

## APPENDIX B SUBDIVISIONS\*

\*Editor's note: Printed herein are the subdivision regulations of the city, as adopted by ordinance on March 22, 1982. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross references: Any ordinance regarding subdivisions saved from repeal, § 1-9(11); buildings and building regulations, ch. 18; floods, ch. 38; streets, sidewalks and other public places, ch. 70; utilities, ch. 78; zoning, app. A.

State law references: Subdivisions, V.T.C.A., Local Government Code [Chapter 212](#), "[Municipal Regulation of Subdivisions and Property Development](#)."

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Sec. 1. Authority and scope of regulations.

Sec. 2. Standard submittal and review procedure.

Sec. 3. Preliminary plan specifications.

Sec. 4. Final plat specifications.

Sec. 5. Short form procedure.

Sec. 6. Minimum standards of design.

Section 1. ~~Ordinance Number \_\_\_\_\_ adopted March 22, 1982, is hereby repealed in its entirety and the following Ordinance is adopted in its place.~~

Deleted: [Adopted.] [This Code] is hereby amended by the enactment of land subdivision regulations; a copy of said regulations is attached [to the ordinance from which this section is derived] as exhibit "A" and is incorporated in [this section] and made a part hereof for all purposes

Section 2. [Severability.] It is the intention of the city council that this ordinance and every sentence, paragraph, clause, and provision thereof shall be considered separable; and the invalidity of any sentence, paragraph, section, clause, provision and part or portion of any sentence, paragraph, section, clause or provision of this ordinance shall not affect the validity of any other portion of this ordinance.

Section 3. [Penalty.] Any person violating any provision of this ordinance or any part thereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not more than \$200.00 for each offense, and each violation of and failure or refusal to comply with any of the provisions of this ordinance shall constitute a separate offense. Each day in which any such violation shall continue shall be deemed a separate offense. In addition, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person or persons violating this ordinance.

EXHIBIT A

RULES AND REGULATIONS FOR THE SUBDIVISION OF LAND

IN THE CITY OF ALICE, TEXAS

GRAPHIC LINK: [Click here](#)

Sec. 1. Authority and Purpose.

. Authorization. Pursuant to the provisions of the Acts of the Texas Legislature, V.T.C.A., Local Government Code § 212.001 et seq. ("Municipal Regulation of Subdivisions and Property Development") and V.T.C.A., Property Code §§ 12.001, 12.002 ("Instruments Concerning Property," and "Subdivision Plat; Penalty.") as amended, and the Texas Municipal Annexation Act, the City Planning and Zoning Commission ("Commission") of the City of Alice has power and authority to review and approve plans and plats for the subdivision of land within the corporate limits of Alice, and for that area of extraterritorial jurisdiction as defined by the Texas Municipal Annexation Act, and the Local Government Code, Chapter 42, "Extraterritorial Jurisdiction of Municipalities."

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1.2. Scope.

A. This Ordinance shall be known as the "Subdivision Regulations" of the City of Alice, Texas.

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B. No person shall divide any tract of land within the corporate limits of the City of Alice or within the extraterritorial jurisdiction thereof, for public use or the use of the purchasers or owners, either present or future, without complying with the provisions of this Ordinance. All plans, plats and subdivisions of any such land shall conform to the rules and regulations set forth in this Ordinance.

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C. Purpose. The subdivision of land is the first step in the process of urban development, and the arrangement of land parcels in the community for residential, commercial, and industrial uses, and for streets, alleys, schools, parks and other public purposes will determine to a large degree, the conditions of health, safety, economy, and amenity that prevail in the urban area. The quality of these conditions is of public interest. This Ordinance for the subdivision and improvement of land for urban use, makes provisions for adequate light, air, open spaces, drainage, transportation, public utilities, and other needs, to ensure the development and maintenance of a healthy, attractive and efficient community which provides for the conservation and protection of its human and natural resources. It is the purpose of this Ordinance to implement the goals, objectives and policies of the City's comprehensive planning process to promote orderly growth and development.

- Deleted: Where literal enforcement of a provision of this ordinance will result in undue hardship to the subdivider, and when a variance from such provision is in harmony with the general purpose and intent of this ordinance so that the public health, safety and welfare may be secured and substantial justice done, the commission shall have the authority to grant a variance from such provision. The full extent of and reasons for such variances, when permitted, shall be certified by the commission as well as clearly and legibly recorded on the face of a copy of the plan or plat and a copy retained in the files of the commission
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D. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police delegated by the State to this City. The developer has the duty of compliance with reasonable conditions established by the Commission and City Council of the City of Alice for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the City and to the safety and general welfare of the future property owners in the subdivision and of the community-at-large.

1.3. Appeal of commission action. Any subdivider aggrieved by a finding or action of the city planning and zoning commission which is lawfully subject to review by the city council may appeal to the city council within 60 calendar days from the date of such finding or action and not thereafter. Such appeal shall be effected by the subdivider filing with the city manager a written statement of his complaint, together with all information which said subdivider made available to the commission in connection with his

- Deleted: D. When any lot, and a portion(s) of a lot(s) from a recorded subdivision, total a larger tract in width and/or size than the average lot in the same block, and are owned as a single unit for residential use, no replat shall be required.¶  
This exemption shall not apply to any extension across an easement or public way, nor permit changing the facing of the original lots.¶  
(Ord. No. 1808, § 1, 2-27-2006)¶  
1.

application, and his desired action. The council shall consider such appeal at its next regular meeting, and may request any additional information from the subdivider and/or commission as is required. The subdivider and the commission may appear before the council. The findings and action of the council upon such action shall be final. However, nothing in this section shall prevent the right of review by a court of competent jurisdiction.

1.4. Effect of approval or disapproval. Disapproval of any preliminary plan or final plat by the planning and zoning commission shall be deemed a refusal by the city to accept the offered dedications, if any, shown thereon. Approval of a plan or plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the city concerning the maintenance or improvements of any such dedicated parts until the proper authorities of the city have actually appropriated the same by entry, use, or improvement.

Unless and until a final plat of a subdivision has been approved and recorded with the Jim Wells County Clerk, it shall be unlawful for any official of the city to serve or connect any public utilities owned, controlled, or distributed by the city, or to issue a building permit on any land, or any part thereof, covered by a plat, or to the owners or purchasers of the land, or any part thereof. It shall be deemed unlawful for any private utility company to connect any utility without the approval of the city.

1.5. Enforcement. In addition to any other remedy provided by law, the City shall have the right to enjoin any violation of this ordinance by injunction issued by a court of competent jurisdiction.

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1.6. Definitions.

A. Rules of definition:

Words used in the present tense shall include the future, words used in the singular number shall include the plural, and words used in the plural number shall include the singular.

The word "shall" is always mandatory and never discretionary. The word "may" is merely permissive or discretionary.

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The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," "reserved for," and "occupied for."

B. Definitions of words and terms:

abut—to physically touch or border upon; or to share a common property line or border. This term implies a closer proximity than the term “adjacent.”

aisle—the traveled way by which cars enter & depart parking spaces.

alley—minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

applicant—owner of a tract or parcel of land, or the subdivider, developer surveyor, engineer, or other authorized agent representing the owner as appropriate, who submits a plat or who is otherwise subject to the requirements of this Ordinance.

berm—a mound of soil—either natural or manmade—used to obstruct views.  
bicycle lane—a lane at the edge of a roadway reserved & marked for the exclusive use of bicycles.

bicycle path—a pathway usually separated from the roadway, designed specifically to satisfy the physical requirements of bicycling.

board of adjustment—the zoning board of adjustment established pursuant to Ordinance No. \_\_\_\_\_.

block—a contiguous area of land that may contain one or more lots, and which is bounded by any combination of streets, highways, railroad right-of-ways, parks or other public land, waterways, other physical barriers, or exterior boundary of a subdivision. (Lockhart)

bond—

buffer--

building/structure—anything constructed, erected, or placed, which requires a permanent location on the ground or is anchored to the ground, or attached to something having a permanent location on the ground. This include, but is not limited to, advertising signs, billboards, antennas, satellite dishes, wind generators, and buildings whether for storage or occupancy. (Victoria)

capital improvement—

capital improvements program (CIP)—

cartway—the actual road surface area from curblines to curblines, which may include travel lanes, parking lanes, & deceleration & acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved, or hard surface, width.

channel—the bed & banks of a natural stream & which convey the constant or intermittent flow of the stream.

channelization—the straightening & deepening of channels &/or the surfacing thereof, to permit water to move rapidly &/or directly.

cluster development—a development approach in which building lots may be reduced in size & buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under

conventional zoning & subdivision regulations. The additional land that remains undeveloped is then preserved as open space & recreational land.

common access—access shared by adjacent property owners and which is privately owned and maintained.

common open space—land within or related to a development, not individually owned or dedicated for public use, which is designed & intended for the common use or enjoyment of the residents of the development. It may include complementary structures & improvements.

concept plan—a preliminary presentation & attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion & classification; a scale drawing showing the overall development concept of a tract or parcel of land that is prepared for an initial application conference before a plat is submitted.

culvert—a structure designed to convey a water course not incorporated in a closed drainage system under a road or pedestrian walk.

curb—a vertical or sloping edge of a roadway.

