



Chapter 110 Subdivision Ordinance Update

DRAFT

**CHAPTER 110
SUBDIVISIONS
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ARTICLE I. GENERAL

Section 110.1 Authority.

This ordinance is adopted under the Constitution and laws of the State of Texas, including particularly Chapter 212 of the Local Government Code of the State of Texas. This article is adopted pursuant to the provisions of Article I, Section 2 of the Charter of the City of Texas City.

Section 110.2 Purpose.

It is the purpose of this chapter to provide for the safe, efficient, and orderly development of the City, and the provision of adequate streets, utilities, services, and facilities, all in accordance with the comprehensive plan and ordinances of the City of Texas City.

Section 110.3 Enforcement.

- (a) The City shall withhold the issuance of building permits from any subdivision until such subdivision has been approved by the municipal authority responsible for approval of the final plat of such subdivision and the recording of such plat in the office of the Galveston County Clerk
- (b) Neither the City, its officials or any public utility or any other entity that provides water, sewer, electric, gas or other utility service, shall serve or connect any land with such service unless presented with a copy of a recorded final subdivision plat containing a certificate showing approval of such plat by the municipal authority of the City of Texas City responsible for approval of such final subdivision plat, or, unless presented with or otherwise holds a certificate pursuant to Section 212.0115 of the Local Government Code indicating that a plat is not required for the land or that a plat is required and has been reviewed and approved by the municipal authority of the City responsible for approval of a final subdivision plat of the land.
- (c) 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 December 1, 1971, or to prohibit the repair, maintenance or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of such ordinance was by metes and bounds, and any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to December 1, 1971.

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Section 110.4 Jurisdiction.

These regulations shall govern any and every person, firm, corporation, or organization owning any tract of land within the corporate limits of the City who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said City, or for laying out suburban lots or building lots, or any lots, and street, alleys or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto. These regulations shall also govern any and every person, firm, corporation, or organization constructing any street, right of way improvement or any related roadway improvement, whether or not a subdivision as defined herein is being created.

Section 110.5 Requirement for Subdivision Plat.

- (a) Every owner of any tract of land who may divide said tract into two (2) or more lots or tracts, or create from said tract one (1) or more lots of record, for the purpose of transfer of ownership, dedication of streets, alleys, easements, parks or other areas dedicated to public use, or for use for building development, shall cause a plat to be made in accordance with this ordinance.
- (b) A subdivision plat shall be required for the construction or placement of any new building, regardless of square footage, on a tract or parcel not currently occupied by a building or buildings.
- (c) A subdivision plat shall be required to alter any aspect of a recorded plat, meeting all applicable requirements of this ordinance.
- (d) A subdivision plat shall not be required for the division of land into parts greater than five (5) acres or more, where each part has access and no public improvement is being dedicated. The term public improvement shall mean any right-of-way, easement, or physical improvement of any kind intended for public use.

Section 110.6 Consistency with Comprehensive Plan, Policies and Zoning Ordinance.

It is the intent that this ordinance shall provide for the implementation of the City of Texas City Comprehensive Plan, including the Future Land Use Map, Thoroughfare Plan and other applicable elements; and any supplemental land use and community development policies that may be hereafter adopted by the City Commission, and shall be consistent with the Zoning Ordinance.

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Section 110.7 Conflicting Regulations

Whenever the standards and specifications in this article conflict with those contained in another ordinance, the most stringent or restrictive provision shall govern.

Section 110.8 Definitions.

Words and terms used in this chapter, unless otherwise specified, shall have their normal meaning in commonly accepted usage. The word "shall" or the word "must" shall be deemed as mandatory; the word "may" shall be deemed as permissive. Certain words and terms shall have the meaning for the purpose of this chapter defined as following:

Alley is a public right-of-way which affords a secondary means of access to abutting property.

Block is a tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, highways, streams, or corporate boundary lines. There may be more than one numbered block as shown on a plat falling within a single block as herein defined. The City Engineer serves as the City's authority as to the determination of questions regarding the limits or extent of a block.

Board is the Planning Board of the City of Texas City.

Building is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building line or *setback line* is the rear line of a required front yard which is generally parallel to the street line that forms the front lot line. No building or structure may be permitted in the area between the building line and the street right-of-way.

Building lot is a single tract of land located within a single block which, (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a public street or other approved place. Therefore, a "building lot" may be subsequently subdivided into two or more "building lots", and a number of "building lots" may be cumulated into one "building lot", subject to the provisions of this article and the Zoning Ordinance of the City of Texas City.

Building Official is the building inspections department head and the administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Codes of the City of Texas City.

Certificate of occupancy or compliance is an official certificate issued by the City through the enforcing official which indicates conformance with or approved conditional

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waiver from zoning regulations and which authorizes legal use of the premises for which it is issued.

City is the City of Texas City, Texas.

City Commission is the elected Mayor and Commission members, the governing body with the legislative authority of the City of Texas City, Texas.

City Engineer is the professional civil engineer representing the City of Texas City, Texas.

City Planner is the professional urban planner representing the City of Texas City, Texas.

Commission is the City Commission with the legislative authority of the City of Texas City, Texas.

Common area is real property and/or improvements thereon, including but not limited to: private storm drains, streets, sidewalks, utilities, parks, lakes and/or screening walls; open space; trails and/or floodplain management areas. Common area is either owned in fee, controlled as an easement or is property leased by the property owner's association for the common use, enjoyment and benefit of the members of the property owner's association. All common areas shall be maintained by the members of the property owner's association, not the City.

Concept plan is a plan that establishes the general development intent. It serves as a guide for the approval of future site plans and plats relating to the property.

County is Galveston County.

Cul-de-sac is a local street with only one primary outlet and having a terminal of sufficient width for the reversal of traffic movement.

Dead-end street is a street having right-of-way or pavement which terminates abruptly at one end without intersection with another street, but has no terminal of sufficient width for the reversal of traffic movement.

Dedication is the act transmitting property or interest to the City or other entity.

Developer, development, or to develop includes the construction of a new building or any structure on a building lot, the relocation of an existing building to another building lot, or the use of open land for a new use. "To develop" is to create a development. "Developer" is the person or legal entity undertaking to develop real property in the City.

Development review committee is a committee consisting of City staff, utility company representatives and other public officials who review all plats and site plans submitted for municipal approval.

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Easement is a right given by the owner of a parcel of land to another person, public agency or private corporation for specific and limited use of that parcel.

Floodplain is that area subject to inundation by flood, having a given percentage of probability of occurrence in any given year, based on existing conditions of development within the watershed area, as determined by the floodplain administrator and/or the City Engineer.

Final acceptance is the acceptance by the City of Texas City of all capital improvements constructed by a developer in connection with the development of land.

Fire Marshal is the official Fire Marshal or designated representative of the City of Texas.

Flag lot is a lot that is designed in a manner such that the main structure on the lot is accessible only by a long, narrow strip leading from a public street.

Floodway is the channel and adjacent areas of water course within which no obstructions to flow are allowed, so that the 100 year flood may pass without cumulatively increasing the 100year floodplain elevation. The floodway will be defined by the floodplain administrator and/or the City Engineer.

Geometric design standards is the minimum allowable engineering geometric standards adopted by the City of Texas City affecting the functional traffic level operation, service and safety of highways, roads, alleys and streets in Texas City.

Homeowners or property owners association (HOA or POA) is a formal nonprofit organization operating under recorded land agreements established to maintain or improve a given tract of real property.

Infrastructure is all streets, alleys, sidewalks, storm drainage facilities, water and wastewater facilities, utilities, lighting, transportation, and such other facilities as required by the City of Texas City.

Lot is any plot of land occupied or intended to be occupied by one building or a group of buildings, any accessory buildings and uses, and having its principal frontage on a street.

Lot of record is an area of land designated as a lot on a plat of a subdivision recorded, pursuant to statutes of the State of Texas, with the County Clerk of Galveston County, Texas, or an area of land held in single ownership described by metes and bounds upon a deed recorded or registered with the county clerk prior to annexation by the City of Texas City.

Monument is a permanent structure set on a line to define the location of property lines, important horizontal subdivision control points, and other important features on a plat.

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Mutual access easement is a grant of one or more of the property rights by the property owner or owners to and/or for the use or benefit by the public, for access between and/or across two (2) or more lots or tracts of land.

Planning Board is the City Planning Board appointed by the City Commission to study and advise the Commission in matters of City planning and zoning and which is authorized to review/approve subdivision plats and site plans.

Plat is a plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Texas City subject to review/approval by the Planning Board and City Commission. Reference to a plat in the Ordinance means an official plat of record which has been reviewed/approved by the Planning Board and or the City Commission and filed in the plat records of Galveston County. A plat includes a replat.

Plat, amending is a plat making minor corrections to a previously approved plat in accordance with Chapter 212 of the Local Government Code.

