

ORDINANCE NO. 2025-08-01

**AN ORDINANCE OF THE CITY OF BARDWELL, TEXAS REPEALING IN ITS ENTIRETY THE CITY'S CURRENT SUBDIVISION ORDINANCE AND REPLACING IT WITH A NEW SUBDIVISION ORDINANCE WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, City Council finds it necessary from time to time to update the regulations for subdivisions and the development of subdivisions inside the corporate limits and the City's extraterritorial jurisdiction; and

**WHEREAS**, the City Council has determined there have been sufficient changes in construction practices and materials used to necessitate the adoption of new regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BARDWELL, TEXAS:**

**SECTION 1.** That the City's Subdivision Ordinance, Ordinance # 2025-08-01 be and the same is hereby repealed in its entirety and replacing it with a new Subdivision Ordinance, and which shall apply in the City's corporate limits and in its extraterritorial limits, and which is attached hereto as Exhibit "A" and is incorporated herein by reference as if fully recited.

**SECTION 2.** All provisions of the ordinances of the City of Bardwell in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Bardwell not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be

invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances of the City of Bardwell, Texas.

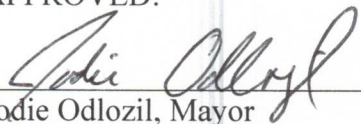
**SECTION 4.** That the recitals to this Ordinance are hereby incorporated into the body of this Ordinance as if fully set forth in this Section and are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

**SECTION 5.** This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Bardwell, Texas and the Bardwell Zoning Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such codes, in which event the conflicting provision of such ordinance and such codes are hereby repealed.

**SECTION 6.** That this ordinance shall take effect immediately from and after its passage and publication, as the law in such cases provides.

**DULY PASSED** and approved by the City Council of the City of Bardwell, Texas on this 4<sup>th</sup> day of August 2025.

APPROVED:

  
Jodie Odlozil, Mayor

ATTEST:

  
Debbie Strunc, City Secretary

## **Interpretation.**

In the interpretation and application of the provisions of this Chapter, it is the intention of the City Council that the principles, standards, and requirements provided for herein shall be minimum requirements for the platting and developing [of] subdivisions in the City and in its extraterritorial jurisdiction; and, where other provisions of this Code of [or] other Ordinances of the City are more restrictive in their requirements, such other provisions or Ordinances shall control.

## **Intent.**

The procedure and standards for the development, layout, and design of subdivisions of land within the corporate limits and within the extraterritorial jurisdiction of the City are authorized by Chapter 212 of the Local Government Code [and] are intended to:

Promote and develop the utilization of land in a manner to assure the best possible community environment for the City of Bardwell

Guide and assist the developers with the correct procedures to be followed and inform them of the standards which shall be required.

Protect the public interest by supervising the location, design, class and type of streets, sidewalks, utilities and essential areas and services required.

Protect and promote public health, safety and general welfare.

## **DEFINITIONS**

### **Definitions.**

For the purpose of this Ordinance, certain terms and words are hereby defined; terms not defined herein shall be construed with their customary usage in municipal planning and engineering practices. The word "shall" is always mandatory while the word "may" is merely directory.

Alley: A minor public right-of-way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Building Line: The phrase "building line" shall be a line beyond which buildings must be set back from the street or road right-of-way line on which the property fronts.

City: The word "City" shall be the City of Bardwell, Texas, together with all its governing and operating bodies.

City Secretary: The person holding the position of City Secretary, as appointed by the City Council.

Council: The word "Council" or "City Council" shall be the duly elected governing body of the City of Bardwell.



Cul-De-Sac: A street having but one outlet to another street and terminated on the opposite end by a vehicular turn-around.

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

Flood: A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Floodway: The channel of a watercourse and portions of the adjoining floodplain which are reasonably required to carry and discharge the regulatory flood.

Engineer: A person duly authorized under the provisions of the Texas Engineering Act, as heretofore or hereafter amended, to practice the profession of engineering and is a registered professional engineer.

Final Plat: The phrase "final plat" shall be any plat of any lot, tract or parcel of land requested to be recorded of record in the Deeds Records of Ellis County.

Lot: An undivided tract or parcel of land having frontage on a public street, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement as a building site, which is designated as a distinct and separate tract.

Person: Any individual, association, firm, corporation, government agency, or political subdivision.

Preliminary Plat: The phrase "preliminary plat" shall be any plat of any lot, tract or parcel of land that is not to be recorded of record but is only a proposed division of land for review and study by the City.

Replatting: The word "replatting" shall be the resubdivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot or tract.

Street: A public right-of-way, however designated, which provides vehicular access to adjacent land.

(A) Street Width: The phrase "street width" shall be the shortest distance between the lines which delineate the right-of-way of a street.

(B) Residential or Minor Street: The phrase "minor street" shall be a street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous throughout several residential districts.

(C) Collector or Secondary Street: The phrase "collector" street shall be a street which is continuous throughout several residential districts and is intended as a connecting street between residential districts and business districts - or "major" streets.

