way width.* The shortest distance between the lines delineating the right-of-way.
- ttt) *Required Number.* With regard to copies means the number required by the

Planning and Community Development Department.

- uuu) *Setback*. The distance between a building or structure and the property line.
- vvv) *Setback line (building line)*. An established line which is parallel to and set back from the street right-of-way line, side lot lines and rear lot line which identifies an area into which no part of the building shall project.
- www) *Site Grading Permit*. A initial permit to allow the property owner/developer to begin the construction of a project with grading of the property.
- xxx) *Street*. Dedicated property accepted by the City for vehicular traffic and primary access to lots.
- yyy) *Street classification map*. A map classifying city streets based on criteria set out in the Comprehensive Plan.
- zzz) *Structure*. Anything built that requires a permanent location. Also, any roofed object, supported by columns or walls for the shelter, support, or enclosure of persons, property, or animals. This term also includes the term building as defined herein.
- aaaa) *Subdivider*. The owner or legal representative of the owner of land proposed for Subdivision.
- bbbb) *Subdivision*.
 - 1) Any land, vacant or improved, which is divided or proposed to be divided into two or more lots or to create from said land one (1) or more lots of record, including an addition for the purpose of:
 - A) laying out suburban, building, or other lots; or
 - B) transfer of ownership; or
 - C) the laying out streets, alleys, squares, easements, parks or other parts of the tract intended to be dedicated for public use; or
 - D) the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts of the tract intended to be dedicated for public use; or
 - 2) Any land, vacant or improved, which is resubdivided or proposed to be resubdivided.

- 3) The act of dividing or assembling land by any means including, but not limited to, land divided or assembled by metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale, intestacy, lease map, plat or any recorded instrument.
- cccc) *Subdivision plat*. The final map or drawing by which the owner's or owners' of record plan of subdivision is presented to the Planning & Zoning Commission and the City Council for approval and which, if approved, is recorded in the Official Public Records of McLennan County.
- dddd) *Suburban lot*. Large residential lot located on the outskirts of the City of Robinson.
- eeee) *Traffic Calming*. The combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users.
- ffff) *Vacated subdivision plat*. A recorded instrument approved by the City Council nullifying a preceding recorded plat to the pre-existing legal description of the property, upon request of the owner.
- gggg) *Zoning ordinance*. The official Zoning Ordinance of the City of Robinson together with any and all amendments.

City Plans, Standards, Rules, Specifications, and Details Referenced.

Certain plans, standards, rules, specifications and details of the City are referenced herein. These include, but are not limited to: the City of Robinson Comprehensive Plan; the City of Robinson Standard Construction Specifications and Details for Streets, Drainage, Sanitary Sewer and Water Improvements; the City of Robinson’s Stormwater Management Policy; the City Water and Wastewater System Master Plans; the Zoning Ordinance; and the Street Classification Map.

These plans, standards, rules, specifications and details are available for inspection and copying at the Planning and Community Development Department.

PART III: GENERAL REGULATIONS

Sec. 3.1 SUBDIVISION APPROVAL PROCESS

- a) Steps. The subdivision approval process involves from one to three steps:

- 1) Pre-application Conference (recommended);
- 2) Preliminary Plat Approval (required unless otherwise provided in this ordinance);
- 3) Final Plat Approval (always required except for minor plats and amended plats) and includes a resubdivision or vacated plat.

b) Pre-Application Conference. Prior to submitting a preliminary or final subdivision plat, any person wishing to develop property *may* consult with city for comment and direction. At this stage, decisions are made concerning what information and documents should be submitted for review. It is recommended that the developer or owner take advantage of this opportunity, as such may avoid delay in the process and will make both the applicant and the city better informed.

c) *Preliminary Subdivision Plat Approval*

If a proposed subdivision has an area of more than two (2) acres or involves street or utility construction a preliminary plat shall be required. The preliminary plat shall cover the entire parent tract of land from which land is being subdivided.

Upon receipt of the preliminary plat, city staff will review the plat and make a recommendation to the planning and zoning commission. The commission will then either: (1) approve the plat; (2) disapprove the plat; or (3) disapprove the plat pending compliance with specific conditions and requirements. The plat will then be sent to the city council for action with the Commission's action as a recommendation. The city council will then either: (1) approve the plat; (2) disapprove the plat; or (3) disapprove the plat pending compliance with specific conditions and requirements. Approval of the preliminary plat does not constitute final acceptance or approval of the subdivision. The approved preliminary plat is not filed for record in the Official Public Records of McLennan County. The preliminary plat is not effective for purposes of development or actual division of the land. The preliminary plat does not constitute a dedication of any easements or right-of-way shown thereon, nor an acceptance by the City of any easements or right-of-way shown thereon. The preliminary plat is for review purposes and does not start any time for approval or disapproval of the final plat under the law. However, the commission shall act on a submitted preliminary plat within 30 days of receipt of the preliminary plat by the city and the city council shall act on the preliminary plat within 30 days after the commission's action unless the timeline is extended by agreement between the city and the applicant.

The preliminary plat remains active for a period of two (2) years following the action by the council. During that time period a final plat must be submitted to the Planning and Community Development Department for staff review, commission, and city council

consideration. If the requirements have not been met and no final plat has been submitted at the end of two (2) years immediately following the action by the council, the approval becomes null and void. A new preliminary plat must then be submitted. The Director of the Planning and Community Development Department may, with reasonable cause, grant a time extension up to a period of one-year beyond the time limit upon the written request of the developer or of city staff. [*Caveat*: If development is to be phased, only the final plat for the first phase must be submitted within the two (2) year period].

d) *Final Subdivision Plat Approval*

Final plat approval is required for every subdivision, re-subdivision, and vacated plat. A final plat may be filed for an entire subdivision or for a specified portion of a subdivision for which a preliminary plat has been approved. Upon receipt of the required documents, city staff shall review the final plat for compliance with the subdivision regulations; notify the developer of deficiencies in the plat and actions needed to correct the plat.

City staff shall make a recommendation for approval, disapproval, or disapproval, pending compliance with specific conditions and requirements, to the planning and zoning commission. The commission will approve the plat, disapprove the plat, or disapprove the plat pending compliance with specific conditions and requirements, within 30 (thirty) days from the date the Planning and Community Development Department received the application for subdivision approval and recommend such action to the city council. The city council will then approve the plat, disapprove the plat, or disapprove the plat pending compliance with specific conditions and requirements, within 30 (thirty) days after the date the plat is acted on by the commission or the plat is considered approved by the inaction. The timelines stated above may be extended by written agreement between the city and the developer. A final plat that is disapproved by the city council subject to specific conditions and requirements will remain active for two (2) years immediately following the date of council action. During that time period, all conditions and requirements for city council approval must be met. If all conditions and requirements set by the city council are met, the plat is approved by staff on the date all conditions and requirements are met. When all conditions and requirements have been met, the final plat will be recorded by the City Secretary of the City of Robinson in the Official Public Records of McLennan County. If all of the conditions and requirements have not been met by the end of the two (2) year period, the final plat shall become null and void as though no plat had been submitted. The Director of the Planning and Community Development Department may, with reasonable cause, grant an extension of the time limit up to a period of one-year at the written request of the developer.

