

ORDINANCE NO. 14-446

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING CHAPTER 14, SUBDIVISIONS, OF THE CITY'S CODE OF ORDINANCES TO ADD TO SECTION 14-1 CERTAIN DEFINITIONS, AMENDING SECTION 14-4 REGARDING THE REQUIREMENTS FOR PRELIMINARY PLATS, AMENDING SECTION 14-5 REGARDING THE REQUIREMENTS FOR FINAL PLATS, ADDING A NEW SECTION 14-5.1 ESTABLISHING PROCEDURES AND REGULATIONS FOR A SHORT FORM FINAL PLATS, ADDING A NEW SECTION 14-5.2 ESTABLISHING PROCEDURES AND REGULATIONS REGARDING AMENDING PLATS, AMENDING SECTION 14-7, STANDARDS AND SPECIFICATIONS, REGARDING RADIAL LOTS, LOT DIMENSIONS AND OTHER MATTERS, AMENDING SECTION 14-8 REGARDING PUBLIC IMPROVEMENTS, AND AMENDING VARIOUS PROVISIONS REGARDING THE BUILDING OFFICIAL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION HEREOF WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION, AND PROVIDING FOR SEVERABILITY.

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WHEREAS, , the City Council of the City of Bunker Hill Village, Texas charged the Planning and Zoning Commission with conducting a comprehensive review of the City's subdivision ordinance; and

WHEREAS, the Planning and Zoning Commission has completed its comprehensive review of the City's subdivision ordinance; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of the citizens of the City of Bunker Hill Village to adopt the amendments to the comprehensive zoning ordinance contained herein;

WHEREAS, with the approval of said ordinance it shall become effective January 1, 2015; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

Section 1. The City Council of the City of Bunker Hill Village, Texas hereby finds the facts and matters in the preamble to be true and correct and incorporates them herein as if set forth herein at length.

Section 2. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-1 the language struck through below and adding to Section 14-1 the language underscored below, with the new Section 14-1 to read as follows:

“Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices or as set out in the zoning ordinance of the city.

Block shall mean an identified tract or parcel of land established within a subdivision surrounded by a street or a combination of streets and other physical features and which may be further subdivided into individual lots or reserves.

Building Official shall mean the person authorized by the city as the city's building official, or his duly authorized representative.

Commission shall mean the planning and zoning commission of the city.

Comprehensive Plan shall mean the city's comprehensive zoning ordinance.

Easement shall mean an area intended for restricted use on private property upon which a person or public or private entity has the right to remove and keep removed all or part of buildings, fences, trees, shrubs and other improvements or growths which in any way endanger or interfere with the construction, maintenance or operation of any of their respective utilities, drainage, access or other authorized systems or facilities located within any such easement. Any such person or public or private entity owning an easement shall at all times have the right of unobstructed ingress and egress to and from and upon the easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of their respective systems or facilities without the necessity at any time of procuring the permission of anyone.

Final plat means a complete and exact subdivision plan prepared in conformity with the provisions of this chapter and in a manner suitable for recording with the county clerk.

Lot shall mean a physically undivided tract or parcel of land having frontage on a public street or approved private street and which is, or in the future may be, offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol on a duly approved subdivision plat that has been properly recorded.

Natural channel means a discernible natural water drainage channel of discrete width as opposed to general puddling over a substantially uniform surface.

Preliminary plat means the map, drawing, or chart on which a subdivider's plan of subdivision is initially presented to the planning and zoning commission.

Radial lot shall mean a lot having a front property line that includes the shape of a curve or is positioned at the end of a dead end street (having no cul-de-sac bulb), and having side property lines that intersect each other when projected beyond the rear or front line of the lot.

Secretary of the Planning and Zoning Commission shall mean the City Secretary of the city.

Street, private shall mean a roadway owned and maintained by a private individual or individuals, organization, or company rather than by the city or other government entity and provides vehicular access to adjacent private land.

Subdivider or developer means any owner of land, or his authorized agent or representative, proposing to divide or dividing the same or any part thereof in a manner constituting a subdivision of land under the provisions of this chapter.

Subdivision means a division of any tract of land situated within the corporate limits of the city, in two (2) or more parts for the purpose of laying out any subdivision of any tract of land, or for laying out suburban lots or building lots, or any lots, and which may or may not include streets, alleys, or other portions intended for public use or the use by purchasers or owners of lots fronting thereon or adjacent thereto. "Subdivision" includes resubdivision, meaning any change in the division of an existing subdivision or any change of lot size therein, or the relocation of any street, alley, or other portions intended for public use or the use by purchasers or owners of lots fronting thereon or adjacent thereto.

