

PART II - CODE OF ORDINANCES

Chapter 41 - SUBDIVISIONS

EXHIBIT A. REGULATIONS FOR PLATTING AND SUBDIVIDING LAND WITHIN THE PLUM CREEK PUD

EXHIBIT A. REGULATIONS FOR PLATTING AND SUBDIVIDING LAND WITHIN THE PLUM CREEK PUD ^[2]

ORDINANCE NO. 308

An ordinance of the City of Kyle, Texas, establishing the requirements, regulations and procedures for platting and subdividing land within the plum creek planned unit development; stating the public purpose; providing definitions; providing for fees and filing and processing plats; establishing standards and specifications; providing for remedies and variances; providing a severability, effective date and open meetings clause; and providing for related matters.

Be it ordained by the city council of the City of Kyle, Texas, that:

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Sec. 1. Authority.

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including, but not limited to, V.T.C.A., Local Government Code chs. 42, 212, 380, and 481; and V.T.C.A., Water Code [ch. 26](#).

Sec. 2. Purpose.

The purpose of the ordinance is to provide for the orderly, safe, healthy, and economic and commercial development of the area within that area of the city and the city's extraterritorial jurisdiction hereinafter specified and defined as the "Plum Creek Planned Unit Development" to promote the health, safety, and general welfare of the community, and for the good government, order, trade and commerce of the city; and to accomplish such public purposes by requiring that all land within the Plum Creek planned unit development shall be subdivided and platted in compliance with this ordinance.

Sec. 3. Definitions.

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section:

Administrator [means] the city engineer and/or director of public works, or other person(s) designated by the city to administer the regulations and provisions of this ordinance.

Alley [means] a minor public or private right-of-way, either two-way or one-way, located through the interior of blocks and providing vehicular and service access to the side or rear of properties.

Building official or building inspector [means] any person, employee or agent designated and authorized by the city to issue permits for the construction or improvement of buildings and structures; and in the appropriate context, any such person authorized to inspect work and improvements to buildings and structures for compliance with the building codes and ordinances of the city.

Building scale [means] the relationship between the mass of a building, the individual elements of the building and its surroundings, including the width of the street, open space, and mass of surrounding buildings.

Building setback line [means] the line within a property defining the minimum horizontal distance between a building and the adjacent street line.

Build-to line [means] a line parallel to the street right-of-way which dictates the minimum and maximum front yard setback from a street or public right-of-way, to be followed by buildings or structures fronting thereon. The build-to line does not apply to building projections or recesses.

Buffer [means] an area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and/or fences, and designed to limit views and sound from the site to adjacent properties and vice versa.

City [means] the City of Kyle, Texas.

Commission [means] the planning and zoning commission of the city.

Common open space [means] a parcel or parcels of land or an area of water, or a combination of land and water, which may include floodplain and wetland areas, within a development site and intended for the use and enjoyment of residents of the development and, where designated, the community at large.

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

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

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

Developer. See "PUD subdivider."

Development [means] buildings, utilities, roads, and other structures; construction; and excavation, dredging, grading, filling, and clearing or removing vegetation.

Engineer [means] a person duly authorized, under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

Extraterritorial jurisdiction [means] that territory outside the corporate limits of the City of Kyle which is within the jurisdiction of the city by virtue of V.T.C.A., Local Government Code ch. 42.

Flood [means] a temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

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

Formal application [means] the filing with the city of the required number of copies of an application that meets all of the requirements of this and other applicable ordinances, including requisite documentation, and accompanied by the filing fee as set forth in Ordinance No. 293, as amended, or otherwise required by city ordinance.

Front porch [means] an unairconditioned roofed structure attached to the front of a house. The front porch will have a minimum depth of six feet and minimum width of eight feet. Side and rear porches are not subject to these requirements. A front porch may include ramps for handicapped access.

Front yard [means] that portion of a lot extending from the front face of a building towards and to the front lot line.

Human scale [means] the relationship between the dimensions of a building, structure, street, open space, or streetscape element and the average dimensions of the human body.

Impervious cover [means] roads, parking areas, buildings, and other impermeable construction covering the natural land surface; this shall include, but not be limited to, all streets, driveways and buildings within a subdivision.

Lot [means] a parcel of land which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol on a subdivision plat approved in the manner required by V.T.C.A., Local Government Code ch. 212, and this ordinance, which has been properly filed of record; and which is, or in the future may be, offered for sale, conveyance, transfer or improvement.

Modified grid street pattern [means] an interconnected system of streets which is primarily a rectilinear grid in pattern; however, it can be modified in street layout and block shape so as to avoid a monotonous repetition of the basic street/block grid pattern.

Multifamily [means] any use of lots or tracts on which are built three or more dwelling units, within one building.

Neighborhood [means] a subdivision comprised primarily of residential lots with boundaries which are defined on a plat, parcel map, or subdivision map recorded in the office of the county clerk.

Off-street parking [means] vehicular parking outside the street right-of-way. Each parking space shall have adequate drives, aisles, and turning and maneuvering areas for access and usability.

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On-street parking [means] vehicular parking contained on the street pavement (public and private streets) located outside the travel lanes. Parking spaces shall be designated and be located parallel or at an angle to the street center line.

Owner [means] a person, corporation, partnership or other legal entity which is the legal or equitable owner of land.

Phase I property [means] that part of the property located south of County Road 171, which consists of approximately 1,247.5 acres as set forth in exhibit "A" to this ordinance which is on file in the city secretary's office.

Plum Creek planned unit development [means] phase I as planned and shown on the Plum Creek planned unit development master plan (the "Plum Creek PUD").

Planned unit development district/PUD district [means] a zoning designation for an area within the Plum Creek PUD which must comply with the site development standards for such designated area.

Planned unit development subdivision, PUD subdivision or subdivision [means] a division of any tract of land situated within a planned unit development within the corporate limits, or within the city's extraterritorial jurisdiction, into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition of any town or city, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parts or other portions, intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. [The term] "subdivision" includes resubdivision. A PUD subdivision may, but is not required to, include a mix or combination of land uses within its boundaries (e.g. industrial, commercial, residential).

Plat [means] a map representing a tract of land, showing the boundaries and location of individual properties and streets.

Plat drawing [means] a drawing or drawings depicting the proposed subdivision layout itself, along with associated certifications, dedications and related notations.

Plat, final [means] the final map of all or a portion of a subdivision which is presented to the proper review authority for final approval; and which map or plat as approved by the commission and the city council, with or without amendments, shall be required for the development of land within the Plum Creek PUD.

Plat, preliminary [means] a preliminary map indicating the proposed layout of a subdivision which is submitted to the review authority for consideration and preliminary approval.

Plum Creek PUD master plan [means] a graphic representation or map of the proposed plan for development of phase I property which includes the use of several PUD districts and subdivisions in stages, depicting the proposed land uses, major street layout, parks and open space, and other features as may be deemed necessary or appropriate by the administrator.

Property owners association [means] an organization made up of the property owners in the area, which is responsible for maintenance of private streets, alleys, and the open spaces not conveyed to the city, and which shall have the authority to make and collect assessments sufficient to operate and maintain private streets, alleys and open spaces.

PUD subdivider [means] any person or any agent thereof, dividing or proposing to divide land so as to constitute a PUD subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Person [means] any individual, association, firm, organization, company, corporation, proprietorship, partnership, trust, governmental agency, or political subdivision.

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Rear yard [means] that portion of a lot extending from the rear face of a building towards and to the rear lot line.

Regulatory flood [means] a flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood generally has a flood frequency of approximately 100 years as determined from an analysis of floods on a particular stream and other streams in the same general region.

Regulatory flood protection elevation [means] the elevation of the regulatory plus one foot of freeboard to provide a safety factor.

Right-of-way [means] land dedicated or reserved for streets, utilities, or other public facilities.

Setback distance [means] the distance beyond which a building must be set back from any property line, another building or structure, setback lines or other line(s) or location as established by this ordinance.

"Shall," "must," "will," "should," and "may." The words "shall," "must," and "will," are always mandatory. The words "should," and "may" are discretionary.

Street [means] the entire width included in any public right-of-way which is open for the use of the public, however designated, and which serves one or more of the following purposes:

- (1) An "arterial street" primarily provides vehicular circulation to various sections of the city.
- (2) A "collector street" provides circulation within neighborhoods, to carry traffic from local streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.
- (3) A "marginal access street" is a street which is parallel and adjacent to an arterial street, which primarily provides access to abutting properties and protection from through traffic.
- (4) A "minor or local street" is a street designed primarily for access to abutting residential property.
- (5) A "boulevard" is a short to long distance, medium speed circulation corridor, that traverses a residential or commercial urban area and segregates the slower traffic and parking activity from through traffic.
- (6) An "avenue" is a short to long distance, medium speed connector that traverses a residential or commercial urban area or neighborhood.
- (7) A "residential street" is a small-scale, low speed local connector providing frontage to low to medium density residential and neighborhood commercial buildings and properties.

Streetscape [means] the built and planted elements of a street which define its character.

Street width [means] the portion of a street available for vehicular traffic and which is the portion between the faces of curbs.

Subdivision [means] the subdivision of any tract, lot, piece, or parcel of land, or any portion in two or more parts for the purpose of laying out suburban and/or urban lots or building lots. Subdivision also includes vacation and resubdivision of any tract, lot, piece, or parcel of land.

Surveyor [means] a licensed state land surveyor or a registered public surveyor as authorized by state law to practice the profession of surveying.

Traffic calming measures [means] road design elements intended to slow the speed of vehicular traffic. The following traffic calming measures shall be permitted:

- (1) "Chicane" means a staggered roadway around tree groupings, at the end of a parking lane, or other feature, intended to slow traffic speed.

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- (2) "Gateway" means a narrowed threshold at a road intersection, with an optional median, intended to slow traffic speed.
- (3) "Throttle" means a road narrowed at a tree grouping, at the end of a parking lane, or other feature intended to slow traffic speed.
- (4) "Roundabout" is a one way circular traffic rotary intersection, which reduces the need for traffic lights, allowing up to four streets to converge at a single point and at acute angles, and which are intended to move traffic through an intersection in a smooth and orderly fashion while lessening traffic delays.
- (5) "Speed plateau" means a slightly elevated section of road pavement over short duration, intended to slow traffic speed.
- (6) "Neckdown" means a staggered roadway at an intersection or other point intended to slow traffic speed.

Shared driveway [means] a paved vehicular access designed to residential driveway standards, which extends to and branches off of several homes; which is privately owned and maintained and does not require a turn around area at the end of the driveway.

Utility easement [means] an interest in land granted to the city, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Zero-lot-line lot [means] a long and narrow single family lot that has a side wall along or near one of the lot lines so that a ten-foot minimum yard is created on the other side of the lot.

Any office referred to in this ordinance by title means the person employed or appointed by the city in that position, or his duly authorized representative, and includes any person designated to perform the duties of such office. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

Sec. 4. Special provisions.

- (A) No permit shall be issued by the city for the installation of septic tanks upon any lot in a subdivision for which a final plat has not been approved and filed of record, or upon any lot in a subdivision in which the standards contained in this ordinance or referred to herein have not been complied with in full.
- (B) No building, repair, plumbing or electrical permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed of record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full.
- (C) The city shall not repair, maintain, install or provide, or permit such repair, maintenance or installation of, any streets or public utility services in any subdivision in which the standards contained herein or referred to herein have not been complied with in full.
- (D) The city shall not sell or supply any water, or sewage service within a subdivision for which a final plat has not been approved or filed of record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- (E) If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, and the city council shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that the provisions of paragraphs (A), (B), (C), and (D) of this section will apply to the subdivision and the lots therein, the city secretary shall, when directed by the city council of the city,

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cause a certified copy of such resolution under the corporate seal of the city to be filed in the deed records of the county or counties in which the subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the city secretary shall forthwith file an instrument in the deed records of such county or counties which declares paragraphs (A), (B), (C), and (D) [of this section] no longer apply, and releases the subdivision and the lots therein from the provisions as set forth in the resolution reciting the facts of such noncompliance.

