

CITY OF PLUM GROVE

ORDINANCE NO. 1010

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS, ("CITY") PROVIDING RULES, REGULATIONS, AND REQUIREMENTS WHICH GOVERN THE PLATTING OR REPLATTING OF LAND INTO SUBDIVISIONS WITHIN THE CITY AND EXTENDING INTO THE CITY'S EXTRATERRITORIAL JURISDICTION; REQUIRING PLATS AND REPLATS TO CONFORM TO SUCH RULES AND REGULATIONS IN ORDER TO PROCURE THE APPROVAL OF THE CITY COUNCIL; ADOPTING SUBCHAPTER B, CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE WHICH ALLOWS FOR THE REQUIREMENT OF DEVELOPMENT PLATS IN THE CITY AND WITHIN ITS EXTRATERRRRITORIAL JURISDICTION; PROVIDING FOR A TABLE OF CONTENTS; REQUIRING OTHER IMPROVEMENTS AND STANDARDS FOR SUBDIVISIONS; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING SEVERABILITY; PROVIDING A PENALTY AND SAVINGS CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES AND RESOLUTIONS OR PARTS OF RESOLUTIONS INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has information which calls into question the process for platting and approval of residential and commercial property; and

WHEREAS, Sections 212.002 and 212.003 V.T.C.A., Local Government Code, and any amendments thereto allow for the adoption of rules governing plats and subdivisions of land within the City and its Extra-territorial Jurisdiction ("ETJ"); and

WHEREAS, a public hearing was held as required by Section 212.002 and 212.044.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS:

Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the City Council and made a part hereof for all purposes.

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Sec. 1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the mayor or the person designated by the city council to administer and coordinate the provisions of this article.

Block means a piece or parcel of land composed of two or more lots with each lot having access to a public street, road, railroad right-of-way, or a combination thereof.

Building setback line means an area designated on a subdivision plat beyond which no building or structure may extend. -

City means the City of Plum Grove, Texas, a municipal corporation located within Liberty County, Texas, operating and existing pursuant to the general laws of the state.

City building official means the person employed by the City as the city's building official, or his duly authorized representative.

City engineer means the person designated or retained by the city to perform the duties of city engineer.

City council means the duly elected governing body of the City of Plum Grove, Texas.

City hall means the city offices maintained by the city.

Commission means the planning commission of the city. The city council shall currently serve as the planning commission.

Comprehensive Plan Is any plan officially adopted or amended by City Council for the physical development of the City of Plum Grove and includes any unit or part of such plan.

Crosswalk way means a public right-of-way, six feet or more in width between property lines, which provides pedestrian circulation.

Cul-de-sac means a street having but one outlet to another street, and terminated on the opposite end by a vehicular turnaround.

Dead-end street means a street, other than a cul-de-sac, with only one outlet.

Development means the new construction or the enlargement of any exterior dimension of any buildings, structures or improvements but not including single family residences.

Developer means a person, firm, corporation or any legal entity, whether one or more or a combination of one or more, engaged in a business of improving and selling or using land for the purpose of constructing improvements thereon, to be sold or leased to others or otherwise handled for their own personal gain or use.

Easement means a grant by the property owner to the public, a corporation, or persons of the use of a strip of land for specific purpose.

Engineer for the city means the registered professional engineer employed or designated by the city to provide professional engineering services for and on behalf of the city.

Extraterritorial jurisdiction (ETJ) means the unincorporated territory extending one-half mile beyond the city limits and contiguous to the city limits which has been established as a result of the provisions of V.T.C.A., Local Government Code ch. 42.

Fence means any barrier constructed for the purpose of separating parcels of land.

Filing means the state mandated 30-day period for action on any document submitted in accordance with this article under V.T.C.A., Local Government Code § 212.009 shall begin when:

- (1) The preliminary plat is deemed filed when all fees, documents, drawings and approvals required hereunder are filed with the city secretary;
- (2) The final plat is deemed filed when the approved preliminary plat along with any stipulations and/or conditions required by the commission have been filed with the city secretary as a final plat with all necessary fee, documents, certifications and drawings required hereunder are in the possession of the city secretary; and
- (3) If at any time the city secretary deems that required information has not been provided for whatever reason, the filing shall be deemed canceled and begin again upon the filing of the required information.

Lot means an undivided tract or parcel of land smaller than five acres having its principal frontage on a public street or officially approved open space, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract and which is identified by a tract or lot number or a symbol in a duly approved subdivision plat which has been properly filed on record.

Owner means the person designated as the owner of record of the property to be subdivided or platted.

Pavement width means the portion of a street available for vehicular traffic; where curbs are laid, it is the portion between the back of the curbs.

Planned unit development (cluster development) means a development of property into multi-unit structures for residential or commercial use.

Plat means and includes the following:

(1)*Preliminary plat* means a map or drawing of a proposed development to illustrate the features of the development for review and approval by the city council, but not suitable for recording in the county records.

(2)*Final plat* means a map or drawing of a proposed subdivision prepared in a manner suitable for recording in the records of the county containing accurate detailed surveying data, dimensions, dedicatory statements and certificates, and prepared in conformance with the conditions of preliminary approval previously granted by the city council.

Resubdivision means the division of an existing recorded subdivision together with any change of lot size therein or the relocation of any street line.

Setback (or building) line means a line on a plat parallel, or nearly so, to the street right-of-way, indicating the limit beyond which buildings, structures or fences may not be erected.

Should and will. The word "should" is a recommendation and is not mandatory. The word "will" is mandatory.