Title Report/City Planning Letter shall mean a certificate prepared and executed by a title company authorized to do business in the state or an attorney licensed in the state describing all encumbrances of record that affect the property, together with all deeds recorded from and after the effective date of the ordinance from which this chapter is derived. Such certificate shall include all property included within the platted area, and such certificate shall not have been

executed more than 30 days prior to submission of such certificate to the commission.”

Section 3. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-2 the language struck through below and adding to Section 14-2 the language underscored below, with the new Section 14-2 to read as follows:

“Sec. 14-2. General provisions.

- (a) *Authority.* This chapter and the rules and regulations set forth herein governing plats and the subdivision of land are adopted pursuant to the authority granted by V.T.C.A., Local Government Code § 212.002.
- (b) *Purpose.* The purpose of this chapter and the rules and regulations set forth herein is twofold:
 - (1) To promote the health, safety, morals, and general welfare of the city and its inhabitants; and
 - (2) To promote the safe, orderly, and healthful development of the city.
- (c) *Applicability.* This chapter shall apply to all subdivisions of land within the corporate limits of the city.
- (d) *Review by Building Official.* Prior to the time the plat of a proposed subdivision is considered by the planning and zoning commission and the city council, it shall be reviewed by the Building Official for compliance with the code and he shall make such recommendations regarding same to such bodies as he deems necessary or appropriate.
- (e) *Dual plat approval required.* The final plat of a subdivision must be approved for recommendation to the City Council by the planning and zoning commission and approved by the city council in the sequence and in the manner herein prescribed.”

Section 4. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-4 the language struck through below and adding to Section 14-4 the language underscored below, with the new Section 14-4 to read as follows:

“Sec. 14-4. Preliminary plat and accompanying data.

- (a) *Preliminary conference.* Prior to the official filing of a preliminary plat, the subdivider or his duly authorized representative shall consult with the

city staff and receive its comments and advice regarding procedures, specifications, and standards required by the city for subdivision plat approval. Refer to Chapter 4 - Development, Building and Construction, Mandatory Pre-Development Meetings. If requested in writing, the planning and zoning commission will place, for discussion purposes only, an item on its agenda regarding the proposed subdivision in order to assist a subdivider on matters affecting a proposed subdivision.

- (b) *Preparation and filing of preliminary plat.* The subdivider shall cause to be prepared a preliminary plat meeting the requirements hereof and file at least three (3) copies of the same with the city secretary at least fifteen (15) days prior to the date formal application for the preliminary plat approval is made to the planning and zoning commission.
- (c) *Formal application.* Formal application for preliminary plat approval shall be made by the subdivider in writing to the commission at an official meeting of the commission.
- (d) *Form and content.* The preliminary plat shall show the following:
 - (1) Names and addresses of the subdivider and record owner of the parcel to be subdivided.
 - (2) The name of the person who prepared the plat.
 - (3) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to any other subdivision in the Cities of Bunker Hill Village, Hedwig Village, Hilshire Village, Hunters Creek Village, Piney Point Village, and Spring Valley, Texas.
 - (4) The legal description, by metes and bounds, of the property proposed to be subdivided, including the name of the county, survey and abstract number, together with reference to at least one established corner of a nearby recorded subdivision or the nearest public street right-of-way intersection.
 - (5) The computed acreage of the subdivision and total number of lots, blocks and reserves.
 - (6) Date of preparation, scale of plat, and north arrow. The scale shall be one (1) inch equals one hundred (100) feet minimum, unless otherwise approved.
 - (7) A number or letter to identify each lot or site.
 - (8) Proposed public easements for drainage, streets, and utilities.

