

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AMENDING CHAPTER 15 OF THE BIG SPRING CITY CODE BY CHANGING THE TITLE TO SUBDIVISION REGULATIONS; AND INCORPORATING THE SUBDIVISION REGULATIONS ORDINANCE BY REFERENCE; ADOPTING A NEW SUBDIVISION REGULATIONS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING **FOR A PENALTY NOT TO EXCEED \$2000.00** FOR EACH DAY OF VIOLATION; AND PROVIDING FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS:

That following opportunity for public comment during a public hearing of the Planning and Zoning Commission on February 3rd, 2004 and during a public hearing of the City Council on March 9th, 2004, the City Council of the City of Big Spring, Texas finds it to be in the public interest to adopt this ordinance amending the City's Subdivision Regulations.

Chapter 15 of the Big Spring City Code is hereby amended as follows:

CHAPTER15

Subdivision Regulations

Article 1. Subdivision Regulations

NOTE: The Subdivision Regulations Ordinance is not set out in this Code of Ordinances but is hereby incorporated by reference and is on file in the office of the City Secretary.

The attached City of Big Spring, Texas, Subdivision Regulations Ordinance pages 1 through 57, inclusive and appendices is hereby adopted as the Subdivision Regulations Ordinance referred to in Chapter 15 of the Big Spring City Code, and the Subdivision Ordinance of January 8, 1984, is hereby repealed; provided, however, said repeal should not affect the enforcement of said Ordinance as to violations which occurred prior to said repeal.

The City Secretary is hereby directed to publish the caption of this ordinance two times in the official newspaper of the City.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 9th day of March, 2004, with all members voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 23rd day of March, 2004, with all members present voting "aye" for the passage of same.

RUSS McEWEN, Mayor

ATTEST:

PEGGY WALKER, City Secretary

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ARTICLE I GENERAL PROVISIONS

SECTION 1 AUTHORITY AND PURPOSE

- A. This Chapter is adopted under the authority of the constitution and laws of the State of Texas, and particularly Chapter 212 of the *Texas Local Government Code* regarding Municipal Regulation of Subdivisions and Property Development, as amended, and the charter of the City of Big Spring. The regulations herein shall govern every subdivision of land as defined within the corporate limits and the extraterritorial jurisdiction of the City of Big Spring, Texas.

- B. The purpose of this Chapter is to provide for the orderly, safe and healthful development of the area within the City and its extraterritorial jurisdiction in accordance with the City's Comprehensive Plan. Specifically, these regulations are intended to coordinate the orderly subdivision of property along with other city ordinances relating to flood prevention and protection, zoning and site plan review, access and off-street parking, building codes, water and sewer plans, and other development related codes.

SECTION 2 SHORT TITLE

This Chapter may be known, and referred to as the "Subdivision Regulations" of the City of Big Spring.

SECTION 3 ANNEXATION AND SUBDIVISION

- A. The Commission or the Director of Public Works shall not approve or make a recommendation of approval for any subdivision within any area where a petition or ordinance for annexation is pending before the City Council, unless and until such annexation shall have been approved by ordinance of the City Council.

- B. In the event of a proposed annexation, the Commission may hold a hearing to consider a recommendation for initial zoning that is to be given to the area to be annexed, and may make a recommendation to the City Council so that the Council may act on the matters of zoning and annexation at the same time.

SECTION 4 DEFINITIONS

For the purposes of these regulations, the following terms, phrases, words, and their derivations shall have the meaning provided in this section:

1. ALLEY: A minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a public street.
2. BENCHMARK: A reference point, line, plane, or monument used as a basis for measurements.
3. BUILDING SETBACK LINE: A line beyond which buildings must be set back from the right-of-way line.
4. CITY: The municipal corporation of the City of Big Spring, Texas.
 - (a) City Council: The duly elected governing body of the city.
 - (b) Commission: The Planning and Zoning Commission, as appointed by the City Council.
 - (c) City official or administrator: Any person, elected or appointed, or any employee, or any board or commission authorized by charter, ordinance or state law to act on behalf of the city.
5. COMPREHENSIVE PLAN: The general plan for the growth and development of the city and its environs; specific elements of the plan, such as the land use plan, thoroughfare plan, utilities plan, school and parks plan, and other elements.
6. COVENANT: A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.
7. CROSSWALK WAY: A public right-of-way between property lines, which provides pedestrian circulation.
8. DATUM: See "Benchmark" above. 9. EASEMENT (Utility): An area intended for restricted use on private property on which any public utility shall

have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or operation of any of its respective utility or drainage systems within any of such easements. Any public utility shall at all times have the right of unobstructed ingress and egress upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

10. ENGINEER: A person duly authorized and licensed under the provisions of the Texas Engineering Practice Act, as amended, to practice the profession of engineering.
11. EXTRATERRITORIAL JURISDICTION (ETJ): Under the terms of the Texas Municipal Annexation Act, extraterritorial jurisdiction means the unincorporated area which is contiguous to the corporate limits of the City of Big Spring, the outer boundaries of which are measured from the corporate limits of the city outward for a distance of two miles.
12. FLAG LOT: A lot not meeting the minimum frontage requirements and where access to the public street system is by a narrow right-of-way or driveway.
13. HOME OWNERS ASSOCIATION: Any organized group of landowners within a developed project, with voting rights to promulgate rules and regulations over property dedicated to the ownership of the formed association. Such homeowners association is normally responsible for the perpetual maintenance of improvements including but not limited to paving, fencing, landscaping, signs contained within or bordering the developed project.
14. LOT: An undivided tract or parcel of land, fronting on a public street, which is designated as a distinct and separate tract, and identified by a tract or lot number, or symbol, in a duly approved subdivision plat properly filed of record.
15. LOT, DOUBLE FRONTING: A building lot, not a corner lot, which has frontage on two (2) streets that are parallel or within forty-five (45) degrees of being parallel to each other.
16. LOT FRONT OR FRONTAGE: That portion of a lot which is the principal side of a property and which abuts on a public or private street to which it has

direct access. This shall be the same side in which direction a building will face and the side on which there is a main entrance.

17. PARKWAY: That portion of right-of-way that is between the curb and the right-of-way line.
18. PLANNED DEVELOPMENT: A development plan permitted within the Zoning Ordinance wherein certain yards, areas and related standards may be varied and a variety of land uses associated on a tract, the plan of which is subject to review and recommendation by the Commission and approval by the City Council.
19. PLAN OR PLAT SUBMITTAL: The term plat submittal, as used herein, includes all drawings, instruments, written specifications, reports, test results, covenants, and other similar items required in this Chapter.
20. PLAT: A map of a subdivision showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements, etc., and drawn to scale. As used in these regulations, a plat includes final plats, replats, amending plats, and minor plats.
21. PRELIMINARY PLAT: A map indicating the proposed layout of a subdivision that is submitted to the city for preliminary approval.
22. REPLAT: A replat involves the alteration of any part or all of any lot, block or tract of a previously platted subdivision.
23. SHALL, MAY: The word “shall” is always mandatory. The word “may” is merely directory.
24. STREET: A dedicated public right-of-way which provides vehicular access to adjacent land.
 - (a) A “major thoroughfare” or “arterial street” primarily provides vehicular circulation to and through various sections of the City as part of an integrated system designed to efficiently move high traffic volumes.
 - (b) A “collector street” primarily provides circulation within neighborhoods providing direct connection to the arterial street system.
 - (c) A “marginal access” or “frontage street” is a street which is parallel and adjacent to an arterial street primarily providing access to properties abutting arterial streets.
 - (d) A “local street” is a street designed primarily for access to abutting residential property. These streets do not carry through traffic, but will

generally be intersected by “collector streets”. Cul-de-sac streets, short dead end streets, are also “local streets”.

25. STREET, PAVEMENT WIDTH: The portion of a street available for vehicular traffic. Pavement width is the portion of the street measured from back of curb to back of curb or from edge of pavement to edge of pavement where curb and gutter is not required.
26. STREET, STANDARD WIDTH: That distance from back of curb to back of curb.
27. STRUCTURE: Anything that is built or constructed.
28. SUBDIVIDER: Any person, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The term subdivider shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land proposed to be divided.
29. SUBDIVISION: Any division of property for which a plat is required to be approved and recorded under the provision of *Texas Local Government Code*, Chapter 212. This includes the land situated in the City of Big Spring, Texas, or within the city’s extraterritorial jurisdiction, into two (2) or more parts for any purpose no matter how it is conveyed. However, it does not include the division of land into parts greater than five (5) acres where each part has access to the public street system and no public improvement is being dedicated nor any building permit sought.
30. SUBDIVISION, MINOR: A subdivision of not more than four (4) lots fronting onto existing streets and not requiring the creation of any new street or extension of municipal facilities and not involving the creation of a home owners association.
31. SURVEYOR: A Registered Public Surveyor, as authorized by State statute, to practice the profession of surveying in Texas.
32. UTILITY EASEMENT: See Easement.

Terms, phrases, words, and their derivations which are not expressly defined herein, shall be construed in accordance with customary usage in municipal planning and engineering practices.

SECTION 5 VARIANCES

A. *Findings Required.* The Commission may, following written request by an applicant make a recommendation to the City Council to authorize a variance from the provisions of these regulations when, in the Commission's opinion, undue hardship will result from requiring strict adherence therewith. Economic hardship, alone, shall not be deemed to constitute undue hardship. In making its findings, the Commission's considerations shall include the general purpose and intent of these regulations, the nature of the proposed use of the land involved and existing uses in the vicinity. No variance shall be recommended unless the Commission finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of his land; and
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
4. That the granting of the variance will not prevent the orderly use or development of other land in the area in accordance with the provisions of these regulations.

B. Such findings of the Commission and/or City Council together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting(s) at which such variance is granted.

C. Variances may be granted only when in harmony with the general purpose and intent of this Chapter and the City's comprehensive plan so that the public health, safety and welfare may be secured and substantial justice served.

