

## **9.100 Subdivisions**

### **Sec. 9-1. Short title.**

The following regulations shall be and the same are adopted and approved and shall be known as and may be cited as the “City of Abernathy Subdivision Ordinance”.

### **Sec. 9-2. General Purpose of Ordinance.**

This Ordinance, shall govern every person, firm, partnership, association, corporation or other legal entity owning any tract of land within the corporate limits of the City of Abernathy, Lubbock County, Texas and Hale County, Texas within the extraterritorial jurisdiction of this City as prescribed by the Texas Local Government Code in Chapters 211 and 212, as from time to time amended, who may hereafter divide any tract into two (2) 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 streets, and alleys or parks or other portions indicated for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

### **Sec. 9-3. Definitions.**

For the purpose of this ordinance, certain terms and words are hereby defined: terms not defined herein shall be construed in accordance with other ordinances of the City, other codes, Texas state statutes, or their customary usage and meaning.

- A. CITY – shall mean the City of Abernathy, Lubbock County, Texas and the City of Abernathy, Hale County, Texas.
- B. SUBDIVISION – shall mean any land division regulated as authorized by the Texas Local Government Code and further described herein. The provisions contained herein shall apply to any of the following forms or types of land subdivision and development activity within the City limits or extraterritorial jurisdiction.
  - (1) The following conditions constitute a subdivision and require subdivision approval:
    - (a) The division of any lot, tract, or parcel of land into two 2 of more lots of Sites for the purpose of sale or building development or transfer of ownership, whether immediately or in the future.
    - (b) The re-subdivision of land or lots previously divided or platted whether the approval was by Lubbock County, the City of Abernathy, Hale County, or was legally recorded in

Lubbock County or Hale County, Texas with no documented approval.

- (c) The combining of two or more contiguous tracts, lots, sites, or parcels for the purpose of creating one legal lot for the development or sale for the purposes of the construction of a structure or structures.
  - (d) Division of land into parcels of any size which requires the creation of streets or public access on right of ways.
- (2) The following conditions shall be exempt from subdivision approval:
- (a) Land legally platted and filed for record and provided with public streets, right of ways and utility service prior to the date of this ordinance.
  - (b) Inheritance, or testamentary division of property for wills, trusts, estates, or gifts of land by metes and bounds of tracts on which no improvements or alterations are occurring.
  - (c) Divisions of land created by court orders of competent jurisdiction, of lands on which no improvements are made, no change in utility service is required and no access by additional public street or right of way is created.
- C. SHALL OR MAY -- The word “shall” shall be deemed mandatory; the work “may” shall be deemed permissive.
- D. PLAT – Shall mean a map or chart of the subdivision. It shall include the plan, plat or replat, both singular and plural.
- E. MAJOR STREET – Shall mean a principal traffic thoroughfare, which continues, or is intended to continue, across the City and which serves to connect remote parts of the City. It may also be a principal connecting street with State or Federal highways.
- F. SECONDARY OR COLLECTOR STREET – shall mean a continuous street through several residential districts intended as a connecting street between residence districts and major streets or business districts.
- G. MINOR OR RESIDENTIAL STREETS – shall mean all streets not otherwise indicated.

- H. BUILDING INSPECTOR shall mean that person so designated by the City Council or his designee
- I. EXTRATERRITORIAL JURISIDICITION – shall mean that area adjacent to the corporate limits of the City, extending out one half of one mile, over which the City is authorized to control among other things, subdivisions, building codes, public utilities, or as prescribed or defined by Texas State Law.
- J. GENERAL PLAN – shall mean a map or plat designed to illustrate the overall general design features and street layout of a proposed subdivision which is proposed to be developed and platted in sections.
- K. REVISED PLAT – shall mean a plat which has been previously submitted and is being resubmitted with changes.
- L. UTILITY COMMITMENT – shall be a letter from the City documenting that a proposed plat can be adequately served with water and sewer according to historical events on record, regulations of the Texas Commission on Environmental Quality (TCEQ) or enforcement actions thereof, and any utility planning documents approved by the City Council.
- M. CITY ENGINEER – shall mean a duly qualified and licensed engineer(s) retained by the City.
- N. PLANNING DOCUMENTS -- shall mean a written report, map, or other document developed by the City, the City’s consultants or staff, or other entities and has been adopted and amended by the City Council.
- O. LEGAL LOT - shall mean any singular lot, platted, surveyed, legally divided by metes and bounds, and recorded for legal title with the Lubbock County Clerk’s office or the Hale County Clerk’s office, before the date of this ordinance.
- P. BUILDING CODE - The term “Building Code” means the latest revision of the building regulations adopted by the Abernathy City Council. Information is available at City Hall when requesting Building Permits.

