

TOWN OF SAN FELIPE
SUBDIVISION REGULATIONS

Resolution and Order

On October 18, 2005, the Town Council of the Town of San Felipe, Texas, met at City Hall with the following members present:

Bobby Byars, Mayor
Curtis Brenner, Mayor Pro Tem
Derrick Dabney, Council Member
David Ellis, Council Member
Alfred Hall, Council Member
Noah Hankins, Council Member

when, among other matters, came for consideration and action the following Resolution and Order:

WHEREAS, the Town Council, after proper notice, held a public hearing on October 11, 2005 concerning the adoption of Subdivision Regulations for the Town of San Felipe, and

WHEREAS, after soliciting public comments, the Town Council finds that adoption of Subdivision Regulations for the Town of San Felipe will be in the best interests of the Town of San Felipe.

NOW THEREFORE: BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SAN FELIPE, TEXAS:

Section 1: The Town Council adopts the attached document as the Town of San Felipe Subdivision Regulations and orders that it take effect on and after this day.

Section 2: The Mayor of the Town of San Felipe is authorized to sign this Resolution and Order as an act of the Town Council.

The Resolution and Order was moved by Council Member _____, seconded by Council Member _____, and adopted by the Town Council of the Town of San Felipe, Texas by a vote of ___ members for and ___ opposed.

Bobby Byars
Mayor
Town of San Felipe, Texas

Index

ITEM	PAGE
1. Authority	1
2. Purpose	2
3. Definition of Terms	2
4. Plat Required	5
5. Plat Not Required	5
6. Town Engineer Pre-Conference	5
7. Preliminary Platting Procedure	6
8. Final Platting Procedure	10
9. Responsibility for Payment of Installation Costs	14
10. Responsibility for Cost of Town Engineer and City Attorney Review	14
11. Replats	15
12. Improvement Construction Security and Acceptance	15
13. Improvement Maintenance Security and Acceptance	17
14. Substandard Subdivisions	18
15. Drainage	18
16. Lots	19
17. Flood Hazard Areas	19
18. Variances	21
19. Penalties	22

20.	Summary of Costs	22
21.	Liability of Town Under Ordinance	22
22.	Severability	22

Appendix A --- Engineering Design Standards 24

A1.	Improvement Plans
A2.	Lot Size
A3.	Street Alignments
A4.	Minimum Street Requirements
A5.	Construction: General
A6.	Subgrade
A7.	Base Material
A8.	Wearing Surface
A9.	Concrete
A10.	Street Names and Markers
A11.	Drainage Plan
A12.	Driveways
A13.	Pipelines

Appendix B --- Plat Notes 35

B1.	Street Widening Easements
B2.	Owner's Responsibilities
B3.	Owner's Release
B4.	Lien Holder's Release

B5.	Certificate of Town Council	
B6.	Certificate of Town Secretary	
B7.	Certificate of City Attorney	
B8.	Flood Plain Certification	
B9.	On-Site Sanitary Waste Certification	
B10.	Pipelines	
B11.	Additional Plat Notes & Releases	
	Appendix C -- Infrastructure Development Plan	41
	Appendix D- Engineering Report For Manufactured Home Rental Communities	
		45
	Appendix E -Plat Checklists	48

Town of San Felipe Subdivision Regulations

On October 18, 2005, acting pursuant to Tex. Loc. Gov't Code Chapter 212, the Town Council of the Town of San Felipe, Texas adopted the following regulations governing the subdivision of land. These regulations shall be known as the "Town of San Felipe Subdivision Regulations."

WHEREAS, the Town Council has determined that the passage of an ordinance regulating the proper development of any subdivision of property is necessary to promote the safe and orderly development of the community and to secure adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewage, and other public facilities for the citizens of the Town of San Felipe; and

WHEREAS, the Town Council has determined that the passage of an ordinance regulating the proper development of any subdivision of property is necessary to abide by requirements set forth in the Texas Constitution and the Texas Local Government Code; and

WHEREAS, the Town Council has determined that these subdivision regulations are necessary in order to retain the country atmosphere and ranch style living that the community has been accustomed to and which the citizens of the Town of San Felipe wish to preserve by the inclusion of a minimum lot size; and

WHEREAS, since the incorporation of the Town of San Felipe over 160 years ago, the Town has retained this rural setting and the Town Council believes these regulations and this Ordinance will maintain that for the citizens of the Town of San Felipe.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SAN FELIPE, TEXAS:

SECTION 1. AUTHORITY.

1.1. This Ordinance is adopted under the authority of the Constitution and Laws of the State of Texas, specifically including Chapter 212 of the Texas Local Government Code.

1.2. The Town Council is hereby authorized and directed to promulgate rules, regulations, standards, and specifications for the construction, installation, design, location, and arrangement of streets, curbs, street lights, street signs, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, drainage easements and facilities, and crosswalk ways.

1.3 The Town Council hereby requires the owner of a tract of land located within the City limits of the Town of San Felipe who divides a tract into two or more parts to lay out a subdivision of the tract, including an addition to the Town of San Felipe to layout

suburban, building, or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use, or for the use of purchasers or owners of the lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, to have a plat of the subdivision prepared. A division of a tract under this section includes a division, regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this section does not include a division of land into parts greater than five acres where: 1) each part has access; and 2) no public improvement is being dedicated.

1.4 This Ordinance, by reference, includes all other requirements as set forth in Tex. Loc. Gov't Code Chapter 212, including all requirements as set out in Tex. Loc. Gov't Code Section 212.004.

1.5 The Town Council may amend this Ordinance from time to time. No rules, regulations, standards, or specifications shall conflict with this or any other ordinance of the Town of San Felipe. If a conflict exists or develops, this Ordinance shall prevail. All improvements shall be constructed, installed, designed, located, and arranged by a subdivider in accordance with these rules, regulations, standards and specifications, and any others adopted by the Town Council.

SECTION 2. PURPOSE.

These regulations have been prepared to aid in the orderly development of the Town of San Felipe. Specifically, they have been prepared for the following purposes:

- A.) To furnish a Developer with guidance in the expedient preparation and approval of a plat.
- B.) To protect the citizens of the Town of San Felipe by enacting minimum subdivision standards.
- C.) To provide standards for the location, design, and construction of streets, intersections, drainage improvements, and other features that provide safety for the public.
- D.) To prevent the Street System of the Town of San Felipe from being burdened with substandard local streets.

SECTION 3. DEFINITION OF TERMS.

- 3.1 Acceptable Outfall – that point as determined by a Developer's Engineer and approved by the Town Council where storm water can be released without causing erosion or resulting sedimentation to the receiving channel or its flood plain. Where necessary, outlets shall include structural and vegetative measures to assure non-erosive conditions.
- 3.2 Arterial Streets – those streets that are principally regional in nature, used

for through traffic, and encompassed by two classifications:

- A.) Streets that serve vehicular traffic beyond the limits of a subdivision and/or connect one collector or arterial with one or more collectors or arterials.
 - B.) Streets that are existing county streets, either through dedication or prescription, and carry a name or numerical designation.
- 3.3 Building Setback Line – a line of a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may be erected. No building or structure shall be erected between the street right-of-way and the building setback line.
 - 3.4 Collector Streets – those which connect arterial streets with local streets.
 - 3.5 Councilmember – the Town of San Felipe Councilmember(s) in whose area a subdivision is located.
 - 3.6 Town Engineer – an Engineer, registered to practice engineering in the State of Texas, representing and/or contracted to represent the Town of San Felipe.
 - 3.7 Cul-de-sac – a short public street having but one (1) opening or access to another public street and terminated by a permanent vehicular turn-around.
 - 3.8 Daughter Tract – any of the tracts created by division of a parent tract, including the remainder of the parent tract.
 - 3.9 Developer – any owner or person representing the interests of the owner of property to be subdivided.
 - 3.10 Final Plat – a drawing of a proposed subdivision prepared in a manner suitable for recording in the records of the Town of San Felipe, in conformance with the conditions of preliminary approval of the Town Council, and meeting the requirements of Section 8 of this Ordinance.
 - 3.11 Flag Lot – a lot designed to satisfy the minimum width for the entire length of two adjacent lots in order to develop a larger contiguous portion of the lot to the rear of the adjacent lots.
 - 3.12 Local Streets - those streets which principally provide direct access to lots within a subdivision.
 - 3.13 Lot - any portion of land surface contained within property lines of a specific area, including land within easements and setback lines. The word "lot" includes the word "parcel" and "tract." Lots shall have a minimum of 50 feet

in width at the right-of-way line and shall front a local street. Single-family residential lots shall not have direct access nor front on an urban arterial or an urban collector street.

- 3.14 **Manufactured Home Rental Community** - a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease for the installation of manufactured homes for use and occupancy as residences for a term of less than 60 months without a purchase option. See Appendices C and D.
- 3.15 **Minimum Requirement** – the minimum acceptable requirement.
- 3.16 **Owner** – the person or persons with equitable or legal title to property to be subdivided.
- 3.17 **Parent Tract** – the original tract prior to any division.
- 3.18 **Preliminary Plat** – a drawing of a proposed subdivision meeting the requirements of Section 7 of this Ordinance.
- 3.19 **Recreational Vehicle** – a unit which contains facilities for either sleeping or temporary living quarters, or both, and which has its own motor power or is designed to be mounted on or towed by another motor vehicle. The term recreational vehicle shall include, but not be limited to, a motor home, truck camper, travel trailer, and camping trailer; provided, however, that a recreational vehicle shall not include a boat, a mobile home, or a manufactured home.
- 3.20 **Recreational Vehicle Park** – a contiguous development of land that has been planned and improved for the placement of recreational vehicles and that has been approved by the Town of San Felipe in accordance with applicable codes, laws, rules, and regulations.
- 3.21 **Rural Street** – any street situated so that the spacing of driveways is greater than 100 feet apart.
- 3.22 **Street** - a way for vehicular traffic and used to describe all vehicular through ways, regardless of any other designation, and includes public streets, private streets, and easements. The terms “street” and “road” are interchangeable.
- 3.23 **Subdivision** – the division of a tract into two or more parts with any of the tracts being 10 acres or less in area. Tex. Loc. Gov’t Code Chapter 212 shall control the definition of a subdivision in this Ordinance. Any amendment of the Texas Local Government Code shall amend this Ordinance, without further action by the Town Council.
- 3.24 **Texas Department of Transportation (TxDOT) Standards** – those current

standard specifications set forth in the TxDOT Standard Specifications for Construction of Highways, Streets, and Bridges.

- 3.25 Urban Street – any street situated so that the spacing of driveways is less than 100 feet apart for a distance of 1/4 of a mile. This distance does not apply to a subdivision using curb and gutter. Any curb and gutter street will be considered an urban street.

