

Chapter 98 SUBDIVISION OF LAND AND LAND DEVELOPMENT [11](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DEER PARK, TEXAS, PROVIDING RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND AND LAND DEVELOPMENT WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING DEFINITIONS; ESTABLISHING PROCEDURES AND REQUISITES FOR THE SUBMISSION AND APPROVAL OF PLATS; CONTAINING REQUIREMENTS AND MINIMUM DESIGN AND CONSTRUCTION STANDARDS FOR STREETS, UTILITIES, AND OTHER PUBLIC IMPROVEMENTS; CONTAINING OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY

* * * * *

WHEREAS, Chapter 212, Texas Local Government Code, authorizes cities to promulgate rules and regulations governing plats and the subdivision of land within their corporate limits and their extraterritorial jurisdictions; and

WHEREAS, subdivision regulations are authorized in order to protect and promote the health, safety and general welfare of the community; and

WHEREAS, the City Council of the City of Deer Park, Texas, hereby finds and determines that establishing rules and regulations governing plats and the subdivision of land is necessary to ensure the safe, orderly and healthful development of the community; and

WHEREAS, a Public Hearing before the City Council was held on the ____ day of _____, 2016, at which Hearing all persons desiring to be heard were heard concerning adoption of the rules and regulations governing plats and the subdivision of land as contained herein; now, therefore,

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. That the Code of Ordinances of the City of Deer Park, Texas is amended by deleting the existing Chapter 98, Subdivisions, in its entirety and adopting a new Chapter 98, Subdivision and Land Development, as follows:

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FOOTNOTE(S):

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Charter reference— Subdivision, § 8.02. [\(Back\)](#)

State Law reference— Extraterritorial jurisdiction of municipalities, V.T.C.A., Local Government Code § 42.001 et seq.; municipal regulation of subdivisions, V.T.C.A., Local Government Code § 212.001 et seq.; recording of subdivision plats, V.T.C.A., Property Code § 12.002. [\(Back\)](#)

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DIVISION I. GENERAL

DIVISION I. GENERAL

Sec. 98-1. Purpose.

Sec. 98-2. Applicability.

Sec. 98-3. Plat Approval Required.

Sec. 98-4. Exemptions

Secs. 98-5 - 98-25. Reserved.

Sec. 98-1. Purpose.

The City of Deer Park adopts these subdivision regulations to provide for the clear recordation of ownership of land within the City limits and the City's extraterritorial jurisdiction, by requiring subdivision or development plats for the division or development of land and to provide for the orderly, safe and healthful development of land within the City limits or within the City's extraterritorial jurisdiction, except for those areas controlled pursuant to industrial development agreements, as provided for in State Law, specifically including Chapter 42, Chapter 51, and Chapter 212 of the Texas Local Government Code, and for the following additional purposes:

1. To preserve and protect the public health, safety, and general welfare, and to preserve and protect property values and quality of life within the City's jurisdiction.
2. To ensure that adequate public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed development.
3. To provide for adequate light, air and privacy, to secure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of the community through appropriate growth management techniques, to assure proper open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development.
5. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewer, schools, parks, playgrounds, recreation, and other public requirements and facilities.
6. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.

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7. To preserve the natural beauty and topography of the municipality and extra territorial jurisdiction and to ensure appropriate development with regard to these natural features.

Sec. 98-2. Applicability.

This Ordinance shall apply to all subdivisions of land into two or more lots, tracts, or parcels; to the merger of two or more previously divided lots, tracts, or parcels; and to the development of land that is previously unplatted, even if only a single lot, tract or parcel, within the City limits and its extraterritorial jurisdiction (ETJ), unless specifically excepted.

Sec. 98-3. Plat Approval Required.

It shall be unlawful for any person to subdivide any tract, lot, or parcel of land within the City or within the ETJ of the City, unless and until a Final Plat of the subdivision, or a development plat of a single unplatted lot has been approved in accordance with the terms of this chapter. Unless and until a preliminary and a Final Plat, plan or Replat of a subdivision is approved by Planning and Zoning Commission, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure, or other improvement upon any lot, tract, or parcel of land that is required to have a plat recorded in the Harris County Clerk's Office. In addition, it shall be unlawful for any official of the City to issue any permit for such improvements, or any aspect thereof, or to serve or connect said land, or any part thereof, with any public utility that may be owned, controlled, or distributed by the City. Provided, further, it shall be unlawful for any person to serve or connect any lot, tract, or parcel of land within any such subdivision with any utility service or facility, unless and until a Final Plat of such subdivision has been approved by Planning and Zoning Commission in accordance herewith.

Sec. 98-4. Exemptions.

The following types of subdivisions are exempted from the requirements of this ordinance:

Land to be developed or used for agricultural purposes. Prima facie evidence of agricultural use shall be determined by the tax designation applied to the property by the Harris Central Appraisal District.

Secs. 98-5 - 98-25. Reserved.

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DIVISION II. AUTHORITY OF DECISION-MAKERS

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Sec. 98-26. General Provisions.

Sec. 98-27. Responsible Official Assigned.

Sec. 98-28. Director of Public Works.

Sec. 98-29. Director of Public Works.

Sec. 98-30. Director of Parks and Recreation.

Sec. 98-31. City Manager and Other Officials.

Sec. 98-32. Planning and Zoning Commission.

Sec. 98-33. City Council.

Secs. 98-34 - 98-54. Reserved.

Sec. 98-26. General Provisions.

1. Source of Authority. Authority under this Subdivision Ordinance shall be vested in and delegated to the officials and decision-makers designated in this Section 98-26 through 98-241 and under the City's Charter, the constitution and laws of the State of Texas, and the Municipal Code. This authority shall be deemed supplemental to any other authority lawfully conferred upon the officials and decision-makers. The omission of a citation in this Subdivision Ordinance to any authority conferred upon the officials and decision-makers under the City's charter, the constitution or laws of the State of Texas, or the Municipal Code, or the failure to identify in this article authority conferred by other provisions of this Subdivision Ordinance, shall not be construed as limiting the actions of such officials and decision-makers taken in accordance with and in reliance upon such authority.
2. Implied Authority. The Officials and decision-makers shall have all implied authority necessary to carry out the duties and responsibilities expressly delegated by Chapter 212 of the Texas Local Government Code and this Subdivision Ordinance, to the extent that the implied authority is not in conflict with the expressly delegated authority.
3. Limitation on Authority.
 - a. City Policy. It is the policy of the City that the standards and procedures applicable to development of property within the city limits and within the City's ETJ are as stated in this Subdivision Ordinance, notwithstanding any representation by any City Official summarizing, paraphrasing or otherwise interpreting such standards to the contrary, whether generally or as applied to development of specific property.
 - b. Representations. The Applicant shall not rely on any representation made by an employee of the City, a member of an appointed board or commission, or a member of the City Council concerning the likelihood of an outcome of that Official's decision or the decision of an appointed board or commission or the City Council, on any application that has yet

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to be filed or is pending before the City. An official may, however, convey information concerning that official's position on a pending application in accordance with his/her role as the responsible official (Sec. 98-27) for such application or as the City staff contact person.

- c. Effect of Comprehensive Plan, Ordinance or Development Standard on Liability Claims. The City's approval of an application under the standards and procedures of this Subdivision Ordinance does not guarantee or ensure that development of the property in accordance with the standards will prevent, minimize or mitigate harm to adjoining property. A person who undertakes development activities shall not rely on the City's approval of an application as ensuring that the development activities will not result in harm to adjoining property. The regulations contained in this Subdivision Ordinance constitute an exercise of the City's governmental authority, and approval of an application shall not give rise to any liability on the part of the City or its Officers, Agents and Employees, nor will an approval release the Applicant from any liability for harm arising out of development of the property under applicable law.
 - d. No Waivers. Except as expressly provided for in this Subdivision Ordinance, no Official, Board, or Commission of the City, or the City Council, shall have authority to waive any requirement or standard for an application. Any attempted waiver of a requirement or standard for an application in contravention of this Section shall hereby be deemed null and void, and, upon discovery, shall be grounds for revocation of a permit or approved application.
4. Conflict in Authority. If any of the provisions of this Subdivision Ordinance are in apparent conflict, the Director of Public Works or other designee shall, after due consideration as to the purpose and intent of each conflicting provision, make a determination as to which provision shall apply. The Director of Public Works or other designee shall make every effort to be fair and consistent in such interpretations, and his/her decision may be appealed to the City Manager (see Sec. 98-31), unless otherwise noted within.

Sec. 98-27. Responsible Official Assigned.

1. Responsible Official. The responsible official shall be the Director of a designated city department who is assigned responsibility under this Subdivision Ordinance for taking the following actions with regard to a particular type of application authorized under this Subdivision Ordinance:
 - a. Accepting the application for filing, and processing the application;
 - b. Reviewing and making recommendations concerning the application;
 - c. Seeking advice of other City Departments and coordinating any recommendations from such departments concerning the application;
 - d. Determining a request for exemption;
 - e. Preparing reports to and advising any Board, Commission, or the City Council that has responsibility for making recommendations on or deciding the application;

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- f. Promulgating additional or modified policies, standards and administrative rules for adoption by the City Council that apply to the application;
 - g. Initiating enforcement actions concerning compliance with the standards applicable to the application and the conditions imposed thereon; and
 - h. Taking all other actions necessary for administration of the provisions of this Subdivision Ordinance with respect to the application or petition.
- 2. **Delegation.** The responsible official may delegate the official's authority under this Subdivision Ordinance to subordinate officials, who shall thereupon be deemed the responsible official for purposes of carrying out the delegated duties.

Sec. 98-28. Director of Public Works.

- 1. **Responsible Official.** The Director of Public Works or other designee is the responsible official for the following types of applications, waivers and petitions:
 - a. Review and approval for any type of plat;
 - b. Extension of a plat approval;
 - c. Major and Minor Waivers related to an application;
 - d. Appeal of a decision on any application for which the Director of Public Works or other designee is the responsible official;
 - e. Appeal of a decision on any application for which the Planning and Zoning Commission is the initial decision- making body; and
 - f. Vested rights petition for any application when the Director of Public Works or other designee is the responsible official.
- 2. **Initial Decision-Maker.** The Director of Public Works or other designee is the initial decision-maker for the following types of applications (*subject to any appeal*):
 - a. Minor Plat, as outlined in Sec. 98-94;
 - b. Amending Plat, as outlined in Sec. 98-97;
 - c. Extension for a Preliminary Plat approval, as outlined in Sec. 98-103; and
 - d. Vested rights petition for an application for which the Director of Public Works or other designee is the initial decision-maker.

Sec. 98-29. Director of Public Works / City Engineer.

- 1. **Responsible Official.** The Director of Public Works / City Engineer or other designee is the responsible official for the following types of applications:
 - a. Review of Construction Plans, including all engineering plans and related construction tasks, including approval of contracts for public improvements;
 - b. Building Permit;
 - c. Certificate of Occupancy;
 - d. Extension for Construction Plans;

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- e. Construction Release;
 - f. Improvement Agreement;
 - g. Appeal related to an application for which the Director of Public Works / City Engineer or other designee is the responsible official;
 - h. Vested rights petition for an application for which the Director of Public Works / City Engineer or other designee is the responsible official; and
 - i. Petition for a proportionality appeal;
2. Initial Decision-Maker. The Director of Public Works / City Engineer or other designee is the initial decision-maker for the following types of applications (*subject to any appeal*):
- a. Approval of Construction Plans, including all engineering plans and related construction management tasks, including approval of contracts for public improvements;
 - b. Construction Release;
 - c. Extension for Construction Plans approval; and
 - d. Vested rights petition for an application for which the Director of Public Works / City Engineer or other designee is the initial decision-maker.

Sec. 98-30. Director of Parks and Recreation.

1. Responsible Official and Initial Decision-Maker. The Director of Parks and Recreation is the responsible official for the review and recommendation to the Parks and Recreation Board, and for carrying out the Parks and Recreation Board's decisions, on the following types of applications:
- a. Acceptance of fees in lieu of parkland dedication;
 - b. The portion of an application showing where park land, including trails, is to be dedicated, and whether such dedication is acceptable;
 - c. Any other portions of applications showing items required by Sec. 98-126 through Sec. 98-155.

Sec. 98-31. City Manager and Other Officials.

1. City Manager.
- a. Appeals. The City Manager is the appellate decision-maker for any appeal for which a City staff person is the initial decision-maker, subject to further appeal as may be provided for in any subsequent sections of this Subdivision Ordinance.
2. Fire Chief. No provision contained in this Subdivision Ordinance shall be deemed or interpreted as a limitation on the Fire Chief's exclusive authority as set forth in the International Fire Code (IFC).
3. Other City Officials. The City Attorney and any other official delegated responsibilities under this Subdivision Ordinance or other provisions of the Municipal Code are authorized to take all actions necessary to carry out their responsibilities in accordance with the requirements and limitations prescribed herein.

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Sec. 98-32. Planning and Zoning Commission.

1. Organization, Powers and Duties. The Planning and Zoning Commission (*also referred to as Commission*) shall hold meetings and have the powers and duties as authorized by Chapter 211 or 212 of the Texas Local Government Code. Such powers and duties shall include exercising all the authority and control conferred by law relating to platting.
2. Duties of the Director of Public Works. The Director of Public Works or other designee shall act as the staff liaison to the Commission, and shall abide by the City's usual record-keeping and retention policies for boards and Commissions, as amended, in maintaining records of the Commission's meetings and actions.
3. Authority for Deciding Applications. The Commission shall have the authority to act on the following types of applications:
 - a. Preliminary Plat;
 - b. Final Plat;
 - c. All other types of plats, with the exception of Minor Plats and Amending Plats (*which may be decided by the Director of Public Works or other designee unless deferred to the Commission*).

Sec. 98-33. City Council.

Authority for Deciding Applications and Appeals. The City Council shall hear and decide appeals from decisions made by the Commission when such appeals are authorized by this Ordinance.

Secs. 98-34 – 98-54. Reserved.

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Table 2-1: Authority of Decision-Makers

	Responsible Official	Initial Decision-Maker	Appellate Decision-Maker
Extension of Approval Sec.	Director of Public Works	Director of Public Works	Planning and Zoning Commission
Preliminary Plat Sec	Director of Public Works	Planning and Zoning Commission	City Council
Final Plat Sec	Director of Public Works	Planning and Zoning Commission	City Council
Conveyance Plat Sec	Director of Public Works	Planning and Zoning Commission	City Council
Minor Plat Sec	Director of Public Works	Director of Public Works	Planning and Zoning Commission
Replat Sec	Director of Public Works	Planning and Zoning Commission	City Council
Amending Plan Sec	Director of Public Works	Director of Public Works	Planning and Zoning Commission
Plat Vacation Sec	Director of Public Works	City Council	n/a
Construction Plans Sec	Director of Public Works	Director of Public Works	n/a
Extension of Construction Plans Sec	Director of Public Works	Director of Public Works	n/a
Construction Release Sec	Director of Public Works	Director of Public Works	n/a
Improvement Agreement Sec	Director of Public Works	Director of Public Works	City Council

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DIVISION III. APPLICATION SUBMITTAL AND PROCESSING PROCEDURES

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Sec. 98-55. Pre-Submittal Meeting.

Sec. 98-56. General Application Content.

Sec. 98-57. Initiation, Complete Application, and Expiration.

Sec. 98-58. Application Processing, Action, and Notification Following Decision.

Sec. 98-59. Public Hearings.

Sec. 98-60. Amendments and Expiration.

Sec. 98-61. Expiration for Projects Approved Prior to September 1, 2005.

Secs. 98-62 - 98-82. Reserved.

Sec. 98-55. Pre-Submittal Meeting.

1. Option to Meet With City Staff. Prior to the official submission of an application for review and consideration, the Applicant(s) has the option to request and attend a pre-submittal meeting with City Staff.
2. Meeting Request. To schedule a pre-submittal meeting, the Applicant shall make a request for a Pre-Submittal Meeting with Public Works or other designated city department, and such request shall describe the type of development desired and/or the type of application that the Applicant intends to submit. The Applicant shall then be notified by Public Works or other designated city department of the meeting time and place for the requested meeting.
3. Vested Rights. There shall be no vested rights based on a pre-submittal meeting.
4. Effect. Following the Pre-Submittal Meeting, the Applicant may proceed with the submittal of an application.

Sec. 98-56. General Application Content.

1. Application Contents Generally. All applications shall be submitted on a form supplied by Public Works or other designated city department with the required information as stated on the application form. Incomplete applications shall not be accepted for filing and shall not be considered officially filed.
 - a. Application Timing.
 - i. Public Works or other designated city department shall establish submittal deadlines for all applications decided by the Director of Public Works or other designee and by the Commission.

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- ii. An application must be considered complete and officially filed in accordance with Sec. 98-57 of this Subdivision Ordinance prior to being processed for review and consideration.
 - b. Fees Required. Every application shall be accompanied by the prescribed fees set forth in the City's fee schedule, as approved by City Council and as may be amended from time to time. The prescribed fee is not refundable.
 - c. Delinquent City Taxes on Property. An application shall not be deemed complete, nor shall it be approved, if there are delinquent City taxes on the subject property.
2. Modification of Applications Prior to Approval. The Applicant may modify any complete application following its filing and prior to the expiration of the period during which the City is required to act on the application.
 - a. Modifications Requested by the City. If the modification is for revisions requested by the City, and the modification is received at least eleven (11) calendar days prior to the time scheduled for decision on the application, the application shall be decided within the original period for decision (*from the original official filing date*) prescribed by this Subdivision Ordinance.
 - b. Other Modifications. In all other instances (e.g., *when the Applicant chooses to submit a revised application on his own accord because of a change in development decisions*), submittal of a modified application shall be accompanied by a properly executed Waiver of Right to 30-Day Action (see Sec. 98-57(5)) in order to allow City Staff adequate time to review the new information and modifications, and shall extend the time for deciding the application for a period equal to the time specified in this Subdivision Ordinance to decide the original application, commencing on the official filing date of the modified application.

Sec. 98-57. Initiation, Complete Application and Expiration.