Street means any public thoroughfare or right-of-way, dedicated to the public, which provides vehicular access to adjacent land.

- (1) An arterial street primarily provides movement and vehicular circulation to various sections of the city.
- (2) A collector street primarily provides movement and access, carrying traffic from local streets to arterial streets or carrying traffic through or to adjacent commercial or industrial areas.
- (3) A local street is one which is used primarily for access to abutting properties.
- (4) A marginal access street is a street which is parallel to and adjacent to an arterial street or highway and primarily provides access to abutting properties and protection from through traffic.

Structure means anything constructed or erected on the ground including but without limitation to buildings, factories, sheds, cabins, manufactured homes, open carports and other similar items.

Subdivider (developer) means any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be subdivided or developed. The terms "subdivider" and "developer" are synonymous as used in this article.

Subdivision means the division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership, and shall include resubdivision. Subdivision includes that property-related action legally described by metes and bounds, lot and block number, or other comparable method and includes the re-subdivision of land or lots which are part of a previously recorded subdivision, but it does not include the division of land for agricultural purposes in parcels or tracts of ten acres or more and not involving any new street, alley, or easement of access.

Surveyor means a licensed state land surveyor or a registered professional land surveyor, as authorized by the state statutes to practice the profession of surveying.

Sec. 2. Penalty and violations.

- (a) Any person violating any provision of this article, such violation being located within the corporate limits of the city, shall be punished by a fine, except as otherwise provide by law;
 - (i), not to exceed \$500.00, except as provide by section (ii)

(ii) not to exceed \$2,000.00 if the violation governs fire safety, zoning or public health or sanitation, including dumping of refuse.

(iii) Except as otherwise provided by law or ordinance:

(aa) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

(bb) With respect to other violations, each violation constitutes a separate offense.

(b) Any person violating any provision of this article, such violation being located outside the corporate limits of the city but within the city's extraterritorial jurisdiction, shall not be considered as committing a misdemeanor, nor shall any fine be applicable; however, the city shall have the right to institute an action in the district court to enjoin the violation of any provision of this article.

(c) On behalf of the city, the city attorney shall, when directed by the city council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this article or the standards referred to herein with respect to any violation thereof which occurs within the extraterritorial jurisdiction of the city as such jurisdiction is determined under V.T.C.A., Local Government Code title 2, subtitle 3 (V.T.C.A., Local Government Code ch. 41 et seq.), or within any area subject to all or a part of the provisions of this article.

Sec. 3. Purpose, statutory authority; jurisdiction; application

The purpose of these regulations and ordinance is to provide for the harmonious development of the City, and its environs, for the coordination of streets within the subdivisions, and other existing or planned streets or with other features of the comprehensive plan for access to and the extension of public utility facilities, for adequate open spaces for traffic, recreation, light and air; and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, security, morals, the general welfare and economic development of the City.

(a) Under the authority of V.T.C.A., Local Government Code ch. 212, which is hereby made a part of this article, the city council does hereby adopt the regulations set out in this article to control the subdivision of land within the corporate limits of the city and the extraterritorial jurisdiction of the city in order to provide for the orderly development of the area to secure adequate provision for traffic, light, air, recreation, transportation, water, drainage, sanitary sewer, fire protection and other facilities. Under the authority of V.T.C.A., Local Government Code §§ 42.001 et seq. and 212.003, which are hereby made a part of this article, the city council does hereby adopt the regulations set out in this article as to the extent of extraterritorial jurisdiction.

(b) Any owner of land located inside of or within the corporate limits of the city or within the extraterritorial jurisdiction of the city wishing to subdivide such land shall submit to the city council a preliminary and final plat of the subdivision which shall conform to the minimum requirements set forth in this article. It is urged that informal discussions be held between the developer, the city officials and the engineer for the city to ensure compliance within the basic requirements and to arrive at a coordinated plat layout.

(c) No subdivision plat shall be filed or recorded and no lot in a subdivision inside of the corporate limits or extraterritorial jurisdiction of the city shall be improved or sold until the final plat shall have been approved by the city council. The city shall have the authority to prohibit the installation of public utilities in unapproved streets and easements and to prohibit the issuance of building permits for structures on lots abutting on unapproved streets. The final plat must be approved by the city council.

(d) The provisions of this ordinance shall not be construed to prohibit the issuance of permits for construction on any lot which was in existence prior to September 9, 2015.

Sec. 4. Interpretation.

(a) Generally. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This chapter shall be construed broadly to promote the purposes for which they are adopted.

(b) Public provisions. This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulations, statute, or other provision of law except as provided in this chapter. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

(c) Private provisions. This chapter is not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this chapter shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of this chapter, or the determinations of the planning commission or the city council in approving a subdivision or in enforcing this chapter, and the private provisions are not inconsistent with this chapter or the determinations made under this chapter, then the private provisions shall be operative and supplemental to this chapter and the determinations made under the regulations of this chapter.

(d) If any article, paragraph, subdivision, clause or provision of this ordinance, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

(e) An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

Sec. 5. Basis for decisions by engineer for the city.

All decisions by the engineer for the city under this article shall be pursuant to uniform city standards.

Sec. 6. Variances.

(a) Subject to prior recorded restrictions, when a subdivider can show that a provision of this article would cause unnecessary hardship if strictly adhered to, or where because of some condition peculiar to the site or the unique nature of the development compliance with this article is not consistent with or required by good engineering and planning practices, and if in the opinion of the city council and the engineer for the city a departure from this article may be made without destroying the intent of this article, the city council may authorize a variance. However no variance may be authorized that would remove recorded covenants or restrictions.