City standards-- the City's standards and specifications, together with all tables, drawings and other attachments which are approved by the Council; and those standards so approve, shall become a part of this chapter.

collector street-- a street designed to carry moderate volumes of traffic from minor streets to arterial streets or from arterial to arterial as designated in the thoroughfare plan.

common ownership—

comprehensive plan—the City's comprehensive plan, including any unit or part of such unit separately adopted and any adopted amendment to such plan or parts thereof.

concurrency—requirement that development applications demonstrate that adequate public facilities be available at prescribed levels of service concurrent with the impact or occupancy of development units.

condominium—a multifamily dwelling unit, within which designated units or apartments are conveyed by fee simple title, with an undivided interest in the building's common elements, to include but not be limited to, halls, stairs, elevators, roof, parking space, and the land when the building is not constructed on leased land.

construction plan(s)—the drawings and technical specifications, including bid documents and contract conditions, where applicable, providing a graphic and written description of the character and scope of the work to be performed in the construction of a subdivision.

contiguous—

credit—the amount of the reduction of an impact fee(s), payments, or charges for the same type of capital improvement for which the fee has been charged.

cul-de-sac—a local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

curb—a vertical or sloping edge of a roadway.

dedication—an act transmitting property or interest thereto,  
---owner's gift or donation of property to the City.

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density—the permitted number of dwelling units per gross acre of land to be developed.

design criteria—standards that set forth specific improvement requirements.

developer—the owner of land proposed to be subdivided or his representative who is responsible for any undertaking which requires review and/or approval under the subdivision regulations. Property owner who provides for the development of a tract or parcel of land into an area where building lots or sites are delineated and provided with street access, utilities, and drainage facilities.

development agreement—

design standards—standards which set forth specific improvement requirements.

detention basin—a man-made or natural water collector facility designed to collect surface & sub-surface water in order to impede its flow & to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

divided street—a street having an island or other barrier separating moving lanes.

drainage—the removal of surface water or groundwater from land by drains, grading, or other means.

driveway—a paved or unpaved area used for ingress or egress of vehicles, & allowing access from a street to a building or other structure or facility.

escrow—a deposit of cash with the local government or escrow agent to guarantee the promise to perform some act.

exactions—requirement of development to dedicated or pay for all or a part of land or costs of public facilities as a condition of development approval.

extraterritorial jurisdiction— the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City, the outer limits of which are measured from the extremities of the corporate limits of the City outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated city, and in which area, within the terms of such Act, the City may enjoy the violation of its subdivision ordinance

fence— an artificially-constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials.

flood hazard area—

flood fringe—the area, other than the stream channel and floodway, which occupies the remainder of the 100-year floodplain, and receives shallower waters and less velocities, as defined by FEMA.

floodplain—made up of three (3) parts, the stream channel, the

floodway, and the flood fringe, as defined by FEMA

floodway, regulatory—the flood corridor of a river or other watercourse that is reserved in order to discharge the 100-year flood, as defined by FEMA.

deed-- a legal document conveying ownership of real property.

easement—a grant by the property owner to the public, a corporation, or persons for the use of a strip or tract of land for a specific purpose & within which the property owner shall not erect any permanent structures.

floodplain—any and all land area adjoining the channel of a river, stream, lake, watercourse, marshy area or other drainage element, which has been or may be inundated by stormwater runoff. The extent of the flood plain shall be determined by the crest of a flood having an average frequency of occurrence of once in 100 years, as established by the Federal Insurance Administration.

grade—the slope of a road, street, or public way specified in percentage terms; the average level of the finished surface of the ground adjacent to the exterior walls of a building or structure. (Alvin)

high density—those residential zoning districts in which the density is equal to or greater than one (1) dwelling unit per 10,000 square feet.

highway, limited access—

final plat—a map or drawing of a proposed subdivision prepared to meet all of the requirements set forth in this chapter for approval by the City Council and recordation in general conformance with the final plat recommendation by the Commission. The final plat of any lot, tract, or parcel of land shall be recorded in the records of Jim Wells County, Texas. an amending plat is also a final plat.

frontage—that side of a lot abutting on a street and ordinarily regarded as the front of the lot. However, frontage shall not be considered as the ordinary side of a corner lot.

frontage street—any street to be constructed by the developer or any existing street where development shall take place on both sides.

hardship—a feature(s) of the land (e.g., shape, drainage swell, etc.) which makes compliance with development regulations impractical. The feature(s) are unique to the property and not common to other properties; the feature(s) are not man-made.

impact fee—a fee imposed on new development by the local government pursuant to this Ordinance in order to mitigate the impact(s) on community facilities created by the demand for capital improvements by the new development. Impact fees do not include the dedication of rights-of-way or easements for such facilities, or the construction of such improvements. Impact fees also do not include fees exempt by statute or outside this definition.

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infill development—development designed to occupy scattered or vacant parcels of land which remain after the majority of development has occurred in an area.

linkage—a program which requires developers building nonresidential structures to either construct affordable housing units or pay money-in-lieu of construction into a designated fund to provide housing for the future employees of the site.

local government—The City of Alice, Texas.

local road—a road intended to provide access to other roads from individual properties and to provide right-of-way on either side of it for sewer, water and storm drainage pipes (lines).

lot—a designated parcel of land established by a recorded subdivision plat or development plat and which may be separately owned and used, developed, or built upon.

lot—a tract, plot, or portion of a subdivision or other parcel of land intended as a unity for the purpose—whether immediate or future—of transfer of ownership or for building development.

lot, corner—a lot located at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

lot improvement—any building, structure, place, work of art, or other object located on a lot.

low density—those residential zoning districts in which the density is equal to, or less than, one (1) dwelling unit per 40,000 square feet.

major subdivision—all subdivisions not classified as minor, including but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of local government facilities or the creation of any public improvements

master plan (comprehensive plan)—A statement of public policy containing the goals and objectives of the community; capital improvements programs; land use plan; thoroughfare plan; community facilities plan; subdivision and zoning regulations and other development codes, ordinances, policies, and plans promulgated by the City Council for quality and orderly growth of the community (Lockhart).

medium density—those residential zoning districts in which the density is between 10,000 and 40,000 square feet per dwelling unit.

minor subdivision—any subdivision containing three (3) or fewer lots fronting on an existing street and not involving any new street or road, or the extension of municipal facilities or the creation of any parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Official Zoning Map, Zoning Ordinance, or this Subdivision Ordinance.

offset—the amount of the reduction of an impact fee designed to fairly reflect the value of area-related facilities or other oversized facilities, pursuant to rules herein established or administrative guidelines, provided by a developer pursuant to the City’s subdivision or zoning ordinances.

off-site—any premises not located within the property to be subdivided whether or not in the common ownership of the applicant.

owner—person, individual or group of individuals or corporation, general or limited partnership, joint venture, unincorporated association or governmental or quasi-governmental entity holding legal title to the property.

plat—a map, drawing, chart or plan showing the exact layout and proposed construction of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainageways, easements, alleys and/or any other elements as required by this chapter, and which a subdivider shall submit for approval in accordance with this chapter.

performance criteria—regulation of development based upon open space ratio, impervious surface ration, density, and floor area ratio.

perimeter street—any existing street to which the property to be subdivided abuts on only one (1) side.

person—any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

planned unit development (PUD) or planned development district (PDD)—an area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity containing one or more structures to accommodate commercial or office uses, or both, and appurtenant common areas and other uses incidental to the predominant uses.

preliminary plat—the preliminary drawing or drawings, described in this Ordinance, indicating the proposed layout of the subdivision & to be submitted to the Commission for approval.

primary arterial— a road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the City; and/or as a route for traffic between communities or large areas.