(D) Major Streets: The phrase "major" streets shall be the principal traffic thoroughfares continuous across the City, which are intended to connect remote parts of the City or areas adjacent thereto.

Subdivider or Developer: These are synonymous terms and are used interchangeable and shall include any person, partnership, firm, association, corporation, and/or any officer, agent



employee, servant, and trustee thereof who does, or participates in the doing of, any act towards the subdivision of land within the intent, scope, and preview of this Ordinance.

Subdivision: The word “subdivision” or “addition” shall be any division of any lot, tract or parcel of land into two (2) or more lots or sites for the purpose, whether immediate or future, of sale or of building development. It also includes resubdivision or replatting of land, lots, or tracts. Division of land for agricultural purposes, in parcels of five (5) acres or more, shall not be included within this definition, unless any such division of five (5) acres or more includes the planning or development of a new street or access easement.

Surveyor: A licensed state land surveyor or a registered public surveyor as authorized by the state statutes to practice the profession of surveying.

Utility Easement: An interest in land granted to the City, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Any office referred to in this Ordinance by title means the person employed or appointed by the City in that position, or his duly authorized representative.

Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

## **PURPOSE AND JURISDICTION**

### **Purpose and Jurisdiction.**

The City Council of the City of Bardwell does hereby adopt the following regulations to hereafter control the subdivision of land within the corporate limits of the City of Bardwell and within the extraterritorial jurisdiction thereof, in order to provide for the safe, orderly and healthful development of the community and to secure adequate provisions for traffic, light, air, recreation, transportation, water, drainage, wastewater and other public facilities.

## **PROCEDURE AND REQUIREMENTS FOR PRELIMINARY PLAT APPROVAL**

### **Pre-application Conference.**

Prior to the filing of a preliminary plat, the subdivider shall meet with the City Secretary or other official designated by the City Council to familiarize himself with the City’s development regulations. At the preliminary conference the subdivider may be represented by his land planner, engineer, or surveyor. A representative of the **Bardwell Water and Sewer Department** shall be invited to attend the preliminary conference.

If the property to be platted extends into the City’s extraterritorial jurisdiction, the subdivider should consult also with the County Judge or his designated appointee on county subdivision regulations.

### **Preliminary Plat Procedure.**

In accordance with an understanding of the pre-application conference, the subdivider shall submit six (6) copies of a preliminary plat of the entire area being subdivided to the City Secretary, not less than twenty (20) days prior to the City Council meeting.

The City Secretary or a designated representative will certify that all required information for platting procedures is submitted. Incomplete submittals will be returned to the subdivider prior to further processing by the City.

The City Secretary or other designated representative shall mail a notice to each property owner within two hundred (200) feet of the property to be subdivided, stating that a subdivision proposal is pending before the City Council. The notice shall state the date, place and time of the meeting at which the subdivision or resubdivision proposal will be considered.

The City Secretary or the designated representative shall review the preliminary plat in accordance with Ordinance requirements and prepare a report for the City Council meeting to assist in their understanding of the plat proposal. When necessary, in the opinion of the City Secretary, a request will be made of the City's development consultant, public works director, subdivider's engineer, Bardwell Water and Sewer Service Department, telephone company, electrical company or any other profession to obtain information concerning the preliminary plat for the City Council meeting.

A copy of the preliminary plat shall be submitted to the Bardwell Water and Sewer Department for review and comment prior to City Council action.

### **City Council Function on Preliminary Plat.**

The City Council shall review the preliminary plat, and within thirty (30) days of plat submittal, take action on the plat. The plat may either be approved as submitted, conditionally approved with modifications or disapproved.

Action by the City Council shall be put in writing, certified to by the Mayor and attached to three (3) copies of the preliminary plat. One (1) copy shall be returned to the subdivider, and two copies retained in the City Secretary's official files.

### **Subdivider's Understanding of Action on Preliminary Plat.**

Approval or conditional approval with modifications of the preliminary plat does not constitute acceptance of the subdivision but provides authority to proceed with the preparation of the final plat. Any work done on the subdivision before the final plat is accepted by the City and authorization given to start construction is done at the risk of the subdivider.

Approval or conditional approval with modifications of the preliminary plat expires at the end of six (6) months, unless a final plat has been submitted to the City for processing. The City Council may, if a written request from the subdivider is received prior to the end of the six (6) months period, grant an extension for up to 180 additional days. Only one such extension shall be granted.

The subdivider will have to resubmit a preliminary plat to be processed through the City Council, if the first preliminary plat was disapproved or the time to submit a final plat has expired.

### **Preliminary Plat Preparation Requirements**

The preliminary plat shall be submitted to the City at least twenty (20) days before the meeting of



the City Council by the subdivider and contain the following items:

- (A) An original full-size drawing and six (6) copies of the plat;
- (B) Any existing or proposed deed restrictions.
- (C) A letter requesting the City to process the preliminary plat
- (D) A listing of adjacent property owners and other property owners within two hundred (200) feet of the property to be subdivided with addresses as recorded by the County Clerk/appraisal district;
- (E) A check in the amount of the filing fee.