- (9) A vicinity map, preferably in the upper right corner of the plat, to show the subdivision in relation to well known streets, railroads, and watercourses in all directions for a distance of at least one (1) mile.
 - (10) The proposed layout of the subdivision, showing streets, blocks, lots, alleys, easements, and other features within the plat boundary with principal dimensions.
 - (11) The location and identification of all tracts not designated as lots within the boundaries of the plat. Such tracts, if not restricted for specific uses, shall be identified as "unrestricted reserve." "Restricted reserves" shall be indicated on the plat and shall be designated as single-family residential, utility, church, park or recreational, or school;
 - (12) The adjacent areas outside the plat boundaries shall be identified indicating the name of adjacent subdivisions (including recording information), the names of the recorded owners of adjacent parcels of land, churches, schools, parks, bayous and drainage ways, acreage and all existing streets, easements, pipelines and other restricted uses;
 - (13) The names of all existing and proposed streets located within the plat boundaries or immediately adjacent thereto;
- (e) *Processing of preliminary plat.*
- (1) The planning and zoning commission will review the preliminary plat to insure that it is in conformity with all rules, regulations, and ordinances of the city including, but not limited to, this chapter, the city's zoning ordinance, zoning districts, master plan, comprehensive plan, major thoroughfare plan, construction standards, land uses plan, drainage plan, and flood damage prevention ordinance.
 - (2) Within forty-five (45) days after the preliminary plat is formally filed, the commission shall conditionally approve or disapprove such plat or conditionally approve it with modifications. The commission shall within ten (10) days notify the applicant in writing of the action taken and if the action is one of disapproval, shall also state in writing the reason for such action and requirements to bring such plat into compliance with such ordinance or ordinances, giving specific sections and references to sections of ordinances or the comprehensive plan of the city for the subdivider's reference.
 - (3) Conditional approval of a preliminary plat by the commission shall be deemed an expression of approval of the layout submitted on

the preliminary plat as a guide to the approval of the layout of streets, water, sewer, and other required improvements and utilities and to the preparation of the final or record plat.

- (4) Conditional approval of the preliminary plat shall only be effective for six (6) months, unless reviewed by the commission in the light of new or significant information which would necessitate a revision of the preliminary plat. If, prior to approval of the final plat, the commission determines that changes are necessary in such preliminary plat, it shall inform the subdivider in writing of the necessary changes in such preliminary plat to bring it into conformity with such ordinances.
- (5) Conditional approval of a preliminary plat shall not constitute automatic approval of the final plat.
- (6) Final approval for preliminary plats are not required to be approved by the City Council.”

Section 5. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-5 the language struck through below and adding to Section 14-5 the language underscored below, with the new Section 14-5 to read as follows:

“Sec. 14-5. Final plat.

(a) *Form; content.*

- (1) The final plat and accompanying data shall conform to the preliminary plat and other required data as conditionally approved by the planning and zoning commission, incorporating any and all changes, modifications, alterations, corrections, and conditions as set out in the letters of preliminary approval from the commission and must show easements for all utilities and drainage.
- (2) The plat shall be drawn to a scale of one (1) inch equals one hundred (100) feet minimum, unless otherwise approved by the commission. The final plat shall be drawn on mylar (24) inches by thirty-six (36) inches.
- (3) The final plat shall be submitted in such reasonable number as is required by the commission and shall contain all of the features required for preliminary plats.
- (4) All final plats shall incorporate all of the provisions relating to preliminary plats and, where appropriate, reflect any conditions and requirements of final approval previously imposed by the commission, together with the following additional requirements:

- (a) The final plat shall be drawn with black lines and image and shall be suitable for the reproduction of direct positive prints and reproductions; The applicant will provide an 11x17 print or an electronic version of the completed and signed plat.
- (b) All engineering and surveying data shall be shown on the final plat sufficient to locate all of the features of the plat on the ground. This data shall include, but not be limited to, full dimensions along all boundaries of the plat, street and alley rights-of-way, easements and drainage ways, gullies, creeks and bayous, together with the location of the high bank of such drainage ways and water courses, lots, blocks, reserves, out tracts or any other tracts designated separately within the plat boundaries, fee strips or any other physical features necessary to be accurately located by surveying methods. Such information shall include line dimensions, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof;
- (c) The name of the current record owner and address. If the record owner is a company or corporation, the name of the responsible individual such as the president or vice president;
- (d) The name and seal of the registered professional land surveyor and/or registered professional engineer responsible for preparing the plat;
- (e) The date of submittal, and the date of submittal of each subsequent revision;
- (f) All streets and alleys with street names, widths measured at right angles or radially (where curved), complete curve data (R, L, P.C., P.R.C. and P.T.) length and bearing all tangents between curves;
- (g) Easements shall be shown and shall be defined by dimension. All principal lines shall have the bearing given and deviation from the norm indicated. The plat must provide a note stating that all existing pipelines or pipeline easements through the subdivision have been shown or that there are no existing pipeline easements within the limits of the subdivision;