(b) No variance shall be granted unless it is found that all of the following apply:

- (1) There are special circumstances or conditions, including unique topography, affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land;
- (2) The variance is necessary for the preservation and enjoyment of the legal property rights of its owner;
- (3) The purposes and intent of this article are observed;
- (4) There is no increase in the flood hazard or flood damage potential;
- (5) The granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to the legal rights to other property in the area; and
- (6) The granting of the variance will not prevent the orderly subdivision of other land in the area in accordance with the provisions of this article. Such findings, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the city council meetings at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety, and welfare may be secured and substantial justice done. Financial hardship to the subdivider, standing alone, shall not constitute undue hardship.

Sec. 7. Filing fees.

An application for preliminary or final plat approval shall be accompanied by a nonrefundable application fee in the amount as set by resolution or ordinance of the city council from time to time and kept on file in the office of the city secretary.

Sec. 8. Compliance.

- (a) No land shall hereafter be subdivided or used without full compliance with the terms of this article and other applicable regulations including zoning, official maps, health codes, and other regulations which apply to uses within the jurisdiction.
- (b) No building, repair, plumbing, electrical or similar permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full, except as provided for in section 3
- (c) The city shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- (d) The city shall not sell or supply any water or sewerage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- (e) If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the city council of the city shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval. Said resolution shall recite the fact that the provisions of this section apply to the subdivision and the lots therein. The city secretary shall, when directed by the city council, cause a certified copy of such resolution under the corporate seal of the city to be filed in the deed records of the county or counties in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the city secretary shall forthwith file an instrument in the deed records of such county or counties stating that the provisions of this section no longer apply.
- (f) The provisions of this section shall not be construed to:
 - (1) Prohibit the issuance of building, repair, plumbing, or electrical permits with respect to any lots or building tract;
 - (2) Prohibit the repair, maintenance, or installation of any street or building;
 - (3) Prohibit the repair, maintenance, or installation of any street or public utility service; for, to, or abutting any lot, in these instances: where the last recorded conveyance of such lot or tract prior to passage of this article was by metes and bounds; or where a building is in existence on said lot prior to passage of this article; or where such subdivision, whether by recorded plat or by actual occupancy and use, was in existence prior to the passage of this article.
- (g) The city will withhold all city improvements of whatever nature, including the maintenance of streets and the furnishing of water and sewer service, to any subdivision or part thereof if the platting of such has not been approved by the city council or in which the construction of required improvements does not comply with these regulations.

Sec. 9. Conformance to most current comprehensive plan.

No development, plat or subdivision of land within the city and its extraterritorial jurisdiction, as determined by of V.T.C.A., Local Government Code ch. 42, subch. A (V.T.C.A.,

Local Government Code § 42.001 et seq.), shall be approved unless it conforms to the most current comprehensive plan of said city and its streets, alleys, easements, parks, playgrounds, and public utility facilities, including those which have been or may be laid out, and to the most current comprehensive plan for the extension of said city and of its roads, streets, alleys, easements, and public highways, regard being had for access to public utilities.

Sec. 10. Planned unit development.

Upon application by a developer-subdivider, upon review and comment by the city staff as hereafter provided for, and upon review by the commission, the city council may modify or waive design standards set forth in this article when such developer-subdivider intends and formally applies to utilize the "planned unit (or clustered) development" concept for the development of a parcels of land. The granting of a waiver or modification under this section shall not violate the purpose or objectives of this article and shall not be considered as a variance as covered in section 7. The minimum size for a planned unit development project shall be five acres.

Sec. 11. Septic tanks.

No permit shall be issued by the county for the installation of septic tanks upon any lot in a subdivision unless such septic tank system meets requirements applicable to state law applied to local conditions.

Sec. 12. Land suitability.

- (a) No land shall be subdivided which is held unsuitable for its intended use by the city for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earth-slides, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature harmful to the health, safety or welfare of the future residents of the proposed subdivision or community.
- (b) However, the city council may approve the preliminary and final plats if the subdivider improves the land consistent with the standards of this and other applicable ordinances to make the area, in the opinion of the city council suitable for its intended use. The city council may also approve the preliminary and final plats if the subdivider agrees, in writing, to make suitable improvements and places a sum in escrow pursuant to section 9 to guarantee performance.
- (c) In determining the appropriateness of land subdivision at the site, the city council shall consider the stated purpose and objectives of this article, and:
 - (1) The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads, and intended uses.

- (2) The danger that intended uses may divert or impound surface water on to other lands or downstream to the injury of others.
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions including flood conditions.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (5) The importance of the services provided by the proposed facility to the community.
- (6) The availability of alternative locations not subject to flooding for the proposed subdivision and land use.
- (7) The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future.
- (8) The relationship of the proposed subdivision to the most current comprehensive plan and floodplain management program for the area.
- (9) The safety of access to the property in times of flood and other natural disasters and emergencies for emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

Sec. 13. Construction approval.

All construction work, such as street paving, storm sewers, curb and/or gutter work, sanitary sewers, water mains, and electrical construction performed by the owner, developer or contractor, shall be subject to inspection during construction by the proper authority of the city and shall be constructed in accordance with appropriate provisions of this and other applicable ordinances and public engineering standards.

Sec. 14. Large lot estate subdivision.