The plat shall be drawn to a scale of one inch to two hundred (1" = 200') feet or larger on sheets of a maximum size of twenty-four inches by thirty-six inches (24" x 36") regardless of the size subdivision and shall show or be accompanied by the following information:

- (A) The name of the subdivision, which shall not duplicate an existing or pending subdivision.
- (B) A complete legal description by metes and bounds of the land being subdivided.
- (C) The total acreage and total number of lots and blocks within the subdivision
- (D) The name of the owner and address. If the owner is a partnership, corporation, or other legal entity other than an individual, the name of the responsible individual such as president or vice-president must be given.
- (E) The name of the registered engineer, registered public surveyor or land planner responsible for preparing the plat.
- (F) North point, north to be at top of sheet, if possible.
- (G) Date, each revision shall bear a new date.
- (H) Boundaries of subdivision shall be drawn in very heavy lines and shall include overall dimensions and bearings.
- (I) Boundary lines and adjacent right-of-way lines of the proposed subdivision drawn with dashed lines.
- (J) A tie to an original corner of the original survey of which said land is a part.
- (K) Name and location of adjacent subdivisions, streets, easements, pipelines, watercourses, etc., and the property lines and name of adjoining property owners in unsubdivided tracts.
- (L) Existing and proposed topographic and plain metric features within the subdivision, including watercourses and ravines, high banks, width of existing or proposed easements, contour lines at two (2) foot intervals, and any other physical features pertinent to the subdivision.
- (M) In conjunction with the topography map a drainage rational formula shall be provided and the frequency, concentration time and runoff factor and quantity shall be provided.
- (N) Existing transportation features within the subdivision include the location and width of rights-of-way, streets, alleys and easements.
- (O) Proposed features include location, width, surfacing, and name of streets; approximate



width and depth of all lots, location of building lines, alleys and easements; and schematic plans and outline specifications for drainage, sanitary facilities, and utilities. Approximate location, size and depth of all existing and proposed utilities shall be shown.

(P) Show the name of those uses of land parcels that are intended to be dedicated for public use or reserved in the deeds for the use of property owners in the proposed subdivision. If proposed use is unknown, designate as unrestricted.

(Q) The following certificate shall be placed on the Preliminary Plat:

\_\_\_\_APPROVED AS SUBMITTED FOR PREPARATION OF FINAL PLAT

\_\_\_\_APPROVED WITH MODIFICATIONS AS ATTACHED FOR  
PREPARATION OF FINAL PLAT.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE

## **PROCEDURE AND REQUIREMENTS FOR FINAL PLAT APPROVAL**

### **Administrative Action on Receiving Final Plat Submittal.**

On approval or conditional approval of the preliminary plat, the subdivider shall provide one reproducible tracing and six (6) legible white print copies of a final plat to the City Secretary's office that incorporates all changes, directions and additions imposed by the City. The submittal shall not be less than twenty (20) days prior to the City Council meeting, but within the time period established for the preliminary plat approval.

Formal application for final plat approval shall be made by the subdivider in writing to the City Council at an official meeting, not less than 20 days after filing the final plat with the City Secretary.

The City Secretary or a designated representative will certify that all required information for platting procedures is submitted. Incomplete submittals will be returned to the subdivider prior to further processing by the City.

The City Secretary or other designated representative shall mail a notice, by registered or certified mail, to each property owner within two hundred (200) feet of the property to be subdivided, stating that a subdivision proposal is pending before the City Council. The notice shall state the date, place and time of the meeting at which the subdivision or resubdivision proposal will be considered.

The City Secretary or a designated representative shall review the final plat in accordance with Ordinance requirements and prepare a report for the City Council meeting to assist in their understanding of the plat proposal. When necessary, in the opinion of the City Council, a request will be made of the City's development consultant, public works director, subdivider's engineer, Bardwell Water and Sewer Service Department, telephone company, electrical company or any other profession to obtain information concerning the final plat for the City Council meetings.

### **City Council Function On Final Plat.**

The City Council shall review the final plat and within thirty (30) days following the plat submittal take action on the plat as submitted or as modified by recommending one of the following:

- (A) Final plat approved.
- (B) Final plat approved with conditions.
- (C) Final plat not approved.

Action by the City Council shall be put in writing, certified to by the Mayor and attached to the three (3) copies of the final plat. One (1) copy shall be returned to the subdivider and two (2) copies retained in the City Secretary's official files.

In the event of disapproval, the City may withhold all city improvements of whatsoever nature including the furnishing of wastewater, water facilities and services, from all additions which have not been approved as provided by law and further permits may not be issued by the building inspector of the City on any piece of property other than an original or a resubdivided lot in a duly approved and recorded subdivision.

### **Processing Approved Final Plats.**

The subdivider shall direct his engineer to design, stake and supervise the construction of facilities in accordance with approved plans and specifications and these regulations. The City will inspect the construction to be undertaken.

The subdivider shall direct his contractor(s) to construct all improvements as identified in the approved engineering plans and to provide the City a one (1) year maintenance bond in the amount of ten (10%) percent of the construction contract of all improvements and shall be in effect one (1) year from date of completion and acceptance by the City. The contractor shall also provide three (3) white print sets "as built" plans to the City Council for acceptance of the title, use, and maintenance of the improvements.

