

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES BY AMENDING CHAPTER 48 – SUBDIVISIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Gatesville is a Home Rule Municipality operating under the laws of the State of Texas; and

WHEREAS, the City Council may establish subdivision regulations within the corporate limits of the city; and

WHEREAS, the subdivision ordinance was adopted in January 2019, (Ordinance 2018-10) and legislatively amended in February 2020, (Ordinance 2020-01); and

WHEREAS, this is an amendment to Chapter 48 – Subdivisions; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, THAT:

SECTION 1. The findings set forth in the above preamble to this Ordinance are true and correct and are hereby adopted.

SECTION 2. The Code of Ordinances of the City of Gatesville, Texas is hereby amended by amending Chapter 48 “Subdivisions” at section 48-1 “Authority and Scope” by repealing and replacing section 48-1 to read in its entirety as follows:

“SEC. 48-1. AUTHORITY AND SCOPE.

This chapter shall be cited as the Subdivision Ordinance of the City of Gatesville, Coryell County, Texas. This chapter is adopted under the authority of Texas Local Government Code Chapter 212 regarding Municipal Regulation of Subdivisions and Property Development, as amended. The regulations contained herein shall govern every subdivision of land as defined within the corporate limits and extraterritorial jurisdiction of the city. The purpose of this chapter is to provide for the orderly, safe and healthy development of the areas within the city and its extraterritorial jurisdiction. Specifically, this chapter is intended to coordinate the orderly subdivision of property along with other city ordinances relating to flood prevention and protections, zoning, site development review, building codes and other development-related codes.

- (1) *Authority of the planning and zoning commission.* The planning and zoning commission is given the responsibility and authority to review and to approve, conditionally approve, or disapprove subdivision plats and vacated plats within 30 days of from the date of the applicant’s complete

submission. All land within the city or its ETJ hereafter subdivided into lots, blocks, or other parcels, shall be laid out subject to review and approval by the planning and zoning commission. All other subdivisions or plats are illegal and shall not be recognized by the city. The planning and zoning commission shall forward all plats to the city council upon approval.

- (2) *Authority of the city council.* The city council shall have the responsibility and authority to review and approve, conditionally approve, or disapprove plats for subdivision, selected plats not covered by section 48-23 and vacated plats within 30 days of the planning and zoning commission's approval. All land within the city or its ETJ hereafter subdivided into lots, blocks, or other parcels, shall be laid out subject to review and approval by the city council with the exception of amending plats or minor plats. All other subdivisions or plats are illegal and shall not be recognized by the city.
- (3) *Other authority.* Amending plats and minor plats shall be administratively approved by the city manager. In the event that an amended plat or minor plat is submitted to the city manager and the city manager does not approve the plat, the city manager shall refer the plat with his rationale to the planning and zoning commission to approve or disapprove within 30 days of the submission date."

SECTION 3. The Code of Ordinances of the City of Gatesville, Texas is hereby amended by amending Chapter 48 "Subdivisions" at section 48-3 "Definitions" by repealing and replacing section 48-3 to read in its entirety as follows:

"SEC. 48-3. 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:

City means the City of Gatesville, Coryell County, Texas. Any reference to an act of the city shall be deemed to include acts of the city council or other such elected governing body of the city.

Concept plan means the initial project layout that provides an opportunity to review and evaluate the impact of a proposed development on the character of the surrounding area in which it is proposed to be located. The process takes into consideration the general form of the land before and after development, as well as the spatial relationship of the proposed structures, open space, landscape areas, parking, and general access and circulation patterns as they relate to the proposed development and the surrounding areas.

County means Coryell County, Texas.

County commissioners' court means the duly and constitutionally elected governing body of the county.

Developer means any person, firm or corporation subdividing or developing a tract or parcel of land to be sold or otherwise marketed.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.

Division means the result of dividing a tract of land in two or more parts using a metes and bounds description in a deed of conveyance, or in a contract for a deed, by using a contract for sale or other executory contract to convey, or by using any other method.

Engineer means a person licensed and authorized to practice engineering in the state under the Texas Engineering Practice Act (Texas Occupations Code § 1001.001 et seq.).

Engineering drawings. Typically, where applicable, includes, but is not limited to, water layout, sewer layout, drainage and topography, streetlight layout, street plan and profile sheets, sewer main plan and profile, water utility details, sewer utility details, paving details, drainage details, erosion and sedimentation control plan and standard construction details to provide greater detail to a plat. Engineering drawings shall be prepared and sealed by a state-licensed professional engineer and shall conform to the general requirements and minimum standards of design and requirements as presented in this chapter.

Lot means a physically undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer, lease or improvement, which is designated as a distinct and separate tract, and which is identified by a lot number or tract symbol on an approved subdivision plat which has been officially recorded.