**Sec 9-4: Purpose and Jurisdiction.**

- A. Regulations to Control Subdivision of Land. The City Council of the City of Abernathy does hereby adopt the following regulations to hereafter control the subdivision of land within the corporate limits of the City of Abernathy and within the extraterritorial jurisdiction thereof, in order to provide for the safe, orderly and healthful development of the community and to secure adequate provisions for traffic, light, air, recreation,

transportation, water, drainage, sewage, public safety, and other public facilities.

- B. Territorial Limits or Regulations. The territorial jurisdiction under this Chapter shall include all land located within the corporate limits of the City and all land lying within the City's extraterritorial jurisdiction which is currently one half of one mile beyond its city limits.

#### **Sec. 9-5. Application.**

- A. City Council Approval Required. It shall be unlawful for any landowner, or the agent of any landowner, to lay out, identify and divide by metes and bounds, subdivide, plat, or replat any land into lots, blocks, and streets within the jurisdictional limits of the City without the approval of the City Council. It shall also be unlawful for any such owner or agent to offer for sale or to sell, or to otherwise transfer ownership of any such property therein or thereby which has not been laid out, subdivided, platted, or replatted in accordance with this Chapter.
- B. City Improvements Withheld. The City will make no improvements nor will the City maintain any streets or furnish any public utility service in any addition or subdivision for which an approved final plat is not on file with the City Secretary and legally recorded at appropriate County Clerks Office.
- C. Building Permits Withheld. No street number or building permit shall be issued for the construction of any building on any piece of property subdivided after the date hereof, unless said property has been subdivided or re-subdivided in accordance with this Ordinance.

#### **Sec. 9-6 Processing Procedure.**

- A. Preliminary Plat.
  - (1) Required Copies: The subdivider shall submit a preliminary plan of the entire area being subdivided. Ten legible copies shall be submitted to the City Secretary for review by the City Council.
  - (2) Plat Requirements. The Plat shall be drawn to a scale of one inch to one hundred feet (1"=100') and shall show and be accompanied by the following information:
    - (a) Name of Subdivision;
    - (b) Complete legal description by metes and bounds;
    - (c) Total acreage and numbers of lots and blocks;
    - (d) Name and address of the owner and the owner's agent;

- (e) Name and seal number of registered engineers or surveyors responsible for the project;
- (f) Scale 1"=100' unless otherwise approved in writing;
- (g) North point;
- (h) Date and date of each revision;
- (i) Boundary dimensions and bearings;
- (j) A survey tie to the original survey of which said land is a part;
- (k) Name and location of adjacent subdivisions, streets, easements, pipelines, watercourses, etc., and the property lines and name of adjoining property owners in unsubdivided tracts;
- (l) Existing and proposed topographic and planimetric features within the subdivision, including watercourses and ravines, high banks, width of existing or proposed easements, contour lines at one (1) foot intervals, and any other physical features pertinent to the subdivision;
- (m) Existing transportation features within the subdivision including the location and width of rights-of-way, streets, alleys and easements;
- (n) Proposed features including location, width, surfacing, and name of streets; approximate width and depth of all lots, location of building lines, alleys and easements; and schematic plans and outline specifications for drainage, sanitary facilities and, utilities.
- (o) Designation of any sites for special uses including churches, sewage disposal plants, water plants, business, industry, or other special land uses. If proposed use is unknown, show as undesignated. Where a proposed site in the area taken in by a proposed addition or subdivision is planned for a school, park or public building such site shall be reserved on the preliminary plat for the proposed facility.
- (p) Limits of the 25-year and 100-year flood plan for all drainage ways draining into or away from a ten (10.0) acres or more subdivision before and after the development. If the subject subdivision is proposed to be located on a tract contributing to downstream drainage ways where damage to structures is known to occur, the aforementioned requirement shall pertain to subdivision tracts of one (1.0) acre or more.
- (q) Statement outlining the estimated average single family lot size; and the estimated range of lot sizes by groupings of

-less than 7,000 square feet,  
-7,001-8,000 square feet,

-8,001-10,000 square feet,  
-10,001-120,000 square feet,  
-20,000+ square feet.