1. Initiation by Owner. An application required under this Subdivision Ordinance may be initiated only by the Owner of the land subject to the application, or by the Owner's Duly Authorized Representative. If the Applicant is a representative of the Property Owner, the application shall include a written and notarized statement from the Property Owner, such as a duly executed "Power of Attorney", authorizing the representative to file the application on the Owner's behalf.
2. Applicability. The procedures within this Division III shall apply to all applications that are required by the City and submitted in accordance with this Subdivision Ordinance.
3. Determination of Completeness. Every application shall be subject to a determination of completeness by the responsible official for processing the application. An application must be complete in order to be accepted for review by the City.
 - a. The application shall only be accepted by the responsible official for processing when it is accompanied by all documents required by, and prepared in accordance with, the

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- requirements of this Subdivision Ordinance. A typographical error shall not, by itself, constitute an incomplete application.
- b. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Subdivision Ordinance.
 - c. A determination of completeness of an application shall be conducted in accordance with the following procedures:
 - i. The Applicant shall be notified in writing within ten (10) business days if the submitted application is incomplete. Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, before the tenth (10th) business day following submission of the application.
 - ii. If the application is determined to be incomplete, the notification shall specify the documents or other information needed to complete the application, and shall state the date the application will expire (see Sec. 98-57(6)) if the documents or other information are not provided to the City.
 - iii. An application shall be deemed complete on the eleventh (11th) business day after the application has been received if notice is not served in accordance with Sec. 98-57(3)(c)(i).
 - iv. If the application is determined to be complete, the application shall be processed as prescribed by this Subdivision Ordinance.
 - d. It is not guaranteed that an accepted, complete application will be approved, if after the application is deemed complete it is determined that the application does not comply with this Subdivision Ordinance.
4. Re-Submittal after Notification of Incompleteness. If the application is re-submitted after a notification of incompleteness, the application shall be processed upon receipt of the re-submittal. An additional determination of completeness shall be made thereafter as described in Sec. 98-57(3). The statutory 30-day time frame for plat approvals shall begin when the City deems the application is complete (see Sec. 98-57(7)).
5. Waiver of Right to 30-Day Action. The Director of Public Works or other designee shall be the responsible official for a Waiver of Right to 30-Day Action.
- a. Request. An Applicant may submit in writing a Waiver of Right to 30-Day Action in relation to the decision time for plats of 30 days, as mandated by State Law.
 - b. Received. If the Applicant is requesting Waiver of Right to 30-Day Action, such Waiver of Right to 30-Day Action must be received by the Director of Public Works or other designee on or before the seventh (7th) calendar day prior to the Commission Meeting at which action would have to be taken (*based on the 30-day requirement in State Law*) on the application. Waiver requests that are not received by that day shall not be considered properly submitted, and action shall be taken on the application at such meeting as scheduled.
 - c. Requirements Maintained. Submission of a Waiver of Right to 30-Day Action, and acceptance of such Waiver by the City as part of an application, shall not be deemed in any way a Waiver to any requirement within this Subdivision Ordinance. A Waiver from requirements herein is a separate and distinct process.

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6. Expiration of Application.
 - a. The application shall automatically expire at the close of business on the 45th calendar day after the date the application is received, and it will be returned to the Applicant together with any accompanying documents and materials, if:
 - i. The City provides to the Applicant, not later than the 10th business day after the date the application is filed, written notice that specifies the necessary documents or other information, and the date the application will expire if the documents or other information is not provided; and
 - ii. The Applicant fails to provide the specified documents or other information necessary to comply with the City's requirements relating to the application within the time provided in the notification.
 - b. An accepted application for which there has been no action taken by an Applicant for ninety (90) calendar days shall be deemed expired and closed on the City's initiative.
 - i. If the application is of a type that can be administratively approved or denied, the responsible official shall notify the Applicant in writing that the application is officially denied due to inaction.
 - ii. If the application is of a type that must be acted upon by the Commission, the responsible official shall coordinate the application being placed on the agenda of the Commission, as applicable, and the application shall then be formally denied by an official action of the Commission, as applicable. The responsible official shall notify the Applicant in writing that the application has been officially denied by the Commission due to inaction.
7. Official Filing Date. The 30-day time period established by State Law, and by this Subdivision Ordinance, for processing and deciding an application shall commence on the official filing date. The official filing date shall be defined as the date the application is deemed complete by the responsible Official in the manner prescribed by Sec. 98-57(3).

Sec. 98-58. Application Processing, Action, and Notification Following Decision.

1. Action by Responsible Official. The responsible official for an application shall initiate internal review and assessment of the application following the City's development review procedures. The responsible official shall also, to the extent possible, work with the Applicant by advising on and communicating revisions that may be necessary to bring the application into compliance with City regulations in preparation for consideration by the appropriate decision-maker.
2. Decision. The decision-maker for the application shall approve, approve with conditions, or deny the application within the time period prescribed by this Subdivision Ordinance.
3. Conditions Attached. The decision-maker may attach such conditions to the approval of an application as are reasonably necessary to ensure compliance with all applicable requirements of this Subdivision Ordinance.

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4. Notification of Decision. The City shall send written notice within 14 calendar days following the date of a decision on an application.
5. Notification of Appeal. Whenever appeal is taken from a final decision on an application following a Public Hearing, or whenever the City is to consider revocation of an application which was obtained following a Public Hearing, personal notice of the appeal or revocation proceeding shall be provided to the Applicant.

Sec. 98-59. Public Hearings.

1. Setting the Hearing. When the responsible official determines that an application is complete and that a Public Hearing is required by this Subdivision Ordinance (see Sec 98-96(2) and 98-98(3)) or by State Law, the official shall cause notice of such Hearing to be prepared and made in accordance with State Law. The time set for the Hearing shall conform to the time periods required by Sec. 98-96(2) and 98-98(3) in this Subdivision Ordinance and by State Law.
2. Conduct of the Hearing. The Public Hearing shall be conducted in accordance with State Law. Any person may appear at the Public Hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a Public Hearing shall state his or her name and address, and if appearing on behalf of an organization, state the name of the organization for the record.
3. Record of Proceedings. The Board and/or Commission conducting the Hearing shall record the proceedings using standard municipal record-keeping procedures.

Sec. 98-60. Amendments and Expiration.

1. Amendments/Revisions to an Approved Application. Unless another method is expressly provided by this Subdivision Ordinance, any request to amend or revise an approved application shall be considered a new application, which must be decided in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.
2. Time of Expiration.
 - a. Unless otherwise expressly provided by this Subdivision Ordinance, an approved application shall automatically expire two (2) years following the approval date of the application, and shall become null and void, and all activities under the application thereafter shall be deemed in violation of this Subdivision Ordinance, if:
 - i. The Applicant fails to satisfy any condition that was imposed by this Subdivision Ordinance or as part of the approval of the application or that was made under

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- the terms of any Development Agreement, within the time limits established for satisfaction of such condition or term; or
- ii. The Applicant fails to submit a subsequent complete application required by this Subdivision Ordinance within the time so required.
- b. If no time limit for satisfaction of conditions is specified in the decision on the application, the time shall be presumed to be two (2) years following the date the application was approved, except as provided in Sec. 98-61.
- c. Except as provided in Sec. 98-61, or upon a different date being determined pursuant to a vested rights petition, an application approved prior to the effective date of this Subdivision Ordinance shall expire in accordance with the terms of the regulations in effect at the time the application was filed.
3. Effect of Expiration. Upon the expiration of an approved application, all previously approved applications for the same land shall also expire on the expiration date if the filing of an application was required to avoid expiration for the previously approved application(s), except as provided in Sec. 98-61. Thereafter, a new application must be submitted for consideration and approval subject to regulations in effect at the time the new application is filed.

Sec. 98-61. Expiration for Projects Approved Prior to September 1, 2005.

1. Two-Year Expiration Established. Notwithstanding any other provision of this Subdivision Ordinance, for any approved application for which no expiration date was in effect on September 1, 2005, an expiration date of two (2) years following the date of approval of the application shall apply, unless the Applicant files a written petition before such date for a vested rights determination alleging that progress has been made toward completion of the project for which the application subject to expiration was filed. If a vested rights petition is timely filed and subsequently approved, the City Council shall determine the expiration date of the application in deciding the petition.
2. Five-Year Expiration Established. Notwithstanding any other provision of this Subdivision Ordinance, once an application has expired under Sec. 98-61(1), all previously approved applications for the same land also shall expire no later than five (5) years following the date of filing of the first application for the project for which the expired application was filed, unless the Applicant files a written petition before such date for a vested rights determination. If a vested rights petition is timely filed and subsequently approved, the City Council shall determine the expiration date of the previously approved applications in deciding the petition.

Secs. 98-62 – 98-82. Reserved.

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Sec. 98-102. Effect of Denial of Plat.

Sec. 98-103. Expiration of Plat Approval.

Sec. 98-104. Additional Requirements for Recordation of Subdivision Plats.

Secs. 98-105 - 98-125. Reserved.

Sec. 98-83. General Subdivision and Platting Procedures.

1. Types of Plats Required. A Final Plat or a Minor Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development or construction project.
2. Replat. A Replat in accordance with State Law and the provisions of Sec. 98-95 and 98-96 shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property. In the case of minor revisions to recorded plats or

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lots, a Minor Plat or Amending Plat may also be utilized if allowed by State Law and if in accordance with Sec. 98-94, Sec. 98-95, and Sec. 98-97, respectively.

3. Exemptions. The following land divisions are exempt from the requirements of this Subdivision Ordinance that apply to plats:
 - a. Use of existing cemeteries complying with all State and local laws and regulations; and
 - b. A division of land created by order of a court of competent jurisdiction, provided however, that prior to construction of improvements, a plat meeting the requirements of this Ordinance shall be approved and recorded prior to the issuance of permits.
4. Zoning. Inside the city limits of the City, the following shall apply:
 - a. Conformance with Existing Zoning. All applications shall be in conformance with the existing zoning on the property.
 - b. Request to Rezone First. If an Applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an application for filing unless as otherwise provided below.
 - i. The Applicant may request approval from the Director of Public Works or other designee to submit an application simultaneous with the zoning change request, in which case the application for the zoning amendment shall be acted upon first, and provided that the application is accompanied by a properly executed Waiver of Right to 30-Day Action (*due to the more lengthy time frame necessary to advertise and process zoning applications*).
 - ii. In the event that the requested zoning amendment is denied, the application shall also be rejected or denied.
 - c. Site Plan Approval. Where Site Plan approval is required by the Zoning Ordinance prior to development, no application for a Final Plat approval shall be accepted for filing until a Preliminary Site Plan has been approved for the land subject to the proposed plat.
5. General Stages of Plat Approval and Staff Review.
 - a. Two-Stage Process. The platting process typically involves two approval stages: Submission and approval of a Preliminary Plat (*refer to Sec. 98-88*), and subsequent submission and approval of a Final Plat (*refer to Sec. 98-91*). However:
 - i. An Applicant may proceed with a Final Plat without an approved Preliminary Plat whenever:
 - A Minor Plat (Sec. 98-94) is submitted; or
 - A Preliminary Site Plan for a multi-family, single-family attached or nonresidential development is submitted and approved in accordance with the Zoning Ordinance.
 - b. Staff Review. Unless otherwise specified under the regulations for a specific type of plat:
 - i. The Director of Public Works or other designee shall be the responsible official for a plat, and shall be responsible for the initial review of a plat for conformance with this Subdivision Ordinance and any other applicable ordinances of the City.

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- ii. The Director of Public Works or other designee and/or other City Staff at the direction of the Director of Public Works or other designee, shall review all applications for completeness based on a checklist supplied by Public Works.
- iii. The Director of Public Works or other designee, and/or other City Staff at the direction of the Director of Public Works or other designee, shall then review all applications that are deemed complete for conformance with this Subdivision Ordinance and with other applicable City regulations.

Sec. 98-84. Subdivision Plat Required.

Except as provided in Section 98-85 of this Code, any subdivision of property in the City and its extraterritorial jurisdiction shall require a subdivision plat approved pursuant to this article. Prior to the subdivision of any property within the City, the Owner of the property proposed to be subdivided, or the Owner's authorized agent, shall obtain approval from the Commission or the Director of Public Works or other designee, as applicable, of a subdivision plat of the subdivision submitted pursuant to the requirements of this chapter. All property in the City that is subdivided shall be laid out under the direction of the Commission, and the City will recognize no other subdivisions.

The requirement to file and obtain approval of a subdivision plat may be met by filing either a Minor Plat or a Major Plat, as applicable to the property proposed to be subdivided.

Sec. 98-85. Exceptions to Subdivision Platting Requirements.

A subdivision plat shall not be required for the dedication of a public street if the dedication is accomplished through a transfer of fee title by deed and accompanied by a plat with a metes and bounds description approved by the Commission pursuant to this article.

Sec. 98-86. Procedure for Submission of General Plan.

1. When property is proposed to be subdivided in sections, a general plan illustrating all contiguous property under one ownership, legal interest or common control shall be submitted prior to or simultaneously with the application for the subdivision plat for the first section.
2. The general plan shall show:
 - a. The alignment of any major thoroughfares within or adjacent to the property in accordance with the major thoroughfare and freeway plan and all collector streets that are necessary to demonstrate an overall circulation system for the property that will meet the requirements of article III of this chapter;
 - b. Recorded easements; and
 - c. At the option of the Applicant, one or more local streets, which shall extend into and connect with existing local streets and be consistent with local streets shown on any general plans for abutting property.

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3. The general plan also may identify the number of sections anticipated to be platted pursuant to the general plan and proposed land uses including single-family residential, multi-family residential, restricted and unrestricted reserves, utility plant sites, drainage and detention facilities and proposed easements affecting the subdivision of the property.
4. Planning and Zoning Commission approval of a general plan shall be noted on the face of the plan and shall be applicable only to the major thoroughfare, collector street pattern and any local street shown on the general plan.
5. The general plan may be amended in the same manner required for approval of the initial general plan.
6. A general plan shall remain in effect for four (4) years from the date of the Planning and Zoning Commission Meeting approval, subject to extension as provided herein. Any amendment of the general plan shall not result in an extension of the effective period. Recordation of a subdivision plat for a section within the general plan during the effective period of the general plan shall renew the general plan for an additional four (4) years from the expiration date of the general plan if the recorded subdivision plat meets the following requirements:
 - a. The subdivision plat is consistent with the general plan; and
 - b. The subdivision plat represents the lesser of 20 percent of the total acreage in the general plan or 25 acres.

Recordation of a street dedication plat shall not extend the effective period of a general plan; provided, however, that a street dedication plat that dedicates a major thoroughfare or a collector to its points of connection with adjacent properties as shown on the general plan shall extend the general plan for four (4) years. Nothing shall prohibit an Applicant from filing an application for a general plan for the same property that was included in an expired general plan.

7. As long as the general plan remains in effect, the street system approved in the general plan shall form the basis for street system extensions into adjacent properties to be platted, unless the Subdivider of such properties demonstrates that the requirements of article III of this chapter can be met without the street extensions.

Sec. 98-87. General Plans Submittal Requirements.

An application for the approval of a general plan shall be filed with the Director of Public Works or designee, and shall:

- Be made on an application form provided by the department;
- Provide all required materials, in the quantity and manner prescribed by the Director of Public Works or designee, on paper, on a computer disc or on electronic media;
- Be accompanied by an affidavit of the Owner, or the Owner's authorized agent with duty to inquire, identifying all encumbrances on the property inside the general plan boundary;

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- State the proposed name of the general plan, which shall not be a duplicate of any subdivision or development of record within the City;
- Provide the legal description of the property in the general plan, including the name of the county, survey and abstract number and a reference to the nearest corner or street ROW intersection in the general area;
- Show the location of all collector streets and major thoroughfares, and at the option of the Applicant, all local streets, within the general plan boundaries;
- State the total acreage within the general plan;
- Identify the Owner of the property; if the Owner of the property is not a natural person, state the name of the entity along with the individual authorized to execute the general plan on behalf of the entity;
- Identify the person or firm who prepared the general plan;
- Indicate the date on which the general plan was drawn;
- Provide a north arrow;
- Orient the layout of the general plan with north to the top of the drawing;
- Provide a numeric and graphic scale, which shall be a minimum of 1" = 600' and no greater than 1" = 100';
- Orient the general plan within the larger area by providing a vicinity map;
- Have boundaries drawn with heavy lines to indicate the area included in the general plan;
- Identify adjacent areas outside the general plan boundaries, indicating the name of the adjacent subdivisions, and show the location and approximate width of existing and proposed water courses, ravines, drainage easements, streets and pipelines within and adjacent to the general plan boundaries;
- Provide survey dimensions and bearings for the boundaries of the general plan, with lines outside the general plan boundaries, if any, drawn as dashed lines; and
- Be accompanied by the applicable filing fee.

Sec. 98-88. Preliminary Plats

1. Purpose. The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Subdivision Ordinance.
2. Exceptions.
 - a. A Preliminary Plat is not required when a Minor Plat is submitted (refer to Sec. 98-94).
3. Accompanying Applications.
 - a. An application for a Preliminary Plat shall be accompanied by a Preliminary Drainage Plan, a Preliminary Utility Plan, and other plans if deemed necessary for thorough review by the Director of Public Works or designee.
 - b. The Applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership,

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identifying all persons having an ownership interest in the property subject to the Preliminary Plat.

4. Review by Director of Public Works or designee. The Director of Public Works or designee shall:
 - a. Initiate review of the plat and materials submitted (*including any Preliminary Drainage Plan and Preliminary Utility Plan*).
 - b. Request written comments from other City Departments, such as Fire Department, Parks and Recreation, and Public Works if deemed necessary.
 - c. Make available plats and reports to the Commission for review.
 - d. Upon determination that the application is ready to be acted upon, schedule the Preliminary Plat for consideration on the agenda of the next available meeting of the Commission.
5. Action by Planning and Zoning Commission. The Commission shall:
 - a. Review the Preliminary Plat application, the findings of the Director of Public Works or designee, and any other information available. From all such information, the Commission shall determine whether the Preliminary Plat conforms to the regulations of this Subdivision Ordinance.
 - b. Act within thirty (30) calendar days following the official filing date of the Preliminary Plat application (*unless the Applicant submits a Waiver of Right to 30-Day Action as outlined in Sec. 98-57(5)*). If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Preliminary Plat, as submitted, shall be deemed to be approved.
 - c. Take one of the following actions:
 - i. Approve the Preliminary Plat;
 - ii. Approve the Preliminary Plat with conditions, which shall mean that the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled;
or
 - iii. Deny the Preliminary Plat.
6. Criteria for Approval. The following criteria shall be used by the Commission to determine whether the application for a Preliminary Plat shall be approved, approved with conditions, or denied:
 - a. The Preliminary Plat is consistent with all zoning requirements for the property, including any applicable Planned Development (PD) zoning standards, and with any approved Improvement Agreement if applicable; The proposed provision and configuration of public improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, easements, and ROW are adequate to serve the development, meet applicable standards of this Subdivision Ordinance, and conform to the City's adopted master plans for those facilities;
 - b. The Preliminary Plat has been duly reviewed by applicable City Staff;
 - c. The Preliminary Plat conforms to design requirements and construction standards as set forth by the City; and
 - d. The Preliminary Plat is consistent with the Comprehensive Plan.