The City Secretary shall, upon completion of said improvements and compliance with these regulations, present "as built" plans to the City Council for acceptance of the title, use, and maintenance of the improvements.

No final plat shall be filed with the County Clerk unless and until all requirements of the subdivision regulations have been complied with and until such stipulations as may be set by the City Council have been met.

Final plat approval will expire six (6) months after approval by the City Council unless the plat has been filed for record. The subdivider may apply in writing prior to the end of such six (6) months period for an extension. This period may, at the discretion of the City Council, be extended six (6) months, but not beyond a total of one (1) year.

The City Secretary shall review the final plat for proper signature and the fulfillment of all stipulations established by the City Council within thirty (30) days after City Council approval of a final plat. If every item is in order and complied with, the City Secretary shall record the plat at the County Clerk's office.

Final plats that are outside the corporate limits of the City, but within its extraterritorial jurisdiction, the City Secretary shall forward a copy of the final plat to the County Judge for action and approval by the Commissioner's Court prior to recording a plat with the County Clerk.

The City Secretary shall retain one (1) copy of the plat recorded in the county records for City files



### **Combination Preliminary and Final Plat.**

The subdivider may, at his option, elect to combine the preliminary plat and final plat, when the land proposed to be subdivided or resubdivided meets the following conditional requirements:

(A) Such land abuts a street of adequate width and is so situated that no additional streets and no alleys, easements, or other public property, are required in order to meet the requirements of this chapter.

(B) The perimeter of the tract being subdivided has been surveyed and marked on the ground and a plat thereof prepared and filed with the City Council and the nearest corner of each lot or parcel of such proposed subdivision is within two hundred (200) feet of a known corner which is adequately marked by concrete monument or iron stake.

(C) The topography of the tract and the surrounding lands are such that no regard need be given in such subdivision to drainage, or, where drainage facilities are required, arrangements have been made for the construction of such facilities.

(D) The utilities, as required in this chapter, are in place to serve each parcel or lot of such subdivision, or arrangements to provide such utilities have been made.

### **Final Plat Preparation Requirements.**

The final plat shall be legibly drawn on sheets of twenty-four inches by thirty-six inches (24" x 36") or multiple thereof and to a scale of one (1) inch to one hundred (100) feet. Where more than one (1) sheet is required, an index sheet of maximum size, twenty-four inches by thirty-six inches (24" x 36") shall be filed showing the entire subdivision at a reduced scale.

A title including the name of the subdivision; the name of the land owner or owners; the name of the registered engineer or registered public surveyor responsible for the preparation of the plat; the scale and location of the subdivision with reference to an original corner of the original survey of which said land is a part; the date, north point, and total acres in the subdivision shall be included on the plat.

The certificate of the registered engineer or licensed surveyor who surveyed, mapped and monumented the land shall be placed on the face of the plat as follows:

THE STATE OF TEXAS:                      KNOW ALL MEN BY THESE PRESENTS  
COUNTY OF ELLIS

That I, \_\_\_\_\_, do hereby certify that I prepared this plat from an actual and accurate on-the-ground survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Bardwell, Texas.

\_\_\_\_\_  
Signature and seal of registered Professional Engineer or Surveyor

A "Certificate of Ownership" and dedication to the public of all streets, easements, alleys, parks, playgrounds, or other dedicated public uses, signed and acknowledged before a notary public by the owners and any holders of liens against the land shall be submitted with the plat.

An accurate on-the-ground boundary survey of the property with bearings and distances and showing the lines of all adjacent streets, easements, and alleys with their names and width. (Streets, alleys,



and lot lines in adjacent subdivisions shall be shown dashed.) All necessary data to reproduce the plat on the ground must be shown on the plat.

A "Certificate of Approval" is to be signed by the Mayor on the face of the plat.

The plat shall show all existing features within the area being subdivided, such as existing watercourses, railroads, width of streets, alleys and easements, to be retained and other physical features deemed pertinent to the subdivision.

Streets, alleys and easements that are to be dedicated shall be shown with the following engineering data:

(A) For streets: Complete curve data (Delta, Length of Curve, Point of Curvature, Point of Reverse Curvature, Point of Tangency) shown on the centerline or on each side of the street; length and bearing of all tangents; dimensions from all angle points of curve to an adjacent lot line shall be provided.

(B) For watercourses and easements: Distance to be provided along the side lot lines from the front lot line or the high bank of a stream. Traverse line to be provided along the edge of all large watercourses in a convenient location, preferably along a utility easement if paralleling the drainage easement or stream.

Lot and block lines and numbers of all proposed lots and blocks with complete dimensions for front, rear and side lot lines.

Building setback lines shall be shown on all lots.

Two sets of plans and specifications certified to by a registered professional engineer shall be provided for the installation of water, wastewater, paving, and drainage, said plans and specifications must be prepared in accordance with the City's established standards and approved by the City Building Inspector prior to the beginning of any construction of the subdivision.

A receipt showing that all taxes have been paid shall be submitted with the final plat.