Sec. 3.2 FILING FEES AND PROCEDURES

- a) *Pre-Application Conference*. No fee is charged for a pre-application conference.
- b) *Preliminary Subdivision Plat*. Any person requesting approval of a preliminary

subdivision plat shall file an application on forms prescribed and furnished by the Planning & Community Development Department. The fee for processing a preliminary plat shall be set by the city council as part of the annual budget or by minute entry and paid to the City of Robinson. The Planning & Community Development Department shall set the filing date for submittal of the preliminary plat. A schedule of fees and filing dates shall be made available to the public by the Planning & Community Development Department.

c) *Final Subdivision Plat.* Any person requesting approval of a final subdivision plat shall file an application on forms prescribed and furnished by the Planning & Community Development Department. The fee for processing and recording a final plat shall be determined by the city council and paid to the City of Robinson through the Planning & Community Development Department. The Planning & Community Development Department shall set the filing dates for submittal of the final plat, vacated plat, and re-subdivision plat to the Planning & Community Development Department. A schedule of fees and filing dates shall be made available to the public by the Planning & Community Development Department.

Sec. 3.3 REQUIRED DOCUMENTS

a) All submissions are to be made both electronically and in paper form. References to a required number of copies only apply to the number of paper copies required.

b) *Pre-Application Conference.* The following documents should be submitted to the Planning & Community Development Department at the pre-application conference:

- 1) a sketch plan of the entire subdivision, drawn approximately to scale, showing proposed street, with consideration of traffic calming features, lot and utility and drainage layout,
- 2) a location map showing the subdivision in relation to existing streets or roadways,

c) *Preliminary Plat Approval.* The required number of the following documents shall be submitted to the Planning and Community Development Department for preliminary plat review and approval.

- 1) a legible, accurately scaled plat of the parent tract, including all adjacent land and identification of adjacent landowners. Plats shall be submitted in both paper and digital format. Digital files shall be in a current version of AutoCAD (.dwg) or in Digital Exchange Format (.dxf) and shall be oriented to Texas State Plane Coordinates, NAD83. Plats shall be

prepared by a Registered Professional Land Surveyor showing:

- A) the subdivision boundary as determined by a boundary survey;
- B) the street and lot layout, proposed street cross-section, and the proposed use of the property;
- C) proposed and existing easements, sewers, water lines, gas mains, water courses, ravines, bridges, culverts, existing structures, drainage areas in acreage, and other features pertinent to subdivision;
- D) proposed and dedicated right-of-way;
- E) the proposed legal description of the subdivision;
- F) the proposed name of the subdivision;
- G) the date of the plat;
- H) the scale to which the plat was drawn, (1"=100' typical);
- I) computed total acreage;
- J) a north arrow;
- K) the name, signature, date of signature, and address of the owner of the property;
- L) the words shown on the plat "PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY";
- M) the source of water service to the subdivision. For a subdivision to be served by a private water supplier, the Texas Commission on Environmental Quality (TCEQ) water certification of convenience and necessity file number.
- N) the electric service company or cooperative that serves the area.
- O) Utility layout plan. The developer shall submit at least three (3) copies of a plat of the development showing the proposed location of all utilities and their relation to all other utilities.
- P) an additional 10 ft. wide utility easement to be located in the front

of all lots along public right-of-way or in a paved alley.

- Q) the location of the approximate 100 year flood plain boundary.
 - R) preliminary drainage plan.
 - S) preliminary drainage area map with drainage calculations.
- 2) a topographical map of the entire subdivision, and of a one hundred (100) foot wide strip surrounding the subdivision, showing contours at two (2) foot intervals with all elevations referenced to city approved datum. Topographic information may be included on the plat or placed on a separate map drawn to the same scale as the above plat. The topographic map shall be an actual on-the-ground survey, or an aerial survey. A note shall be placed on the plat stating which method was used to provide the topographical map.
- 3) a location map showing:
- A) the proposed subdivision in relation to existing streets and/or other easily recognizable geographic features,
 - B) a north arrow, and
 - C) the proposed name of the subdivision.
- 4) For sites not served by public sanitary sewer, the subdivider shall submit a report by an independent Registered Professional Engineer indicating sufficient soil tests have been conducted and that the said Engineer has determined the environmental suitability of each lot for safe operation of an on-site sewage facility (OSSF). The report shall determine a minimum lot size, density, and type of proposed disposal system. This report is to be submitted to the Planning and Community Development Department for approval and shall comply with all applicable Texas Commission on Environmental Quality (TCEQ) and Waco-McLennan County Health District regulations.

d) *Final Plat Review, Approval & Recordation.* The required number of the following documents shall be submitted to the Planning & Community Development Department for disbursement to all city departments for their review. These documents must be included in the final plat for it to be filed for record in the Official Public Records of McLennan County:

- 1) a legible, accurately scaled plat of the parent tract and proposed

subdivision thereof. Plats shall be in paper and digital format. Plats shall be prepared by a Registered Professional Land Surveyor licensed in the state of Texas in compliance with the minimum standards of the State Board of Professional Land Surveyors showing:

- A) the boundaries of the parent tract and the boundaries of the proposed subdivision, all as determined by a boundary survey done on the ground by a Registered Professional Land Surveyor;
- B) the street and lot layout with consideration of public right-of-way needs for traffic calming;
- C) proposed and existing alleys and easements;
- D) proposed and dedicated right-of-way with consideration of public right-of-way needs for traffic calming;
- E) all dimensions and other surveying information necessary to produce the plat on the ground including:
 - i) linear and curvilinear dimensions shall be shown in feet and decimals of a foot;
 - ii) bearings reference shall be shown by the current standards as prescribed by the State of Texas Land Surveyors Board;
 - iii) the radii, tangents, central angles, chords, and arcs of all curves;
 - iv) the lengths and bearings of all straight lines;
 - v) the dimensions from all angle points and points of curve of lot lines;
 - vi) the long chord distance and bearings for all curves and curved lot lines;
 - vii) existing lot lines (shown by dashed lines) for property being re-subdivided; and
 - viii) all lot lines shall have the bearing shown;
- F) recording data for all property adjacent to the subdivision-including owner name and acreage;