public facility – a non-profit or quasi-public use or institution such as a church, library, public or private school, hospital , or municipally-owned or operated building, structure or land used for a public purposed.

public improvement—any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which City responsibility is established. All such improvements shall be properly bonded.

registered engineer—an engineer properly licensed and registered in the State.

registered land surveyor—a land surveyor properly licensed and registered in the State.

resubdivision— See replat

road, right-of-way width—the distance between property lines measured at right angles to the center line of the street.

screening—either a strip at least ten (10) feet wide and comprised of densely planted shrubs or trees at least four (4) feet high at the time of planting, of a type which will form a year-round dense screen at least six (6) feet high; or an opaque wall or barrier or uniformly painted fence at least six (6) feet high.

secondary arterial—streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such development.

setback—the distance between a building and the street line nearest to the building.

shade tree—a tree in a public place, street, special easement, or right-of-way adjoining a street as provided in this Ordinance.

sketch plat—a sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Commission as to the form of the plat and the objectives of this Ordinance.

standards—the official maps, master plan(s), ordinances details and specifications of the City.

structure—anything constructed, the use of which requires permanent location of the ground or attachment to something having a permanent location on the ground.

street width-- the distance from back-of-curb to back-of-curb. For a rural street, the distance between the outer edges of asphalt pavement.

tract—the same as a lot and shall be subject to the same platting requirements.

transfer of development rights (TDR)—the conveyance of

development rights by deed, easement, or other legal instrument, authorized by ordinance or regulation, to another parcel of land and the recording of that conveyance.

vested rights—

street—a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

subdivision—any land—vacant or improved—which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development—whether immediate or future—either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and non-residentially-zoned land—whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion

Block is a piece or parcel of land entirely surrounded by public streets, normally containing several lots or the equivalent area.

Building line, including building setback line, is a line established in general parallel to the property line, between which and such property line no part of a building shall project.

City refers to the City of Alice, Texas, and may include either the geographic incorporated area or the official governing body.

City council, including council, refers to the City Council of the City of Alice as governed by the conditions of the city charter.

City engineer refers to the person appointed by the governing body of the City of Alice to the office of city engineer, and who is responsible and representative of all engineering matters concerning the City of Alice.

City manager refers to the person appointed by the governing body of the City of Alice to the [office of] city manager, and who is responsible and representative of all administrative matters concerning the City of Alice, or his designee.

Commission, including the planning and zoning commission, refers to the committee appointed by the governing body of the City of Alice, which is responsible and representative of all matters pertaining to planning, development and zoning, in accordance with appropriate Texas law.

Development refers to the construction of one or more new buildings or structures on one or more building lots and the servicing of such with streets and utilities in order to make

them inhabitable or useful. "To develop" is to create a development. A "developer" is any individual, association, corporation, government agency or political subdivision who [that] develops land and/or buildings in accordance with this section. (See also "subdivision.")

Easement is a grant by the property owner of the use of a piece, parcel or strip of land for a specific purpose or purposes by the general public, a corporation, or certain persons, generally used to denote access, drainage, utility and recreation access easements. Unless accepted in writing, the city is not obligated to [provide] maintenance.

Hardship [is] a special circumstance of unusual occurrence wherein some physical condition peculiar to the site renders the strict application of a provision of this ordinance impractical and would be injurious to a substantial property right of the applicant or surrounding properties, or to the public health, safety or welfare of the community at large. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

Lot is a piece or parcel of land having frontage on a public street, which is designated as a distinct and separate entity, and which is or may in the future be offered for sale, conveyance, transfer, lease, improvement or use by other than the present owner.

Master plan, including comprehensive master plan, refers to the legally adopted plan document and/or policy designed to guide future development of the City of Alice.

Plan, including preliminary plan, is the drawing or map on which is presented the subdivider's or developer's plan for the subdivision of all contiguous parcels under single ownership, which conforms to the provisions of these land subdivision regulations for the City of Alice, Texas, for the review of the planning and zoning commission.

Plat, including final plat, is the official drawing or map, which conforms to the provisions of these land subdivision regulations for the City of Alice, Texas, which the subdivider or developer submits for approval and a copy of which he intends to be recorded in the deed records of Jim Wells County.

Street refers to any public or private way for use by vehicular traffic, including the entire right-of-way. The term shall include "avenue," "boulevard," "circle," "court," "drive," "lane," "place," "road," or other vehicular ways as they are generally understood.

Subdivision means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, whether present or future; or the combination of two or more parcels of land to form fewer parcels for the purpose of transfer of ownership or building development; or, if a new street is involved, any division or combination of land. The term shall include resubdivision and when appropriate to the intent shall relate to the process of subdividing or to the land to be subdivided. A "subdivider" is any individual, association, firm, corporation, government agency or political subdivision who [that] divides land in accordance with this section. (See also "development.")

Subdivision ordinance [is] the rules and regulations governing the platting of land, preparation and submission of plats, establishment of platting authority and minimum standards of design for the subdivision of land within the City of Alice, Texas and its extraterritorial jurisdictional limits, whether for residential, commercial or industrial subdivision purposes. The subdivision ordinance shall be adopted by the City of Alice City Council and administered by the same and the municipal staff.

Sec. 2. Standard submittal and review procedure.

2.1. Preparation and quality. All plans and plats shall be clearly and legibly drawn on tracing paper or equal medium on sheets 24 by 36 inches in size. Plans and plats shall be drawn to a horizontal scale of one inch to 100 feet or one inch to 40 feet; provided that under special conditions a smaller or larger scale may be accepted when prior approval of the planning and zoning commission has been obtained. Plats to be filed of record shall be mylar or linen to assure permanence.

Engineering plans shall be prepared on plan and profile sheets and drawn to a scale of one inch equals either 40 or 100 feet horizontal and one inch equals either five or ten feet vertical. Engineering sections and details shall be drawn at any appropriate scales.

2.2. Submittal time and quantity. All plans and plats to be considered by the city planning and zoning commission or city council must be filed, with all associated information, certifications and fees, with the city manager or his designated representative, in the municipal building in Alice. Ten paper prints of each plat must be submitted. Three copies of the associated certifications and engineering plans and documents shall be submitted with each plan or plat. A letter addressed to the planning and zoning commission giving an outline of the proposed improvements shall accompany the submittal. Submittals not completed with all regard to the provisions of these rules and regulations will not be accepted for filing and review by the commission or council. Plans and plats must be filed, and officially accepted for review, at least 15 calendar days prior to the commission or council meeting at which they are to be considered.

2.3. Plat Filing Fees and exemption to filing fees. Each plan and plat submitted for review by the Commission or Council shall be accompanied by a filing fee, as set forth in the most recently adopted Fee Schedule of the City of Alice, Texas. A copy of the fee schedule is available in the inspection office, the public works department, and the City Clerk's office. Subject to compliance with remaining provisions of this section, construction and/or rehabilitation of single-family, owner occupied housing by nonprofit, charitable organization and governmental entities, conducting programs of construction and/or rehabilitation of single-family, owner occupied housing for low- and moderate-income families, shall be exempt from the payment of subdivision platting fees assessed under this Ordinance.

(b) An application for exemption shall be made on a form provided by the City to the City Manager for each property for which an exemption is sought under this section. The City Manager shall determine within ten business days of the filing of the application with the city that the housing proposed for exemption:

- (1) Is qualified for the exemption under the provisions of this subsection;
- (2) Is being constructed or rehabilitated by a qualified entity as set out herein; and
- (3) Is intended to be occupied only by families satisfying the low- and moderate-income limits for the city as established by the U.S. Department of Housing and Urban Development (HUD).

(c) If the city manager determines that the contents of the application are true and satisfy all criteria established by this section, the exemption shall be approved. If the city manager determines that the contents of the application are not true and do not satisfy all criteria set out herein, the application for exemption shall be denied. The city manager shall provide written notice of the approved or disapproval of the application for exemption to the applicant by:

- (1) U.S. certified mail, return receipt requested;

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- (2) Facsimile transmittal;
- (3) Electronic mail; or
- (4) Delivery in person.

(d) The denial of an application for exemption under this section may be appealed to the city council by filing a written notice of appeal with the city clerk within five business days of the receipt of the written notice of disapproval. Upon timely appeal of a decision of disapproval, the city clerk shall place the appeal on the agenda for the next available regular meeting of the city council. The city council may overturn the decision of the city manager only if the city council finds that the housing proposed for exemption:

- (1) Is qualified for the exemption under the provisions of this section;
- (2) Is being constructed or rehabilitated by a qualified entity as set out herein; and
- (3) Is intended to be occupied only by families satisfying the low- and moderate-income limits for the city as established by the U.S. Department of Housing and Urban Development (HUD).