SECTION 6 COMPLIANCE WITH THIS CHAPTER

No person shall create a subdivision or divide a tract of land into two or more parts for the purpose of laying out any subdivision of any land without complying with the provisions of this Chapter.

SECTION 7 PROVISION OF UTILITY SERVICES

The City shall not sell or supply any water or provide wastewater services to or within a subdivision for which a final plat has not been approved and filed of record, nor in any subdivision in which the standards contained or referred to herein have not been complied with in full, except as provided in Section 212.012 of the Texas Local Government Code.

SECTION 8 ENFORCEMENT INITIATION

The City Attorney may institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Chapter or the standards referred to herein with respect to any violation thereof which occurs within any area subject to all or part of the provisions of these regulations.

SECTION 9 AVIGATION RELEASE

The Commission and/or the City Council may require the execution of an avigation easement and/or release as a condition precedent to approval of a subdivision plat or building permit.

SECTION 10 REPLATTING

The replatting of any existing subdivision, or any part thereof, shall meet the requirements provided herein for a new subdivision as outlined in Article III.

SECTION 11 APPEALS

Appeal of any decision made by the Director of Public Works or the Commission may be taken to the City Council by the owner and/or developer.

SECTION 12 AMENDING THIS CHAPTER

Any person or corporation having proprietary interest in any property may petition the City Council for a change or amendment to the provisions of this Chapter, or the Commission may on its own motion or on request from the City Council institute study and proposal for changes and amendments in the public interest.

PROCEDURES

- A. Before taking action on any proposed amendment, supplement, or change to this Chapter, the City Council shall submit the same to the Commission for its recommendation and report.
- B. The Commission shall hold a public hearing on any application for any amendment supplement or change prior to making its recommendation and report to the City Council.
- C. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the City of Big Spring stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication.

SECTION 13 SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council, City of Big Spring, Texas, that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance since the same would have been enacted by the City Council without the incorporation in this

ordinance by any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 14 PENALTY CLAUSE

Any person violating or failing to comply with any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding two thousand (\$2,000.00) dollars, and each day any violation or non-compliance continues shall constitute a separate and distinct offense. The penalty provided by the State law and the power of injunction as provided in Texas Revised Civil Statutes, as they now exist and as they may be amended, may be exercised in enforcing this ordinance whether or not there has been a criminal complaint filed.

SECTION 15 ADOPTION AND EFFECTIVE DATE

All ordinances and parts of ordinances inconsistent with or in conflict with the provisions of this Chapter shall be, and are hereby, expressly repealed to the extent of such inconsistency or conflict. This Chapter shall be in full force and effect from and after its passage and publication as provided by law.

SECTION 16 through 20 (RESERVED)

ARTICLE II SPECIAL PROVISIONS

SECTION 1 EXISTING SUBDIVISIONS WITHOUT A RECORDED PLAT

- A. If any subdivision exists for which a final plat has not been approved, or in which the standards contained or referred to herein have not been complied with in full, the City Council of the City may pass a resolution, pertaining to any such subdivisions, reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that the provisions of the paragraphs in Article II, Sec. 2 through 4 will apply to such subdivision and the lots therein. Then, in that event, the City Secretary shall cause a certified copy of such resolution to be filed in the deed records of Howard County 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 file an instrument in the deed records of Howard County stating that Sections 2 through 4, inclusive, no longer apply.

- B. Provided, however, that the provisions of this Article shall not be construed to prohibit:
 - (i) The issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of the Subdivision Ordinance, adopted on the 3rd day of February 1961.
 - (ii) The repair, maintenance, or installation of any street or public utility services for, to, or abutting any lot, the last recorded conveyance of which was prior to passage of the Subdivision Ordinance adopted on the 3rd day of February 1961, and was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of the Subdivision Ordinance adopted on the 3rd day of February 1961.

SECTION 2 SEPTIC TANKS

- A. In the event a resolution, as described in Sec. 1 is adopted and filed of record, no permit shall be issued for the installation of septic tanks upon any lot in a subdivision for which a final plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained herein, referred to herein, or applicable under State or Federal law have not been complied with in full.

SECTION 3 WITHHOLDING OF PERMITS

In the event a resolution as described in Sec. 1 is adopted and filed of record, no building, repair, plumbing or electrical permit shall be issued by the City for any structure on a lot, tract, or parcel of land in the subdivision(s) identified in the resolution.

SECTION 4 ACCEPTANCE OF STREETS AND UTILITIES

The City shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a resolution has been adopted and filed of record pursuant to Sec. 1 above.

SECTION 5 FLOOD DAMAGE PREVENTION

All subdivisions shall comply with the flood plain ordinance, adopted October 12, 1981, as amended.

SECTION 6 SPECIAL PROJECT PROVISIONS

PLANNED DEVELOPMENTS AND TOWNHOUSES

- A. *Provisions for Approval.* All planned development projects as defined in the Zoning Ordinance, shall conform to the provisions of this Chapter. Such developments shall be submitted for approval in the same manner as any other plat.

- B. *Streets within Projects.* On planned development projects, private interior streets to be used only as local or collector streets within the development shall have a minimum pavement width of twenty-six (26) feet and shall have a minimum right-of-way width of forty (40) feet.

- C. *Instruments of Covenants.* Covenants governing the proposed planned development to include maintenance and operation shall be approved

by the City Attorney and the Director of Public Works to insure there are no conflicts with City codes.

PRIVATE FACILITIES

When an applicant proposes that part of a development, planned development, residential or commercial subdivision includes any private parks, streets, or such improvements normally dedicated to the City, a property owner's association (or comparable mechanism) shall be created, whereby:

- (i) Total responsibility for maintenance of private improvements is borne by the association; and
- (ii) An assessment program is set up by the association to collect monthly fees to accomplish the maintenance of private facilities; and
- (iii) Maintenance assessments can be increased by the board of the property owners' association; and
- (iv) Covenants governing the proposed private development to include maintenance and operation shall be approved by the City Attorney and the Director of Public Works to insure there are no conflicts with City codes

MANUFACTURED HOUSING SUBDIVISIONS

All manufactured housing subdivisions shall comply with this Chapter except where specifically superseded by the City's codes and ordinances dealing with manufactured housing.

SECTION 7 through 10 (RESERVED)

ARTICLE III PLATTING PROCEDURE

SECTION 1 GENERAL APPLICATION – SKETCH PLAN

- A. This section shall apply to all platting or replatting activities unless specifically provided for under other sections of this Article. No plat shall be approved for recording until it has been processed through the sketch plan, preliminary plat, and final plat stages as provided for herein, unless otherwise permitted.
- B. Following receipt of a sketch plan, preliminary plat, or final plat application, the City shall determine if the submittal is complete and is therefore officially filed. After it has been officially filed, it may then be considered for review by the staff, the Commission, or City Council as required.
- C. An accurate notation of the recommendations of the staff or actions taken by the Commission and City Council shall be entered into the records and made available to the subdivider.
- D. The provisions of these regulations shall be complied with, as well as other applicable provisions, before the City will authorize other than construction related water service or issue any building permits for any structure within the area covered by the subdivision plat and related to the permit being requested.

SECTION 2 FEES

Fees as approved by the City Council shall be collected by the Office of the Director of Finance at the time of the filing of a sketch plan, preliminary plat, or final plat with the City for processing and approval. No action by the Commission or the City Council shall be valid until the fee shall have been paid. A receipt must be obtained from the proper officer specifying that the fees provided for herein have been paid prior to the submission of any plat to the Commission. The receipt shall be attached to the formal request for plat review and processing. No filing fee shall be refunded because of preliminary or final plat disapproval.

SECTION 3 GENERAL PROVISIONS

A. In the event that either or both of the following conditions occur during the processing of a subdivision plat, the Commission or City Council may require resubmittal of the plat.

- (i) Significant Change or Changes in Proposal. When a proposal has undergone a significant change or changes during the process of plat review that make it desirable or necessary to review how it will be more compatible with the Comprehensive Plan and associated plans for community improvement.
- (ii) Extended Delays in Processing by Developer. When the developer does not continue through the plat review process and there are delays beyond those permitted below:

Maximum Permitted Delay

Sketch Plan to Preliminary Plat Submittal	Six months
Preliminary Plat Approval to Final Plat Submittal	Twelve months
Final Plat Approval to Plat Recording	120 days

B. A final plat must be resubmitted to the governing body for re-approval if it has not been recorded within one hundred and twenty (120) days of approval by the City Council.

C. Filing Requirements:

Requests for processing shall be filed with the Director of Public Works.

Such filing shall include:

- i. A completed and signed request form.
- ii. A copy of filing fee receipt issued by Director of Finance.
- iii. Copies of proposals (narrative and maps) in the number required below.

Stage of Review of Plat Proposal	Information in Narrative Form	# of Plat Maps
-------------------------------------	----------------------------------	-------------------

Sketch Plan	6	6
Preliminary Plat	6	18
Final Plat	6	18

After approval of the final plat, one mylar or other reproducible original print and twelve (12) copies shall be furnished to the Director of Public Works complete with all necessary signatures. All figures and letters shown must be plain, distinct, and of sufficient size to be easily read, and must be of sufficient density to make a lasting and permanent record. In addition, the developer shall submit five (5) copies of construction drawings and specifications plus one mylar or other reproducible original of “as-built” drawings.

SECTION 4 WHERE SUBDIVISION IS UNIT OF A LARGER TRACT

Where the proposed subdivision constitutes a part of a larger tract owned by the subdivider which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary plat shall be accompanied by a layout of the entire area, showing the proposed layout of streets, blocks, drainage, water and wastewater lines, and other improvements for such areas.