- G) names and dimensions of proposed and existing streets within and adjacent to the subdivision;
- H) the proposed name of the subdivision;
- I) the date of the plat;
- J) the scale to which the plat was drawn, (1"=100') unless otherwise approved by the City Engineer and the plat shall include a north arrow;
- K) the name, address and signature of the owner(s) of the property;
- L) the name, address, signature, and seal of the Registered Professional Land Surveyor responsible for the survey of the properties being subdivided;
- M) abandoned streets, alley and easements with Ordinance Number and date or other official identifier;
- N) a monument legend;
- O) certification by the surveyor that the plat represents work done on the ground under said supervision;
- P) certification by the Surveyor that all survey monuments are shown on the plat and set in accordance with the minimum standards of the Texas Board of Professional Land Surveyors;
- Q) if a lot or lots is/are not to be served by sanitary sewer, a certification shall be included with the plat from the Waco-McLennan County Health District that certifies that planning materials and a suitability report have been submitted to the Waco-McLennan County Health District and accepted by the Waco-McLennan County Health District for the subdivision plat;
- R) a survey showing all existing structures;
- S) identification of the source of water service to the subdivision. For subdivisions served by a private water utility, the Texas Public Utility Commission certificate number, date of certification, and name of water utility serving the subdivision shall be shown on the plat.

Note: The plat should be drawn to the standard format of 18" x 24" as required by the McLennan County Clerk for recording in the Official Public Records of McLennan County.

- 2) complete set of fieldnotes of the boundary survey, signed by the surveyor, and having a closure error no greater than 1/10,000.
- 3) an instrument of dedication for all street and highway right-of-way, alleys, easements, parks, and/or property improvements intended for public use. The dedication shall be signed by the owner or his/her legally designated agent and acknowledged by a Notary Public and will be filed for record. The following certificate shall be placed below the dedication:

STATE OF TEXAS:
COUNTY OF MCLENNAN:

"I hereby certify that the above and foregoing plat and fieldnotes of the (subdivision name) Addition to the City of Robinson, Texas, was approved by the City Council on the ____ day of _____, 20 ____."

City Secretary

Sample dedication forms shall be available at the Planning & Community Development Department

- 4) one copy of any requirements or deed restrictions imposed upon the subdivision by an individual or agency other than city staff or the city council.
- 5) The following documents shall be required for final plat approval by the Planning and Community Development Department:

A) *Plan and Profile Drawings.* The required number of copies of Plan and Profile drawings shall be submitted for subdivisions requiring construction of streets and/or alleys. Plan and Profile Drawings shall be 22" x 34" and shall be plotted to an appropriate scale (usually 1"=20' but not smaller than 1"=50' horizontally, and 1"=2' vertically, but not smaller than 1"=5' vertically).

Plan drawings shall show but are not limited to:

- i) the right-of-way of the proposed street or alley;
- ii) the right-of-way of intersecting streets and for any traffic calming features;
- iii) lot and block numbers;
- iv) the location of curb and gutter in relation to monuments;
- v) the radii of all returns;
- vi) the location of all storm water structures and pipe; and
- vii) location of all water and sewer mains and services;
- viii) Location of all round-a-bouts and proposed landscaping in round-a-bouts;
- ix) Location of any pertinent easements.

Profile drawings shall show:

- i) the existing grade on both sides of the street;
- ii) the proposed grade of the top of the curb on both sides of the street; and
- iii) the reference bench mark and its elevation. Elevations shall be based upon North American Vertical Datum 88 (“NAVD 88”); and
- iv) standard City of Robinson details of all construction items.

B) *Drainage Maps.* Maps showing existing and proposed topography for the watershed affecting the project. These maps must show drainage areas, waterways, proposed streets, proposed storm sewer improvements, and any other improvements which might affect drainage. Appropriate calculations showing runoff and capacity quantities shall be provided for all drainage areas and storm drainage facilities in accordance with the City of Robinson’s Stormwater Management Policy.

C) *Construction Drawings.* Construction drawings which conform to the standards of the City of Robinson shall be approved by the City

Engineer. The required number of copies of the approved drawings for each improvement and a permit must be obtained from the Planning and Community Development Department before construction begins on that improvement.

D) *Horizontal and Vertical datum.* The horizontal datum for each drawing shall be oriented to Texas State Plane Coordinates, NAD 83. The vertical datum shall be based on NAVD 88.

E) *Structure Drawing.* Submit a separate drawing of the plat showing all existing structures on the property.

F) *Grading Plan.* For residential subdivisions, a lot grading plan shall be submitted with a maximum contour interval of 1 foot and with proposed Finish Floor Elevations for each lot.

G) *Sedimentation and Erosion Control Plan.* A sedimentation and erosion control plan shall be submitted as part of the Construction Drawings.

H) *Record Drawing Plans.* Upon completion of construction of any improvement, the developer shall furnish a final set of electronic read only drawings (PDF format) to the Planning and Community Development Department. These plans shall include a statement by the Licensed Professional Engineer responsible for their preparation that the plans reflect changes as reported by the entity responsible for inspection.

Sec. 3.4 RESERVE TRACTS

Reserve strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting subdivision, improvement, or taxation of adjacent property shall not be permitted in any subdivision.

Sec. 3.5 SUBDIVISIONS REQUIRING ACCESS ACROSS LAND IN ANOTHER MUNICIPALITY

If a subdivision in the City of Robinson requires access across land in another municipality the commission and the city council may require assurance from the City Attorney that access is legally established, and from the City Engineer that the access road is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the proper construction of the access road.

Sec. 3.6 UNSUITABILITY OF LAND FOR SUBDIVISION OR DEVELOPMENT

In rare circumstances where danger to the health or general welfare of present or future inhabitants exists; the city may determine that a property is unsuitable for development. Conditions which may render property unsuitable for development include, but are not limited to: flooding, poor drainage, environmental contamination, adverse earth formations or topography, and certain utility easements. Unless the developer is able to formulate methods to successfully protect against and/or abate such conditions, the property may be deemed unsuitable for development and subdivision by the city council.

Sec. 3.7 SUBDIVISION NAME

The name of a subdivision shall neither duplicate nor phonetically approximate the name of an existing subdivision in the area covered by these regulations. The name proposed shall not be vulgar, racist, or profane.

Sec. 3.8 ENGINEERING

The developer shall furnish all engineering and surveying services necessary to prepare preliminary plat and final plats, and construction plans and required easements.

Sec. 3.9 VACATED SUBDIVISION PLAT

A recorded subdivision plat may be vacated (nullified) at the request of the owner or owners of the tract covered by the plat at any time before any lot in the plat is sold. The owner or owners shall submit to the Planning and Community Development Department a signed notarized statement requesting the vacation of the plat. The city council must approve the vacating of the plat before the plat is vacated. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is recorded with the County Clerk of McLennan County, Texas.