- (a) A large lot subdivision is defined as a subdivision in which the minimum lot size is one-acre and minimum street frontage for any lot is 60 feet with a minimum lot width of 120 feet at the building setback line. Large lots with wide frontage result in less drainage and traffic demands than single-family residential developments consisting of small lots with narrow frontages and widths. Therefore, the facility requirements and public impacts of the larger, "estate-type" single-family residential developments are less intensive. Residential developments undertaken pursuant to this section shall conform to the following provisions and are considered exempt from conflicting provisions in this article.

- (1) Lot standards.
 - a. The minimum lot area shall be one acre when a municipal sanitary sewer system is available to service a lot. If no municipal sanitary sewer system is provided to service a lot, the minimum lot size shall be 1.5 acres.
 - b. The building setback requirements shall be 40 feet for the front yard, 20 feet for the back yard, and ten feet for the side yard.

(2) Utilities.

- a. If municipal water or sewer utilities of sufficient capacity are available within 2,000 feet of the proposed site, the subdivider or developer shall be required to extend the utilities to the site and make them available to every lot in the development.
- b. In all other cases, water wells and septic systems constructed in the subdivision must be in conformance with the rules and regulations of the state commission on environmental quality, the state department of health, and the county.

(3) All other provisions of this article which are not in conflict with the specific provision of this section shall be considered applicable to large lot estate subdivisions.

Sec. 15. Preliminary plat.

(a)Required. A preliminary plat of any proposed subdivision shall be submitted to the city council and approved before the subdivider proceeds with the final plat for record.

(b)Scale; contents. The preliminary plat shall be drawn to a scale of one inch equals 200 feet, one inch equals 100 feet, one inch equals 50 feet, one inch equals 40 feet or one inch equals 20 feet. The preliminary plat shall contain the following information:

(1)Existing features inside platted area.

- a. The existing boundary lines, including accurate dimensions, both linear and angular, of the land to be platted. Boundary lines shall be drawn in heavy lines for easy identification.
- b. The location of all existing easements, pipelines, wells, watercourses, railroads, streets and other similar drainage and transportation features.
- c. The location and width of all existing streets, alleys, easements, buildings and structures.
- d. Topographical information with contour lines of two-foot intervals maximum based on a datum approved by the engineer for the city.
- e. Boundaries, elevations and locations of 100-year floodplain and floodway to be shown as found by any governmental body or state agency acting in accordance with state law or local ordinance or regulations.
- f. Total acreage of platted area.

(2)Existing features outside of platted area.

- a. The names, addresses and property lines of adjoining property owners.
 - b. The names and location of adjacent subdivisions, streets, easements, pipelines, watercourses, etc., within 200 feet of the plat boundary, with recording information on easements, streets, etc.
- All lines outside of the proposed subdivision are to be dashed.

(3)New features inside of subdivision.

- a. The proposed name of the subdivision.

- b. The location, width and names of proposed streets and rights-of-way, along with pavement widths.
- c. The width and depth of all lots. If the side lot lines are not parallel, the distance between them at the building setback line and at the narrowest point should be given.
- d. The location of building lines, alleys and easements.
- e. The location and approximate size of sites for schools, churches, parks and other special land uses and vegetative barriers where required.
- f. The area in square feet and acres of the subdivided parcels.

(4)Key map. A key map showing the relation of the subdivision to major streets and original survey lines, in all directions, for a distance of at least one mile.

(5)Title. The date, scale, north point and title under which the plat is to be recorded, along with appropriate legal descriptions such as survey name and abstract, with the name of the owner and the engineer or surveyor platting the tract.

(c)Submission. The city council shall be furnished, not less than ten days before the meeting at which it will consider any proposed preliminary plat, with:

- (1)A reproducible tracing.
- (2)A minimum of five legible prints of the preliminary plat.
- (3)Five legible prints of the preliminary plans for the furnishing of water and fire protection, the installation of sanitary sewer facilities, and provisions for storm sewers and general drainage facilities. Topographic contours of not more than two-foot intervals shall be shown.
- (4)A title letter or certificate as defined in section 16.
- (5)Letters from local public utility companies, municipal utility districts and the city manager or his designated representative stating availability of utilities to the proposed development.

These documents shall be transmitted to the city secretary at the city's offices.

(d)Approval or disapproval. The city council shall approve, conditionally approve, defer or disapprove within 30 days any preliminary plat submitted to it. Approval of the preliminary plat shall not constitute final acceptance of the plat. Failure to act within 30 days of the regularly scheduled meeting at which the plat would have been submitted shall constitute approval by the city council unless additional time is requested from the developer. Reasons for the disapproval or conditional approval or deferral shall be put in writing attached to one copy of the plat and returned to the person submitting the plat. Preliminary approval shall expire 12 months after the approval of the city council of the preliminary plat or the final sections thereof except that, if the subdivider shall apply in writing prior to the end of such 12-month period stating reasons for needing the extension, this period may be extended for another 12 months, but not beyond a total of two years.

(e)Disapproval of plat deemed disapproval of dedications. If any such plat is disapproved by the city council, such disapproval shall be deemed a disapproval of the offered dedication shown therein.

Sec. 16. Final plat.

(a)Generally. After the approval of a preliminary plat by the city council a final plat showing an actual boundary survey of the tract prepared by a registered public surveyor and bearing his seal shall be submitted to the city council by filing in the office of the city secretary. The plat shall have all changes and alterations made on it that were required on the previously submitted preliminary plat.

(b)Scale and format. All final plats shall be drawn with waterproof black tracing ink on mylar plastic or the equivalent and to a scale of one inch equals 100 feet. Plat dimensions shall not exceed 20 inches by 24 inches. Where more than one sheet is required, an index sheet of a maximum size of 20 inches by 24 inches shall be filed showing the entire subdivision at a suitable scale.