SECTION 4. PLAT REQUIRED.

The Town Council adopts the following as a guide to the public in determining when a plat is necessary:

- A) A plat is required for any subdivision as defined by Tex. Loc. Gov't Code Chapter 212 and Section 3 of this Ordinance.
- B) It is immaterial that the sale of a subdivision lot is by contract or lease-purchase, rather than by deed, or that the lots are described by metes and bounds, rather than lot and block.
- C) A plat is required to divide a parent tract which is already located within a subdivision.

SECTION 5. PLAT NOT REQUIRED.

The Town Council adopts the following as a guide to the public in determining when a plat is not necessary:

- A) A plat is not required for any subdivision of property that does not meet the definition of Section 3 of this Ordinance.
- B) A plat is not required when an owner of three or more distinct adjacent tracts sells one or more of them, so long as all existing tracts remain intact. To be "distinct," the tracts must have a history of separate use.
- C) A plat is not required when a smaller tract is created by legitimate foreclosure of a valid lien on a part of the parent tract.
- D) A plat is not required if the property has been divided by a final decree of a court of record with appropriate jurisdiction.

SECTION 6. TOWN ENGINEER PRE-CONFERENCE.

- 6.1 Prior to the filing of a preliminary plat, the subdivider shall meet with and present a proposed plan of the subdivision to the Town Engineer for comments and advice on the procedures, specifications, and standards required by the Town of San Felipe.

- 6.2 Under no circumstance shall this pre-conference be construed as the official filing of a preliminary plat with the Town of San Felipe.
- 6.3 Under no circumstance shall this pre-conference be construed for purposes of Tex. Loc. Gov't Code Chapter 245 as the filing of an original application or plan of development that gives the Town of San Felipe fair notice of a project or the nature of a permit sought.

SECTION 7. PRELIMINARY PLATTING PROCEDURE.

The preliminary platting procedure for subdivisions within the Town of San Felipe shall be as follows:

7.1 Pre-application Procedure

Before any preliminary plans are prepared, the Developer should obtain a copy of this Ordinance and become familiar with its requirements in order to avoid unwarranted expenditures of time and money.

7.2 Procedure for Manufactured Home Rental Communities

Developers shall not begin any construction on a proposed manufactured home rental community until they comply with Tex. Loc. Gov't Code Section 232.007 and notify the Town Council in writing of their intention to develop the community.

7.3 General Procedures: Developers shall not begin any construction on a proposed subdivision, until obtaining preliminary plat approval from the Town Council.

7.3.1 Preparation: The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this Ordinance.

7.3.2 Copies: The subdivider shall file eight (8) blue or black line copies of the preliminary plat, together with the original, with the Town Engineer at least fifteen (15) days prior to the date at which formal application for preliminary plat approval is made to the Town Council.

7.3.3 Fees: A preliminary plat shall be accompanied by the appropriate fee pursuant to the current fee schedule of the Town of San Felipe. This fee shall not be refunded should the subdivider fail to make formal application for preliminary plat approval or should the preliminary plat be disapproved.

7.3.4 Application: Formal application for preliminary plat approval shall be made by the subdivider in writing to the Town Council at an official meeting.

- 7.3.5 **Statements:** A developer shall submit in writing from all utility companies and permitting agencies servicing the area statements that service is available to meet the needs of the subdivision, as proposed.
- 7.3.6 The filing of a preliminary plat for approval by the Town Council shall not be considered effective, unless a completed copy of Appendix E and all items listed therein have first been delivered to, reviewed by, and signed off as completed by the Town Engineer. Only after these prerequisites have been met will a preliminary plat be considered completed and "filed" for the purpose of a Developer requesting in writing that the Town Council review and approve a preliminary plat. Once the aforementioned prerequisites have been met, the Developer shall file a formal written application for preliminary plat approval with the Town Council at an official meeting of the Town Council. The approval procedure set out in Tex. Loc. Gov't Code Section 212.009 shall not begin until: (1) the Town Engineer has certified that the preliminary plat has been completed and "filed" in accordance with this Ordinance; and (2) a formal written application for preliminary plat approval has been received by the Town Council at an official meeting of the Town Council.
- 7.4 **Preliminary Plat Requirements:** The preliminary plat shall not exceed eighteen inches (18") by twenty-four inches (24"), shall be drawn to a scale of two hundred (200) feet to one inch (1") (minimum scale), and shall show the following:
- 7.4.1 The proposed name (if any) of the subdivision.
- 7.4.2 North point, scale, and date of preparation.
- 7.4.3 A title block in the lower right hand corner containing the proposed subdivision name, if any, preceded by the words "Preliminary Plat of _____" and the abstract and survey in which the property is located.
- 7.4.4 The names, addresses, telephone number, and facsimile numbers of the subdivider, record owner, and engineer or surveyor.
- 7.4.5 The tract designation, approximate acreage, total number of lots, total area of reserves, other descriptions according to the real estate records of the Town of San Felipe, and designation of the proposed uses of the land within the subdivision.
- 7.4.6 The boundary lines of the tract to be subdivided (both linear and angular); any City, county, and extraterritorial jurisdiction limit lines; and any zoning boundaries, if any traverse or are contiguous to the

subdivision.

- 7.4.7 Vicinity map in the upper right hand corner showing location of the subdivision in relation to existing streets, highways, and railroads within one (1) mile.
- 7.4.8 Contours with intervals of five feet (5') or less, referencing sea level datum.
- 7.4.9 The names of adjacent subdivisions or the names of record owners of adjoining parcels of unsubdivided land.
- 7.4.10 The location, widths, tangent lengths, centerline radii, and names of all existing or platted streets, rights-of-way, public ways, residential lots, parks, lakes and water courses, public areas, easements, reservations, permanent structures, and other sites within or contiguous to the subdivision.
- 7.4.11 Regulatory flood elevations and boundaries of flood prone areas, including floodways, if known.
- 7.4.12 The exact location, dimensions, tangent lengths, centerline radii, description, and names of all proposed streets, alleys, parks, public areas, reservations, easements, rights-of-way, blocks, lots, and areas of special use within the subdivision.
- 7.4.13 A preliminary plan for location and size of all utility lines. The location of all existing utility lines shall be known and indicated.
- 7.4.14 A preliminary plan for proposed fills, structure-elevating techniques, channel modifications, and other methods to overcome flood or erosion-related hazards.
- 7.4.15 A preliminary plan of the drainage system with grade, pipe size, detention reserves, and location of outlets within the tract and immediately adjacent to the tract within two hundred (200) feet.
- 7.4.16 A number or letter to identify each lot or site and each block.
- 7.4.17 Front building setback lines at twenty-five (25) feet on all lots or sites and side yard street setback lines at street intersections or crosswalk ways at fifteen (15) feet for local streets and twenty-five (25) feet for arterial and collector streets.
- 7.4.18 A master plan layout for the entire tract if the subdivision is to be carried out in two or more phases. The master plan for the tract shall be prepared and filed with the Town Engineer prior to the time that the

plans for the first unit of the subdivision are submitted to the Town Engineer. Requirements pertaining to the master plan concerning sheet size and drafting media shall be the same as for the preliminary plat to be recorded. The scale of this submission will be left to the discretion of the surveyor or the engineer.

- 7.5 The Town Engineer shall review preliminary plat plans for compliance with this Ordinance and provide written comments to the Mayor. The comments shall provide information in order for the Town Council to take the following actions:
1. Preliminary Plat Approval
 2. Preliminary Plat Approval, with conditions to be satisfied at the time of Final Plat Approval
 3. Denial of Preliminary Plat Approval
- 7.6 The Developer shall have the right to request the placement of a variance request on the agenda of the Town Council prior to consideration by the Town Council of the preliminary plat in order to address any non-compliance issues not yet resolved.
- 7.7 Prior to placement of the approval of the preliminary plat on the agenda of the Town Council, the Developer shall pay a scanning fee of \$75.00/sheet to the Town Secretary. This fee will be waived if the Developer supplies the Town Secretary with a digital file of the Preliminary Plat. The digital file shall be in a .DWG format or a format that is readily convertible to .DWG format. Payment or file shall be submitted to the Mayor.
- 7.8 Processing of Preliminary Plat by Town Council:
- 7.8.1 The Town Council shall check the completed preliminary plat for conformity with this Ordinance and the standards and specifications set forth herein or referred to herein.
 - 7.8.2 At the official meeting following the meeting where the formal written application for approval of the preliminary plat was filed, the Town Council shall disapprove or approve the preliminary plat with or without written modifications.
 - 7.8.3 Approval of a completed preliminary plat by the Town Council shall be deemed an expression of approval as to: a) the layout submitted on the completed preliminary plat; b) a guide to the installation of streets, utilities, other required improvements; and c) preparation of the final plat. Conditional approval of a completed preliminary plat shall not constitute automatic approval of the final plat.
 - 7.8.4 Approval of a completed preliminary plat shall be effective for one

hundred and eighty (180) days, unless new or significant information reviewed by the Town Council necessitates a revision of the preliminary plat. If the Town Council should deem changes to a preliminary plat as necessary, it shall so inform the subdivider in writing. In such cases, the Town Council may grant a Developer an extension for the effectiveness of a revised preliminary plat up to an additional one hundred and eighty (180) days. In no event, however, shall a preliminary plat be valid for longer than one (1) year from the date of its initial approval by the Town Council.

- 7.8.5 Approval of the preliminary plat does not constitute acceptance of the subdivision by the Town of San Felipe, but authorizes a Developer to proceed with preparation of a final plat. Any subdivision construction prior to approval of the final plat by the Town of San Felipe is prohibited. A penalty will be assessed by the Town of San Felipe if any subdivision construction is commenced prior to approval of the final plat by the Town of San Felipe.

SECTION 8. FINAL PLATTING PROCEDURE

8.1. The final platting procedure for subdivisions within the Town of San Felipe shall be as follows:

- 8.1.1 The final platting procedure will be the same as the preliminary platting procedure, except as otherwise provided in this section.
- 8.1.2 The Town Council shall not grant final plat approval on any subdivision until the Developer meets every subdivision requirement, including signature, letters of credit, bluelined copies, paper copies, and fees.
- 8.1.3 The Developer shall submit to the Town Engineer the specified number of original plats on 4 mil mylar and four identical blueline copies of a size of either 18" x 24" or 24" x 36," at least fourteen (14) days prior to the date of the Town Council meeting at which final plat approval is requested. All text shall be on the front of the mylar. Photocopies are not acceptable. The specified number of required original plats may vary, but will generally be understood to be as one original for the Developer and one original for filing by the Town Secretary. Final plat and construction document review fee shall be \$350 for the first 50 acres, plus \$175 for each additional 50 acre or less increment. Fees must be paid at the time that the final plat is submitted to the Town Engineer.
- 8.1.4 The Town Engineer shall review the final plat and plans for compliance with this Ordinance and shall provide written comments to the Mayor. The comments shall provide information for the Town Council to take the following actions:

1. Final Plat Approval
2. Denial of Final Plat Approval
3. Table Final Plat Approval to resolve outstanding issues.

8.1.5 Prior to placement of the approval of the final plat on the agenda of the Town Council, the Developer shall pay a scanning fee of \$75.00/sheet to the Town Secretary. This fee will be waived if the Developer supplies the Town Secretary with a digital file of the final plat. The digital file shall be in a .DWG format or a format that is readily convertible to .DWG format. Payment or file shall be submitted to the Mayor. A separate check made payable to the Town Secretary shall also be submitted with the final plat.