- (h) All field surveys shall be accurate to, and performed in accordance with, the appropriate provisions of the current edition of the Manual of Practice Standards for Surveying in Texas, as periodically published by the Texas Society of Professional Surveyors. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings in degrees, minutes and seconds. Curved boundaries shall be fully described and all essential information given. Circular curves shall be defined by actual length of radius and not by degree of curve;
 - (i) The intended use of all lots within the subdivision shall be identified on the plat.
 - (j) All dedication statements and certificates.
- (5) When filed with the commission, the final plat shall be accompanied with a full set of engineering drawings, construction plans and profile sheets, and specifications for all public improvements:
- (a) *Streets, alleys, sidewalks, hike and bike paths, cross walkways and monuments, traffic control.* Two (2) copies of the proposed construction plans and profiles of all streets, alleys, sidewalks, hike and bike paths, cross walkways, and monuments, and traffic control.
 - (b) *Sanitary sewers.* Two (2) copies of the proposed ~~plat,~~ construction plans showing the proposed locations and dimensions of sanitary sewer lines and plans and profiles of proposed sanitary sewer lines, indicating depths and grades of lines.
 - (c) *Water lines.* Two (2) copies of the proposed construction plans showing contours and the location and the size of water lines and fire hydrants and plans and profiles of all proposed water lines and fire hydrants, showing size, depths, and grades of the lines.
 - (d) *Storm drainage.* Two (2) copies of the proposed construction plans_ indicating one-foot contours. All street widths and grades and all drainage easements shall be indicated on the plans, and all points in the streets at changes of grade or where the water enters another street or storm sewer or drainage ditch together with calculations showing the anticipated stormwater flow from such subdivision.

- (6) All plans and engineering calculations shall bear the seal and signature of a registered professional engineer.
- (7) The final plat shall also include the following:
 - (a) A dedication to the city for the use and benefit of the public forever of all streets, alleys, easements, culverts, bridges, and other public ways delineated on such plat, which shall be the same as those shown on the preliminary plat, signed and acknowledged before a notary public by the owner or owners and the lien holder, if any, of the land and a complete and accurate description of the land subdivided. The dedication and acknowledgement shall be in the current form required by the county clerk for recording of the plat in the plat or map records of the county.
 - (b) A statement prepared for the signature of the chairman and secretary of the planning and zoning commission and the mayor and city secretary of the city stating that the final plat has been approved, respectively, by such commission and by the city council.
 - (c) The certification of the surveyor responsible for surveying the subdivision area, attesting to its accuracy.
 - (d) A certification by the engineer or surveyor responsible for the preparation of the final plat and supporting data, attesting to its accuracy.
- (8) The developer shall obtain a letter of no objection from each public and private utility (electric, gas, phone, cable, water, etc.) which will provide service to the subdivision, stating that utility easements are adequate to accommodate all public and private utilities, and such letters shall accompany the proposed final plat.

(9) *Title Report/ City Planning Letter.*

A current title report, statement or opinion, title policy or certificate or letter from a title company authorized to do business in the state or an attorney licensed as such in the state shall be provided certifying that, within 30 days prior to the date the final plat is dated and filed with the commission, a search of the appropriate records was performed covering the land proposed to be platted, and providing the following information concerning the title to the land:

- (a) The date of the examination of the records;

- (b) A legal description of the property lying within the proposed subdivision, including a metes and bounds description of the boundaries of such land;
- (c) The name of the record owner of fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such owner acquired fee simple title;
- (d) The names of all lien holders, together with the recording information and date of the instruments by which such lien holders acquired their interests;
- (e) A description of the type and boundaries of all easements and fee strips not owned by the subdivider of the property in question, together with certified copies of the instruments whereby the owner of such easements or fee strips acquired their title, and the recording information for each such instrument; and
- (f) A tax certificate from each city, county, school, utility or other governmental entity in which the land being platted is located showing that no delinquent taxes are due such entity for the property being platted.