The City Council shall be satisfied that the subdivider will be in a financial position to install or cause to be installed at his own cost, risk, and expense all of the improvements herein required. The City Council may require such security as it, in its sole absolute discretion, may deem best in order to insure the orderly development within any subdivision, specifically including, but not limited to, a Performance Bond equal to the estimated cost of the improvements; a bank letter of credit; a personal guarantee; or by requiring the subdivider to grant a lien upon the property contained in such subdivision in favor of the City of Bardwell to secure the estimated cost of such improvements. It is expressly understood that as a condition to the approval of said subdivision, no sales will be completed until all utilities are installed and all other improvements required by this Ordinance are made within the block in which said lot is contained.

The City Council shall review the final plat, and when satisfied that all conditions and requirements have been met, the City Council shall approve said plat using the following format:

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the City Council of the City of Bardwell, Texas.

\_\_\_\_\_  
MAYOR

Should the final plat as submitted fail to meet the conditions and requirements of the Ordinance, the City Council shall disapprove said plat and vote its disapproval thereon and attach thereto a statement

of the reasons for disapproval. In the event of disapproval, the City may withhold all city improvements of whatsoever nature including the furnishing of wastewater facilities and water services from all additions which have not been approved as provided by law and further, permits may not be issued by the Building Inspector of the City on any piece of property other than an original or a resubdivided lot in a duly approved and recorded subdivision.

Approval or disapproval of the final plat shall be voted on by the City Council within thirty (30) days after submission of said final plat. Failure to act within thirty (30) days of the regularly scheduled meeting at which the plat would have been presented shall constitute approval by the City Council unless additional time is required by the developer.

## **GENERAL REQUIREMENTS AND STANDARDS**

### **Registered Engineer Used in Final Plat Preparation.**

The subdivider shall retain the services of an engineer, registered in the State of Texas, whose seal shall be placed on each sheet of drawings, and who shall be responsible for the design and inspection of the drainage, roads and streets, wastewater, and water facilities within the subdivision. The services performed by the engineer shall be designated in the most recent edition of the "Manual of Professional Practice - General Engineer Service," published by the Texas Society of Professional Engineers, and shall include both design and inspection as defined therein. Performance Bonds and Maintenance Bonds shall be submitted for one hundred (100%) percent of the cost of all work and for performance of all materials and equipment for two (2) years after acceptance by the City.

### **Streets**

Street Construction Responsibility: The subdivider shall be responsible for constructing paved streets and curbs and gutters within the subdivision, subject to the conditions contained herein.

Arrangement: Unless otherwise approved by the City Council, provision shall be made for the extension of "major" streets through any new subdivision. "Collector" streets shall be provided as required by the Council for the circulation of traffic through the subdivision and the connection thereof to the "major" streets. Adequate minor streets shall be provided to accommodate the subdivision. Off-center street intersections with streets in adjacent subdivisions should be avoided. All "major" and "collector" streets shall be continuous or in alignment with existing streets unless variations are deemed advisable by the Council due to topography and requirements of traffic circulation.

Plans and Specifications: Plans and specifications for the required improvement shall be submitted to and approved by the City Building Inspector and City Engineer prior to the time the work on such improvements commenced. Any improvement made shall be subject to the approval and acceptance of the City Engineer. The subdivider shall pay the entire cost of street improvements.

The following infrastructure design standards are established as the minimum requirements for all City of Bardwell Public Works projects. These specifications are to be used in conjunction with the Public Works Construction Standards, 2017 (Fifth) edition, as published and subsequently amended by the North Central Texas Council of Governments (NCTCOG) as well as with the latest edition of the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges, 2014 edition, as published and subsequently amended by the Texas Department of Transportation (TxDOT). Where stipulated in these design standards there are requirements, alternatives, or waivers of requirements that are stated to be at the discretion of the City of Bardwell City Council.



Width: “Major” streets shall have a minimum right-of-way of eighty (80) feet and a minimum paving width of forty-two (42) feet. “Collector” streets shall have a minimum dedicated right-of-way of sixty (60) feet and a minimum paving width of thirty-eight (38) feet. Minor or residential streets shall have a minimum dedicated right-of-way of fifty (50) feet and a minimum paving width of thirty (30) feet. “Major” streets having a right-of-way width of less than one hundred (100) feet shall be increased to a one hundred (100) foot right-of-way for a distance of one hundred fifty (150) feet on either side of any intersection with another “major” street. The right-of-way shall be gradually and uniformly increased from the regular right-of-way width to one hundred (100) foot within an additional one hundred fifty (150) feet.

Curves: Complete curve data (Delta, Length of Curve, Radius, Point of Curvature, Point of Reverse Curvature, Point of Tangency) shown on the centerline or on each side of the street; length and bearings of all tangents and dimensions from all angle points of curve to an adjacent side lot line shall be provided.

(A) “Major” Streets: Curves in “major” streets are to have a centerline radius of 2,000 feet or more. Exceptions to this standard may be granted only by the City Council.