- (F) The provisions of this section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of this Plum Creek PUD subdivision ordinance, nor to prohibit the repair, maintenance, or installation of any street or public utility service for, to or abutting any lot, the last recorded conveyance of which prior to passage of this ordinance was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to passage of this ordinance and pursuant to the city's Subdivision Ordinance No. 296 [chapter [41](#) of this Code], or the predecessor ordinance. Furthermore, the provisions of this section shall not apply to the issuance of permits for the construction or maintenance of structures which are located in an area which has not been subdivided or for which a final plat has not been approved and filed of record, if said structures are required to provide functional service to a lot(s) located in a subdivision in which the final plat has been approved and filed of record pursuant to the city's Subdivision Ordinance No. 296 [chapter [41](#) of this Code], or the predecessor ordinance.
- (G) Any right, privilege, or remedy granted by this ordinance to the person obtaining or holding an approved permit shall run in favor of such person's successors in interest and assigns. Any duty or obligation of or remedy against such person arising from this ordinance shall inure to such person's successors in interest and assigns.
- (H) The subdivision of land within phase I, pursuant to this ordinance and the Plum Creek planned unit development master plan approved by the city council, shall be required only to meet the requirements and development standards approved by the city council.

Sec. 5. Variances.

The city council may authorize a variance from these regulations or the requirements and development standards approved by the city council for the Plum Creek PUD when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the city council shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the city council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the city council finds that:

- (A) There are special circumstance or conditions affecting mixed use planning practices affecting land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land; and
- (B) A substantial and irrevocable commitment of resources uniquely suited and pursuant to the approved Plum Creek PUD cannot be substantially recovered except by developing the property substantially as proposed; and
- (C) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (D) 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

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- (E) The granting of the variance will not have the effect of preventing or adversely impacting the orderly subdivision of other land in the Plum Creek PUD area in accordance with the provisions of this ordinance.

An application for a variance shall be submitted to the planning commission, who shall forward a recommendation to grant, grant with conditions, or deny, to the city council. The findings of the city council, together with the specific facts upon which such finding are based, shall be incorporated into the official minutes of the city council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

Sec. 6. Preliminary conference for subdivision of the Plum Creek PUD.

The owner of a large area known as the Plum Creek property proposes to stage development of the property in two phases, with phase I being the Plum Creek planned unit development which will be comprised of several subdivisions. Prior to the filing of a preliminary plan for any subdivision, the owner/subdivider of the proposed Plum Creek PUD area shall consult with and present the Plum Creek PUD master plan to the administrator for comment and advice on the procedures, specifications, and standards required by the city for the development of a subdivision within the Plum Creek PUD within the city or its extraterritorial jurisdiction. The purpose of this preliminary conference is to review:

- (A) The owner's Plum Creek PUD master plan for the proposed property.
- (B) The zoning status of the property to be subdivided.
- (C) The availability of utilities for the property to be subdivided.
- (D) The city's plans or policies that might affect the property to be subdivided.
- (E) Processing of Plum Creek PUD subdivisions.
 - (1) The administrator shall check the Plum Creek PUD master plan as to its conformity with the city's master plan, major street plan, land use plan, Plum Creek PUD zoning ordinance [chapter [53](#), exhibit A] and the standards and specifications set forth in this ordinance.
 - (2) Pertinent copies of the Plum Creek PUD master plan shall be submitted to the building inspector and administrator who shall check the same for conformity with the standards and specifications set forth by this ordinance.
 - (3) The administrator shall return the Plum Creek PUD master plan data to the commission with his suggestions as to modifications, additions or alterations of such data.
 - (4) Within 30 days after the request for consideration of the Plum Creek PUD subdivision ordinance is filed, the commission shall approve or disapprove such ordinance, or approve it with modifications, and forward it to the city council for its consideration. Formal filing of the Plum Creek PUD subdivision ordinance shall not be effective until all supporting documentation is provided to the city.
 - (5) Approval of a Plum Creek PUD subdivision ordinance by the city council shall be deemed an expression of approval of the general layout submitted on the Plum Creek PUD master plan as a guide to the installation of major streets, water, sewer and other required improvements, to the proposed location categories of land uses (e.g. residential, commercial, industrial) and to the preparation of applications for preliminary plans for Plum Creek PUD subdivisions.
 - (6) Approval of the Plum Creek PUD master plan shall be effective for 15 years; provided that such master plan shall expire unless at least ten percent of phase I has been platted and

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fully developed within five years from the date such master plan is approved by the city council.

- (7) If the development of phase I has not been completed pursuant to the Plum Creek PUD master plan, after 15 years of effective approval of the Plum Creek PUD master plan, the city council with the recommendation of the commission may, upon the application of the owner, extend the approval for an additional five-year period. Provided, however, that the owner/developer shall make a good faith effort to develop 20 percent of the property within the first five years; 50 percent of the property within the first ten years; and 75 percent of the property within the 15-year period. If the owner/developer has demonstrated a good faith effort to meet the development schedule but has been unable to, he may request and be granted an extension by the city for the additional five years.
- (8) If the Plum Creek PUD subdivision ordinance is disapproved by the commission, the applicant may appeal the commission's decision to the city council in writing within 15 days. The city council shall consider the appeal within 30 days of the applicant's appeal. Reversal of the commission's decision shall require the approval by a simple majority of the council.

Sec. 7. Preliminary conference for preliminary plat.

The platting process described in sections 7 through 9 is described sequentially. However, if a developer has a relatively simple plat, in which all or most of the subdivision requirements are in place, the process can be simplified by combining various phases of the process upon agreement by the administrator. The preliminary conference can be used to explore ways to shorten the platting process upon agreement by the administrator. Prior to the official filing of a preliminary plat, the subdivider should consult with and present a proposed plan of subdivision to the administrator for comments and advice on the procedures, specifications, and standards required by the city for the subdivision of land.

Sec. 8. Preliminary plat and accompanying data.

- (A) *General.* The subdivider shall cause a preliminary plat for a subdivision within the Plum Creek PUD to be prepared by a surveyor or engineer in accordance with this ordinance and with the Plum Creek PUD master plan.
- (B) *Time for filing and copies required.* The subdivider shall file 20 copies of the plat together with the original, with the commission at least ten days prior to the date at which formal application for the preliminary plat approval is made to the commission.
- (C) *Filing fees.* Such plat shall be accompanied by a filing fee as required by city ordinance. No action by the commission shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for preliminary plat approval or should the plat be disapproved.
- (D) *Formal application.* Formal application for preliminary plat approval shall be made by the subdivider in writing to the commission at an official meeting.
- (E) *Form and content.* The plat shall be drawn on sheets 24 inches wide and 36 inches long with a binding margin of not less than one inch on the left side of the sheet and margins of the other three sides of not less than one-half inch, or suitable equal approved by the city engineer. The plat shall be drawn to a scale of 100 feet to one inch. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:
 - (1) Names and address of the subdivider, record owner, engineer and/or surveyor.

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- (2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the city or within five miles of the city.
- (3) Names of contiguous subdivisions and the owners of contiguous parcels of unsubdivided land, and an indication of whether or not contiguous properties are platted.
- (4) Description, by metes and bounds, of the subdivision.
- (5) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
- (6) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision.
- (7) Existing sites as follows:
 - (a) The exact locations, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.
 - (b) The exact locations, dimensions, descriptions and names of existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision.
 - (c) The exact locations, dimensions, descriptions, and flow lines of existing watercourses and drainage structures within the subdivision or on contiguous tracts.
 - (d) Regulatory flood elevations and boundaries of flood prone areas, including flood ways, if known.
- (8) The proposed locations, dimensions, descriptions and names of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, block lots and other sites within the subdivision.
- (9) A preliminary plan for a water system, including all major lines and system elements.
- (10) A preliminary plan for on-site sewage disposal systems, including disposal site for land subject to flooding or sanitary sewers with grade, pipe size and points of discharge.
- (11) A preliminary plan of the drainage system with grade, pipe size, and location of outlet.
- (12) A preliminary plan for proposed fills or other structure elevating techniques, levels, channel modifications and other methods to overcome floor or erosion related hazards.
- (13) Date of preparation, scale of plat and north arrow.
- (14) Topographical information shall include contour lines on a basis of five vertical feet in terrain with a slope of two percent or more and on a basis of two vertical feet in terrain with a slope of three percent.
- (15) A number or letter to identify each lot or site and each block.
- (16) Front building setback lines on all lots and sites. Side yard building setback lines at street intersections and crosswalk ways.
- (17) Location of city limits lines, the outer border of the city's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.
- (18) Vicinity sketch or map at a scale of not more than 100 feet to an inch which shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities in the vicinity, the

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general drainage plan and ultimate destination of water and possible storm sewer, water, gas, electric, and sanitary sewer connections by arrows.

(F) *Processing of preliminary plat.*

- (1) The administrator shall check the preliminary plat as to its conformity with the Plum Creek PUD master plan, major street plan, land use plan, and the standards and specifications set forth by the Plum Creek PUD zoning ordinance [chapter [53](#), exhibit A] (after it is approved by the city) and other applicable code requirements.
- (2) Pertinent copies of the preliminary plat data shall be submitted to the building inspector, city engineer, and director of public works and they shall check the same for conformity with the standards and specifications set forth by ordinance and code.
- (3) The administrator shall return the preliminary plat data to the commission with their suggestions as to modifications, additions or alterations of such plat data.
- (4) Within 30 days after the preliminary plat is formally filed, the commission shall approve or disapprove such plan or approve it with modifications, and forward its comments and recommendations to the city council. Formal filing of the preliminary plat shall not be effective until all supporting documentation is provided to the city.
- (5) The city council shall consider the preliminary plat that has been reviewed by the planning commission and its recommendation for approval or conditional approval, or lack thereof. Within 30 days of the city council's initial consideration of a preliminary plat package that has been approved, conditionally approved or disapproved by the commission, the city council shall either approve or disapprove such preliminary plat or conditionally approve it with modifications as provided for in this ordinance. In the event the city council disapproves a plat previously approved by the commission, or approves a plat previously disapproved by the commission, or adds or deleted conditions for approval, the plat shall be promptly reconsidered by the commission in light of the city council's action.
- (6) Approval of a preliminary plat by the city council shall be deemed 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 or record plat. Conditional approval of a preliminary plat shall not constitute automatic approval of the final plat.
- (7) Approval of a preliminary plat shall be effective for two years unless reviewed by the commission and the city council in the light of new or significant information which would necessitate a revision of the preliminary plat. If the commission and the city council should deem changes in a preliminary plat as necessary, it shall so inform, in writing, the subdivider.
- (8) If no development has occurred which would affect the proposed plat, after two years of effective approval the commission and the city council may, upon the application of the subdivider, extend the approval an additional year.

Sec. 9. Final plat.

(A) *Form and content.*

- (1) The final plat and accompanying data shall conform to the preliminary plat as approved by the commission and city council, incorporating any and all changes, modifications, alterations, corrections and conditions as imposed by the commission and city council. No final plat shall be considered by the commission or city council unless a preliminary plat has first been approved by the commission and city council. Very simple plats, identified at the preliminary conference, may be submitted in final form without going through the preliminary plan process. However, the final plat shall be accompanied by all information required at submission of the preliminary plat.

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- (2) The final plat shall be drawn on sheets 24 inches wide and 36 inches long with a binding margin on the left side of the sheet of not less than one inch and margins of not less than one-half inch on the other three sides, or suitable equal approved by the city engineer. The plat shall be drawn to scale of 100 feet to one inch. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. When requested by the administrator, the subdivider shall provide a complete copy of all such plats, plans and design specifications on CAD disks or in other such electronic format as then customarily in use by civil engineers within Travis and Hays Counties.
- (3) The final plat shall be submitted in such manner as is required by the commission, and shall contain all of the features required for preliminary plats in section 7 [8] above, and it shall be accompanied by site improvement data bearing the seal of an engineer and detailed cost estimates.
- (4) The final plat and accompanying site improvement data and detailed cost estimates shall be approved by the administrator.
- (5) In addition to the various requirements for the preliminary plat, the final plat shall also include the following:
 - (a) The exact locations, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree or curvature, tangent distance and length of all curves where appropriate.
 - (b) The exact locations, dimensions, descriptions and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements, or other rights-of-way, blocks, lots, other sites within the subdivision with accurate dimensions, bearings or deflecting angles and radii, area, and central angle, degree or curvature, tangent distance and length of all curves where appropriate.
 - (c) (i) Approval of the planning commission of the city:

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

Dated this _____ day of _____, 20_____.