Plat, final is a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances. A final plat is a legal document that describes a tract of land by bearings and distances; locates and defines easements, and dedicates the necessary rights-of-way for streets and alleys. The final plat determines conformance to subdivision regulations, the zoning ordinance, other related codes, and City policies.

Plat, minor is a plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.

Plat, preliminary is a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed development. It is intended to provide a review of the overall lot configuration, water and sewer services, and street patterns. The review will determine conformance with the City's subdivision and development regulations. A preliminary plat allows the City and the developer to estimate future participation in infrastructure costs.

Plat, vacating means to cancel, rescind or render an act that has the effect of voiding a subdivision plat as recorded in the county clerk's office.

Public park is any publicly owned or controlled park, playground, parkway, greenbelt, or roadway within the jurisdiction and control of the City.

Replat is a legal document that describes a tract of land by bearings and distances; locates and defines easements and dedicates the necessary rights-of-way for streets and alleys and which is prepared is to accommodate changes in lots, blocks, utility easements, boundary lines, rights-of-way, or street names of the subdivision of a tract which has been previously platted.

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Roadway is that portion of any street or road, between curbs or shoulders, designated for vehicular traffic.

Street is a public right-of-way which affords a primary means of access to abutting property. A driveway or alley which serves only to give secondary vehicular access to a building lot or to an accessory parking or loading facility, or to allow vehicles to take or discharge passengers at the entrance to a building shall not be considered a street.

Street, arterial is a street intended as the primary urban traffic-carrying system between major traffic centers

Street, collector is a street intended to provide circulation within neighborhoods, to carry traffic from minor or local streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.

Street, marginal access is a street which is parallel to and adjacent to an arterial street, which primarily provides access to abutting properties and protection from through traffic.

Street, minor or local is a street is used primarily for access to abutting residential property.

Street, private is a street which has no publicly dedicated right-of way.

Subdivider is any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent, employee, servant or trustee thereof, who performs or participates in the performing of any act toward the subdivision of land, within the intent, scope and purview of these regulations.

Subdivision is the division of any tract of land situated within the corporate limits of the City 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, or for laying out suburban, building, or other lots, and to lay out streets, alleys or parks or other portions intended to be dedicated for public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto for the purpose, whether immediate or future, of creating building sites. Subdivision includes resubdivision.

Thoroughfare plan as depicted in the City's Comprehensive Plan and Land Use Map is the official plan for the orderly physical development of highways, roads, and streets in the City of Texas City.

Variance is a form of relief which may be granted to a subdivider by the Planning Board or City Commission.

Sections 110.9- 110.15 Reserved.

ARTICLE II. ADMINISTRATION

Section 110.16 Authority of City Engineer.

- (a) The City Engineer or his or her representative is hereby authorized and directed to promulgate rules, regulations, standards, and specifications for the construction, installation, design, location and arrangement of streets, right-of-way improvements, related roadway improvements, curbs, streetlights, street signs, alleys, utility layouts, utility easements, sidewalks, water supply and distribution systems, fire hydrants, sewage disposal systems, drainage facilities, and other public improvements. He/she shall file same with the city secretary at least 30 days before they shall become effective. He/she may amend the same from time to time, provided that an amendment shall be filed with the City Secretary at least 30 days before it becomes effective. No such rules, regulations, standards or specifications shall conflict with this chapter or any other ordinance of the City.
- (b) All such improvements shall be designed, constructed, installed, located, and arranged by the subdivider or person constructing streets, right-of-way improvements, or related roadway improvements in accordance with such rules, regulations, standards and specifications.

Section 110.17. Fees

- (a) A filing fee as prescribed in the schedule below shall be paid to the city secretary for the benefit of the city by any applicant requesting approval of any plan of a subdivision or resubdivision of property within the City, at the time the application is made, to in part compensate the city for its expense in processing the application.
- (b) Schedule of Fees
 - 1. Subdivision Master Plan \$10.00 per acre or a portion thereof up to a maximum of \$1,000.00
 - 2. Preliminary Plat: \$100.00, plus \$5.00 per lot
 - 3. Final Plat and Replat \$100.00, plus \$5.00 per lot
 - 4. Amending Plat \$100.00
 - 5. Minor Plat \$100.00
 - 6. Any other Plats \$100.00
 - 7. Right-of-Way Abandonment: \$300.00

Sections 110.17- 110.21 Reserved.

ARTICLE III. GENERAL PLATTING PROCEDURES

Section 110.22 Pre-submittal Conference.

- (a) Prior to submitting an application for any type of a subdivision plan or plat, the subdivider shall consult with the City Planner and the City Engineer or their duly authorized representatives concerning the ultimate land use of the proposed development, the most advantageous subdivision plan, the suitability of the location of the proposed subdivision, the arrangement of streets, alleys, and lots, the layout of utility lines and drainage facilities and other regulations and policies of the City regarding development.
- (b) The subdivider shall also coordinate with all utility companies that have franchise agreements with the City to determine easement and utility locations.

Section 110.23 General Application Process.

- (a) The applicant shall submit to the City Planner or his or her designee a complete application packet prepared in the manner prescribed by the City. Applications for plat approval shall be available in the office of the City Planner.
- (b) A complete application shall include the certification of payment of all taxes and fees as prescribed by the City of Texas City.
- (c) If any subdivision plan or plat application is deemed incomplete, the plan or plat shall be deemed not to have been submitted or filed until any and all deficiencies are corrected.

Section 110.24 Subdivision Master Plan.

- (a) The purpose of a subdivision master plan is to review and approve a general plan for the development of large tracts of property, including the layout of streets, lots, open space, sites for public facilities and utilities
- (b) Unless a subdivider chooses to file a preliminary plat application, a subdivision master plan shall be prepared by the subdivider as a condition precedent to approval of any application for a plat, when any of the following conditions exist:
 - (1) The tract of land to be subdivided contains 20 or more acres,
 - (2) The tract of land to be subdivided has the potential by the existing or proposed zoning to accommodate 60 or more single family dwellings, or

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- (3) In the opinion of the City Engineer or the City Planner the tract of land to be subdivided is complicated by unusual physical, utility, land use, ownership, or other conditions.
- (b) Formal application and the required information for a subdivision master plan shall be made to the City Planner by the applicant on forms prescribed by the City.
- (c) Review and decision-making process.
 - (1) Within thirty (30) days following the date of filing of a completed application for a subdivision master plan, it shall be submitted to the Planning Board for review and a recommendation to the City Commission. The Planning Board shall make a recommendation for approval, disapproval or approval with modifications.
 - (2) The City Commission shall make a final determination to approve, disapprove or approve a subdivision master plan with modifications.
- (d) Approval of a subdivision master plan shall not constitute automatic approval of a preliminary or final plat. The subdivider shall be required to submit a preliminary and final plat, including construction plans where applicable, for each unit or phase of development.
- (e) Approval of a subdivision master plan shall be valid for twelve (12) months from the date of City Commission approval. A preliminary plat or final plat application must be formally filed with the City Planner before the twelve-month period expires in order for the subdivision master plan to remain valid.
- (f) Reapproval of a subdivision master plan may be applied for at any time after the approved plan becomes invalid. The Planning Board or the City Commission may require changes in the reapproval of a subdivision master plan in light of new or significant information or requirements.
- (g) Applications for preliminary and final plats within an area for which a subdivision master plan has been adopted shall be in substantial conformity with such adopted plan; unless otherwise approved by the City Commission.

Section 110.25 Preliminary Plat.

- (a) A preliminary plat shall be prepared by the subdivider as a condition precedent to approval of any final a plat, when any of the following conditions exist:
 - (1) The tract of land to be subdivided contains 20 or more lots,

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- (2) 40 or more acres, regardless of the number of lots, or
 - (3) When deemed necessary by the Planning Board or City Commission upon recommendation by the City Planner or his or her designee.
- (b) Unless the preliminary plat application is a part of an approved subdivision master plan, the preliminary plat shall depict the owner's or subdivider's entire property holding.
- (d) Formal application and the required information for a preliminary plat shall be made to the City Planner by the applicant on forms prescribed by the City.
- (c) Additional plans required.

The City Engineer may require the following additional plans, studies and analyses in conjunction with a preliminary plat application. The documents shall include all information deemed necessary by the City Engineer to adequately protect and preserve the public health, safety and welfare of the applicant and any property impacted by the proposal.