(B) “Collector” Streets: Curves in secondary or “collector” streets are to have a centerline radius of 800 feet or more. Exceptions to this standard shall be granted by the City Council.

(C) Minor Streets: Curves in minor or residential streets are to have a minimum centerline radius of 150 feet.

(D) Reverse Curve: To be separated by a minimum tangent of one hundred (100) feet, unless connected by spirals.

(E) Street Jogs and Street Intersections: Shall be no closer than one hundred twenty-five (125) feet.

#### Intersections

(A) All streets, major, secondary, or minor, shall intersect at a ninety (90) degree angle. Variations must be approved by the City Council.

(B) Curbs at acute angle intersections approved by the City Council shall have a minimum twenty-five (25) foot radius at acute corners.

(C) Each new street intersection with, or extending to meet, an existing street shall be tied to the existing street on centerline.

#### Cul-De-Sacs

(A) Dead-end streets may be platted where the City Council deems it advisable and where the land being subdivided adjoins property not being subdivided, in which case, the streets shall be carried to the boundaries thereof. Streets designed to be permanently dead-end, shall not be longer than six hundred (600) feet and shall be provided at the closed end with a paved cul-de-sac at least eighty (80) feet in diameter on a street right-of-way of at least one hundred (100) feet in diameter.



(B) Temporary turnarounds are to be used at the end of a street more than four hundred (400) feet long that will be extended in the future. The following note should be placed on the plat: "Cross-hatched area is a temporary easement for turn-around until street is extended (direction) in a recorded plat."

Partial or Half-Streets: Partial or half-streets may be provided where the City Council feels that a street should be located on a property line.

Street Names: New streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the City.

Private Streets: Private streets are prohibited.

Testing of Street Material: The subdivider shall have all material for street improvements tested by an independent commercial testing agency to determine that each street in the subdivision meets the requirements and specifications set forth in this section. The results of the said tests are to be presented to the City Council prior to the final approval of any subdivision. The costs of securing the tests and subsequent results are to be borne wholly by the subdivider.

Certificates of Public Liability: The building official shall not give approval until and unless the person, firm or corporation seeking said approval, shall provide the building official with valid certificates of insurance evidencing therein that said person, firm or corporation has in full force and effect a valid policy of public liability insurance and Workman's Compensation Insurance, to be issued by an insurance company licensed to do business in the State of Texas. The public liability insurance policy shall provide liability insurance in an amount of not less than three hundred thousand and no/100 dollars (\$300,000.00) for injuries in any one accident, not less than one hundred thousand and no/100 dollars (\$100,000.00) for injury to any one person, and not less than fifty thousand and no/100 dollars (\$50,000.00) for property damage, and Workman's Compensation Insurance Policy shall be in an amount not less than the minimum coverage required by the statutes of the State of Texas.

## **Alleys.**

Pavement Type: All alleys shall be paved with materials conforming to street paving requirements.

Width: A minimum paved width of ten (10) feet and a minimum right-of-way of twenty (20) feet shall be required for all alleys.

Drainage: Adequate drainage shall be provided within the paved section or by swells [swales] to drain all lots to streets without drainage easements through lots where possible. The depth of a swell shall be as required for drainage with a minimum longitudinal slope of one-half (1/2) of one (1%) percent toward a street or drainage easement.

## **Sidewalks.**

Where sidewalks are provided, same shall be a minimum of four (4) feet wide.

## **Lots. There is no zoning ordinance**

**Minimum** lot standards must comply with the **Zoning Ordinance districts** requirements.

### Lot Size Minimum

- (A) All lots shall have a minimum width of 50 feet at the building line and a minimum depth of 100 feet.
- (B) The minimum area of any lot shall be not less than five thousand (5,000) square feet.
- (C) Corner lots shall have a minimum width of sixty-five (65) feet on residential streets, and seventy (70) feet if the lot is on a major street.
- (D) Minimum usable lot depths for lots backing on natural drainage easements shall be not less than eighty (80) feet measured between front lot line and drainage easement.

### Lot Facing

- (A) Street Frontage: Each lot shall be provided with the minimum frontage on an existing or proposed public street required by this Ordinance.
- (B) Double Lot: Double front lots are prohibited except where backing on major thoroughfares.
- (C) Front Facing: Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing adjacent lots at right angles to each other should be avoided.

Lot Numbering: All lots shall be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat.

## **Blocks.**

### Block Lengths

- (A) Residential blocks shall be no longer than twelve hundred (1,200) feet, measured along the center of the block, not shorter than six hundred (600) feet.
- (B) On Major Street: Maximum block length along a major street shall be sixteen hundred (1,600) feet except under special conditions and upon approval of the City Council.

Block Width: Blocks shall be wide enough to allow two (2) tiers of lots of at least minimum depth, except under special conditions and upon approval of the City Council.

Block Numbering: Blocks shall be numbered consecutively within the subdivision and/or sections of an overall plat as recorded.

## **Building Lines.**

### Residential

- (A) Except as otherwise provided herein, a minimum setback shall be required on all residential lots as follows: Twenty-five (25) feet from a front street line; twenty (20) feet from a side street line; twenty (20) feet from the rear property line; and five (5) feet from any other lot line.