(e) An exemption from payment of fees granted under this section shall not exempt the construction of any such property, nor the builder thereof, from the obligation to comply fully with the city's subdivisions regulations and ordinances applicable to said construction.

(f) The city manager may revoke or suspend any permit issued under this section if at any time the city manager finds that the applicant has made a material misrepresentation of any fact contained in the application for exemption or that at any time prior to the completion of the construction that the property is no longer qualified for any exemption under this section. An appeal from the city manager's decision to revoke or suspend a permit may be made to the city council in the same manner as the appeal of a decision to deny a permit under subsection (d) of this section.

(g) The city manager may delegate duties assigned under this section to a qualified member of city staff. However, any decision to deny, revoke or suspend a permit issued under this section must be made by the city manager.

2.4. Certifications and acknowledgments. All plans and plats submitted for review by the commission or council shall bear adequate recording data of ownership. Final plats shall be accompanied by certificates from the city and county tax collectors that all taxes on the land being subdivided have been paid to the current year.

2.5. Prefiling plan review conference. Prior to filing a preliminary plan with the city manager or his designated representative for its consideration at a planning and zoning commission meeting for approval or disapproval, the subdivider shall submit each plan to the city engineer for review at an informal work session, and no plan shall be considered for approval or disapproval by the commission which has not previously been reviewed by the appropriate city staff at such a work session. The purpose of this prefiling review conference is to familiarize the subdivider with the subdivision regulations and procedure, the provisions of the comprehensive master plan, public improvement design policy and specifications for project improvements, and other public and private decisions which may relate to and have effect upon the proposed subdivision. Preparation and presentation of fully complete preliminary plans at this review conference are not mandatory; however, the subdivider should furnish sufficient information and detail to accurately represent the plan to the appropriate city staff. Additional information may be required upon initial staff review. No approvals, either tentative or final, will be given

preliminary plans upon such review, but the resulting staff recommendations should provide the subdivider an economical measure to avail himself of professional assistance, facilitate the inclusion of all appropriate requirements on the plan and reduce the work load of the commission meeting schedule.

2.6. Preliminary plan filing and review and Preliminary Engineering Design Report (EDR). The subdivider shall prepare a preliminary plan in accordance with the specifications of section 3, and amended in accordance with recommendations of the pre-filing plan review conference. The subdivider shall file each such plan with the city manager or his designated representative in accordance with the schedule of section 2.2 of this ordinance. The subdivider shall submit a preliminary engineering design report (EDR) prepared by a licensed engineer; the following required documents shall comprise the EDR00—traffic study, drainage study, water study, and sewer study.

Deleted: .

The city manager or his designated representative shall, without delay, submit the preliminary plan to all interested departments of the city, the school district and all applicable utility companies for review and comment. The city manager or his designated representative shall make available to the planning and zoning commission upon their first review of the plan all such review comments, specifying any conflict between elements of the plan and any requirements of these agencies or interests, along with copies of the plan itself. A statement of such comments and conflicts shall also be made available to the subdivider prior to the commission meeting at which the plan is initially considered.

2.7. Preliminary plan action. The planning and zoning commission shall approve or disapprove each reviewed preliminary plan within 30 calendar days after consideration. A certificate indicating the action of the commission, whether approval, disapproval or approval conditional to certain changes and modifications, as well as the reasons for disapproval, if disapproved, and specific changes, if any, shall be issued by the commission and a copy of such certification shall be forwarded to the subdivider and a copy retained in the records of the commission.

Failure of the commission to act on the plan within 30 calendar days after consideration shall be deemed approval of it, and on demand the commission shall issue a certificate showing the submittal date and the failure to take action thereon within the legal time; provided further, that in the event substantial changes and/or modifications are to be made in accordance with [section] 2.8 or for other reasonable cause, the commission may extend the time to act on the plan by such time that the commission deems reasonable.

2.8. Substantial changes. If substantial changes and modifications are to be made in a preliminary plan, either by desire of the subdivider or requirement of the planning and zoning commission, a revised preliminary plan shall be prepared and submitted for approval prior to the preparation of the final plat. Submittal of such revised preliminary plan may be subject to resubmittal and the filing fees for preliminary plans of section 2.3, and the pre-filing conference review of section 2.5. The commission shall determine if such changes in the plan shall constitute substantial changes requiring resubmittal. When changes and modifications to a preliminary plan are required by the commission which, in the determination of the commission, do not constitute substantial changes requiring submittal of a revised preliminary plan, the subdivider shall prepare a plan modified in accordance with the conditions of the commission's action. Such modified plan shall be submitted to the city manager for review and acknowledgment that all

special conditions of the commission have been met. The city manager shall file a copy of such modified plan in the records of the commission.

2.9. Expiration of preliminary plan. Approval of the preliminary plan shall expire at the expiration of a period of six months from the date of such approval by the commission, unless a final plat has been submitted for approval, provided that the expiration date may be extended for six additional months by the commission prior to expiration.

2.10. Final plat filing and review. When the planning and zoning commission has unconditionally approved the preliminary plan, or when the city engineer has duly reviewed the plan and acknowledged that all changes and modifications required by the commission which do not constitute substantial changes have been accomplished, the subdivider shall prepare and submit a final plat. Such final plat shall be prepared in accordance with the specifications of section 4, and shall generally conform in every way to all geometric conditions of the approved preliminary plan including changes, modifications and conditions made thereto by the commission. The commission shall review the final plat and forward the same to the city council with its recommended action, whether approval, disapproved [sic] or conditional approval. When a plat is either disapproved or conditionally approved, a statement shall be prepared and forwarded to the council with the plat and a copy kept in the records of the commission. A copy of such statement of action, with reasons and conditions if required, shall be forwarded to the subdivider without delay following the action of the commission.

2.11. Final plat action. The city council shall approve or disapprove the final plat. Failure of the council to act on the final plat within 30 calendar days shall be deemed approval of it, save and except for any cause deemed reasonable by the city council, and on demand the council shall issue a certificate showing the submittal date and the failure to take action thereon within the legal time. Such certification shall be sufficient in lieu of a written endorsement or other evidence of approval. A copy of the council's action, whether approval or disapproval, shall be forwarded to the subdivider without delay, and a copy kept in the records of the council. If a plat is disapproved by the council, reasons for disapproval shall be included in the statement of action.

2.12. Construction development. When the city council has unconditionally approved the final plat, the subdivider shall provide at said subdivider's sole cost for the completion of all public improvements which will serve the proposed subdivision, including but not limited to streets, sidewalks, street lighting, storm drainage, water and sanitary sewerage, engineering costs, and all testing in connection with all foregoing requirements.

To insure the completion of all public improvements the following applies:

A. City of Alice will not issue building permits for construction of any structures in the subdivision until such time that all construction of public improvements have been completed and preliminary acceptance of improvements by the City of Alice has been complied with.

B. The subdivider's engineer's certification will be required stating that all improvements have been installed per construction plans and specifications before preliminary acceptance of the improvements is granted by the City of Alice.

2.13. Recording and expiration of final plat.

A. A plat shall be filed when one of the following conditions is met:

- (1) When construction of all public improvements is completed and approved; or
- (2) When an adequate performance bond for the entire project has been posted; or

(3) When a letter of credit for the entire project has been received; or

(4) When cash for the entire project has been deposited in escrow.

B. That the city engineer be given discretionary authority to approve plats for filing purposes of subdivisions prior to the completion of the improvements under the following conditions:

(1) That the approved plans for required public improvements have been submitted and construction of said public improvements has been contracted for and is underway and is in the city's opinion 75 percent complete.

(2) That the same developer does not have any outstanding subdivisions not completed.

(3) That the developer submit to the city a sworn affidavit requesting approval of the plat, agreeing to complete the improvements to the satisfaction of the city within one year.

C. The city manager, or his designated representative, shall have the final plat signed and certified by all appropriate parties and the city, after collecting the filing fee from the developer, shall have it recorded in the map records of Jim Wells County. Approval of the final plat shall expire at the end of one year from the date of approval by the city council, unless construction has commenced. Provided that the expiration date may be extended by the city council prior to such initial expiration upon written request by developer. If plan expires and the developer then wants to begin, only the previously unchanged approved final plat needs to be re-submitted to the planning and zoning commission and city council.