(c)Contents. The final plat shall contain the following information:

(1)Existing features inside subdivision. The plat shall contain:

- a. The existing boundary lines of the land to be subdivided. Boundary lines shall be drawn in heavy lines for easy identification.
- b. The location of all existing watercourses, railroads, easements, pipelines, wells and other similar drainage and transportation features.
- c. The location of all the existing streets, alleys and easements, and buildings and structures to be retained and to be removed.

(2)Existing features outside subdivision. The plat shall contain:

- a. The name and property lines of adjoining subdivisions and of the adjoining property owners, together with the respective plat or deed references.
 - b. The name and location of adjacent streets, alleys, easements, watercourses, etc., within 200 feet of the plat boundaries.
- All lines outside a subdivision's boundaries are to be dashed.

(3)Streets, alleys and easements. The plat shall contain the lines and names of all proposed streets or rights-of-way or easements to be dedicated to public use, with the following engineering data:

- a. For streets, complete curve data, including central angle, tangent and degrees of curvature shown on the centerline or on each side of the street, length and bearings of all tangents, and dimensions of all angle points and points of curve to an adjacent side lot line.
- b. For watercourses and easements, distances along the side lot line from the front lot line on the high bank of the stream. Traverse lines shall be provided along the edge of all large watercourses in a convenient location, preferably along the utility easement if paralleling the drainage easement or stream.

(4)Subdivision name and acreage. The plat shall contain the name of the subdivision and the total acreage.

(5)Lots and blocks. The plat shall contain the lines and numbers of all proposed lots and blocks, with complete bearings and dimensions for front, rear and side lot lines, along with areas in square feet and acres.

(6)Setbacks and easements. Building setback lines and utility easements shall be shown on all lots.

(7)Reservations. The plat shall contain the use and property dimensions for all special reservations, including sites for schools, churches, parks and reserves.

(8)Monuments and control points.

a. The description and location of all permanent survey monuments and control points shall be provided.

b. The plat shall refer to suitable primary control points to which all dimensions, bearings and similar data are tied. Dimensions shall be shown in feet and decimals of a foot.

(9)Certificates of approval. The following will be placed on the face of the plat in addition to the requirements of the county:

KNOW ALL MEN BY THESE PRESENTS:

That I _____, do hereby certify that I prepared this plat from an actual and accurate 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 Plum Grove, Texas.

Signature and Seal of
Registered Professional Land Surveyor

This plat and subdivision has been submitted to and considered by the City Council of the City of Plum Grove, Texas, and is hereby approved by such Council.

Dated this _____ day of _____ / _____ / _____, 20____.

	By: _____ Mayor
ATTEST:	
_____ City Secretary	

(10)Key map. The plat shall contain a key map showing the relation of the subdivision to major streets, and original survey lines in all directions to a distance of at least one mile.

(11)Title. The plat shall contain the date, scale, north point and subdivision title, along with appropriate legal descriptions such as a survey name and abstract, with the name of the owner and engineer or surveyor platting the tract.

(12)Dedications and certificates. The plat shall contain such dedications and certificates as are applicable.

(13)Special restrictions. Where restrictions of land use, other than those given in this article, are to be imposed by the subdivider, such restrictions shall be placed on the final plat or on a separate instrument filed with the plat.

(14)Off-site easements. Recorded off-site easements shall be provided with final plat submittal.

(d)Water, sewer, paving and drainage plans. Two sets of plans and specifications for water, fire protection, sanitary sewers, storm sewers, paving and drainage prepared by a registered professional engineer must be submitted with the final plat. As noted in division 3 of this article, all developers will be required to retain services of an engineer for the design and inspection of all public utilities that the city will maintain after development occurs.

(e)Tax receipt. A receipt or tax certificate showing that all taxes have been paid shall be submitted with the final plat.

(f)Title letter or certificate. A title letter or certificate from a title guaranty company or from an attorney duly licensed to practice law in the state shall be submitted certifying to at least the following concerning title to the land:

(1)A statement of records examined and the date examined (within the last 60 days).

(2)A description of the property by metes and bounds.

(3)The name of the fee owner as of the date of examination, along with the date, file number, volume and page of the recording of the deed involved.

(4)The name of any lienholder, together with the date of filing, volume and page of the lien.

(5)A general description of any easement and fee strips granted, along with the file number, date of filing, volume and page of such recording information.

(g)Submission. The city council shall be furnished with six legible prints of the original tracing and a reproducible copy of the final plat ten days or more before the regular city council meeting. These documents shall be filed in the office of the city secretary.

Sec. 17. Replats.

Any replatting shall follow final platting rules as set out in this article.

Sec. 18. Additional notice and hearing requirements for certain replats.

If a public hearing is required to be held by V.T.C.A., Local Government Code ch. 212 on a replat, unless otherwise required by V.T.C.A., Local Government Code ch. 212, only one public hearing shall be held and it shall be held at the time the preliminary plat of the replat is submitted to the commission for approval. Notice of such public hearing shall be given in the manner required by such V.T.C.A., Local Government Code ch. 212.

Sec. 19. Responsibilities of the subdivider.

The subdivider, at his/her or its expense, shall construct all streets, alleys, culverts and bridges, drainage facilities, water lines, sewer lines and hike and bike paths within the subdivided property all in accordance with the specifications as approved by the city, and upon the acceptance by the city, the same shall become the property of the city or other governmental body having control thereof unless otherwise provided herein. Before starting clearing or any construction within a proposed subdivision or a platted subdivision, the developer must obtain a subdivision construction permit from the city building official. The city building official shall not issue a subdivision construction permit until a final plat is approved by the city council and recorded in the map records of the county.