8.1.6 Following final plat approval, the Town Secretary shall record the final plat in the Plat Records of the Town of San Felipe and shall attach the original final plat to the recording information. The Town Secretary will retain a copy of the final plat for the records of the Town of San Felipe.

8.1.7 Unless preliminary plat approval is followed by final plat approval within one year of preliminary plat approval, the preliminary plat lapses and a new preliminary plat for the subdivision must be submitted to the Town of San Felipe.

8.1.8 The final plat must be recorded within six months of its approval by the Town Council. A single six-month extension to allow recordation of the final plat may be granted by the Town Council.

8.1.9 The final plat must be approved at an official meeting of the Town Council.

8.1.10 The Developer shall provide a letter clarifying the procedure he chooses for construction and maintenance acceptance together with the filing of a final plat. At the time that the Developer provides the letter, the Developer must also provide applicable construction and maintenance securities per Sections 12 and 13 of this Ordinance. Subject to the procedures chosen for construction and maintenance, the Developer may have full responsibility for all improvements maintenance for a period of up to 36 months.

8.2 Final Plat Requirements

8.2.1 Owners' and lien holders' dedication and restrictions, if any, shall be duly acknowledged in the manner required for

acknowledgment of deeds. For street widening and drainage purposes, the Developer may dedicate either the fee interest in the property or a right-of-way easement at the option of the Town of San Felipe. Right-of-way easements for widening streets or improving drainage noted on the final plat must be accompanied by a plat note as found in Appendix B1. All streets, utility easements, street easements, street widening easements, and street widening dedications shall be created by a notarized statement executed by all property owners and any lien holders or their legal representatives.

- 8.2.2 Easements shall be provided for existing utility lines located on the property. Easements for proposed utility improvements shall be identified on the face of the final plat. Existing undefined or "blanket" easements shall be defined prior to final plat approval. If no agreement can be reached on a defined easement prior to final plat approval, building setback lines shall be shown at a minimum distance of 25 feet from and parallel to the nearest pipeline or facility.
- 8.2.3 The final plat shall show the location of the 100-year floodplain as identified on the most current Town of San Felipe Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency. In addition, the final plat shall show the location of special flood hazard areas identified by an engineering study completed under seal of a Registered Professional Engineer. Further the final plat shall designate all easements of public record and shall be accompanied by the plat note as found in Appendix B8. The placement of an elevation benchmark (with the location, description, and elevation of the benchmark) shall be identified on the face of the final plat. The elevation of this benchmark shall be tied into the closest benchmark with the latest USGS datum. Minimum first floor elevations for buildings shall be identified on each lot.
- 8.2.4 The standard note for lien holders' acceptance reflecting that dedications of all public streets and easements shall be accomplished free of liens shall accompany the final plat and shall reflect the language found in Appendix B4. Any required release of liens shall be provided to the Town Council.
- 8.2.5 A form on the final plat as found in appendix B5 for approval by the Town Council and a form on the final plat as found in Appendix B6 authorizing the Town Secretary to file the final plat for record.
- 8.2.6 A copy of a title report commitment or plat letter for the specific

tract of land dated within 30 days of final plat approval shall accompany the final plat.

- 8.2.7 A letter of serviceability from an entity or entities providing water service or a letter from the Developer stating that no service is available within 1/4 mile of the subdivision and certifying that the lots are suitable for private water wells shall accompany the final plat.
- 8.2.8 A copy of tax certificates showing payment of all Town and County taxes and assessments due, as well as payment of all other property taxes and assessments pertinent to the subdivision, shall accompany the final plat.
- 8.2.9 A letter from the Developer acknowledging that it is the responsibility of the Developer, and not the Town of San Felipe, to ensure compliance with the provisions of all applicable state, federal, and local laws and regulations relating to the environment, including, but not limited to, the Endangered Species Act, State Aquifer Regulations, surface water and/or ground water district regulations, and municipal watershed ordinances shall accompany the final plat.
- 8.2.10 Certification by a Registered Professional Engineer under seal that all engineering and renovation for streets and drainage within the subdivision is in compliance with this Ordinance, including the Engineering Design Standards incorporated as Appendix A, and with all generally-accepted engineering standards shall accompany the final plat.
- 8.2.11 A signature block on the final plat as referenced by Appendix B9 for approval by the designated representative for on-site sewage review showing that the final plat is in compliance with the current sewage rules and regulations of the Town of San Felipe, Austin County, and the Texas Commission on Environmental Quality (the "TCEQ"). This signature block must be signed by a representative of the appropriate department prior to final plat approval. Proper site evaluation and typical field sizing, as per TCEQ Regulations, Chapter 285 and the minimum acreage requirements of the Town of San Felipe, will be required to show design feasibility.
- 8.2.12 The following plat notes as found in appendix B11 must accompany the final plat:

Certificate(s) Of Tax Collector
Drainage District Approval

Certificate Of Town Engineer
Legal Description
Certificate Of Surveyor

- 8.2.13 When any public street is established by the final plat that either forms a sub street into adjacent acreage or lies along and parallel with the subdivision boundary and adjacent to acreage, a one (1) foot wide reserve on the final plat shall be established and dedicated to the public within the street right-of-way to form a buffer strip between the right-of-way and the adjacent unsubdivided acreage in order to prevent access to the public street from the adjacent unsubdivided acreage until a final plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one (1) foot reserve on the final plat are contained in the following note that shall be placed upon the face of any final plat where a one (1) foot reserve is to be established: "One (1) foot reserve dedicated to the public in fee as a buffer separation between the side and end of streets where such streets abut adjacent property. The condition of such dedication being that when the adjacent property is subdivided or replatted in a recorded final plat, the one (1) foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and re-vest in the dedicator, his heirs, assigns, or successors."

8.3 Time Limitations of Final Plat

Any final plat filed and approved by the Town of San Felipe shall be effective for two (2) years, unless a revision to the final plat is necessary based upon new or significant information that is reviewed and evaluated by the Town Council. However, in no event shall a final plat be effective for longer than five (5) years where no progress has been made towards construction of the subdivision. At the expiration of two (2) years from the date that a final plat is approved where no progress has been made towards construction of the subdivision, a subdivider shall be required to file a new preliminary plat, subsequent final plat, and meet any new requirement or specification that the Town of San Felipe may have adopted, with regard to any subdivision of property.

SECTION 9. RESPONSIBILITY FOR PAYMENT OF INSTALLATION COSTS.

The Town of San Felipe is not responsible for installation of utilities or streets.

SECTION 10. RESPONSIBILITY FOR COST OF TOWN ENGINEER AND CITY

ATTORNEY REVIEW.

The subdivider or Developer submitting a completed preliminary plat, final plat, or any other type of plat, shall be responsible for the cost for the Town of San Felipe to obtain the assistance of an engineer to review the plat for compliance with this Ordinance. Said cost not to exceed \$1,000.00 for each review necessary. The subdivider or Developer shall also be responsible for any cost to the Town of San Felipe to obtain a legal opinion or review by the City Attorney. Said cost not to exceed a total of \$1000.00 for each review necessary.

SECTION 11. REPLATS.

- 11.1 Once the owner of an existing lot or lots in a legally platted subdivision has followed the final plat procedure as found in Section 8, the owner may initiate a replat by notifying the Mayor. After review of the replat by the Town Engineer, consideration of the replat will be placed on the next agenda of the Town Council for the purpose of setting a public hearing on the proposed replat.
- 11.2 The owner(s) proposing the replat must send notice of the date and purpose of the public hearing by Certified Mail, Return Receipt Requested, at private expense, to each owner of real property in the original subdivision and to each owner of real property within 200 feet of the subdivision lots to be replatted. A copy of this letter shall be sent to the Mayor.
- 11.3 A proposed replat meeting the requirements of this ordinance must be submitted to the Town Council and be signed by each owner, including lienholders, of the property to be replatted. The other owners of property in the subdivision need not give specific written consent.
- 11.4 If the Town Council finds after the public hearing that the replat will not affect established legal rights, it will enter an order partially vacating the original final plat and approving the replat. If the Town Council finds that the replat will affect established legal rights, it shall not approve the replat without the written consent of all affected parties.

SECTION 12. IMPROVEMENT CONSTRUCTION SECURITY AND ACCEPTANCE.

- 12.1 The Developer of any tract that desires to obtain approval of a final plat for recording in the Town records shall construct all streets and drainage in the subdivision to the standards and specifications set forth in the Engineering Design Standards incorporated as Appendix A of this Ordinance.
- 12.2 Improvement plans shall be approved by the Town Engineer who shall certify that the plans are in conformance with this Ordinance. Variances from these requirements shall be permitted only by order of the Town

Council.

- 12.3 A Developer shall give a good and sufficient bond, cash, or letter of credit for construction of streets and drainage. This will be referred to as the construction security. The improvements shall be completed within twelve (12) months of final plat approval and the security shall reflect this twelve (12) month completion period. With approval by the Town Council, an extension for completion of these improvements of up to one (1) year may be granted. This construction security must be payable to the Town Secretary in an amount equal to the estimated cost of construction, according to the calculations of a Registered Professional Engineer as approved by the Town Council. The security shall be conditioned on the completion of construction of all streets and drainage shown on the final plat in accordance with all applicable engineering guidelines.
- 12.4 The Developer shall be entitled to partial reductions of his security requirement with written approval by the Town Engineer and Mayor.
- 12.5 The Developer shall submit construction plans for streets and drainage, traffic signage, landscaping, irrigation, and utilities within a platted subdivision to the Town Engineer for approval by the Mayor prior to final plat approval being granted by the Town Council. These plans shall show the location of all underground utilities, including water, sewage, cable television, electric, gas, telephone, and storm sewers. These plans shall include the design standards as described in Appendix A.
- 12.6 Upon approval of the improvement plans, the Developer shall pay an inspection fee in the amount of 1.5% of the construction cost for streets and drainage.
- 12.7 If landscaping and/or irrigation is proposed within a right-of-way, the Developer shall create an entity (municipal utility district, homeowners' association, neighborhood association, or other entity approved by the Town Council) that will be responsible for the maintenance of and acceptance of liability for the landscaping and/or irrigation. This entity shall have assessment authority to ensure proper maintenance.
- 12.8 When construction has been completed, the Developer shall provide the Town Engineer with a set of "As Built" plans. These plans are to show the improvements as they were actually built. In addition to the plans, the Developer shall pay a scanning fee of \$75.00/sheet to the Town Secretary. This fee will be waived if the Developer supplies the Town Secretary with a digital file of the "As Built" plans. The digital file shall be in a .DWG format or a format that is readily convertible to .DWG format. After the "As Built" plans are received, the Town Engineer will provide the Developer with a letter approving the construction of the subdivision.