- (1) Preliminary drainage study
 - (2) Preliminary water, sanitary sewer, storm sewer and drainage capacity calculations
 - (3) Traffic impact analysis (TIA)
- (e) Review and decision-making process.
- (1) Within thirty (30) days following the date of filing of a completed application for a preliminary plat, it shall be submitted to the Planning Board for review and final decision. The Planning Board shall approve, disapprove or approve with modifications.
 - (2) If approved by the Planning Board, the following special notes and signature block shall be placed on the preliminary plat:

“Approval of this Preliminary Plat by the Planning Board and City Commission shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the final engineering of streets, water, sewer and other required improvements and utilities and to the preparation of the final plat. Approval of this preliminary plat shall not constitute automatic approval of the final plat, nor be considered authorization to begin construction or sell lots. Approval of the preliminary plat shall not constitute a guarantee or warranty, either implied or otherwise that all other applicable codes and ordinances of the City of Texas City

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have been complied with. It shall be the responsibility of the subdivider to ensure that all applicable requirements of the City of Texas City relative to the subdividing and development of property have been met.”

On the _____ day of _____, 20____, this preliminary plat was duly approved by the Planning Board of the City of Texas City.

Signed: _____
Secretary of the City of Texas City Planning Board

Signed: _____
Chairman of the City of Texas City Planning Board

- (f) Approval of a preliminary plat shall be valid for twelve (12) months from the date of City Commission approval. A final plat application must be formally filed with the City Planner before the twelve-month period expires in order for the preliminary plat to remain valid.
- (g) Reapproval of a preliminary plat may be applied for at any time after the approved plat becomes invalid. The Planning Board or the City Commission may require changes in the reapproval of a preliminary plat in light of new or significant information or requirements.

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Section 110.26 Final Plat.

- (a) After obtaining approval or conditional approval of a preliminary plat and fulfilling all requirements of the preliminary plat approval, the applicant may, if wishing to proceed with the subdivision, submit an application for a final plat. The final plat shall be in accordance with all ordinance requirements.
- (b) Formal application and the required information for a final plat shall be made to the City Planner by the applicant on forms prescribed by the City.
- (c) At the time of final plat application, all required engineering plans must be approved by the City Engineer.
- (d) Additional plans required.

The City Engineer may require the following additional plans, studies and analyses in conjunction with a final plat application. The documents shall include all information deemed necessary by the City Engineer to adequately protect and preserve the public health, safety and welfare of the applicant and any property impacted by the proposal.

1. Drainage study
 2. Water, sanitary sewer, storm sewer and drainage capacity calculations
 3. Traffic impact analysis (TIA)
- (e) The final plat is that instrument which becomes the official, accurate, permanent record of the division of land. It shall substantially conform in all aspects to the preliminary plat, shall be clearly reproducible on a material acceptable to the County Clerk's office and shall be certified as hereinafter provided. It may include all or only a portion of the area of the approved preliminary plat.
 - (f) The final plat shall be in accordance with the approved preliminary plat. Provided, however that the Planning Board or City Commission may authorize minor adjustments to street and alley alignments, length, and lot lines where the Board or Commission determines such adjustments are consistent with the intent and general layout of the approved preliminary plat. Where the final plat deviates from the approved preliminary plat to the extent that the Board or Commission finds such deviation to be significant and not consistent with the intent and general layout of the approved preliminary plat, such final plat shall not be approved until it reflects the originally approved preliminary plat, or a new preliminary plat has been approved in accordance with this ordinance.
 - (g) Common Areas and Homeowners Associations.

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- (1) When a subdivision contains common areas, drainage ways, screening walls, landscaping, subdivision entryway features or other facilities not located within the public right-of-way nor subject to City maintenance, the common areas and improvements shall be shown on the final plat along with an adequate form for dedication thereof. This dedication form shall accomplish the following purposes:
 - (a) Save the title to common area properties for the benefit of the homeowners association.
 - (b) Express a definite undertaking by the developer to convey the common properties to the homeowners association.
 - (c) Tie the covenants and homeowners use provisions to the plat so that collection of fees and denying use is legally supportable.
- (2) Prior to recording the plat, the developer shall:
 - (a) Create an incorporated nonprofit homeowners association, and
 - (b) Record covenants which automatically make every lot owner a mandatory member of the association, give the property owner the right to use the common property, and establish their voting rights and their obligations to pay assessments.
- (3) The homeowners association's restrictive covenants shall provide for continuous maintenance and control of the common areas by a responsible body, in perpetuity, for the benefit of the homeowners without using public funds. Membership in the homeowners association shall run with the title to each lot. Membership in the homeowners association is not voluntary and its primary source of operating funds is a periodic assessment levied against each parcel of land within the development under recorded covenants which shall be incorporated into each deed and which shall run with the land to bind each and every owner of it and which are enforceable as a lien against the land.
- (4) Maintenance.

A homeowners association (HOA) shall be responsible for maintenance of all landscaping, buffering, screening, irrigation and associated improvements adjacent to residential subdivisions along public thoroughfares and shall have an HOA fee to be levied against each property owner within the subdivision. The HOA covenants shall include a provision that if the HOA defaults, the City shall have the rights of the association to either file a lien on property within the subdivision or assess property owners within the subdivision. This shall include the open space common area designated for screening and buffering. The

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developer shall establish the HOA, which meets the approval of the City attorney, prior to the acceptance of all public improvements.

- (5) The articles of incorporation of the homeowners association, its bylaws, and the restrictive covenants shall be submitted to the City Attorney for approval along with the final plat and shall be recorded as a part thereof.
- (6) In the approval of the above documents, the City shall determine that the proper legal position is ensured and that the proposed homeowners' association will function properly both during and after the time in which the developer is active in the subdivision. The City may require the association to provide ongoing reporting of budgetary actions, financial reports, and collection activity on homeowners' assessments. Should the funding of the common areas maintenance not support the level of maintenance required by applicable ordinance, the City may require additional security for the provision of such maintenance.

(g) Review and decision-making process.

- (1) Within thirty (30) days following the date of filing of a completed application for a final plat, it shall be submitted to the Planning Board for review and final decision. The Planning Board shall approve, disapprove or approve with modifications. The final plat shall not be filed with the County Clerk until all the following steps are completed:
 - (a) Required improvements have been made by the subdivider;
 - (b) The improvements have been inspected and approved by the City;
 - (c) All utility impact fees have been paid; and
 - (d) The plat has been signed by the Mayor on behalf of the City Commission.

(h) Certificates and Statements.

- (1) A surveyor's certificate in the following form shall be placed on the subdivision plat:

KNOW ALL MEN BY THESE PRESENTS: I, the undersigned _____, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correctly made under my supervision and in compliance with City and State survey regulations and laws and made on the ground and that the corner monuments were properly placed under my supervision.

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(Seal) _____

Registered Professional Land Surveyor No. _____

- (2) An engineer's certificate in the following form shall be placed on the subdivision construction plans:

KNOW ALL MEN BY THESE PRESENTS: I, the undersigned, _____, a Professional Engineer Registered in the State of Texas, hereby certify that proper engineering consideration has been given to these plans and all engineering aspects are in compliance with City and State engineering regulations and laws.

(Engineer Seal) _____ Registered Professional Engineer

P.E. Registration No. _____

- (3) An owner's acknowledgement and certificate of dedication in the following form shall be placed on the subdivision plat:

That (OWNER'S NAME) action herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as (SUBDIVISION NAME), an addition to the City of Texas City, Texas and does hereby dedicate, in fee simple, to the public use forever, the streets, alley, and public use areas, shown hereon, and does hereby dedicate the easements shown on the plat for the purposed indicated to the public use forever, said dedications being free and clear of all liens and encumbrances except as shown herein. No buildings, fences, trees, shrubs or other improvements shall be constructed or placed upon, over, or across the easements on said plat. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public's and City of Texas City's use thereof. The City of Texas City and any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on any of these easements. The City of Texas City and any public utility shall at all times have the right of ingress and egress to and from and upon any said easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of part of its respective system without the necessity at any time of procuring the permission of anyone.

(OWNER'S NAME) does hereby bind itself, its successors and assigns to forever warrant and defend all and singular the above described streets, alleys,

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easements and rights unto the public against every person whomsoever lawfully claiming or to claim the same or any part thereof. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Texas City.

WITNESS MY HAND THIS _____ DAY OF _____, 20__.

Signature of Owner

Position in Corporation (if applicable)

Name of Corporation (if applicable)

Lien Holder (if applicable)

If there is no lien holder, add the following statement:
To the best of my knowledge, there are no liens against this property.

Signature of Owner

(4) Notary Certificate

STATE OF _____

COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for the said County and State 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/she executed the same in the capacity therein stated.

Given under my hand and seal of office, this _____ day of _____, 20__.

Notary Public in and for the State of _____

My commission expires: _____

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(5) Homeowners association form, if applicable, shall be prescribed by the City.

(6) Planning Board Signature Block.

On the _____ day of _____, 20____, this plat was duly approved by the Planning Board of the City of Texas City.

Signed: _____
Secretary of the City of Texas City Planning Board

Signed: _____
Chairman of the City of Texas City Planning Board

(7) Construction compliance.