(B) On residential lots fronting major thoroughfares, a minimum thirty-five (35) foot front setback shall be required and for lots siding on a major thoroughfare, a minimum thirty-five (35) foot side yard shall be required.

#### Commercial, Industrial or Special Uses Other Than Residential

(A) When adjacent to residential lots, a minimum twenty-five (25) foot setback shall be required.

(B) When not adjacent to residential lots, a minimum ten (10) foot setback from the front street line of all lots and ten (10) feet from a side street line of corner lots shall be required.

(C) Lots fronting on State Highway 34 shall have a setback of thirty-five (35) feet.

#### **Easement.**

The subdivider shall dedicate, or grant easement as follows:

Where necessary to adequately serve the subdivision with public utilities, easements shall be retained for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines, or other utilities. Such easements may be required across part of lots (including side lines) other than along boundary lines, if in the opinion of the City Council same is needed.

#### **Drainage And Storm Sewers.**

Adequate drainage shall be provided within the limits of the subdivisions. The protection of adjoining property shall be considered in the review of plans submitted.

Size: Sizing of inlets, storm sewers, outfalls, culverts and drainage ditches shall be based on the following:

(A) Design Storm: The design storm shall be based on rainfall intensity-frequency data as published in the most recent publication by the Department of Agriculture. The interior drainage system shall be designed for a storm with frequency of occurrence of once in five (5) years.

(B) Runoff computations shall be by standard engineering procedures.

(C) Sizing of Sewers: Sewers shall be sized to carry the discharge (Q) derived from the above formula. Capacity of storm sewers shall be determined by the use of Manning's Formula on the basis of hydraulic gradients rather than physical size of the pipe. The minimum size of a storm sewer shall be eighteen (18) inches. Storm sewers will be required where subsurface conditions indicate a potential for seepage of underground flow as determined by the City Council.

(D) Sizing And Spacing Of Inlets: Where storm sewers are required, inlets shall be spaced so that the maximum travel distance of water in a gutter will not exceed six hundred (600) feet. Inlets will be sized using an allowable capacity of one (1) cubic foot per second per foot of opening for a throat height of five (5) inches.

(E) Ditches: Ditches shall be sized to carry the runoff (Q) derived from the above formula.

Design: Design of storm sewers, outfalls, culverts, and drainage ditches shall conform to the following requirements:

(A) Manholes: Manholes (inlets or junction boxes) shall be provided at all changes in grade or alignment, sewer intersections, and at a maximum of one thousand (1,000) feet on straight lines. If monolithic, reinforced concrete sewer lines are used, a manhole shall not be required where leads



from inlets intersect the main sewer. Design of manholes shall conform to the Standard Specifications as approved by the City Council.

(B) Inlets: Design of inlets shall conform to Standard Specifications as approved by the City Council.

(C) Pipe: All pipe for storm drains shall be reinforced concrete pipe (RCP), ASTM C76, Class 3, minimum eighteen (18) inches in diameter. Where, in the opinion of Building Official, added strength of pipe is needed for traffic loads over minimum cover or for excessive height of backfill, concrete pipe shall be ASTM C14 Extra Strength or ASTM C76, Class IV or Class V. Pipe shall have a minimum cover of not less than one (1) foot over the top of pipe. Monolithic, reinforced concrete sewers may be used for storm sewers, thirty-six (36) inches and larger.

(D) Ditches: Drainage ditches, where approved by the City Council, may be used for outfalls to natural or major drainage channels. Ditches shall have minimum grade of not less than one-tenth (0.1%) percent and side slopes not steeper than a ratio of 2 to 1.

(E) Outfalls: Outfalls from sewers and ditches into natural drainageways shall enter at the grade of the natural drainage channel. If necessary, drop type outfall structures shall be used to prevent erosion.

(F) Major Drainageways And Structures: Design of major drainageways through a subdivision and major structures, such as box culverts or bridges, across a major drainage channel, shall be coordinated with the Texas Department of Transportation standards.

## **UTILITIES, STREET LIGHTING, STREET SIGNS AND FLOOD REGULATIONS**

### **Water System.**

Water system extensions shall be designed to provide for a domestic supply of at least 250 gallons per capita per day, delivered at a minimum pressure of 42 pounds per day [sic], delivered at a minimum pressure of 42 pounds per square inch.

All mains installed within a subdivision must extend to the borders of the subdivision, as required for future extensions of the system, regardless of whether or not such extensions are required for service within the subdivisions.

Fire hydrants shall be provided at locations such that all areas of development are located within a 500-foot radius from a fire hydrant and served by a six-inch or larger main.

No more than 30 3/4 foot [3/4 inch] service connections shall be served from any 4-inch main.

Two (2) inch mains shall only be permitted in dead-end locations not subject to future extensions and shall serve no more than six and three-fourths inch (6 3/4") service connections.

All water system extensions shall be financed in accordance with the policies of the **Bardwell Water Supply and Sewer Service Corporation**, but shall be constructed in accordance with the regulations and standards contained in this Chapter.