(b) *Processing of final plat.*

- (1) As soon as practical after the subdivider is notified of the approval of the preliminary plat, he or his engineer shall submit to the commission the final plat of the subdivision or portion thereof to be considered at an official meeting of the commission.
- (2) No final plat will be considered unless a preliminary plat has been submitted and conditionally approved.
- (3) A final plat of an approved preliminary plat or a portion thereof shall be submitted to the commission within six (6) months of the date of approval of the preliminary plat, by the commission, otherwise the preliminary plat approval of the commission shall become null and void, unless an extension of time is applied for and granted by the commission.
- (4) The final plat must be acted upon by the planning and zoning commission within thirty (30) days of filing for the purpose of complying with the time limit prescribed by V.T.C.A., Local Government Code § 212.009. Upon approval of a recommendation to the City Council on the final plat by the planning and zoning commission, whether such approval results from action or inaction, the commission shall immediately forward such plat to the city

council for its consideration. Such final plat must be acted upon by the city council within thirty (30) days of the approval of same by the planning and zoning commission for the purpose of complying with those time limits prescribed by V.T.C.A., Local Government Code § 212.009. A plat shall be considered approved by the city council unless it is disapproved within such thirty-day period.”

Section 6. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by adding a new Section 14-5.1, with the new Section 14-5.1 to read as follows:

“Sec. 14-5.1. Short form final plats.

- (a) Approval of platting under the short form procedure eliminates the necessity for a preliminary plat and follows the approval process for a final plat. Application fees for short form platting shall be paid at the time of application.
- (b) A short form platting procedure may be requested if the final plat is authorized by the administrative officer and meets the following requirements:
 - 1. No more than four (4) lots, tracts or reserves are included.
 - 2. The area to be platted lies within an existing public street circulation system already approved by the city council;
 - 3. The proposed development meets all the requirements of the existing zoning district;
 - 4. The plat does not propose to vacate public street rights-of-way or easements;
 - 5. The plat does not propose creation or extension of public rights-of-way.
 - 6. The proposed development does not require any significant drainage improvements.
 - 7. The proposed development is consistent with the thoroughfare plan and creates no significant traffic congestion on the existing public street system.
 - 8. The proposed development creates no variance requests.
- (c) This procedure shall not be available if there is evidence of previous repeated use by the owner of the short form procedure in a manner to circumvent the intent of this chapter or the requirements for larger scale development.

- (d) The short form plat shall meet all of the requirements for a final plat.”

Section 7. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by adding a new Section 14-5.2, with the new Section 14-5.2 to read as follows:

“Sec. 14-5.2. Amending plat.

Amending Plats only are applicable to Residential Land Uses. Amending plat procedure shall be in accordance with the current Texas Local Government Code.

- (a) An amending plat shall meet all of the informational requirements set forth for a final plat.
- (b) The city administrator or an employee designated by the city administrator may approve, and the mayor shall sign, an amending plat that complies with this section. The city or designated employee may, for any reason, elect to present the amending plat to the planning commission or the city council, or both, for approval or disapproval, as in the case of other plats. The city administrator or designated employee may not disapprove an amending plat. If the city administrator or designated employee refuses to approve the plat, he shall refer it to the planning commission or city council, or both, as in the case of other plats, within the time period applicable to other plats. The amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, may be approved if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:
1. Correct an error in a course or distance shown on the preceding plat;
 2. Add a course or distance that was omitted on the preceding plat;
 3. Correct an error in a real property description shown on the preceding plat;
 4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 5. 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. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats. Such errors may include, but are not limited to, 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 (2) adjacent lots where both lot owners join in the application for amending the plat, neither lot is abolished, the amendment does not attempt to remove recorded covenants or restrictions, the amendment does not have a materially adverse effect on the property rights of the owners in the plat;
 8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or
 9. 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;
 - c. The amendment does not increase the number of lots.
 10. To replat one or more lots fronting on an existing street if: the owners of all those lots join in the application for amending the plat; the amendment does not attempt to remove recorded covenants or restrictions; the amendment does not increase the number of lots; and the amendments does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (c) Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.
- (d) When an amending plat is prepared, the surveyor shall be required to survey only those lots which are affected by the changes. The surveyor shall sign the replat stating the lots which have changed in addition to any other corrections which have been made.
- (e) The property owners for the lots which are changed shall be the only additional signatures necessary to the original signatures.”

Section 8. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-7 the language struck through below and adding to Section 14-7 the language underscored below, with the new Section 14-7 to read as follows:

“Sec. 14-7. Standards and specifications.