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- e. The proposed development represented on the Preliminary Plat does not endanger public health, safety, or welfare.
- 7. Effect of Approval. The approval of a Preliminary Plat shall allow the Applicant to proceed with the development and platting process by a Final Plat (Sec. 98-97). Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of Construction Plans or a Final Plat.
- 8. Appeal of the Decision on a Preliminary Plat Application.
 - a. Initiation of an Appeal. The Applicant or no less than four (4) voting members of City Council may appeal the decision of the Commission by submitting a written notice of appeal to the Director of Public Works or other designee within 14 calendar days following the date of the Commission's decision.
 - i. For a City Council-initiated appeal, the Council shall consider and act on whether it will appeal the Commission's decision at its first regular meeting (*for which there is time to include such appeal on its posted agenda, as required by State Law*) that occurs after the Commission meeting at which the decision was made.
 - ii. Written notice of the City Council's vote to appeal shall be submitted to the Director of Public Works or designee within seven (7) calendar days following the City Council's vote to appeal the decision.
 - iii. For an Applicant-initiated appeal, a letter stating the reasons for the appeal, citing the specific applicable section(s) of the Subdivision Ordinance, shall be submitted by the Applicant.
 - iv. The Director of Public Works or designee may, on his/her own initiative, appeal the decision of the Commission by scheduling an appeal on the City Council's next regular meeting (*for which there is time to include such appeal on its posted agenda as required by State Law*) that occurs after the Commission meeting at which the decision was made.
 - b. Council Decision. The City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the Director of Public Works or designee. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.
- 9. Expiration.
 - a. Two-Year Validity. The approval of a Preliminary Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for a Final Plat for the land area shown on the Preliminary Plat. If a Final Plat application has not been approved within the two (2)-year period, the Preliminary Plat shall expire.
 - b. Action on Final Plat. Should a Final Plat application be submitted within the two (2)-year period, but not be acted upon by the Commission within the two (2)-year period, the Preliminary Plat shall expire unless an extension is granted as provided in Sec. 98-88(10).

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- c. Void If Not Extended. If the Preliminary Plat is not extended as provided in Sec 98-88(10), it shall expire and shall become null and void.
- 10. Extension. A Preliminary Plat may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's expiration date. A request for extension shall be submitted to Public Works in writing at least 30 calendar days prior to expiration of the Preliminary Plat, and shall include reasons why the Plat should be extended.
 - a. Decision by the Director of Public Works or designee.
 - i. The Director of Public Works or designee will review the extension request and shall approve it, approve it with conditions, or deny the extension request within 30 calendar days following the official filing date of the request.
 - ii. Should the Director of Public Works or designee fail to act on an extension request within 30 calendar days, the extension shall be deemed to be approved.
 - b. Considerations. In considering an extension, the Director of Public Works or designee shall consider whether the following conditions exist:
 - i. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
 - ii. Construction is occurring on the subject property;
 - iii. The Preliminary Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or e. If there is a need for a park, school or other public facility or improvement on the property.
 - c. Conditions. In granting an extension, the decision-maker may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.
 - d. Appeal of Denial for Extension.
 - i. Appeal of the Director's Decision. The denial of an extension by the Director of Public Works or designee may be appealed to the Commission. A written request for such appeal shall be received by Public Works within 14 calendar days following the denial. The Commission shall hear and consider such an appeal within 30 calendar days following Development Services' receipt of the appeal request.
 - ii. Appeal of the Commission's Decision. The denial of an extension by the Commission may be appealed to the City Council. A written request for such appeal shall be received by the Director of Public Works or designee within 14 calendar days following the denial. The City Council shall hear and consider such an appeal within 30 calendar days following Development Services' receipt of the appeal request. The decision of the City Council is final.
- 11. Amendments to Preliminary Plat Following Approval.
 - a. Minor Amendments. Minor amendments to the design of the subdivision subject to an approved Preliminary Plat may be incorporated in an application for approval of a Final Plat without the necessity of filing a new application for re-approval of a Preliminary Plat. Minor amendments may only include minor adjustments in street or alley alignments,

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lengths and paving details, and minor adjustments to lot lines that do not result in creation of additional lots or any non-conforming lots (*such as to Zoning standards*), provided that such amendments are consistent with applicable approved prior applications.

- b. Major Amendments. All other proposed changes to the design of the subdivision subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Plat (*including new fees, new reviews, new official filing date, etc.*) before approval of Construction Plans and/or a Final Plat.
- c. Determination. The Director of Public Works or designee shall make a determination of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.

Sec. 98-89. Procedure for Submission of Preliminary Plats.

1. Preliminary Conference. Prior to the official filing of a Preliminary Plat, the Subdivider may consult with City Staff for comments and advice on the procedures, specifications, and standards required by the City as conditions for subdivision plat approval.
2. Application for Preliminary Plat Approval. Any person desiring approval of a Preliminary Plat shall first file, in triplicate, an Application for Preliminary Plat approval. Application forms will be kept on file with the City Secretary and will be in a form approved by the Director of Public Works or designee. Consideration of a Preliminary Plat shall not occur unless a fully completed and executed application, with all required documents and fees, has been filed in accordance with this chapter. If the form of the application or plat submitted therewith does not conform with or meet the minimum requirements of this chapter, any application for Preliminary Plat approval shall be denied.
 - a. Submittal Date and Time. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the Director of Public Works or designee in accordance with the department's schedule for review prior to placing the application on the next regular Commission Meeting. Materials received after the prescribed time shall automatically be placed on the agenda of the subsequent Planning and Zoning Commission Meeting.
 - b. Copies Required. The Applicant shall provide *two (2) paper copies and an electronic file* of the plat drawings and related information. The plat drawings shall be 24 inch by 36 inch paper prints from the original drawing of the plat, reproduced on white paper with black lines, each of which shall be folded to 8 ½ inches by 14 inches.
 - c. Filing Fees. An application for Preliminary Plat approval shall be accompanied by a nonrefundable application fee, in the current amount required by City Council.
 - d. Encumbrances Information. Initial plat submittals shall be accompanied with a title opinion or a statement or certificates, either in separate writing or on the plat, executed by the Applicant or the person who prepared the plat, which certifies that all existing encumbrances other than liens, such as various types of easements, fee strips, or significant topographical features on the land being platted, are fully shown and accurately

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identified on the face of the plat and, further, stating whether the plat being submitted includes all of the contiguous land that the Subdivider owns directly or indirectly, or has a legal or beneficial interest in, or whether the Subdivider owns or has a legal interest in any adjacent property. If the Subdivider owns or has a legal interest in any adjacent property, the extent of such ownership and a boundary description of the land involved shall also be provided.

- e. Notice to Utilities. Evidence of notice to all utility companies that provide service to the area encompassed by the proposed subdivision, whether public or private, shall accompany each application for Preliminary Plat approval. Such notice shall contain a statement of the intent to subdivide, the intended use of the property within the subdivision, and shall have attached to such notice a copy of the Preliminary Plat that is filed within the City.
- f. Environmental Assessment. The Owner and/or Developer may obtain a Phase I environmental assessment to determine that there are no hazardous materials on the area to be developed, and may be required to be submitted to staff, if determined to be necessary as a requirement for development. If hazardous materials are found, appropriate remediation shall be performed in accordance with Texas Commission on Environmental Quality (TCEQ) standards, and evidence of compliance shall be submitted with the application.
- g. Special Studies. The Owner and/or Developer shall comply with all federal and State Laws pertaining to archeological, geological, wetlands, and endangered species applicable to the property, and submit all information with the application.

Sec. 98-90. Preliminary Plats Submittal Requirements.

All Preliminary Plats submitted to the City shall conform to the following, and contain all the information and language required:

- The proposed name of the subdivision or development, which shall not be a duplicate of any subdivision or development of record within Harris County, Texas;
- The legal description of the property proposed to be subdivided, including the name of the county, survey, and abstract number, together with reference to at least one established corner of a nearby recorded subdivision or the nearest public street ROW intersection;
- The total acreage, and total number of lots, blocks, and reserves;
 - Proposed use of land;
 - Setbacks;
 - Green or open space;
 - Easements and rights of way; and
 - Pipelines, including setbacks, and available information on the content and what the pipeline is engineered for.
- The name(s) and addresses of the Owner(s) of the property. If the Owner is other than a natural person, the names and addresses of the principal officer, or Owner, of the entity that owns such property,
- The name and address of the person or firm who prepared the plat;

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- The date on which the plat was drawn;
- The north point. The drawing of the subdivision shall be oriented with north to the top of the drawing;
- The scale shall be drawn numerically and a graphic scale shall be provided. The scale acceptable for a Preliminary Plat shall be one (1) inch equals 100 feet (1":100'), or for projects less than ten (10) acres the scale acceptable for a Preliminary Plat shall be one (1) inch equals 50 feet (1":50').
- A scale vicinity map, shall be provided and made a part of the plat indicating the general location of the subdivision and its relationship with well-known streets, railroads, water courses, and similar features in all directions from the subdivision to a distance not less than one-half (½) mile. The scale of the vicinity map shall be to legible scale and shall be oriented with north to the top of the drawing that shall also be the same direction as the detailed subdivision drawing;
- The plat boundaries shall be drawn with heavy lines to indicate the subdivided area with overall survey dimensions and bearings. Lines outside the plat boundary shall be drawn as dashed lines;
- The immediately contiguous areas outside the plat boundaries shall be identified indicating the name of contiguous subdivisions (*including recording information*), the names of the recorded Owners of adjacent parcels of land, churches, schools, parks, bayous, and drainage ways, acreage, and all existing streets, easements, pipelines, and other restricted uses;
- The location and approximate width of existing and proposed water courses, ravines, and drainage easements, topographical elevations; and the designated flood zones, as provided in the latest edition of the Federal Insurance Rate Map as published by the Federal Emergency Management Agency. All such information required herein shall be certified by a Registered Professional Land Surveyor (RPLS) and/or a Registered Professional Engineer (P.E.) authorized to do business in the State of Texas;
- Contours with intervals of five-tenths ($\frac{5}{10}$; 0.5) foot, referred to sea level (*U.S. Coast and Geodetic Survey*) datum, as required to show at least two (2) contours within and adjacent to the subdivision. If the change in elevation throughout the property to be subdivided is less than one (1) foot, then the plat is to clearly show the outfall drainage plan and identify basis of control and temporary benchmark set within the subdivision;
- The location and identification of all tracts not designated as lots within the boundaries of the plat. Such tracts, if not restricted for specific uses, shall be identified as "Unrestricted Reserve." "Restricted Reserves" shall be indicated on the plat and shall be designated as single-family residential, utility, church, park, recreational, school, or other specific use;
- The location, widths, and names, of all existing or proposed streets, roads, alleys, and easements, within the plat boundaries or immediately adjacent thereto, the location of all existing permanent buildings within the plat boundaries, and all existing easements and other important features, such as section lines, political subdivision, or corporate limit lines, on all sides for a distance of not less than 200 feet. The department may also require that the Developer complete a Traffic Impact Analysis (TIA), on recommendation by the Director of Public Works to assure that adequate public facilities for the transportation impacts of the proposed development are being provided.
- The names of all existing and proposed streets located within the plat boundaries or immediately adjacent thereto;
- The location of all lots, blocks, building setback lines, and other features, within the plat boundaries, with approximate dimensions;

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- Existing sewers, water and gas mains, culverts, bridges, pipelines, structures, or public utilities within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated;
- The proposed layout of the subdivision, showing streets, blocks, lots, alleys, easements, building lines, and parks, with principal dimensions; and
- A letter certifying that adequate water and sewer service is available to the subdivision, and that such services will be provided from the appropriate utility provider.

Sec. 98-91. Final Plats.

1. Purpose. The purpose of a Final Plat is to ensure that the proposed subdivision and development of the land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.
2. Exceptions. A Final Plat is not required when a Minor Plat is submitted (*refer to Sec. 98-95*).
3. Ownership.
 - a. The Applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.
 - b. The Final Plat shall be signed by each Owner, or by the representative of the Owners authorized to sign legal documents for the Owners, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the Final Plat. Such consent shall be subject to review and approval by the City Attorney, and the Applicant shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Final Plat.
4. Prior Approved Preliminary Plat. The Final Plat and all accompanying data shall conform to the Preliminary Plat as approved by the Commission, or as the Preliminary Plat may have been amended subsequently (Sec 98-88(11)), if applicable, incorporating all conditions imposed or required by the Commission, if applicable.
5. Review by Director of Public Works or other designee. The Director of Public Works or other designee shall:
 - a. Initiate review of the plat and materials submitted.
 - b. Request written comments from other City Departments, such as Fire Department, Parks and Recreation, and Public Works, if deemed necessary.
 - c. Make available plats and reports to the Commission for review.

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- d. Upon determination that the application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Commission.
- 6. Action by Planning and Zoning Commission. The Commission shall:
 - a. Review the Final Plat application, the findings of the Director of Public Works or other designee, and any other information available. From all such information, the Commission shall determine whether the Final Plat conforms with the regulations of this Subdivision Ordinance.
 - b. Act within 30 calendar days following the official filing date of Final Plat (*unless the Applicant submits a Waiver of Right to 30-Day Action as outlined in Sec. 98-57(5)*). If no decision is rendered by the Commission within the 30 day period described above or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved.
 - c. Take one of the following actions:
 - i. Approve the Final Plat;
 - ii. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Deny the Final Plat.
- 7. Criteria for Approval. The following criteria shall be used by the Commission to determine whether the application for a Final Plat shall be approved, approved with conditions, or denied:
 - a. Prior Approved Preliminary Plat.
 - i. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under Sec. 98-88(11) and that may be approved without the necessity of revising the approved Preliminary Plat;
 - ii. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied;
 - iii. Where public improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the Director of Public Works;
 - iv. Where the Director of Public Works has authorized public improvements to be deferred, an Improvement Agreement has been executed and submitted by the Property Owner in conformity with City Standards;
 - v. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance;
 - vi. The plat conforms to design requirements and construction standards of the City; and
 - vii. The plat conforms to the Public Works' or other designated department subdivision application checklists.
 - b. No Prior Approved Preliminary Plat.
 - i. The Final Plat conforms to all criteria for approval of a Preliminary Plat;
 - ii. The Construction Plans conform to the requirements of the City and have been approved by the Director of Public Works;

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- iii. An Improvement Agreement or surety for installation of public improvements have been prepared and executed by the Property Owner in conformance with City Standards;
 - iv. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance; and
 - v. The Final Plat conforms to the Public Works' or other designated department application checklist.
- 8. Procedures for Recordation Upon Approval. The Applicant shall supply to Public Works or other designated department the required number of signed and executed copies of the Final Plat that will be needed to file the Plat, upon approval, at the applicable County (*in the County's required format*) at least seven (7) calendar days prior to the Commission Meeting at which it will be considered for approval.
 - a. General.
 - i. Signatures. After approval of the Final Plat, the Director of Public Works or other designee shall procure the appropriate city signatures on the Final Plat.
 - ii. Recording Upon Performance. The Final Plat shall be recorded after:
 - The Final Plat is approved by the City;
 - All required public improvements have been completed and accepted by the City; and
 - All County filing requirements are met.
 - b. Submittal of Final Plat Where Improvements Installed. Where all required public improvements have been installed prior to recording of the Final Plat, the Applicant shall meet all requirements in accordance with the City Standards.
 - c. Submittal of Final Plat Where Improvements Have Not Been Installed. Where some of or all required public improvements are not yet completed in connection with an approved Final Plat, the Applicant shall submit the Final Plat as approved by the Commission, revised to reflect any conditions imposed by the Commission as part of approval.
 - d. Update of Proof of Ownership. If there has been any change in ownership since the time of the Proof of Ownership provided under Sec. 98-91(3), the Applicant shall submit a new consent agreement executed by each Owner consenting to the platting of the property and the dedications and covenants contained in the plat. The title commitment or title opinion letter and consent agreement shall be subject to review and approval by the City Attorney, and the Applicant shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Final Plat.
- 9. Effect of Approval. The approval of a Final Plat:
 - a. Supersedes any prior approved Preliminary Plat for the same land.
- 10. Appeal of Decision of Final Plat Application. Appeal of a decision on a Final Plat application shall be as outlined in Sec. 98-88(8).
- 11. Revisions Following Recording/Recordation. Revisions may only be processed and approved as a Replat or Amending Plat, as applicable.

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Sec. 98-92. Procedure for Final Plat Approval.

Any person desiring approval of a Final Plat shall first file an application for Final Plat approval. Forms for such applications shall be kept on file with the department. Consideration of a Final Plat by the Director of Public Works shall not occur unless a fully completed and executed application has been filed in accordance with this Ordinance. The Director of Public Works is hereby authorized to deny, on behalf of the Director of Public Works, any application for Final Plat approval that is not fully completed and executed in accordance with this Ordinance.

1. Time for Filing. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the Director of Public Works in accordance with the department's schedule for review prior to placing the application on the next regular Commission Meeting. Materials received after the prescribed time shall automatically be placed on the agenda of the subsequent Commission Meeting.
2. Copies Required. The Applicant shall provide two (2) paper copies and an electronic file of all information; plat drawings shall be submitted on 24 inch by 36 inch paper prints from the original drawing of the plat reproduced on white paper with black lines, each of which shall be folded to 8 ½ inches by 14 inches. All materials shall also be submitted in electronic format acceptable to the City and Harris County.
3. Filing Fees. An application for Final Plat approval must be accompanied by a nonrefundable application fee in the current amount as established by City Council.
4. Certificates of Availability of Utilities. Each Final Plat shall be accompanied by a written certification from each entity, whether public or private, from which utility services are to be received, certifying the availability of same, and that such entity agrees to provide its respective utility service to the subdivision.

Sec. 98-93. Final Plat Submittal Requirements.