SECTION 5 APPROVAL OF PLATS BY SECTION

An owner and/or developer, at his option, may obtain approval of a portion of a subdivision provided the subdivision meets all the requirements with reference to such portion in the same manner as is required for a complete subdivision. In the event a subdivision and the final plat thereof is approved by the City Council in portions, each final plat of each section shall carry the name of the entire subdivision, but shall be distinguished from each other portion by a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in portions.

SECTION 6 SKETCH PLAN REQUIREMENTS

The sketch plan shall indicate preliminary location and arrangements for:

1. *Streets*: General widths and rights-of-way for existing and future streets; access proposals; bridges and culverts.
2. *Water*: Major lines (6" or larger).
3. *Wastewater*: Overall service system, with preliminary location of force mains and lift stations, if applicable.
4. *Major utility easement locations*: Electric power, gas, sewer trunk and water lines, street lights, fire hydrants, cell towers, utility poles, telephone exchange equipment, etc.
5. *Major drainage system elements*: On and off site. Land topography at two (2) foot contours.
6. Flood hazard areas including the 100 year, and floodway.
7. Land use and zoning proposals.
8. General lot layout, street frontage and sidewalk arrangements.
9. Sites for schools and other public facilities.
10. Information related to soil resources or problems.
11. Traffic management and engineering (if necessary).
12. Surrounding property ownership.

The sketch plan should take into account current public plans for the elements covered above. The staff review will be guided by public plans, including:

- i. Comprehensive Plan
- ii. Area and Neighborhood Plans
- iii. Water Master Plan
- iv. Wastewater Master Plan

SECTION 7 SKETCH PLAN REVIEW

Review of a sketch plan shall be undertaken by a standing review committee that will represent the following City departments: Public Works, Building Official, and other city staff as needed. This Committee shall meet as necessary, and identify or assist in identifying problems which may be raised during review of a sketch plan. Following this meeting, and within 10 working days, the staff will prepare a list of written comments to be forwarded to the applicant. Such comments will serve as the basis for staff recommendation regarding the appropriateness of a proposed plat.

SECTION 8 FORM AND CONTENT OF SKETCH PLAN

The sketch plan shall be accompanied by a signed application (Appendix I) and shall consist of associated narrative information and six (6) copies of a Sketch Plan drawing in sufficient detail as described in Section 6 above to explain all substantial aspects of the proposed development, and if the development is to occur in phases, the drawing should cover all phases of development, indicating how the phased development should occur.

SECTION 9 SKETCH PLAN FEE

The filing of a request to review and process a sketch plan shall be accompanied by the appropriate fee as approved by the City Council.

SECTION 10 GENERAL REQUIREMENTS - PRELIMINARY PLAT

- A. The subdivider shall cause a preliminary plat to be prepared in accordance with this Chapter unless the Short Form or Administrative procedure outlined in Sections 25 and 26 of this Article are permitted. If a preliminary plat is required, it shall be approved by the Commission and by the City Council before an application for final plat approval is submitted to the Director of Public Works.
- B. Formal application (Appendix II) for preliminary plat approval shall be made to the Commission, by any subdivider through the office of the Director of Public Works who will forward such application to the Commission following staff review and comment.

- C. When more than one sheet is necessary to accommodate the entire area of the plat plus other associated information, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.
- D. On the plat drawing sheet or index sheet there shall be a vicinity sketch drawing to indicate the general location of the subdivision.

E. GENERAL PRELIMINARY PLAT INFORMATION

The plat drawing shall include the following information:

1. The name(s) of the owner(s) and the name and seal of the registered public surveyor responsible for the survey of the land.
2. The proposed name of the subdivision. The name must not be so similar to that of an existing subdivision as to cause confusion.
3. Names of contiguous subdivisions, including volume and page recording information and the owners of contiguous parcels of unsubdivided land.
4. Description using metes and bounds of the proposed subdivision prepared from an accurate boundary survey of the property, with bearings and distances, referenced to survey lines and established benchmarks which may include nearby subdivisions. Boundary description shall close and shall be based on an actual field survey with an unadjusted closure of a minimum of 1 part in 10,000.
5. Protective Covenants: A draft of any protective covenants whereby the subdivider proposes to regulate land use or development standards in the subdivision, or when any common areas are proposed.
6. A statement from all utility companies that all work planned or anticipated in the subdivision rights-of-way by the company shall be completed prior to final grading and paving.

F. SUBDIVISION DESIGN CRITERIA

Subdivision submittals shall include the following design criteria:

1. Subdivision boundaries indicated by heavy lines and the computed acreage of the subdivision.
2. The plat shall be drawn at a scale one hundred (100) feet to one inch.
3. Primary control points or benchmarks, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
4. Date of preparation, scale of plat and north arrow.
5. A number to identify each lot or tract and each block. Numbers of lots and blocks shall be in accordance with a systematic arrangement.
6. Location of city limit line and the outer border of the City's extraterritorial jurisdiction if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary. Topographical information prepared from a field survey shall include contour lines on a basis of 5 vertical feet in terrain with a slope of 2 percent or more, and on a basis of 2 vertical feet in terrain with a slope of less than 2 percent.
7. From the property line and within a distance of 500 feet:
 - (i) Location of boundary of neighboring property lines.
 - (ii) Width and location of dedicated streets and alleys and public or private easements. Streets, alleys and lots in adjacent subdivisions shall be shown in dashed lines.
8. Physical features of the property, including location of water courses, ravines, bridges, culverts, present structures, and other features pertinent to the subdivision.
9. Existing location of the following:
 - (i) The exact location, dimensions, names and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting, abutting, or continuous with its boundaries or forming such boundaries.
 - (ii) The exact location, dimensions, descriptions and name of all existing or recorded residential lots, parks, public areas, permanent public structures and other sites within, abutting or contiguous with the subdivision with accurate dimensions in feet

and decimal fractions of feet, with the length of radii and the arcs of all curves and all angles, and with all other engineering information to reproduce the plat on the ground including all street center line data.

10. Existing utilities including the size of sewer, water, gas and power transmission poles and lines as well as all existing fencing.
11. The exact location, dimensions, descriptions, and flow line of existing water courses and drainage structures within the subdivision or on contiguous tracts.
12. Regulatory flood elevations and boundaries of flood-prone areas, including floodways.
13. Proposed locations or sites of the following:
The exact location, dimensions, description and name of all proposed streets, alleys, other public areas, reservations, easements or other rights-of-way, block, lots and other sites within the subdivision.
Proposed streets shall not be shown over lands of adjacent owners unless written agreements covering this condition is presented with the plat. The names of streets, shall conform whenever possible to existing street names. In the case of branching streets, the lines of departure shall be indicated.
14. On-site and related off-site drainage system elements.
15. Public or private water system elements.
16. Public or private wastewater system elements.
17. A preliminary plan for proposed fills or other structure-elevating techniques, levees, channel modifications, and other methods to alleviate flood hazard and/or erosion-related hazards.
18. Front building setback lines on all lots and tracts; side yard building setback lines at street intersections and crosswalk ways.

G. SUPPLEMENTAL DESIGN INFORMATION

A designation shall be shown of the proposed uses of land within the subdivisions that is, the type of residential use, location of business or industrial sites, and sites for churches, schools, parks and other uses.

SECTION 11 FEES

A preliminary plat application shall be accompanied by the required fees as approved by the City Council.

SECTION 12 PROCEDURES

Preliminary Plat Submittal

- A. Preliminary plat proposals shall be officially filed with the City no later than 12:00 noon of the day occurring ten (10) working days prior to the next regularly scheduled Commission meeting, unless such submittal requires a public hearing to be held. When a public hearing is required, a proposed preliminary plat shall be filed with the City no later than 12:00 noon of the day occurring eighteen (18) working days prior to the next regularly scheduled Commission meeting.
- B. The preliminary plat shall be reviewed by members of the City Staff for compliance with this and other applicable ordinances and policies, and a report shall be prepared and submitted to the Commission prior to the next regular meeting. The report shall contain the comments on the subdivision review, including comments received as part of the review of utility companies and other concerned entities. Such report should include comments relative to the proposed subdivision's compliance with the Comprehensive Plan and other public plans.
- C. Within thirty (30) days after the preliminary plat is officially filed with all required documentation, the Commission shall approve, disapprove, conditionally approve or defer consideration of such preliminary plat. A conditional approval may include the requirements and specific changes the Commission determines necessary for the plat to comply with this Chapter or the conditional approval may be specifically given by the Commission as an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final plat. A deferral may result if the Commission finds insufficient information available to make a recommendation.

D. After a preliminary plat has been reviewed by the Commission and receives a recommendation for approval or conditional approval by the Commission, such proposal together with the City Staff and Commission comments and recommendations, shall be submitted to the City Council within thirty (30) days following receipt of a complete final plat application for its consideration. Any recommendation of denial by the Commission may be appealed pursuant to Article 1, SEC. 11.

SECTION 13 EXPIRATION OF PRELIMINARY PLAT; ACCEPTANCE OF FINAL PLAT

Approval of a preliminary plat shall be effective for twelve (12) months. If the Commission conditionally approves a preliminary plat, it shall inform the subdivider in writing describing the elements which must be further addressed prior to preliminary plat approval. During the twelve (12) month period immediately following the approval or conditional approval of the preliminary plat, if no development related to the proposed plat has occurred, the developer may apply to the Commission for one six (6) month extension period. The extension period of the preliminary plat shall begin on the date the original twelve (12) month period expired. Should a developer desire said extension of time on the original preliminary plat approval, it shall be his responsibility to obtain Commission approval of any extension prior to the date the original preliminary plat approval expires as follows. An extension shall be requested a minimum of forty five (45) days prior to the lapse of approval and shall be considered at a public meeting of the Commission. At any time following the lapse of approval of a preliminary plat the Commission may reinstate such preliminary plat provided its decision is not in conflict with the public interest.