(a) *Lots.*

- (1) *Lot configuration.* Each lot formed by subdivision shall have a configuration limited to five (5) property lines, and any creek forming a boundary of a lot shall be considered as one (1) property line of such lot for this purpose. Radial lots on a dead end street may have up to six (6) property lines.
- (2) *Radial lots.* Radial lots shall have a minimum right-of-way frontage of forty (40) feet. These lots shall also have a minimum width and depth consistent with the City's Zoning Ordinance. The width shall be measured at the front building line. The lot depth shall be measured taking the average of the side lot lines and the maximum radial depth. The side lot lines of residential lots shall be radial to the street or curve of the front lot line of such lot. At the minimum setback, the main building orientation shall be consistent with the setback of the adjacent lot(s) and complement adjacent homes creating a consistent neighborhood look.
- (3) *Lot dimensions.* The dimensions of each lot formed by subdivision shall equal or exceed those dimensions required by the city's zoning ordinance, as heretofore or hereafter amended, for lots in the particular zoning district in which the lot is located. All lots, regardless if radial or parallel to the street, must have the minimum lot width at the front setback line.

(b) *Streets.*

- (1) *Street layout.* In any subdivision, the subdivider shall provide streets in conformity with the requirements of this chapter and any other ordinance of the city. 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 of the city and shall be considered in relation to existing and planned streets, topographical conditions, public safety and convenience, and in its appropriate relationship to the proposed uses of land to be served by such streets. A street layout shall be devised for the most advantageous development of the entire neighborhood.
- (2) *Relation to adjoining street system.* Where necessary, as may be determined by the planning and zoning commission, existing or proposed streets in areas adjoining the proposed subdivision shall be continued.

- (3) *Minimum street frontage.* As used herein, zoning district A and zoning district B refer to those zoning districts established by and described in the city's zoning ordinance, as heretofore or hereafter amended.
- (4) *Certain requirements regarding cul-de-sacs.* In a new subdivision, each cul-de-sac shall be platted to the following:
 - a. A right-of-way radius of forty (40) feet, measured from the center point of such cul-de-sac to the exterior edge of the right of way;
 - b. Cul-de-sacs must serve 3 or more lots; and
 - c. Length must be a minimum of 250 feet measured from the nearest edge of the right-of-way of the intersecting street to the center of the cul-de-sac.
- (5) *Rights-of-way and pavement widths.* Except for cul-de-sacs, street rights-of-way shall be a minimum of fifty (50) feet in width; provided, however, the commission and city council may, upon written application, in their discretion, authorize a street right-of-way of not less than forty (40) feet in width if such right-of-way (i) is adjacent to an easement dedicated to the public for utility and drainage purposes, (ii) when combined with such adjacent public easement, would have a width of not less than fifty (50) feet, and (iii) is so located that logically it would not be extended to connect with another existing or proposed street. Cul-de-sac rights-of-way shall have a minimum radius, measured from the center of the cul-de-sac to the front lot lines, of forty (40) feet. Except as hereinafter provided, pavement widths shall be a minimum of twenty-eight (28) feet for curbed and guttered streets, and twenty-four (24) feet for noncurbed and guttered streets. Pavement widths for curbed and guttered streets shall be measured from back of curb to back of curb. Pavement widths for noncurbed and guttered streets shall be measured from edge of pavement to edge of pavement. Cul-de-sac pavement widths shall have a radius of thirty-five (35) feet, measured from the center point of such cul-de-sac to the exterior edge of the pavement. The center point of the pavement on a cul-de-sac shall be the same as the center point of the cul-de-sac right-of-way. No island or islands shall be constructed in a cul-de-sac. The applicant cannot dedicate right-of-way and "NOT Pave" the cul-de-sac bulb. All streets shall be designed, constructed, and installed in accordance with the most recently adopted Harris County's "Standard Engineering Design Specifications for Construction and Maintenance of Roads and Bridges."
- (6) *Street signs.* Street signs shall be installed by the City at all intersections within or abutting the subdivision.