Sec. 20. Requirements for permit issuance.

When the subdivision is completed and a satisfactory report has been received by the city engineer from the developer's engineer stating that all work has been completed in accordance with the approved plat, plans and specifications, and the water and sewer facilities have been approved by the water authority and the city engineer has made a satisfactory final inspection ascertaining that all work, cleanup and requirements of the city has been completed, the city engineer will, by letter, authorize the city building inspector to issue permits for buildings in such subdivision. However, after filing the plat and before any building permit may be issued, the developer must deliver to the city engineer three full size prints of the plat, one 105mm Micromaster and a black line print at a scale of 200 feet per inch.

Sec. 21. Liability of city to furnish improvements.

The acceptance of a final plat by the city does not in any manner obligate the city to finance or furnish any storm sewers, drainage structures, street, water, sewer improvements or any other items or improvements whatsoever.

Sec. 22. Recording of approved plat required.

The approval of a final plat of a subdivision by the city shall be invalid unless the approved plat of such subdivision is recorded in the office of the county clerk within 30 days after the date of its final approval by the city.

Sec. 23. Compliance.

No preliminary or final plat and no planned unit or cluster development shall be approved by the commission or city council and no completed improvements shall be acceptable by the city unless they conform to the provisions of this ordinance, as appropriate. Manufactured home subdivisions must be platted in conformance with this Ordinance and any Ordinance that addresses Manufactured Housing.

Sec. 24. Guarantee of performance.

- (a) *Maintenance bond.* Upon approval of the roads and utilities by the city, the subdivider shall be required to secure a one-year maintenance bond for all such roads and utilities.
- (b) *Guarantee of materials and workmanship.* The subdivider, or developer, shall require guarantee of materials and workmanship of his construction contractors, with whom he contracts for furnishing materials and installing the improvements required under this article. The subdivider, or developer, shall himself be responsible for guaranteeing that all materials and workmanship in connection with such improvements are free of defects for a period of one year after acceptance of the improvements by the city.
- (c) *Acceptance or rejection of construction.* The city engineer shall inspect the construction of the improvements while in progress and shall inspect such improvements upon completion of construction. After final inspection he shall notify the subdivider, the administrator and the city attorney in writing as to his acceptance or rejection of the construction. He shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. If he rejects such construction, the city attorney shall on direction of the city council, proceed to enforce the guarantees provided in this article.
- (d) *Extension of time.* Where good cause exists, the administrator may recommend to the city council to extend the period of time for completion. Such extension of time shall be reported to the commission and the city council and recorded in the minutes of each body.
- (e) *Contractor bonding.* The developer shall require performance and payment bonds from the contractor for 100 percent of the cost of improvements, and shall assign them to the city upon completion of construction.
- (f) *Performance Bond.* The owner or developer of the proposed subdivision shall file a performance bond approved by the city engineer in the form of surety and sureties on such bond, guaranteeing the completion of such improvements as are required to be constructed by the owner or developer under the present city policies in effect and as required by this chapter. Such a bond shall be in an amount equal to the estimated cost of the entire project and the amount of the bond shall be approved by the city engineer. Such bond shall be payable to the city, and shall guarantee completion of all required improvements within two years from the date of final approval of such plat. Where for good cause shown to the satisfaction of the city council, the developer or owner has not completed the required site improvements within two years from the date of the final approval of the plat, the city council may grant additional time, not to exceed one year, within which to complete said improvement. No such extension shall be granted unless the developer or owner has filed new security in conformance with the conditions applied to the original bond. All bonds shall be kept in the custody of the city secretary. Bonds shall be released to the principal

and/or surety only after all the subdivision requirements have been fulfilled or the money sum of the bond or the amount of the work required yet to be finished has been paid to the city. The city engineer shall certify to the city secretary that all the required work has been accepted and completed. In the event that a money settlement is paid the city in lieu of performing the required work, the city engineer shall certify to the city secretary that such sum is adequate compensation and that in his opinion the bond should be released.

Sec. 25. General standards.

- (a) *Conformity with most current comprehensive plan.* The subdivision or development shall conform to the most current comprehensive plan of the city and parts thereof.
- (b) *Provision for future subdivisions.* If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow for the opening of future streets.
- (c) *Reserve strips prohibited.* There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.
- (d) *Standards for construction.* The street, water installation, sewer facilities and waste disposal and drainage with all appurtenances pertaining to them and facilities of other agencies as may be required shall be constructed and installed in each new subdivision in accordance with the existing standards of the city.

Sec. 26. Building site improvements.

- (a) No subdivision or development, or part thereof, shall be approved if a proposed subdivision development is to occur in an established flood hazard area and thereby individually or collectively significantly increase flood flows, heights, or damages.
- (b) Building sites, residences, motels, resorts, and similar uses for human occupation in established flood hazard areas shall meet the requirements of the federal flood insurance program as adopted by the city.
- (c) Building sites for structures other than residences outside of established flood hazard areas shall ordinarily be filed as provided in the city's codes and ordinances controlling such activities.
- (d) When the city council so determines, based on study by the city staff that only part of a proposed plat can be safely developed, the city council shall limit development to that part and shall require that the method of development be consistent with its determination.
- (e) When the subdivider does not intend to develop the plat himself, and the city engineer determines that limitations are required to ensure safe development, the city council may require the subdivider to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the face of the final recorded plat.
- (f) Floor level of all buildings are to be a minimum of 12 inches above the top of the nearest curb and gutter or 18 inches above the crown of a street that has open ditches, the grade of which to be approved by the city. This minimum may be reasonably increased upon specific findings by the city engineer that site drainage characteristics require such increase.