All Final Plats shall incorporate all of the provisions relating to Preliminary Plats as provided in Sec. 98-88, and reflect any conditions and requirements of final approval previously imposed by the Commission, together with the following additional requirements:

- The Final Plat shall be drawn on material suitable for direct positive prints and reproductions;
- Scale for a Final Plat drawing shall meet the same requirements as specified in Sec. 98-90 for Preliminary Plat.
- All engineering and surveying data shall be shown on the Final Plat sufficient to locate all of the features of the plat on the ground. This data shall include, but not be limited to, full dimensions along all boundaries of the plat; street and alley ROW; easements; drainage ways, gullies, creeks, bayous, together with the location of the high bank of such drainage ways and water

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courses; lots; blocks; reserves; out tracts, or any other tracts designated separately within the plat boundaries; fee strips, or any other physical or topographical features necessary to be accurately located by surveying methods. Such information shall include line dimensions, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof;

- The name of the current Owner and their address. If the record Owner is a company or corporation, the name of the responsible individual, such as the president or vice president;
- The name, address and seal of the RPLS for preparing the plat;
- The date of submittal or the date of submittal of each subsequent revision;
- All streets and alleys with street names, or other rights of way, widths measured at right angles or radially (*where curved*), complete curve data (*R.L.P.C., P.R.C., and P.T.*) length and bearing all tangents between curves;
- Building lines and easements shall be shown and shall be defined by dimension. All principal lines shall have the bearing given and deviation from the norm indicated. The plat must provide a note stating that all existing pipelines or pipeline easements through the subdivision have been shown or that there are no existing pipeline easements within the limits of the subdivision;
- All field surveys shall be accurate to, and performed in accordance with the appropriate provisions of the current edition of the Manual of Practice Standards for Surveying in Texas, as periodically published by the Texas Society of Professional Surveyors. Linear dimensions shall be expressed in feet and decimal fractions thereof of a foot; angular dimensions may be shown by bearings in degrees, minutes, and seconds. Curved boundaries shall be fully described and all essential information given. Circular curves shall be defined by actual length of radius and not by degree of curve;
- The intended use of all lots within the subdivision shall be identified on the plat; and
- All dedication statements and certificates shall be made a part of the Final Plat drawing and shall conform in form and content to the form of statements and certificates required by the City.

Sec. 98-94. Minor Plats.

1. Purpose. The purpose of a Minor Plat is to simplify divisions of land under certain circumstances outlined in State Law.
2. Applicability. An application for approval of a Minor Plat may be filed only in accordance with State Law, when all of the following circumstances apply:
 - a. The proposed division results in four (4) or fewer lots;
 - b. All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Subdivision Ordinance; and
 - c. Except for ROW widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
3. Application Requirements. The requirements for the submittal of a Minor Plat shall be the same as the requirements for a Final Plat, as outlined in Sec. 98-91.

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4. Review by Director of Public Works or other designee. The Director of Public Works or other designee shall:
 - a. Initiate review of the plat and materials submitted.
 - b. Request written comments from other City Departments, such as Fire Department, Public Works, and Parks and Recreation, if deemed necessary.
5. Action by Director of Public Works or other designee. The Director of Public Works or other designee shall:
 - a. Determine whether the Minor Plat meets the regulations of this Subdivision Ordinance.
 - b. Act within 30 calendar days following the official filing date of a completed application for a Minor Plat (unless the Applicant submits a Waiver of Right to 30-Day Action as outlined in Sec. 98-57(5)). If no decision is rendered by the Director of Public Works or other designee, or if the Director has not deferred the application to the Commission for decision, within the 30 day period described above or such longer period as may have been agreed upon, the Minor Plat, as submitted, shall be deemed to be approved.
 - c. Take one of the following actions:
 - i. Approve the Minor Plat;
 - ii. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Defer the Minor Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with Sec. 98-57(5).
6. Criteria for Approval. The following criteria shall be used by the Director of Public Works or other designee to determine whether the application for a Minor Plat shall be approved, approved with conditions, or denied:
 - a. The Minor Plat is consistent with all zoning requirements for the property, any approved Improvement Agreement (*if applicable*), and all other requirements of this Subdivision Ordinance that apply to the plat;
 - b. All lots to be created by the plat already are adequately served by improved public street access and by all required City utilities and services and by alleys, if applicable;
 - c. The ownership, maintenance and allowed uses of all designated easements have been stated on the Minor Plat; and
 - d. Except for ROW widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
7. Procedures for Recordation Following Approval. The procedures for recordation of a Minor Plat shall be the same as the procedures for recordation of a Final Plat, as outlined in Sec. 98-91.
8. Appeal of Decision on Minor Plat Application.
 - a. Commission Decision. If the Director of Public Works or other designee defers the Minor Plat application to the Commission, the Commission shall consider the application at a regular meeting no later than 30 calendar days after the date on which the Director of

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Public Works or other designee deferred the application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:

- i. Approve the Minor Plat;
 - ii. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Deny the Minor Plat.
 - b. Appeal. The decision of the Commission may be appealed to the City Council in accordance with the procedures for an appeal on a Final Plat decision, which are outlined in Sec. 98-91. The City Council decision is final.
9. Revisions Following Approval. Revisions may only be processed and approved as a Replat or Amending Plat, as applicable.

Sec. 98-95. Replats and Amending Plats – General Requirements.

1. Applicability and Terminology.
 - a. The procedures outlined in this Section and in subsequent Sections 98-96 through 98-98 shall apply only if a Property Owner seeks to change any portion of a plat that has been filed of record with Harris County.
 - b. The term “Replat” includes changes to a recorded Final Plat, whether the change is effected by replatting without vacation (Sec. 98-98), replatting by vacating the recorded plat and approving a new application (Sec. 98-98), or approving an Amending Plat (Sec. 98-97).
2. City Action Required. Unless otherwise specified, any change to a recorded plat shall be subject to approval by the Commission.
3. Application and Approval Procedures. Unless otherwise specified, application and all related procedures and approvals, including recordation, for a Replat or Amending Plat shall be the same as specified for a Final Plat, as outlined in Sec. 98-91.

Sec. 98-96. Replats.

1. Purpose and Applicability. A Replat of all or a portion of a recorded plat may be approved in accordance with State Law without vacation of the recorded plat, if the Replat:
 - a. Is signed and acknowledged by only the Owners of the property being replatted;
 - b. Is approved after a Public Hearing; and
 - c. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.

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2. General Notice and Hearing Requirements. Published notice of the Public Hearing on the Replat application shall be given in accordance with Sec. 98-59 and State Law. The Public Hearing shall be conducted by the Commission.
3. Partial Replat Application. If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.
4. Special Replat Requirements.
 - a. Applicability. A Replat without vacation of the preceding plat, in accordance with State Law, must conform to the requirements of this Sec. 98-97(4) if:
 - i. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
 - ii. 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. Exception. The requirements of this Sec. 98-97(4) shall not apply to any approval of a Replat application for a portion of a recorded plat if all of the proposed area sought to be Replatted was designated or reserved for usage other than for single- or duplex-family residential usage. Such designation must be noted on the recorded plat or in the legally recorded restriction applicable to such plat.
 - c. Notice and Hearing. Notice of the required Public Hearing shall be given before the 15th calendar day before the date of the Hearing by:
 - i. Publication in an official newspaper or a newspaper of general circulation in the applicable City or unincorporated area (*as applicable*) in which the proposed Replat property is located; and
 - ii. By written notice, with a copy of Section 212.015(c) of the Texas Local Government Code, forwarded by the City to the Owners 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 within the ETJ, the most recently approved applicable county tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.
 - d. Protest. If the Replat application is accompanied by a waiver petition and is protested in accordance with this Sec. 98-97(4)(d), approval of the Replat shall require the affirmative vote of at least three-fourths ($\frac{3}{4}$) of the voting members of the Commission present at the meeting. For a legal protest, written instruments signed by the Owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the Replat application and extending 200 feet from that area, but within the original subdivision, must be filed with the Commission prior to the close of the Public Hearing. The area of streets and alleys shall be included in the area computations.

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5. Review and Consideration. The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat *(except for the Public Hearing and notice requirements described in Sec. 98-97(4)(c))*, which are outlined in Sec. 98-91. The Director of Public Works or other designee shall be the responsible official and the Commission shall be the initial decision-maker for a Replat application. Procedures to appeal a decision on a Replat shall also be processed and considered the same as a Final Plat (Sec. 98-91).
6. Effect. Upon approval and recording of the Replat, it is controlling over the previously recorded plat for the portion replatted.

Sec. 98-97. Amending Plats.

1. Purpose. The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of State Law.
2. Applicability. The procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following:
 - a. Correct an error in a course or distance shown on the preceding plat;
 - b. Add a course or distance that was omitted on the preceding plat;
 - c. Correct an error in a real property description shown on the preceding plat;
 - d. Indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - g. Correct an error in courses and distances of lot lines between two adjacent lots if:
 - i. Both lot Owners join in the application for amending the plat;
 - ii. Neither lot is abolished;
 - iii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iv. The amendment does not have a material adverse effect on the property rights of the other Owners in the plat;
 - h. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 - i. Relocate one or more lot lines between one or more adjacent lots if:
 - i. The Owners of all those lots join in the application for amending the plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iii. The amendment does not increase the number of lots;
 - j. Make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

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- i. The changes do not affect applicable zoning and other regulations of the municipality;
 - ii. The changes do not attempt to amend or remove any covenants or restrictions; and
 - iii. The area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a Public Hearing, as a residential improvement area; or
 - k. Replat one or more lots fronting on an existing street if:
 - i. The Owners of all those lots join in the application for amending the plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions;
 - iii. The amendment does not increase the number of lots; and
 - iv. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
3. Certificates of Correction. Certificates of Correction are prohibited.
4. Notice. In accordance with State Law, the approval and issuance of an Amending Plat shall not require notice, Hearing or approval of other lot Owners.
5. Review by Director of Public Works or other designee. The Director of Public Works or other designee shall:
- a. Initiate review of the plat and materials submitted.
 - b. Request written comments from other City Departments, such as Fire Department, Public Works, and Parks and Recreation, if deemed necessary.
6. Action by Director of Public Works or other designee. The Director of Public Works or other designee shall:
- a. Determine whether the Amending Plat meets the regulations of this Subdivision Ordinance.
 - b. Act within 30 calendar days after the application is deemed complete per Sec. 98-57(7)
 - c. Take one of the following actions:
 - i. Approve the Amending Plat;
 - ii. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Defer the Amending Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with Sec. 98-57(5).
7. Procedures for Recordation Following Approval. The procedures for recordation of an Amending Plat shall be the same as the procedures for recordation of a Final Plat, as outlined in Sec. 98-91.
8. Effect. Upon approval, an Amending Plat shall be recorded and is controlling over the previously recorded plat without vacation of that plat.

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9. Appeal of Decision on Amending Plat Application.

- a. Commission Decision. If the Director of Public Works or other designee defers the Amending Plat application to the Commission, the Commission shall consider the application at a regular meeting no later than 30 calendar days after the date on which the Director of Public Works or other designee deferred the application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:
 - i. Approve the Amending Plat;
 - ii. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Deny the Amending Plat.
- b. Appeal. The decision of the Commission may be appealed to the City Council in accordance with the procedures for an appeal on a Final Plat decision, which are outlined in Sec. 98-91. The City Council decision is final.

Sec. 98-98. Plat Vacation.

- 1. Purpose. The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of State Law.
- 2. Initiation of a Plat Vacation.
 - a. By Property Owner. The Property Owner of the tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold.
 - b. By All Lot Owners. If lots in the plat have been sold, an application to vacate the plat must be submitted by all the Owners of lots in the plat.
 - c. City Council. If the City Council, on its own motion, determines that the plat should be vacated in the interest of and to protect the public's health, safety and welfare; and:
 - i. No lots within the approved plat have been sold within five (5) years following the date that the Final Plat was approved by the City; or
 - ii. The Property Owner has breached an Improvement Agreement, and the City is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the Property Owner or its successor; or
 - iii. The plat has been of record for more than five (5) years, and the City Council determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the Property Owner or its successors.
- 3. Notice. Published notice of the Public Hearing on the Plat Vacation application shall be given in accordance with Sec. 98-59 and State Law. The Hearing shall be conducted by the City Council.

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4. Review by Director of Public Works or other designee. The Director of Public Works or other designee shall:
 - a. Initiate review of the Plat Vacation application and materials submitted.
 - b. Request written comments from other City Departments, such as Fire Department, Public Works, and Parks and Recreation, if deemed necessary.
5. Action by the City Council. The City Council shall:
 - a. Review the Plat Vacation application, the findings of the Director of Public Works or other designee, and any other information available. From all such information, the City Council shall make a finding as to whether or not the plat should be vacated. The City Council's decision on a Plat Vacation shall be final.
 - b. Take one of the following actions:
 - i. Approve the Plat Vacation;
 - ii. Approve the Plat Vacation with conditions, which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Deny the Plat Vacation.
6. Procedures for Recordation Following Approval. If the City Council adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's Office. If the City Council adopts a resolution vacating a plat in part, it shall cause a revised Final Plat to be recorded along with the resolution which shows that portion of the original plat that has been vacated and that portion that has not been vacated.
7. Effect.
 - a. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect. Regardless of the City Council's action on the petition, the Property Owner(s) or developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the City Council.
 - b. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
 - c. The City Council, at its discretion, shall have the right to retain all or specific portions of road ROW or easements shown on the plat being considered for vacation. However, the City Council shall consider plat vacation upon satisfactory conveyance of easements and/or ROW in a separate legal document using forms provided by the City Attorney's office.

Sec. 98-99. Plat Drawing, Reproductions, and Filing.

The original plat drawing for an approved Final Plat shall be submitted to the City on a suitable material that the Director of Public Works or other designee shall, by written rule and from time to time, designate, with lettering, signatures, and images in reproducible black ink. The names of all persons signing any such plat shall also be lettered under the signature line. Two (2) paper prints from the original plat drawing

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(white paper with black lines) and one (1) positive vellum or film transparency shall also be provided. Filing of such Final Plats with the County Clerk of Harris County, Texas, for recording, shall be made by the City.

Final Plats shall not be filed by the City until:

1. Completion by the Developer of all improvements required as a condition of plat approval and acceptance of such improvements by the Director of Public Works and City Council and,
2. The filing of sufficient guarantees as required by this chapter.

Sec. 98-100. Title Report.

A current title report, statement or opinion, title policy or certificate or letter from a title company authorized to do business in the State of Texas, or an attorney licensed as such in the State of Texas, shall be provided certifying that, within 30 days prior to the date the Final Plat is dated and filed with the Director of Public Works or other designee, a search of the appropriate records was performed covering the land proposed to be platted and providing the following information concerning the title to said land:

1. The date of the examination of the records;
2. A legal description of the property lying within the proposed subdivision, including a metes and bounds description of the boundaries of said land;
3. The name of the record Owner of fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such Owner acquired fee simple title;
4. The names of all lien holders, together with the recording information and date of the instruments by which such lien holders acquired their interests;
5. A description of the type and boundaries of all easements and fee strips not owned by the Subdivider of the property in question, together with certified copies of the instruments whereby the Owner of such easements or fee strips acquired their title, and the recording information for each such instrument; and
6. A tax certificate from each city, county, school district, utility district, or other governmental entity in which the land being platted is located showing that no delinquent taxes are due such entity for the property being platted.

Sec. 98-101. Commission Action.

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The Director of Public Works or other designee shall review each plat submitted to it for completeness and submission to the Commission. Upon the receipt of a plat application, the Commission shall consider and act upon Preliminary Plats within a reasonable time, but, must review and act on Final Plats within 30 days from the date of application. Within these time constraints, the Commission may take the following actions:

Grant preliminary approval;

1. Defer preliminary action until the next regular meeting, provided the Subdivider agrees in writing to waive the 30 day approval period;
2. Grant final approval, if in conformance with the conditions of preliminary approval; or
3. Disapprove any plat, either preliminary or final, if the plat fails to comply with the policies, standards, or requirements contained in this chapter, State Law, or other rules or regulations adopted by the City Council relating to land development.

Sec. 98-102. Effect of Denial of Plat.

Should the Commission deny a plat, the Applicant may withdraw the plat application from consideration in order to correct any deficiencies, and may resubmit the plat application to Director of Public Works or other designee for further processing in accordance with this chapter. If the plat application is not withdrawn, the Applicant may request the Director of Public Works or other designee to prepare a certificate of denial, identifying the regulatory deficiencies in the plat application.

Sec. 98-103. Expiration of Plat Approval.

1. All plat approvals will be valid for a period of 12 months from the date approval was granted.
2. Extension of approvals. The Commission may, after receiving a written request from the Subdivider or his authorized agent, submitted prior to the expiration date of a preliminary or Final Plat approval, extend the term of approval for any time period not to exceed an additional 12 months. The maximum term for approval of any preliminary or Final Plat that has not been recorded shall not exceed a total of 24 months from the date on which the City Council granted preliminary or Final Plat approval.

Sec. 98-104. Additional Requirements for Recordation of Subdivision Plats.

After approval of a minor or major subdivision plat, the Applicant shall present the following to the department for recordation of the subdivision plat:

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1. The original subdivision plat drawing prepared on any suitable permanent translucent material of positive photographic film with lines, lettering and signatures in black ink or image, and the names of all individuals signing the subdivision plat lettered under the respective signature. The original subdivision plat drawing shall evidence compliance with all conditions of Final Plat approval;
2. A current update of the previously submitted title report that reflects any change in any of the conditions or information required in the title report since the date of the last title report, including that there has been no change, if applicable;
3. An executed recorded map return agreement;
4. Certification that all current city, county, school district, and utility district (*if applicable*) taxes have been paid and that there are no delinquent taxes on the property, which may be provided as part of the title report or in the form of a certificate from the City, if applicable, and from the County and the school district in which the land being subdivided is located.
5. For a vacating plat, the original vacation instrument.

Secs. 98-105 - 98-125. Reserved.

DIVISION V. RECREATIONAL DEDICATION

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Sec. 98-126. Purpose.

Sec. 98-127. Classification of Parks.

Sec. 98-128. General Requirements for Recreational Dedication.

Sec. 98-129. Financial Donation in Lieu of Land Dedication for Recreation.

Sec. 98-130. Private Neighborhood Recreational Land in Lieu of Public Recreational Land.

Sec. 98-131. Contribution for Regional Parks.

Sec. 98-132. Special Funds, Right to Refund.

Sec. 98-133. Additional Requirements.

Sec. 98-134. Landscape Plan.

Secs. 98-135 - 98-155. Reserved.

Sec. 98-126. Purpose.

The purpose of this section is to implement the City of Deer Park's 2013-2023 Parks, Recreation, and Open Space Master Plan, Center Street Revitalization Plan, San Jacinto Texas Historic District Corridor Standards, and Dow Park Master Plan, and to provide recreational amenities, including parks and trail systems linking public areas and subdivisions, as a function of subdivision development within the City. Recreational areas in the form of neighborhood parks and trail systems are necessary to protect the public health and welfare, provide for the public health by encouraging outdoor activity and exercise, and the most effective procedure to provide for these facilities is by integrating them into planning and developing property and subdivisions within the City. The primary cost of additional parks and recreation facilities attributable to the future residents of new residential development will be borne by the Developer of the residential uses, and will further enhance the quality of life provided in those developments. The City of Deer Park's 2013-2023 Parks, Recreation, and Open Space Master Plan reflects these purposes and provides the basis for this division.

Sec. 98-127. Classification of Parks.

Parks classification and zones are included in the 2013-2023 Parks, Recreation, and Open Space Master Plan. The Parks and Recreation Department Director will, in accordance with the 2013-2023 Parks, Recreation, and Open Space Master Plan, refine and identify park zones.