- (3) Utility Commitment Letters. The subdivider shall submit copies of utility commitment letters from all the utilities including the City of Abernathy, that will provide utilities for the subdivision.
- (4) Building Inspector to Check for Complete Information. The Building Inspector or other staff so designated is to check that the above information has been included in the submittal. If the submittal is not complete, it will be returned prior to further review.
- (5) City Council to Review within thirty (30) Days. The City Council shall review the preliminary plat, and within thirty (30) days, act upon said plat as submitted or as modified and, if approved without conditions, shall express its approval as “approved”; if conditionally approved, shall express its approval as “conditionally approved” and state the conditions of such approval, or if disapproved, shall express its disapproval and the reasons therefore. At the meeting during which the preliminary plat comes up for review, the party submitting such plat shall appear in person or by agent or by attorney.
- (6) City Council to Note its Action. The City Council shall note its action and conditions, if any, on four (4) copies of the preliminary plat.
- (7) Distribution of Plat Copies. Of the four (4) copies, one (1) shall be returned to the subdivider, two (2) shall be filed with the City Secretary, one (1) shall be furnished to the Building Inspector or his equivalent.
- (8) Authority to Proceed. Approval of the preliminary plat does not constitute acceptance of the subdivision, but is authority to proceed with the preparation of the final plat. Any work done on the subdivision before a final plat is accepted and recorded is done at the subdividers risk and is discouraged. All approved preliminary plats expire at the end of one (1) year. The City Council may, if written request from the subdivider is received prior to the end of the one year period, grant an extension for up to one (1) additional year. If any major changes are required by the City Council, the City Council may require submission of a revised preliminary plat for approval.

B. Final Plat

- (1) Required Copies: Filing Deadline. Subdivider shall provide one (1) reproducible copy and ten (10) legible white print copies of the final plat to the City Council after the preliminary plat has been approved and all required changes and alterations thereto have been made.
  
- (2) Plat Requirements. The final plat shall be drawn on substrate of the type, size and configuration as currently required for filing at the County Clerk's Office of Lubbock County or at the County Clerk's Office of Hale County to a scale of one inch to one hundred feet (1"-100"). Where more than one (1) sheet is required, an index sheet of similar size shall be filed showing the entire subdivision. All restrictive covenants are to be shown on the Index sheet or separate sheet. The currently accepted size is 18 inches by 24 inches and the material is mylar. The following information will be shown on or will accompany the plat:
  - a. A title including the name of the subdivision; the name of the landowners or owners; the name of the registered public land surveyor responsible for the preparation of the plat; the scale and location of the subdivision with reference to an original corner of the original survey of which said land is a part; the date, north point, and total acres in the subdivision.
  
  - b. The certificate of the registered public land surveyor who surveyed, mapped and monumented the land shall be placed on the face of the plat as follows:

THE STATE OF TEXAS     §

COUNTY OF LUBBOCK     §

KNOW ALL BY THESE PRESENTS

That, I, \_\_\_\_\_ R.P.L.S. do hereby certify that I prepared this plat from an actual and accurate on the ground survey of the land and that the corner monuments shown thereon were properly placed by current "Minimum Standards for Professional Land Surveyors" as adopted by the Texas Board Of Professional Land Surveying, under my personal supervision, in accordance with the Subdivision Ordinance of the City of Abernathy, Texas.

Original Signature and Seal of Registered Professional Land Surveyor  
Registration Number

- c. A certificate of ownership and dedication to the public of all streets, easements, alleys, parks, playgrounds, or other dedicated public uses, signed and acknowledged before a notary public by the owners and any holders of liens against the land.
- d. An accurate on-the-ground boundary survey of the property with bearings and distances and showing the lines of all adjacent land, streets, easements, and alleys with their names and width. (Street, alleys, and lot lines in adjacent subdivisions shall be shown dashed.) All necessary data to reproduce the plat on the ground must be shown on the plat.
- e. A certificate of approval to be signed by the Mayor and the City Secretary shall be placed on the face of the plat. The plat shall show all existing features within the area being subdivided, such as existing watercourses, railroads, width of streets, alleys and easements to be retained and other physical features deemed pertinent to the subdivision.
- f. Streets, alleys and easements that are to be dedicated shall be shown with the following engineering data:
  - (i) For streets: Complete curve data (Delta, Length of Curve, Point of Tangency) shown on the centerline of on each side of the street: length and bearing of all tangents; dimensions from all angle points of curve to an adjacent side lot line shall be provided. The number of feet of roadway shall also be shown on the plat.
  - (ii) For watercourses and easements: Distances to be provided along the side lot lines from the front lot line or the high bank of a stream. Traverse line distances are to be provided along the side lot lines from the front lot line along the edge of all large watercourses in a convenient location, preferably along a utility easement if paralleling the drainage easement of stream.
- g. Lot and block lines and numbers of all proposed lots and blocks with complete dimensions for front, rear and side lot lines.