- 12.9 The Town Council may determine plats containing "flag lots" to be detrimental to the public interest and welfare and/or safety of the Town of San Felipe. In that event, the Town Council may require internal street construction.
- 12.10 When traffic signal lights are required for traffic generated by subdivisions, the signal lights shall be the responsibility of the Developer and the construction cost shall be included in the security.

SECTION 13. IMPROVEMENT MAINTENANCE SECURITY AND ACCEPTANCE.

- 13.1 By accepting a subdivision plat for filing and/or approving construction of improvements, the Town Council does not accept streets in the subdivision for ownership or maintenance by the Town of San Felipe. The owner of the platted lots is responsible for maintenance of all streets within a subdivision, until such time as the streets have been accepted for maintenance by the Town of San Felipe.
- 13.2 The Town of San Felipe will not accept a street for maintenance without the following:
- 13.2.1 A dedication to the public of an easement or fee interest in the entire street.
 - 13.2.2 Written certification from a Registered Professional Engineer that the street was constructed in accordance with the engineering guidelines in effect when the subdivision was legally platted or that the street has been upgraded to those engineering guidelines since that time. The letter from the Town Engineer as noted in Section 12.8 may be used to meet this requirement. If the subdivision where the street is located was never legally platted, it must meet current engineering guidelines;
 - 13.2.3. Written certification from a Registered Professional Engineer that the street is currently in compliance with applicable engineering guidelines. The cost of any improvements, maintenance, or repairs required to meet this standard shall be borne by the Developer or current owners;
 - 13.2.4. Agreement by the Town Council that the street should be accepted, following an inspection by the Town Engineer; and
 - 13.2.5. The expiration of one year from the date that all streets, drainage, and other improvements in the subdivision are completed, inspected by the Town Engineer, and approved by the Town Council.

- 13.3 With approval of the Town Council, the Developer shall give a surety bond, cash, or letter of credit in an amount equal to 25% of the cost of construction for the streets and drainage in the subdivision. This will be referred to as the maintenance bond.
- 13.4 The Town Council must approve each bond or letter of credit. This security is to be conditioned upon the Developer's maintenance of the streets in a state of good repair, until such time as they are accepted by the Town of San Felipe. The security shall be made payable to the Town Secretary and shall remain in effect until released by the Town Council.
- 13.5 Security will be released when the street qualifies for final acceptance under Section 13.2. Before release of the security, the Town Engineer shall make a final inspection of the streets and the Developer shall remedy all deficiencies. If the deficiencies are not promptly remedied, the Town of San Felipe shall make the repairs and draw on the security for payment.
- 13.6 The enforcement of plat restrictions is the responsibility of the Developer and other owners of the subdivision; however, the Town of San Felipe maintains the authority to enforce plat restrictions by prohibiting the construction or connection of utilities or by prohibiting the issuance of permits, until the requirements of the plat restrictions have been achieved.
- 13.7 The Town of San Felipe will assume no responsibility for drainage facilities in the subdivision, other than those running on or along streets or in approved drainage easements. Maintenance of and liability for landscaped areas within a right-of-way will be the responsibility of the Developer, the municipal utility district, neighborhood association, or other Developer-created entity.

SECTION 14. SUBSTANDARD SUBDIVISIONS.

The Town of San Felipe may accept maintenance of any street located in a subdivision, provided that the streets met all applicable criteria of this Ordinance. The Town of San Felipe will assume no part of the cost of bringing such streets into compliance before acceptance.

SECTION 15. DRAINAGE

- 15.1 Easement. Where a subdivision is traversed by a water course, drainage way, or natural channel or stream, an easement or right-of-way conforming substantially to the limit of such water course, plus additional width to accommodate future needs, shall be provided.
- 15.2 Storm Sewer System. An adequate storm sewer system consisting of inlets, pipes, and other underground and aboveground drainage structures with approved outlets, shall be constructed where the run off of storm water

and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. The subdivider shall submit data and plans for drainage facilities as directed by the Town of San Felipe and under policies of the Town of San Felipe for storm drainage installation.

- 15.3 Storm Drains. Underground storm drains shall be designed to accommodate a five (5) year frequency storm with adequate overload relief for a twenty-five (25) year storm. Design of all bridges, culverts, and open channels are to be based on a twenty-five (25) year frequency with head water depth below the street base course. Developers shall provide a 25 year plus freeboard design for channels with a maximum of 6 feet per second velocity on earth drains.

SECTION 16. LOTS.

- 16.1 Private, Gated Subdivision. In a private, gated subdivision, residential lots shall be defined such that the total number of lots within the subdivision shall not exceed the total acreage of the subdivision divided by five (an average of 5 acres per lot). Additionally, at least 10% of the lots shall equal or exceed five acres and 40% of the lots shall equal or exceed 3 acres. No lot shall be less than two acres. Additionally, lots shall be at least two hundred (200) feet wide. Lots facing a public street will meet the other lot requirements of this Ordinance. Remaining property in the subdivision may be used for parks, walking trails, church lots, and other uses that help retain an open, rural setting.

Where the proposed private, gated subdivision constitutes a unit of a larger tract owned by the subdivider that is intended to be subsequently subdivided as additional residential, commercial, or other units, the preliminary and final plats of the proposed private, gated subdivision shall be accompanied by a layout of the *entire area* (to include the larger tract), showing the tentative proposed layout of streets, blocks, drainage, water, sewage, and other improvements for such areas.

- 16.2 Commercial Lots. Commercial lot sizes shall be determined on an individual basis, as presented to the Town Council for final approval.
- 16.3 Frontage. Each residential lot shall front upon a street. Lots of irregular shape shall not be allowed, unless they have a street frontage of at least two hundred (200) feet.

SECTION 17. FLOOD HAZARD AREAS.

17.1 General.

- 17.1.1 The flood hazard areas of the Town of San Felipe are subject to periodic inundation that results in loss of life and property, health and safety

hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the Town of San Felipe. These flood losses are caused by:

- A) The cumulative effect of obstructions in flood plains causing increases in flood heights and velocities; and
- B) The occupancy of flood hazard areas by uses vulnerable to floods, or hazardous to other lands, which are inadequately elevated or otherwise protected from flood damage.

17.1.2 Lots platted for residential use shall not be platted within the area defined by the one-hundred (100) year flood plain, unless restricted in the private restrictions to be recorded with the final plat so as to prohibit the use of any structure for residential purposes (unless all such structures are constructed so that the finished grade of the lower floor thereof is not less than one (1) foot in elevation above the elevation of the one-hundred (100) year flood plain established by the U.S. Corps of Engineers). The platting of any land within the one-hundred (100) year flood plain shall be in compliance with applicable provisions of the National Flood Insurance Act of 1968, as amended.

17.1.3 Lots platted for recreational, commercial, or industrial purposes in tracts of two (2) acres or more may be platted in the one hundred (100) year flood plain, if the Town Engineer finds that such subdivision would not increase the flood potential of this area or adjacent areas and such platting is in compliance with applicable provisions of the National Flood Insurance Act of 1968, as amended.

17.1.4 Notwithstanding the above, platting may be allowed within the defined flood plain, if drainage facilities are provided which are adequate to assure that inundation will not occur and such facilities are in compliance with design criteria set forth in Appendix A11 of this Ordinance and applicable provisions of the National Flood Insurance Act of 1968, as amended. Plans for said drainage facilities must be designed, signed, and sealed by a Registered Professional Engineer licensed in the State of Texas.

17.2 Purpose. It is the purpose of this section to promote the public health, safety, and welfare and to minimize the losses described in Section 17.1 by provisions designed to:

17.2.1 Restrict or prohibit subdivision of lands for uses which are dangerous to health, safety, or property in times of flood or which, with reasonable anticipated improvements, will cause excessive increases in flood heights or velocities.

- 17.2.2 Require that each subdivision lot in an area vulnerable to floods be provided with a safe building site with non-flood access to a public dedicated street and that public facilities that serve such uses be installed with protection against flood damages at the time of initial construction.
- 17.2.3 Protect individuals from buying land which is unsuited for intended purposes because of flood hazards by prohibiting the subdivision of unprotected flood hazard lands, requiring that flood hazard areas be delineated on the final plat, and reserving through deed restrictions areas not suitable for development.
- 17.2.4 Provide non-flooded access to public roads.

SECTION 18. VARIANCES.

- 18.1 The Town Council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Town Council shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the Town Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted, unless the Town Council finds:
 - 18.1.1 That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and
 - 18.1.2 That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 - 18.1.3 That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - 18.1.4 That the granting of the variance will not have the effect of preventing orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.
- 18.2 The findings of the Town Council required by Section 18.1, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting of the Town Council at which such variance is granted. Variances may be granted only when in harmony with the general purposes and intent of this Ordinance so that the public health,

safety, and welfare may be secure and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

- 18.3 A fee for requesting a variance shall be assessed in accordance with the current fee schedule of the Town of San Felipe.

SECTION 19. PENALTIES.

- 19.1 Tex. Loc. Gov't Code Section 212.008 provides for the enforcement of this Ordinance.
- 19.2 Under Tex. Pen. Code Chapter 7, a person may be responsible as a party to an offense if the person, acting with intent to promote or assist the commission of the offense, solicits, encourages, directs, aids, or attempts to aid another person to commit the offense. Thus, a real estate agent or broker, a lender, an attorney, a surveyor, an engineer, a title insurer, or any other person who assists in violating this Ordinance may also face criminal penalties.
- 19.3 A tract that has been subdivided without compliance with this Ordinance will be ineligible to obtain a permit for the construction or modification of a Private Sewage Facility located on the tract.

SECTION 20. SUMMARY OF COSTS.

Excluding any required bonds or letters of credit, a Developer will pay costs associated with inspection fees, preliminary and final plat review, and scanning fees in accordance with this Ordinance.

SECTION 21. LIABILITY OF TOWN UNDER ORDINANCE.