1. Neighborhood parks provide a variety of outdoor recreational opportunities and are located within convenient distances from residential development.

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2. Regional parks are those parks not primarily serving a specific neighborhood, but which are designed to serve the entire City with facilities like ballparks and soccer field complexes, and trail systems that connect various neighborhoods.
3. Parks dedicated to any municipal utility district shall be considered public parks.

Sec. 98-128. General Requirement for Recreation Dedication.

1. When a Preliminary Plat application for residential development is filed, it shall identify the location of an area of land to be dedicated to the City for regional trail purposes. This area shall equal one (1) acre for each 100 proposed dwelling units.
2. A Final Plat application shall show the area proposed to be dedicated under this division, and shall contain dedicatory language for that purpose. The City shall not issue any permits for construction within the subdivision, except permits to construct public improvements, until such time as the requirements of this Section are submitted to and accepted by the City.
3. The Developer may be required to dedicate land for the trail system, or if no trails are required, may make payment in lieu of dedication as provided in this division.

Sec. 98-129. Financial Donation in Lieu of Recreational Dedication for Neighborhood Parks.

1. In some instances, the Parks and Recreation Department Director may require the Developer to pay fees in lieu of dedicating land. In making this determination, the Parks and Recreation Department Director shall consider the following factors:
 - a. Whether sufficient parkland and open space exists in the area of the proposed development; and
 - b. Whether recreation potential for an area would be better served by expanding or improving existing parks, by adding land or additional recreational amenities.
2. The Parks and Recreation Department Director shall notify the Developer in writing of the Parks and Recreation Department Director's decision to require a fee in lieu of dedication and the reason for the decision. The Developer shall be entitled to appeal the Parks and Recreation Department Director's decision to the Commission.
3. The dedication requirement shall be met by a payment in lieu of land dedication at a specified dollar amount per dwelling unit determined annually pursuant to this section. Cash payments may be used only for acquisition or improvement of park land and facilities located within the same park sector as the development. Fees may be applied to any type of park site or improvement within the sector in accordance with park department prioritization.

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4. The initial fee in lieu of dedication shall be \$700.00 per dwelling unit. Each year following certification of the city's tax roll, the Parks and Recreation Department Director shall report to the commission on the amount of fees in lieu of dedication received, expended or encumbered during the preceding 12 months. The report shall also include an analysis of changes in the taxable value of land within the city as certified by each respective county appraisal district. The director and the parks director may recommend an increase in the fee in lieu of dedication based on increases in appraised value. The Commission shall review the report, conduct a Public Hearing on any recommended increase in the fee in lieu of dedication, and issue a final report. The Commission shall file its report, which shall advise of any need to increase the fee in lieu of dedication, with the City Council. The fee in lieu of dedication shall thereafter, upon approval by the City Council, be the amount stated for this provision in the City fee schedule.
5. Any plat for new construction or development shall be required to pay a fee in lieu of dedication of land for parks. A Developer responsible for dedication of neighborhood recreational land under this section will meet the requirements of this division by a cash payment in lieu of dedication, in an amount equal to the value of raw land, based on an estimate as if the land were to be purchased by the City. Such payment in lieu of land shall be made at or prior to the time of site plan approval.
6. The City may, from time to time, decide to purchase land for parks and recreation in or near the area of actual or potential development. If the City does purchase land for parks or trails, subsequent dedications for that zone shall be in cash only, and calculated to reimburse the City's actual cost of acquisition and development of such land for parks. The cash amount shall be equal to the sum of
 - a. The average price per acre of such land, and
 - b. The actual cost of adjacent streets and on-site utilities, or an estimate of such actual cost provided by the Director of Public Works. Once the City has been reimbursed entirely for all such recreational land within a park zone, the dedication requirements will again be applicable within that park zone.

Sec. 98-130. Private Neighborhood Recreational Land in Lieu of Public Recreational Land.

1. A Developer responsible for dedication under this section may elect to meet up to 50 percent of the requirements for recreational facilities by providing private neighborhood recreation land and recreation facilities. Credit for private recreational land will be governed by the following criteria:
 - a. The park and recreation facilities must be open and accessible to all residents of the platted subdivision. Land or facilities that are excluded to a portion of the subdivision residents will not be considered as private neighborhood recreational land.
 - b. Land which is unencumbered by easements, detention areas, lake and drainage channel borders, or other similar characteristics will qualify for private neighborhood recreational land at full credit. Land that has recreation facilities on it such as tennis courts, swimming

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pools, playing fields, recreation buildings, or similar facilities will also qualify for full credit.

- c. Land which is encumbered by easements, detention areas, lake and drainage channel borders, or other similar characteristics shall not qualify for credit as usable park or trail space, unless it meets the following:
 - i. Pipeline or utility easements, or areas along lake borders and drainage ditches shall have:
 - Hike/bike all-weather paths, landscaping and sodding installed according to the construction standards of the City. Paths must also be connected to recreational areas as part of an open space system;
 - An average minimum width of 30 feet and a minimum width of 20 feet; and
 - Side slopes shall not to exceed a three to one (3:1) ratio.
2. All development and maintenance responsibilities for areas offered as private neighborhood park and recreation facilities must be identified at the time of submission of a Preliminary Plat.
3. Land offered for private neighborhood recreational land credit, which is less than three (3) acres in size, is generally discouraged unless it is an integral part of the private park and open space amenities of the subdivision. A list of landscaping and other improvements of special uses planned for areas of land less than one-half (1/2) acre in size shall be submitted with the Preliminary Plat.

Sec. 98-131. Contributions for Regional Parks.

Residents need both neighborhood parks and recreation facilities, and regional facilities. In addition to the provisions for neighborhood recreational land by dedication of land or the payment of fees in lieu thereof as described above, a Developer shall contribute an additional amount based on the value of raw land per dwelling unit for the development of regional parks.

Sec. 98-132. Special Funds, Right to Refund.

1. The City shall establish an accounting fund for the deposit of all sums paid in lieu of land dedication under this section, which funds shall be known as the "Recreational Land Dedication Fund" and the "Regional Recreational Fund." Additional sub-funds may be established as appropriate to track funds for different zones, if established, or different regional recreational areas.
2. The City shall account for all sums paid in lieu of land dedication under this division with reference to the individual plats involved. The City must expend the funds within five (5) years from the date received for acquisition or development of neighborhood recreation land, or ten (10) years for a regional park, or other recreational facilities, unless the Developer agrees to an extension of this time. The funds will be considered to be spent on a first in, first out basis for each park zone. If not

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so expended, then on the last day of such period, the then current Owners of the property for which money was paid in lieu of land dedication shall be entitled to a pro rata refund of such sum, computed on a square footage of area basis. The Owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be barred.

Sec. 98-133. Additional Requirements.

1. Any land dedicated to the City or provided as private neighborhood recreational land under this section must be appropriate for recreation purposes. The Parks and Recreation Department reserves the right to reject any land that it determines is unsuitable for such purposes.
2. Drainage areas may be accepted as part of a park if the channel is constructed in accordance with City construction standards, the land is appropriate for recreational use, and if no significant area of a park is cut off from access by such channel.
3. Each recreational area must have access to a public street.

Sec. 98-134. Landscape Plan.

1. Landscape Plan. A Landscape Plan for landscaping that will be installed for the development, including landscaping for common and amenity areas, entryways and thoroughfare screening, shall be submitted with the Construction Plans and shall be approved by the Director of Public Works or other designee prior to approval of the Construction Plans.
2. Standards. Landscape materials and installation shall be in accordance with Landscape Requirements in the Zoning Ordinance.
3. Timing of Installation and Inspection. Upon installation of all landscaping, including that required for thoroughfare screening, the developer shall request a final inspection of landscaping elements by the Director of Public Works or other designee. All required landscaping shall be installed prior to the City's issuance of a Letter of Final Acceptance and Certificates of Occupancy for homes, excluding model homes which may be released early.
4. Surety Provided for Delay. The developer may delay the installation of landscaping by providing surety to guarantee the installation of required landscaping. Such surety shall be in an amount and format that is approved by the Director of Public Works or other designee and by the Director of Public Works. Required landscaping shall be installed within six (6) months following the date of issuance of the Letter of Final Acceptance.

Secs. 98-135 - 98-155. Reserved.

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Sec. 98-156. Design Standards.

Sec. 98-157. Compliance with Design Standards.

Sec. 98-158. Compliance with Other Regulations.

Sec. 98-159. Public Streets – General Arrangement and Layout.

Sec. 98-160. Streets: Specific Standards and Policies.

Sec. 98-161. Street Names.

Sec. 98-162. One-Foot Reserves.

Sec. 98-163. Lots; General Provisions.

Sec. 98-164. Easements.

Sec. 98-165. Federal Flood Insurance Program.

Sec. 98-166. Utilities.

Sec. 98-167. Drainage.

Sec. 98-168. Monuments and Markers.

Secs. 98-169—98-189. Reserved.

Sec. 98-156. Design Standards.

The City of Deer Park Design Standards are promulgated and maintained by the Public Works and Engineering Department. Where the Design Standards or this chapter is silent, the Design and Construction Standards of Harris County shall apply. Where there is a conflict between any two such standards, the more stringent requirement shall apply.

Sec. 98-157. Compliance with Design Standards.

No plat shall be approved and no permit shall be issued for the construction of any improvement intended for public use, or for the use of purchasers or Owners of lots fronting or adjacent to any improvement, and no improvement intended for public use shall be accepted by the City, unless the improvement complies with the City's Design Standards.

Sec. 98-158. Compliance with Other Regulations.

All improvements required by this chapter shall conform to the comprehensive plan, this chapter, and any other ordinance or applicable regulation. All improvements shall further conform to all regulations

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established by any other governmental entity having jurisdiction over development of land within Harris County.

Sec. 98-159. Public Streets – General Arrangement and Layout.

The public street system pattern proposed within any subdivision shall comply with design standards of this section and shall:

1. Provide for adequate vehicular access to all properties within the subdivision plat boundaries;
2. Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area;
3. Provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police and other emergency services personnel; and
4. Provide a sufficient number of continuous streets to accommodate the traffic demands generated by new development.
5. Stub Streets. Connections are required to adjacent vacant properties at locations as approved by the Director of Public Works.
 - a. A note shall be clearly placed on the Final Plat indicating that the stub street will be extended with future development.
 - b. All stub streets shall have a sign prominently posted at the terminus of the street to indicate that the street will be extended in the future.
 - i. The sign shall comply with standards established by the Director of Public Works; and
 - ii. Installation and cost of the sign shall be the responsibility of the Developer.
6. Street Connectivity.
 - a. New developments shall provide street connections to adjacent developments, as determined by the Director of Public Works, allowing access between developments for neighborhood traffic and to enhance pedestrian and bicycle connectivity as recommended in the Comprehensive Plan.
 - b. The use of cul-de-sac streets shall be limited within new developments to the greatest extent possible. The Fire Chief and the Director of Public Works shall have the authority to determine whether or not the use of cul-de-sacs in a development meets the intent of this Section during City review and consideration of the Preliminary Plat.

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7. Private Streets. Private streets within the City may be allowed in accordance with the Zoning Ordinance. Private streets shall be designed and constructed to the City's standards for public streets, in accordance with the City's Standards.
8. City Council Action Required. Dedicated streets and ROW shall not be designated or used as private streets and such use is prohibited, except where specific approval is given by action of the City Council and upon approval of a Specific Use Permit for properties within the City limits. The City Council may add any conditions as deemed appropriate as part of the approval of a Private Street Development.
9. Conversion of Private Streets to Public. The City may, but is in no way obligated to, accept private streets for public access and maintenance. Requests to convert Private Streets to Public Streets shall be subject to the following provisions:
 - a. The homeowners' association (HOA) shall submit a petition signed by at least 67 percent of its members/lot Owners (or a greater number of signatures, if required by the HOA documents or Declaration).
 - b. All of the infrastructure shall be in a condition that is acceptable to the Director of Public Works.
 - c. All security stations and other structures not consistent with a public street development shall be removed by the HOA, at its cost, prior to acceptance of the streets and appurtenances by the City.
 - d. All monies in the reserve fund for private street maintenance shall be delivered to the City. Money in the reserve fund in excess of what is needed to bring the streets and appurtenances up to City standards will be refunded to the HOA. Private Street developments that exist as of the adoption of this ordinance are not required to deliver a reserve fund balance to the City.
 - e. The HOA shall prepare and submit a Replat to the Public Works Department for review. Upon approval, the HOA shall file the Replat to dedicate the streets and appurtenances to the City.
 - f. The HOA shall modify and re-file, at its cost, the HOA documents to remove requirements specific to Private Street developments. The City Attorney shall review the modified HOA documents prior to their filing. The HOA shall be responsible for the cost of review by the City Attorney.

Sec. 98-160. Streets: Specific Standards and Policies.

1. Street Improvements. In platting a new development, the Property Owner shall provide additional ROW needed for existing or future streets as required by the City's Engineering Standards and as shown on the Comprehensive Plan.
2. Improvement of Existing Substandard Streets.
 - a. When a proposed residential or nonresidential development abuts one or both sides of an existing substandard street, the developer shall be required to improve the substandard

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- street and its appurtenances (*such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.*) to bring the same to City standards, or to replace it with a standard City street, at no cost to the City other than as may be provided in the City's cost-sharing policies that are in effect at the time of Final Plat approval.
- b. If the proposed development is located along only one side of a substandard street, and if the City makes a determination that it is not feasible to improve the full width of said substandard street at that time the City may require the developer to pay into escrow funds for the future improvement of the street as a condition of Final Plat approval for the development.
 - c. The Developer may request a Major Waiver or may file a proportionality appeal if the requirements for improving an existing substandard street imposed would result in unnecessary hardship or would be disproportional to the impacts generated by the development on the City's street system.
3. New Perimeter Streets. When a proposed residential or nonresidential development is developed abutting an existing or planned major thoroughfare, minor thoroughfare or collector street (*as shown on the Comprehensive Plan*), the developer shall construct a portion of the abutting street and its appurtenances (*such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.*) to the City's design standards for that type of street. If the Director of Public Works makes a determination that it is not feasible to construct the abutting street and its appurtenances at that time, the City may require the developer to pay into escrow funds for the future construction of the street as a condition of Final Plat approval for the development.
4. New Internal Streets.
- a. All new streets and their appurtenances internal to a proposed residential or nonresidential development shall, at a minimum, be built to a width and design which will adequately serve that development, and shall conform to the City's design standards. If oversizing of an internal street is deemed necessary by the Director of Public Works for traffic safety or efficiency (*such as adjacent to a school or park site*), then the City and/or the applicable Independent School District may participate in such oversizing costs as part of a Development Agreement with the developer.
 - b. Streets which temporarily dead end at power lines, railroads or similar ROW shall be constructed for at least one-half the distance across these ROW or provision shall be made to place the construction cost for said improvements in escrow with the City.
 - c. When, in the Director of Public Works' judgment, it is not feasible to construct an internal street or appurtenances to an internal street at the time of development of the subdivision, the City may require the developer to pay into escrow funds for the future construction of the street or its appurtenances as a condition of Final Plat approval for the development.
5. Application of Requirements. Street design requirements are subject to the provisions included in the City's Standards, and Planned Development Ordinance (*if applicable to the subject property*) as well as the regulations contained within this Subdivision Ordinance.

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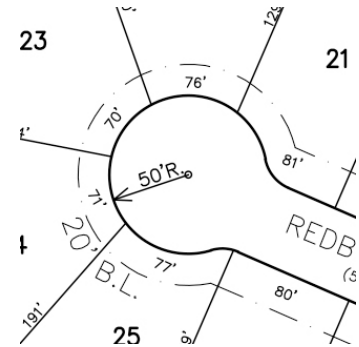
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6. Conformity to the Comprehensive Plan. The general location of streets shall conform to the Comprehensive Plan. For streets that are not shown on the Comprehensive Plan, such as local residential streets, the arrangement of such streets shall:
 - a. Provide for the continuation or appropriate projection of existing streets or street stubs from or into surrounding area;
 - b. Conform to any plan for the neighborhood approved or adopted by the City to address a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical; and
 - c. Not conflict with existing or proposed streets or driveway openings, including those on the opposite side of an existing or planned thoroughfare, as described within the City Standards. New streets shall align with opposite streets and driveway openings such that median openings can be shared.
7. Public or Private Ownership. The location and alignment of streets proposed to be constructed within a subdivision or development shall be designed in conformance with the construction standards adopted by the City, whether such streets are to be dedicated to the public or retained in private ownership and control. Private streets shall be allowed only upon explicit approval by the City Council.
8. ROW Width, Widening. The width of the ROW to be dedicated for any street shall be at least 60 feet. In those instances where a subdivision plat is located adjacent to an existing public street with a ROW width less than 60 feet, sufficient additional ROW shall be dedicated within the subdivision plat boundary to accommodate the development of the street to a total ROW width of not less than 60 feet. Notwithstanding the foregoing, the Director of Public Works may, on written application, and at its discretion authorize a street ROW width of not less than 50 feet where such street cannot reasonably be made to continue or extend onto an existing, approved, proposed, or possible future street, is so located that logically it could not be extended to connect with an existing, approved, or proposed street, there is not a likelihood that it would inhibit the ability of the City to provide emergency services from fire, police, medical, or other rescue personnel.
9. Lots Required to Front on Street. All lots shown on the plat shall abut a public street, or a private street that shall meet all requirements herein for public streets. All lots shown on the plat shall have indicated thereon the front of the lot for subsequent construction of a building. Adequate off-street parking shall be provided for each lot.
10. Curves and Intersections. Curves along streets shall have a center line radius of not less than 40 feet, except that the center line radius on a reserve curve shall not be less than 300 feet. Reserve curves should be separated by a tangent distance of not less than 50 feet. The angle of street intersections shall not vary more than ten degrees (10°) from the perpendicular. Where acute angle intersections are approved a radius of at least 25 feet in the ROW line at the acute corner shall be provided.

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- a. At the request of an Applicant, the Planning and Zoning Commission shall approve a lesser curve radius upon certification by the Director of Public Works that the lesser radius meets nationally accepted standards set forth in either the "Guidelines for Urban Major Streets Design" of the Institute of Transportation Engineers or "A Policy on Geometric Design of Highways and Streets" of the American Association of State Highway and Transportation Officials.