- h. Building set back lines shall be shown on all lots.
- i. Two (2) sets of plans and specifications prepared by a registered engineer shall be provided for the installation of water, sewer, paving and drainage, and said plans and specifications must be approved by the city engineer or designated city official prior to the beginning of any construction of the subdivision.
- j. A receipt showing that all taxes have been paid shall be submitted with the final plat.
- k. The City Council shall be satisfied that the subdivider will be in a financial position to install or cause to be installed at his own cost, risk and expense all of the improvements herein required. The City Council may require such security as it in its sole and absolute discretion may deem best in order to insure the orderly development within any subdivision.
- l. It is expressly understood that as a condition to the approval of said subdivision, no sales will be completed until all utilities are installed and all other improvements required by this Ordinance are made by subdivider and verified by the Building Inspector within the block in which said lot is contained.
- m. Drainage easements to cover the limits of the 25-year flood plain
- n. Limits of the 100-year flood plain and a citation of the source of flood plain data.
- o. Minimum finished floor slab elevations, at a minimum of two (2) feet above the 100-year flood plain level, for all lots adjacent to or affected by the flood plain.
- p. Slab elevations on all structures are to be a minimum of one and one half (1-1/2) feet above the top of the curb along any point along the front lot line.
- q. A certificate of a Registered Professional Engineer shall be placed on the face of the plat as follows:

STATE OF TEXAS           §  
COUNTY OF LUBBOCK   §

I, \_\_\_\_\_, do hereby certify that the information contained on this plat complies with the Subdivision Ordinances and any storm-water drainage policy adopted by the City of Abernathy, Texas.

Original Signature and Seal of  
Registered Professional Engineer  
Registration Number

- (3) City Council to Review Final Plat. The City Council shall review the final plat, and when satisfied that all conditions and requirements have been met, the City Council shall approve said plat, using the following format:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary

- (4) Disapproval of the Final Plat. Should the final plat, as submitted, fail to meet the conditions and requirements of the Ordinance, the City Council shall disapprove said plat and note its disapproval thereon, and attach thereto a statement of the reasons for disapproval. In the event of disapproval, the City may withhold all City improvements of whatever nature, including furnishing of sewer facilities and water service from all additions which have not been approved as provided by law, and further permits may not be issued by the Building Inspector or designated public official of the City on any piece of property other than an original or a re-subdivided lot in a duly approved and recorded subdivision.
- (5) Time of Approval. Approval or disapproval of the final plat shall be voted upon by the City Council within thirty (30) days after submission of said final plat. Failure to act within thirty (30) days of the regularly scheduled meeting at which the plat would have been presented, shall constitute approval by the City Council unless additional time is requested by the developer.

D. Only One (1) Plat Required.

If the Preliminary Plat of a subdivision meets with the requirements hereinbefore set forth for a Final Plat, the City Council may, on request of

the subdivider, consider such plat as a Final Plat and approve or disapprove the same as such. If the Preliminary plat is approved only as such, a Final Plat shall be filed in accordance with the other provisions of this Subdivision Ordinance. If the subdivider elects to use this alternative, then he shall provide one (1) reproducible tracing and ten (10) white-print copies of the plat to the City Council.

#### E. Utilities

If a subdivider or developer wishes to obtain City water, sewerage, or other services for his proposed or revised subdivision, he shall be required to obtain approval in writing for the number of proposed or revised lots prior to submitting a final plat or revised plat to the City Council for its approval pursuant to the terms and provisions of this Subdivision Ordinance.

(1) After a proposed final or revised plat has been issued, approved for utilities and has received final approval by the City Council, no additional approval shall be required for the final issuance of building permits for lots located within the approved subdivision.

(2) Application for Utilities

(a) With respect to an application for utilities, the City Engineer will be primarily guided by the most current planning documents approved by the City Council.

(b) The City Engineer shall issue an opinion to the City Council based his interpretations of regulations by the TCEQ, historical performance of the utility, and sound engineering practice. The City Council shall issue a Utility Commitment Letter in accordance with action taken by the Council.

(c) Any participation in off-site utilities by the City of Abernathy shall be approved by the City Council.