SECTION 14 EFFECT OF APPROVAL

A. Approval of a preliminary plat shall be considered to be approval of the general arrangement of lots, streets and alleys but shall not constitute final acceptance of the subdivision or approval that all dimensions, notations and other details appropriate to a final plat are sufficient. Approval is subject to the approval of public improvement plans by the

Director of Public Works. Approval of a preliminary plat is an authorization to proceed with the preparation of a final plat.

SECTION 15 GENERAL REQUIREMENTS – FINAL PLAT

The subdivider shall cause a final plat to be prepared in accordance with this Chapter. The purpose of a final plat is to record the subdivision of property, including but not limited to the accurate description of blocks, rights-of-way, easements, building lines and street names and other property restrictions. General requirements are listed below:

A. *Formal Application.* Formal application for final plat approval shall be made to the Commission by the subdivider in writing on a form provided by the Director of Public Works (Appendix III).

B. *Final Plat and Conformance to Preliminary Plat.* Unless the subdivider wishes to resubmit a plat for preliminary plat processing, the final plat shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations and does not result in remaining undevelopable land parcels. The plat shall contain the following:

1. Language stating: "Notice: Selling a portion of this addition by metes and bounds may be a violation of City ordinance and state law and subject to fines and withholding of utilities and building permits"
2. Boundary lines with accurate distances and courses and the exact location and width of all existing or recorded streets, blocks, lots, alleys, easements or other rights-of-way, watercourses, and other important features within or adjacent to the boundaries of the tract.
3. If the subdivision is within one mile of an existing city survey benchmark, at least two corner points on the subdivision boundary shall be tied by bearing and distance to a city survey

benchmark and shown on the plat. If the subdivision is not within one mile of a city survey monument, it shall be tied to the nearest established street intersection.

4. Formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, and easements either on the plat or, if separate, in a form approved by the City Attorney.
- C. *Proof of Taxes Paid.* Before an application for final plat approval is presented to the City for a plat or replat of any property located within the city limits or within the extraterritorial jurisdiction, the party requesting the plat or replat shall obtain from the Tax Assessor/Collector, a tax certificate showing all taxes then due have been paid on the property being platted or replatted.
- D. A copy of an owner's policy of title insurance, a commitment for issuance of a title policy, or a title opinion prepared by a member in good standing of the Texas Bar Association. Said title policy, title commitment, or title opinion must have been issued and dated not earlier than 90 days prior to the date the final plat is considered by the City and shall identify all record owners and lienholders of the property covered by the final plat as of the date of issuance.
- E. The final plat shall also be provided to the City in digital form in a language compatible with the city's mapping system. Said digital information shall contain the plat boundary and all lots within the subdivision.
- F. The final plat conforms to applicable zoning and other city regulations, and provisions of state law.
- G. At the time of filing for processing, the final plat shall be accompanied by the site improvement data as required in Sec. 16 through 19 of this Article. All plans and engineering calculations shall bear the seal and signatures of a Texas registered engineer.

SECTION 16 STREET, ALLEYS, SIDEWALKS, CROSSWALK WAYS AND MONUMENTS

Two (2) copies of plans and profiles of all streets, alleys, sidewalks, crosswalk ways, monuments, street lights and utility lines shall be provided to the Director of Public Works.

SECTION 17 SANITARY SEWERS

- A. Two (2) copies of the proposed plat, showing two (2) foot contours and the proposed location and dimensions of existing sanitary sewer lines.
- B. Two (2) copies of plans and profiles of proposed sanitary sewer lines, indicating depths and grades of lines.
- C. When a separate sewer system or treatment plant is proposed, two (2) copies of proposed plans and specifications.

SECTION 18 WATER LINES

- A. Two (2) copies of the proposed plat showing the location and size of existing water lines and fire hydrants.
- B. Two (2) copies of plans and profiles of all proposed water lines and fire hydrants, showing depths and grades of the lines.
- C. When a separate water system is planned, or when connection is proposed to a water system other than to the City water system, two (2) copies of the plans, including fire hydrants, of the proposed system shall be provided to the Director of Public Works.

SECTION 19 STORM DRAINAGE

- A. Two (2) copies of the proposed plat, overlaid on previously required topographic (mapped) information. All street widths and grades shall be indicated on the plat, and runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and at all points in the street at changes of grade or where the water enters another street or storm sewer or drainage ditch. On and off-site drainage easements shall be indicated.

- B. A general location map of the subdivision showing the entire watershed (a copy of the appropriate portion(s) of a U.S.G.S. quadrangle is satisfactory).
- C. Calculations showing the anticipated storm water flow, including watershed area, percent runoff, and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing basis for design.
- D. When a drainage channel or storm sewer is proposed, complete plans, profiles, and specifications shall be submitted, showing complete construction details.
- E. When conditions upstream do not permit maximum design flow, high water marks based on a one-hundred (100) year frequency, shall be indicated based on existing conditions.
- F. Plats shall be accompanied by three (3) copies of plan-profile sheets, twenty-two inches by thirty-six inches (22' x 36') and plotted to a minimum scale of fifty (50) feet to one inch horizontal, and five (5) feet to one inch vertical, for the proposed streets in the subdivision. These plan-profiles shall show the right-of-way of the street and portions of the right-of-way of intersection streets in the plan portion. The profile portion shall show the existing ground and the proposed grade, at three (3) points of cross-section; that is, at the centerline and at the back-of-curb lines or the property lines. The plan portion shall show the size and location of all drainage structures, storm sewers, curb outlets, etc., and the direction of flow of all storm water.
- G. Typical cross-section design based on soil testing shall be shown of the type and width of paving proposed for the streets. Curb and gutter and drainage structure shall be in accordance with design standards of the City.
- H. A certificate of dedication of all streets, public highways, alleys and other land intended for public use, signed by the Owners and by all other parties who have a mortgage or lien interest in the property. All deed restrictions to be filed with the plat shall be shown on a supplementary sheet of the same size or file as appropriate.
- I. A hold harmless agreement in favor of the City indemnifying the City from all claims arising from the establishment of grades or the alteration of

the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.

SECTION 20 CERTIFICATIONS

Certifications. The following certifications shall be considered as minimum phrasings to be placed on the final plat.

Certification of Owner/Subdivision

STATE OF TEXAS

COUNTY OF HOWARD

I (we), the undersigned, owner(s) of the land shown on this plat, and designated herein as the _____ Subdivision to the City of Big Spring, Texas, and who name(s) is (are) subscribed hereto, hereby declare my (our) intention to dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places as shown hereon.

Owner(s)

STATE OF TEXAS

COUNTY OF HOWARD

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged to me that _____ he _____ executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ___ day of _____, 20__.

Notary Public in and for Howard
County, Texas

Certification of Surveyor

STATE OF TEXAS
COUNTY OF HOWARD

I, the undersigned, a Registered Public Surveyor in the State of Texas, hereby certify, to the best of my knowledge and belief, that this plat is true and correct, that is was prepared from an actual survey of the property made under my supervision on the ground, and that all necessary survey monuments are currently shown thereon.

Registered Public Surveyor

Certification of Engineer

STATE OF TEXAS
COUNTY OF HOWARD

I, the undersigned, a Registered Professional Engineer in the State of Texas, hereby certify that proper engineering consideration has been given to this plat.

Registered Professional Engineer

Certification of Director of Public Works

I, the undersigned, Director of Public Works of the City of Big Spring, hereby certify that this subdivision plat conforms to all requirements of the City of Big Spring and hereby recommend approval.

Director of Public Works

Certification of Planning Commission

This plat has been submitted to and considered by the Planning Commission of the City of Big Spring, Texas, and is hereby approved by such Commission.

DATED this _____ day of _____, 20 ____.

By: _____
Chairperson

Certification of the City Secretary

The following certificate shall be placed on the plat after it has been finally approved by the City Council:

I hereby certify that the above and forgoing Plat of _____ Addition to the City of Big Spring, Texas, was approved the by the City Council of the City of Big Spring on the _____ day of _____, 20 ____.

This approval shall be invalid unless the approved plat of such addition

is recorded in the office of the County Clerk of Howard County,
Texas,

within one hundred and twenty (120) days from said date of final approval
pursuant to Article III, SEC. 3 B.

Witness my hand this _____ day of _____, 20_____.

City Secretary

Certification of Owner

When avigation easements and/or releases are required pursuant to this
Chapter, then the following certificate shall be required;

I (we), the undersigned, Owner(s) of the land shown this plat hereby
acknowledge that certain avigation easement(s) and/or release(s) were made to
the City of Big Spring and run with the title to certain (all) subdivided parcels with
this subdivision.

Owner(s)

SECTION 21 MONUMENTS

- A. The surveyor, responsible for the plat, shall place permanent monuments
at each corner of the boundary survey of the subdivision and at the
centerline, intersection points, and all points of curvature and tangency on
streets and radius point in all cul-de-sacs.
- B. These monuments shall be a concrete post, four (4) feet long, or other
such type of monuments as shall be approved by the Director of Public

- Works. The precise point of intersection shall be indented on the top of the monument.
- C. Block corners shall be referenced to these monuments, and the bearing and distances of the reference lines filed in written form with the Director of Public Works.
 - D. Tops of monuments shall be set to pavement grade in permanent-type pavements, two (2) inches below grade in nonpermanent type pavements, and flush with existing ground level in nonpaved areas.
 - E. Elevations and locations of monuments shall be shown on the final plat.
 - F. All lot corners shall be set with a marker of a permanent nature, i.e., Iron rod not less than ½" x 18".
 - G. All monuments shall be in place at the time of acceptance of utilities and streets.