It is understood that if the final plans for (Subdivision Name) are approved by the City Engineer and Planning Board of the City of Texas City, the undersigned will in all things comply with all provisions of such plat and construction plans and will duly perform all construction called for therein, fully and completely. No changes shall be made in construction plans without the consent in writing of the City Engineer being first had and obtained.

Owner

Developer

Witnesses:

On the _____ of _____, 20____.

(8) Certification of approval of City Commission and authority for City Secretary to file plat.

This is to certify that all improvements to (name of subdivision) Subdivision have been completed and accepted by the City of Texas City, Texas, and this subdivision plat is ready for the City Secretary to file said plat in the County Clerk's office.

Mayor, City of Texas City Texas

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(i) Expiration and Request for Reapproval.

- (1) Approval of the final plat shall expire unless the plat is recorded in the office of the County Clerk within a period of 30 months after the date of approval by the Planning Board. Any final plat not filed within such time shall be considered invalid. An extension may be requested upon evidence of substantial completion of public improvements.
- (2) Reapproval of a final plat by the Planning Board may be applied for at any time after the approved plat becomes invalid. If the Planning Board should deem changes necessary in the reapproval of a final plat in light of new or significant information or requirements, it shall so inform the subdivider. A final plat submitted for reapproval shall be prepared in accordance with, and comply with, the requirements of this ordinance, the Zoning Ordinance, and all other applicable requirements in effect at the time such application for reapproval is formally filed with the City.

Section 110.27 Replat.

(a) Replat Required:

- (1) A replat is required to alter or create new lot lines, add or remove easements, or alter any other aspects of a recorded plat, and shall meet the requirements of Chapter 212 of the Texas Local Government Code. An amending plat may be submitted in lieu of a replat if the amending plat meets the requirements of Section 212.016 of the Texas Local Government Code.

(b) Content, review and decision making process.

- (1) The replat shall contain the same information in accordance with the final plat as prescribed by the City with the following additional requirements:
 - a. Exact name of previous plat, which shall be retained in the title of the replat identified.
 - b. Blocks, lots and portions thereof which are being replatted, shall be identified.
 - c. Volume and page number where the previous plat was recorded, shall be identified.

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- d. Original plat information being deleted, abandoned, or changed by the replat, (lots and blocks, rights-of-way, etc.), shall be shown lightly sketched or dotted on the drawing with a note of explanation.
 - e. The word "replat" shall be shown in the title block.
- (2) At the time of application for a replat, all required engineering plans must be approved by the City Engineer.
 - (3) The replat shall be reviewed by the Planning Board in accordance with the final plat requirements of Section 110.26 of this ordinance, except that any required public hearings and notification shall be in accordance with Chapter 212 of the Texas Local Government Code.

Section 110.28 Amending Plat.

(a) Authority for Amending Plats.

An application for an amending plat may be submitted to the City in accordance with Chapter 212.016 of the Texas Local Government Code.

(b) Content, review and decision making process.

- (1) The amending plat shall contain the same information in accordance with the final plat requirements of Section 110.26 of this ordinance with the following additional requirements:
 - (a) A note identifying what element(s) of the plat is (are) being amended;
 - (b) A graphic representation encircling the area of the plat being amended; and
 - (c) The words "Amending Plat" shall be shown in the title block.
- (2) In accordance with the Texas Local Government Code, Section 212.0065, the City of Texas City delegates to the City Planner the authority to approve amending plats.
- (3) The City Planner may, for any reason, elect to present the amending plat to the Planning Board for approval.
- (4) The City Planner shall not disapprove the amending plat application and shall be required to refer any amending plat which he/she refuses to approve to the Planning Board for consideration.

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- (5) If the amending plat is approved by the City Planner, the signature block and signature of the chairman of the Planning Board shall not be required. The following signature shall, however, appear on the amending plat

On the _____ day of _____, 20____, this amending plat was approved by the City Planner of the City of Texas City.

Signed: _____
City Planner of Texas City

Section 110.29 Administrative Minor Plat.

- (a) Authority for Administrative Minor Plats.

An application for an administrative minor plat may be submitted to the City in accordance with Chapter 212.0065 of the Texas Local Government Code.

- (b) Content, review and decision making process.

- (1) The administrative minor plat shall contain the same information in accordance with the final plat requirements of Section 110.26 of this ordinance.
- (2) In accordance with the Texas Local Government Code, Section 212.0065, the City of Texas City delegates to the City Planner the authority to approve administrative minor plats which:
 - (a) involve four (4) or fewer lots; and
 - (b) front onto an existing street; and
 - (c) do not require the creation of any new street or the extension of municipal facilities.
- (3) The City Planner may, for any reason, elect to present the administrative minor plat to the Planning Board for approval.
- (4) The City Planner shall not disapprove the administrative minor plat and shall be required to refer any administrative minor plat application which he/she refuses to approve to the Planning Board for consideration.
- (5) If the administrative minor plat is approved by the City Planner, the signature block and signature of the chairman of the Planning Board shall not be required. The following signature shall, however, appear on the administrative minor plat.

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On the ____ day of _____, 20____, this administrative minor plat was approved by the City Planner of the City of Texas City.

Signed: _____
City Planner of the City of Texas City

Section 110.30 Vacating Plat.

(a) Authority for Vacating Plats.

An application to vacate a previously recorded plat may be submitted to the City in accordance with Chapter 212.013 of the Texas Local Government Code.

(b) Content, review and decision making process.

(1) The vacating plat shall contain the same information in accordance with the final plat requirements of Section 110.26 of this ordinance with the following additional requirements:.

- (a) A note identifying what is being vacated of the original plat shall be indicated; and
- (b) The words "Vacating Plat" shall be shown in the title block.

(2) An application for a vacating plat shall be submitted to the Planning Board for review and final decision. The Planning Board shall approve, disapprove or approve with modifications.

Section 110.31 Abandonment of Public Right-of-Way.

(a) Application content.

(1) A request for the abandonment of a public street or public alley right-of-way shall be initiated by an abutting property owner of the right-of-way to be abandoned. The request shall also contain the signatures of the owners all properties which abut the subject request, including proof of ownership.

(2) All public utilities must consent in writing to the abandonment.

(3) The request shall include a plat depicting the location and physical configuration of the right-of-way to be abandoned drawn to a scale that adequately defines the limits of the abandonment. The plat shall contain a

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proper legal description, prepared by a registered surveyor, of the proposed abandonment.

(b) Process.

- (1) Upon receipt of a valid application including all support documentation as noted in Section 110.31(a), a Public Hearing will be scheduled with the Planning Board.
- (2) Notice of the Public Hearing will be provided to the owners of all property abutting the subject right-of-way.
- (3) The Planning Board will also consider the impact upon properties which do not physically abut the subject request in instances where easements exist in the portion of the requested abandonment.
- (4) Any correspondence in favor of or in opposition to the request must be submitted on or before the date of the Planning Board's Public Hearing.
- (5) Upon recommendation by the Planning Board, the request shall be submitted to the City Commission for final action.
- (6) If approved by the City Commission, an ordinance will be prepared for filing with Galveston County.

Section 110.32 Extraterritorial Jurisdiction Regulations.

The regulation of subdivisions within the City's extraterritorial jurisdiction shall be in accordance with an agreement with Galveston County as approved by the City on October 23, 2002 and as amended.

Section 110.33 Park/Open Space Requirements.

(a) Dedication of Park/open space dedicated.

- (1) Any subdivider who seeks approval of a plat for the development of a residential subdivision which has a master plan potential greater than 100 residential lots shall dedicate by warranty deed a minimum of one-half acre of land to the Homeowners Association for public neighborhood park use for each 100 lots or fraction thereof. The subdivider shall be responsible for development of said park(s) and maintenance of said park(s) until such time that a Homeowners Association is established which shall assume maintenance

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responsibilities. The location of the open space shall be approved with the final plat.

- (2) Any subdivider who seeks approval of a plat for the development of a residential subdivision which has a master plan potential for 100 or fewer residential lots shall make a payment in lieu dedication in accordance with subsection (e) below.

(b) Recreation sites.

Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry. The Recreation and Tourism Department of the City and/or the Recreation and Tourism Board shall be involved in the process for determining what land will be dedicated under the provisions of this section. All land to be reserved for dedication to the City for park purposes shall be clearly depicted on the plat, "Reserved for park and/or recreation purposes".

(c) Applicability of land utilizing average density.

Any subdivision plat in which the principle of average density of flexible zoning has been utilized shall not be exempt from the provisions of its section, except as to such portion of land which is actually dedicated to the City for park and recreation purposes.

(d) Other recreation reservations.

The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

(e) Alternative payment in lieu of land dedication.