If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all owners of the lots in the plat. The city council must approve the vacating of the plat before the plat is vacated.

Sec. 3.10 AMENDED SUBDIVISION PLAT

- a) A recorded subdivision may be amended at the request of the owner or owners of the property. The amended plat is controlling over the preceding plat and approval shall not require notice, a hearing, or approval of other lot owners if the sole purpose is to:
 - 1) correct an error in any course or distance shown on the prior plat;

- 2) add any course or distance that was omitted on the prior plat;
- 3) correct an error in the description of the real property shown on the prior plat;
- 4) indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;
- 5) show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;
- 6) correct any other type of scrivener or clerical error, notary public or omission as previously approved by the city council; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;
- 7) correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
- 8) relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or an easement;
- 9) relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the amended plat, providing that such amendment does not attempt to remove recorded covenants or restrictions or increase the number of lots;
- 10) make necessary changes to the prior plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the prior plat if the changes do not affect applicable zoning and other regulations of the city, the changes do not attempt to amend or remove any covenants or restrictions; and the area covered by the changes is located in an area that the commission or city council has approved after a public hearing as a residential improvement area; or
- 11) replat one or more existing lots in their entirety fronting on an existing street where the owner or owners of all such lots join in the application for the amended plat, provided that such amendment does not attempt to remove recorded covenants or restrictions, increase the number of lots or

create or require the creation of a new street or make necessary the extension of municipal facilities.

Sec. 3.11 RESUBDIVISION PLAT (REPLAT)

A resubdivision plat of a subdivision or a part of subdivision shall be recorded and is controlling over the preceding subdivision without vacation of that plat if:

- a) The resubdivision plat is signed and acknowledged by only the owner(s) of the property being re-platted; and
- b) the resubdivision is approved, after public hearings on the matter at which parties in interest and citizens have an opportunity to be heard, by the planning and zoning commission and the city council; and
- c) the resubdivision plat does not attempt to remove any covenants or restrictions.

Sec. 3.12 ADDITIONAL REQUIREMENTS FOR CERTAIN RESIDENTIAL RESUBDIVISIONS

- a) In addition to compliance with Section 3.11, a resubdivision without vacation of the preceding plat must conform to the requirements of this section if:
 - 1) During the preceding five (5) years, any of the area to be platted was limited by zoning classification to residential use for not more than two (2) residential units per lot; or
 - 2) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
- b) The notice of hearing required by Section 3.11 shall be given before the fifteenth (15th) day of the hearing by:
 - 1) publication in a official newspaper or a newspaper of general circulation in McLennan County; and
 - 2) by written notice, with a copy of subsection 3.12 (c) attached, forwarded by the commission and/or city council to the owner(s) of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision, the most recently approved county tax roll of the property upon which the resubdivision is requested.

- c) If the proposed resubdivision requires a variance and is protested in accordance with this subsection, the proposed resubdivision must receive, in order to be approved, the affirmative vote of at least three-fourths (3/4) of the members present at the planning and zoning commission (4) and city council (6). For a legal protest, a written instrument signed by the owner(s) of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed resubdivision and extending two-hundred (200) feet from that area, but within the original subdivision, must be filed with the Planning and Community Development Department prior to the close of the public hearing.
- d) In computing the percentage of land area, the area of streets and alleys shall be included.
- e) Compliance with subsection 3.12 (b) and 3.12 (c) is not required for approval of a resubdivision of part of a preceding plat if the area to be resubdivided was designated or reserved for other than single-family or duplex residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

Sec. 3.13 APPROVAL OF MINOR PLATS AND AMENDED PLATS

- a) The Director of the Planning and Community Development or designee may approve:
 - 1 Amending plats following review by city departments.
 - 2 Minor plats involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.
- b) An amended subdivision plat or minor plat may be approved by the Director of the Planning & Community Development Department without going through the commission/council approval process. The same filing fee must be paid by the subdivider as would have been required if the amended plat or minor plat were submitted for final plat approval through the commission/council approval process, unless a different fee is set by the city council.
- c) The Director of the Planning & Community Development Department may decline to act on the amended plat or minor plat, and require that it go through the commission/council approval process in the Director's exercise of his/her professional judgment.

PART IV: REGULATIONS FOR SPECIAL CASE SUBDIVISIONS

Sec. 4.1 DEVELOPMENT WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN

Any development regulated by this ordinance and located within an area of special flood hazard must, in addition to meeting the requirements of this ordinance, meet the requirements set out in the Flood Plain Regulations of the City of Robinson and applicable federal and state regulations.

Sec. 4.2 HUD-CODE MANUFACTURED HOME SUBDIVISIONS

HUD-CODE manufactured home subdivisions within the corporate limits shall be subject to the portions of this ordinance applicable to other subdivisions within the city.

Sec 4.3 PLANNED UNIT DEVELOPMENTS

Special regulations have been provided to encourage flexibility and appropriate land use in Planned Unit Developments. Regulations for Planned Unit Developments in the city limits are set out in the Zoning Ordinance of the City of Robinson. The planning and zoning commission may require the owner to provide articles of incorporation and appropriate declarations of covenants and restrictions when common areas are designated in a Planned Unit Development.

PART V. REQUIRED IMPROVEMENTS

Sec. 5.1 UTILITY IMPROVEMENTS

a) Water Facilities

- 1) Public water lines shall be installed to serve each lot in all subdivisions. New water lines shall be installed in accordance with the City of Robinson's Standard Details and Specifications.
- 2) Before the city council approves a final plat for a subdivision located outside of or beyond areas served with water utilities by the city, the subdivider may be required to furnish the city council satisfactory evidence including, but not limited to, statements from officials of the water supplier serving the area to be subdivided that it will make water available to the proposed subdivision.
- 3) No lot in a subdivision shall be occupied until water which is satisfactory for human consumption and sufficient for the intended land use is made available from a public source.
- 4) The developer shall furnish and install standard fire hydrants as part of the

water distribution system in conformance with the Standard Specifications, and in accordance with the recommendations of the State of Texas Insurance Board, City of Robinson Volunteer Fire Department, and rural Fire Departments.

5) Water mains shall be of the pipe diameter required for the subdivision in accordance with City design criteria and as directed by the City Engineer, but in any case a minimum of eight (8") inches. To the extent that the city requires the installation of a water main greater than the minimum and the pipe diameter required for the subdivision in accordance with City design criteria and as directed by the City Engineer for public purposes of the city unrelated to service requirements for the subdivision, the city shall participate in the increased cost of the water main as designated in the Master Water Plan.