#### F. Minor Amendments.

The Building Inspector shall have the authority to approve the following plat amendments which may be recorded and shall be controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

(1) to correct an error in a course or distance shown on the preceding plat;

- (2) to add a course or distance that was omitted on the preceding plat;
- (3) to correct an error in a real property description shown on the preceding plat;
- (4) to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (5) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (6) to correct any other type of scrivener or clerical error or omission previously approved by the City Council, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- (7) to correct an error in courses and distances of lot lines between two adjacent lots if:
  - (A) both lot owners join in the application for amending the plat;
  - (B) neither lot is abolished;
  - (C) the amendment does not attempt to remove recorded covenants or restrictions; and
  - (D) the amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- (8) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9) to relocate one or more lot lines between one or more adjacent lots if:
  - (A) the owners of all those lots join in the application for amending the plat;
  - (B) the amendment does not attempt to remove recorded covenants or restrictions; and
  - (C) the amendment does not increase or decrease the number of lots;

Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amended plat under this subsection.

### **Sec. 9.08 Requirements and Standards**

- A. The subdivider shall retain the service of a qualified Texas Licensed Professional Engineer in the State of Texas. `
- (1) The engineer shall design the items as follows:
    - a. Utilities
    - b. Streets, pavement design
    - c. Drainage
    - d. Calculation of flood plains
    - e. Set slab elevations in relationship to flood plains
  - (2) The following must be included on the plans:
    - a. Vicinity map of project on title sheet.
    - b. Plat of subdivision signed by registered surveyor.
    - c. Location of existing utilities.
    - d. Stationing along road and/or sewer line where applicable.
    - e. Location of sewer, water and other proposed utilities with respect to road or utility easement center lines.
    - f. Bench mark datum – NAVD 88.
    - g. All utility representatives names and phone numbers.
  - (3) Arrangement of the improvement plans shall conform to the following:
    - a. Title sheet.
    - b. Plat of subdivision.
    - c. Plan and profile sheets at a legible scale.
    - d. Typical miscellaneous details.
    - e. Specifications.
    - f. Drainage evaluation.
    - g. Engineering estimates of quantities and costs.
- B. The engineer's utility plans shall meet the minimum requirements for submittal to the TCEQ and shall be on 24" by 36" paper. They are to be signed and sealed by the engineer and to include all information for the construction of the project. Specifications are to be in bound sets or on the face of the plans to assure that all City requirements are followed.
- C. The licensed engineer responsible for the project is to perform periodic inspections to determine if the work is performed in substantial

conformance with the approved plans and specifications.

- D. When the project is complete, and tested, the engineer is to certify to the City of Abernathy that the work both on an off site, if any, has been performed in substantial conformance with the approved plans, specifications, and change orders. Engineer is to deliver to the City a reproducible copy of record plans for the project and three (3) sets of blue-lines. The plans are to be clearly marked as "RECORD" drawings with all record changes signed by the responsible engineer.
- E. The subdivider shall provide a one (1) year warranty on all work located in dedicated City right of ways or easements including all utilities, streets, drainage, street lights, or other improvements. The warranty is to begin at final acceptance by the City.
- F. The subdivider shall be responsible for constructing paved streets and curbs and gutters within the subdivision, subject to the conditions contained herein.

- (1) Arrangement. Unless otherwise approved by the City Council, provision shall be made for the extension of major streets through any new subdivision. Collector streets shall be provided as required by the City Council for the circulation of traffic through the subdivision and the connection thereof to the major streets. Adequate minor streets shall be provided to accommodate the subdivision. Off-center street intersections with streets in adjacent subdivision should be avoided. All major and collector streets shall be continuous or in alignment with existing streets unless variations are deemed advisable by the Commission due to topography and requirements of traffic circulation. A minimum of one future access, by street, to all adjacent tracts is to be maintained through stub-out streets as approved by the City Council.

Residential developments which introduce new street systems shall be encouraged within the framework of applicable ordinances, to plan street systems that offer curvilinear design while facilitating safe and adequate traffic circulation and drainage compatible with existing patterns.