(7) *Exceptions for subdivisions where lots are adjacent to existing public streets.* Notwithstanding any other provision of this chapter to the contrary, a subdivision of land may be approved without compliance with the above minimum street requirements if each lot within the proposed subdivision is adjacent to an existing public street, and the adjacent public street complies with the following minimum requirements:

a. For dead-end streets under five hundred (500) feet in length:

1. No cul-de-sac shall be required;
2. Pavement width shall be not less than twenty (20) feet; and
3. The developer/subdivider shall dedicate, for public use, either:
 - i. Roadway right of way of not less than forty (40) feet in width; or
 - ii. A street easement of not less than thirty (30) feet in width, plus a ten-foot wide drainage and utility easement adjacent to such street easement.

b. For dead end streets between five hundred (500) feet and eight hundred (800) feet in length:

1. A thirty five -foot radius paved cul-de-sac, with no island, shall be provided at the end of such street;
2. The developer/subdivider shall dedicate for public use, and improve for public street purposes, either:
 - i. A roadway right-of-way of not less than 50 feet in width, with a curb and gutter concrete pavement having a surface width of 28 feet; or
 - ii. A street easement of not less than thirty-five (35) feet in width, with an asphalt pavement having a surface width of twenty-two (22) feet, plus a ten-foot wide drainage and utility easement adjacent to such street easement.

- c. For dead end streets over eight hundred (800) feet and through streets:
 - 1. For a dead end street, a thirty-five (35) foot radius paved cul-de-sac, with no island, shall be provided at the end of such street;
 - 2. The developer/subdivider shall dedicate for public use, and improve for public street purposes, either:
 - i. A roadway right-of-way of not less than fifty (50) feet in width, with a curb and gutter concrete pavement having a surface width of twenty-eight (28) feet; or
 - ii. A street easement of not less than forty (40) feet in width, with an asphalt pavement having a surface width of twenty-four (24) feet, plus a ten-foot wide drainage and utility easement adjacent to such street easement.
- (c) *Water supply and distribution.* All subdivisions shall be provided with water supply, water distribution systems, and fire hydrants designed, constructed and installed as approved by the City of Bunker Hill Village in accordance with the City Of Houston Department Of Public Works And Engineering, Infrastructure Design Manual.
- (d) *Sanitary sewers.* All subdivisions shall be provided with ~~an approved~~ a sanitary sewer system designed, constructed and installed as approved by the City of Bunker Hill Village in accordance with the City Of Houston Department Of Public Works And Engineering, Infrastructure Design Manual
- (e) *Monuments.* Concrete monuments, or an approved equal, six (6) inches in diameter and twenty-four (24) inches long, shall be placed at all major corners unless otherwise approved in writing by the Building Official. A copper pin, or approved equal, one-quarter-inch in diameter shall be embedded at least three (3) inches in the monument at the exact intersection point. Any such monument shall be set at such an elevation that it will not be disturbed during construction, and the top of the monument shall be approximately flush with the ground after contemplated improvements are completed.
- (f) *Drainage.*
 - (1) *Natural drainageway.* Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, the subdivider must dedicate a public easement or right-of-way

conforming substantially to the outer limits of such watercourse, drainageway, natural channel or stream, plus such additional width to accommodate projected future runoff as determined by the planning and zoning commission and the city council.

- (2) *Drainage facilities.* Drainage facilities sufficient to drain all lots in the subdivision shall be installed by the subdivider in accordance with the City of Bunker Hill Village Drainage Ordinance and Criteria Manual. Such drainage facilities shall be designed, constructed, and installed as approved by the City of Bunker Hill Village in accordance with the City Of Houston Department Of Public Works And Engineering, Infrastructure Design Manual.
- (3) *Lot drainage.* All surface water runoff must conform to the City of Bunker Hill Village Drainage Ordinance and Criteria Manual.
- (g) *Hike and bike trails.* Easements for hike and bike trails will be provided as required by the commission and the council.”

Section 9. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-8 the language struckthrough below and adding to Section 14-8 the language underscored below, with the new Section 14-8 to read as follows:

“Sec. 14-8. Construction of public improvements.

- (a) *Construction plans.* Construction plans and profile sheets for all public improvements shall be submitted with the application for final plat approval. The approval of the final plat shall be contingent upon approval of such construction plans by the Building Official. Construction plans and profile sheets shall be prepared and submitted in accordance with the provisions of the City of Bunker Hill Village.
- (b) *Inspection of construction.* The Building Official or his duly authorized representative shall fully inspect any and all phases of the construction of public improvements for the subdivision. The subdivider or his contractor shall maintain daily contact with the Building Official during the period of construction of such improvements. No sanitary sewer, water or stormwater pipe shall be covered without the prior approval of the Building Official or his representative. No flexible base material, subgrade material or stabilization shall be applied to a street subgrade without such prior approval. No concrete may be poured or applied to the base of any such street without such prior approval by the Building Official. The Building Official may at any time cause any construction, installation or maintenance of such improvements to cease when, in his judgment, the requirements of this chapter or the standards and specifications set forth herein or adopted hereby have been violated, and he may require such

reconstruction or other work as may be necessary to correct any such violation.