6) The developer/subdivider is responsible for the cost of extending water service to the property from the closest City source capable of providing such service to the property, including any necessary temporary construction easements and permanent water line easements in favor of the City. Lines must be constructed in accordance with the City's Standard Construction Specifications and Details for Water improvements, and once completed and accepted by the City shall become the property of the City.

b) *Sewerage Facilities*

1) Except as provided in 2 below, public sanitary sewer lines shall be installed by the developer to serve each lot in all subdivisions unless a written exception, approved by the Robinson City Council, is granted. The installation of the sanitary sewer lines shall be in conformance with the City of Robinson's Standard Details and Standard Specifications. Sanitary sewer mains shall be a minimum of eight (8) inches in accordance with City design criteria as directed by the City Engineer. To the extent that the city requires the installation of a sanitary sewer main greater than eight (8) inches for public purposes of the city unrelated to service requirements for the subdivision, the city shall participate in the increased cost of the sanitary sewer main as designated in the Master Waste Water Plan.

2) The developer shall furnish and install sanitary sewer service lines and shall be immediately connected to the public sanitary sewer unless the following conditions are met:

A) Sanitary sewer lines shall be immediately installed and connected to a public sewer line, at the expense of the subdivider of the property, if the lot is within 500 feet of a public sewer line.

B) All lots not immediately connected to the sanitary sewer system shall use an on-site sewage facility (OSSF). Lots must be a minimum of one (1) acre in size if effluent disposal is to be by subsurface soil absorption and this type of effluent disposal meets regulations and standards set forth by the Waco-McLennan County Health District, the state health department, and the Texas Commission on Environmental Quality (TCEQ), as well as any additional regulations and standards set forth herein. Lots using surface irrigation as the means of effluent disposal shall be a minimum of two (2) acres and meet all the above regulations and standards. If due to soil conditions, topography or other characteristic of the lot a surface irrigation system is deemed by the developer's or owner's engineer to be the only feasible option for a lot of a size less than two (2) acres, the developer or owner may request a variance to allow a surface irrigation system in accordance with the process set forth in Section 7.10 of this Ordinance.

C) Before the city council approves a final plat for any lots that are not immediately served by sewer, the subdivider shall furnish the city with a certification, to be included with the plat, from the Waco-McLennan County Health District that certifies that planning materials and a suitability report have been submitted to the Waco-McLennan County Health District and accepted by the Waco-McLennan County Health District for the subdivision plat. [Note: Individual On-Site Sewage Facility designs must be submitted to the Waco-McLennan County Health District for approval for each lot, and built to Texas Commission on Environmental Quality (TCEQ) regulations prior to occupation of the residence. The certification required with the plat is not a substitute for this process, but serves only as a general certification acceptable for plat approval]

D) All on-site sewerage facilities shall be designed, installed and operated in accordance with the rules, regulations, and standards prepared by the Waco-McLennan County Health District, the state health department and the Texas Commission on Environmental Quality (TCEQ).

E) All design work done in connection with sewage disposal systems shall be performed by persons qualified under State of Texas law to do such work.

F) An OSSF that has been allowed due to the city not having a sewer main within 500' may continue to be operated if the city subsequently brings a main within 500'. However, if the OSSF fails thereafter, the lot must be connected to the city sanitary sewer system.

c) *Gas Facilities.* If the subdivision is to be served by a natural gas utility, gas lines shall be installed to serve each lot wherever a source of gas supply is within a reasonable distance. The developer shall arrange with the appropriate gas company for construction costs of gas lines.

d) *Electric, Cable and Communications Distribution Facilities.* All permanent utilities within a subdivision, including electrical distribution facilities, cable distribution facilities, and communication distribution facilities, shall be installed underground. The subdivider is responsible for compliance with this subsection and shall make all necessary arrangements with the applicable utility companies for installation. The planning and zoning commission may grant a waiver of the requirements of this subsection where topographical, soil, or other site conditions make underground installation infeasible. However, as a condition of any such waiver, the subdivider must provide a plan to mitigate the adverse aesthetic effects of above-ground installation.

Sec. 5.2 STREET LIGHTING IMPROVEMENTS

- a) Adequate street lighting shall be provided for the protection of the public and property and shall be installed in all new subdivisions. Installation procedures and acceptable standards for street lights shall be governed by the design and specification standards of the utility to serve the street lights with electricity in effect at the time of subdivision construction. The developer shall submit a proposed street lighting plan for the subdivision for approval by the City Engineer. The plan must state that it is in compliance with the design and specification standards of the utility proposed to serve the street lights with electricity. The city shall not be responsible for any cost of the installation.
- b) Once satisfactorily installed, approved, and accepted, the maintenance of the street lights shall be provided by the electric utility serving the area. The city will be responsible for the furnishing of electricity for the street lights after final approval of the subdivision and the street lights by the city unless otherwise provided as part of a PUD or where the developer is having non-standard street lights installed.

Sec. 5.3 DRAINAGE IMPROVEMENTS

All drainage improvements shall be designed and installed in compliance with the city's Stormwater Management Policy and the city's Standard Details and Standard Specifications.

Sec. 5.4 ALLEYS

- a) *In Residential Blocks.* Alleys in new subdivisions may be required within City design criteria in residential blocks only where necessary to provide access to an existing alley in an adjacent subdivision. Alleys in residential blocks shall have a minimum right-of-way width of thirty (30) feet and a minimum paving width of twenty-four (24) feet.
- b) *In Non-Residential Areas.* Alleys or loading areas may be required within City design criteria in blocks used for commercial purposes. Alleys in commercial blocks shall have a minimum right-of-way width of thirty (30) feet and a minimum paving width of twenty-six (26) feet.
- c) *Alley Construction Standards.* Alleys shall be paved with reinforced portland cement concrete pavement not less than five (5) inches in depth and constructed to Standard Specification and Details. Plans for alley construction shall be prepared by a registered professional engineer and approved by the City Engineer. All utilities to be located in the alley shall be in place before the alley is paved.

Sec. 5.5 STREETS

- a) *General.*

The developer shall provide the subdivision with adequate streets. The arrangement, character, extent, width, grade and location of proposed streets shall conform to city regulations and policies. All streets shall be designed with consideration for topography, public safety and convenience, the proposed use(s) of the land to be served, and other streets existing and planned. If any part of a street shown lies in or adjacent to the proposed subdivision, that part of the street shall be platted and dedicated to the width and at the location shown on the city's comprehensive plan and attachments.