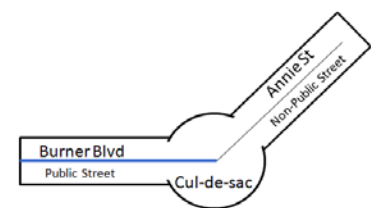


11. Cul-de-Sac ROW Radii. The radii of the ROW at the end of local streets terminated with a circular cul-de-sac turnaround shall be not less than fifty feet (50').
12. Dead-end Streets. Dead-end streets shall not be approved, except in instances where the street is terminated by a temporary circular cul-de-sac turnaround, or where the street is designated to be extended into adjacent property.
 - a. The Developer shall be responsible for the installation of all required street signs and traffic control devices of the type approved by the City.
 - b. At least one (1) ingress and egress point shall be provided for each 150 dwelling units, or fraction thereof, or for each 2,500 square feet of commercial floor space. For purposes of this ordinance, "ingress and egress point" shall include future planned roadways, so that if a street is provided to end at the boundary of the subdivision, such shall count for ingress and egress even though the actual road is not constructed.

Sec. 98-161. Street Names.

All streets dedicated by plat shall be named, and so identified on such plat, in conformance with the following:

1. New Streets. New street names shall not duplicate existing street names located within the City of Deer Park, Texas other than extensions of existing streets;
2. Street Names. New streets shall be named so as to provide name continuity with existing streets, and so as to prevent conflict or "sound-alike" confusion with similar street names. All street names shall be approved by the Director of Public Works prior to any Plat approval, and prior to approval of the Construction Plans.
 - a. Streets shall be named in conformance with the following parameters:
 - i. Extensions of Existing Streets. Existing street names shall be used in those instances where a new street is a direct extension of an existing street or a logical extension (*when the streets in*



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question are not and cannot be physically continuous) thereof, except in those instances where the existing street name is a duplicate street name;

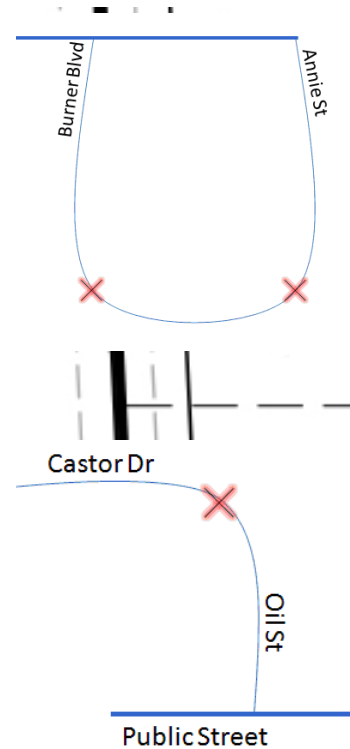
- ii. A non-public street that is a direct extension of a public street or a cul-de-sac shall not have the same name as the public street.
3. A directional prefix or directional suffix may be used to clarify the general location of a street, provided that the use of the directional prefix or directional suffix is consistent with existing naming and numbering patterns within the area in which the street is located.
4. Street name suffixes shall be limited to the following uses:
 - a. 'Circle,' 'Court' and 'Loop' shall be used only to designate streets that terminate at a cul-de-sac or are configured as a loop street.
 - b. 'Boulevard,' 'Crossing,' 'Crossroad,' 'Expressway,' 'Motorway,' 'Parkway,' 'Speedway' and 'Throughway' shall be used only to designate major thoroughfares, major collector streets, collector streets or other streets designed to handle traffic volumes in excess of normal neighborhood traffic generation or that are divided streets with at least two lanes of traffic in each direction separated by a median.
 - c. 'Bypass,' 'Expressway,' 'Freeway' and 'Highway' shall be used only to designate highways or freeways subject to the jurisdiction of the state department of transportation.
 - d. 'Avenue,' 'Drive,' 'Road' and 'Street' shall be used only to designate major thoroughfares, major collector streets, collector streets, or local streets.
 - e. 'Bridge,' 'Fork,' 'Lane,' 'Oval,' 'Passage,' 'Path,' 'Place,' 'Trail' and 'Way' shall be used only to designate collector streets or local streets.
 - f. A street name suffix shall not be used as part of the street name.
 - g. The abbreviation of a street name suffix shall be consistent with United States Postal Service postal addressing standards.
5. A street name shall not include any typographic characters or symbols.
6. An alphabetical or numerical street name shall not be used to name a new street unless the street is a direct extension of an existing street with an alphabetical or numerical name that is not duplicative of an existing street name.
7. A street shall not intersect with another street more than one time without an intervening name change.



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8. When a street changes direction by approximately 90 degrees, the street name shall change.
9. The proper name of a deceased national figure may be used as a street name for a major thoroughfare, a major collector street, a collector street or a local street.
10. The proper name of a deceased locally elected figure may be used as a street name for a major collector street, a collector street or a local street.
11. If a street is served by a local or inter-local 9-1-1 emergency dispatch system, the director may deny use of a proposed street name if the street name:
 - a. Is currently in use; or
 - b. Is duplicative of or so similar in name or sound to an existing street name that the use could be misleading to emergency communicators or responders.



12. Prefixes. Street name prefixes such as North, South, East, and West may be used to clarify the general location of the street; however, such prefixes shall be consistent with the existing and established street naming and address numbering system of the general area in which the street is located; and
13. Alphabetical and numerical street names shall not be designated, except in those instances where such street is a direct extension of an existing street with such a name and is not a duplicate street name.
14. Street Name Change. No street name, once designated on a plat, may be changed except by City Ordinance.
15. Cost of Signs. The cost of street name signs and traffic control signs shall be paid for, and the signs shall be installed, by the Developer.
16. City Standards. All street name signs and traffic control signs shall conform to the City's details for street name sign design and the latest edition of the Texas "Manual of Uniform Traffic Control Devices".

Sec. 98-162. One-Foot Reserves.

In those instances where a public street is dedicated by a plat submitted to the City and the public street forms a stub street onto adjacent unplatted acreage, or where such street lies along and parallel with a

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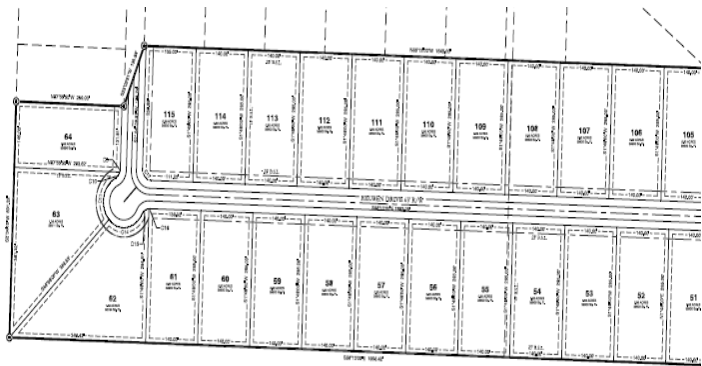
subdivision boundary and is adjacent to unplatted acreage, a one-foot wide reserve shall be established within the street ROW at its "dead-end" terminus, or along the ROW adjacent to such unplatted acreage, to form a buffer strip, dedicated to the public, between the public street ROW and the adjacent unplatted acreage, to prevent access to such public street from the adjacent unsubdivided acreage, unless and until the City has reviewed the development proposals for such adjacent acreage, and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot reserve on a plat are contained in the following notation that shall be placed upon the face of any plat where a one-foot reserve is to be established:

"One-foot reserve dedicated to the City in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided pursuant to a recorded plat, the one-foot reserve shall thereupon become vested in the public for street ROW purposes."

Sec. 98-163. Lots; General Provisions.

The purpose of this section is to provide general guidelines for the establishment of individual lots within a subdivision.

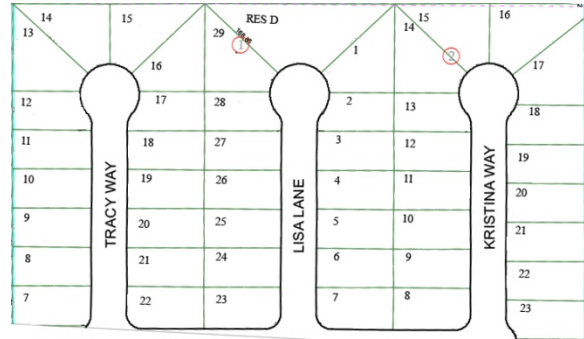
1. General Lot Design, Arrangement, and Layout. The general lot design within any subdivision shall be based upon the concept that such lots are created and established as undivided tracts of land and that purchasers of such lots can be assured that these tracts of land will be appropriate for their intended use, by meeting the following basic criteria:
 - a. The lot is of sufficient size and shape to accommodate easements for all public and private utility services and facilities to adequately serve any improvements constructed thereon;
 - b. The lot is of sufficient size and shape and is so located that direct vehicular access is provided from a public street or through an approved private street and that the required number of off-street parking spaces can be provided on the lot without encroachment within any adjacent public or private street ROW; and
 - c. The lot is of sufficient size and shape to accommodate all required improvements.
2. Lot Shapes. Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street ROW line. Where all lots are either perpendicular and at right angles or radial to adjacent street ROW, a suitable notation shall be placed upon the plat in lieu of lot line bearings.



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3. Street Access Limitations. Rear and side vehicular driveway access from lots to adjacent streets designated as major thoroughfares or any other public street which carries a traffic volume where additional vehicular driveways would create a traffic hazard or impede the flow of traffic, shall not be approved and such access restriction shall be noted directly upon the plat and adjacent to the lots in question.
4. Lot and Block Identification. All blocks shall be designated by consecutive numbering within the plat. Lots established within all blocks shall also be consecutively numbered. Lot numbering shall be cumulative throughout the subdivision in a uniform manner.



Sec. 98-164. Easements.

The type, size and location of easements shall be determined by the Director of Public Works. All existing and proposed easements shall be shown on the Preliminary and Final Plats. All easements shall be labeled on the Final Plat and dedicated for the specific purpose intended (e.g., "Utility Easement", "Drainage Easement", "HL&P Easement", "AT&T Aerial Easement, etc.).

Off-site easements that are necessary to fulfill City requirements or are required by the City shall be dedicated to the City by separate instrument (unless the abutting property is platted) and shall be approved by the Director of Public Works. If the abutting property is platted, then a Replat of that property shall be required to establish the off-site easement.

1. Utility Easements. Utility easements, both above and below grade, are those easements established by plat or separate instrument, which are designed to accommodate facilities necessary to provide various types of utility services to the individual properties within the plat boundaries. Utility easements may be used for, but not be limited to, facilities necessary to provide water, electrical power, natural gas, telephone, telegraph, cable television, and sanitary sewer services. In most cases, utility easements shall be below grade, except where the requirements of the utility providers require their major transmission lines to be located above grade. All easement locations and their placement above or below grade shall be resolved with the utility companies prior to Preliminary Plat approval.
 - a. Location. Utility easements, excluding special use utilities such as gas, telephone, electric, and cable, shall be provided along the front of all lots, except when the Director of Public Works determines that such location is not feasible for the orderly development of the



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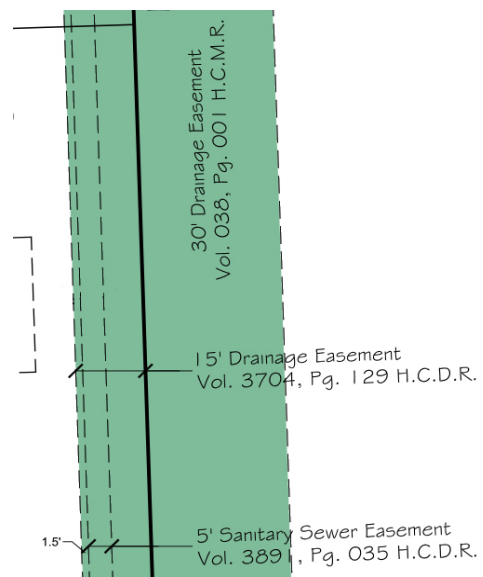
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subdivision, or where the ROW is not wide enough to allow for the proper placement and maintenance of all utilities. Utility easements located along the outer boundaries of a subdivision shall contain the full width required for such easement, except in those instances where the adjacent property is within a portion of a previously approved and platted subdivision and under the same ownership as the property being platted, or where additional easement width is dedicated by separate instrument by the Owner of said adjacent tract. In such cases, one-half ($\frac{1}{2}$) of the required easement width shall be dedicated within the platted boundary with the other one-half ($\frac{1}{2}$) provided outside the platted boundary by separate instrument, or through notation on the plat certifying the ownership and dedication of said easement.

- b. Widths. All utility easements, including special use utilities such as gas, telephone, electric, and cable, established within any subdivision plat shall not be less than a total of ten feet (10') in width, which width may be split between adjacent lots, provided however, that a lesser amount shall be allowed where less width is required by the utility service provider.
 - c. Limitations. All utility easements shall be limited to surface and below grade easements. Aerial easements over utility easements shall be limited to that necessary for transformers, amplifiers, and other similar devices that cannot be placed below grade, it being the express purpose and intent hereof to require all utilities, to the extent reasonably possible, to be placed below ground level.
2. Drainage Easements. All drainage easements shall be located and dedicated to accommodate the drainage requirements necessary for the proper development of the property within the subdivision boundaries and within its natural watershed and in conformance with the Harris County Flood Control District, its regulations governing storm drainage or flood control, and the requirements of other governmental agencies having jurisdiction over storm drainage or flood control within the area in which the subdivision is located. A suitable note on the plat shall restrict all properties within the subdivision to ensure that drainage easements within the plat boundaries shall be kept clear of fences, buildings, obstructive vegetation, and other obstructions to the operation and maintenance of the drainage facilities therein.

3. Private Easements, Fee Strips.

- a. Existing Easements, Fee Strips. All easements or fee strips created prior to the subdivision of any tract of land shall be shown on the subdivision plat of said land with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and generally the facilities contained therein, the dimensions of the easement or fee strip tied to all adjacent lot lines, street ROW and plat boundary lines, and the recording reference of the instruments creating and establishing said easement or fee



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strip. In those instances where easements have not been defined by accurate survey dimensions such as "over and across" type easements, the Subdivider shall request the holder of such easement to accurately define the limits and location of such easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and will not certify his refusal to define such easement to the Director of Public Works, the subdivision plat shall provide accurate information as to the center line location of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights, and building setback lines shall be established fifteen feet (15') from and parallel to both sides of the centerline of all underground pipelines or pole lines involved.

- b. Establishment of Special Use Utility or Drainage Easements. A special use utility or drainage easement may be established by subdivision plat when such easement is for the purpose of accommodating a utility or drainage facility owned, operated, and maintained by a unit of government and is restricted to either water mains, sanitary sewers, storm sewers, or other drainage purposes and where it has been determined by the Director of Public Works that these facilities cannot or should not be accommodated within a general purpose public utility or drainage easement or public street ROW. Easements proposed to be established for any privately-owned utility company or private organization providing utility services and restricted for their exclusive use shall not be created by a subdivision plat; however, such private utility facilities may be accommodated and placed within the general purpose utility easements and public streets established within the plat boundary. Nothing contained herein, however, may prevent such private companies or the Subdivider from granting and establishing special or exclusive use easements by separate instrument if such arrangements are deemed necessary to properly serve the properties within the plat boundaries.

Sec. 98-165. Federal Flood Insurance Program.

No subdivision of land shall be approved unless it complies in all respects with Harris County's and the City's Flood Damage Prevention regulations. Each Final Plat shall depict the boundaries of all flood zones as provided in the latest edition of the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRM).

Sec. 98-166. Utilities.

Adequate provision for all utilities and easements shall be provided to the entire subdivision. All distribution and service lines of electrical, telephone, television, and other wire-carrier type utilities shall be underground, except where above-ground placement is required by the public utility provider. Transformers, amplifiers, or similar devices associated with the underground lines may be located upon the ground or below ground level. Where the underground placement of such facilities is not a standard practice of the utility involved, the Subdivider or Developer shall make arrangements with the applicable

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utility for payment of all costs associated with the non-standard installation. All utility installations shall comply with the standards required by each utility provider.

Sec. 98-167. Drainage.

Drainage facilities shall be designed and constructed in accordance with the City's drainage standards.

1. This plan shall show the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development. It must comply with the standards outlined in this Ordinance and the drainage design criteria found in the City's Standards. The preliminary drainage plan is a guide for the detailed drainage design. The review of the preliminary drainage plan does not constitute final drainage plan approval or authorize a waiver to this Subdivision Ordinance.
2. For any property involved in the development process, a preliminary drainage plan shall be provided, at the developer's expense, for the area proposed for development. For property with a previously accepted preliminary drainage plan, the accepted preliminary drainage plan may be submitted and enforced unless a revised preliminary drainage plan is required by the City due to lot reconfiguration or other conditions created by the new plat. The Director of Public Works may waive the requirement for a preliminary drainage plan if the submitted plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated. If the Applicant requests a waiver in writing, a copy of any previous drainage plan shall be provided.
3. Three (3) paper copies of the preliminary drainage plan shall be submitted with the submittal of a Preliminary Plat, Replat, or minor plat for review and acceptance. The plan shall be labeled as "Preliminary." The plan shall be stamped by and dated by the engineer.

Sec. 98-168. Monuments and Markers.

1. Iron rods, five-eighths ($\frac{5}{8}$) inches in diameter and 30 inches long, shall be placed on all boundary corners, block corners, curve points, and angle points. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall not be less than 12 inches below the finished ground level.
2. Lot markers shall be one-half ($\frac{1}{2}$) inch or greater reinforcing bar, 24 inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.



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3. Where no bench mark is established or can be found within 300 feet of the boundary of the subdivision, such bench mark shall be established to the latest edition of the U.S. Coast and Geodetic Survey datum. The bench mark shall be established upon a permanent structure, or may be set as a monument and shall be readily accessible and identifiable on the ground.

Secs. 98-169 - 98-189. Reserve.

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Sec. 98-190. Traffic Impact Analysis and Mitigation.

Sec. 98-191. Criteria for Determining Traffic Impact Analysis Requirements.

Sec. 98-192. City Evaluation and Action.

Sec. 98-193. Requirements for TIA Updates.

Sec. 98-194. Responsibility of TIA Preparation and Review.

Sec. 98-195. TIA Standards.

Sec. 98-196. TIA Report Format.

Sec. 98-197. Administration of the TIA.

Secs. 98-198—98-218. Reserved.

Sec. 98-190. Traffic Impact Analysis and Mitigation.

Purpose. The purpose of a TIA is to assess the effects of specific development activity on the existing and planned thoroughfare system. Development activity may include but is not limited to rezoning, preliminary site plans, site plans, Preliminary Plats, driveway permits, certificates of occupancy, and Thoroughfare Plan amendments.

Sec. 98-191. Criteria for Determining Traffic Impact Analysis Requirements.