By:

ATTEST:

Secretary

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(ii) Approval of the City Council of the City:

This plat of _____ has been submitted to and considered by the City Council of the City of Kyle, Texas, and is hereby approved by the Commission.
Dated this _____ day of _____, 20_____.

By:
ATTEST:

Secretary

(d) Certification of the surveyor responsible for surveying the subdivision area, attesting to its accuracy:

State of Texas	/s/
County of Hays	/s/
I, the undersigned, a (Registered professional engineer/public surveyor) in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.	
[Engineer of Surveyor's Seal]	By: _____
	Registered Professional Engineer/or/
	Registered Public Surveyor

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- (e) A certificate by the engineer responsible for the preparation of the final plan and supporting data, attesting to its accuracy:

State of Texas	/s/
County of Hays	/s/
I, the undersigned, a registered professional engineer in the State of Texas, hereby certify that proper engineering consideration has been given this plat.	
[Engineer's Seal]	
	By: _____
	Registered Professional Engineer

- (6) When submitted, the final plat shall be accompanied by the following site improvement data. All plans and engineering calculations shall bear the seal and signature of an engineer.
- (a) Streets, alleys, sidewalks, crosswalk ways & monuments. Three copies of plans and profiles of all streets, alleys, sidewalks, crosswalk ways, and monuments, and three copies of detailed cost estimates.
 - (b) Sanitary sewers.
 - (i) Three copies of the proposed plat, showing five-foot contours and the proposed location and dimensions of existing sanitary sewer lines.
 - (ii) Three copies of plans and profiles of proposed sanitary sewer lines, indicating depths and grades of lines.
 - (iii) Three copies of detailed cost estimates.
 - (c) Water lines.
 - (i) Three copies of the proposed plat, showing five-foot contours and location and size of existing water lines and fire hydrants.
 - (ii) Three copies of plans and profiles of all proposed water lines and fire hydrants, showing depths and grades of lines.
 - (iii) Three copies of detailed cost estimates.
 - (d) Storm drainage.
 - (i) Three copies of the proposed plat, indicating five-foot contours. 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. Drainage easements shall be indicated.

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- (ii) A general location map of the subdivision showing the entire watershed (a USGS quadrangle is satisfactory).
- (iii) Calculations showing the anticipated stormwater 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.
- (iv) When a drainage channel or storm sewer is proposed, complete plans, profiles, and specifications shall be submitted, showing complete construction details.
- (v) When conditions upstream or downstream from a proposed channel or storm sewer do not permit maximum design flow, high water marks based on a 25-year frequency, shall be indicated based on existing conditions.
- (vi) Three copies of detailed cost estimates.
- (vii) The final plat shall also include the following:
 - (A) Owners acknowledgment.

State of Texas	/s/
County of Hays	/s/
I [we], the undersigned, owner(s) of the land shown on this plat, and designated herein as the _____ subdivision to the City of Kyle, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places thereon shown for the purpose and consideration therein expressed.	
	By: _____
	Owner

State of Texas	/s/
County of Hays	/s/
Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.	
Given under my hand and seal of office this _____ day of _____, 20_____.	

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	>By: _____
	Notary Public

(B) Certification of the planning commission.

I, the undersigned, Chairman of the Planning Commission of the City of Kyle, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City as to which the Commission's approval is required.

	By: _____
	Chairman

(B) *Processing of final plat.*

- (1) If desired by the subdivider and approved by the commission and city council, the final plat may constitute only that portion of the approved preliminary plat which the developer proposes to record and develop. However, such portions shall conform to all the requirements of this ordinance.
- (2) After the subdivider is notified of the approval of the preliminary plat and at least 15 business days prior to the planning commission meeting, the subdivider's engineer shall submit to the commission 20 copies of the final plat of the subdivision or portion thereof.
- (3) No final plat will be considered unless a preliminary plat has been submitted. However, if an approved plat has been duly recorded and the subdivider wishes to increase the size of the lots by combining two or more lots or by combining one lot with a portion of the adjacent lot in such manner that no portion of a lot remains smaller than the original lots, no preliminary plat will be necessary.
- (4) A final plat of an approved preliminary plat or a portion thereof (that is consistent with the requirements of the preliminary plat or a portion thereof) shall be submitted to the commission within two years of the date of approval of preliminary plat, otherwise the approval of the commission and city council shall become null and void, unless an extension of time is applied for and granted by the commission and city council.
- (5) When the final plat is submitted to the commission for approval, it shall be accompanied by the fees required in the ordinances of the city. That portion of the fees required for recording fees can be paid by means of a check or checks payable to the county clerk in the amount of the recordation fee for filing the final plat.
- (6) Within 30 days after the final plat is formally filed, the commission shall approve or disapprove such plat and forward its recommendation to the city council.

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- (7) The city council shall act on the final plat within 30 days after the approval by the commission, or after the approval by reason of nonaction of the commission. If the plat is not disapproved by the council within 30 days, it shall be deemed to have been approved by the council. A certificate showing the filing dates hereunder and the failure to take action thereon within the period prescribed shall, on demand, be issued by the commission or the council, as the case may be, and such certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required.
- (8) After the final plat has been finally approved and the subdivider has constructed all the required improvements and such improvements have been approved, and a maintenance bond filed as hereinafter provided; or after the plat has been finally approved and the subdivider has filed the security and maintenance bond hereinafter provided, the commission shall cause the final plat to be recorded with the county clerk or clerks in the county or counties in which the subdivision lies. The commission shall also cause the check or checks for the recordation fee or fees deposited at the time the final plat was filed for approval to be delivered with the final plat to the county clerk. No plat shall be filed for record without written consent of the subdivider. If subdivider fails to provide such written consent within 30 days of the date of final approval of the plat, the commission may at any time thereafter cancel such approval.
- (C) *Plat amendments.* The city council may, upon recommendation of the commission, approve an amended plat provided said plat is signed by all affected parties, and such approval and issuance shall not require notice, hearing, or approval of other lot owners. This subsection shall apply only if the sole purpose of the amending plat is:
 - (1) To correct an error in any course or distance or property description shown on the prior plat or add any course or distance omitted on the prior plat;
 - (2) To indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;
 - (3) To show the proper location or character of any monument which has been added or changed in location or character or which originally was shown at the wrong location on the prior plat;
 - (4) To correct any other types of scrivener or clerical error or omission as previously approved by the commission or council;
 - (5) To correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat; or
 - (6) To relocate a lot line in order to cure an inadvertent encroachment on a lot line or easement. In no event shall a plat amendment be allowed which amends, adds, or deletes restrictive covenants, unless approved by all of the lot owners in the subdivision.

Sec. 10. Where subdivision is unit of a larger tract.

Preliminary and final plats of land within the Plum Creek PUD shall reasonably conform with the Plum Creek PUD master plan, show the proposed layout of streets, blocks, drainage, water, sewerage, and other improvements for the area being platted in compliance with this ordinance. The Plum Creek PUD master plan and the approved subdivision plats shall be filed in the permanent files of the city. All subdivisions platted within the Plum Creek PUD shall reasonably conform to the approved overall layout as provided in the Plum Creek PUD master plan, unless such master plan is modified by the subdivider/developer with the approval of the commission and city council.

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Sec. 11. Guarantee of performance.

- (A) If under section 9, paragraph (B)(8) of this ordinance the subdivider chooses to construct the required improvements prior to recordation of the final plat, all such construction shall be inspected while in progress by the appropriate city department, and shall be subject to approval by the city engineer. A certificate by such officer and the developer/subdivider stating that the construction conforms to the specifications and standards contained in or referred to herein must be submitted to the administrator prior to acceptance of the required improvements by the city as built. After construction of the improvements is completed and prior to the acceptance of such improvements by the city for maintenance, the subdivider or its contractor shall file with the city a maintenance bond, executed by a surety company holding a license to do business in the State of Texas, and acceptable to the city, in an amount equal to 35 percent of the cost of the improvements required, as estimated by the administrator, and on the condition that the subdivider will maintain such improvements in good condition for a period of one year after final acceptance of the completed construction by the city. Such bond shall be approved as to form and legality by the city attorney.
- (B) If under section 9, paragraph (B)(8) of this ordinance the subdivider chooses to file security and a maintenance bond in lieu of completing construction prior to final plat approval, he may utilize any of the following methods of posting security. If the subdivider chooses to file security, the plat shall not be approved unless the subdivider has done one of the following:
 - (1) Has filed with the city a bond executed by surety company holding a license to do business in the State of Texas, and acceptable to the city, as approved as to form and legality by the city attorney, in an amount equal to the cost of the improvements required by this ordinance, as estimated by the director of public works, conditioned that the subdivider will begin to construct such improvements within one year after approval of such plat, and pursue the work in a timely manner excluding acts of God, with a completion date for such improvements within two years from the date of final plat approval; or
 - (2) Has placed on deposit in a bank or trust company selected by the subdivider and approved by the city, in a trust account a sum of money equal to the estimated cost of all site improvements required by this ordinance. The estimated cost of improvements shall be the cost as estimated by the director of public works. Selection of the trustee shall be subject to approval by the city, and the trust agreement shall be approved as to form and legality by the city attorney.
 - (3) Has furnished fiscal security in the form of a letter of credit obtained by the subdivider in an amount equal to the estimated cost of all site improvements required by this ordinance. The administrator shall provide an estimate of the cost of improvements. The subdivider shall obtain the letter of credit from a financial institution approved by the city and subject to approval as to form and legality by the city attorney.
- (C) If either type of security is filed by the subdivider under paragraph (B) of this section, the filing of such security shall be accompanied by a maintenance bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the city, and issued upon completion and the acceptance of the improvements by the city, in an amount equal to 35 percent of the cost of the improvements required, as estimated by the director of public works, under the condition that the subdivider will maintain such improvements in good condition for a period of one year after final acceptance of the completed construction by the city, as provided in paragraph (D) of this section. Such bond shall be approved as to form and legality by the city attorney.
- (D) If either type of security is filed by the subdivider under paragraph (B) of this section, the director of public works shall inspect the construction of improvements while in progress, and he shall inspect such improvements upon completion of construction. After final inspection, he shall notify the subdivider and the city attorney in writing as to his acceptance or rejection of the construction. He shall reject such construction only if it fails to comply with the standards and specifications contained

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or referred to herein, or otherwise in effect pursuant to applicable resolution or ordinance of the city. If he rejects such construction, the city attorney shall on direction of the city council proceed to enforce the guarantees provided in this ordinance.

- (E) Where good cause exists, the director of public works may extend the period of time for completion under paragraph (B) of this section for an additional period of time not to exceed 12 months if the subdivider has not completed the required site improvements or completed such improvements in compliance with this ordinance. No such extension shall be granted unless security as provided in such paragraph (B) has been provided by the subdivider covering the extended period of time.
- (F) Security but not maintenance guarantees shall be released by the city when all requirements for approval have been met and the improvements have been accepted. Maintenance guarantees shall expire one year after the date of final acceptance provided that no corrective work and/or repairs are in progress and no claim by the city is pending.

Sec. 12. Standards and specifications.