D. When a plat is recorded in the map records of Jim Wells County and the subdivision requirements for construction are not complete, no building permits may be issued until the city secretary shall file a certificate in the deed records of the county stating that all provisions of the city's subdivision ordinance have been complied with. A resolution to be passed by the city council shall be recorded in the deed records of Jim Wells County stating that in connection with all plats recorded after the date of this resolution no building permits would be issued until a certificate is recorded in the deed records stating that all requirements of the city for construction are complete. All title companies would then be furnished a copy of said resolution for their information in issuing title policies.

2.14. Foundation permit.

(a) This subsection shall apply only to commercial and industrial subdivisions.

(b) Notwithstanding any other provision of this Code, the building official responsible for the issuance of building permits, upon written application made by the developer, may issue a permit for the construction of a building foundation and any other permits associated with the construction of a building foundation, only if the following conditions are satisfied:

(1) All required public improvements for water, sewer, streets and drainage are at least 75 percent complete as determined by the director of public works or city engineer. The director of public works or city engineer shall require that the project engineer certify in writing that at least 75 percent of the required public improvements have been installed in conformance with all city building codes, regulations and other legal requirements.

(2) Submission of the entire plans and specifications for the whole building or structure and such plans and specifications must be in conformance with all city building codes, regulations and other legal requirements.

(c) The holder of a foundation permit shall proceed at personal risk without assurance that the permit for the entire building or structure will be granted. A certificate of occupancy shall not be issued until all provisions of this Code and any other applicable provisions of law shall have been complied with by the developer.

(Ord. of 12-16-1985; Ord. No. 1703, § 1, 10-14-2002; Ord. No. 1748, § 1, 1-12-2004; Ord. No. 1749, § 1, 2-9-2004)

Sec. 3. Preliminary plan specifications.

3.1. Purpose. The preliminary plan is intended to show all the planning factors necessary to enable the proper municipal approving authorities to determine whether the proposed plan for subdivision and development is satisfactory from the standpoint of public interest in order to produce a subdivision design in which all planning factors have been reconciled. The preliminary plan shall be prepared by qualified professionals trained and experienced in subdivision design.

3.2. Contents. The preliminary plan shall contain the following information on the face of the plan itself:

- A. Name and address of owner of record, subdivider, and engineer or surveyor.
- B. Proposed name and development phase, if any, of the subdivision.
- C. Location of the subdivision by city, county, state, and any additional pertinent location of record data including but not limited to survey identification, block or lot.
- D. Vicinity map showing location of the tract by reference to existing streets and highways, railroads, watercourses, and city's corporate and extraterritorial jurisdictional limits.
- E. Date of plan preparation.
- F. North point and scale of plan. (See section 2.1.)
- G. Names of the owners of record and survey name and number of all adjoining unsubdivided tracts and the names and lot patterns of contiguous subdivisions.
- H. Name, location and dimensions of all existing streets, utilities, and easements within and adjacent to the tract.
- I. Present zoning classification, if any, and the proposed zoning classification, if different, of the subdivision.
- J. Location and identification of all permanent structures and uses within the tract which are to remain as a part of the new subdivision, including but not limited to houses, out buildings, walls, wells, tanks and monuments.
- K. Location and flow of existing drainage courses and structures and the location of floodplains within and influencing the tract as defined by the appropriate United States Corps of Engineers or Federal Flood Insurance Agency study.
- L. Topography shown by contour lines on a basis of at least five feet vertical interval in terrain with a slope of two percent or more, and on a basis of at least two feet vertical interval in terrain with a slope of less than two percent, datum being that of the United States Coastal and Geodetic [Geological] Survey, approved aerial photogrammetric interpretation or specific field topographic survey of tract.

M. Proposed design of the subdivision, including the names, locations and dimensions of all proposed streets, easements and land to be dedicated or reserved for public uses, and the designated uses of all land areas within the subdivision.

N. Proposed layout of all lots for sale or private use, including scaled dimensions, building setback lines, block numbers and lot numbers.

O. Data specifying the gross area of the subdivision, the proposed number of building lots, and the area in residential use and other uses.

3.3. Engineering documents. The preliminary plan shall be accompanied by the following information and documentation concerning the engineering of public improvements:

A. Preliminary drainage calculations for the proposed plan should provide maximum likely runoff in cubic feet per second utilizing the rational formula ( $Q = ACI$ , in which A represents the area to be drained in areas, C is the coefficient of runoff, I is the intensity of rainfall given in inches per hour, and Q is the quantity of runoff from the area in cubic feet per second). The criteria for the design frequencies used should be explained. This study shall conform to the current floodplain regulations of the Federal Flood Insurance Administration.

B. Preliminary engineering plans, profiles, details, specifications and other documentation pertaining to all public improvements which will serve the proposed subdivision, including but not limited to streets, sidewalks, street lighting, drainage, water and sanitary sewerage. The preparation of such engineering documents shall be in accordance with accepted engineering practices and the most current design standards of the City of Alice as provided by the city engineer and adopted by the City of Alice.

C. All preliminary plans and supporting documents shall be clearly stamped "PRELIMINARY PLANS" on each page.

Sec. 4. Final plat specifications.

4.1. Purpose. The final plat is that instrument which becomes the official, accurate, permanent record of the division of land. The final plat is intended to reconcile and present all of the engineering factors with the dimensional precision necessary to construct and install the subdivision and its component parts. Each final plat must conform to a preliminary plan previously approved by the planning and zoning commission.

4.2. Contents. The final plat shall contain the following information on the face of the plat:

A. All information required for the preliminary plan under section 3.2 under items A, B, C, D, E, F, [and] H.

B. The exact location, dimensions, bearings, distances, name and description of all proposed streets, alleys, parks, other public areas, reservations, easements, or other rights-of-way, blocks, lots, building lines, and other sites within the subdivision.

C. A key map of the subdivision location and its surroundings at a minimum scale of one inch equals 1,000 feet, or as approved by the city engineer, with major thoroughfares or other known features shown to indicate the location of the area to be subdivided.

D. Statements signed by the owner dedicating all streets, easements, parks and other public spaces to public use.

E. Acknowledgment for the signature of the chair and secretary of the planning and zoning commission, the city engineer, and the mayor of Alice attesting approval of the plat and the date of approval.

F. Acknowledgment for the signature of the engineer or surveyor responsible for surveying the subdivision attesting to the accuracy of the same with sufficient control points to allow ready reproduction on the ground and further attesting that permanent markers have been placed at all corners of boundary lines of the subdivision.

G. Such other certificates, affidavits, endorsements, or documents as may be required by the city in the enforcement of these and other regulations as determined by the planning and zoning commission.

H. Engineering certification concerning intermediate regional flood elevation.

4.3. Engineering documents and agreements. The final plat shall be accompanied by the following information and documentation concerning the engineering of public improvements:

A. Complete construction plans, profiles, details, specifications and other documentation pertaining to all public improvements which are to be installed to serve the subdivision, including but not limited to streets, sidewalks, lot grading, storm drainage, water and sanitary sewerage. The preparation of such documents shall be in accordance with acceptable engineering practices and the most current design standards of the City of Alice as provided by the city engineer and as adopted by the Alice city council by resolution. Such documents shall bear the seal of the supervising professional engineer.

B. Sidewalks to be installed at time of issuance of building permit.

C. Upon completion of all improvements complete as built plans shall be filed with the city engineer as a part of the subdivision final acceptance.

Sec. 5. Short form procedure.

[5.1.] Purpose and conditions of eligibility. This short form subdivision plat approval procedure may be utilized in lieu of the standard submittal and review procedure when each of the following conditions has been met:

A. The short form plat and supporting instruments and the subdivision which they represent are not otherwise in conflict with V.T.C.A., Local Government Code § 212.001 et seq.

B. The lot covered by the plat does not exceed one lot in size and by deed, surety or field notes will close within accepted engineering standards.

C. The lot covered by the proposed plat has not been nor is presently owned by a subdivider, and no other abutting and contiguous property is owned by the subdivider or present owner.

D. The lot covered by the proposed plat fronts upon a dedicated street of appropriate width and additional right-of-way for widened streets or alleys required to satisfy city standards must be dedicated.

E. The lot neither contains nor creates a significant drainage problem nor is topography a salient development consideration.

F. Easements for all public utilities have been or will be by the platting of this provision dedicated for installation of all utilities required to serve the property.