Neither the Town of San Felipe, nor any authorized agent of the Town of San Felipe acting under the terms of this Ordinance, shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this Ordinance.

SECTION 22. SEVERABILITY.

If any provision, or part of any provision, of this Ordinance is adjudicated by a court of competent jurisdiction to be invalid or otherwise unenforceable, the remaining provisions, or parts of provisions, not so adjudicated shall remain in effect and be fully enforceable.

This Ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law in such case provides.

PASSED AND APPROVED this the ____ day of _____, 2005.

**Bobby Byars
Mayor
Town of San Felipe, Texas**

ATTEST:

**Sue Foley
Town Secretary
Town of San Felipe, Texas**

APPROVED AS TO FORM:

**Susan C. Rocha
City Attorney
Town of San Felipe, Texas**

Appendix A – Engineering Design Standards

A1. Improvement Plans:

The Developer shall employ a Texas Registered Professional Engineer to prepare the "Improvement Plans" in conformance with this Ordinance. Utility companies and other affected public agencies should be consulted before plans are prepared. Improvement Plans shall be submitted to the Town Engineer for approval prior to construction.

- 1.1 Construction Drawings: Two (2) white background prints of the drawings shall be submitted and the sheet size shall be 24" x 36". The drawings shall be referenced to the name and unit number of the proposed subdivision, shall show elevations based on mean sea level datum, and shall be in compliance with the following:
 - 1.1.1 Street Plan Profile: The plan of each proposed street (indicating the existing ground elevations and proposed street grade surface, including existing street grade for a distance of one hundred feet (100') beyond the tract boundary) at a scale of not more than fifty feet (50') per inch.
 - 1.1.2 Street Typical Sections: A typical-section of each proposed street if all are not the same, not to scale, but having horizontal and vertical measurements showing width of proposed stabilization, base, wearing surface, curbs, shoulders, ditches, etc.
 - 1.1.3 Water Supply and Sanitary Sewer System: The plans and profiles proposed and existing water distribution systems and sanitary sewer, if submitted to the required State agencies for approval, shall be submitted to the Mayor to be approved by the Town Engineer prior to commencement of construction.
 - 1.1.4 Drainage: The size, location, and typical sections of drainage ditches (or storm sewer, if used), including easements, shall be shown. All drainage plans, profiles, and computations shall be submitted to the Mayor for approval by the Town Engineer prior to construction.
 - 1.1.5 Existing Utilities: Plans and profiles of existing utilities shall be shown, where applicable.
 - 1.1.6 Bench Marks: Shall be provided at convenient points, with description, location, and mean sea level elevations indicated on the improvement plans.

A2. Lot Size

- 2.1 Minimum lot size shall be one (1) net acre for lots which have a private water well and septic system. All easements are to be excluded from the one-acre calculation. There shall be a 100-foot radius between the water well and any septic system drainfield. All easements must be indicated on plats. The Town of San Felipe and Austin County On-Site Sewage Facility Regulations, or other Federal, State, or Local laws or regulations, may impose further lot restrictions.

A3. Street Alignments

- 3.1 Streets shall be laid out so as to align with existing streets in adjoining or nearby subdivisions, leaving the possibility of connecting the subdivisions with a minimum of street construction. No voids shall be left within the subdivision with the intent of avoiding responsibility for constructing streets or bridges, nor along the subdivision boundary to avoid connecting with adjacent subdivisions or streets. Arterials shall be placed and designed in accordance with any arterial street plan that contains the subdivision. Collectors will be placed in accordance with plans as authorized by the Town Engineer.
- 3.2 Maximum block length shall be based on the average lot size fronting on the subject street in accordance with the following:

<u>Average Lot Size Not Greater Than (Ac.)</u>	<u>Block Length Length (Ft.)</u>
0.5	800
1.0	1,000
2.0	1,200
5.0	1,800
10.0	2,400
20.0	3,600
40.0	5,000

- 3.3 Dead-end streets which end at property that may be developed may remain as Dead-end streets, but must be extended to the property lines. Dead-end streets which shall remain as Dead-end streets shall end on a temporary cul-de-sac with a minimum 70 foot radius of right-of-way (minimum base 50 foot radius) with Dead end street signs placed on such streets.
- 3.4 Austin County may require an internal street system that minimizes street cuts to existing Austin County streets.

A4. Minimum Street Requirements

4.1 Arterial streets shall be designed as follows:

- 4.1.1** If the arterial is included in a transportation plan, the right-of-way and pavement cross section shall be as required in the plan.
- 4.1.2** The minimum right-of-way (easement) shall be 90 feet.
- 4.1.3** The pavement cross section in a rural subdivision shall be 24 feet of paved surface travel-way with paved eight foot shoulders on each side.
- 4.1.4** The pavement cross section in an urban subdivision shall be two 24-foot travel-ways with a 19-foot median.
- 4.1.5** The minimum design speed shall be 50 MPH.

4.2 Collector streets shall be designed as follows:

- 4.2.1** If the collector is included in a transportation plan, the right-of-way and pavement cross section shall be as required in the plan.
- 4.2.2** The minimum right-of-way (easement) shall be 80 feet.
- 4.2.3** The pavement cross section in a rural subdivision shall be 22 feet of paved travel-way with paved eight foot shoulders on each side.
- 4.2.4** The pavement cross section in an urban subdivision shall be a 37-foot paved travel-way.
- 4.2.5** The minimum design speed shall be 40 MPH.

4.3 Local streets shall be designed as follows:

- 4.3.1** The minimum right-of-way (easement) shall be 70 feet in a rural subdivision and 60 feet in an urban subdivision.
- 4.3.2** The pavement cross section in a rural subdivision shall be 20 feet of paved travel-way with paved four foot shoulders on each side or 20 feet of paved travel way with a 24-inch concrete curb and gutter section.
- 4.3.3** The pavement cross section in an urban subdivision shall be a

30-foot travel-way.

4.3.4 Cul-de-sacs shall have minimum right-of-way of 70 feet (radius), with a rural paving section of 48-foot paved travel way with a paved 4-foot shoulder, or a 48-foot travel-way with a 24-inch concrete curb and gutter section.

4.3.5 The minimum design speed shall be 30 MPH.

4.4 The following standards apply to all streets:

4.4.1 Concrete streets with curbs shall have a back of curb to back of curb width equal to those sections with curb and gutter sections.

4.4.2 The standard for curb and gutter sections, where installed, shall be 24 inches, with 18 inches of base and 24 inches of stabilization beyond the curb.

4.5 Additional Right-of-Way for Existing Streets

4.5.1 Where the subdivision affects a county street, the Town Council shall determine the right-of-way width that will be necessary for the maintenance and improvement of the street.

4.5.2 Where the subdivision affects only one side of a county street, adequate right-of-way shall be provided to obtain one-half the total proposed width to provide right-of-way as prescribed by the Town Council.

4.5.3 Where the development is on both sides of the existing county street, right-of-way for the total prescribed width shall be provided.

4.5.4 Any improvements proposed by the Developer along an existing county street shall:

4.5.4.1 Comply with the standards set in Paragraph 4.1;

4.5.4.2 Be included in the construction plans as approved by the Town Engineer; and

4.5.4.3 Where it is an improved facility, it must be equal to the existing street, at the complete discretion of the Town Council.

4.6 Unless otherwise stated in this Ordinance, all streets shall be designed in accordance with the latest version of AASHTO (American Association of

State Highway and Transportation Officials) "A Policy on Geometric Design of Highways and Streets." All references to "mountainous terrain" shall not apply to the Town of San Felipe.

- 4.7 Private streets shall be allowed at the discretion of the Town Council. Private streets shall be constructed to Austin County standards in all matters. Austin County shall not be obligated in the future to accept any private street into the Austin County road maintenance system.

A5. Construction: General

- 5.1 A preconstruction meeting shall be scheduled prior to the start of construction. The Design Engineer, Developer, Contractor, Subcontractors, applicable Councilmember, and Town Engineer shall attend this meeting. All streets are to be constructed according to specifications found in the current version of the TxDOT Manual Standard Specifications for Construction of Highways, Streets, and Bridges, unless otherwise stated in these standards.
- 5.2 All streets and concrete structures shall be tested by an Independent Testing Laboratory. The subgrade will be tested for Plasticity Index (PI), percent of lime if lime is added, and compaction. Each base course will be tested for compaction and depth. The two course surface treatment will have certification of distribution of AC-5 or HFRS-2 asphalt and of the cover stone. The HMAC course will be tested for compaction and depth. All Proctor density test reports will include a copy of the work sheet showing 100% Design Proctor Standard. Pavement concrete will be tested for flexural strength. A test will be placed at intervals no greater than 500 feet and will be determined by the Town Engineer. The Developer shall pay for all testing and will furnish the Mayor with certified copies of these tests. The Town Engineer must approve the test results prior to any construction of the next course of the pavement being commenced.
- 5.3 Except for electrical lines, all underground nonferrous utilities within an easement or street must be accompanied by ferrous metal lines in order to aid in the location of the utilities through the use of a metal detector.
- 5.4 All pavement is to be designed by a professional engineer. The design is to be based upon a soil report of samples taken along the proposed streets. Test holes will be placed at a maximum spacing of 500 feet. The Town Engineer shall review the report, along with the street and drainage construction plans for the subdivision.
- 5.5 Concrete monuments meeting TxDOT requirements shall be placed at all points of curvatures and tangencies for all rural streets. These monuments shall also be placed at 1000-foot (minimum) intervals along

tangent sections.

A6. Subgrade

- 6.1 The preparation of the subgrade shall follow good engineering practices as directed by the Design Engineer. When the P.I. is greater than 20, then a sufficient amount of lime shall be used in accordance with TxDOT Item 260 – Lime Treatment For Materials Used As Subgrade (Road Mixed) and Item 264 Lime and Lime Slurry, until the P.I. is less than 20. Subgrades such as sand, with low plasticity (P.I. less than 5) shall be cement stabilized. The subgrade will be prepared and compacted to 95% Standard Proctor density. The subgrade shall be watered, rolled, and bladed to a depth of 6 inches before any flexible base material is placed on it.
- 6.2 The subgrade must be inspected and approved by an Independent Testing Laboratory and a certified copy given to the Mayor to be approved by the Town Engineer prior to application of the base.
- 6.3 The subgrade shall extend 24 inches outside the base width.

A7. Base Material

- 7.1 Base material shall conform to TxDOT Item 247 "Flexible Base." The base material shall be Type A Grade 2.
- 7.2 The base will be prepared and compacted to 95% Standard Proctor density + 1-2% optimum moisture. The base must be inspected and approved by an Independent Testing Laboratory and a certified copy given to the Mayor for approval. All streets must have a flexible base. The flexible base shall have a minimum thickness of six (6) inches after compaction of the authorized base material.
- 7.3 The base shall extend 24 inches outside the paving width (including paved shoulders).