No preliminary or final plat shall be approved by the commission, and no completed improvements shall be accepted by the director of public works, unless they conform to the following standards and specifications:

(A) *General.*

- (1) *Conformity with city's comprehensive plan and Plum Creek PUD zoning ordinance [chapter [53](#), exhibit A].* The subdivision and its improvements shall conform to any relevant comprehensive plans, codes and the Plum Creek PUD zoning ordinance of the City of Kyle [chapter [53](#), exhibit A].
- (2) *Provision for future subdivisions.* If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow for the opening of future streets.
- (3) *Reserve strips prohibited.* There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

(B) *Streets.*

- (1) *Street layout.* Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade, and location of each shall conform with Plum Creek PUD master plan, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire Plum Creek PUD development.
 - (a) *Generally.* The street system should generally consist of a rectilinear pattern of blocks with a hierarchy of public streets and service alleys, common greens, and landscaped rights-of-way accommodating automobiles, public transit, bicycles and pedestrians. Except as approved by the commission and the city council, the street layout should form an interconnected system of streets. The use of cul-de-sacs and other roadways with a single point of access are discouraged. Blocks shall be designed to have a maximum length of 1,200 feet, from intersection to intersection. Rear service alleys are a preferred element in the design of the neighborhood. Industrial and commercial subdivisions should be designed to have a maximum length of 1,000 feet.
 - (b) *Local streets.* Local streets approved in the Plum Creek PUD subdivision may be public or private. If private streets are proposed, the street shall:

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- (i) Ensure that public access is not restricted except as agreed to by the city;
 - (ii) Provide adequate access for emergency vehicles and for school buses as necessary;
 - (iii) Provide that construction standards and specifications are satisfactory to the city;
 - (iv) Ownership and maintenance shall be the responsibility of the private owner or deeded to and maintained by the property owners association.
- (c) *Private streets and alleys.* All streets and alleys shall be dedicated to public use unless they are designated as private. All private streets and alleys shall be shown on all plans, but they will be allowed where they are found to be more appropriate due to the type and density of development or other applicable factors. All private streets and alleys shall be conveyed to and maintained by the property owners association.
- (2) *Relation to adjoining street system.* Where practical to the Plum Creek PUD neighborhood street pattern, existing streets in adjoining areas shall be continued, and shall be at least as wide as such existing streets and in alignment therewith.
- (3) *Projection of streets.* Where adjoining areas are not subdivided, the arrangements of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided area, where practical for the Plum Creek PUD.
- (4) *Street jogs.* Whenever practically possible, street jogs with centerline offsets of less than 125 feet should be avoided.
- (5) *Half-streets or adjacent streets.* In case of collector, minor, or marginal access streets, no new half-street shall be platted.
- (6) *Street intersections.* Street intersections shall be constructed at an angle of no less than 60 degrees. When necessary, a safety measure, such as a landscaped island, shall be introduced which safely channels left-turn movements into a nearly perpendicular pattern. No more than two streets intersecting at one point shall be permitted, except as approved by the city engineer and based on sound transportation planning principals.
- (7) *Dead-end streets.* Dead-end streets shall be prohibited except as short stubs to permit future expansion.
- (8) *Culs-de-sac.* In general, culs-de-sac shall not exceed 600 feet in length, and shall have a turnaround of not less than 45 feet of right-of-way radius in residential areas, and not less than 45 feet of right-of-way radius in diameter in commercial areas and 60 feet of right-of-way radius in industrial areas. Medians with a maximum width of 13 feet of right-of-way radius may be landscaped, where practical and reasonable.
- (9) *Marginal access streets.* Where a subdivision has frontage on an arterial street, there shall be provided a marginal access street on both sides or on the subdivision side of the arterial street, if the arterial street borders the subdivision, unless the adjacent lot backs up to the arterial streets, or unless the commission determines that such marginal access streets are not desirable under the facts of a particular case for adequate protection of the lots and separation of through and local traffic.
- (10) *Streets on comprehensive plan.* Where a subdivision embraces a street as shown on the comprehensive plan of the city, such street shall be platted in the location and of the width indicated by the comprehensive plan. Modification to street platting indicated by the comprehensive plan may be administratively approved by the director of public works if the owner or subdivider provides sufficient information related to the need for the revision in order to preserve the integrity of the Plum Creek PUD.

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- (11) *Minor street.* Minor or local streets shall be laid out so as to discourage their use by through traffic.
- (12) *Pavement width and right-of-way.* Pavement widths and rights-of-way shall be as follows:
 - (a) Arterial streets shall have a right-of-way width of at least 80 feet, with a pavement width of at least 44 feet, and a minimum curve radius of 725 feet.
 - (b) Collector streets shall have a right-of-way width of at least 60 feet, and a pavement width of at least 36 feet, and a minimum curve radius of 375 feet.
 - (c) Local streets shall have a right-of-way width of at least 60 feet, and a pavement width of at least 36 feet, and a minimum curve radius of 275 feet.
 - (d) Nonresidential marginal access streets shall have a right-of-way width of at least 60 feet, and a pavement width of at least 36 feet.
 - (e) Residential marginal access streets shall have a right-of-way width of at least 60 feet, and a pavement width of at least 36 feet.
 - (f) Pavement width and rights-of-way, and minimum design criteria for boulevards, avenues, and residential streets, shall be as set forth in the schedule A located at the end of this section 12.
- (13) *[Pavement widths forming adjacent subdivision.]* Pavements widths and rights-of-way of streets forming part of the adjacent subdivision shall be as follows:
 - (a) Where the PUD design warrants such requirements, the subdivider shall dedicate a right-of-way of 80 feet in width for new adjacent arterial streets, and 36 feet of such right-of-way shall be paved.
 - (b) New adjacent collector, minor, or marginal access streets shall conform to paragraph (B)(12) of this section.
 - (c) Where the proposed subdivision abuts upon an existing street or half-street that does not conform to paragraph (B)(12) of this section, the subdivision shall dedicate right-of-way sufficient to make the full right-of-way width conform to paragraph (B)(12) [of this section], and there shall be paved so much of such right-of-way as to make the full pavement width comply with paragraph (B)(12) [of this section]. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back two feet to assure an adequate subbase and pavement joint.
- (14) *Curbs.* Curbs shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the subdivision. Horizontal ribbon curbs and four-inch roll curbs shall be permitted where the Plum Creek PUD design and drainage conditions warrant such use. The use of ribbon curbs and four-inch roll gutters shall be subject to the review and approval of the administrator.
- (15) *Street names.* Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.
- (16) *Traffic calming measures.* The use of traffic calming measures intended to moderate the speed of vehicular traffic within the subdivision will, generally, be permitted throughout the Plum Creek PUD. Traffic calming measures at roadway intersections include gateways, roundabouts and neckdowns. Traffic calming measures designed along roadway sections include chicanes, throttles and speed plateaus.
- (17) *Streetlights.*

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- (a) *Street classification.* Streetlights shall be placed in accordance with the following placement criteria. Streetlights shall be located:
- (i) At the intersection of two arterial streets, an arterial and a collector street, and at the intersection of two collector streets;
 - (ii) At any intersection where traffic count is projected to reach 7,000 vehicles per day;
 - (iii) In the turnaround of culs-de-sac where cul-de-sac length is longer than 300 feet; and
 - (iv) Pursuant to a street lighting plan submitted and approved in conjunction with application for subdivision plat approval pursuant to this ordinance; which plan shall, generally, provide not less than one streetlight for each 500 linear feet of streets in or abutting the subdivision.
- (b) *Safety considerations.* Streetlights shall, additionally, be placed to illuminate street curves, significant topographic conditions, and other safety hazards.
- (c) *Spacing.* Streetlights shall be placed in accordance with the following spacing requirements:
- (i) Typical spacing of lights shall be one per intersection at the intersections described in subsection (a)(i) above;
 - (ii) Lights shall be provided along arterial and collector streets, with a maximum spacing between lights of 300 feet;
 - (iii) If block length is over 600 feet but less than increments of 300 feet, the light shall be placed in mid-block to the degree practical.
 - (iv) In a cul-de-sac turnaround, if the cul-de-sac length is longer than 300 feet.
 - (v) Streetlights shall be placed in the subdivision in compliance with the finally approved lighting plan.
- (d) *Light size and type.*

Street Type	Light Size/Lumens	Light Type
Thoroughfare (heavy traffic)	400w/50,000	SV
Arterial (medium traffic)	250w/27,000	SV
Collector	175w/7,000	MV or
(Residential and low traffic)	100w/9,500	SV

- (e) *Subdivision lighting plan.*

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- (i) The developer shall submit a streetlight plan as a part of the final subdivision plat package in conjunction with the utility plans and in conformance with these standards.
 - (ii) The staff shall review, coordinate with the electric utility, and recommend street lighting plans to the commission and council.
 - (iii) Metal poles shall be required for all street lighting and the developer shall pay all additional utility company charges for street lighting, e.g., underground, metal poles, special fixtures, charges for electricity, etc., at the final plat phase.
 - (iv) Installation will be completed during the construction of the other infrastructure and public improvements, or, with city approval, coordinated with building permits issued in the area. Priority shall be given to arterial and collector streets in the subdivision to facilitate circulation; within each block face, when 50 percent of lots have been permitted, lights shall be installed. The developer shall give security as necessary to assure installation of lighting required but scheduled for future installation. This light installation schedule may be accelerated in accordance with an agreement made with the developer whereby the developer pays the city the full cost of power during the time period necessary to reach this level of permitting.
 - (v) The commission and the council may disapprove any subdivision where the developer fails to comply with the standards set forth in this section.
 - (f) *Private street lighting.* In those instances when the above criteria do not warrant streetlight placement in a particular location where a property owners association, commercial or industrial property desire additional lighting, the city encourages privately funded and privately maintained lights by neighborhood residents and property owners. All privately funded lights shall be totally owned and maintained by the private property owners or residents. All utilities for privately funded lights shall be entirely paid for by the private property owner or residents. The city shall never be obligated to pay for the maintenance or utilities of any privately funded light. Such lighting may be placed within easements where not inconsistent with the easement use, but shall not be placed within dedicated public right-of-way.
 - (18) *Street signs and markers.* Street signs shall be installed by the subdivider at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the city, and shall be installed in accordance with standards of the city. Provided, however, that upon written request from the subdivider/developer, the city engineer may approve design modifications to city requirements for signs and markers, if such change comports with sound engineering practices and judgment, and is consistent with the public health, safety and welfare.
 - (19) *Paving surfaces.* Streets shall be paved with a minimum of 1½ inches of compressed hot mix with a minimum of eight inches of base over a proper subbase or a suitable alternative. Alternative paving material such as concrete pavers, brick, and stone shall be permitted when acceptable under sound engineering practices and approved by the director of public works; provided that all such street improvements and infrastructure installed and constructed within the Plum Creek PUD shall, when constructed and/or installed, meet or exceed the applicable specifications and construction standards then in effect within the city.
- (C) *Alleys.*
- (1) Width and paving. Alleys may be installed if approved by the administrator. Alleys of not less than 20 feet in right-of-way width and pavement width shall be installed by the

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subdivider in all business and industrial areas where practical. In residential areas, alleys not less than 20 feet in right-of-way width, with a paved surface of not less than 12 feet in width, shall be optional. All alley paving shall be done in accordance with city standards. Alleys shall be approximately parallel to the frontage of the street. All alleys, if constructed, must be paved as outlined in [sub]section [(C)](5) below. All alleys shall be maintained by the property owners association for the area.

- (2) Intersecting alleys or utility easements. Where two alleys or utility easements intersect or turn at a right angle, a cutoff of not less than ten feet from the normal intersection of the property or easement line shall be provided along each property or easement line where practical.
- (3) Dead-end alleys. Dead-end alleys shall not be permitted except if future development provides for the extension of the alleys, in which case temporary turnarounds will be provided.
- (4) In all alleys, underground easements for electric and telephone lines shall be provided by subdivider.
- (5) Alley design criteria shall be as set forth in the schedule A located at the end of this section 12.
- (6) All alleys in the Plum Creek PUD shall be private alleys and shall be maintained by the property owners association.
- (7) The typical alley section in the Plum Creek PUD shall be based upon projected traffic volume, existing soil conditions, drainage conditions and requirements. The design shall be in conformance with generally accepted engineering practices. The alley section shall be based on criteria which meet or exceed the loading criteria of 20,000 18 KIP axle repetitions.