- b) *Street Names and Signs.*

New streets shall be named so as to provide continuity with the names of existing, connecting streets. Names identical or similar to names of existing streets shall not be approved. The developer shall confirm all proposed street names with McLennan County Emergency Assistance District (911) so as to avoid duplication. The city of shall install street name signs at no cost to the subdivider. All necessary traffic control signs shall be installed at the cost of the developer in accordance with McLennan County standards. The traffic control signs will be approved by the City Engineer of the City of Robinson. The city council shall have the final authority to designate the name of a proposed street.

c) *Street Layout.*

The subdivision street layout shall be designed with consideration for its probable effect on existing neighborhoods and on the future development of adjacent areas. Local streets shall be configured to accommodate traffic within the subdivision. Traffic calming engineering practices include curvilinear streets; collector streets shall accommodate through traffic and provide connections to arterial streets; and, unless otherwise required by the city council, existing arterial streets shall be extended through the subdivision.

d) *Relation of New Streets to Adjacent Streets and Property.*

Streets provided for the subdivision shall, unless determined otherwise by the City Engineer, City Manager, and the city council, connect with and be at least as wide as existing streets in adjacent subdivisions, or shall be the reasonable projection of streets in the nearest subdivided tracts. Streets shall be continued to the boundaries of the tract being subdivided to provide points of connection for streets in subsequently developed areas. If a subdivision includes one or more lots of sufficient size to allow further subdivision, the city council may require ingress/egress access easements to provide for the opening of new streets and/or the extension of adjacent streets.

e) *Intersections*

Intersections involving acute angles and/or more than two streets shall be avoided. Where these conditions are determined to be unavoidable by the City Engineer, compensations may be required (e.g. setback lines further from the right-of-way than usually required, rounding or cutting of corners, or relocation of an intersection). Off-set intersections shall be avoided unless necessitated by topography or traffic circulation conditions.

f) *Curve Requirements, Street Right-of-Way and Paving Width Requirements.*

Determinations of curve requirements, right-of-way and paving width requirements will be determined by street classification shall be made by the City Engineer and the city council and shall be based on the needs of the subdivision, the Comprehensive Plan, the Existing Street Classification System Map and other relevant city regulations and plans.

g) *Permanent Ingress/Egress Easements*

Permanent ingress/egress access easements will only be allowed within a Planned Unit Development in the City of Robinson and will be required to meet the minimum requirements for streets in this ordinance.

Existing streets and permanent ingress/egress access easements will be required to meet these minimum requirements unless exempted by the City Engineer. Additional right-of-way may be required where the conditions warrant such.

h) *Special Purpose Streets*

1) *Cul-de-sacs*. A local street with only one outlet and having a terminal for safe, convenient reversal of direction. A street terminating in a cul-de-sac may be no more than one thousand (1,000) feet in length. The types of cul-de-sac styles may be hammerhead, knuckle, L-shaped or standard. The style and dimension of the cul-de-sac must be approved by the City Engineer.

2) *Dead End Streets*. Dead end streets shall be avoided unless future extensions of the street is planned. When a street extension into an undeveloped area is planned, the developer shall be required to build the street and construct a temporary paved surface, turnaround at the end with proper barricading and warning signs, provide proper barricading in the absence of a turn around, and post a security bond for the full cost of future construction of the street plus reasonable inflation. It will be the responsibility of the developer to secure adequate easement or right-of-way for any temporary turnarounds. Dead end streets shall not exceed one-thousand (1,000) feet in length.

3) *Service or Ring Road*. A lesser classified functioning street which is usually parallel and adjacent to a limited access freeway and functions as an integral part of that system. It provides protection from through traffic to abutting properties and is situated within the right-of-way of that higher classified system.

i) *Street Construction Standards*.

Streets shall be constructed to the following minimum standards according to classification. Site specific pavement design and/or increased pavement thickness shall be required on the basis of soil and/or traffic conditions. All construction shall comply with the city's standard details and specifications. Pavement design shall be submitted to the City Engineer for approval. The subdivider must provide a geotechnical engineering report which outlines the minimum paving, base and subgrade requirements and must provide the report to the City Engineer.

The standard street section shall be compacted subgrade (stabilized or unstabilized depending upon subgrade soil conditions), a portland cement treated base course and a surface course of either hot mix asphaltic concrete or reinforced portland cement concrete.

j) *Participating Aid Policy*.

Dedication of streets wider than thirty (30) feet from face of curb to face of curb may be required of the developer by the city for the city's own public purposes unrelated to the subdivision development, but the city shall assume responsibility for any costs above

those of constructing the street to a width of thirty (30) feet. However, if the reason for the additional width requirement is based on the nature, needs, or layout of the proposed subdivision itself, the cost of the increased width shall be the developer's responsibility. Furthermore, any voluntary construction of streets exceeding a width of thirty (30) feet is the developer's responsibility.

Sec. 5.6 SIDEWALKS

If sidewalks are constructed as part of a development they must be constructed to standard City of Robinson specifications, including the city's Standard Specifications and Standard Details.

Sec. 5.7 MATERIALS TESTING AND COST OF IMPROVEMENTS.

- a) All testing of materials required by this Ordinance or the city's standard specifications and standard details must be provided by the developer at the developer's own cost and expense. All required reports relating to materials testing must be provided to the City Engineer,
- b) All required improvements shall be furnished by the developer at his/her expense, without reimbursement by the city, except as otherwise provided herein.

Sec. 5.8 ASSURANCE OF COMPLETION AND MAINTENANCE OF IMPROVEMENTS.

- a) Before a plat is filed with the county clerk, the developer shall be required either to complete all required improvements or to submit a performance guarantee in an amount sufficient to pay for the construction and installation of required improvements.
- b) *Completion of Improvements Without Performance Guarantee.* If the developer chooses to complete improvements without submitting a performance guarantee the following requirements must be met before the plat is filed for record:
 - 1) All required improvements shall be completed to City of Robinson standards and specifications.
 - 2) A final inspection of completed improvements shall be performed by the Planning and Community Development Department and the work must be approved and/or accepted. The developer shall maintain all improvements until improvements have been accepted by the City of Robinson.
 - 3) The general contractor shall submit a letter to the Planning and Community Development Department certifying that all construction bills have

been paid, and materials and workmanship are guaranteed for one (1) year.