SECTION 22 DEDICATION OF INSTRUMENT CONTENTS

- A. The final plat shall be accompanied by a dedication deed signed and acknowledged by the owner or owners and by all other parties who have a mortgage or lien interest in the property, showing all deed restrictions, reservations, and/or easements, if any, to be imposed and reserved in connection with the addition.
- B. The applicant shall deliver a full covenant and warranty dedication deed to all such lands dedicated to the public for public use in proper form for recording, together with a title policy for a sum to be determined by the City Attorney. Said deed shall convey the entire fee simple to said lands.
- C. When the developer and/or owner files the final plat and the dedication deed covering the dedicated lands with the city, he shall also file a money order or cashier's check payable to the County Clerk to cover the recording of same. After the final plat and dedication deed are approved by the Commission and City Council, and the certificate of approval is signed as hereinafter specified, the City shall cause said final plat and dedication deed to be recorded in the Plat Records of the County Clerk.

D. Said restrictions shall contain the following provisions along with any other restrictions which may be imposed: “No building permit for a structure or dwelling unit shall be issued on any lot in this subdivision by the City until”

(i) Such time as the developer and/or owner has complied with all requirements of this Chapter regarding street improvement with respect to the entire block on the street and/or streets on which the property abuts (a corner lot shall be regarded as abutting on both intersecting streets adjacent to such lot), including the actual installation of streets with the required base and paving, curb and gutter, drainage structures, and storm sewers and alleys, and connection to the city’s water and sewer systems, including extension of water and sewer lines throughout the subdivision if required, all according to the specifications of the City of Big Spring.

SECTION 23 FEES

Filing a final plat. The filing of a request to review and process a final plat shall be accompanied by the appropriate fee as approved by the City Council.

SECTION 24 REVIEW AND PROCESSING OF FINAL PLAT

A. *Final Plat Submittal*

A final plat shall be officially filed within twelve (12) months of the approval of the preliminary plat unless an extension of preliminary plat approval is authorized under Article III, Sec. 13. Final plat submittals shall be officially filed with the City no later than 12:00 noon of the day occurring ten (10) working days before the meeting of the Commission at which a final plat proposal will be considered for approval, except

when a public hearing is required, in which case, the submittal deadline is eighteen (18) days prior to Commission meeting. The final plat shall be reviewed by appropriate members of the City staff for compliance with this and other applicable ordinances and policies. A report shall be prepared and submitted to the Commission prior to the next regular meeting at which the request will be reviewed stating the comments of the subdivision review, including comments received as part of the review of utility companies and other concerned entities. Such report should include comments relative to the proposed subdivision's compliance with the Comprehensive Plan and other master plans. The Commission shall make its recommendation on such final plat within thirty (30) days after the official filing date. If no action is taken by the Commission within thirty (30) days after the final plat is filed, the plat shall be forwarded to the City Council for consideration.

- B. After the Commission has determined that the plat is in proper form, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations and that the subdivision complies with the provisions of this Chapter, it shall enter an order approving the plat, subject to action by the City Council. The Council shall consider all proposals with respect to the dedication of right-of-way for public use, the construction of utilities, streets, drainage, and other improvements and when satisfied with the final plat proposal, shall authorize the execution of agreements for the same to ratify the final plat.
- C. *Processing--examples.*
 - (i) Residential replats require notification, a public hearing, and the approval of the Commission, regardless of the number of lots involved, in accordance with Texas Local Government Code Ch. 212.
 - (ii) Non residential replats (replats involving four (4) or fewer lots), may be approved by the Director of Public Works who may elect to forward the plat to the Commission for approval.

SECTION 25 SPECIAL PLATS

A. Amending plats.

(i) *General.* A plat may be considered an amending plat for many reasons, which include, but are not limited to: the correction of an error, an omission, or a lot line adjustment, according to the Texas Local Government Code § 212.016, as amended. The means to accomplish such purpose include, but are not limited to, the following:

- a. All lot owners join in the application for amending the plat;
- b. No lot is abolished or created;
- c. The amendment does not have a material adverse effect on the rights of other owners in the plat. For all circumstances regarding amending plats, consult the Texas Local Government Code § 212.016, as amended.

(ii) *Form and content.* The amending plat shall depict both the current and the proposed configuration of all altered lots. The current configuration should be located on the left side of the plat and shall depict all information as required for preliminary plats. The proposed configuration should be located on the right side of the plat and shall depict all of the information as required for final plats.

B. Minor Plats

(i) *General.* A plat of a subdivision involving four (4) or fewer lots (except as described in SEC. 24 C above) fronting on an existing street and not requiring the creation of any new street or dedication of additional right-of-way or public easement and involves no public improvements. Such plats are not subject to preliminary plat review.

(ii) *Form and content.* Final minor plats will be required to be in conformance with final plat procedures.

C. Replats

- (i) *General.* A revision of a previously platted subdivision that involves vacating the prior subdivision and resubdivides the property that usually changes the number of lots in accordance with the Texas Local Government Code Ch. 212. A replat shall follow the same procedures as are required for an original plat and shall comply with Texas Local Government Code Ch. 212 including requirements for public hearings and notifications.
- (ii) *Form and content.* The replat shall depict both the current and the proposed configuration of all altered lots. The current configuration should be located on the left side of the plat and shall depict all information as required for preliminary plats. The proposed configuration should be located on the right side of the plat and shall depict all of the information as required for final plats.

D. Right-of-Way Abandonment

The permanent release of public right-of-way is addressed in Chapter 17, Article 1, Sections 17-23 through 17-27 in the City of Big Spring Code. Temporary abandonment of a public right-of-way must be reviewed by the Director of Public Works, who shall forward his recommendation to the City Council. The City Council may consider the abandonment and shall be the approving authority.

E. Vacating Plat

Vacating a plat should follow the same procedure as prescribed for the original plat. (Refer to Texas Local Government Code § 212.013).

SECTION 26 ALTERNATIVE PLAT APPROVAL PROCEDURES

- A. Short Form Procedure. The procedure provided herein may be followed for approval of a subdivision when the land proposed to be subdivided or resubdivided meets the following conditions:

- (i) Adequate existing streets, alleys and easements exist. No additional right-of-way or easement is needed to meet the requirements of this Chapter.
- (ii) The perimeter of the land being subdivided has been surveyed and marked on the ground
- (iii) No additional drainage improvements are needed
- (iv) Utilities, adequate to serve the subdivision, are in place to serve each lot or arrangements to provide such facilities have been made.
- (v) The proposed subdivision is not inconsistent with existing zoning.

All required City fees shall be paid, although alternative approval procedures may be authorized.

No sooner than 18 days following submittal of a sketch plan, the final plat may be submitted for consideration by the Commission without prior approval of a preliminary plat. All other requirements for final plat approval shall be met.

- B. Administrative Approval. If a proposed minor plat contains no more than four lots and requires no public improvements, nor the creation of any public streets, nor the extension of any public facilities, the Director of Public Works may approve the final plat without consideration by the Commission. The Director may not approve a plat requiring a variance to these regulations, nor disapprove the final plat. The Director shall approve the minor plat within 30 days from the date the application is filed. If the Director determines not to approve the plat, he shall forward it on to the Commission for its consideration at the earliest opportunity.

For plats approved pursuant to either A or B above, at least two corner points of the plat boundary shall be tied to a city survey monument.

SECTION 27 through 31. (RESERVED)

**ARTICLE IV STANDARDS, SPECIFICATIONS,
AND OTHER PROVISIONS**

SECTION 1 GENERAL REQUIREMENTS

No preliminary or final plat shall be approved by the Commission or ratified subsequently by the City Council and no completed improvements shall be accepted by the City unless they conform to the following standards and specifications.

- (i) *Conformity with Comprehensive Plan.* The subdivision shall be consistent with the adopted Comprehensive Plan of the City of Big Spring and the parts thereof as amended from time to time.
- (ii) *Provision for future subdivisions.* If a tract is subdivided into parcels larger than ordinary building lots such parcels shall be arranged to allow the opening of future streets.
- (iii) *Prohibition of reserve strips and flag lots.* No subdivision or addition showing reserve strips of land controlling the access to public ways or adjoining properties will be approved either in whole or in part. No plats containing flag lots shall be approved.
- (iv) *Inspection of Construction Work.* All construction work such as street grading, street paving, storm sewers, curb and/or gutter, sanitary sewers or water mains performed by the owner, developer, or contractor, shall be subject to inspection during construction by the proper authorities of the City and shall be constructed in accordance with the City Construction Standards for Subdivisions.

SECTION 2 STREETS

- A. *Access conditions.* All platted lots shall have safe and reliable access to the public street system for daily use and emergency purposes. Except for lots that are provided access from a cul-de-sac street, all subdivisions shall have two means of access. Where development is proposed in phases or constraints of the land prevent the provision of a second means of access, the City Council may accept a temporary street connection or other means of access to satisfy this requirement. Other than this condition, subdivisions shall conform to the minimum street standards contained below.
- B. *Street layout.* Adequate streets shall be provided by the subdivider and the arrangement, character extend, width, grade, and location of each shall conform to the Comprehensive Plan of the City and shall be considered in their relation to existing and planned streets, to topographical conditions, public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served.

C. *Relation to adjoining street system:* Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets and in alignment therewith.

D. *Projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas subject to Article III, SEC. 10, F. 13.

E. *Off-center street intersections will not be approved.* Street jogs with center-line offsets of more than one hundred eighty (180) feet may be submitted for consideration.

F. *Curvilinear Streets.*

(i) Curvilinear streets shall be allowed and shall meet the following standards:

<u>Operating Speed of Street</u>	<u>Minimum Curve Radius</u>
1. 20 MPH or less	200 feet
2. 30 MPH	375 feet
3. 35 MPH	550 feet
4. 40 MPH	725 feet
5. 50 MPH or less	1,190 feet

(ii) The City Council may approve local residential streets with a smaller radius than required above in special circumstances consistent with the use of the street. In the case of such the developer shall pay the additional cost of installing water and sewer lines caused by a smaller radius.

G. *Half-Streets or Adjacent Streets.* No new half-streets shall be platted except in the case where such a street is a major thoroughfare as called for or consistent with the City's Comprehensive Plan.

H. *Street Intersections.*

(i) More than two (2) streets intersecting at one point shall not be permitted.