All water system installations shall be constructed according to city design standards.  
(Ordinance adopted 4/11/00, sec. 7.100)

## **Sewer System.**

No sewer lateral shall be smaller than six (6) inches in diameter. All sewers shall be designed with hydraulic slopes sufficient to give mean velocities when flowing full or half full of not less than two (2) feet per second, nor more than five (5) feet per second. Manholes shall be constructed at all changes in grade, alignment or size of sewer and at all intersections of other sewers, except service sewers.

All sewer mains installed within a subdivision must extend to the borders of the subdivision, as required for future extensions of the collection system, regardless of whether or not such extensions are required for service within the subdivisions.

All sewer system extensions shall be financed in accordance with the policies of the **Bardwell Water Supply and Sewer Service Corporation**, but shall be constructed in accordance with the regulations and standards contained in this Chapter.

All sewer system installations shall be constructed according to city design standards.

## **Street Lighting.**

Street lighting shall be provided by the developer and shall conform to the most current edition of the Illuminating Engineering Society Handbook. Lighting levels shall be as recommended for very light traffic in residential areas; medium traffic on feeder streets; and heavy traffic on thoroughfares.

## **Street Signs and Water Meter Boxes.**

All street signs and water meter boxes shall be provided and installed by the developer and said street signs and water meter boxes must meet the specifications set forth by the City.

## **Flood Regulations.**

The City shall review each proposed subdivision to assure:

All such proposals are consistent with the need to minimize flood damage.

All public utilities and facilities, such as wastewater, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.

Adequate drainage is provided so as to reduce exposure to flood hazards.

## **SURVEY REQUIREMENTS**

### **Monuments.**

Monuments, consisting of one-half (1/2) inch iron pipe or one-half (1/2) inch reinforced steel or larger, twenty-four (24) inches in length, encased in six (6) inch concrete, shall be placed at all corners of the block lines, and at the point of intersection of curves and tangents of the subdivision.

### **Benchmarks.**

At least one benchmark for each subdivision shall be permanently installed in an approved manner,



with the location and the elevation as shown on the plat. Permanent benchmarks shall be five (5) feet long, concrete posts six (6) inches in diameter with the top to be at least twelve (12) inches below finished grade.

#### **Lot Markers.**

Lot markers shall be metal, at least twenty-four (24) inches in length, placed at each corner of all lots, flush with the average ground elevation, or they may be countersunk, if necessary, to avoid being disturbed.

#### **VARIANCES**

When a subdivider can show that a provision of these regulations would cause unnecessary hardship if strictly adhered to and where, because of some condition peculiar to the site, in the opinion of the City Council, a departure may be made without destroying the intent of such provisions, the City Council may authorize a variance.

#### **AS-BUILT DRAWING**

The engineer representing the subdivider shall present to the City Council, reproducible complete "as-built plans" for all paving, drainage structures, water lines, and sewer lines within thirty (30) days after completion of each contract.

#### **FILING FEE**

##### **Schedule of Fees and Charges.**

The following schedule of fees and charges shall be paid into the **General Fund** of the City of Bardwell when any map or plat is tendered to the City Secretary, and each of the fees and charges provided herein shall be paid in advance, and no action of the City Council shall be valid until the fee shall have been paid. The City Secretary, deputies or assistants, shall calculate the fees and charges in accordance with the fee schedule.

Where the City Council authorizes one plat to serve as a final and preliminary plat, the fee will be that of a final plat.

##### **Applicability.**

The above fees shall be charged on all plats regardless of the action taken by the City Council.

#### **PENALTY**

##### **Penalty.**

Violation of any provision or provisions of this Ordinance by any subdivider shall constitute a misdemeanor and upon conviction of such violation in corporation court of the City of Bardwell, a fine not exceeding two hundred (\$200.00) dollars may be imposed, and each day that such violation continues shall be separate offense. In case a corporation is the violator of any provision of this

Ordinance, each officer, agent and/or employee in any way responsible for such violation thereof shall be individually and severally liable for the penalties herein prescribed; provided, however, the penal provisions and application of this Ordinance shall not apply to a duly qualified County Clerk and/or Deputy County Clerk, acting in their official capacity, or in any way be construed to conflict with Article 427B, of the Texas Penal Code: and provided further, however, that any violation of any provision of this Ordinance outside the corporate limits, but within the City's extraterritorial jurisdiction, shall not constitute a misdemeanor nor shall any fine be applicable to such violation within such extraterritorial jurisdiction. However, the City shall have the right to institute an action in the District Court to enjoin the violation of any provision of this Ordinance within the City's extraterritorial jurisdiction.

### **Penal Convictions.**

No conviction or convictions under the penal provision of this Ordinance, or Article 427B, Texas Penal Code, shall ever be considered as any bar to any injunctive or other legal remedy, relief, right, or power, existing in the City of Bardwell, Texas, to enforce the application and provisions of this Ordinance by the virtue of the Constitution and Laws of the State of Texas.

### **SAVINGS CLAUSE**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, if being the intent of the City Council, in adopting this Ordinance, that no portion thereof, or provision or regulation contained herein, shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provisions of this Ordinance.