A8. Wearing Surface

- 8.1 Urban streets require a minimum 2" layer of HMAC Type D. Compact to 95% Standard Proctor density. Aggregate used in the mix shall be on the TxDOT Quality Monitoring Schedule. The Mayor shall be provided with a copy of the HMAC design.
- 8.2 Rural streets may use the above or two course surface treatment. The type and rate of asphalt and aggregate will be determined at the preconstruction conference. Aggregate used in the mix shall be on the TxDOT Quality Monitoring Schedule. Aggregate shall conform to TxDOT

Item 302. Type B Grade 4 shall conform to TxDOT Item 302.4, except that 98.8 – 100% be retained on No. 10 sieve provided that the decantion test does not exceed 1.0%. Gradation tests will be required for each 300 Cubic Yards with a minimum of one test per each grade per each project. The type of asphalt will be determined at the preconstruction meeting.

- 8.3 Paving material shall be applied only as directed in the TxDOT Manual.
- 8.4 The asphalt surface must be inspected and approved by an Independent Testing Laboratory and a certified copy given to the Mayor for approval by the Town Engineer.

A9. Concrete

- 9.1 The Design Engineer shall determine the class of concrete for each structure. Aggregate used in the mix shall be on the TxDOT Quality Monitoring Schedule. Batch design will be required for each class of concrete. Test beams will be required for each 500 SY or a minimum of one beam for each class of concrete. For structural concrete, test cylinders will be required for each 50 CY. A slump test will be required with each set of test beams. Air entraining and retarding agents used shall be from the approved TxDOT list. Fly ash is not allowed in the mix. Pavement concrete shall have 500 PSI flexural strength at 7 days. If needed, pavement concrete shall test at 3000 PSI compressive at 28 days. Structural concrete shall test at 3500 PSI compressive strength at 28 days.
- 9.2 Minimum pavement requirements shall be as follows:
 - 9.2.1 Subgrade – in accordance with A6.1.
 - 9.2.2 Arterial Street – minimum thickness is seven (7) inches with #4 bars on 18-inch centers each way.
 - 9.2.3 Collector Street - minimum thickness is seven (7) inches with #4 bars on 18-inch centers each way.
 - 9.2.4 Local Street - minimum thickness is six (6) inches with #4 bars on 24-inch centers each way.

A10. Street Names and Markers

- 10.1 All streets to be dedicated to the public in a subdivision shall be named, with prior approval for the name being given by the U.S. Postal Authorities, Austin County's 911 System, and the Town Council. The street names shall be displayed on standard intersection street markers erected by the Developer at each street intersection. All houses in areas

receiving mail delivery shall be numbered. Where rural route mail boxes are in use, the boxes shall be set behind curbs 3 ft. from the edge of the pavement when used. All mailboxes within county right-of-way shall meet current TxDOT standards.

- 10.2 Traffic control signs (such as stop, yield, and speed limit signs), as approved by the Town Council, shall be installed by the Developer of the subdivision at all intersections. Other traffic control signs shall be installed to indicate any unusual traffic or street hazard or conditions that may exist. All traffic control devices shall be placed in compliance with current TxDOT standards, with construction costs to be included as part of the security. The placement of these signs shall be shown in the construction plans.
- 10.3 A speed limit of 25 MPH for local streets, 35 MPH for collector streets, and 45 MPH for arterial streets within all platted subdivisions is required. This limit may be changed only by the Town Council upon a finding that the prima facie maximum reasonable and prudent speed for a particular street (or part of a street) should be different based on an engineering study.
- 10.4 All requirements regarding street names, street signs, and traffic control signs must be fulfilled prior to streets being accepted for final maintenance by the Town Council, per Section 13.2 of this Ordinance.
- 10.5 All street signs shall adhere to the Texas Manual of Uniform Traffic Control Devices (TMUTCD).

A11. Drainage Plan

- 11.1 A complete and detailed drainage plan prepared and sealed by a Professional Engineer, registered in the State of Texas, shall be submitted as part of the Improvement Plans. This drainage plan shall provide for the handling of runoff entering the development from the adjacent property, runoff within the development, and runoff leaving the development to an acceptable outfall. A drawing shall be provided at a scale that will allow any off-site drainage areas to be shown in their entirety. The drainage plan shall show contour lines of the existing property, any natural drainage ways, proposed ditches and culverts with the direction of flow indicated, and the drainage areas clearly marked and numbered. At each proposed drainage structure (not including driveway culverts) the total drainage area and calculated flow rate shall be shown. The drainage plan shall demonstrate that any runoff from the proposed development under the appropriate design conditions will not result in increases in flood damages or levels to downstream properties.
- 11.2 Drainage calculations shall be based on the assumption that all the

property located in the subdivision will be fully developed. Drainage calculations for the sizing of public drainage easements on drainage-ways crossing into and/or out of the subdivision shall be based on the assumption that all of the property located in the subdivision and all the property upstream from or above the subdivision will be fully developed.

11.3 Drainage calculations shall be made using the current TxDOT Hydraulic Manual or other methods satisfactory to the Town Engineer. The Malcolm Small Watershed Methodology shall be used for the creation of hydrographs. The design of all detention facilities shall include routing calculations and outlet calculations.

11.4 Flood-Handling Requirements

11.4.1 Drainage for all local streets shall be designed using a 5-year frequency. Drainage for all collector streets and major thoroughfares shall be designed using a 25-year frequency for open ditch drainage or a 10-year design for curb and gutter streets with storm sewers.

11.4.2 Drainage for culvert and bridge crossings of streets shall be designed using a 25-year frequency.

11.4.3 Drainage for all major channels and outfalls shall be designed using a 100-year frequency.

11.4.4 The drainage design shall demonstrate management and accommodation of runoff up to the 100-year frequency, including overflow easements.

11.5 Plan and profile drawings shall be provided as a part of the Drainage Plan. All existing and proposed drainage structures (except driveway culverts) shall be shown. Typical sections of any proposed roadways and ditches, as well as typical sections of ditches and drainage easements, shall also be provided. Proposed ditch sections shall be based on hydraulic calculations to provide for adequate capacity.

11.6 Driveway Culverts

11.6.1 No driveway culvert will be accepted, unless it has a minimum diameter of 15" and a minimum length of 20 ft. Larger or longer culverts shall be installed, if necessary, to handle drainage based upon the design frequency. Use of "dip type" driveways are permitted, as long as the grade breaks are less than 15%.

11.6.2 The size of driveway drainage culverts for each lot in a

subdivision shall be included in a map or list as a part of the final plat. The Developer shall be held responsible for notifying builders and lot owners of this requirement.

- 11.6.3 Notice of driveway drainage culvert placement requirements shall be placed in all deed restrictions.
- 11.6.4 The construction documents shall include sizes and grades for all driveway culverts for all lots, even if not constructed by the Developer.
- 11.7 Detention facilities, when needed, shall be constructed to restrict runoff from the platted area to a runoff rate based on existing conditions. Operation and maintenance of detention facilities shall be the responsibility of the Developer, a property owners' association, or equivalent, having authority to levee fees for such maintenance and operation. Documentation of the creation and authority of said associations shall be provided with the final plat. Construction documents shall include a grading plan and details for the facility and any inlet and outlet structures.
- 11.8 Building slab elevations shall be 1 ft. above any point on the lot within 5 ft. of the perimeter of the building. Additional elevation requirements may be imposed by the Town of San Felipe Flood Plain Regulations. Some point within the first 10 ft. of driveway shall have the same or greater elevation as the top of the curb where installed across the entire width of the driveway.
- 11.9 Responsibility for drainage is not to be accepted by the Town of San Felipe, other than that which is accepted in connection with draining or protecting streets within approved and accepted drainage easements.
- 11.10 All street side ditches shall have a minimum depth equal to the diameter of the driveway culvert pipe plus six inches and a bottom width equal to the diameter of the driveway culvert pipe. The side slope of the ditches is to be 3:1 or flatter. The minimum longitudinal slope of the ditches is to be 0.10%. Maximum ditch depth shall be four (4) feet from natural ground.
- 11.11 The characteristics of an individual development may be such that additional calculations, plans, and details may be required both for proper review and for construction. The Town of San Felipe shall notify the Developer or the Engineer as this need becomes evident.

A12. Driveways

- 12.1 Minimum driveway spacing on arterial streets without curb and gutter shall be

100 feet.

- 12.2 The use of concrete "dip type" driveways is encouraged. The maximum grade break at each vertical point of intersection shall be 15%. Concrete will be 3000 PSI with a minimum thickness of four inches. Minimum reinforcement shall be #3 at 18" on center each way (ocew).

A13. Pipelines

13.1 Petroleum Pipe Line Crossing

- 13.1.1 When new streets are constructed over pipelines, the pipelines must meet the following requirements:

13.1.1.1 Encased pipe must be at least 3 feet below the deepest proposed ditch grade.

13.1.1.2 Non-cased pipe (of extra wall thickness meeting Federal Regulations) must be at least 4 feet below the deepest proposed ditch.

- 13.2 No street will be accepted for maintenance by the Town of San Felipe which contains a petroleum pipeline within the right-of-way, other than crossing pipelines. The exact horizontal and vertical location of pipe must be shown on the final plat as determined in the field. The note from Appendix B10 must be shown on the face of the final plat.

Appendix B --- Plat Notes

B1. Street Widening Easements

Right-of-way easements for widening streets or improving drainage shall be maintained by the landowner, until such streets or drainage improvements are actually constructed on the property. The Town of San Felipe has the right at any time to take possession of any street widening easement for construction, improvement, or maintenance.

B2. Owner's Responsibilities

The building of all streets, bridges, or culverts is the responsibility of the owners in accordance with the plans prescribed by the Town Council. The Town Council assumes no obligation to build or maintain any of the streets shown on the final plat or of constructing any bridges or drainage improvements. Upon completion of all obligations by the Developer and written approval from the Town Council, the Town of San Felipe will assume full responsibility for maintenance of streets.

The Town of San Felipe will assume no responsibility for drainage ways or easements in the subdivision, other than those draining or protecting streets.

The Town of San Felipe assumes no responsibility for the accuracy of representations by other parties to this plat. Flood plain data, in particular, may change depending on subsequent development.

The owners of land covered by this plat must install at their own expense all traffic control devices and signage that may be required before streets in the subdivision have finally been accepted for maintenance by the Town of San Felipe.