- (ii) No street shall intersect any other street at an angle of less than sixty (60) degrees.
- (iii) Major street intersections shall have property line corner radii with a minimum tangent distance of thirty (30) feet.
- (iv) Local streets shall have as the property line corner the point of intersection of intersecting right-of-way lines.
- (v) Curb radii at intersections shall be fifteen (15) feet, measured from the back of the curb, except in commercial or industrial development where the radii shall be twenty (20) feet.

I. *Cul-de-Sacs*

- (i) Streets ending in a cul-de-sac shall not exceed 600 feet in length for single-family development and shall not exceed 400 feet for townhouse, duplex, multi-family and commercial developments.
- (ii) Cul-de-sac streets shall not connect directly to an arterial street and shall not terminate at, or near, alleys.
- (iii) Cul-de-sac dimensions shall be as follows:

<u>Area</u>	<u>Pavement Diameter</u>	<u>R.O. W. Diameter</u>
Residential	50 feet	60 feet
Commercial/Industrial	60 feet	80 feet

- (iv) A turn-around radius with a right-of-way of eighty (80) feet and a pavement width of 50 feet shall be provided at the terminus of a cul-de-sac street for residential use and sixty (60) feet of pavement shall be required for apartment, commercial and other uses.
- J. *Streets in Major Thoroughfare Plan.* Where a subdivision indicates a street as shown in the Major Thoroughfare Plan, such street shall be platted consistent with the location, purpose and width indicated in the Plan. The Major Thoroughfare Plan is Appendix A of these regulations.
- K. *Local Streets.* Minor streets shall be so laid out so as to discourage their use by through traffic.
- L. *Pavement Widths and Rights-of-Way:*
- (i) At the option of the City where it has been specifically determined by the City that no substantial problems are created, a maximum of 10 feet on either side of a roadway may be dedicated as utility easement in lieu of a comparable number of feet in required right-

of-way width however, the minimum acceptable right-of-way shall be 50'.

a. Minimum Standards

<u>Street Category</u>	<u>Pavement Width*</u>	<u>R.O.W. Width</u>
Local Street	36 feet	50 feet
Collector Street	36 feet	60 feet
Arterial Street	48 feet	70 feet
Major Thoroughfare	60 feet	80 feet

*All above pavement widths are from back of curb to back of curb.

- (ii) Depending on traffic patterns, densities, needs and other related factors, the City may require additional pavement width and/or right-of-way width for major thoroughfares, including “expressway” sections. Additional right-of-way in the vicinity of intersections of collector, arterial, and major thoroughfare roadways to adequately accommodate turning movements and/or property access needs may also be required.

M. *Typical Street Section(s)*. See City Construction Standards for Subdivisions.

N. *Street Grades*

(i) Streets other than local streets shall have a maximum grade of five (5) percent, unless the natural topography is such as to require steeper grades, in which case a seven and one-half (7½%) percent grade may be used for a maximum continuous distance of two hundred (200) feet.

(ii) Local streets may have a maximum grade of seven and one-half (7½%) percent.

(iii) All streets must have a minimum grade of at least five-tenths of one (0.5) percent.

(iv) Centerline grade changes with an algebraic difference of more than two (2) percent shall be connected with vertical curves of sufficient length to provide a minimum of six hundred (600) feet sight distance on minor streets and local residential streets.

(v) No vertical curve shall be less than two hundred (200) feet in length.

(vi) Wherever a cross slope is necessary or desirable from one curb to the opposite curb, such cross slopes shall not be less than three (3) inches in thirty (30) feet, nor more than twelve (12) inches in thirty (30) feet.

- O. *Street Construction:* All street construction shall be performed by a bonded contractor who has filed a payment and performance bond with the City, the form and content of which shall be approved by the City Attorney.
- P. *Street Sign Posts and Markers:* The developer shall pay the cost of purchasing and installing street posts and markers at each street intersection, which posts and markers shall be of the same type used throughout the City.
- Q. *Street Openings to Adjoining Properties.* Subdivision plat design shall provide for a reasonable number and location of street openings to adjoining properties. Such openings shall occur at least every one thousand (1,000) feet or in alignment with contiguous subdivision streets along each boundary of the subdivisions.
- R. *Boundary Streets.* Where a plat is presented for approval which adjoins unplatted property, the owner and/or developer of the proposed subdivision shall provide his pro rata part of boundary streets, curbs, gutter and storm drainage.
- S. *Curb and Gutter.* Curb and gutter shall be required to be constructed on all streets. Radial curb and gutter shall be constructed at each corner upon each block to which curb and gutter is constructed. Lay-down curbs shall be constructed across all alley intersections.
- T. *Street Names:* Street names shall be subject to the approval of the Commission and/or City Council. No street name shall be used that will duplicate or be confused with the name of an existing street.
- U. *Railroad Buffers:* Where a subdivision contains or borders a railroad right-of-way, the Commission or City Council may require the provision of landscaping, buffers and other screening and separation measures that are deemed necessary to protect adjacent properties from the adverse visual, noise and other effects associated with railroad installations and rail traffic and to ensure adequate separation of same from adjacent properties. The protection measures may include the construction of berms, masonry walls, landscaping or other

screening and buffering of a type of construction designed to mitigate noise and pollutants upon adjacent properties. Such screening and buffering shall not be constructed of wood.

SECTION 3 ALLEYS

- A. *Alley requirement.* Alleys shall be provided unless a variance is granted in accordance with Article I, SEC. 5 of this Chapter. The width of alleys is optional and subject to City approval, but in no case shall the width of the alley be less than twenty (20') feet.
- B. *Alley construction.* Alleys shall be constructed in accordance with standards established for street construction, save and except, that hot mix asphaltic concrete or Portland cement shall be at the developer's option but shall be no less than twelve (12) feet in width if paving is provided.
- C. *Intersecting alleys or utility easements.* Where two alleys or utility easements intersect or turn at right angles, a cutoff of not less than twenty (20) feet from the normal intersection of the property or easement line shall be provided.
- D. *Dead-end alleys.* Dead-end alleys shall not be permitted.
- E. *Alleys which do not connect on a straight course.* If alleys are not themselves straight within each block, or if the same do not connect on a straight course with the alleys of adjoining blocks, then an easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way of alleys.

SECTION 4 STREET LIGHTS

The developer shall provide street lighting as a part of all approved plats unless such required street lighting is determined to be unnecessary by the Director of Public Works. The general purpose of required street lighting is to provide safety for motorists and pedestrians, especially on major thoroughfares and areas of traffic congestion and possible hazards to vehicular traffic or pedestrians or both. It is recommended that required street lighting include full cut-off fixtures which emit no light above a horizontal plane.

SECTION 5 CROSSWALK WAYS

Crosswalk ways ten (10) feet in width shall be dedicated where deemed necessary by the Commission to provide circulation or access to schools, playgrounds, shopping centers, and transportation and other community facilities, or to provide pedestrian circulation within the subdivision. Crosswalk ways shall be provided with a concrete sidewalk six (6) feet wide.

SECTION 6 BLOCKS

- A. In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets, where practicable.
- B. Where there are no existing contiguous subdivisions, the blocks shall be not more than one thousand (1000) feet in length, nor less than four hundred (400) feet in length except in unusual cases.
- C. In an unusual case where a block is allowed to be more than one thousand (1000) feet long, a connecting crosswalk six (6) feet wide and located on a ten (10) foot dedicated easement may be required across the middle portion of such block for pedestrian use.
- D. Block widths shall not exceed three hundred (300) feet nor be less than two hundred forty (240) feet, except in unusual cases.

SECTION 7 LOTS

- A. *Lot standards.* Lot area, width, setback lines, side yards, and rear yards requirements shall be as required in the City's Zoning Ordinance.
- B. *Frontage.* Each lot shall front upon a public street.
- C. *Side Lot Lines.* Side lot lines shall be substantially at right angles to straight street lines and radial to curved street lines.
- D. *Extra Depth and Width in Certain Cases.* Where a lot in a residential area backs up to a railroad right-of-way, a high pressure gasoline, oil and gas line, an arterial street, an industrial area, or other land use which has a depreciating effect on the residential use of property, and

where no marginal access street or other street is provided at the areas of such lot, additional depth may be required by the Commission. In no case shall a residential lot depth in excess of one hundred seventy-five (175) feet be required. Where a residential lot sides to any of the above, additional width may be required by the Commission, but in no event shall a width in excess of one hundred (100) feet be required.

- E. *Residential lots.* Lots for residential use shall not front on arterial streets, major thoroughfares and expressways. Lot arrangements in the case of non-residential uses are subject to the review and approval of the City Council so that traffic congestion and movement problems are prevented whenever possible.
- F. *Double fronting lots.* Double fronting lots shall be discouraged and in cases where design elements or land configuration require double fronting lots, such development shall be required to proceed through the zoning procedures as a Planned Development. Appropriate screening of the rear of such double fronting lots shall be contained in the Planned Development and permanent maintenance shall be ensured through a home owners association.

SECTION 8 SIDEWALKS

- A. Sidewalks are required, they shall be set at a grade of $\frac{1}{4}$ " per foot for five (5) feet above top of curb elevation and shall be located one (1) foot inside the dedicated right-of-way line and be situated wholly within the dedicated right-of-way.
- B. Sidewalks within right-of-way abutting business properties shall have a minimum width of five (5) feet, residential sidewalks shall have a minimum width of four (4) feet.
- C. Parkways shall be excavated or filled to a grade of $\frac{1}{4}$ " per one (1) foot for five (5) feet from top of curb elevation. Landing walks of a width not less than eighteen (18) inches may be installed abutting the rear of curb.
- D. Sidewalks shall be constructed according to the City of Big Spring construction standards and are required to be constructed and in place prior to issuance of a Certificate of Occupancy for a new building or

when fifty (50) percent valuation is added through permitted remodeling or add on construction.