- (c) *Guarantee of performance.* No building, plumbing or electrical permit will be issued by the city to the owner or any other person with respect to any lot or property in a new subdivision, nor will any such lot or property be connected to or served by the city's water or sanitary sewer facilities, until and unless the final plat of such subdivision has been duly approved and recorded in the manner provided for herein and the developer of such subdivision has complied with one (1) of the following requirements:
- (1) *Completion and acceptance of improvements.* The developer has complied with all provisions of this chapter and the final plat regarding installations of all required improvements and the same have been approved and accepted by the city.
 - (2) *Performance bond.* The developer has filed a corporate surety bond issued by a company authorized to do business in the state with the city secretary in a sum equal to the cost of construction and installation of such improvements in the designated areas of the subdivision guaranteeing the construction and installation of such improvements within the time stated in such bond, which time shall be fixed by the Building Official. The estimated costs of constructing and installing such improvements shall be determined by the Building Official utilizing a private commercial rate basis.
 - (3) *Escrow deposit.* An escrow deposit in an amount sufficient to pay the cost of constructing and installing such improvements in such subdivision, as determined by the Building Official utilizing a private commercial rate basis, has been made with the city secretary accompanied by an agreement executed by the developer authorizing the city to make such improvements at prevailing private commercial rates or to have the same made by a private contractor and to pay for the same out of the escrow deposit in the event the developer fails or refuses to install the required improvements within the time and in the manner stated in such agreement; however, in no event shall the city be obligated to make or cause to be made such improvements, either with such escrowed funds or its own funds. If and when such public improvements have been timely completed and have been approved and accepted by the city, the city will refund to the developer the principal amount of such escrow deposit. Any interest earned thereon will be retained by the city as compensation for its administration and other costs incurred in the handling of such escrow deposit.
- (d) *Maintenance of dedicated improvements.* Disapproval of a plat shall be deemed a refusal by the city to accept the offered dedications shown

thereon. Final approval of the plat shall not impose any duty upon the city concerning the construction or maintenance of public improvements of any dedicated areas shown thereon until the city council, after inspection and written recommendation by the Building Official, has accepted such improvements by motion or resolution. The subdivider shall maintain such improvements for a period of one (1) year following the completion thereof and their acceptance by the city. Provided further, such one (1) year of required maintenance shall not begin until the subdivider files with the city a maintenance bond, executed by a corporate surety company authorized to do business in the state and acceptable to the city, in an amount equal to one hundred (100) percent of the cost of construction and installation of such improvements, warranting that such improvements will render satisfactory operation for such one-year period.

- (e) *Improvements constructed at expense of subdivider.* The subdivider shall construct at his expense all public improvements including, but not limited to, streets, alleys, culverts, bridges, drainage facilities, water lines, sanitary sewer lines, traffic signs, fire hydrants, and hike and bike paths, within the subdivided property, all in accordance with the specifications and requirements of the city. Upon completion of such improvements and their acceptance by the city, the same shall become the property of the city unless otherwise provided herein.”

Section 10. The Code of Ordinances of the City of Bunker Hill Village is hereby amended by deleting from Section 14-9 the language struck through below and adding to Section 14-9 the language underscored below, with the new Section 14-9 to read as follows:

“Sec. 14-9. Certification of completion of public improvements.

When the construction and installation of all public improvements in the subdivision have been completed in accordance with the approved final plat, plans and specifications, and requirements of the city and all cleanup work has been accomplished, the subdivider's engineer shall certify such fact in writing to the Building Official and shall attach to such certification three (3) full size "as built" prints of the plat (prepared in accordance with the requirements of section 14-5(b)(2)), one (1) black line print at a scale of one hundred (100) feet per inch, or larger if requested in writing by the Building Official, and one (1) 105-millimeter micromaster.”

Section 11. Repeal. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 12. Penalty. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed

\$2000. Each day of violation shall constitute a separate offense.

Section 13. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bunker Hill Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 21st day of October, 2014.



Jay Williams
Mayor

ATTEST:



Kelly Johnson
City Secretary