- (1) Subject to approval of the City Commission, a landowner or developer responsible for park/open space dedication under subsection (a) may elect to apply to the City to meet the park/open space requirement, in whole or in part, by a cash payment in lieu of land. Such cash payment shall be based upon \$10,000.00 per acre of park/open space required, or fraction thereof.
- (2) Such payment in lieu of land dedication shall be deposited in a park and recreation improvement fund to be established by the City. The cash in lieu of land shall be used by the city for improvement of a neighborhood park, playground, or recreation area, located in the general neighborhood of the development. The City may use the funds for the acquisition of property for this purpose. The neighborhood park, playground or recreation area shall be

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available to, and directly benefit, the persons in the subdivision for which payment was made.

Section 110.34 Variances.

- (a) Where the City Commission, upon a recommendation of the Planning Board, finds that compliance with these regulations would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of access, location, shape, size, drainage, or other physical features of the site, the requirements may be modified to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of this ordinance.
- (b) No variance shall be granted unless the Planning Board finds and recommends, and the City Commission concurs:
 - (1) that there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and
 - (2) that the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 - (3) that the granting of the variance will not be detrimental to the public health, safety or welfare, or injuries to other property in the area; and
 - (4) that the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the areas in accordance with the provisions of this Ordinance.
- (c) Such findings of the Planning Board and City Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meetings at which such variance is recommended and 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 served.

Sections 110.35 - 110.39 Reserved.

ARTICLE IV. DESIGN STANDARDS

Section 110.40 General.

(a) Conformity to design requirements.

No plat shall be approved by the Planning Board or City Commission, and no completed improvements shall be accepted by the City Engineer, unless they conform to the following design requirements and applicable standards, or unless waived by the City Commission in accordance with Section 110.33. Although the intention of this Section is to establish uniform design standards, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Improvements shall also be designed in accordance with all applicable City Design Standards and Details. Other accepted engineering procedures may be used if approved by the City Engineer.

(b) Adequate public facilities policy.

The land to be divided or developed must be served adequately by essential public facilities and services. No subdivision shall be approved unless and until adequate public facilities exist or provision has been made for water, sanitary sewer, storm sewer, drainage, electric and road facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being platted or off-site. This policy may be defined further and supplemented by other ordinances adopted by the City. Wherever the subject property adjoins undeveloped land, or wherever required by the City to serve the public good, utilities and drainage systems shall be extended to adjacent property lines to allow connection of these utilities and drainage systems by adjacent property owners when such adjacent property is platted and/or developed.

(c) Provision for future subdivisions.

If a tract is subdivided into parcels larger than ordinary building lots, these parcels shall be arranged to allow for the extension of future streets.

(d) Reserve strips.

There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

(e) Subdivision names.

Subdivision names shall not duplicate or cause confusion with the names of existing subdivisions. All subdivision names shall be approved by the Planning Board or City Commission upon recommendation of the City Planner.

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Section 110.41 Streets.

(a) Layout.

Adequate streets shall be provided by the subdivider, and the arrangement, character, extent, width, grade and location of each shall conform to the Comprehensive Plan and Transportation Plan of the City and shall be considered in their relation to existing and planned streets, to topographical conditions, and to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by the streets. The street layout shall be devised for the most advantageous development of the entire neighborhood. The subdivider shall apply sound access management and traffic principles to street and intersection layouts.

(b) Relation to adjoining street system.

Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued, and shall be at least as wide as the existing streets and in alignment therewith.

(c) Projection.

Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into the unsubdivided areas.

(d) Jogs.

Whenever possible, street jogs with centerline offsets of less than 125 feet shall be avoided.

(e) Half streets or adjacent streets.

In the case of collector, minor or marginal access streets, no new half streets shall be platted.

(f) Intersections.

Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography.

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(g) Dead-end streets.

Dead-end streets shall be prohibited except as short stubs to permit future expansion. In no case shall the length of such street exceed 250 feet. If such street exceeds 150 feet, then a temporary turnaround which meets Fire Department standards shall be provided.

(h) Cul-de-sac.

(1) In general, a cul-de-sac shall not exceed 600 feet in length. Cul-de-sac length shall be measured as the distance from the center of the cul-de-sac to the nearest intersecting street right-of-way line.

(2) In residential areas, the cul-de-sac shall have a minimum right-of-way radius of fifty (50) feet and a minimum driving surface radius of 40 feet.

(i) Location and width of streets shown on the Comprehensive Plan and Transportation Plan.

Where a subdivision embraces a street as shown on the Comprehensive Plan and Transportation Plan of the City, this street shall be platted in the location and of the width indicated by these Plans.

(j) Minor streets.

Minor streets shall be laid out so as to discourage their use by through traffic.

(k) Pavement widths and rights-of-way shall be as follows.

(1) Arterial streets shall have a right-of-way width of at least 80 feet, with a pavement width of at least 45 feet back to back of curbs.

(2) Collector streets shall have a right-of-way of at least 60 feet and a pavement width of at least 37 feet back to back of curbs.

(3) Minor streets shall have a right-of-way of at least 60 feet and a pavement width of at least 30 feet back to back of curb.

(l) Streets forming part of the boundary of the adjacent subdivision boundary shall have the following pavement widths and rights-of-way:

(1) The subdivider shall dedicate a right-of-way of 40 feet in width for new adjacent arterial streets, and two (2) thoroughfare lanes shall be paved.

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- (2) New adjacent collector and minor streets shall be full width and conform to subsection (k) of this section.
- (3) Where the proposed subdivision abuts upon an existing street or half street that does not conform to subsection (k) of this section, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to subsection (k), and there shall be paved so much of such right-of-way as to make the full pavement width comply with subsection (k). Before any pavement is laid to widen existing flexible base pavement, the existing pavement shall be cut back two feet to ensure an adequate subbase and pavement joint.

(m) Construction requirements.

The minimum standard residential street shall be a 30-foot curb-and-guttered street constructed in accordance with the City's standards. The City Commission may grant permission to the subdivider to build open ditch, road section streets, conforming to minimum specifications. However, the subdivider must show good and sufficient cause to the City Commission before it will grant permission to build open ditch, road section streets. Additional construction requirements will be promulgated by the City Engineer in accordance with section 110-16 and the City's Design Standards and Details.

(n) 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, unless the subdivider has permission from the City Commission not to install curbs.

(o) Names.

Names of new streets shall not duplicate or cause confusion within 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.

(p) Streetlights.

Streetlights shall be installed by the subdivider at all street intersections within the subdivision and at adjacent intersections on the north and east boundaries of the subdivision.

(q) Street name and traffic control signs.

Street name and required traffic control signs shall be installed by the subdivider within or abutting the subdivision.

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(r) Minimum elevation.

The minimum elevation of streets (top of curb or centerline) shall be 5.5 feet above mean sea level in locations behind and protected by the storm tide protection levee (seawall).

Section 110.42 Sidewalks.

Sidewalks, minimum of four feet in width shall be required along any street upon which a lot abuts and shall be designed and installed in accordance with all applicable City Design Standards.

Section 110.43 Pedestrian Access.

Pedestrian access easement, a minimum of six feet in width, shall be dedicated where deemed necessary by the Planning Board or City Commission to provide circulation or access to schools, parks, shopping centers, transportation and other community facilities, or to provide pedestrian circulation within the subdivision. The pedestrian access easement shall be paved with a concrete sidewalk, minimum of six feet in width.

Section 110.44 Blocks.

(a) Block lengths shall be not less than 300 feet or more than 1,200 feet. However, block lengths may exceed 1,200 feet along arterial thoroughfares, as designated on the Comprehensive Plan and the Transportation Plan.

(b) The length, width and shape of blocks shall be determined with due regard to:

- (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
- (2) Zoning requirements as to lot size and dimensions; and
- (3) Need for convenient and safe access, circulation, and control of street traffic.

Section 110.45 Lots.

(a) Lots shall be designed in a manner to provide adequate width, depth and shape to provide open area, to eliminate overcrowding, and to be appropriate for the type of development and use contemplated, and in accordance with the Zoning Ordinance

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(b) Every lot shall meet the minimum area and dimension standards as set forth in the Zoning Ordinance for the district in which the lot is located. The Planning Board shall have the authority to recommend and the City Commission shall have the authority to approve a subdivision plat where lots have area, dimensions or setbacks greater than the minimum standards set forth in the Zoning Ordinance.

(c) Extra depth and width in certain cases.

Where a lot in a residential area backs up to a railroad right-of-way, a drainage easement, high voltage electric transmission line, 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 the property, and where no marginal access street other street, or substantial buffer is provided at the rear of the lot, additional depth shall be required by the Planning Board. Where a lot sides to any of the uses mentioned in this subsection, additional width shall be required by the Planning Board.

(d) Street frontage.

(1) Every lot shall have frontage on, and access to, a public street. However, where existing conditions make it impractical for one or more lots to have frontage on a public street or where in-fill development can be accommodated, the City Commission may authorize a flag lot configuration.