(D) *Utilities easements.*

- (1) Each block that does not abut an alley as provided for in paragraph (C) of this section shall have utility easements platted on each lot adjacent to the right-of-way of each street abutting the block. Such easements shall be reserved for the use of all public utility lines, conduits, and equipment. These utility easements shall be 7½ feet in width, shall be continuous for the entire length of the block and shall parallel the street line frontage of the block. Such easements shall be considered a part of the lot area for purposes of minimum lot-size requirements of this ordinance. Normal curb exposure shall be required where utility easements intersect streets.
- (2) Electrical distribution lines within phase I that serve but that are outside of platted subdivisions, may temporarily remain as overhead lines. [The term] "temporarily" means for the duration of time when the area outside the subdivision remains unplatted. Three-phase electric transmission lines within the subdivision are permitted to be overhead but all utilities constructed and installed within any subdivision must be underground. Excluded from this provision are facilities typically sited above ground, such as meter boxes, lift station, transformers, and other similar items.

(E) *Sidewalks.* Sidewalks shall be installed as follows:

- (1) Sidewalks are required in residential subdivisions and will be required as appropriate to the area in commercial and industrial areas. Sidewalks shall be not less than four feet in width and may adjoin the curb or may be separated from the curb by a landscape planting strip. Such sidewalks shall be installed and constructed on both sides of each residential street. Sidewalk shall be situated wholly within the dedicated right-of-way.

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- (2) Utility assignments shall be arranged so that utilities are not located underneath sidewalks except to cross perpendicularly for distribution.
 - (3) Parkways and landing ways shall be excavated, or filled, as required to result in not more than a three to one grade, or as detailed on approved construction plans. Landing walks of width not less than 18 inches may be installed at the rear of the curb.
 - (4) Americans with disabilities. Sidewalks shall conform to the city construction standards and meet all requirements of the Americans with Disabilities Act.
- (F) *Watershed and flood prevention.*
- (1) *Watershed protection.* The watershed provisions contained herein are deemed necessary for the following reasons:
 - (a) The watersheds within the city's jurisdiction contribute significantly to the city's drinking water supply.
 - (b) Waterways and their associated watersheds within the city's jurisdiction represent significant recreational and aesthetic resources and contribute to the city's public health.
 - (c) The future of the city is dependent on an adequate quality and quantity of water, a pleasing natural environment, recreational opportunities in close proximity to the city as well as the protection of people and property from hazards of flooding.
 - (d) All watersheds within the city's jurisdiction are vulnerable to non-point source pollution and sedimentation resulting from development activities.
 - (e) All watersheds within the city's jurisdiction are undergoing development or facing development pressure.
 - (f) If watersheds within the city's jurisdiction are not developed in a sensitive and innovative manner, water resources, natural environment, and recreational characteristics may be irreparably damaged.
 - (g) Protection of critical environmental features is necessary to protect water quality in those areas most susceptible to pollution.
 - (h) It is important to protect the water supply and the natural environment of all watersheds for existing and future generation of citizens of the city.
 - (i) The city may adopt additional appropriate development rules and regulations for the purpose of protection of the watersheds and aquifers within its jurisdiction as a facet of its overall program for the control and abatement of pollution resulting from generalized discharges of pollution which are not traceable to a specific source, such as urban runoff from rainwater; and for the abatement of the risks related to flooding within the watersheds.
 - (2) *Stormwater management.* In order to achieve the purposes in the foregoing section, the following sections provide for stormwater management systems. All development plans and subdivision plats submitted to the city shall comply with the provisions of this article and section and any other applicable regulations; specifically, the city's construction standards and specifications for roads, streets, structures and utilities and the applicable Texas Natural Resources Conservation Commission [Texas Commission on Environmental Quality] rules. Plats of developed property on which no new structures or additional impervious coverage is planned shall be exempt from the provisions of this section.

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- (a) *Stormwater management system requirements.* The commission shall not recommend approval for any plat, plan or subdivision which does not meet the minimum requirements of this ordinance in making adequate provision for control of the quantity of stormwater and/or ground water runoff to the benefit of both future owners of property within the subdivision and other lands within the watershed. It shall be the responsibility of the subdivider to design and construct a system for the collection and transport of all stormwater runoff flowing onto and generated within the subdivision in accordance with:
 - (i) The requirements of these regulations.
 - (ii) The flood drainage prevention ordinance [chapter 17, article II of this Code].
 - (iii) Good engineering practices.
 - (iv) Approved plans.
 - (v) The principles of stormwater law established by the Texas Water Code.
- (b) *Basic design objectives.* In general the stormwater management system shall be designed and constructed in a manner which promotes the development of a network of both natural and built drainageways throughout the community and so as to:
 - (i) Retain natural floodplains in a condition that minimizes interference with floodwater conveyance, floodwater storage, aquatic and terrestrial ecosystems and ground and surface water.
 - (ii) Reduce exposure of people and property to the flood hazard and nuisance associated with inadequate control of runoff.
 - (iii) Systematically reduce the existing level of flood damages.
 - (iv) Ensure that corrective works are consistent with overall city goals.
 - (v) Minimize erosion and sedimentation problems and enhance water quality.
 - (vi) Protect environmental quality, social well-being and economic stability.
 - (vii) Plan for both the large flooding events and the smaller, more frequent flooding by providing both major and minor drainage systems.
 - (viii) Minimize future operational and maintenance expenses.
 - (ix) Reduce exposure of public investment in utilities, streets and other public facilities (infrastructure).
 - (x) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public.
 - (xi) Acquire and maintain a combination of recreational and open space systems utilizing floodplain lands.
 - (xii) Preserve natural drainage patterns and limit the amount of impervious cover so as to prevent erosion, maintain infiltration and recharge of local seeps and springs, and attenuate the harm of contaminants collected and transported by stormwater. Overland sheet flow shall be maintained whenever possible and the dispersion of runoff back to sheet flow shall be considered in the drainage design for the subdivision as opposed to concentration of flows in storm sewers and drainage ditches.
- (c) *General design requirements.*

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- (i) The storm drainage system shall be separate and independent of any sanitary sewer system and its use shall not interfere with the operation and maintenance of road networks or utility systems.
- (ii) Each lot, site and block within the subdivision shall be adequately drained as prescribed in the city's construction standards.
- (iii) No subdivision shall be approved which would permit building within a regulatory floodway of any stream or watercourse. The commission may, when it deems necessary for the protection of the health, safety or welfare of the present and future population, prohibit the subdivision and/or development of any property which lies within a designated regulatory floodway of any stream or watercourse.
- (iv) No lot or building site within a subdivision shall derive sole access to a public street across a waterway unless such access shall be constructed to remain open under design storm conditions as prescribed in the city's construction standards.
- (v) Areas subject to inundation under design storm conditions shall be indicated with the minimum floor elevation of each lot so affected on a certified copy of the preliminary plat submitted for filing. The commission may, when it deems necessary for the protection of the health, safety or welfare of the present and future populations, place restrictions on the subdivision, regarding the design and use of areas within a drainageway. The commission shall not approve any subdivision of land within the floodplain of any stream or watercourse unless the applicant demonstrates that the subdivision and all development anticipated therein will comply with the requirements of this ordinance.
- (vi) Design of all drainage facilities, including streets, inlets, storm sewers, outfall, culverts and ditches, shall conform with the city's construction standards and specification for roads, streets, structures, and utilities.
- (vii) All facilities shall be designed to intercept, detain and transport the projected runoff from the 25-year frequency storm. Overflow and/or transport provisions shall be provided for 100-year storms.
- (viii) Projected runoff rates for the design of drainage facilities shall be based on the expected ultimate developed state of the upstream contributing area. Said ultimate developed state shall be based on the maximum intensity allowable under existing zoning as applicable, the city's comprehensive plans, and approved plans within the contributing area.
- (ix) All development establishing impervious cover or otherwise modifying an existing site shall incorporate facilities to prevent any increase in the peak rate of runoff from a 25-year frequency storm. The city engineer may waive this requirement under one or more of the following circumstances:
 - (A) Approved off-site storage is provided for the required regulation of peak flows and adequate conveyance of stormwater flows from the site to the off-site storage facility is demonstrated.
 - (B) Development of a one-, two- or three-family residential structure on any legally platted lot creates no more impervious ground cover than 30 percent of the gross lot surface area exclusive of any area within the 100-year floodplain.
 - (C) Certified engineering data and calculations are presented which demonstrate the absence of adverse impact on all downstream

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conveyances and property between the downstream property line and the receiving major waterway.

- (D) Certified engineering data and calculations are presented which fully describe, explain and justify recommended alternatives to detention.
- (E) The increase in runoff does not exceed ten percent of the existing conditions runoff up to a maximum increase of five curb feet per second, and said runoff does not affect adjoining property.
- (F) The property is adjacent to a major waterway and in the judgment of the city engineer, waiver of detention requirements will not result in an increase in the peak flood flow of the major waterway. Waiver of this requirement for any reason shall not relieve the owner of responsibility.
- (G) Design of major drainage ways through a subdivision and major structures such as box culverts or bridges across a major drainage channel shall be coordinated with the requirements of Hays County when any portion of the subdivision lies outside the city limits.

(d) *Drainage channels.*

- (i) The limits of the 25-year and 100-year storm event shall be determined for watercourses draining 50 or more acres. Calculations for storm events shall utilize generally recognized backwater computational methods and actual field channel and overbank configuration.
- (ii) No importation of fill material or channel modifications shall be undertaken within the area of the 100-year floodplain without written approval of the administrator. Such approval shall be based upon certified engineering data and calculations furnished by the applicant.
- (iii) All constructed or modified earthen channels shall be designed utilizing a side slope of 33 percent, or flatter, to allow for future maintenance and promote adequate slope stability. As a minimum, all slopes shall be hydromulched, sodded or seeded.

(e) *Streets and storm sewer.*

- (i) All street sections shall be in accordance with city standards. The allowable design drainage capacity for stormwater flow at the gutter shall be no deeper than three inches above the top of the curb.
- (ii) Depth of flow in streets is to be controlled to allowable levels by modification of crossfall, gradient changes, or the use of curb inlets and/or curb drains, and storm sewers.

(f) *Bridges and culverts.*

- (i) All bridge and culvert structures shall be designed to carry and/or contain the upstream runoff from a 25-year storm.
- (ii) Runoff from a 100-year storm shall not top the road surface at bridge or culvert crossings for an arterial or thoroughfare crossing and shall not exceed a depth of six inches on a local street crossing.
- (iii) All bridge and culvert structures shall be designed such that the structural integrity of the roadway shall not be diminished by a 25- or 100-year storm event.

(g) *Computations, plans and construction.*

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- (i) Plans and computations for proposed drainage facilities shall be certified with the seal of the design engineer, and submitted to the city engineer for acceptance prior to approval of construction plans.
 - (ii) Computations for all drainage related design shall be submitted with the plans for review. Data submitted shall include a drainage area map, a summary of methodology employed and resulting data, land use and runoff coefficient assumptions, and other pertinent hydrologic and hydraulic data.
 - (iii) Plans and design calculations for all drainage facilities shall be submitted to the city engineer for acceptance prior to issuance of any permit within the development or subdivision.
- (h) *Building permits and utility connections.*
 - (i) Plans submitted for building permits and/or utility connections, other than single family residential or duplex construction and those projects already in compliance with this ordinance, shall include the necessary drainage related facilities designed and provided for in compliance with this ordinance and the city's construction standards.
- (i) *Drainage easements.*
 - (i) *General requirements.* Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, or where a detention/filtration facility is required, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse or facility, and of such width and construction to contain the design storm and required freeboard. When parking lots or other approved use areas serve a dual function, including detention, those areas shall be designated on the plat as detention areas. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks having adequate width to contain the volume of flow generated by the design storm under ultimate development conditions.
 - (ii) *Design requirements.*
 - (A) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
 - (B) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and filed of record, documented on the plat, and drawn on the construction plans.
 - (C) Low-lying lands along watercourses subject to flooding or overflowing during storm periods shall be preserved and retained in their natural state as drainage ways except where modification can be shown to benefit the community and such modification is as approved by the commission. All development activity within the regulatory floodplain must comply with city, state and federal regulations.
 - (D) All sedimentation, filtration, detention and/or retention basins and related appurtenances shall be situated within a drainage easement. The owners of

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the tracts upon which are located such easements appurtenances, and detention facilities shall maintain same and be responsible for their upkeep. Notice of such duty to maintain shall be shown on the plats.