4) Complete record drawings of required improvements have been submitted to and approved by the Planning and Community Development Department.

c) *Performance Guarantee.* If the developer wishes to have a subdivision plat filed for record before required improvements are completed and accepted for maintenance by the City of Robinson, the developer shall submit to the city a guarantee of performance to be approved by the City Attorney, City Manager, and the City Engineer. HOWEVER, THE ROADWAY BASE AND WATER IMPROVEMENTS MUST BE INSTALLED, INSPECTED, AND APPROVED BEFORE ANY OTHER DEVELOPMENT TAKES PLACE IN THE SUBDIVISION.

d) *Types of Performance Guarantee.* The developer may choose to provide the funds to guarantee construction (Cash, Cashiers Check, Cash Bond, Surety Bond or other type of Depository Agreement), or to contract with an approved financial institution to guarantee satisfactory completion of improvements (Letter of Credit or Subdivision Performance Bond). A personal bond is not acceptable.

e) *Duration of Performance Guarantee.* The duration of the performance guarantee shall equal the length of time estimated to be necessary for the completion of all required improvements and shall be agreed upon in writing by the developer, City Manager, City Engineer, the City Attorney, and a legal representative of the financial institution or surety involved (if any).

If required improvements are not complete by the expiration date of the guarantee, the city may require cash payment by the developer or surety company or under the letter of credit, or may require an extension of the guarantee for a specific period of time.

f) *Amount of Performance Guarantee*

1) When required improvements are to be constructed by the developer, the amount of the performance guarantee shall be based on an estimate of construction costs provided by a Professional Engineer registered in the State of Texas. The amount shall be sufficient to insure satisfactory construction and installation of required improvements and shall be approved by the City Manager, City Engineer, and the City Attorney.

2) Where required improvements are to be made by the City of Robinson, the City Engineer shall determine the construction cost and the amount of the performance guarantee.

g) *Release of Performance Guarantee.* The performance guarantee shall be unconditionally released by the City of Robinson when:

- 1) an inspection fee in the amount of 1% (one percent) of the estimated cost of construction has been paid to the City of Robinson, and
- 2) all improvements have been completed, and
- 3) a final inspection of completed improvements has been performed by the Planning and Community Development Department and the work has been approved and/or accepted for maintenance by the City of Robinson, and
- 4) a letter has been submitted to the Planning and Community Development Department by the developer's general contractor stating that all construction bills have been paid and all improvements are free of all liens and encumbrances, and
- 5) complete record drawings of required improvements have been submitted to and approved by the Planning and Community Development Department.

Sec. 5.9 INSPECTION FEE.

An inspection fee of 1% (one percent) of the estimated cost of construction shall be paid to the City of Robinson.

Sec. 5.10 WAIVER OR DEFERRAL OF REQUIRED IMPROVEMENTS

The city council may waive or defer improvements which are not deemed necessary for the protection of public health, orderly growth, safety, and general welfare. When provision of any improvement is deferred, the subdivider shall pay for or post a bond for the developer's share of the cost of the deferred improvements. Payment shall be made or bond posted before the plat is filed for record in the Official Public Records of McLennan County.

Sec. 5.11 PARTICIPATION IN UNSCHEDULED PUBLIC IMPROVEMENTS

The city has a capital projects schedule for street, water, wastewater and other public improvements. If the developer desires an upgrade to a street, water line, sewer line or other public improvement that is not the capital projects schedule, and is not otherwise provided for in this Ordinance, the developer will be required to participate in the cost of such improvement as a condition of the city performing the upgrade. Participation will be determined on a fair basis by agreement.

PART VI: DESIGN STANDARDS FOR LOTS AND BLOCKS

Sec. 6.1 LOTS

- a) *LOT ARRANGEMENTS:* Lot lines shall be laid out in an orderly and acceptable land planning standard with the provision that the city may require lot lines to be perpendicular or radial to the street right-of-way line. Existing conditions (e.g. topography, drainage, soils, vegetation, vehicular and pedestrian traffic, buildings) shall be taken into consideration when lots are laid out so that difficulty in obtaining a building permit for any lot located in the city limits shall be avoided except as provided for in Section 7.10.
- b) *LOT DIMENSIONS:* Lot dimensions shall comply with requirements set out in the Zoning Ordinance of the City of Robinson. Dimensions of lots being laid out for commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities required by the Zoning Ordinance. If any proposed lot is large enough to allow for further subdivision (i.e. at least double the required lot area), the city council may require that the lot be situated to allow subsequently platted lots to be served by streets.
- c) *ACCESS TO LOTS:* The arrangement of streets and lots in a proposed subdivision must be approved by the City Engineer. The developer shall provide approved driveway access to each lot in the subdivision from a new or existing street. Whenever possible, access to single-family and two-family residences shall be made from a local street. Generally access from arterial and collector street to low density residential land uses is discouraged. The City Engineer may require that lot sizes or arrangement be changed to allow room for a driveway design which discourages backing out into an arterial or collector street. The arrangement of streets and lots in a proposed subdivision must be approved by the City Engineer.

When a new traffic lane is required to facilitate access to the subdivision, additional right-of-way dedication and street construction along an existing street must be approved by the City Engineer.

- d) *FLAG LOTS:* The minimum requirements for flag lots are as follows: (1) minimum lot area shall be at least twice the area of standards lots and must connect to a public road or ingress-egress easement; (2) minimum setbacks from property lines as opposed to the usual front side and rear yards requirements shall apply; (3) all setbacks are to be measured from the projected right-of-way; (4) the minimum frontage of each flag lot along public right-of-way or ingress-egress easement shall be 50 ft.; (5) not more than one flag lot will be permitted for each right-of-way or ingress-egress easement and (6) minimum distance between flag lots shall be equal to the minimum frontage requirement.

e) *ACCESS TO LOTS IN THE CITY OF ROBINSON:* Each lot shall be provided with adequate access to an existing public street by frontage along such street or through connection of a dedicated right-of-way to an existing street. In a Planned Unit Development, each lot may be provided with adequate access to an existing public street by frontage along such street or through a connection of a dedicated right-of-way or permanent ingress/egress access easement to an existing street.

f) *GENERAL UTILITY EASEMENTS ACROSS LOTS:* Where utilities are not located in public right-of-way and no alley is provided, utility easements at least ten (10) feet wide shall be dedicated on each side of the rear lot line, and if necessary, on each side of side lot lines or across other parts of lots. Easements thus provided are to be used for installation and maintenance of public utilities. In instances where the proposed easement is not adjacent to an interior lot line, where ten (10) feet cannot be dedicated on each side of the line, the minimum easement width shall be twenty (20) feet.

In the event that a subdivision is approved and recorded by parts, the developer shall be required to dedicate easements across un-platted sections of the proposed subdivision if such easements are necessitated by the development of a section under consideration for final approval.

g) *PRIVATE INGRESS/EGRESS EASEMENT.* A private ingress/egress easement shall be built to City of Robinson construction standards. Lots may be subdivided along the frontage of private ingress/egress easements. The owner of the property may gate this type of easement to restrict access to lots. All maintenance of the roadway and any amenities shall be the responsibility of a specified individual or organization such as a homeowners' association.

h) *PLANNED UNIT DEVELOPMENT (PUD) INGRESS/EGRESS ACCESS EASEMENT.* This easement shall be built to City of Robinson construction standards. Lots may be subdivided along the frontage of Planned Unit Development ingress/egress easements. The owner of the property may gate this type of easement to restrict access to lots. All maintenance of the roadway and any amenities shall be the responsibility of a specified individual or organization such as a homeowners' association.