- (2) Street Design Criteria

- (a) Soils Investigation. The subdivider shall, at his own expense, cause to be made a soils investigation by a qualified and independent State of Texas Licensed Geotechnical Engineer. The field investigation shall include test borings or profile holes within

the right-of-ways of all proposed streets. The number of locations of such borings or holes shall be submitted to the City Engineer for review. Acceptance of the boring plan by the City Engineer does not constitute approval of the plan. The Geotechnical Engineer of record is the responsible engineer for this work. A minimum depth of holes is to be ten (10) feet. For each individual soil layer identified in each boring, the atterberg limits, Plasticity Index (PI), moisture content, and other required data and information to quantify the bearing capacity, shrink-swell potential, and other characteristics necessary for a pavement design shall be determined. The method used for these determinations shall be the same as those used by the Texas Department of Transportation (TxDOT) using their latest Manual of Testing; Procedures, 100-E Series test methods. The results of the soils investigation shall be presented to the subdivider and to the City Engineer in written report form.

(b) Pavement Design Pavement design for collector and residential streets shall consist of surface pavement, flexible base, asphalt stabilized base (as applicable), and compacted subgrade and shall be designed in accordance with accepted engineering practiced for the conditions and expected traffic loads. In no case shall a hot mix asphaltic cement surface course be less than one and one half (1.5) inches in thickness nor shall a flexible base course be less than six (6) inches in thickness even though an engineered pavement design demonstrates that a lesser thickness would be sufficient. Flexible base and asphalt stabilized base (as applicable) courses shall be carried at full thickness to a distance of one (1) foot outside of the back of the curb and gutter section. For major thoroughfare streets, a pavement design is required and shall be based on the TxDOT triaxial design criteria as follows:

Type of Street	Total Equivalent 18 Kip Single Axle	Load Frequency Design Factor Load Application	Wheel Design Load Kips ATDH
Major Thoroughfare	1,500,000	1.15	12

A written report containing pavement design data and recommendations based on the soils investigation shall be prepared at the subdivider's expense by a State of Texas licensed geotechnical engineer and shall be presented to the subdivider and to the City Engineer. The report shall state the load criteria and the soil classifications used.

(c) Curb and Gutter

All streets shall have reinforced concrete curbs (minimum concrete strength of 4000 psi) described as follows:

Height above pavement	6"
Thickness	6"
Concrete Gutter width	18"
Overall width	24"
Overall height above subgrade	12"
Valley Gutters (minimum concrete strength 4,000 psi)	
Thickness	6" min
Width	6'-0" min
Reinforcement	4000 psi fiber

Drive-over curb and gutter may be used upon submittal and approval by the City and Engineer.

(d) Minimum Radii

Street Intersections	20'
Alleys	10'
Commercial Driveways	20'
Residential Driveways	10'

(3) Street Widths. Note all widths are back to back of curb unless otherwise noted.

(a)	Major Streets	R.O.W. 80'	Pavement	56'
(b)	Collector Streets	R.O.W. 60'	Pavement	40'
(c)	Minor or residential Streets	R.O.W. 50'	Pavement	36'
(d)	50' either side of major intersections	Widened Per Council Approval		

(4) Curve Centerline Radii

(a)	Major Streets	Radius 2,000' or less based on design speed and good engineering practice as approved by the Commission
(b)	Collector Streets	Radius 400'
(c)	Minor Streets	Max 150'
(d)	Reverse Curves	Min. connecting tangent 100'

(5) Intersection Separation

Minimum	150' centerline to centerline
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Major streets

Minimum 1,500 feet

J. Building Lines. Building lines shall be as established in the City of Abernathy Zoning Ordinance.

K. Easements.

- (1) Drainage and Public Utility Easements are to be:

Front Lot	10'
Rear Lot	10'
Side Lot	5'
- (2) Easements shall contain 25-year design storms flows.
- (3) Easements shall provide as is otherwise necessary for reasonable maintenance.

L. Drainage and Storm Sewers.

- (1) Storm sewers and drainage ways are to contain 25-year storms.
- (2) Storm flows into and out of a tract are to be controlled to prevent flooding of existing structures and facilities, and increasing 100-year storm elevations up or down grade of the tract resulting in damage.
- (3) 100-year flood plains are to be shown on all site plans and plats

M. Existing or Major Streams.

Major streams shall not be modified without consent of applicable state and federal agencies.

N. Sedimentation Controls

Brush berms, hay bales, sedimentation basins and similar recognized techniques and materials shall be employed during construction to prevent point source sedimentation loading of downstream facilities.

O. Water Systems

The subdivider shall provide all water lines necessary to properly serve each lot of the subdivision and insure that existing and/or new water facilities can supply the required demand for domestic use and for fire protection at the desired pressure. The subdivider shall install all mains and shall extend the service to all lots terminating thereon with a curb stop

and meter box. The subdivider shall submit a certificate to the City Council certifying that the system has been designed in accordance with the requirements of the TCEQ and rules of the Texas Insurance Commission.