(E) Drainage facilities shall be designed to serve the entire subdivision. For all subdivisions, design of drainage facilities shall be completed with other required construction plans in order to ensure adequate drainage easements and other reservations on the plat.

(F) The requirements set forth herein are not intended to be exhaustive and wherever it is necessary to make additional requirements in order to maximize the effectiveness of the drainage plan in question, such requirements shall be made by the commission. Variances to these requirements may be allowed pursuant to this ordinance only when said variance will not result in drainage related problems sought to be prevented by these regulations.

(3) *Industrial uses.*

(a) An applicant proposing any industrial use, as defined in the city comprehensive plan or Plum Creek PUD zoning ordinance [chapter [53](#), exhibit A], and which is not completely enclosed within a building or buildings, must provide a pollutant attention plan which:

(i) Proposes methods to capture all surface water runoff from developed areas to contain and filter pollutants generated on-site.

(ii) Controls dust and other particulate matter generated on-site, to meet the Texas Natural Resource Conservation Commission [Texas Commission on Environmental Quality] Standards for Urban Areas.

(b) The design of storage facilities for hydrocarbon or hazardous substances, including leak detection systems, spill containment areas or other control measures shall meet the following requirements:

(i) Underground storage facilities. Facilities for the underground storage of static hydrocarbon or hazardous substances shall be of double walled construction or of an equivalent method approved by the city engineer. Methods for detecting leaks in the wall of the storage facility shall be included in the facility's design and review prior to issuance of appropriate permits for construction.

(ii) Aboveground storage facilities. Facilities for the aboveground storage of static hydrocarbon or hazardous substances shall be constructed within controlled drainage areas that are sized to capture one and one-half times the storage capacity of the facility and that direct any spillage to a point convenient for collection and recovery. The controlled drainage area shall be constructed of a material suitably impervious to the material being stored.

(c) All transport facilities for hydrocarbons and hazardous substances shall be approved by the city engineer.

(4) *Minimum criteria for issuance of floodplain development permit.* Pursuant to the flood hazard area regulations (chapter 17 article II), as amended from time to time, and similar provisions enforced by the county, a floodplain development permit shall be required such that:

(a) Development or alteration of the floodplain shall result in no increase in water surface elevation of the design storm of the waterway.

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- (b) Development or alteration of the floodplain shall not create an erosive water velocity on or off the site. The mean velocity of stream flow at the downstream end of the site after development or alteration shall be no greater than the mean velocity of the stream flow under existing conditions as defined in the city's construction standards and specifications for roads, streets, structures, and utilities.
 - (c) Development or alteration of the floodplain shall be permitted by equal conveyance on both sides of the natural channel.
 - (d) Relocation or alteration of the natural channel shall not be permitted without an environmental assessment, including a stream rehabilitation proposal.
 - (e) The toe of any fill shall parallel the natural channel to prevent an unbalancing of stream flow in the altered floodplain.
 - (f) To insure [ensure] maximum accessibility to the floodplain for maintenance and other purposes, and to lessen the probability of slope erosion during periods of high water, maximum slopes of filled area shall not exceed three to one for 50 percent of the lengthy of the fill and six to one for the remaining length of the fill. The slope of any excavated area not in rock shall not exceed four to one. Vertical walls, terracing and other slope treatments will be considered if no unbalancing of stream flow results.
 - (g) Whenever feasible, the integrity of the natural waterway channel will be protected.
 - (h) A landscape plan shall be required, and shall include plans for erosion control of cut and fill slopes, restoration of excavated areas and tree protection where possible, both in and below the fill area. Landscaping should incorporate natural materials (earth, stone, or wood) on cut or fill slopes whenever possible.
 - (i) The effects of existing or proposed public and private improvements shall be used in determining water surface elevations and velocities.
 - (j) Any alteration of the floodplain shall not cause any additional expense in current or projected capital improvements, nor should said alteration cause additional maintenance costs to be incurred by the city.
- (G) *Minimum requirements.* The following establish further general and minimum standards. In the event of any conflict between any of the following and any other requirement of this section, the higher standard shall govern and control:
- (1) *Drainage structures.* Drainage structures shall be constructed in compliance with this ordinance and in such locations and of such size and dimensions to adequately serve the subdivision and associated drainage area. 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 or leaving the subdivision.
 - (2) *Right-of-way.* In new subdivisions, the developer shall provide all the necessary easements and rights-of-way required for drainage structures, including storm sewer and open, paved or rip-rapped channels.
 - (3) *Storm sewers and curb inlets.* Storm sewers shall be provided and curb inlets located so as to properly drain all streets and intersections.
 - (4) *Standards.* The design, size, type and location of all storm drainage facilities shall equal or exceed the city's minimum construction standards and be approved by the city engineer and the director of public works.

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- (a) *Drainage ditches.* Open, paved or improved drainage ditches, as required by the commission or the council, shall be constructed across the entire subdivision being developed.
 - (b) *Storm sewer.* Water entering into the streets, in excess of what gutters will carry at maximum flow, shall be diverted into storm sewers. Capacity of storm sewers and channels shall be calculated by Manning's formula or other methods approved by the administrator.
- (H) *Detention.* Except for existing single family residences on legally platted lots, all subdivisions and development establishing impervious cover or otherwise modifying an existing site shall incorporate facilities to prevent any increase in the peak of runoff from a 25-year frequency storm.
- (I) *Water installation.*
 - (1) *Water supply and distribution.* All subdivisions shall be provided with water supply and water distribution systems approved by the Kyle Water Department. In no event shall a water well be dug without the permission of the city.
 - (2) *Fire hydrants.* Six-inch fire hydrants shall be installed as part of the water distribution system per specifications of the fire chief of the city and of the state board of insurance.
- (J) *Sewers.*
 - (1) All subdivisions shall be provided with an approved sewage disposal system.
 - (2) Connection with the sanitary sewer system shall be required except where the city council determines that such connection will require unreasonable expenditure when compared with other methods of sewage disposal. Where septic tanks are installed, the subdivider shall conduct percolation tests under the supervision of the director of public works and county health department in order to determine the adequacy of proposed lot sizes. If a sanitary sewer disposal system is to be installed, the plans for such system must be approved by the Texas State Health Department, prior to approval of the final plat by the planning commission.
- (K) *Utility lines.* All utility lines that pass under a street or alley shall be installed before the street or alley is paved, whenever practical. When it is necessary that utility lines pass under the street pavement, they shall be installed to a point at least three feet beyond the edge of the pavement. Buried utilities may be located within the alley service drive and under public street pavement, three feet inside the face of the curb. Electric distribution shall be provided by means of underground service within the subdivision. Overhead service to individual lots shall not be permitted. Transformer pads and enclosures shall be located behind the front face or to the rear of the building.
- (L) *Monuments.*
 - (1) Monuments shall be located at the intersection of a line three feet north from and parallel to the north line of each block with a line three feet east from and parallel to the east line of the block, unless such point of intersection occurs within the limits of street paving. In such case, alternate monument locations shall be approved by the director of public works.
 - (2) Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments shall be so set as to assure a clear view between adjacent monuments.
- (M) *Parkland dedication or designation.*

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- (1) *Definitions.* For the purposes of this section, the following terms, phrases and words shall have the meaning ascribed to them in this subsection.
- (a) *"Park"* means any public park, playground, recreation or open space area, golf course, lake, together with parking lots, which is operated, maintained and controlled by the city, and heretofore platted, dedicated, or designated as a public park within the city. Land dedicated for public school land which contains a park or parkland as defined herein shall be considered a park for the purposes of this section but only to the extent of the actual land dedicated for such a park. Private golf course areas, recreation areas and open space land within a residential area and neighborhood commercial area shall be considered to be designated as park for purposes of this section but only to the extent of the actual land designated for such golf course, recreation and open space purposes and provided that no more than 50 acres of private golf course, recreation or open space areas shall be credited by the city as parkland that complies with the parkland dedication/designation requirements set forth in this [sub)section (M).
 - (b) *"Neighborhood park"* means a park designated for a variety of outdoor recreational opportunities located within a residential subdivision or within a close proximity or convenient distance of the majority of residences to be served thereby so that the residential subdivision or subdivisions so located shall be the primary beneficiaries of these facilities.
 - (c) *"Residential area"* means any area within a subdivision plat which in whole or in part is platted for the development of dwelling units or residences, whether same be single-family, multifamily, owner occupied or rental dwelling units and including townhouses, condominiums and apartments.
 - (d) *"Neighborhood commercial area"* means any area as described in the Plum Creek PUD zoning ordinance [chapter [53](#), exhibit A].
- (2) *General.*
- (a) Whenever a final plat is filed of record with the county clerk of Hays County for development of a residential area in accordance with this ordinance, or the comprehensive planning and zoning ordinance of the city, such plat shall contain a clear fee simple dedication of an area of land to the city for park purposes, which area shall equal one acre for each 133 proposed dwelling units. As far as practical, all dedications or designations of land shall be in a single parcel. Provided, however, that the council and the commission deem that such dedication or designation is required in accordance with the regulations set forth herein. Any proposed plat submitted to the city for approval shall show the area proposed to be dedicated or designated under this section. Upon the approval of the council, the dedication or designation required by this section may be met by the payment of money instead of land when permitted or required by the provisions of this section or by the platting of a private golf course, recreation area, or open space area pursuant to subsection (M)(1)(a) herein.
 - (b) The council declares the development of an area smaller than three acres for public park purposes, as described in subsection M(1)(a) herein, as impractical. Therefore, if fewer than 399 units are proposed by a plat filed for approval resulting in a dedication or designation of less than three acres, the developer shall be required to pay the applicable cash instead of being required to dedicate or designate any of the land area as provided by subsection (d) [of this section]. No plat showing dedication or designation of less than three acres shall be approved unless the council, upon recommendation of the commission, approves a variance to this requirement by resolution.

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- (c) In an instance where an area of less than five acres is required to be dedicated or designated, the city shall have the right to accept the dedication or designation for approval on the final plat, or to refuse same, after consideration of the recommendation of the commission, and to require payment of cash instead of land in the amount provided by subsection 12(M)(4) [of this section] hereafter if the city determines that sufficient park area as described in subsection 12(M)(1)(a) [of this section] is already in the public domain in the area of the proposed development, or if the parkland recreational needs of the area would be better served by expanding or improving existing parks. Such recommendations shall be given after submittal and review of the preliminary plat.
 - (d) The dedication or designation required by this section shall be made by the filing of the final plat clearly showing such parkland dedication or designation or contemporaneously by separate instrument unless additional dedication or designation is required subsequent to the filing of the final plat. If the actual number of completed dwelling units exceeds the figure upon which the original dedication or designation is based, such additional dedication or designation shall be required, and shall be made by payment of cash instead of the land amount provided by subsection (d) [of this section], or by the conveyance of entire numbered lot(s) to the city.
 - (e) Before any dedication or designation of parkland or payment of cash instead of dedication or designation may be required, the commission and the council must find at the public hearing at which the subdivision is considered for final approval, that the dedication or designation of parkland or payment of money instead of park dedication or designation for future development of parks bears a substantial relation to the health, safety, general welfare and morals of the community and that there is a need for the park improvement caused by the subdivision development. In order to determine whether or not the need or benefit is sufficient to require the dedication or designation, such factors as the size of lots in the subdivision, the economic impact of the subdivision, density of population, the amount of private parkland contained in the subdivision, and the amount of open land consumed by the development shall be considered. The director of parks and recreation shall be informed of all new subdivisions which are submitted for approval and of all existing subdivisions which are submitted for replatting, expansion, or redevelopment.
 - (f) Whenever payment of money instead of park dedication or designation is determined to be appropriate, the location of the park where the funds will be spent shall be determined within 90 days of the final acceptance of the completed subdivision.
- (3) *Prior or excess dedication or designation.*
- (a) Credit shall be given for dedication or designation of land or money paid instead of land for park or recreational purposes which was dedicated or given pursuant to the existing zoning ordinance or subdivision of the city. Credit shall also be given for the dedication or designation of land in excess of the requirements herein, subject to the provisions of subsection (M)(1)(a) [of this section]. Such credit may be used by the owner or developer who dedicated the parkland in excess of the dedication or designation requirements, provided that the credit is used within the Plum Creek PUD, as amended.
 - (b) If a dedication requirement arose prior to the passage of this section, that dedication requirement shall be controlled by the ordinance in effect at the time such obligation arose, except that additional dedication or designation shall be required if the actual density of the dwelling units constructed on the property is greater than the former assumed density. Additional dedication or designation shall be required only for the

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increase in density and shall be based on the ratio set forth in subsection [12(M)(3)](a) of this section.