(2) The minimum width of the flag lot shall be 50 feet. The main structure of the flag lot shall be served by a paved drive of sufficient width and appropriate design so as not to deter access by emergency vehicles or any other public services.

(3) The main structure served by a flag lot shall contain a sprinkler system or other fire suppression system as approved by the Fire Marshall.

(e) Non-conforming single family lots.

Where a lot, served by sanitary sewer service has less area than provided for in this ordinance or required by the Zoning Ordinance and was in separate ownership at the time of the passage of the original Zoning Ordinance, dated January 26, 1946, this section shall not prohibit the erection of a single-family dwelling.

(f) Lots without Access to Sanitary Sewer Service.

(1) Where off-lot sanitary sewer service is not required, and is not provided, residential lots shall have an area of at least two acres, and shall be at least 200 feet wide. The minimum width shall be measured at the front building line.

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- (2) All on-site sanitary sewer facilities shall be approved by the Galveston County Health District.
- (3) Variances.
 - (a) The City Commission may authorize a variance from the two-acre or 200 foot width requirements for on-site sanitary sewer facilities when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Commission shall prescribe only conditions that it deems necessary or desirable in the public interest.
 - (b) In making the findings required in this section, the Commission 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 at the proposed location, and the probable effect of the variance upon the public health, safety, convenience and welfare in the vicinity.
 - (c) The Planning Board shall first review the request for a variance and make a written recommendation to the City Commission.
 - (d) No variance shall be granted unless the Commission finds:
 - (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land;
 - (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - (3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - (4) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this article.
 - (e) In consideration of a variance, the Commission shall also be provided the following evidence and information:
 - 1. The Galveston County Health District has approved the on-site sanitary sewer facilities;
 - 2. The applicant agrees that if platting is required by State law or City ordinance, any granting of a variance is conditional on the property

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being platted, approved by the City, and recorded in the Galveston County Deed Records;

3. The applicant has paid all property taxes; and if
4. The property is in excess of 1.0 acres of undeveloped land area, excluding water bodies (ponds, lakes, streams, etc.); and, one of the following guidelines applies:
 - a. The subject property perimeter is bounded by undevelopable property which if it were combined with the subject property would cause it to exceed the ordinance requirement. Undevelopable property includes natural bodies of water, highway, railway, or other right-of-way, or other characteristics of the land that substantially prevent the property from being developed by any property owner; or
 - b. Other factors (other than economic hardship) exist that would prohibit the applicant from purchasing enough additional property to meet the ordinance requirements.
- (f) The findings of the City Commission, together with the specific facts upon which the findings are based, shall be incorporated into the official minutes of the Commission meeting at which the variance is granted.
- (g) Variances may be granted only when in harmony with the general purpose and intent of the City Code, 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.

Section 110.46 Utility Easements.

- (a) Each block that does not contain an alley as provided for in Section 110.42 of this section shall have a utility easement at the rear of all lots reserved for the use of all public utility companies and the City.
- (b) These utility easements shall be a minimum of 16 feet in width, taking eight feet from each lot where the rear of two lots abut each other, and shall be continuous for the entire length of the block. These easements shall parallel as closely as possible the street line frontage of the block. Additional easement areas may be required to accommodate utility equipment pads and boxes.
- (c) Where utility easements are not themselves straight within each block, or if the easements do not connect on a straight course with the utility easements of adjoining

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blocks, then an additional easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way or alleys.

Section 110.47 Utility Lines.

All utility lines that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point at least ten feet beyond the edge of the pavement.

Section 110.48 Water System.

- (a) All subdivisions shall be provided with a water systems approved by the City Engineer and the Director of Utilities. Water systems shall conform to the water distribution plan, technical specifications of the City Engineer and Director of Utilities in accordance with this section and all other relevant City ordinances.
- (b) The distribution system shall provide for fire flow with minimum six-inch mains to serve all fire hydrants.
- (c) Fire hydrants shall be located within 500 feet of all building sites.
- (d) Minimum size water line shall be two inches.
- (e) The maximum number of house connections on a looped two-inch line shall be ten, and on a dead-end two-inch line it shall be five.
- (f) Minimum pressure in the system under a peak domestic consumption of 450 gallons per capita per day shall be 40 pounds per square inch.
- (g) A flushing device shall be provided at the end of all dead-end lines.
- (h) Water lines shall be interconnected at intervals not to exceed 1,000 feet, or as prescribed by the City Engineer or the Director of Utilities.
- (i) Valves shall be placed on all branches from feeder mains of six inches or greater and on all leads from feeder mains to fire hydrants.
- (j) There shall be no line greater than 800 feet without valve control.
- (k) All water lines shall be looped whenever the extension of 350 feet of two-inch line would accomplish the looping.

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- (l) All water services shall be installed by, and at the expense of, the developer.

Section 110.49 Sanitary Sewer System.

- (a) All subdivisions shall be provided with a sanitary sewer system approved by the City Engineer and the Director of Utilities. Sanitary sewer systems shall conform to the sanitary sewer plan, technical specifications of the City Engineer and Director of Utilities in accordance with this section and all other relevant City ordinances.
- (b) Connections with the sanitary sewer system shall be required, except where the City Engineer or Director of Utilities determines that the connection will require unreasonable expenditure when compared with other methods of sewage disposal. Where on-site sanitary sewer facilities are installed, the plans for the system must be approved by the Galveston County Health District in accordance with all State and County laws, rules and regulations, prior to approval of the final plat by the City Commission.
- (c) Minimum size of sewers shall be eight inches.
- (d) Minimum velocities in sewer pipes flowing full shall be 1.7 feet per second, and minimum "n" value shall be 0.013.
- (e) Maximum manhole spacing shall be 500 feet.
- (f) Manholes shall be placed at points of change of grade, size or direction, and at junctions with other lines.
- (g) All sewer pipe joints shall be die cast joints or factory-made coupling joints approved by the director of utilities.
- (h) Sewer pipe material shall approved by the City.
- (i) Minimum cover shall be three feet.
- (j) Single house services shall be four inches minimum on a slope of one percent. Double house services shall be six-inch pipe.
- (k) All sewer service lines shall be installed extending to the lot lines. These sewer services shall be installed at the expense of the subdivider.

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Section 110.50 Minimum First Floor Elevation.

- (a) The minimum first floor elevation of all developments outside the storm tide protection levee (seawall) shall be one foot above the 100-year flood as shown on the Flood Insurance Study Map, Coastal Areas--Gulf of Mexico, prepared for the Federal Emergency Management Agency by the U.S. Army Corps of Engineers, Galveston, Texas, dated May 1970. For general information only, this minimum first floor elevation is 15.6 feet mean sea level at State Highway 146 and Dickinson Bayou and 14.3 feet mean sea level at State Highway 146 and Gulf Freeway (Interstate Highway 45).
- (b) The minimum first floor elevation for all new development inside and protected from hurricane flood tides by the storm tide protection levee (seawall) shall be seven feet mean sea level, but the elevation shall also be not less than one foot six inches above the top of the curb of the street abutting the property upon which the new development is being constructed.

Section 110.51 Drainage.

- (a) Easements for open ditches or watercourses.

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 a watercourse, plus an additional width to accommodate future needs. Easements for open ditches or watercourses shall have a 15-foot working space provided adjacent to one bank. In no case shall an open ditch or watercourse be located in an easement of less than 30 feet in width.

- (b) Off-site drainage.

- (1) Easements and drainage facilities shall be provided by the subdivider. The owner or developer of property to be developed shall be responsible for all storm drainage discharge flowing on such subdivider's property. This responsibility includes the drainage directed to that property by prior development as well as drainage naturally flowing through the property by reason of topography.
- (2) Adequate consideration shall be given by the owner in the development of property to determine how the discharge leaving the proposed development will affect downstream property.

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(c) Design standards for drainage facilities.

Drainage facilities shall conform to the technical specifications of the City Engineer and Director of Public Works in accordance with Section 110-16 and with the following requirements:

(1) Runoff criteria.

Storm sewers, ditches and other drainage structures shall be designed for one cubic foot per second per acre runoff for residential land use and two cubic feet per second per acre for commercial land use.

(2) Ditch slope.

Minimum ditch slope shall be one-tenth foot fall per 100 feet. Ditch banks shall have a maximum slope of one vertical on two horizontal.

(3) Ditch depth.

Minimum ditch depth shall be four inches from the flow line of the ditch to the edge of the road shoulder. The maximum in any street right-of-way for ditches adjacent and parallel to any street shall be two feet from the flow line of the ditch to the edge of the road shoulder. Ditches of greater depth than two feet shall be enclosed in those cases.

(4) Curb and gutter streets.