(1) Water Mains

- (a) Piping for water mains and connections shall be ductile iron Class 150, or PVC AWWA C-900 Class 150, either mechanical or single rubber gasket joint. Service piping shall be high density polyethylene (HDPE) or copper as approved by the building code.
- (b) Water mains smaller than six inches (6") shall not be permitted.

(2) Fire Hydrants

- (a) Fire hydrants are to be compatible with the existing equipment in the City to assure availability of parts.
- (b) Fire hydrant nozzles, threads, and thread type to be compatible with Fire Department Equipment and nozzles.
- (c) Fire hydrant shall be equipped with stortz quick-connections with solid metal caps

(3) Intersection Valves and line Valves

- (a) All water system valves are to be AWWA gate valves with operator boxes as designed for buried service. A list of approved manufacturers are available at City Hall.
- (b) Three valves are required at four way intersections unless four direction feed is possible. A minimum of two valves are required at tees. Location of the values shall be reviewed with the City of Abernathy water utilities staff.

P. Sanitary Sewer System

All subdivisions shall be provided with a sewage disposal system approved by the TCEQ.

- (1) Connection With Sanitary Sewer System Requirement.  
Connection with the sanitary sewer system shall be required.

- (2) Materials of Construction. (a) Gravity sewer in normal, buried serviced shall be a minimum diameter of 8” and shall be SDR 26 PVC solid-walled gravity sewer pipe that complies with ASTM D-3034. The cell classification shall be 12454B as described in ASTM D-1784. Elevated crossing, bores, road crossings, and conflicts with water lines, pipe may be ductile iron or other type pipe as required by other agencies, such as the TxDOT, or as approved in writing by the Building Inspector. Any sewer crossing a TxDOT roadway must have a permit issued by the TxDOT district office in Lubbock, Texas.

Sewers shall be constructed according to the TCEQ Regulations. Sewer lines will be properly bedded in a bedding material suitable for the depth and location of the sewer. All bedding designs will be included on the plans that are submitted to the City for review.

(3) Piping Size

Eight (8”) inch diameter pipe shall be the minimum acceptable for sewer mains and lines. All sewer mains shall be graded to minimum acceptable grades as allowed by TCEQ.

(4) Manholes

Manholes shall be spaced at all changes in direction and not more than 400-feet apart. Manholes shall be constructed of precast concrete sections with poured floors, or concrete precast complete manholes and shall comply with ASTM C-470. Neoprene gaskets are required in all penetrations. Minimum concrete strength for all manhole components shall be 4,000 psi.

(5) Force Mains

Force mains shall be pressure class 150 PVC pipe and fittings, Pressure Class Pipe shall have either mechanical joints or rubber gasket joints, approved by the Building Official.

Q. Street Lighting

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

#### R. Traffic Control Signs, Street Signs and Water Meter Boxes

All traffic control signs shall be provided and installed by the developer and shall conform with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, Vols. 1 and 2. All street signs and water meter boxes shall be provided and installed by the developer, and said street signs and water meter boxes must meet the specifications set forth by the City of Abernathy.

#### S. Flood Regulation

All flood plain calculations, and the design of changes to the flood plain shall be in accordance with the Emergency Phase of the National Flood Insurance Program, Article 8280-13, V.A.C.S. The City shall review each proposed subdivision to assure the following:

- (1) Proposals to Minimize Flood Damage. All such proposals shall be consistent with the need to minimize flood damage.
- (2) Public Facilities to Minimize Flood Damage. All public utilities and facilities, such as sewage, gas, electrical and water systems shall be located, elevated, and constructed to minimize or eliminate flood damage.
- (3) Adequate Drainage to be Provided. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

#### T. Financial Security

- (1) Abeyance: If the final plat is approved, the City may order that the plat be held in abeyance and not recorded until the City Engineer certifies that the construction of the streets and drainage is complete or that the subdivider has provided appropriate financial security in one of the following methods:
  - a. Construction Bond. A construction bond filed by the subdivider payable to the City in the amount determined by the City Council or its designated representative to be adequate to ensure proper construction of the utilities, streets, and drainage improvements in the subdivision. The bond should not exceed the estimated cost of construction of the utilities, streets, and drainage improvements. The bond must be a surety company licensed to operate in the State of Texas and approved by the City Council or its designated representative. The bond must be condition that the utilities, streets and drainage will be

constructed in accordance with the plans and specifications approved by the City Council or its designated representative.