- (c) At the discretion of the city, acting through its council, any former gift of parkland to the city, which was not required by any provision of the city Code, the zoning ordinance or other applicable laws, may be credited on a per acre basis toward eventual parkland dedication requirements imposed on the donor of such land. The council shall consider the recommendation of the commission in exercising its discretion under this section.
- (4) *Money instead of land.* Subject to the approval of the council:
 - (a) An owner responsible for dedication or designation under this section may elect to meet the requirements of subsection 12(M)(2)(a) above in whole or in part by cash payment instead of land in the amount set forth in subsection 12(M)(4)(b) hereunder. Payments instead of land shall be made prior to the time the subdivision improvements are accepted.
 - (b) The dedication or designation requirement shall be met by a payment instead of land at a per-unit price set by resolution of the council, sufficient to acquire land and provide for adjacent streets and utilities for a neighborhood park to serve the area in which such development is located. Unless changed by the council, such per-unit price shall be computed on the basis of \$200.00 per dwelling unit. Cash payment may be used only for acquisition or improvement of a neighborhood or regional park located within the same area as the development, or in close proximity thereto. This location shall be determined by the city within 90 days of the final acceptance of the completed subdivision.
- (5) *Comprehensive plan considerations.* Land shown on the comprehensive plan or any neighborhood plan, if same is designated as being suitable for development by the city for a major recreational center, school site, park, or other public use, shall be reserved for a period of one year after the preliminary plat is approved by the council if, within two months after such approval, the council advises the subdivider of its desire to acquire the land or of the interest of another governmental unit to acquire the land, for purchase by the interested governmental authority, at the appraisal value of the land at the time of purchase. A failure by the council to so notify the subdivider shall constitute a waiver of the right to reserve the land. Any waiver of the right to reserve the land shall no longer be effective if the preliminary plat shall expire without adoption of a final plat.
- (6) *Special fund.*
 - (a) There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this section, which fund shall be known as the "Parkland Dedication Fund." All monies set aside in said parkland dedication fund shall be used exclusively for park and recreational improvements in new or existing parks within the area of the subdivision which contributes the money, or as close to the subdivision as practical to ensure that the subdivision's residents gain the benefit of the improvements.
 - (b) The city shall account for all sums paid instead of land dedication under this ordinance with reference to the individual plats involved and the contributing developer. Any funds paid for such purposes must be expended by the city within five years from the date received by the city for acquisition or development of a neighborhood park. Provided, however, if the funds paid for parkland dedication are being accumulated to acquire and develop a larger neighborhood park (a park in excess of five acres or more which will provide multiple recreational facilities and will serve several adjacent

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subdivisions) the fund must be expended within seven years from the date received by the city. When funds from several different subdivisions are being accumulated to develop a larger neighborhood park serving several different subdivisions they shall be segregated in an account earmarked for that particular project within the parkland dedication fund. Such funds shall be considered to be spent on a first in, first out basis. If not so expended, the contributing developer(s) on the last day of such period shall be entitled to a pro rata refund of such sum, computed on a square footage of area basis. The contributing developer shall be notified of such refund. Registered mail to three addresses provided by the contributing developer(s) will constitute diligent effort to locate and if unanswered in writing, requesting refund within 365 days of such mailing, such right to refund shall be barred.

- (c) Provided, however, the placing of the parkland dedication fund in a "treasury fund" established by the city, so long as accounting procedures established maintain a separate account for these proceeds for the purposes set forth herein and assure that funds will not be disbursed for any purposes not set forth in this ordinance, shall not be considered a violation of this section.

(7) *Additional requirements.*

- (a) Any land dedicated to the city under this section must be suitable for recreational purposes, such as for parks, playgrounds and usable open space. The following characteristics of proposed area are generally unsuitable:
 - (i) Any area of which more than 20 percent is located within the 100-year floodplain.
 - (ii) Any areas of unusable topography or slope which render more than 25 percent of the area unusable for organized recreational activities, or due to unusual circumstances relating to subsoil, slope or topography, the development of the property for park or recreational purposes would be unusually difficult or expensive as determined by the director of public works.
 - (iii) The above characteristics of a parkland dedication area may be grounds for refusal of any preliminary or final plat.
- (b) Drainage areas may be accepted as a part of a park if the channel is constructed in accordance with the city engineering standards, and if no significant area of the park is cut off from the access by such channel; provided, however, that the developer may provide vehicular access by a bridge or similar structure approved by the director of public works. The percentage or portion of parkland dedication hereunder may include 50 feet on each side of any well-defined creek or waterway subject to the approval of the city.
- (c) Each park must have ready access to an improved public street so as to provide visual access to a majority of the park area.
- (d) Unless provided otherwise herein, an action by the city shall be by the council, after consideration of the recommendation of the commission.

(N) *Drainage.*

- (1) *Easements.* Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width to accommodate future needs. An alternate path for drainage shall be permitted, based on approved engineering principles prepared by a registered professional engineer. The city shall review and approve proposed drainage methods.

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- (2) *Drainage facilities.* Drainage facilities shall be proposed and constructed by the subdivider in a manner which shall be reasonably reviewed and approved by the planning commission.
- (O) *Blocks.*
 - (1) In general, intersection streets determining block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets or contemporary and accepted subdivision practices.
 - (2) Blocks shall be not more than 1,000 feet in length, and shall be, at minimum, bounded on either end of the long axis by a local street. Block length, up to 1,200 feet, may be approved by the administrator for good and sufficient reasons (example: curvilinear streets or paved alleys).
- (P) *Crosswalk ways.* Crosswalk ways six feet in width shall be dedicated where deemed necessary by the planning 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 sidewalk constructed of concrete, concrete pavers, brick, or other suitable paving surface a minimum of six feet wide.
- (Q) *Lots.*
 - (1) *Sewered lots.* Where off-lot sewerage is provided, each residential lot shall have an area of at least 2,500 square feet.
 - (2) *Unsewered lots.* Where off-lot sewerage is not required, and is not provided, residential lots shall have an area of at least 20,000 square feet. Where, as the result of the percolation test prescribed in paragraph (G) of this section, the director of public works and county health department deems the minimum lot area insufficient, the planning commission shall require additional area sufficient to accommodate the sanitary facilities deemed necessary by the director of public works.
 - (3) *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 or 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 rear of such lot, additional depth may be required by the director of public works. In no case shall additional depth in excess of 50 feet be required. Where a lot sides to any of the above, additional width in excess of 50 feet may be required by the director of public works.
- (R) *Buildings, other.* Mechanical apparatus, trash containers, utility meters, conduit, A/C units and other utility elements should be located to the rear of the lot; plumbing and mechanical vents should be located to the rear of roofs, away from view of public streets.
- (S) *Common open space.* Common open space and structures thereon must be either:
 - (1) Conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common open space and buildings, structures, or improvements which have been placed on it; or
 - (2) Conveyed to a property owners association or some other party responsible for maintaining common buildings, areas and land within the subdivision. The common open space shall be restricted to the uses specified on the final plat and which provide for the maintenance of the common open space in a manner which assures its maintenance for its intended purpose.

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- (T) *Accessibility of site.* All proposed streets, alleys, and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development, but may be designed so as to discourage outside through traffic from traversing the subdivision.
- (U) *[Inspections.]* The city may make such inspections as are deemed necessary to require proper installation. The subdivider and the subdivider's engineers and contractors, respectively, shall be responsible for proper design and installation of all required improvements and neither the review nor approval of such plans nor the inspection of the work in progress or the completed work will create any liability on the part of the city. Following construction, but not prior to acceptance of improvements or issuance of a building permit, the design engineer shall furnish one set of reproducible "AS-BUILT" plans for each project, bearing certification by a registered professional engineer.

Schedule A	
Standards	Criteria
<i>Boulevard [residential/commercial areas]</i>	
Design speed	25 mph/180-foot minimum curve radius
ROW width	80 ft.
Pavement width	2 (20) ft.
Median	15 ft.
Intersection curb radius	15 ft.
Permitted on-street parking	None
Average daily trips	Less than 4,000 daily trips
<i>Avenue [residential/neighborhood commercial/commercial/mixed use areas]</i>	
Design speed	25 mph/180-foot minimum curve radius
ROW width	60 ft.
Pavement width	36 ft.

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Median	None
Intersection curb radius	15 ft.
Permitted on-street parking	2 lanes
Average daily trips	Less than 3,500 average daily trips
<i>Residential street [residential/neighborhood commercial areas]</i>	
Design speed	25 mph/180-foot minimum curve radius
ROW width	50 ft.
Pavement width	27 ft.
Intersection curb radius	15 ft.
Permitted on-street parking	2 lane
Average daily trips	Less than 1,500 average daily trips
<i>One-way alley [residential/commercial]</i>	
Design speed	5 mph
ROW width	20 ft.
Pavement width	12 ft.
Intersection curb radius	5 ft.
Permitted alley parking	None
<i>Two-way alley [residential/commercial]</i>	
Design speed	5 mph

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ROW width	20 ft.
Pavement width	15 ft.
Intersection curb radius	5 ft.
Permitted alley parking	None

(Ord. No. 687, § 1(Exh. A), 1-17-2012)

Sec. 13. Standards and criteria for neighborhood commercial, mixed use, employment, or industrial area development.

A permit for a commercial or industrial development within the Plum Creek PUD may be issued by the governing body for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotel and motels, and similar facilities ordinarily accepted as commercial uses and those industrial uses which can reasonably be expected to function in a compatible manner with the other permitted uses in the area and in accordance with the Plum Creek PUD. In addition to the general standards and criteria set forth in section 14 in this ordinance, criteria set forth in this section shall prevail for commercial or industrial developments of the Plum Creek PUD if there is a conflict with criteria in other sections of this ordinance. Commercial or industrial development shall comply with the following standards unless otherwise determined by the city council:

- (A) *Accessibility.* The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed commercial or industrial development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development and may be designed to discourage outside through traffic from traversing the development. The commission shall review and approve such street and driveway design.
- (B) *Landscaping.* Landscaping shall be required to provide screening of objectionable views and uses and to provide for the reduction of noise. Multi-story buildings shall be located within the development in a manner which will minimize any adverse impact on adjoining low rise buildings.
- (C) *Building relationship to a street.* Buildings should be designed to emphasize the front face and entrance of the building facing a public street. Front porches, eaves, or other solar protection devices shall be included on the front face of buildings.

Sec. 14. Responsibility for payment of installation costs.

- (A) Two complete sets of final construction plans and specifications will be submitted to the administrator at least 15 working days prior to anticipated commencement of any construction, accompanied by fees in accordance with Ordinance No. 293, as amended, or other applicable city fee ordinances. Review will be based on conformance with this ordinance and design specifications and the use of sound engineering practices.