Sec. 27. Streets.

- (a) *Street layout.* Adequate and paved streets shall be provided by the developer. The arrangement, character, extent, width, grade, and location of each shall conform to the most current City of Plum Grove Street System Standards, as amended, and attached hereto as Exhibit "A" and adopted for all purposes and shall be considered in their relation to existing and planned streets, to topographic conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood.
- (b) *Relation to adjoining street system.* Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued, shall be at least as wide as such existing streets, or the width specified herein, whichever is wider, and shall be in alignment therewith.
- (c) *Projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provisions for the proper projection of streets into such unsubdivided areas. The distance between such projections into any one adjoining property shall not exceed 600 feet.

Sec. 28. Sidewalks.

- (a) Sidewalks shall be installed in new subdivisions as deemed necessary by the city council and will be installed at the expense of the person or persons building the respective structure to the sidewalk.
- (b) No sidewalk is required until a lot is improved but at the time such improvements are constructed, a sidewalk complying with the provisions hereof shall be provided at the front of such lot, and also along the street side of corner lots.
- (c) All sidewalks shall be not less than four feet in width and shall be of concrete construction.
- (d) Sidewalks shall parallel the street, insofar as possible.
- (e) As site conditions vary, sidewalks may be placed immediately adjacent to the street and next to the curb, when the street is paved, or at the property line (providing a place for street landscaping), at the option of the subdivider; but all sidewalks in a subdivision shall be uniform in this respect.
- (f) Additional sidewalks shall be provided as deemed necessary by the city council in commercial, industrial, public, and multifamily areas; such additional sidewalks as the subdivider may desire shall be permitted.

Sec. 29. Water installations.

- (a) *Water supply and distribution.*
 - (1) All subdivisions shall be provided with a water supply and/or water distribution system approved by the city engineer and the state department of public health. The subdivider shall be responsible for providing this system at his expense.

- (2) All water systems located in flood-prone areas, whether public or private, shall be flood-proofed above the established flood protection elevations.
- (3) If there is an existing city or other public water supply system on or near the subdivision, the city may require the subdivider to connect to this system.
- (4) Water mains shall not be less than six inches in diameter in residential areas and eight inches in commercial and industrial areas.
- (5) Water mains may be required by the city to serve areas other than the subdivision.
- (b) *Fire hydrants.* Standard fire hydrants shall be installed by the subdivider and connected to the water distribution system of the subdivision as per specifications of the fire marshal, city engineer and of the state board of insurance.

Sec. 30. Sewer facilities and waste disposal.

- (a) All subdivisions and developments shall be connected to a sewage collection and disposal system approved by the city engineer at the expense of the subdivider.
- (b) If a separate sanitary sewage disposal system is proposed, the state commission on environmental quality must approve it in writing prior to approval of the final plat by the city and such written approval presented to the city engineer.
- (c) The city engineer may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. Such action by the city engineer shall be based on the review and findings of the county health officer. The city may require that the subdivider note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.
- (d) The city engineer may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision, the city shall require the subdivider to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the subdivider in connecting to the system.
- (e) The minimum size of sanitary sewer shall be six inches in diameter.
- (f) Pipe shall be, heavy wall poly vinyl chloride (PVC) pipe or as specified by the city.

Sec. 31. Utility lines and easements.

- (a) All utility lines that pass under a street or alley shall be installed before the street or alley is paved. Where it is necessary that utility lines pass under the street or alley pavement, they shall be extended to a point at least three feet beyond the edge of the pavement.
- (b) Water and sewer lines easements shall be 20 feet wide unless such width is determined to be excessive by the City Engineer.

- (c) Easements for non-City utilities shall be in accordance with the requirements of each utility provider.

Sec. 32. Drainage Facilities and Easements

(a) Drainage facilities.

- (1) Drainage facilities shall be provided and construction as specified by the city. Storm drainage facilities shall be designed in accordance with the county drainage design standards to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage at all points along streets and provide positive drainage away from buildings and onsite waste disposal sites.
- (2) Plans shall be subject to the approval of the city council. The city engineer may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans.
- (3) The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- (4) Storm sewers shall be constructed with reinforced concrete pipe.
- (5) Drainage easement. Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width to accommodate maintenance and future needs. Storm sewer easements shall be 20 feet wide.

(b) Drainage cost.

- (1) Plans and specifications for the above improvements shall be reviewed by the city engineer at subdivider's cost, for consistency with general development and city, county, state and FEMA engineering standards.
- (2) If it is determined that additional drainage facilities in the form of storm sewers within the subdivisions are necessary, the subdivider's shall prepare, with the approval of the city engineer, plans and specifications to be used by him in correcting the drainage. All such work necessary to be done under such plans and specifications shall be done at the sole expense of the subdivider.
- (3) Storm sewers required to provide drainage from the point where stormwater emanates from the subdivision to an adequate drainage point along existing streets must be provided at subdivider's expense. In the event that the storm drain construction is so great as to be prohibitive for either the subdivider or the city, all areas affected by such drainage shall be omitted from the development.

Sec. 33. Monuments and corner markers.

- (a) All block corners, angle points and points of curves, and all corners of boundary lines of subdivisions shall be marked with a one-half inch steel rod, two feet in length.
- (b) Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent markers intermediate markers shall be so set as to assure a clear view between adjacent markers. Intermediate property corner markers, consisting of a one-half inch steel rod or three-quarter inch pipe, three feet in length, shall be driven flush with the finished ground surface to mark the corners of all lots.