- E. Construction of handicap ramps are required to be in conformance with federal and state minimum standards.

SECTION 9 ACCESS DRIVEWAYS

- A. All driveways constructed under the provisions of this Chapter shall be of Portland Cement Concrete and constructed in accordance with the City of Big Spring constructions standards.
- B. All driveways shall extend from back of curb or edge of pavement to the property line.

SECTION 10 UTILITY EASEMENTS

- A. Each block that does not contain an alley as provided for in this Section shall have a utility easement at the rear of all lots or other appropriate locations reserved for the use of all public utility lines, conduits, and equipment. In the case of rear-lot or side-lot locations, these utility easements shall be no less than fifteen (15) feet in width, and shall be located on one lot at the side lot line. Front yard easements adjacent to public streets for underground utilities shall be ten (10') feet in width. Such easements shall be continuous for the entire length of the block. These easements shall parallel as closely as possible the street line frontage of the block.
- B. Normal curb exposure shall be required where utility easements intersect streets.
- C. Over-head easements of at least five (5) feet on each side of the easement strip, at a height at or above twenty (20) feet shall be provided in all utility easements.

- D. Where utility easements are not themselves straight within each block, or if the same do not connect on a straight course with the utility easements of adjoining blocks, then an additional easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way or alleys.
- E. When utility easements for water and wastewater are located at the rear or between lots, they shall be a minimum of twenty (20) feet in width.
- F. Required drainage easements shall be a minimum of fifteen (15) feet in width in addition to any width required for drainageway structures. Such easement may be split between drainageway sides but side easements shall be no less than ten (10) feet in width.

SECTION 11 DRAINAGE AND STORM SEWERS

- A. Drainage structures shall be constructed in such locations and of such size and dimensions as to adequately serve the subdivision and the associated drainage area.
- B. In new subdivisions, the developer shall provide all the necessary easements and rights-of-way required for drainage structures, including open and lined channels.
- C. The coefficient of runoff “C” for undeveloped land shall be the appropriate coefficient for the ultimate land development, as shown on the Future Land Use Map of the city. The coefficient of runoff to be used for drainage calculations shall be as follows:

<u>Land Use</u>	<u>Coefficient “C”</u>
Residential	0.40
Shopping Centers	0.85
Parks	0.30
Commercial & Central Bus. Dist.	0.85
Industrial	0.65

- D. Design flow of storm drainage water is to be calculated using the Rational Method. Design flow shall be based on the following Design Storm Frequency.

DESIGN STORM FREQUENCY

<u>TYPE OF FACILITY</u>	<u>DESCRIPTION OF DRAINAGE AREA</u>	<u>MAX. TIME OF CONCENTRATION (Minutes)</u>	<u>RECOMMENDED DESIGN FREQ. (Years)</u>
Storm sewer	Generally residential	30	5
Storm sewer	Areas not within 5 yr. freq.	30	10
Culverts, Bridges, Channels, & Creeks	Areas less than 100 acres	30	10
Culverts, Bridges, Channels, & Creeks	Area more than 100 but less than 1,000 acres	45	10
Culverts, Bridges, Channels	Area greater than 1,000 acres	60	25

E. The design, size, type and location of all storm drainage facilities shall conform to the City's minimum construction standards and be approved by the Director of Public Works.

Open or Lined Drainage Ditches. Open and/or lined drainage ditches, as required by the Commission or City Council, shall be constructed across the entire area of each subdivision being developed. All open and/or lined channels shall have a minimum bottom width of four (4) feet and a depth based on maximum design flow. Side slopes of channels shall not be steeper than one (1) foot vertical rise to two (2) feet horizontal distance.

SECTION 12 MISCELLANEOUS PROVISIONS

- A. *Water and Wastewater and Other Utilities.* No water and/or wastewater connection shall be made by the Big Spring Public Works Department until the requirements related to the installation of water and wastewater mains have been complied within the entire block facing the street on which the property is situated.
- B. *Obligation by City for Maintenance of Improvements.* Final approval of any plat shall not be deemed an acceptance of the proposed dedication and shall not impose any duty upon the City concerning the maintenance or improvement of such dedicated parts until the proper authorities of the City shall have made actual appropriation of the same by entry, use or improvement. Upon acceptance or rejection by the City of dedicated parts, the City Council shall pass a resolution either accepting or rejecting any part or all of said dedicated parts.
- C. *Warranty of Improvements.* The owner of the subdivision shall warranty the improvement made to the dedicated parts for a period of one (1) year after formal acceptance of dedicated parts as described in (B) above.
- D. *Acceptance of Final Plat by City does not Obligate City to Finance or Furnish Improvements.* The acceptance of a final plat by the City does not obligate the City in any manner to finance or furnish any storm drainage structures, street, water or wastewater improvements or any other improvements within the approved subdivision except under the provisions contained herein.

SECTION 13 GUARANTEE OF PERFORMANCE

PERMIT WITHHELD. No permit shall be issued by the City to the owner or any other person with respect to any property in any subdivision covered by these regulations until:

- A. At such time as the developer and/or owner has complied with the requirements of this Chapter regarding improvements with respect to the block facing the street or streets on which the property abuts, (either facing and/or siding on and/or backing up to in the case of double fronting lots) including the installation of paved streets, curb and gutter, drainage improvements, and water and wastewater

utilities according to the specifications of the City of Big Spring. These restrictions with respect to street improvements and water and sewer connections to the City system are made to insure the installation of such street improvements, and water and sewer connections and to give notice to each owner and to each prospective owner of lots in any subdivision that no construction may commence on any lot in any subdivision until said street improvements are actually made on the entire block on the street and/or streets on which the property abuts, as described herein, and water and sewer systems are actually constructed and connected to the city's water and sewer systems, or,

- B. The developer and/or owner files an instrument approved by the City Attorney with the Director of Finance in any of the following forms that will guarantee the installation of required improvements in accordance with the options listed below:
 - i. A surety bond, cash escrow, or
 - ii. An irrevocable letter of credit from a recognized Texas financial institution valid for 30 days beyond the construction completion date, or
 - iii. At the option of the City, a contractual agreement with the City.

The amount of the above guarantee shall be in accordance with the following:

- i. The City may require improvements to be made by a private contractor and pay for the same out of the escrow deposit should the subdivider and/or owner fail or refuse to install the required improvements within the time stated;
- ii. In no case shall the City be obligated to make such improvements itself;
- iii. Such deposit may be used by the subdivider and/or owner as progress payments as the work progresses for required improvements by making written requisitions to the

Director of Finance supported by evidence of work completed; or

- C. An escrow deposit, meeting the following requirements, has been made with the Director of Finance:
- i. The deposit shall be sufficient to pay for the total cost of required improvements plus a stated annual percentage rate to provide for cost inflation. An estimate of the cost shall be prepared by the subdivider and approved by the Director of Public Works;
 - ii. The cost of improvements shall be computed on a private commercial rate basis; and
 - iii. The deposit shall be accompanied by an approved agreement signed by the subdivider and/or owner, authorizing the City to make such improvements at prevailing commercial rates.

Governmental units to which these security provisions apply may file, in lieu of the security, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, affirming that current funds have been appropriated for the purpose of paying for the construction of the required public improvements.

SECTION 14 RESPONSIBILITY FOR INSTALLATION OF PUBLIC IMPROVEMENTS

Except when waived or deferred by the City Council, all subdivision development improvements conforming to adopted city standards shall be provided by the developer for any subdivision, or portion thereof, within the City and its extraterritorial jurisdiction as outlined in this Article. Said improvements shall be guaranteed in accordance with SEC. 13 above. All required public improvement plans shall be prepared by or under the supervision of a professional engineer registered in the State of Texas. Plans submitted for review by the City shall be dated and shall bear the responsible engineer's name, serial number, and the designation of "engineer,

“professional engineer”, or “P.E.” and an appropriate stamp or statement that the submitted documents are for preliminary review and are not intended for construction. Final plans acceptable to the City shall bear the seal and signature of the engineer and the date signed on all sheets of the plans. Copies of said plans shall be submitted in accordance with Article III for review by the Director of Public Works, who shall return his comments within a period of ten (10) working days.

SECTION 15 WATER SYSTEMS

- A. The developer shall pay for all costs for the installation of water system elements necessary to serve the need directly generated by the subdivision being developed, and shall pay all costs necessary to connect said elements to the city water system.
- B. The City Council may authorize participation in the cost of water line(s) to the extent of the difference in cost between the line size required under (1) above and the line size required by the Water Master Plan.
- C. Proposed subdivisions shall have access to an approved public water supply. Water lines shall be looped wherever possible, and in no case should a dead-end water main exceed six hundred feet (600') in length.

SECTION 16 WASTEWATER SYSTEMS

- A. The developer shall pay for all costs for the installation of wastewater system elements necessary to serve the need directly generated by the subdivision being developed, and shall pay all costs necessary to connect said elements to the city wastewater system.
- B. The City Council may authorize financial participation in the cost of wastewater line(s) to the extent of the difference in cost between the line required under (1) above and the line size required by the Wastewater Master Plan.

SECTION 17 STREET CONSTRUCTION

The developer shall be responsible for all costs for the installation of streets within the subdivision, including those streets and related drainage structures

that are deemed by the Commission and City Council to be required because of any or all of the following:

- A. A substantial amount of traffic will be generated through the subdivision because of existing and/or future conditions; or
- B. The City's Comprehensive Plan indicates a need for certain major streets through or adjacent to the subdivision.

SECTION 18 DRAINAGE SYSTEM

The developer shall be responsible for all costs for the installation of the drainage system required to accommodate the needs of the subdivision being developed, to include the carrying of existing water entering and leaving the subdivision. In the event that construction or construction related activity is allowed in the 100-year floodplain, there shall be no increase in the water surface elevation on any property upstream, downstream or on the opposite bank from the proposed development, without written approval of all affected property owners and the Director of Public Works.