G. Improvements not existing such as curb, gutter, sewers, sidewalks, water mains, [and] drainage improvements must be provided by the owner and may be installed by building permit together with any proposed structure or building.

5.2. Preparation and contents. The short form plat and supporting instruments and the subdivision which they represent shall be prepared in full conformance with the final plat specifications as prescribed in section 4.2 of this ordinance and be accompanied by the appropriate filing fee of section 2.3 and the certifications and acknowledgments of section 2.4. A registered engineer shall, at the request of the owner and subdivider or as deemed necessary by the city, prepare the plat in accordance with the above provisions, provided that all fees for preparation and filing are paid by the owner as prescribed by section 2.3 and that the owner was and still is so [sic] owner and occupier of the subject property on the effective date of this ordinance.

5.3. Submittal and review. The subdivider shall submit five copies of each short form plat along with all supporting instruments to the city manager at least 15 days prior to the planning and zoning commission meeting at which it is to be considered. The city manager or his designated representative shall cause the plat to be checked and verified by all appropriate city departments and private utilities. If the plat as submitted fails in any way to satisfy the conditions of sections 5.1 and 5.2 of this ordinance or is otherwise in conflict with the requirements of any of these agencies or interests the plat shall be returned to the subdivider for preparation of a standard preliminary plan as prescribed in section 3 and which shall be submitted and reviewed in accordance to the standard submittal and review procedure of section 2. The city manager or his designated representative shall submit the verified short form plat to the planning and zoning commission for review and action. The planning and zoning commission shall approve or disapprove the plat. Failure of the planning and zoning commission to act on the plat within 30 calendar days after consideration shall be deemed approval of it.

(Ord. of 12-16-1985)

Sec. 6. Minimum standards of design.

6.1. Intent of standards. No preliminary plan or final plat shall be approved by the planning and zoning commission or the city council, and no completed improvements shall be accepted by the city engineer unless and until such subdivision and improvements conform to the following minimum standards and specifications, provided that the commission or council may require any additional standards and specifications as determined necessary by the city engineer to secure the health, safety and welfare of the public.

6.2. General provisions. Each subdivision shall conform to the comprehensive plan of the City of Alice and all parts and amendments thereof. Subdivision design shall approximate the existing topography and character of the land in order to minimize clearing and grading and to retain substantially the natural contours, soils and vegetative cover. The subdivision shall conform to the regulations of the zoning ordinance of the City of Alice and all related ordinances and regulations of the city.

The subdivision layout shall be devised for the most advantageous development of the entire surrounding area. Existing design configuration, streets, utilities and other improvements shall be continued. Reserve strips and other devices intended solely or primarily for the purpose of controlling access to streets and other lands either dedicated or intended to be dedicated to public use shall be prohibited.

### 6.3. Streets.

- A. Street rights-of-way widths, roadway and layout design, and construction standards shall conform to the most current policy statements as set by the city council and provided by the city engineer, but in no instance shall a right-of-way of less than 55 feet width be permitted.
- B. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformance with other requirements of this ordinance, and where the commission finds it will be practicable to require the dedication of the other half when the adjoining land is subdivided, the other half of the street shall be platted within such tract.
- C. Street jogs with centerline offsets of less than 125 feet shall not be permitted.
- D. [Streets] shall form blocks which shall not exceed 1,600 feet in length nor be less than 300 feet in length. If a variance is granted for a block length greater than 1,600 feet, a dedicated public easement shall divide the block widthwise at approximately midblock to allow emergency access and drainage and utilities accommodations.
- E. A cul-de-sac street shall be not longer than 700 feet and shall be provided at the closed end with a turn-around having an outside right-of-way diameter of at least 100 feet in residential areas and 200 feet in diameter in commercial and industrial areas. Variance for the cul-de-sac length may be requested to the board of adjustments and appeals.
- F. Local streets intersecting a collector street or major street shall have a tangent section of centerline at least 50 feet in length measured from the right-of-way line of the collector or major street; however, no such tangent is required when the minor street curve has a centerline radius greater than 400 feet with the center located on the collector street or major route right-of-way line. No street intersecting a major street shall vary from an angle of 90 degrees by more than five degrees. Intersections of collector or local streets shall not vary from 90 degrees by more than 15 degrees.
- G. When tangent centerlines deflect from each other more than ten degrees and less than 50 degrees they shall be connected by a curve with a minimum centerline radius of 500 feet for collector streets or 200 feet for local streets. Between reverse curves there shall be a tangent section of centerline not less than 100 feet long.

### 6.4. Alleys and easements.

- [A.] Alleys shall be not less than the following widths: Twenty feet where residential building sites are provided on both sides; 25 feet wherever residential development abuts commercial or when commercial and industrial development abuts on both sides. The planning and zoning commission may waive alley requirements and allow easements.
- B. Alleys should intersect streets at right angles or radially to curved streets where sharp changes in alignment cannot be avoided; property line corners shall be cut off 15 feet on each side to permit safe vehicular movement. Dead end alleys shall be prohibited except where prior development of land adjoining the subdivision permits no other reasonable design; under such circumstances alleys shall be provided with turn-around or back-around facilities at the dead end adequate to permit clear maneuvering of sanitation trucks and utility service equipment.
- C. Utility easements shall be 12 feet minimum width. Water and sewer mains may be installed in same easements only upon approval of city engineer.

### 6.5. Sidewalks.

A. Sidewalks shall be installed within the right-of-way on the residential side of streets which separate residential development from commercial or industrial development and on both sides of streets having residential development.

B. Sidewalks serving single family residential development shall be constructed at a minimum width of four feet when abutting the curb and three feet when located at the right-of-way line. Sidewalks serving commercial and industrial developments shall be constructed at a minimum width of six feet when abutting the curb and four feet when located at the right-of-way line. Sidewalks are required only along major and collector thoroughfares in an industrial or commercial subdivision.

6.6. Street identification name signs. The subdivider shall be responsible for the costs and installation of all street signs. Such signs shall be supplied by the city, and the location thereof shall be within the street right-of-way as approved by the city. No street name shall sound like or be spelled similar to any other street in the city, except where street segments generally align and their future connection is anticipated.

6.7. Street lights.

A. At the city's option, the City of Alice may provide street lights on standard wooden poles if service for lights is aerial.

B. Where the electrical service is underground, the developer shall install metal or fiberglass standard at his or her expense.

C. [The] City of Alice will pay for [the] monthly fuel fee for all street lights. A light may be installed on a cul-de-sac street where the length of the block exceeds 300 feet. Lights are to be installed along all streets at each intersection and maybe installed at mid-block at a spacing of not more than 600 feet. As a minimum standard, lamps for residential streets shall be 7,000 lumens; for collector streets shall be 7,000 lumens; and for a thoroughfare shall be 20,000 or 20,500 lumens.

6.8. Survey markers and monuments. All subdivision boundary corners shall be marked with permanent monuments. Five-eighths inch diameter steel pins, 24 inches long, shall be required at all intermediate lot/property corners, curve tangent point of all lots and parcels within the subdivision. All required markers shall be in place prior to the city's approval and acceptance of the subdivision plan or plat.

(Ord. of 2-13-1984)

Ratio of Testing

Densities:

TABLE INSET:

- a. Subgrade Minimum 1 per 200' of street
- b. Under curb/gutter Minimum 1 per 200' of curb
- c. Caliche base Minimum 1 per 200' of street
- d. Lime stabilized base Minimum 1 per 200' of street
- e. Lime subgrade Same as caliche
- f. Backfill density Minimum of 10 Proctors (moisture-density relationship)

- g. Subgrade (RAW) 1 per subdivision unless material changes
- h. Lime stabilized base 1 per subdivision unless material changes
- i. Caliche 1 per 5,000 C.Y. material or less

Atterberg limits and gradation:

- a. Caliche 1 per 5,000 C.Y. material or less

Hot-mix control:

- a. Surface course design 1 per subdivision
- b. Base course design 1 per subdivision
- c. Extractions Twice per day run/minimum 1 per 500 tons
- d. Densities (in place) 1 per 1,000' of street,

Concrete:

- a. Curb/gutter 1 Set (3) per 500'
- b. Sidewalk 1 Set (3) per 4,000 S.F.
- c. Inlets 1 Set (3) per 6 inlets

The above schedule is a minimum schedule for testing, failures not included. In the event of failures, additional tests will be taken. If excessive rain occurs on a previously testing [tested] section, the city shall have the right to order retests as necessary.

Construction Details

Standard details showing requirements for attaining approval of construction by the City of Alice.