Sec. 34. Residential lots.

- (a) All subdivision and subdivided lots shall abut on an approved street for a distance of at least 60 feet and shall provide safe and convenient pedestrian and vehicular access from the lot onto the street. On cul-de-sacs the 50 60 feet frontage will be measured at the minimum setback line; such setback line shall be required on all lots. Lots on cul-de-sacs shall also have a 45 feet (minimum) frontage at the property line. Minimum lot area shall in accordance with Table A.
- (b) All subdivided lots or property will grant a 60-foot right-of-way to be dedicated to the city as a public street to provide vehicular access and utilities access to all adjacent properties.

Sec. 35. Blocks.

Block lengths shall not exceed 1,000 feet, nor shall they be less than 500 feet.

Sec. 36. Crosswalk ways.

- (a) Crosswalk rights-of-way six feet in width shall be dedicated where deemed necessary by the city council to provide pedestrian circulation or access in schools, playgrounds, shopping centers, and transportation other than community facilities, or to provide pedestrian circulation within the subdivision.
- (b) Crosswalk ways shall be provided with a concrete sidewalk at least four feet wide.

Sec. 37. - Conditions attached to plat approval.

The city engineer may attach conditions including but not limited to the following to the approval of plats for areas subject to development problems in flood hazard areas:

- (1) Construction and modification of sewage, water supply and drainage facilities to meet the standards of this or referenced ordinances and to promote the health, safety, and general welfare.
- (2) Requirements for construction or channel modifications, dikes, levees and other protective measures.
- (3) Imposition of operations controls, sureties, and deed restrictions may include flood-proofing of intended uses, subject to the individual approval of the city engineer and city council at the time such uses are constructed, through:
 - a. Installation of pumps to lower water levels in structures.
 - b. Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.

- c. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and stormwaters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.
- d. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will ensure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately floodproofed to prevent flotation of storage containers which could result in the escape of toxic materials into floodwaters.

Sec. 38. Building setback lines and minimum lot sizes.

- (a) The following requirements (Table A) establish minimum setback lines and lot sizes for the structural types described, except as provided for in section 10.

TABLE A

Residential Type	Minimum Lot Areas (square feet)	Minimum Lot Dimensions		Front Setback	Side Yard	Back Yard	Outside Side Yard/ Corner Lot
		Inside Lot	Corner Lot*				
Standard Single Family, including Mobile and Manufactured Homes	7,000 7,000	60' (W) 60'(W)** 115' (D)** 115'(D)	125' (W) 80'(W) 150'(D) 115'(D)	25'	10' 20'***	25'	25'
Duplex	23,000(B)	125'(W) 185'(D)	150' (W) 185'(D)	25'	15' 30'***	20'	20'
Townhouse or Garden Apartments	4,800	40'(W) 120'(D)	60'(W) 120'(D)	20'	N/A	20'	20'
Apartment Complexes	16,000	100'(W) 160'(D)	125'(W) 160'(D)	20'	N/A	20'	20'
Commercial Type	13,000	100'(W) 130'(D)	125'(W) 130'(D)	25'	N/A	20'	20'

* Exception—Corner lots are required to be larger.

** W= Width; D= depth; width is measured at the front setback line.

*** Structure cannot be any closer than 30 feet to adjacent structures (e.g., house or business building).

Footnote A: ten feet side yard or (30'***) is required for unit(s) adjacent to single-family, mfgd. home, or duplex unit.

Footnote B: lot for duplex residential unit (2 dwellings).

- (b) The following requirements (table B) establish minimum parking space requirements and standards for various subdivision and developments:

TABLE B

LAND USE	PARKING SPACES
Single family unit	2.0/unit
Duplex unit	2.0/unit
Triplex unit	2.0/unit
Fourplex unit	2.0/unit
Townhouses	2.0/unit
Apartments (5 or more units)	2.0/unit
Motels, similar uses	1.0/unit
Churches, theaters, & similar uses	1.0/4 seats
Retail establishments	1.0/300 SF gross floor area
Kindergartens, day nurseries	See subsection (b)(4) of this section

Other uses: Determined by review of commission or city council.

- (1) Parking spaces shall be a minimum of nine feet wide and 18 feet long and shall be paved in concrete or asphalt pursuant to city engineer specifications.
- (2) Required parking spaces shall not occur, wholly or partially, within public rights-of-way.
- (3) Parking areas for townhouse, apartments, or commercial areas shall be screened from adjacent duplex or single family areas shall be screened from adjacent duplex or single family areas (including manufactured homes) by an opaque fence or hedge six feet or higher.

- (4) Parking spaces listed in table B do not include nor shall they be used for parking spaces required to adequately accommodate (off-street) employees or accommodate the storage of recreational vehicles boats, etc.
- (5) Parking materials, patterns and arrangements shall conform to city engineering specifications and standards.
- (c) Sight lines at street intersections. The location of fencing, landscaping, structures, signs, parking areas, or other visual obstructions shall not be such as to occur within a triangular area formed by a horizontal distance of 15 feet measured along and from the intersection of right-of-way lines at street intersection.

Section 39. Effective Date.

This Ordinance is effective immediately upon its passage and approval and publication as required by law

PASSED AND APPROVED this the 09 day of September 2015.

CITY OF PLUM GROVE, TEXAS

William J. Dellinger Mayor pro Tem

ATTEST:

Stephanie Denman

Stephanie Denham, City Secretary
Denman