B3. Owner's Release

The standard format for owner's approval of plat restrictions and dedication of easements shall be as follows:

For Corporations (Face of Plat)

We, **(Name of President)** and **(Name of Secretary)**, President and Secretary respectively, of **(Name of Company)**, owner of the property subdivided, in this plat of **(Name of Subdivision)**, make subdivision of the property on behalf of the corporation, according to the lines, lots, building lines, streets, alleys, parks and easements as shown, dedicate for public use the streets, all alleys, parks and easements shown, waive all claims for damages occasioned by the establishment of grades, as approved for the streets and drainage easements dedicated or occasioned by the alternation of the surface or any portion of the streets or drainage easements to conform to the grades, and bind ourselves, our

heirs, successors, and assigns to warrant and defend the title to the land so dedicated.

In Testimony, hereto, the **(Name of Company)**, has caused to be signed by **(Name of President)**, its President, attested by its Secretary, **(Name of Secretary)**, and its seal, this ____ day of _____, 20__.

Name of Company

By: _____
President

Attest: _____
Secretary

Notary Public (for Corporation)

STATE OF TEXAS }
COUNTY OF }

BEFORE ME, the under signed authority, on this day personally appeared **(Name of President)**, President, and **(Name of Secretary)** Secretary of **(Name of Company)**, known to me, to be the persons whose names are subscribed to the foregoing instruments, and acknowledged to me that the same was the act of the corporation, for the purposes and considerations expressed, and in the capacities stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____20__.

Notary Public
In and for _____ County, Texas

For Individual(s) (Face of Plat)

I, (or we), (Name of owner or names of owners), owner, (or owners) of the property subdivided in the above map of the (Name of Subdivision), make subdivision of the property, according to the lines, streets, lots, alleys, parks, building lines and easement as shown, dedicate for public use the streets, alleys, parks and easements shown, waive all claims for damages occasioned by the establishment of grades, as approved for the streets and drainage easements indicated or occasioned by the alteration of the surface or any portion of the streets or drainage easements to conform to the grades, and bind ourselves, our heirs, successors, and assigns, to warrant and defend the title to the land so dedicated.

WITNESS MY (or our) hand in (City), _____,
_____ County, Texas, this ___ day of _____, 20__.

(Signature of Owner)

(Signature of Owner)

Notary Public [For Individual(s)]

STATE OF TEXAS }
COUNTY OF }

BEFORE ME, the undersigned authority, on this day personally appeared [Name(s) of Owner(s)], known to me to be the person(s), whose name(s) is (or are) subscribed to the foregoing instrument, and acknowledged to me that he (she) (they) executed it for the purposes and consideration set forth.
Given under my hand and seal of office, this ___ day of _____, 20__.

Notary Public
In and For _____ County, Texas

B4. Lien Holder's Release

(The following phrase is to be included only if there is a lien against the property)
(Face of Plat)

I (or we), [Name(s) of Mortgage(s)], Owner and Holder (or owners and holders) of a lien (or liens) against the above-described property, the lien (or liens), being evidenced by an Instrument of Record in Volume ____, Page ____, of the Mortgage Records of the Town of San Felipe, Texas subordinate to the subdivision and dedication the lien (or liens), and I (or we) confirm that I am (or we are) the present owner (or owners) of the lien (or liens) and have not assigned the same, nor any part.

NOTE: All lienholder signatures shall be acknowledged by a Notary Public.

B5. CERTIFICATE OF TOWN COUNCIL

APPROVED by the Town Council of the Town of San Felipe, Texas, this, the ____ day of _____, 20 ____.

Mayor
Town of San Felipe, Texas

Town Secretary
Town of San Felipe, Texas

B6. CERTIFICATE OF TOWN SECRETARY

(Face of Plat)

Provide box for Town Secretary’s Statement - 6 inches (right to left) and 2 inches (top to bottom), and adjacent to bottom margin

APPROVAL BY PLAT BOOK RECORDER (Face of Plat)

Date

Plat Book Recorder
Volume _____, Page _____

B7. CERTIFICATE OF CITY ATTORNEY

(Face of Plat)

The certificate must follow all regulations as authorized by Tex. Loc. Gov't Code Chapter 212.

B8. FLOOD PLAIN CERTIFICATION

The following note shall appear on the face of the Plat: “Structures built on lots in the designated Flood Plain must be elevated to the Base Flood Elevation. No building permits will be issued in a floodway below the base flood elevation (B.F.E.). Contact the Floodplain Administrator’s Office for specific information.”

B9. ON-SITE SANITARY WASTE CERTIFICATION

Note: this needs to be completed depending on department titles and in compliance with the minimum acreage requirements of the Town of San Felipe.

B10. PIPELINES

(Face of Plat)

(Show all existing oil and gas pipelines and/or plus pipeline easements or statement that) "No pipeline or pipeline easement exists within the boundaries of this plat."

If pipelines do exist within the proposed subdivision, written "crossing" approvals must be submitted from each owner.

B11. ADDITIONAL PLAT NOTES AND RELEASES

A. CERTIFICATE OF SURVEYOR (Face of Plat)

This is to certify that: I (Name), a Registered Professional Land Surveyor of the State of Texas, have platted the above subdivision from an actual survey on the ground; all block corners, lot corners, and permanent referenced monuments have been set; permanent control points will be set at completion of construction; and this plat correctly represents that survey made by me.

Surveyor
State Registration No. _____
(Seal)

B. LEGAL DESCRIPTION (Face of Plat)

(Herein, provide a legal description [metes and bounds description] of the property platted, tied to an original corner of the original survey.)

C. CERTIFICATE OF TOWN ENGINEER (Face of Plat)

I, (Name of Town Engineer), Town Engineer of the Town of San Felipe, certify that the plat of this subdivision complies with all existing rules and regulations of the Town of San Felipe.

Date

Town Engineer
Town of San Felipe

D. CERTIFICATE(S) OF TAX COLLECTOR

(This document does not appear on the face of the Plat, but is a separate document. A Certificate from each Tax Collector of a Political Subdivision in which the property is located must accompany the final plat to be recorded, showing that all taxes owing to the State, County, School District, Drainage

District, and/or other Political Subdivision, have been paid in full to date.)

E. DRAINAGE DISTRICT APPROVAL (Face of Plat)

(If subject property lies within the boundaries of a Drainage District.)

Date

(Commissioner)

(Commissioner)

Appendix C --- Infrastructure Development Plan

- 1.1 The Manufactured Home Rental Community Infrastructure Development Plan (IDP) shall show at minimum the following:
- 1.1.01 The development shall have a minimum of sixty (60) feet fronting a street or roadway which has been previously dedicated to the public for the public's use and benefit as a street or roadway. Access roads to individual rental spaces must be constructed and paved to a minimum width of 20 feet with a 1 ½ inch thick Hot Mixed Asphaltic Concrete (HMAC) paved surface, 8 inch thick crushed stone base, and, if located in clay or sandy soils, a 10 inch thick treated subgrade.
 - 1.1.02 No space may contain more than one single family residential unit. No common driveways shall be allowed. Each space shall have separate and individual access.
 - 1.1.03 A survey of the property shall be submitted to the Austin County Environmental Protection Office prior to the request by the owner or occupier of the lot for any permit and/or utility services.
 - 1.1.04 The owner shall submit a letter of application, signed by the owner, that stipulates the intention of the owner; name, address, and phone number of the owner; names of water and electricity providers; and name of wastewater provider or type and usage of onsite sewage facilities.
 - 1.1.05 Only 18" x 24" or 24" x 36" sheets will be acceptable and at a maximum scale of 1"=200' (1" = 100' preferred), or as approved by the Town Engineer. An index on the first sheet is required when more than two sheets are required for the IDP.
 - 1.1.06 Names, locations, dimensions (bearings and distances), and layouts of existing and proposed streets, alleys, easements, and other public right-of-way and public street right-of-way easement, alley, park, or other public dedication.
 - 1.1.07 Dimensions, bearings, and distances of the proposed rental spaces.
 - 1.1.08 Signatures and date of approval and certifications on the IDP. These approval signatures shall be not made more than six (6) months prior to the submission. Examples of the required acknowledgments and certifications are as contained in the exhibits

attached hereto.

- 1.1.09 Legal description, acreage, and name of the proposed Development. The Development's name shall not be spelled or pronounced similarly to the name of any existing Development or Subdivision located within the Town of San Felipe.
- 1.1.10 The boundary of the Development indicated by a heavy line and described by bearings and distances.
- 1.1.11 Scale, legend, north arrow, spot elevations on 100' or an appropriate grid, with two foot (2.0') contour lines. Alternate contour intervals may be submitted based on terrain with approval from the Town Council and Town Engineer.
- 1.1.12 Deed record, name of owner, volume, and page number of adjoining properties.
- 1.1.13 Dates of survey and preparation of IDP.
- 1.1.14 Identification code, location, description, and elevation of the USGS or appropriate benchmark used in the survey.
- 1.1.15 Front building setback lines. Back and side building setback lines by note.
- 1.1.16 Location of any corporate or extraterritorial jurisdiction limit lines of the Town of San Felipe.
- 1.1.17 Vicinity map with streets, ditches, general drainage flow directions to the ultimate outfall, City and ETJ limit lines, and other major land features.
- 1.1.18 Net area (gross area less easements) of rental spaces to the nearest 1/100 of an acre for lots using On-Site Sewage facilities and/or well water.
- 1.1.19 Limits of flood hazard areas as defined by the appropriate FEMA FIRM panel and the proposed finished floor elevation of buildings within these flood hazard areas on each space.
- 1.1.20 A certification by a Surveyor or Engineer describing any area of the Development that is in a Flood Plain or stating that no area is in a Flood Plain, as delineated by the appropriate FEMA FIRM panel and date.
- 1.1.21 A surveyor's signature and seal on the IDP for certification.

- 1.1.22 The description of water and sewer facilities, electricity and gas utilities, and roadways and easements dedicated for the provision of water and sewer facilities that will be constructed or installed to serve the Development and a statement by an Engineer of the date by which the facilities will be fully operable (may be included in an attached document). A certification must be included that the water and sewer facilities described by the IDF, or document attached to the IDP, are in compliance with this Ordinance.
 - 1.1.23 Approvals by other regulatory and governing bodies, as required.
 - 1.1.24 Letters signed and dated from water, wastewater, and electric utilities of service commitment and availability and statement of approval of existing and proposed utility easements.
 - 1.1.25 A tax certificate showing that all taxes currently due with respect to the original tract have been paid.
 - 1.1.26 Results of soil analysis certified by a qualified site evaluator (as defined by 30 TAC Chapter 285) for on-site sewage facilities (OSSF).
 - 1.1.27 Engineering Design Construction Plans for roadway access to each rental space for fire and emergency vehicles.
 - 1.1.28 Drainage design plans to ensure adequate drainage off of the rental spaces to drainage channels and out of the Development, including the design of drainage structures, culverts, and/or systems using a 10 year storm frequency, such that the drainage out of the Development does not have a negative drainage impact on neighboring properties. If additional right-of-way (ROW) is required for existing road drainage and access as determined by the Town Engineer to achieve a 60 foot wide right-of-way, the owner shall dedicate the right-of-way to the Town of San Felipe.
 - 1.1.29 The Engineering Report as described in Appendix D of this Ordinance.
- 2.1 Inspection of Improvements. Construction of a proposed Manufactured Home Rental Community may not begin before the date the Town Engineer approves the IDP. Periodic inspection of improvements may be required as directed by the Town Engineer. If the Town Engineer directs that a final inspection is required, it must be completed not later than the second business day after the date the Town Engineer receives a written confirmation from the owner that the construction of the infrastructure is complete. If the inspector determines that the infrastructure improvements comply with the IDP, then the Town Engineer shall issue a Certificate of Compliance no later than the fifth business day after

the date the Town Engineer receives written confirmation from the owner that the infrastructure has been completed and in compliance with the IDP.