Streets & R.O.W.

Sidewalk

Sidewalk ramp

Driveway

Street cross-section

Valley gutter

Curb and gutter

Sanitary sewer

Sewer connections

Cleanout detail

Sewer manhole

Drop manhole

Shallow manhole

Manhole adjustment

Storm drainage

Storm drain manhole

Inlets

Pipe embedments--to be used for all pipe

Water

Fire hydrant

Water valve and box

Thrust blocks

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Guidelines for Designing  
Street Improvements in the  
City of Alice  
Street layout.

1. Intersections: All intersecting streets should meet at right angles.
2. Residential street:

TABLE INSET:

- |    |                    |                             |
|----|--------------------|-----------------------------|
| A. | Right-of-way width | 55'                         |
| B. | Pavement width     | 31' Back to back of curb    |
| C. | Curb and gutter    | 6" "L" type                 |
| D. | Base thickness     | 6"                          |
| E. | Parabolic crown    | 6" from flow line of gutter |

3. Minor street:

TABLE INSET:

- |    |                    |                             |
|----|--------------------|-----------------------------|
| A. | Right-of-way width | 55'                         |
| B. | Pavement width     | 36' Back to back of curb    |
| C. | Curb and gutter    | 6" "L" type                 |
| D. | Base thickness     | 9"                          |
| E. | Parabolic crown    | 8" from flow line of gutter |

4. Collector street:

TABLE INSET:

- A. Right-of-way width 60'
- B. Pavement width 44' Back to back of curb
- C. Curb and gutter 6" "L" type
- D. Base thickness 12"
- E. Parabolic crown 9" from flow line of gutter

5. Major street:

TABLE INSET:

- A. Right-of-way width 80'
- B. Pavement width Determined by each individual case

6. Classification of streets: The classification of streets (residential, minor, etc.) will be determined by the City of Alice based on the master plan; the developer and/or his engineer is urged to work closely with the city in preparing the preliminary plat.

7. Cul-de-sacs and dead end streets:

TABLE INSET:

- A. Maximum length 700'
- B. Minimum radius for cul-de-sac
  - (1) Right-of-way 50'
  - (2) Pavement 40' (Back of curb)
- C. Dead end streets: When dead end streets occur because the subdivision is being developed in units, the following shall apply:
  - (1) Streets on which houses do not front: A suitable barricade shall be provided.
  - (2) Streets on which houses do or will front: A temporary cul-de-sac must be provided.

Minimum slope.

TABLE INSET:

- A. Curb and gutter 0.2%
- B. Concrete valley gutter 0.4%
- C. Curb return Minimum drop of 0.20 ft.

Subgrade. Subgrade shall be scarified six inches and recompact to 100 percent standard proctor density. Subgrade shall extend to one foot beyond the back of curb and gutter.

Base course. Base shall be compacted to 95 percent modified proctor density. All caliche will be City of Alice standard specification.

Concrete valley gutter. Concrete valley gutter shall have a minimum width of three feet.

Wear surface. One and one-quarter-inch hot-mix, type D, state highway department standard specification 340 in residential areas. Others as required.

Specifications. Standard City of Alice specifications shall be used for all construction.

Guidelines for Designing  
Water Distribution Systems in  
the City of Alice

1. Layout.
  - A. All lines shall be looped.
  - B. Whenever possible water lines shall be located in the alley or street.

C. Fire Hydrants:

- 1) Fire Hydrants shall be located whenever possible at street intersections, along required fire apparatus access roads, and adjacent public streets.
- 2) Fire hydrants shall be spaced a maximum of 1000 feet apart.
- 3) Fire hydrants are to be located so there will be a fire hydrant every three hundred (300) feet in the mercantile and industrial areas, and every five hundred (500) feet in residential areas. In any case, a fire hydrant shall be placed no more than one hundred (100) feet from the curb line at the intersection of two (2) arterial streets as defined herein. Hydrants are to be located so that no structure shall be more than five hundred (500) feet in hose-laying distance from a fire hydrant. Hose-laying distances shall be computed as that distance the fire apparatus must travel for the purpose of laying a fire hose on Public Street or private drive or shall be the equivalent of an approved fire lane including the required turning radius and shall include any distance between the structure and said street or drive.
- 4) Water mains shall be not less than six (6) inches in diameter, looped, in residential sections and not less than eight (8) inches in diameter in mercantile districts.
- 5) Fire Hydrants shall be City of Alice standard.

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**FIRE DEPARTMENT ACCESS ROADS**

Access is a necessity when it comes to fire fighting. Fire department vehicles vary widely in size. All must be able to maneuver into position to properly undertake fire-fighting activities. Access roads must be designed to ensure the fire department has the required access to all structures on a site.

1. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm).

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This section specifically requires a minimum width of 26 feet (7925 mm) when a hydrant is located along that access roadway. This provides more room for the fire department vehicle to maneuver and connect to the hydrant. In many cases, a full 26 foot (7925 mm) width may not be possible for a majority of the access road and a possible solution is to simply widen the access road for a short distance to accommodate hydrant use.

2. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and Turnaround provisions in accordance with Table A

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**TABLE A**  
**REQUIREMENTS FOR DEAD-END FIRE**  
**APPARATUS ACCESS ROADS**

<u>LENGTH</u> <u>(feet)</u>	<u>WIDTH</u> <u>(feet)</u>	<u>TURNAROUNDS REQUIRED</u>
<u>0-150</u>	<u>20</u>	<u>None required</u>
<u>151-500</u>	<u>20</u>	<u>120-foot Hammerhead, 60-foot "Y" or</u>

		96-foot-diameter cul-de-sac
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.

*Though the widths of the access roadways may be sufficient to move and operate the necessary equipment at a fire scene, they may not be wide enough for the vehicles to turn around. On through streets this is not an issue, but when the road is a dead end and is sufficiently long, some means are necessary to enable fire department vehicles to turn around. The three major methods used are cul-de-sac, hammerhead and "Y." Dead ends require a fire vehicle turnaround when they exceed 150 feet (45 720 mm). This distance is thought to be reasonable. Backing a large vehicle over 150 feet (45 720 mm) becomes too difficult. This table, which is based on the depth of a dead end, sets minimum widths and recommends which types of turnarounds should be used.*

### **MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS**

- 1. Projects having more than 100 dwelling units.** Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

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**Exception:** Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the *International Fire Code*.

*This section is intended to provide some specific guidance to jurisdictions for dealing with larger apartment complexes. More than one access road is needed when there is a potential for an access road to be unavailable. In a large complex there is a large potential for loss. Lack of access should not become a factor in such a loss. This section requires at least two separate access roads any time the number of dwelling units exceeds 100. The term "approved" is used because the layout of the complex may require some specific considerations when providing the access roads. For example, having two access roads leading onto a facility that come together before reaching the actual buildings may not satisfy the criterion of remoteness to be effective in an emergency. The exception would allow a single access road for up to 200 dwelling units if all buildings on the site are fully sprinklered to meet code requirements. This exception acknowledges the effectiveness of sprinklers in slowing the growth of fires; therefore, the risk of having the access road blocked or unusable is a more acceptable.*

- 2. Projects having more than 200 dwelling units.** Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

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*Because of the large size of such complexes and the potential for large losses, even where sprinklers are installed, two approved access roads should be required.*

### **ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS**

- 1. One- or two-family dwelling residential developments.** Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads.

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#### **Exceptions:**

- Where there are 30 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.

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2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official. ← - - - - Formatted: Bullets and Numbering

Note that the Building Codes apply only to the construction of the structures of one- and two-family dwellings and not to the development of the site upon which multiple such structures are built. Accordingly, where the IFC is adopted, its fire apparatus access road and water supply provisions contained in Chapter 5 (and, where specifically adopted, the related appendices) would apply because they are dealing only with land development requirements providing fire protection access and fire protection water to the community. This section requires that subdivisions consisting of more than 30 units have more than one access road into the complex. The second access road is needed in case one access road is unusable. Because the number of units is higher, the potential for loss becomes higher. The two access roads must also be remote from one another to reduce the likelihood that both access roads would be unavailable during a fire or other emergency. Exception 1 states that when there are 30 or less dwelling units with approved residential sprinkler systems, a second access road is not required. It does not consider any development having more than 30 units regardless of whether or not they are equipped with sprinklers. Exception 2 requires approval by the fire code official any time a new house is constructed on an existing access road. This gives the fire code official an opportunity to assess whether additional access is required.