Sec. 6.2 BLOCKS

a) *BLOCK DIMENSIONS:* Block size and shape shall be conditioned by the type and use of the proposed development and shall be compatible with the size and shape of blocks in neighboring developments.

Block depth in residential areas should be at least two hundred (200) feet wide, but not more than one-thousand (1,000) feet, in length, and at least two hundred (200) feet in depth.

Appropriate block dimensions in a commercial or industrial development are relative to land use and shall be considered on a case by case basis by city departments and the city council. Effect on the flow of traffic and safety precautions necessitated by the development shall be primary factors in determining appropriate block length.

b) *PEDESTRIAN WALKWAYS*: The city council may approve the dedication of pedestrian access to schools, playgrounds, shopping centers, public transportation, or other community facilities.

Sec. 6.3 MONUMENTS

a) When delineating a property or boundary line as an integral portion of a survey, the land surveyor shall set, or leave as found, sufficient, stable, and reasonable permanent survey markers to represent or reference the property or boundary corners, angle points, and points of curvature or tangency. All block corners, points of intersection, and points of curvature and tangency shall have as a minimum 3/8 inch iron rods set in at least 0.25 cubic feet of concrete. The top of the iron rod should be flush with the ground. All survey markers shall be shown and described with sufficient evidence of the location of such markers on the surveyor's plat. The land surveyor shall prepare a written description that shall include the following:

- 1) reference to and a description of the survey markers shown on the plat; and
- 2) the seal and signature of the Registered Public Land Surveyor.

PART VII: COMPLIANCE WITH ORDINANCE

Sec. 7.1 COMPLIANCE WITH ORDINANCE PROVISIONS REQUIRED

It shall be unlawful for any officer or employee of the City of Robinson to do or cause to be done any work upon any street or other facility in any subdivision within the city unless and until all requirements of this ordinance have been met.

Sec 7.2 CITY IMPROVEMENTS TO BE WITHHELD

The City of Robinson shall withhold all city improvements, including but not limited to the recognition, acceptance and maintenance of streets and the provision of sewerage facilities and water service from any subdivision which has not been approved by the city council and the final plat filed in the Official Public Records of the County.

Sec. 7.2.1 ON-SITE SEWAGE FACILITY PERMITS TO BE WITHHELD

To the extent allowed by law, the City of Robinson shall withhold or cause to be withheld all on-site sewage facility permits and the provision of water and electric service from any subdivision which has not been approved by the city council.

Sec. 7.3 WITHHOLDING IMPROVEMENTS

In the event that any subdivision in the city limits occurs without the approval of the city council, or in violation of this ordinance, the city shall withhold and shall continue to withhold every public improvement from said subdivision until a plat of the subdivision has been approved by the city council as provided above.

Sec. 7.4 BUILDING PERMITS TO BE WITHHELD

No building permit shall be issued for the construction of any building or structure located on property within the City of Robinson which has not been platted, approved by the city council, and filed for record in the Official Public Records of McLennan County.

Sec. 7.5 CERTIFICATE OF OCCUPANCY TO BE WITHHELD

No certificate of occupancy shall be issued for any building in a subdivision unless and until the plat of said subdivision has been approved by the city council and all required improvements have been completed and accepted for maintenance by the city.

Sec. 7.6 VIOLATION OF ORDINANCE PROVISIONS

No owner or agent of the owner of any parcel of land shall transfer or sell such parcel before a plat of the parcel has been approved by the city council in accordance with this ordinance and recorded. The subdivision of any lot or parcel of land by the use of metes and bounds description for the purpose of evading these regulations is prohibited. Such subdivisions shall be subject to all of the requirements of this ordinance.

Sec. 7.7 PENALTIES FOR VIOLATION

Any failure to comply with the provisions of this ordinance shall constitute a criminal offense (misdemeanor) and shall be subject to a fine not to exceed two thousand (\$2,000) dollars. Each day that the violation continues constitutes a separate offense.

Sec. 7.8 ENFORCEMENT

The City may institute any appropriate action or proceedings in a district court to enjoin a violation of this ordinance. It shall be the duty of the Director of the Planning & Community Development Department or City Engineer to administer these regulations and to bring to the attention of the City Attorney any violation or lack of compliance herewith.

Sec. 7.9 APPEAL OF DECISION OF CITY COUNCIL

An appeal of a decision by the City Council is to a district court of McLennan County, Texas.

Sec. 7.10 VARIANCES AND EXCEPTIONS

a) In the event that the city council finds that extraordinary hardships or significant practical difficulties may result from strict compliance with these regulations or that the purposes of these regulations may be better served by an alternative proposal, it may approve a variance to these subdivision regulations so that justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. A written request for a variance shall be filed with the Planning and Community Development Department. The planning and zoning commission will hear the request and make a recommendation to the city council. The city council may grant a variance subject to such conditions as will substantially secure the objectives of this ordinance. The city council may consider the approval of a variance using the following guidelines. These guidelines are not intended to be exclusive. Evidence by the applicant must demonstrate that:

- 1) the effect of the variance will not be detrimental to the public safety, health, welfare or injurious to other property;
- 2) the conditions upon which the request for variance are based are unique to the subdivision under consideration, and are not generally applicable to other properties;
- 3) due to the specific conditions or topography of the site involved, strict enforcement of these regulations would impose an undue hardship on the applicant;
- 4) the variance requested will in no way conflict with provisions of the Zoning Ordinance or the Comprehensive Plan of the City of Robinson.

b) A request for a variance will generally be heard by the commission within 30 days of receipt, and ruled upon by the city council within 30 days of receiving the commission's recommendation. However, failure to meet these timelines shall not result in a variance being approved by inaction.

SECTION 3. That if any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

SECTION 4. This ordinance shall become effective upon passage and publication in accordance with laws of the State of Texas and the Charter of the City of Robinson.

SECTION 5. The City Secretary is hereby directed to publish the caption of this Ordinance at least one time in the official City newspaper.

SECTION 6. It is found and declared that the City Council meeting at which this Ordinance has been adopted was open to the public and was noticed and held in accordance with Chapter 551 of the government code.

PASSED this 2 day of July, 2013 by a vote of 6 AYES to 0 NAYS with 0 Absentions.




Bryan Ferguson, Mayor
City of Robinson, Texas

ATTEST:


Sandra Barton, City Secretary