1. Pre-submission Meeting. Prior to the commencement of a TIA, an initial or pre-submission meeting with City Staff is required to establish a base of communication between the City and the Applicant. This meeting will define the requirements and scope relative to conducting a TIA and ensure that any questions by the Applicant are addressed.
2. Scope. The scope of a TIA is an analysis of the area surrounding the development that will be impacted by the development to determine the range of area that must be included in the TIA. The scope of the TIA shall be based on the peak hour trips projected to be generated by the proposed development, as set forth in the following table. Additionally, a scoping meeting shall be coordinated with the City Manager or designee in order to determine the study intersections within the scope of the TIA.

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Table 7-1: Criteria for Determining Traffic Impact Analysis

Peak Hour Trips	TIA Analysis Period	TIA Scope
99 or less	1. n/a	Not Required
100—500	1. Existing	The frontage of the property, all access points (including common access), and all intersections within a ½ mile radius of the proposed development.
	2. Opening year	
	3. Full build-out year	
501—1000	1. Existing	The frontage of the property, all access points (including common access), and all intersections within a 1 mile radius of the proposed development.
	2. Opening year	
	3. Full build-out year	
	4. 5 years after opening year	
1,000 or more	1. Existing	The frontage of the property, all access points (including common access), and all intersections within a 1 1/2 mile radius of the proposed development.
	2. Opening year	
	3. Full build-out year	
	4. 5 years after opening year	
	5. 10 years after opening year	
		NOTE: All measurements shall be made from property boundaries.

Sec. 98-192. City Evaluation and Action.

Criteria.

1. The City Manager or designee shall evaluate the adequacy of the TIA prepared by the Applicant. Based upon such evaluation, the City Manager, or designee shall make recommendations concerning:
 - a. Whether the application may be approved in the absence of dedication of row or construction of improvements to each affected thoroughfare; and
 - b. The extent of the Applicant's obligations to make such dedications or improvements.

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2. The City Manager, or designee may recommend, and the decision-maker on the application may attach, conditions to the approval of the development application, based on one or more of the following performances by the Applicant:
- a. Delay or phasing of development until thoroughfares with adequate capacity or intersection improvements are constructed;
 - b. A reduction in the density or intensity of the proposed development sufficient to assure that the road network has adequate capacity to accommodate the additional traffic to be generated by the development;
 - c. The dedication or construction of thoroughfares or traffic control improvements needed to mitigate the traffic impacts generated by the proposed development; or
 - d. Any combination of techniques that assures that the traffic impacts of the development will be mitigated.

Deferral of Obligation.

1. Upon request of the Applicant or Property Owner, the obligation to dedicate or improve thoroughfare ROW or to make intersection improvements imposed on a development application may be deferred until the City's action on a subordinate (*i.e., subsequent*) development application. As a condition of deferring the obligation to dedicate ROW for or to improve thoroughfares, the deferral shall be at the sole discretion of the City. The City shall require the Developer to execute a subdivision improvement agreement acceptable to the City Attorney specifying the amount and timing of the ROW dedication or improvements to thoroughfares.

Table 7-2: Criteria for Determining TIA Study Requirements

Analysis Category	Site Trips Generated at Full Build-Out	TIA Analysis Periods ⁽¹⁾	Minimum Study Area ⁽³⁾
I	>50 peak hour driveway trips; or 100-500 total peak hour trips	Existing year Opening year ⁽²⁾ 5 years after opening	All site access drives All signalized intersections and/or major unsignalized intersections within 0.5 mile to 1 mile of site boundary
II	>500 total peak hour trips	Existing year Opening year of each phase 5 years after initial opening 10 years after final opening with full build-out	All site access drives All signalized intersections and/or major unsignalized intersections within 1.5 miles of site boundary

1) Analysis periods shall include build and no-build scenarios. Assume full occupancy when each phase opens.

2) Assume full build-out.

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- 3) For certain projects, the City may require an enlarged study area. Land uses within the study area should include recently approved or pending development adjacent to the site.

Sec. 98-193. Requirements for TIA Updates.

A TIA shall be updated when time or circumstances of the original study fall within the parameters presented in **Table 7-3**. The Applicant is responsible for preparation and submittal of appropriate documentation in order for City Staff to process the zoning or development application. A TIA for site development requests must be updated if two years have passed since the original submittal, or if existing or assumed conditions have changed within the defined study area. The Director of Public Works shall make the final determination as to the extent of a TIA update.

Table 7-3: Criteria for Determining TIA Update Requirements

Original TIA Report was based on:	Changes to the Originally Proposed Development:	
	Access Changed ⁽¹⁾ or Trip Generation Increased by more than 10%	Access Not Changed and Trip Generation Increased by less than 10%
Zoning; or Preliminary Site Plan or Site Plan that is less than 2 years old	Letter Amendment Required: Identify and report only analysis conditions that have changed	Letter Documenting Change (No analysis is required)
Preliminary Site Plan or Site Plan that is more than 2 years old	Prepare New Study. Must meet all current TIA requirements	Prepare New Study. Must meet all current TIA requirements.

- 1) Changed access includes proposed new access or refinement of general access locations not specifically addressed in original proposed development.

Sec. 98-194. Responsibility of TIA Preparation and Review.

1. A TIA shall be prepared in accordance with all of the guidelines in this section and submitted in accordance with the Development Review Schedule set by the City. The responsibility for TIA preparation shall rest with the Applicant and must be performed by a P.E. licensed in the State of Texas with experience in traffic and transportation engineering. The final TIA report must be signed and sealed by the P.E. responsible for the analysis to be considered for review by the City. Application and review fees are due at the time of each submittal. City Staff shall serve primarily in a review and advisory capacity and will only provide data to the Applicant when available.

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2. It shall be the responsibility of the Applicant to submit three (3) draft TIA reports and executive summaries with the zoning and/or development request submission. The proper number of reports, the timing for submission, and the review of these reports shall be based on standard City development review procedures. Incomplete TIAs or failure to submit a TIA with the submission shall delay consideration of zoning and development requests. Should it be determined during the review of any zoning and/or development plans that a TIA is required; consideration shall be deferred until the Applicant submits a completed TIA and the City has reviewed the assessment.
3. The City shall review the TIA and provide comments to the Applicant. It shall be the responsibility of the Applicant to submit three (3) finalized TIA reports and executive summaries once all review comments have been addressed.

Sec. 98-195. TIA Standards.

1. Design Level of Service. The minimum acceptable level of service (LOS) within the City shall be defined as LOS "D" in the peak hour for all critical movements and links. All development impacts on both thoroughfare and intersection operations must be measured against this standard.
2. Trip Generation Resources. The City's standard for trip generation rates for various land use categories shall be those found in the latest edition of *Trip Generation* published by the Institute of Transportation Engineers (ITE) or other published or recognized sources applicable to the region. Alternate trip generation rates may be accepted on a case-by-case basis if the Applicant can provide current supporting data substantiating that their development significantly differs from the ITE rates. The Director of Public Works must approve alternative trip generation rates in writing in advance of the TIA submission.
3. Trip Reductions. Trip reductions for passer-by trips and mixed-use developments will be permitted, subject to analytical support provided by the Applicant and approval by the Director of Public Works on a case-by-case basis. Assumptions relative to automobile occupancy, transit mode share, or percentage of daily traffic to occur in the peak hour must be documented and will be considered subject to analytical support provided by the Applicant.

Sec. 98-196. TIA Report Format.

1. The TIA report must be prepared on 8½ inch by 11 inch sheets of paper. However, it may contain figures on larger sheets, provided they are folded to this size. All text and map products shall be computer-based and provided in both published format and computer file format (PDF). In addition, all electronic files used as part of the traffic analysis (i.e., *Synchro*, *HCS*, *Passer II/III*, *CORSIM*, *VISSIM*, etc.) shall be provided.
2. The sections of the TIA report should be categorized according to the outline shown below:
 - Executive Summary

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- Introduction
 - Purpose
 - Methodology
 - Existing And Proposed Land Use
 - Site Location/Study Area
 - Existing Zoning
 - Existing Development
 - Proposed Zoning (*if applicable*)
 - Existing And Proposed Transportation System
 - Thoroughfare System
 - Existing Traffic Volumes
 - Projected Traffic Volumes
 - Site Traffic Characteristics
 - Existing Site Trip Generation (*if applicable*)
 - Proposed Site Trip Generation
 - Net Change in Trip Generation (*if applicable*)
 - Trip Distribution and Traffic Assignment
 - Traffic Analysis
 - Level of Service Evaluations
 - Traffic Signal Evaluations
 - Mitigation
 - Conclusions
 - Recommendations Appendices
 - Traffic Impact Mitigation
3. Mitigation of traffic impacts shall be required if the proposed development would cause a facility or traffic movement to exceed LOS D, or where it already exceeds LOS D and the development would contribute five (5) percent or more of the total traffic during any projected horizon year. If mitigation is required, the Applicant must only mitigate the impact of the proposed development, and would not be responsible for alleviating any deficiencies in the thoroughfare system that may occur without the proposed development.
4. Acceptable mitigation measures shall include:
- a. Staging of development in order to relate site development to the construction of the required thoroughfare system;
 - b. Staging of development so that the site contributes less than five (5) percent of the total traffic to the affected facility or traffic movement during the projected horizon year;
 - c. Off-site improvements, including the provision of ROW and/or the participation in funding for needed thoroughfare and intersection improvement projects (*including, but not limited to, through lanes, turn lanes, or traffic signals*); and
 - d. On-site improvements, including access controls and site circulation adjustments.

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5. Mitigation is not required if it can be shown that the traffic impacts of the project are fully mitigated ten (10) years after the final opening with any improvements that are already programmed to be implemented within five (5) years of the initial opening.

Sec. 98-197. Administration of the TIA.

Based on the results of the TIA and actions recommended by the Director of Public Works, the Planning and Zoning Commission and/or the City Council, as appropriate, shall take one or more of the following actions:

1. Approve the zoning or development request, if the project has been determined to have no significant impact or where the impacts can be adequately mitigated;
2. Approve the development request, subject to a phasing plan;
3. Recommend study of the City Thoroughfare Plan to determine amendments required to increase capacity;
4. Recommend amendment of the Capital Improvement Program (CIP) to expedite construction of needed improvements; or
5. Deny the zoning or development request, where the impacts cannot be adequately mitigated.

Secs. 98-198 - 98-218. Reserve.

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DIVISION IX. DEFINITIONS

DIVISION VIII. DEFINITIONS

Sec. 98-219. Usage and Interpretation.

Sec. 98-220. Definitions.

Secs. 98-221 - 98-241. Reserved.

Sec. 98-219. Usage and Interpretation.

Usage. The definitions within this Division IX are intended to provide descriptions for words and terms used within this Subdivision Ordinance. Absent any conflict, words and terms used in this Subdivision

Ordinance shall have the meanings ascribed thereto in this Division IX.

Conflicts. When words and terms are defined herein, and are also defined in other ordinance(s) of the City, they shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Section 10 shall control.

Present and Past Tenses. Words used in the present tense include the future; words in the singular number include the plural number, and words used in the plural number include the singular number.

Usage of Shall and May. The word shall is mandatory and not directory. The word may is directory and not mandatory.

Words Not Defined. For any definition not listed in this Section 10, the definition found within the latest edition of Webster's Dictionary shall be used.

Certain Terms and Words. Certain terms and words are to be used and interpreted as described and/or defined within the sections of this Subdivision Ordinance wherein they apply to certain regulations.

Sec. 98-220. Definitions.

For the purposes of this chapter, the following terms, phrases and words shall have the listed meanings. When consistent with the context, words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; and words used in the plural number shall include the singular number. Terms, phrases, or words not expressly defined herein are to be considered in accordance with customary usage.

100-Year Floodplain refer to FEMA definitions based on the latest National Flood Insurance Program.

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Abutting means adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a ROW or easement, or with a physical improvement such as a street, waterline, park, or open space.

Access shall mean a means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase *pedestrian access easement*).

Addition shall mean one (1) lot, tract or parcel of land lying within the corporate boundaries of the city which is intended for the purpose of development.

Amended Plat shall mean a revised plat correcting errors or making minor changes to the original recorded Final Plat.

Amenity shall mean an improvement to be dedicated to the public or the common ownership of the lot Owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this ordinance.

Appeal shall mean a request for review of and relief from any decision applying a provision of this Ordinance.

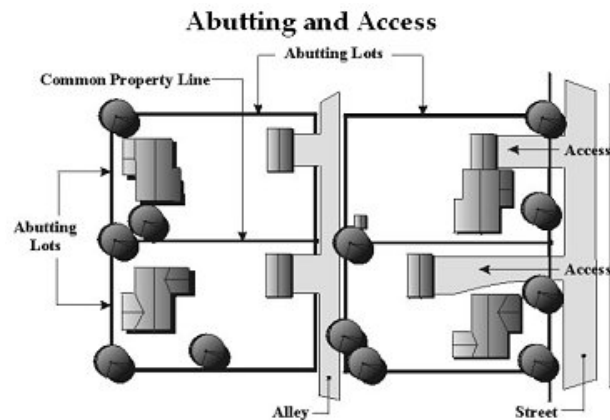
Applicant shall mean the person or entity responsible for the submission of an application. The Applicant must be the actual Owner of the property for which an application is submitted or shall be a duly authorized representative of the Property Owner.

Application (also Development Application, Plat Application) shall mean the package of materials, including but not limited to an Application Form, a Plat, completed checklist, Tax Certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the City to initiate City review and approval of a development project.

Application Form shall mean the written form (as provided by and as may be amended by the City) that is filled out and executed by the Applicant and submitted to the City along with other required materials as a part of an application.

Approval shall mean a determination by the Official, Board, Commission, or City Council responsible for such determination that the application is in compliance with the minimum provisions of this Subdivision Ordinance.

Base Flood as defined by FEMA



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Block shall mean a grouping of residential lots that are partially or fully surrounded by one or more streets. A block consists of one or two tiers of lots.

Buffer shall mean an area of permanent native vegetation that is adjacent to a water course and/or wetland that is managed to maintain the integrity of the water course and/or wetland to reduce the impact of upland sources by:

- Trapping, filtering and converting pollutants;
- Reducing sediment loads;
- Reducing runoff velocity;
- Stabilize stream banks and wetland edges;
- Reduce water temperatures; and
- Provide habitat for urban wildlife.

Building shall mean any structure intended for shelter, occupancy, housing or enclosure for persons, animals or property. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Building Line shall mean a line parallel, or approximately parallel, to any front lot line at a specific distance therefrom, marking the minimum distance from the front lot line that a building may be erected.

Building Permit shall mean an official certificate issued by the City through the Chief Building Official that indicates conformance with or approved conditional waiver from City regulations and authorizes construction of buildings or other described construction on the premises for which it is issued.

City shall mean the City of Deer Park, Texas.

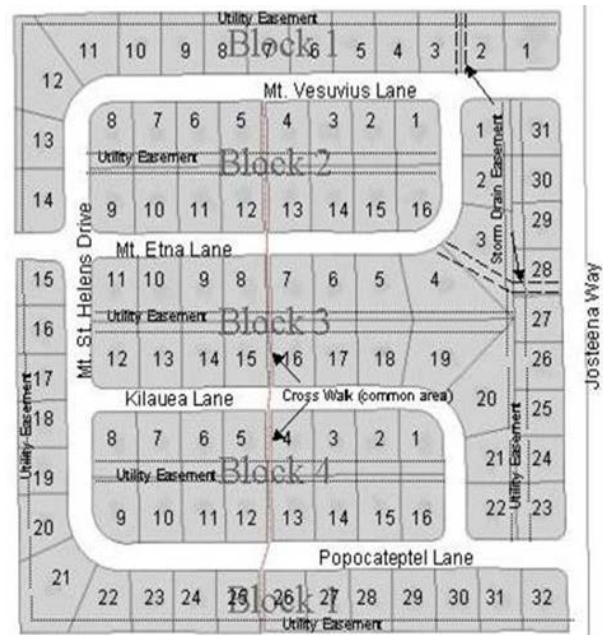
City Attorney is the person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.

City Council is the elected body that governs the City under State Law and City Charter and that is duly authorized to operate in the manner prescribed by City ordinances and resolutions. The term City Council as used within this Subdivision Ordinance shall mean the City Council of the City of Deer Park.

City Engineer shall mean the official with responsibility to review and release plans for construction projects, or his designee.

City Manager is the person(s) so designated by the City Council, or the City Manager's designee.

Comprehensive Plan shall mean The City of Deer Park Comprehensive Plan Update, a general plan for growth and development of the City and its environs, including any and all applicable elements of such



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plan, such as a land use plan, utilities plan, drainage plan, infrastructure master plan, parks plan, and others.

Construction Plans shall mean the drawings and technical specifications that conform to this Ordinance and all other applicable ordinances of the City. Construction Plans, including bid documents, contract conditions, and escrow agreements, where applicable, provide a graphic and written description of the character and scope of the work to be performed in construction of a development.

Construction Release shall mean an official authorization by the City, through the Director of Public Works, that indicates conformance with City regulations and authorizes construction of improvements or other described construction, in conformance with approved Construction Plans, on the premises for which it is given.

County shall mean Harris County, Texas.

Certificate of Occupancy shall mean an official certificate issued by the City through the Chief Building Official that indicates conformance with or approved conditional waiver from City regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

Chief Building Official shall mean the person(s) so designated by the Director of Public Works or other designee to provide oversight for and have responsibility of the Building Inspections Division of the Development Services Department; such official issues Building Permits and Certificates of Occupancy and enforces the Zoning Ordinance, Building Code, and any applicable provisions of this Subdivision Ordinance. This term shall also include any designee of the Chief Building Official.

Commission shall mean the Planning and Zoning Commission of the City of Deer Park.

Complete Application shall mean an application that meets the standards of this Subdivision Ordinance and has been deemed complete by the City in accordance with Sec. 98-57 of this Ordinance and the Texas Local Government Code, Chapter 245, or successor statute.

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



Developer shall mean a person or entity, limited to the Property Owner or duly authorized representative thereof, who proposes to undertake or undertakes the division or improvement of land and/or other activities covered by this Subdivision Ordinance so as to constitute a subdivision, including the preparation of a plat showing the layout of the land and the public improvements involved therein.

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

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Deed Restriction shall mean a limitation on the use of land set forth or referred to in the title deed of such land. Such limitations run with the land and are binding upon present and subsequent Owners of the land. Deed restrictions are not enforced by the City.

Development shall mean any activities related to the platting or physical subdivision of land including the construction, reconstruction, conversion, or enlargement of buildings or structures; the construction of impervious surfaces (e.g., *parking lots*); the installation of utilities, roadways, drainage facilities or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including grading, drainage, storage, paving, clearing, filling, and/or removal of vegetation or soil, and any mining, dredging, excavation or drilling operations.

Development Agreement shall mean an agreement authorized and in accordance with Section 212.172 of the Texas Local Government Code between the City and a Property Owner within the City.