OR

b. Funds. The owner may provide funds in escrow, certificate of deposit, an irrevocable letter of credit or other financial instrument satisfactory to the City council or its designated representative in the amount of the cost of construction. If a letter of credit is used, it must list as the sole beneficiary, the City, and be conditioned that the owner of the tract of land subdivided will construct all utilities, streets, and drainage improvements in the subdivision in accordance with the plans and specifications approved by the City Council and within a reasonable time set by the City Council or its designated representative.

Upon approval by the City and satisfaction of such security requirements, the final Plat will be filed of record in the Plat record of the County along with any applicable covenants and/or restrictions, at the owner's expense. If any requirements set by the City Council are not met, approval may be withdrawn.

AND

- (2) Maintenance bond. During the entire warranty period (12 months), the subdivider must provide appropriate financial security in accordance with these regulations. Financial security may be arranged in one of the following methods:
  - a. A maintenance bond may be filed by the subdivider payable to the City in the amount determined by the City Council or its designated representative to be adequate to ensure proper maintenance of the utilities, streets, and drainage improvements in the subdivision during the twelve months before final acceptance of the improvements but not to exceed twenty percent (20%) of the cost of construction of the improvements in the subdivision. The bond must be conditioned that the improvements will be maintained in accordance with the specifications adopted by the City Council.

OR

- b. The owner may provide funds in escrow, certificate of deposit, an irrevocable letter of credit or other financial instrument satisfactory to the City Council or its designated representative to be adequate to ensure proper maintenance of the improvements in the subdivision during the twelve (12) months before final acceptance of the improvements in the subdivision. If a letter of credit is used, it must list as the sole beneficiary, the City, and be conditioned that the improvements within the subdivision will be maintained in accordance with the plans and specifications adopted by the City Council.

## **Sec. 9.09 Penalties**

### **A. Violation of any Provision of Chapter**

Violation of any provision or provisions of this Chapter by any subdivider shall constitute a misdemeanor and upon conviction of such violation in Municipal Court of the City of Abernathy shall be punishable by a fine not to exceed \$2,000.00. Furthermore, each violation shall constitute a separate offense, and each day a violation continues shall constitute a separate offense.

### **B. Other Legal Remedies**

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

### **C. Compliance with other Laws, Rules, Regulations, or Ordinances**

Nothing in this ordinance shall be deemed to relieve the obligation of the subdivider to comply with ordinances, rules and regulations, and laws of any other jurisdiction including Lubbock County, Hale County, the State of Texas, or the Federal Government.

## **Sec. 9-10. Variances.**

When a subdivider can show that a provision of these regulations would cause unnecessary hardship if strictly adhered to and where, because of some condition peculiar to the site, in the opinion of the City Council, a departure may be made without destroying the intent of such provisions and does not establish undesirable precedence, the City Council may authorize a variance. Variances shall not be detrimental to the public health, safety, or welfare, and shall not be injurious to other property. All requested variances must be fully described in writing along with the full justification

including citations from laws, policies, design manuals, regulations and other documentation, and submitted along with the plat submittals. Exhibits of data and documentation may be required. The City Council shall have the authority to hold a public hearing if deemed necessary and formally notify adjacent or otherwise directly affected property owners and take the resulting testimony, and any other data into consideration in their recommendation to the City Council. A variance may be granted conditionally based on agreed-to conditions that may be affected by future actions. Conditional variances granted during or before the Preliminary Plat may be denied during the Final Plat approval, if the conditions or future actions do not occur.

#### **Sec. 9-11. Record Drawings.**

The engineer representing the subdivider shall present to the City Council, reproducible complete "Record Drawings" for all paving, drainage structures, water lines, and sewer lines within thirty (30) days after completion of each contract. All drawings shall be obviously marked as built or record drawings, and signed and dated by the licensed engineer of record.

#### **Sec. 9-12. Filing Fees**

- A. The following schedule of fees and charges shall be paid into the general fund of the City of Abernathy when any map or plat is tendered to the planning department, and each of the fees and charges provided herein shall be paid in advance and no action of the City Council or any other board or any other agency shall be valid until the fee shall have been paid.

There will be a \$1,500.00 fee for review of preliminary and final plat and engineering plans. This would cover all involved expenses, with any overage being refunded and any shortage being billed to the developer.

#### **Sec. 9-13. Amendments**

The City Council may at any time recommend amendments to any section of this ordinance. The City Council shall approve or disapprove any amendment at a public meeting. The City Council may hold one or more public hearings to consider testimony regarding any amendments to this ordinance.