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- (B) An inspection schedule will be determined by the administrator. Inspections will be charged to the subdivider at the rate set forth in Ordinance No. 293, as amended, or other applicable city fee ordinances. Final approval will not be given until all inspection fees have been paid.
- (C) The subdivider shall pay all design, engineering, material and installation costs of all improvements required by this ordinance.
- (D) In the event a subdivider desires the extension of water or sewer lines to serve his subdivision, he shall bear the entire design, engineering, material, construction and installation costs of all on site and off-site lines unless otherwise agreed to between the city and subdivider in a development agreement. The city council of Kyle or their authorized representative shall specify the size of all such lines, taking into consideration the requirements of adjacent areas of future growth which must be served by such lines, unless otherwise agreed to between the city and subdivider in a development agreement. The decision of the city council or their authorized representative concerning the sizing of the line shall be final.
- (E) The construction of water and sewer lines to serve lots within a subdivision will be performed by a contractor of the subdivider's choice in accordance with plans and specifications approved by the City of Kyle. The subdivider and city can agree, however, that the city shall construct such lines.
- (F) If requested by the developer, oversized lines and lines serving areas other than the development proposed will be paid by the developer. The city will enter into a contract with the developer to provide that pro rata charges for additional connections or developments served by such lines will be collected by the city and reimbursed to the developer making the installation. Lines become city property upon installation and acceptance by the City of Kyle, after the contract period, pro rata charges will be collected from users, and deposited to the appropriate city account, unless otherwise agreed to between the city and developer in a development agreement.
- (G) Where an existing water or sewer line lies within or abuts the subdivision, the subdivider shall make no connections to or extensions of such existing line without first paying to the city the cost of the size line of equal length to that portion of such existing line which lies within or abuts the subdivision which would be required to serve the subdivision. This cost shall be determined by the city administrator and his decision shall be final.
- (H) All sewer and water lines constructed and installed pursuant to the provisions of this ordinance shall, when completed and accepted by the director of public works, become the property of the city, free and clear of all encumbrances, unless otherwise agreed to between the city and developer in a development agreement. Each and every contract entered into between a subdivider and a contractor for the installation of sewer or water lines pursuant to the provisions of this ordinance shall recite therein the provisions of this subsection.
- (I) No sewer or water line shall be installed or constructed except within a public street or alley or within an easement granted to the city by appropriate written instrument filed of record with the county clerk of Hays County at the expense of the person requesting the extension of the existing line.
- (J) No lift station, sanitary sewer siphon, or force main shall be constructed as a part of the sewer line extension unless the subdivider agrees that he will, at his own expense, construct such elements in accordance with the design standards provided by the director of public works or in the case of lift stations, a design using a dry and wet well installation prepared by the subdivider's engineer and approved by the director of public works, or a prefabricated installation of similar design and considered equal by the director of public works.
- (K) All street, curb and gutter, and sidewalks shall be installed at subdivider's expense. In those instances where an exterior street abuts unsubdivided or undeveloped land, the developer will be required to curb and gutter his side and pave a minimum of 30 feet in width. If adjoining property develops within five years, the adjoining property owner will be required to reimburse a pro rata share to the subdivider with said pro rata share to be determined by the City of Kyle.

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Sec. 15. Withholding services and permits.

The city shall withhold all city utility services and permits of whatsoever nature including the furnishing of sewage facilities and water services from all subdivisions which have not been approved as provided by law, and no permit shall be issued by the building official/inspector of the city on any lot, tract or parcel of land other than an original or resubdivided lot in a duly approved and recorded subdivision.

Sec. 16. Flood hazard areas.

(A) *General.*

- (1) The flood hazard areas of the City of Kyle are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare. These flood losses are caused by: (a) The cumulative effect of obstructions in floodplains causing increases in flood hazard areas by uses vulnerable to floods, or hazardous to other land, which are inadequately elevated or otherwise unprotected from flood damages.
- (2) This section is based upon a reasonable method of analyzing flood hazards, to wit: Hays County flood control data.

(B) *Purpose.* It is the purpose of this section to promote the public health, safety and welfare, and to minimize the losses described in section 17 by provisions designed to:

- (1) Restrict or prohibit subdivision of land for uses which are dangerous to health, safety or property in time of flood or which, with reasonably anticipated improvements, will cause excessive increases in flood heights or velocities.
- (2) Require that each subdivision lot in an area vulnerable to floods be provided with a safe building site with adequate access and that public facilities which serve such uses be installed with protection against flood damage at the time of initial construction.
- (3) Protect individuals from buying lands which are unsuited for the intended purposes because of flood hazards by prohibiting the subdivision of unprotected flood hazard lands, requiring that the flood hazards areas be delineated on the final plat, and reserving through deed restrictions areas not suitable for development.

(C) *Application.* This section shall apply to all land within the Plum Creek planned unit development delineated as flood hazard areas on City of Kyle maps.

(D) *Warning and disclaimer of liability.* The degree of flood protection required under this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that area outside the delineated flood hazard areas or land uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Kyle or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(E) *Land suitability.* No land shall be subdivided which is held unsuitable for its intended use by the planning commission for reasons of flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earthslides, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature harmful to the health, safety or welfare of the future residents or property owners of the proposed subdivision or the neighboring community at large. However, the planning commission

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may approve the preliminary and final plats if subdividers improve lands consistent with the standards of this and other applicable ordinances to make subdivision areas, in the opinion of the planning commission, suitable for their intended uses. The planning commission may also approve the preliminary and final plats if subdividers agree to make suitable improvements and place a sum in escrow pursuant to this ordinance to guarantee performance. In determining the appropriateness of land subdivision at a site, the planning commission shall consider the objectives of this section and:

- (1) The danger of life and property due to the increased flood heights or velocities caused by subdivision fill, road, and intended uses.
- (2) The danger that intended uses may be swept onto other lands or downstream to the injury of others.
- (3) The adequacy of proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (5) The importance of the services provided by the proposed facility to the community.
- (6) The availability of alternative locations not subject to flooding for the proposed subdivision and land uses.
- (7) The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future.
- (8) The relationship of the proposed subdivision to the city's comprehensive plan and floodplain management program for the area.
- (9) The safety of access to the property for emergency vehicles in times of flood.
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(F) *Building site improvements.*

- (1) No subdivision or part thereof shall be approved if proposed subdivision levees, fills, structures or other features will individually or collectively significantly increase flood flows, heights, or damages.
- (2) Building sites for residences, motels, resorts, or other dwelling accommodation uses shall not be permitted in flood way areas. Sites for these uses may be permitted outside the flood way if the sites are elevated or filled to a height at least one foot above the elevation of the regulatory flood or if other provisions are made for elevating or adapting structures to achieve the same result. Required fill areas must extend five feet beyond the limits of intended structures and, if the subdivision is not to be sewerred, must include areas for on site waste disposal.
- (3) Building sites for structures not included in (F)(2) shall similarly not be permitted in flood way areas. Such sites located outside the floodway shall ordinarily be protected as herein provided. However, the planning commission may allow subdivision of areas for commercial and industrial use at a lower elevation if the subdivider protects the areas to a height of one foot above the regulatory flood protection elevation by levees, seawalls, channel modifications, or other protective techniques; or if the subdivider assures that uses will be protected through structural floodproofing, flood warning systems or other techniques specified in section 12, subsection (F).

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- (4) If the planning commission determines that only part of a proposed plat can be safely developed, it shall limit development to that part and shall require that the development proceed consistent with this determination.
- (5) When the subdivider does not intend to develop the plat himself and the planning commission determines that additional use controls are required to ensure safe development, it may require the subdivider to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the face of the final recorded plat.
- (G) *Drainage facilities.* Storm drainage facilities shall be designed to store and convey the flow of surface waters from a 100-year frequency storm without damage to persons or property. The system shall insure [ensure] drainage at all points along streets, and provide positive drainage away from buildings and on site waste disposal sites. The planning commission may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate less frequent floods. Drainage plans shall be consistent with local and regional drainage plans.
- (H) *Roads.* Except as approved by the planning commission and city council on the recommendation of the city engineer, the finished elevation of proposed streets shall be no more than zero feet below the regulatory flood protection elevation. The planning commission may require, where necessary, profiles and elevation of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
- (I) *Sanitary sewer facilities.*
 - (1) The planning commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. The planning commission may require that the subdivider note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.
 - (2) The planning commission may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision, the planning commission shall require the subdivider to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the subdivider in connecting to the system.
- (J) *Water facilities.* All water systems including individual wells located in floodprone areas, whether public or private, shall be floodproofed to a point at or above the flood protection elevation. If there is an existing public water supply on or near the subdivision, the planning commission shall require the subdivider to convert to this system.
- (K) *Erosion and sediment control measures.* The planning commission may require the subdivider to utilize grading techniques, subdivision design, landscaping, sedimentation basin, special vegetation cover, and other measures to reduce erosion and sediment.
- (L) *Floodproofing.* The following techniques, designs, [and] practices shall be used, as appropriate, to sufficiently address floodproofing requirements:
 - (1) Anchorage to resist flotation and lateral movement.
 - (2) Installation of watertight doors, bulkheads, and shutters, or similar methods of closure.
 - (3) Reinforcement of walls to resist water pressures.
 - (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
 - (5) Addition of mass or weight to structures to resist flotation.
 - (6) Installation of pumps to lower water levels in structures.

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- (7) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
- (8) Installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.
- (9) Building design and construction to resist rupture or collapse caused by water pressure or floating debris.
- (10) Installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and stormwaters into buildings or structures.
- (11) Location and installation of electrical equipment, circuits and electrical appliances so that they are protected from inundation by the regulatory flood.
- (12) Location and storage facilities for chemical, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare at elevations above the height associated with the regulatory protection elevation; or design of such facilities to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters.

Sec. 17. Authority of director of public works.

The director of public works is hereby authorized and directed to promulgate rules, regulations, standards and specifications for the construction, installation, design, location and arrangement of streets, curbs, streetlights, street signs, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, criteria for drainage easement requirements, drainage facilities, and crosswalk ways. He shall file same with the city secretary at least 15 days before they become effective. He may amend the same from time to time, provided that an amendment must be filed with the city secretary at least 15 days before it becomes effective. No such rules, regulations, standards and specifications shall conflict with this or any other ordinances of the City of Kyle, Texas. All such improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications.

Sec. 18. Approval procedure.

- (A) When an application for a subdivision is filed, the planning commission shall act on the plat within 30 days after the date the complete application is filed. The city council shall act on such plat within 30 days after the date of final action by the planning commission. The plat shall be considered approved by the planning commission and/or the city council, respectively, unless it is disapproved within that period of time.
- (B) In all instances where a plat is considered approved by the inaction of the planning commission, the city council shall act on such plat within 30 days after the effective date of such approval by inaction. A plat is considered approved by the city council unless it is disapproved within that period; provided that an approved by the city council with conditions shall be deemed a disapproval absent such conditions being satisfied.
- (C) A plat that complies with the requirements of V.T.C.A., Local Government Code ch. 212 and that satisfies all the requirements of this ordinance and any written agreements with the landowner, the PUD subdivider, or their predecessors shall be approved by the planning commission and the city council.

PART II - CODE OF ORDINANCES

Chapter 41 - SUBDIVISIONS

EXHIBIT A. REGULATIONS FOR PLATTING AND SUBDIVIDING LAND WITHIN THE PLUM CREEK PUD

Sec. 19. Applicability and conflicting or inconsistent ordinances.

- (A) This ordinance shall be applicable only to the Plum Creek planned unit development.
- (B) Whenever the standards and specifications in this ordinance conflict with or are inconsistent with those contained in another ordinance regulating the development and subdivision of land into legal lots, the provisions of this ordinance shall govern and control. This ordinance supersedes and replaces the applicability of all inconsistent and conflicting ordinances with respect to the subdivision and platting of land within the Plum Creek planned unit development.

Sec. 20. Severability clause.

Should any portion or part of this ordinance be held for any reason invalid or unenforceable, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect.

Sec. 21. Effective date.

This ordinance shall be effective on the date of adoption by the city council as shown herein below.

Sec. 22. Open meetings.

That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, V.T.C.A., Local Government Code ch. 551.

Approved and Adopted this the 30th day of June 1997.

FOOTNOTE(S):

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Editor's note— Printed herein is Plum Creek planned unit development ordinance, as adopted by the city council, on July 22, 1997. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets. ([Back](#))