Development Application shall mean an application for any type of plat or construction plan/drawing authorized or addressed by this Subdivision Ordinance. Also may be referred to as a permit within the Texas Local Government Code, Chapter 245.

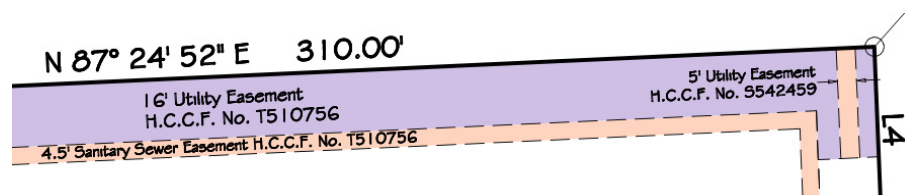
Director of Parks and Recreation is the person(s) so designated by the City Manager to provide oversight for and have responsibility of the Parks and Recreation Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Director of Parks and Recreation.

Director of Public Works is the person(s) so designated by the City Manager to provide oversight for and have responsibility of the Public Works Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Director of Public Works.

Driveway shall mean a paved entranceway serving primarily vehicles that allows for access to a lot or facility, and is intended for vehicular movements between the roadway and any portion outside the street ROW.

Easement shall mean an area dedicated for restricted use on private property upon which a person or public or private entity has the right to

remove and keep removed all or part of any building, fence, tree, shrub, or other improvement or growth that in any way endangers or interferes with the construction, maintenance, or operation of any of the respective utility, drainage, access, or other authorized systems or facilities located within any such easement.



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Engineer is a person who has been duly licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in the State of Texas. (Also known as *Professional Engineer, Registered Engineer, Registered Professional Engineer, or Licensed Engineer*)

Engineering Standards shall mean a document adopted by City Council by resolution or ordinance, which is intended to establish standards for the design and construction of public facilities.

Extraterritorial Jurisdiction (ETJ) shall mean that area of land located outside the municipal boundaries of the City over which the City has regulatory authority, as defined in Chapter 42 of the Texas Local Government Code.

Facilities Agreement shall mean a contract entered into by the City and a Developer or Subdivider of property, where the Developer is constructing oversized public improvements designed to serve the Owner of adjacent property whose Owner(s) will be required to make pro rata reimbursements.

Final Plat shall mean a complete and exact subdivision plan prepared in conformity with the provisions of this chapter and in a manner suitable for recording with the County Clerk of Harris County, Texas.

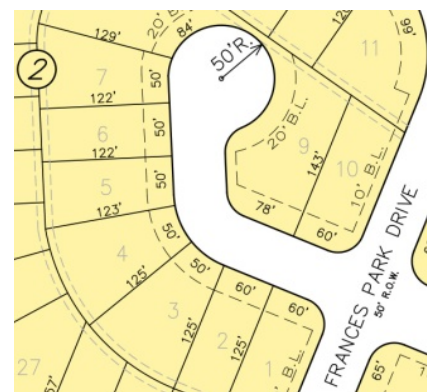
Fire Chief is the person(s) so designated by the City Manager to provide oversight for and have responsibility of the Fire Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Fire Chief.

Homeowners' Association (HOA) shall mean a community association which is organized within a development in which individual Owners share common interests and responsibilities for open space, landscaping, amenities or facilities, and which operates under recorded land agreements. This term also includes Property Owners' Associations (POAs) and Property Management Corporations (PMCs) which are more typically formed for multi-family and nonresidential developments.

Improvement shall mean any man-made fixed item which becomes part of or placed upon real property.

Improvement Agreement shall mean a legally binding document that is required whenever public improvements to serve a development are deferred until after Final Plat approval and recordation. Such document outlines the developer's acknowledged responsibility to complete and warranty improvements and to provide financial security for such improvements.

Lot shall mean a physically undivided tract or parcel of land having frontage on a public street or approved private street, which has been platted to meet current City specifications and which is, or in the future may be, offered for sale, conveyance, transfer, lease, development, or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol on an approved, recorded plat.



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Lot, Corner shall mean a lot which has at least two adjacent sides abutting for their full lengths on a street.

Lot Depth is the horizontal distance measured perpendicularly between two points on the front lot line and two points on the rear lot line which creates an area that meets (or exceeds) the zoning district's minimum width and depth requirements. Lot depth shall not include easements which are located behind the front building line that impair the use of the lot surface as a yard.

Lot, Double Frontage shall mean a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, Interior shall mean a lot other than a corner lot.

Lot Frontage is the dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot Line, Front is the narrower side of the lot abutting a street. Where two (2) lot lines abutting streets are of equal length, the Owner shall have a choice in designating which shall be designated as the Front Lot Line, and therefore the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

Lot Line, Rear is the lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

Lot Line, Side shall mean any lot line not the front or rear lot line.

Lot Lines are the lines bounding a lot as defined herein. May also be referred to as a Property Line.

Lot Width is the horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line that is closest to the front lot line.

Local Street shall mean a street that is intended to provide a high level of access to adjacent developments and, generally, a low level of mobility.

Major Thoroughfare Plan shall mean the street layout plan or any amendments or changes thereto approved and adopted by the City Council.

Maximum for the purposes of this Ordinance, "the maximum" is the amount that is required by this ordinance of a developer but a developer may choose to construct or provide less than the maximum, unless otherwise specified.

Metes and Bound is a method of describing the boundaries of land by directions and distances from a known point of reference.

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Minimum for the purposes of this Ordinance, “the minimum” is the amount that is required of a developer but a developer may choose to construct or provide additionally above the minimum required, unless otherwise specified.

Off-Site shall mean any premises not located within the area of the property to be subdivided, whether or not in common ownership with the Applicant submitting an application.

Official Filing Date shall mean the date an application is deemed complete by the responsible official in the manner prescribed by Sec. 98-57(7) of this Subdivision Ordinance.

Open Space shall mean any land parcel or natural area that is set aside, dedicated, designated or reserved for public use and enjoyment, or for private use and enjoyment of Owners and occupants of the land adjoining or neighboring such open space area. Open Space shall have no dimension less than 50 feet in any direction, and shall not include remnant property unless it is noted for thoroughfare screening or natural areas where the topography is not impacted, in which case it may be less than 50 feet in width.

Ordinance refers to this Subdivision Ordinance of the City of Deer Park, as may be amended in the future.

2013-2023 Parks, Recreation and Open Space Master Plan is the City’s officially adopted Plan which includes policies in graphic and text form; such policies govern the future development of the City’s parks, recreation and open space system.

Pedestrian Access shall mean a specifically designated place, path, means, or way by which pedestrians shall be provided safe, adequate, and usable circulation through the interior of a property or development.



Permit is a license, certificate, approval, registration, consent, permit, contract or other agreement for the construction or provision of service from a utility owned, operated, or controlled by the City, or other form of authorization required by law, rule, regulation, order, or ordinance, which has been approved by the City, that a person or entity must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought, and for which the application for the permit or information required to be submitted for consideration provides notice of the project to the City.

Planning and Zoning Commission is the decision-making body appointed by the City Council which is responsible for subdivision approval, as permitted by State Law, and which has any other authority conferred upon it by the City Charter, this Ordinance, or other regulation of the City.

Plat shall mean a plan which shows the exact layout and proposed construction of a proposed development into one or more lots, blocks, streets, parks, school sites, easements, alleys and/or any other elements as required by this Ordinance, including any engineering or construction standards for related

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improvements, and which conforms to all requirements of this Ordinance and any other applicable City ordinance, and which is subject to approval by the Commission, unless otherwise specified.

Plat, Amending shall mean a plat with minor changes to a recorded subdivision as itemized and authorized in Sec. 98-97 of this Ordinance.

Plat, Final shall mean a plat which conforms to Sec. 98-91 of this Subdivision Ordinance and is submitted to the City for consideration for final approval by the Commission. The plat illustrates that the subdivision of land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities and the installation of or provision for public improvements. Once approved, such plat is submitted to the County Clerk of Harris County, as applicable, for recording.

Plat, Minor shall mean a plat dividing land into no more than four (4) lots that meets the submission and approval requirements of Sec. 98-94 of this Ordinance. Such plat may be approved by the Director of Public Works or other designee.

Plat, Preliminary shall mean a plat which conforms to Sec. 98-88 of this Subdivision Ordinance and is submitted to the City for consideration for initial approval by the Commission. Such plat is not to be recorded, but illustrates the general layout of a proposed subdivision, the adequacy of public facilities needed to serve the proposed subdivision, and the overall compliance of the applicable requirements of this Ordinance. Such plat is reviewed and decided prior to approval of a Final Plat.

Progress (Towards Completion) shall have the same meaning set forth in Section 245.005(c) of the Texas Local Government Code, as it exists or may be amended, unless another meaning is specified.

Project shall mean an endeavor over which the City exerts its jurisdiction and for which more than one permit is required to initiate, continue, or complete the endeavor.

Property Owner shall mean the legally recognized proprietor of the land for which an application is being submitted. Also see Developer.

Proportionality/Proportional Share shall mean the developer's portion of the costs of an exaction or public improvement as determined and in accordance with Texas Local Government Code 212.904 and considered to be the "roughly proportional share" of such exaction or public improvement that is created by a proposed development or subdivision.

Private Street shall mean a privately owned and maintained thoroughfare, which provides vehicular access to adjacent land.

Public Improvement shall mean any drainage way, roadway, parkway, sidewalk, utility, pedestrian way, off-street parking area, lot improvement, open space, or other facility for which the city or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

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Public Street shall mean a thoroughfare or ROW that is dedicated to the public, and accepted for maintenance by the City or county, and which provides vehicular access and other easements for development on adjacent land.

Replat shall mean the re-subdivision of any or part or all of any block or blocks of a previously platted subdivision, addition, lot or tract, that is beyond the definition of an Amending Plat and which does not require the vacation of the entire preceding plat. Such plat also conforms to Sec. 98-96 of this Subdivision Ordinance. A Replat can function as a Final Plat for a property.

Right-of-Way (ROW) shall mean a parcel of land occupied or intended to be occupied by a street or alley; where appropriate ROW may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or for any other special use. The use of ROW shall also include parkways and medians outside of pavement. The usage of the term "ROW" for land platting purposes shall mean that every ROW hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such ROW and not included within the dimensions or areas of such lots or parcels.



Responsible Official shall mean the City staff person who has been designated by the City Manager to perform one (1) or more of the following tasks (*this term also includes designees*):

- Accept an application for filing;
- Review and make recommendations concerning such application;
- Where authorized, to initially decide such applications;
- Initiate enforcement actions; and/or
- Take all other actions necessary for administration of the provisions of this Subdivision Ordinance with respect to such application.

Street shall mean an access way for vehicular traffic and other public uses, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. An alley is not considered a street.

Street, Improved shall mean a street that has been constructed or reconstructed to meet the City's minimum standards regarding ROW width, pavement width, and/or pavement type, as defined in the Engineering Standards.

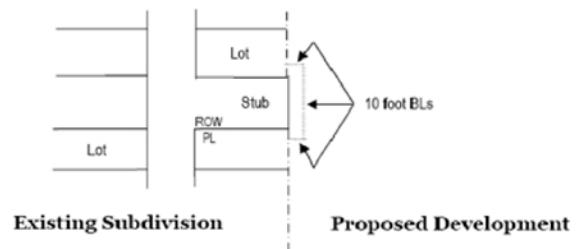
Street, Private shall mean a privately owned street within a subdivision for which the private Owners assume full responsibility for maintenance and control and which has not been dedicated to the use of the public. This term is inclusive of related alleys.

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Street, Stub shall mean a street that has been designed to allow for the future extension of the street through subsequent subdivisions.

Street, Substandard shall mean an existing street that does not meet the current minimum street standards of the City.



Street, Unimproved shall mean a street that does not meet the City's minimum standards regarding right-of-way width, pavement width, and/or pavement type, as defined in the Engineering Standards. Most unimproved streets are former country roads that were built before an area was annexed into the City limits and/or before the City implemented thoroughfare design standards.

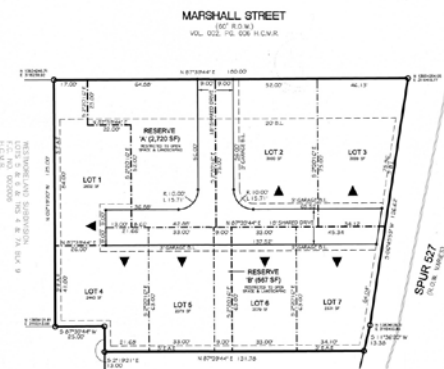
Subdivide is the following when done for the purpose of sale, conveyance, or development:

- The division of any tract of land into two (2) or more tracts or lots; or
- The assembly of two (2) or more tracts of land into one tract or lot.
- Is the following with regard to changes to a recorded subdivision plat:
 - A resubdivision of all or part of the subdivision;
 - Any change of lot size or lot lines; or
 - The relocation of any street.

Subdivider or Developer shall be synonymous for the purposes herein, and shall include any Owner, or authorized agent thereof, proposing to divide any lot, tract, or parcel of land so as to constitute a subdivision according to the terms and provisions of this chapter.

Subdivision shall mean:

1. The division of any lot, tract or parcel of land, by plat, map, survey or legal description, into two (2) or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership;
2. The dedication and the laying out or realignment of new streets, or other public or private access ways, with or without the creation of lots, shall constitute a subdivision;
3. The resubdivision, merger, and Replatting of land or lots that are part of a previously recorded subdivision; and
4. When appropriate to the context, the process of subdividing or to the land subdivided.



Submission shall mean the date an Applicant delivers an application or petition under this Ordinance to the Director of the applicable City Department, or the date on which an Applicant deposits an application or petition with the United States Postal Service by certified mail addressed to the Director of the applicable City Department, along with all required fees and documents.

Substandard is a condition of a road or other public improvement that does not meet the City's current ROW, design, capacity or construction standard(s).

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Surety is a bond, letter of credit, or letter of financial guarantee from a financial institution.

TCEQ is the acronym for the Texas Commission on Environmental Quality.

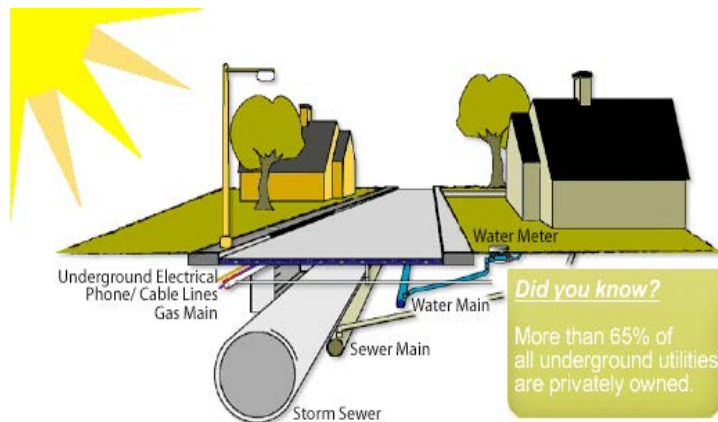
Title certificate shall mean a certificate prepared and executed by a title company authorized to do business within the State of Texas, or an attorney licensed with the State of Texas, describing all encumbrances of record that affect the property, together with all recorded deeds. A title certificate shall include a description of all property included within the platted area, and shall not have been executed more than thirty (30) days prior to submission of same to the Director of Public Works.

Thoroughfare Plan Map is a component of the Comprehensive Plan that generally represents the proposed grid-system of major and minor thoroughfares that will support the Future Land Use Plan. The exact locations of future roadways cannot be determined without engineering and environmental analysis, but the Map should be used as a guide as development occurs in terms of how connections should be made and by what type of thoroughfare. The Thoroughfare Plan Map also shows existing railroads and proposed transit rail stations.

TxDOT is the acronym for the Texas Department of Transportation.

Utility, Private shall mean services and any related facilities (e.g., *distribution lines*), not customarily provided by the City or public entities; such services generally include electricity, natural gas, and telecommunications.

Utility, Public shall mean services and any related facilities (e.g., *distribution lines*), typically provided by the City of Deer Park, Harris County, or publicly owned entity; such services include potable water distribution, wastewater collection, and storm water management.



Vested Right is a right of an Applicant in accordance with Chapter 245 of the Texas Local Government Code, as amended, requiring the City to review and decide the application under standards in effect prior to the effective date of the standards of this Chapter and/or of any subsequent amendments.

Vested Rights Petition is a request for relief from any standard or requirement of this Subdivision Ordinance based on an assertion that the Applicant (*petitioner for relief*) has acquired a vested right.

Violation shall mean any failure to fully comply with this Subdivision Ordinance.

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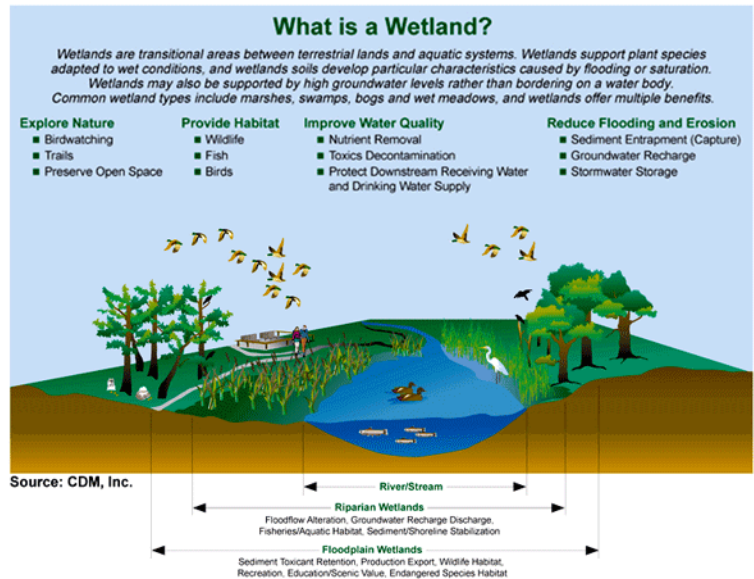
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Waiver, Major (Major Waiver) shall mean a significant change to both the standards and intent of this Subdivision Ordinance, which involves Commission approval.

Waiver, Minor (Minor Waiver) shall mean a minor change to the standards, but not the intent, of this Subdivision Ordinance, which involves Director of Public Works or other designee or Director of Public Works (as applicable) approval unless otherwise noted.

Wetland is an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetland Delineation Study is a study in which the main purposes are to determine jurisdictional wetlands and to ensure compliance with Section 404 of the Clean Water Act and other applicable regulations of the U.S. Army Corps of Engineers.



Zoning Ordinance shall mean The City of Deer Park Zoning Ordinance.

Secs. 98-221 - 98-241. Reserve.