The maximum distance stormwater shall run in gutters before entering an inlet is 1,000 feet. Minimum slope on gutters for asphaltic surfaced, flexible base streets shall be 0.25 percent (0.25 foot fall per 100 feet). Minimum slope on gutters for concrete streets shall be two-tenths percent. Minimum fall around a curb return shall be one-tenth foot.

(5) Minimum inlet size.

There shall be no less than 1.5 square feet of throat opening in any inlet. No more than 800 feet of gutter shall drain into an inlet of this minimum size. Laterals discharging from such minimum size inlets shall be not less than 18 inches.

(6) Valley gutters.

Valley gutters shall not be permitted without the approval of the City Engineer and the Director of Public Works. When permitted, they shall be of concrete of

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not less than two-foot width on each side of the flow line (four-foot overall width).

Sections 110.52 - 110.60 Reserved.

ARTICLE V. PRIVATE STREET DEVELOPMENTS

Section 110.61 Intent and Purpose.

- (a) It is the intent and purpose of these private street regulations to:
 - (1) Allow private street developments to occur within the City of Texas City on a limited and restrictive basis;
 - (2) Provide for private street developments as one type of residential development mechanism to allow Texas City to continue to be competitive in the development market; and
 - (3) Provide a broader variety of residential areas to meet the needs of the residents of Texas City.
- (b) The location of each private street development will be subject to the approval of the City Commission on a case-by-case basis, based on, among other matters, the criteria described in this Article.
- (c) The term private street shall include alleys, if provided.

Section 110.62 Design and Construction Standards.

- (a) Private streets shall be designed in accordance with the City's Comprehensive Plan, Subdivision Ordinance, Design Standards, and all other applicable development standards as prescribed and utilized by the City.
- (b) The development plan shall not impede the current or future street circulation needs of the area, especially any needed collector or arterial street route, or adequate access to any adjoining tract.
- (c) All streets, alleys, sidewalks, drainage ways, water and sewer line and improvements shall be designed, placed and constructed in accordance with the General Design Standards of the City.
- (d) Name(s) of new street(s) shall not duplicate or cause confusion within the name(s) of existing street(s) unless the new street(s) are a continuation of or in alignment with existing street(s), in which the case, the name(s) of the existing street(s) shall be used.
- (e) Streets excluded.

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- (1) Streets designated on the Comprehensive Plan and the Thoroughfare Plan as an arterial or collector shall not be used, maintained or constructed as private streets.
- (2) The Planning Board or the City Commission may deny the creation of a private street development if it makes a finding of fact, based upon the evidence provided, that it would:
 - (a) Negatively affect traffic circulation on public streets; or
 - (b) Impair access to property either on-site or off-site of the subdivision; or
 - (c) Impair access to or from public facilities including schools, parks and libraries, or
 - (d) Delay the response time of emergency vehicles; or
 - (e) Other good cause.

Section 110.63 Homeowners Association.

- (a) Residential subdivisions developed with private streets shall establish a mandatory homeowners association. The association shall own and be responsible for the maintenance of the private streets, and sidewalks. Lot deeds shall convey membership in the association and provide for deed restrictions that shall include provisions for the payment of dues and assessments required by the association, including City assessments against the association.
- (b) Every owner of a lot within the private street development shall be a member of the homeowners association.
- (c) The manager or president of the homeowners association shall be required to maintain and file a fidelity bond. The name of the association's president shall be submitted to the Public Works Department and City Engineer and updated annually.
- (d) The following notice shall appear in bold print on each deed to property in the subdivision, on the plat of the subdivision and on each contract on the sale of land within the subdivision:

Notice: The lots within this subdivision are governed by a homeowners association requiring the payments of fees. Failure to pay such fees subjects you to attachment of a lien on your property by the Association.

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- (e) The association documents shall establish a reserve fund for the maintenance of streets and other improvements, and contain provisions for reliable access to provide City services and to other utility service providers with appropriate identification. The association may not be dissolved, and no portion of the association documents pertaining to this section may be amended without the written consent of the City. The deed restrictions shall expressly state this requirement.
- (f) A reserve fund balance report shall be submitted to the City Finance Director annually to ensure that adequate fund reserves are being maintained for future repairs and/or replacement costs of the private streets and sidewalks.
- (g) In the event the association fails to maintain the streets, sidewalks and streetlights in accordance with City standards, the City may repair and maintain and charge the cost to the association. If the association fails to pay for the maintenance cost, after notice to the property owners, the City may assess adjacent property owners in the manner of regular City street assessment costs. The association shall post and maintain a performance bond, in form and amount to the satisfaction of the City, to guarantee this maintenance requirement.
- (h) The homeowners association documents shall indicate that the streets are private, owned and maintained by a homeowners association and the City of Texas City has no obligation to maintain or reconstruct the private streets.
- (i) The homeowners association documents shall indicate that the City of Texas City may, but is not obligated to, inspect private streets, and require repairs necessary to insure that the same are maintained to the City's standards.
- (j) No portion of the homeowners association documents pertaining to the maintenance of the private streets shall be amended without the written consent of the City of Texas City.
- (k) The association documents shall be reviewed and approved by the City Attorney and the City Planner to ensure that they conform to this and other applicable City ordinances, and shall be filed of record prior to the approval of the final plat.

Section 110.64 Private Streets.

- (a) Private streets shall be constructed within a designated separate lot owned by the homeowners association. Every lot shall have frontage on, and access to, said lot in lieu of a public street.
- (b) An easement encompassing the lot shall be granted to the City providing unrestricted use of the property for utilities and their maintenance. The right shall extend to all utility providers, including telecommunication companies operating within the City.

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The easement shall also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection, animal control and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the lot that impairs emergency access.

Section 110.65 Construction and Maintenance Cost.

- (a) The City shall not pay for any portion of the cost of constructing or maintaining a private street, sidewalk or roadside drainage.
- (b) All City regulations relating to shared improvements costs shall be in accordance with Section 110-81 of the subdivision ordinance, with the exception of those applying to street construction.

Section 110.66 Utilities.

- (a) Water, sewer, drainage facilities and water meters shall be placed within the "street lot" and shall be dedicated to the City upon final acceptance of the subdivision by the City. Installation of approved water meters shall be required.
- (b) The location of all drainage, water and sewer improvements shall be shown on the subdivision layout prior to final approval by the City.

Section 110.67 Improvements and Inspections.

- (a) Developments proposed with private streets shall comply with Articles IV and VI of this ordinance.
- (b) The City may periodically inspect and make soil samples of private streets and require repairs necessary to insure emergency access and to insure that the streets are being maintained to the satisfaction of the director of public works and the City engineer.

Section 110.68 Signs.

All private traffic signs and marking shall conform to the Texas Manual on Uniform Traffic Control Devices, as approved and directed by the **City**. The entrances to all private streets shall be marked with a sign stating that it is a private street and that the street maintenance and liability are the responsibility of the association and not the City. Cost of signage shall be the responsibility of the association.

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Section 110.69 Access Provisions.

- (a) Guard houses, access control gates and cross arms may be constructed within a "street lot". All restricted access entrances must be manned 24 hours every day, or provided with an alternative means of ensuring access to the subdivision by the City, U.S. Postal, government employees in pursuit of the official duties, and other utility service providers with appropriate identification. Alternate access must be approved by fire, building inspection and police departments.
- (b) Residential access gates shall be maintained in accordance with standards approved by the Fire, Building Inspection and Police Departments to ensure continuous and unimpeded ingress and egress to emergency vehicles at all times. If the association fails to maintain reliable access as required to provide City services, the City may enter the subdivision and remove any gate or device, which is a barrier to access at the sole expense of the association, as provided for in the association documents.
- (c) The subdivision shall provide a minimum of two points of access, one of which may be used for emergency access only as approved by the Fire Department.

Section 110.70 Entrance Design Standards.

- (a) Any private street with an access control gate shall have a minimum uninterrupted pavement width of 30 feet at the location of the access control device. All restricted access gates shall be approved by the Fire, Public Works and Police Department and meet access requirements for emergency vehicles. Entry codes for gates shall be provided to the police department and updated as necessary. Construction plans for access gates must be submitted for review and approval consideration.
- (b) There shall be neither exposed gears nor overhead electrical wiring in any gate system. Electric gates shall be equipped with a single key, City-approved emergency access system designed to open and lock open both the entry and exit gates. The key switch shall be installed in a location approved by the fire department. In addition, a system key controlled "fail safe" mechanism shall be installed to allow the gate to be manually opened in the event of a power or mechanical failure. All fittings for system padlocks shall have a minimum one-half inch diameter hole. The City-approved control access system shall be operational and pass inspections of both the Chief Building Official as well as the Chief of the Fire Department before the gate may be placed in operation.
- (c) Secondary emergency access gates shall be equipped with City-approved emergency access system padlocks and shall be unobstructed at all times. These gates shall be equipped with a positive mechanical latch to lock them in the open position. All fire

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lane width, turning radius, setback and turnaround requirements of this ordinance shall apply to the portion of the private street where the gate is installed.