- 3.1 Utilities. A utility may not provide utility services, including water, sewer, gas, and electric services, to a Manufactured Home Rental Community subject to an IDP or to a manufactured home in the community, unless the owner provides the utility with a copy of the Certificate of Compliance issued by the Town Engineer. This requirement applies to:
- 3.1.01 A municipality that provides utility services;
 - 3.1.02 A municipally-owned or municipally-operated utility that provides utility services;
 - 3.1.03 A public utility that provides utility services;
 - 3.1.04 A nonprofit water supply or sewer service corporation organized and operating under Chapter 67, Water Code, that provides utility services;
 - 3.1.05 A county that provides utility services; and
 - 3.1.06 A special district or authority created by state law that provides utility services.
- 4.1 Timely Approval of Infrastructure Development Plans. No later than the 60th day after the date the owner of a proposed manufactured home rental community submits an infrastructure development plan for approval, the Town Engineer shall approve or reject the plan in writing. If the plan is rejected, the written rejection must specify the reasons for the rejection and the actions required for approval of the plan. The failure to reject a plan within the period prescribed herein constitutes approval of the plan.

Appendix D --- Engineering Report for Manufactured

Home Rental Communities

1.1 Water Supply Facilities

7.1.1 Public Water Systems

- a. If the water supplier is a political subdivision of the state, i.e., a city, municipality, utility district, water control and improvement district, nonprofit water supply corporation, etc., the Developer shall furnish a signed letter of service availability from the water supplier that provides that the water supply meets the state's minimum requirements of quality and quantity of water to the proposed Development.
- b. Water service must be extended into the Development to each lot or rental space if the existing water lines are located within 300 feet of the Development and if there is sufficient water available to be supplied by the water supplier.

1.1.02 Private Wells or Non-public Water Systems - Quantitative and qualitative results of sampling test wells in accordance with requirements promulgated by the TCEQ, the Texas Department of Health, Austin County, and the Town of San Felipe shall be included where individual wells are proposed for the supply of drinking water to residences and other establishments. The results of the analyses shall be made available to the prospective property owners or renters.

1.1.03 Prior to IDP approval, plans and specifications for the proposed water facilities system shall have been approved by all entities having jurisdiction over the proposed project, including the TCEQ. Evidence of the approvals shall be included in the Engineering Report.

2.1 Wastewater Disposal Facilities

2.1.01 Centralized Sewerage Facilities

- a. If wastewater treatment is provided by a political subdivision of the state (city, municipality, utility district, water control and improvement district, nonprofit water supply corporation, or an existing investor-owned water supply corporation, etc.),

the Developer shall furnish a signed letter of service availability from the utility that provides that wastewater service meets the state's minimum wastewater treatment standard for the proposed Development.

- b. Prior to IDP approval, an appropriate permit to treat and/or dispose of wastes for the ultimate build-out of the Development shall have been obtained from the TCEQ and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project, including the TCEQ. Evidence of the approvals shall be included in the Engineering Report.
- c. Wastewater disposal service must be extended into the Development to each lot or rental space if the existing wastewater lines are within 200 feet of the Development and there is sufficient wastewater capacity available from the wastewater service provider.

2.1.02 On-Site Sewage Facilities – The engineering report shall include soil analysis results as required under TCEQ, Austin County, and Town of San Felipe Regulations for On-Site Sewage Facilities.

3.1 Roadways. The Engineering Report shall include a description of the roadways, information on the roadway cross section, pavement width and thickness, base thickness, subgrade treatment, material specifications, and other information as required by this Ordinance. Plans and specifications for these improvements shall also be submitted to the Mayor for approval by the Town Engineer prior to construction.

4.1 Signage Plan. A signage plan for the streets to be constructed, if any, is to be included that shows an overall street layout depicting the location and description of signs and traffic control devices to be installed. The traffic control devices will include street name signs, stop signs, yield signs, speed limit signs, directional controls, striping, and delineators, etc.

5.1 Traffic Impact Study. For Manufactured Home Rental Communities of 100 spaces or greater, the Engineering Report may, at the request of the Town Engineer, be required to include a Traffic Impact Study in accordance with the requirements of the Town of San Felipe for the purpose of assessing the effects of additional traffic on the existing and proposed transportation system within the Town of San Felipe.

6.1 Drainage. The Engineering Report shall include information on the Development and roadway drainage, culverts, conveyances, outfalls, and other information as required to properly convey storm water within and away from the Development.

Plans and specifications for these improvements shall also be submitted to the Mayor for approval by the Town Engineer prior to construction.

- 7.1 Electronic Submission. An electronic file in AutoCAD format (.dwg) of the layout of the lots and streets (to scale and with state plane coordinates) within the Development shall be submitted.

Appendix E --- Plat Checklists

Preliminary Plat Checklist

The following must be delivered and checked received by the Town Engineer before any official preliminary plat application can be made to the Town Council.

- Eight (8) blue or black line copies, together with original, of a preliminary plat prepared by a surveyor or engineer in accordance with the Subdivision Ordinance, not exceeding eighteen (18) by twenty-four (24) inches, drawn to scale of two hundred (200) feet to one (1) inch, and showing the following:
 - Proposed name (if any) of subdivision.
 - North point, scale, and date of preparation.
 - Title block in the lower right hand corner containing proposed subdivision name preceded by words "Preliminary Plat of _____" and abstract and survey in which the property is located.
 - Names, addresses, telephone number, and facsimile numbers of subdivider, record owner, and engineer or surveyor.
 - Tract designation, approximate acreage, number of lots, area of reserves, other descriptions according to Town's real estate records, and designation of proposed uses of land within subdivision.
 - Linear and angular boundary lines of tracts, City limits, county lines, extraterritorial jurisdiction limits, and zoning boundaries, if any traverse or are contiguous to subdivision.
 - Vicinity map in upper right hand corner showing location of subdivision in relation to existing streets, highways, and railroads within one (1) mile.
 - Contours with intervals of five (5) feet or less, referencing sea level datum.
 - Names of adjacent subdivisions or names of record owners of adjoining parcels of unsubdivided land.
 - Location, widths, tangent lengths, centerline radii, and names of all existing or platted streets, rights-of-way, public ways, residential lots, parks, lakes and water courses, public areas, easements, reservations, permanent structures, and other sites within or contiguous to subdivision.
 - Regulatory flood elevations and boundaries of flood prone areas, including floodways, if known.

- Exact location, dimensions, tangent lengths, centerline radii, description, and names of all proposed streets, alleys, parks, public areas, reservations, easements, rights-of-way, blocks, lots, and areas of special use within subdivision.
- Preliminary plan for location and size of all utility lines. Location of all existing utility lines shall be known and indicated.
- Preliminary plan for proposed fills, or other structure-elevating techniques, channel modifications, and other methods to overcome flood or erosion-related hazards.
- Preliminary plan of drainage system with grade, pipe size, detention reserves, and location of outlets within tract and immediately adjacent within two hundred (200) feet.
- Number or letter to identify each lot or site and each block.
- Front building setback lines at twenty-five (25) feet on all lots or sites; side yard street setback lines at street intersections or crosswalk ways at fifteen (15) feet for local streets and twenty-five (25) feet for arterial and collector streets.
- If subdivision to be carried out in two (2) or more phases: Proposed master plan for entire tract to be prepared and filed prior to time first unit is submitted. Requirements of plat concerning sheet size and drafting media shall be the same as for the plat to be recorded. Scale of plat to be left to discretion of surveyor or the engineer.
- Fee in accordance with Town's Fee Schedule.
- Written statements from all utility companies and permitting agencies servicing area stating that service is available to meet needs of subdivision, as proposed.

I hereby certify that the requirements for a preliminary plat application in accordance with Ordinance No. 2005-__ have been received by _____.

The developer must now file a formal written application with the Town Council for review of the preliminary plat at a regularly-scheduled meeting of the Town Council before this application is considered completed and filed for purposes of Tex. Loc. Gov't Code Section 212.009.

 Town Engineer
 Town of San Felipe, Texas

 Date

Final Plat Checklist

The following must be delivered and certified as received by the Town Engineer before any official review of an application for a final plat may be conducted by the Town Council at an official meeting of the Town Council:

- Certificate signed by the Town Council approving preliminary plat, including date of approval (must be less than 180 days, unless extended by Town Council).
- Appropriate fees.
- Four (4) blue line copies, together with two (2) originals, of a final plat prepared by surveyor or engineer in accordance with the Subdivision Ordinance, not exceeding twenty-four (24) by thirty-six (36) inches.
- Certification that final plat conforms to all requirements of Town's Subdivision Ordinance and all applicable regulations.
- Owner's acknowledgement of dedication to public of streets, alleyways, parks, or other public areas.
- Certification from both surveyor and engineer of accuracy of final plat.
- Location of one hundred (100) year floodplain, special flood hazards, and placements of elevation benchmarks.
- Note for lienholders' acceptance of public dedications.
- Title Report commitment or applicable plat letter.
- Forms on final plat for approval by Town Council and for authorizing Town Secretary to file final plat for record.
- Signature block for approval showing final plat in compliance with applicable sewage rules and regulations.
- Waiver of claims against Town occasioned by establishment of grades, deeds, or alteration of surface of any portion of existing streets and alleys to conform to grades established in subdivision.
- Tax certificate from Town, School District, and County, indicating that all ad valorem taxes have been paid, up to and including, the current year on all lands included within final plat.
- Letter clarifying procedure Developer chooses for construction and final maintenance acceptance, including securities for same.

- Letters of certification by authorized official of each utility proposed to serve development, including but not limited to, electric, water, sewer (if applicable), septic, permit approval, cable, telecommunications, and gas.

Town Engineer
Town of San Felipe, Texas

Date