**Remoteness.** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

This concept is similar to the one dealing with the remoteness of exits. One of the primary reasons for multiple access roads is to ensure that if one access road is blocked or otherwise unavailable, another will allow access to the fire department. Therefore, when more than one access road is required, they need to be separated by enough distance to avoid a situation where both would be blocked or unavailable simply because they are too close to one another.

Fire hydrants:

- (1) Fire hydrants shall be located whenever possible at street intersections.
  - (2) Fire hydrants shall be spaced a maximum of 1,000 feet apart.
  - (3) Fire hydrants shall be located in such a manner that it is no farther than 500 feet from any lot within the subdivision 300 feet for commercial subdivision).
  - (4) Fire hydrants shall be located on a looped water main having a minimum diameter of six inches.
  - (5) Fire hydrants shall be City of Alice standard.
2. Minimum size--As determined by the City of Alice.
    - A. Water mains shall be at least six inches in diameter.
    - B. Water lines serving up to 12 houses are not considered water mains but must be at least four inches in diameter.
    - C. Water lines serving up to four houses are not considered water mains but must be at least two inches in diameter.
    - D. Water mains shall be eight inches for looping as determined by the city engineering department.
  3. Valves. The arrangement of valves for the water distribution system shall be worked out jointly with the City of Alice.
  4. Specifications. Standard City of Alice specifications shall be used for all construction.
  5. Testing. [The] City of Alice will require hydrostatic testing performed by the developer and monitored by the City of Alice.

Guidelines For Designing  
Storm Drainage Systems in  
the City of Alice

Design. Shall be on a two-year frequency.

Drainage facilities. Streets may be used for stormwater drainage only if the calculated stormwater flow does not exceed the following:

Width of Street (Back to Back)

TABLE INSET:

	31'	36'	44'
Slope 0.20%	18 Cfs	20 Cfs	21 Cfs
Slope 0.25%	20 Cfs	22 Cfs	24 Cfs
Slope 0.30%	22 Cfs	25 Cfs	27 Cfs
Slope 0.35% up		24 Cfs	27 Cfs 29 Cfs

Pipes. When streets are not adequate to carry the calculated stormwater, storm drains shall be provided.

Storm drain pipes may be designed to flow under pressure. Head loss may be determined by using Manning's Formula.

Friction coefficient:

TABLE INSET:

- .012 Concrete pipe
- .019 Corrugated metal pipe

Inlets. When stormwater is intercepted by storm drains, slot type inlet shall be provided. Size of inlets shall be determined on the basis of 1.2 Cfs per foot of slot when the slot is six inches high.

Ditches. When open ditches are approved for use, the following shall apply:

TABLE INSET:

- A. Ditches shall be sized to carry the calculated runoff using "Manning's Formula".
- B. Side slope (maximum):
  - Earth ditches: 2 1/2 to 1
  - Concrete lined ditches: 1 to 1
- C. Roughness coefficient:
  - Earth ditches: .025
  - Concrete lined ditches: .015
- D. Velocity:
  - Earth ditches: Maximum 8 Fps  
Minimum 2 Fps
  - Concrete lined ditches: Maximum 10 Fps  
Minimum 2 Fps
- E. Free board: Minimum 1 ft.

Hydraulic gradient. In the design of any storm drainage system, the location of the hydraulic gradient shall be established and at no point shall the hydraulic gradient be more than 0.5 above the top of the curb.

Specifications. Standard City of Alice specifications shall be used for all construction.

Special note. These standards shall be enforced when outfall drainage is available.

#### Section 7. Variances.

(a) General. Where the Commission finds that an unnecessary and extraordinary hardship would result from strict adherence to this Ordinance, and the purposes of this Ordinance may be served to a greater extent by an alternative proposal, the Commission may recommend the approval of variances to this Ordinance to the Council. Variances may be granted so that substantial justice may be done and the public interest secured; provided, that such variances shall not have the effect of violating the intent and purpose of this Ordinance. Furthermore, the Commission shall not recommend approval of variances to the Council unless the Commission shall make findings based upon the evidence presented to it in each specific case that:

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(1) The granting of the variance will not be detrimental to the public safety, health, or welfare, be injurious to surrounding property, or violate the intent and purpose of this Ordinance;

(2) The granting of the variance is not based upon a hardship that is self-imposed by the developer/applicant.

(3) The hardship is not based solely on the cost of complying with this Ordinance; and

(4) The hardship is based upon circumstances which are unique to the property for which the variance is sought, and not circumstances common to other properties.

(b) Conditions. In recommending approval of variances to Council, the Commission may require such conditions as will, in its judgment, secure substantially, the objectives of the standards and requirements of this Ordinance.

(c) Procedures.

(1) Application. An application for any variance shall be submitted in writing to the director of planning on forms provided in Appendix F of Ordinance No. 92-8 at the time when, if required, the preliminary plat is filed for consideration by the planning commission. If the variance is not submitted in association with a plat, the application shall be submitted by the deadline set forth in the approved submittal schedule provided in Appendix B of Ordinance No. 92-8. The applicant(s) shall be the owner(s) or legal agent for the owner(s) of the subject property. The variance application shall include the following:

a. A completed variance application form;

b. The appropriate fee, as specified in Appendix A, of Ordinance No. 92-8;

c. A copy of the deed to the subject property;

d. A letter describing the reasons and/or hardship for the request, stating fully the grounds for the variance and all of the facts relied upon by the petitioner; and

e. A plot plan of the subject property.

(2) Public hearing and notice. Each variance request shall be considered at a public hearing before the planning commission. Notice of such public hearing shall be required as follows:

a. Newspaper. Due notice, in the form provided by the director of planning, of a variance public hearing shall be published in the Victoria Advocate newspaper, in the legal classified advertisements section, at least ten (10) days prior to the public hearing date.

b. Mail. Due notice, in the form provided by the director of planning, of a variance public hearing shall also be given by mail to all owners of property located within two hundred (200) feet of the affected property; required mailings must be made at least ten (10) days prior to the public hearing date.

c. Verification of notice. Verification of notice as required by this section shall be documented in the form of an affidavit of publication received from the Victoria Advocate newspaper and a signed statement by the director of planning as witness of required mailings. Verifications of notice will be held on file by the planning department.

d. Cost. The preparation of the notice of public hearing and required mailing list shall be the responsibility of the planning department. The cost of publication and mailing of the required notice of public hearing shall be borne directly by the applicant.

(3) Planning commission action. The planning commission shall either recommend approval or denial of the variance to the city council. The planning commission's action shall be entered into the minutes of the planning commission meeting, specifying the reason(s) which justified the denial or recommendation of approval or denial of the variance. In the event of a recommendation of denial by the planning commission the applicant shall have seven (7) days in which to notify the director of planning in writing that appeal to the city council shall be processed; otherwise, the denial becomes final.

(d) Hearing on individualized determination of exaction. As an exception to the requirements of the findings specified in subsection (a) for the recommendation of a variance, the planning commission may recommend a variance to a requirement of this chapter that an interest in property be dedicated as a condition of plat approval if the planning commission determines that an exaction required by this chapter is excessive in relation to the nature and extent of the proposed development. Any developer may request the planning commission make such findings concerning an exaction. Such a request shall be in writing, on a form provided by the director of planning and be accompanied by the payment of a separate fee as provided in this Code. At the exaction hearing, the developer may present evidence on the relationship of the exaction to the impact of the proposed development. The planning commission or the city council may, on its own motion, at any hearing concerning a subdivision plat or variance associated therewith, without further or more specific notice or request by the developer, make findings concerning the relationship of an exaction to the nature and extent of the development. The city council may overturn, upon written appeal, any finding of the planning commission concerning the relationship of an exaction to the nature and extent of the proposed development. Failure of a developer to properly request an exaction hearing and a variance to a dedication requirement prior to the planning commission's consideration of the final plat for the subdivision shall constitute the developer's waiver of his right of review of the relationship of the exaction to the impact of the proposed development.

(Ord. No. 92-8, § 1, 3-17-92; Ord. No. 2000-14, § 1, 6-6-00)

#### Section 8. Exemptions from Platting.

(a) When any lot, and a portion(s) of a lot(s) from a recorded subdivision, total a larger tract in width and/or size than the average lot in the same block, and are owned as a single unit for residential use, no replat shall be required. This exemption shall not apply to any extension across an easement or public way, nor permit changing the facing of the original lots. (Ord. No. 1808, § 1, 2-27-2006)

(b)