SECTION 19 TEMPORARY IMPROVEMENTS

The property owner shall build and pay for all temporary improvements within the subdivision as required by the City and shall maintain said improvements for the period specified by the City. All costs associated with temporary improvements shall be considered the same as all required permanent improvements and shall be guaranteed in accordance with Article IV, SEC. 13.

SECTION 20 AUTHORITY OF THE DIRECTOR OF PUBLIC WORKS

The Director of Public Works is hereby authorized and directed to promulgate rules, regulations, standards and specifications (and amendments thereto) for the construction, installation, design, location and arrangement of streets, curbs, street lights, street signs, alley, utility layouts, utility easements, gates for utility easements, sidewalks, water

supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, criteria for drainage easement requirements, drainage facilities, and crosswalk ways. Provided, however, said rules, regulations, standards, and specifications (and amendments thereto) shall not be effective until they have been presented to and approved by the City Council by a formal resolution adopting same. When said resolution has been passed, said Director shall file said rules, regulations, standards and specification (and amendments thereto) with the City Secretary. The City Council may also amend said rules, regulations, standards and specifications by following the same procedure as for amending this Chapter. Said rules, regulations, standards and specifications shall not conflict with this or any other ordinance of the City. Said improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with said rules, regulations, standards and specifications.

SECTION 21 through 25 (RESERVED)

CITY OF BIG SPRING
Department of Public Works

SKETCH PLAN SUBMITTAL FORM

I. APPLICATION

Proposed Name of Plat: _____

Date Submitted: _____

Applicant:

Name: _____

Address: _____

Phone Number: _____ Fax: _____ Email: _____

Property Owner:

Name: _____

Address: _____

Phone Number: _____ Fax: _____ Email: _____

Representative:

Name: _____

Address: _____

Phone Number: _____ Fax: _____ Email: _____

Legal Description: _____

Location: _____

Number of copies (6 Required): _____

Residential Replat: YES _____ NO _____

II. FEES: Please attach the following:

First Review \$75.00

Second Review \$25.00

FOR OFFICE USE ONLY	
Rec'd. By: _____	Date: _____
Assigned: _____	

****Application will not be considered for scheduling until
reviewed by the Director of Public Works.****

CITY OF BIG SPRING
Department of Public Works

PRELIMINARY PLAT APPLICATION

I. APPLICATION

Application is hereby made to the Big Spring Planning and Zoning Commission for approval of the following preliminary plat:

- 1. Proposed Title of Final Plat: _____
2. Legal Description of Plat (or see attached metes and bounds on the accompanying CD)

3. Owner Information:

(Name) _____ (Phone) _____
(Address) _____ (City, State, Zip) _____

4. Developer Information (if different from 3 above)

(Name) _____ (Phone) _____
(Address) _____ (City, State, Zip) _____

5. Representative Information:

(Name) _____ (Phone) _____
(Address) _____ (City, State, Zip) _____

II. FEES

Application Fee: Two hundred dollars (\$200.00) for all subdivisions of twenty-five (25) acres or less and two dollars (\$2.00) for each acre or portion thereof, up to a maximum fee of five hundred dollars (\$500.00) for all subdivisions larger than twenty-five (25) acres. Two hundred dollars (\$250.00) for a residential replat.

TOTAL \$ _____

III. SUBMISSION INFORMATION

Submittal Date: Minimum 10 days (18 days for plats requiring a public hearing) prior to the Planning and Zoning Commission meeting at which consideration is desired. The Planning and Zoning Commission generally meets on the first Tuesday of each month.

(Check items if submitted with this application form.)

- 1. Number of Copies: 18 prints _____
2. Filing Fee: _____
3. Drainage plan submitted to Public Works Dept. _____
4. Title Policy _____

Rec'd By/Date
For Office Use
Only
_____/____
_____/____
_____/____
_____/____

The Preliminary Plat shall be considered officially filed only when it has been received in the Public Works Office in full compliance with the provisions of the Subdivisions Regulations of the City of Big Spring, including items 1 through 4 above.

The Planning and Zoning Commission may recommend approval, disapproval, or conditional approval of any preliminary plat. Conditional approval is considered to be approval of a preliminary plat subject to conformity

with prescribed conditions, but is considered disapproval of the plat until such conditions are met. Approval of a preliminary plat shall be considered to be approval of the general arrangement of lots, streets and alleys and the width of streets and alleys, but is not considered to be final acceptance of the subdivision plat. Preliminary plats must be considered by the City Council, and any approval by the Planning and Zoning Commission is considered a recommendation to the City Council.

IV. VARIANCES The following variances are requested: (attach additional information if necessary)

- 1. Any required Public Improvement: Describe: _____
- 2. Street/Alley alignment, width or length: _____

V. DEVELOPMENT AGREEMENT: Are you requesting City participation?
_____ YES _____ NO

NOTE: If property owner is to be represented by an authorized agent and said agent files and executes the application on behalf of the property owner, the agent should print the property owner's name and his own on the lines provided on page 1 and complete the affidavit below. *All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Big Spring.*

(PROPERTY OWNER) (DATE) By: _____
(If applicable - see note)

STATE of TEXAS
COUNTY OF HOWARD

Before me, the undersigned authority, on this day personally appeared _____ who, being by me duly sworn, upon oath says: That he is authorized by _____, the owner of the above described property, to fully represent him in this application and that he has the legal right, power and authority to sign said owner's name hereto as his attorney in fact.

(Signature of Affiant)

Subscribed and sworn to before me, by the said _____, this ____ day of _____, 20__, to certify which witness my hand and seal of office.

FOR OFFICE USE ONLY
Rec'd BY: _____ DATE: _____
RES REPLAT: YES _____ NO _____
ASSIGNED: _____
FOR: _____ ON: _____

Notary Public, Howard County, Texas

****Application will not be scheduled for hearing until reviewed by the Director of Public Works.****

Case Number: _____

CITY OF BIG SPRING

Department of Public Works

FINAL PLAT APPLICATION

I. APPLICATION

Application is hereby made to the Big Spring Planning and Zoning Commission for approval of the following final plat:

1. Proposed Title of Final Plat: _____
2. Legal Description of Plat (or see attached metes and bounds *on the accompanying CD*)

3. Owner Information:

(Name) (Phone)

(Address) (City, State, Zip)

4. Developer Information (if different from 3 above)

(Name) (Phone)

(Address) (City, State, Zip)

5. Representative Information:

(Name) (Phone)

(Address) (City, State, Zip)

II. SHORT FORM REQUEST

This is__ is not__ a request for the short form procedure. Submission of final plat for short form procedure shall occur at least fourteen (18) days prior to the scheduled Planning and Zoning Commission meeting.

III. FEES

Application Fee: One hundred fifty dollars (\$200.00) [plats with four (4) or less lots one hundred and fifty dollars (\$150.00)] for all subdivisions of fifty acres or less and one dollar (\$1.00) for each acre or portion thereof, up to a maximum fee of two hundred fifty dollars (\$300.00) for all subdivisions larger than fifty acres. Two hundred dollars (\$250.00) for a residential replat.

\$ _____

Recording Fee: Thirty dollars (\$30.00) for plats which do not exceed 18" in the lesser dimension or 24" in the greater dimension or

\$ _____

Thirty-five dollars (\$35.00) for plats which exceed either dimension specified above.

\$ _____

TOTAL \$ _____

IV. SUBMISSION INFORMATION

Submittal Deadline: Minimum 10 days (18 days for short form procedure, 18 days for plats requiring a public hearing) prior to the Planning Commission meeting at which action is desired. The Planning Commission generally meets on the first Tuesday of each month.

(Check items if submitted with this application form.)

- 1. Number of Copies: 18 prints and 1 original _____
- 2. Performance Bond/Letter of Credit _____
- 3. Tax Certificate _____
- 4. Title Opinion _____
- 5. Drainage plan submitted to Public Works Dept. _____
- 6. Digital file or Conversion Fee (\$50.00) _____

Rec'd By/Date For Office Use Only
_____/_____
_____/_____
_____/_____
_____/_____
_____/_____

This application authorizes the City Secretary to file the plat with the County Clerk for recording following approval. This application shall also authorize the filing of the associated documents which are approved by the Planning and Zoning Commission or City Council and shall authorize the City of Big Spring to reproduce from the plat, at the expense of the applicant, three film positives, sixteen direct prints for the City of Big Spring record files, and one direct print for each utility company franchised to provide service within the City of Big Spring. One additional film positive may be requested by the engineering firm at its expense.

**ENGINEER: PLEASE INDICATE WHETHER YOU DESIRE A FILM POSITIVE ___ YES ___ NO
OR SEPIA ___ YES ___ NO**

The Final Plat shall be considered officially filed **only** when it has been received in the Public Works Office in **full compliance** with the provisions of the Subdivisions Regulations of the City of Big Spring.

NOTE: If property owner is to be represented by an authorized agent and said agent files and executes the application on behalf of the property owner, the agent should print the property owner's name and his own on the lines provided on page 1 and complete the affidavit below. *All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Big Spring.*

(PROPERTY OWNER) (DATE) By: _____
(If applicable - see note)

STATE of TEXAS
COUNTY OF HOWARD

Before me, the undersigned authority, on this day personally appeared _____ who, being by me duly sworn, upon oath says: That he is authorized by _____, the owner of the above described property, to fully represent him in this application and that he has the legal right, power and authority to sign said owner's name hereto as his attorney in fact.

(Signature of Affiant)

Subscribed and sworn to before me, by the said _____, this _____ day of _____, 20__.

which witness my hand and seal of office

FOR OFFICE USE ONLY
 Rec'd BY: _____ DATE: _____
 RES REPLAT: YES _____ NO _____
 ASSIGNED: _____
 FOR: _____ ON: _____

Notary Public, Midland County, Texas

****Application will not be considered for scheduling until reviewed by the Director of Public Works.****