- (d) Overhead barriers shall not be allowed.
- (e) Internal storage for three vehicles shall be provided between the right-of-way line and the point of the access control device. An additional setback between the point of the access control device and the access gate shall be required to allow a vehicle that is denied access to safely turn around and exit onto a public street.
- (f) On lots adjacent to access gates, screening walls may exceed 30 inches in height, up to a maximum of eight feet within the front yard setback of the adjacent lot. Such wall shall be constructed of wrought iron with brick columns. Solid fencing panels shall not be allowed.

Section 110.71 Waiver of Services.

The subdivision final plat, property deeds and property owner association documents shall note that certain City services shall not be provided on private streets. Among the services that the City will not provide are: street maintenance, traffic pavement markings and signs, roadside ditch and drainage maintenance and mowing, driveway culvert maintenance. Depending on the characteristics of the proposed development, other services may not be provided.

Section 110.72 Petition to Convert to Public Streets.

- (a) The association documents shall allow the association to request the City to accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members and upon the favorable vote of 51 percent of the membership.
- (b) Acceptance of the dedication of the private street shall be at the sole discretion of the City. In no event shall the City accept the dedication of a private street as public unless said street has been constructed and maintained to City standards. Should the City elect to accept a private street as public, the City may inspect the private street and assess the lot owners for the expense of needed repairs concurrent with the City's acceptance of the streets and alleys.
- (c) The City shall be the sole judge of whether repairs are needed. The City may also require, at the association's expense, the removal of guardhouses, access control devices, landscaping or other aesthetic amenities located within the street lot at the homeowners association expense.

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Section 110.73 Hold Harmless.

- (a) Language shall be placed on the subdivision final plat whereby the homeowners association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any governmental entity and public utility for damages to the private street occasioned by the reasonable use of the private street by the City, governmental entity or public utility; for damages and injury (including death) arising from the condition of said private street; for damages and injury (including death) arising out of the use by the City, governmental entity or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of any use of the subdivision by the City, government entity or public utility.
- (b) Further, such language shall provide that all lot owners shall release the City, governmental entities and public utilities for such damages and injuries. Such language shall include the statement:

THE INDEMNIFICATION CONTAINED IN THIS PARAGRAPH SHALL APPLY REGARDLESS OF WHETHER OR NOT SUCH DAMAGES AND INJURY (INCLUDING DEATH) ARE CAUSED SOLELY BY THE NEGLIGENT ACT OR OMISSION OF THE CITY, GOVERNMENTAL ENTITY OR PUBLIC UTILITY, OR THEIR REPRESENTATIVE OFFICERS, EMPLOYEES OR AGENTS.

Sections 110.74 - 110.77 Reserved.

ARTICLE VI. CONSTRUCTION PLANS AND IMPROVEMENTS

Section 110.78 General

- (a) The developer shall prepare, or have prepared, and submit the appropriate number of copies in accordance with the requirements of the City, of the complete engineering plans of streets, alleys, screening walls, curbs and gutters, storm sewers and drainage structures, and water and sanitary sewer improvements for the area covered by the plat.
- (b) The developer shall have such plans prepared by an engineer registered in the state of Texas, subject to approval of the plans by the City of Texas City. The City Engineer shall review the plans and specifications, and, if approved, shall mark them approved and return one (1) set to the developer. If not approved, the copies shall be marked with the objections noted and returned to the developer for correction.
- (c) After approval of the final construction plans and the final plat, the developer shall install the facilities in accordance with such approved plans, and these regulations. The City Engineer or his or her designee shall inspect the installation of the improvements. Such construction shall be rejected if it fails to comply with the standards and specifications contained or referred to herein and as otherwise established by the City of Texas City.

Section 110.79 Construction Plans.

- (a) No construction shall commence nor building permits issued on a site until the Engineering Plans have been approved.
- (b) Engineering plans showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and all engineering details, other than buildings, of the proposed subdivision shall be submitted to the City Engineer along with the final plat application of the subdivision. Such plans shall be prepared by an engineer registered in the state of Texas, and shall conform to the Design Standards of the City of Texas.
- (c) Streets, alleys, sidewalks, and monuments.

Copies of plans and profiles of all required streets, alleys, sidewalks, crosswalk ways and monuments shall be provided. The right-of-way and paved width of all streets and street names shall be shown, including their top of curb grade and distances with the elevations indicated at all intersections and grade breaks. Such plans shall show the location of all proposed curbs and gutters.

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(d) Sanitary sewer lines.

Copies of plans and profiles of proposed sanitary sewer lines, indicating depths and grades of lines, shall be provided. Minimum two (2) foot contour intervals, the location and dimensions of existing sanitary sewer lines, manholes, and the location and size of existing mains to which the system will be connected shall be shown.

(e) Water lines.

- (1) Copies of plans for all water lines in public property, valves and fire hydrants shall be provided. Minimum two (2) foot contour intervals, the location and size of existing water lines, valves and fire hydrants, and the location and size of existing mains to which the system will be connected shall be shown.
- (2) When a separate water system is planned, or when connection to a water system other than to the City water system is proposed, copies of the plans and specifications, including fire hydrants, of such system shall be provided.

(f) Drainage.

- (1) Copies of the proposed plan and profiles, indicating minimum two (2) foot contours based on City datum shall be submitted to the City Engineer and utility companies. All street widths and grades shall be indicated on the plans, and runoff figures shall be indicated on the outlet and inlet side of all drainage ditches, storm sewers and at all points in the street at changes of grade or where the water enters another street storm sewer or drainage ditch. Drainage easements shall indicate width.
- (2) A general location map of the subdivision showing the entire watershed.
- (3) Calculations shall show the anticipated storm water flow, including watershed area, runoff co-efficient, time of concentration, and intensity. When a drainage ditch or storm sewer is proposed, calculations showing the basis for design shall be submitted to the City Engineer;
- (4) When a drainage channel or storm sewer is proposed, complete plans, profiles, cross sections, grades and specifications shall be submitted, showing complete construction details.

Section 110.80 Survey Monuments

- (a) In all subdivisions and additions, except in an Amending Plat or a Vacating Plat, all block and lot corners shall be established and set. All corners, except those

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comprising the perimeter of the subdivision, shall consist of iron rods of a diameter and set at a depth below the finished grade as prescribed by the City.

- (b) Perimeter markers shall be monuments set in accordance with Design Standards of the City of Texas City

Section 110.81 Payment of Improvement Costs.

- (a) On-site improvements.

The subdivider shall bear the costs of all improvements inside his subdivision as required by this ordinance. If the City requires improvements of greater size, capacity, depth or other requirements beyond the needs of the subdivision in question, the City shall bear the cost of the additional requirements.

- (b) Off-site improvements.

It is the general intent of the City to extend City utilities to subdivisions to the extent that the City Commission feels it is economically justified or otherwise in the best interest of the City.

- (c) Street improvements.

The subdivider shall improve all streets leading to and from his subdivision. Streets forming part of the boundary of the subdivision (adjacent) shall be improved as required in Section 110-41. Where the City requires oversize pavement beyond the needs of the subdivision, it shall bear the additional cost.

- (d) Drainage improvements.

The subdivider shall pay for all off-site improvements required by his subdivision, with the City paying for the additional costs of oversize facilities it requests.

Section 110.82 Inspection.

- (a) The City shall be given opportunity to inspect all phases of the construction of improvements for subdivisions. The subdivider, or his contractor, shall maintain daily contact with the City Engineer and Director of Public Works during construction of improvements.
- (b) No sanitary sewer, water or storm sewer pipe shall be covered without approval of the City Engineer and the Director of Utilities. No concrete shall be poured for streets, structures or curbs and gutters without their approval. No flexible base material shall

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be placed on the street subgrade, or asphaltic surface applied to the flexible base of a street, without such approval.

Section 110.83 Engineer's Certificate.

Upon the completion of construction of the street or alley, a certificate shall be provided, signed by the subdivision's engineer, who shall be registered in the State of Texas, that any and all improvements constructed in the subdivision have been completed in accordance with the approved construction plans, and that all monuments and lot markers have been properly located and placed in accordance with this ordinance.

Sections 110.84 - 110.90 Reserved.

ARTICLE VII. LEGAL PROVISIONS

Section 110.91 Penalty for Violation.

Any person or corporation who violates any of the provisions of this ordinance, or fails to comply herewith, or with any of the requirements hereof, or who shall build or alter any building or use in violation of any plan or plat submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable for a fine of not more than two thousand dollars (\$2,000.00), and each day or portion thereof such violation shall exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

Section 110.92 Severability.

If any section, clause, paragraph, sentence or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the City Commission that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.