Corner lot means a lot abutting two or more streets at their intersection.

Double frontage lot means a lot that fronts and backs on two streets.

Front lot or frontage lot means that portion of a lot or tract of land which is the principal side of a property, and which abuts on a public street. This lot shall be the same side in which direction a building will face and the side on which there is the main entrance.

OSSF means on-site sewage facilities as that term is defined in rules and/or regulations adopted by the Texas Commission on Environmental Quality (TCEQ), including, but not limited to, 30 Tex. Admin. Code Chapter 285.

Pavement width. Pavement width dimensions include back-of-curb to back-of-curb.

Plat, dependent on the type means the following:

Amending plat. A replat addressing minor changes, correction of clerical errors, or limited modifications affecting a limited number of property owners or lots, such as correcting errors and omissions in course or distance, real property descriptions, monuments, lot numbers, acreage, street names, adjacent recorded plats, and other clerical error or omission, in compliance with LGC 212.016.

Final plat. A final plat is a plat satisfying applicable local regulations for a final plat and is the plat that is recorded. A final plat must be consistent with any approved preliminary plat. The differences between an approved preliminary plat and a final plat are generally surveying details and format.

Minor plat. A plat dividing up property into four or less lots, fronts an existing street, and does not require public improvements.

Preliminary plat. A preliminary plat is the initial plat prepared by a land surveyor on behalf of a landowner and submitted for "preliminary" city approval as part of the platting process. Usually, it is conceptual in nature.

Replat. A replat is a new plat of all or a portion of a previously approved plat. Replats eliminate the prior plats as to the area replatted.

Public utility means:

- (1) City-owned, -operated, and -maintained utilities, including water, sewer, and drainage.
- (2) Utilities such as electric, gas, telephone, and cable television which are regulated by the state and/or have a franchise agreement with the city to own, operate, and maintain utilities in the public rights-of-way and easements.

Sewerage facilities or *wastewater treatment facilities* means the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in this chapter.

Subdivider means any owner of land or authorized agent thereof proposing to subdivide or divide land so as to constitute a subdivision.

Subdivision means any tract of land divided into two or more parts that results in the creation of two or more lots of less than five acres each. A subdivision includes re-subdivision (replat) of land which was previously divided.

Surveyor means a licensed state land surveyor or a registered professional land surveyor, as authorized by the Professional Land Surveying Practices Act (Texas Occupations Code Chapter 1071).

TAC means Texas Administrative Code, as compiled by the Texas Secretary of State.

TCEQ means the Texas Commission on Environmental Quality.

Voluntary Annexation means the incorporation of new territory into an existing city with the consent of the property owners.

Water facilities means any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment and/or retail distribution of water for safe human use and consumption.

SECS. 48-4-10. RESERVED.”

SECTION 4. The Code of Ordinances of the City of Gatesville, Texas is hereby amended by amending Chapter 48 “Subdivisions” at section 48-28 “Fees” by renumbering the section to be section 48-11 and further by repealing and replacing the section in its entirety to read as follows:

“SEC. 48-11. FEES.

An application fee shall be paid at the time a preliminary or final plat is submitted for review by the city. (There is no fee for a preliminary conference.) The application fee shall be established by the city council and stated in the city's fee schedule located in Chapter 18.”

SECTION 5. The Code of Ordinances of the City of Gatesville, Texas is hereby amended by amending Chapter 48 “Subdivisions” by renumbering sections 48.29 and 48.30 as sections 48.12 and 48.13, respectively, by reserving sections 48.14 through 48.20, and by renumbering section 48.66 as section 48.21.

SECTION 6. The Code of Ordinances of the City of Gatesville, Texas is hereby amended by amending Chapter 48 “Subdivisions” at section 48-67 “Platting Procedures” by renumbering the section as section 48-22 and repealing and replacing it to read in its entirety as follows:

“SEC. 48-22. PLATTING PROCEDURES.

(a) *Amending plat.*

(1) *General.* A plat may be considered an amending plat solely for the purposes established in Texas Local Government Code § 212.016.

(2) *Form and content.* The amending plat should depict all information as required for a final plat in section 48-24, except for engineering documents described in section 48-24(b)(2). A copy of the original plat is required with the amended plat or the original approved lot lines shall be shown as dashed lines on the amended plat.

(3) *Certificate of approval.* A certificate of approval by the city manager, in the following format, shall be placed on the final plat: Approved this _____ day of _____, 20___, by the City Manager of the City of Gatesville, Texas.

City Manager	
Attest: City Secretary	

(4) *Processing.* The city manager may approve and issue an amended plat, which may be recorded with the county clerk and controls over the preceding plat

without vacation of the plat, if the amended plat is signed by the applicant and is solely for one or more of the following purposes as established by Texas Local Government Code § 212.016:

- a. To correct an error in a course or distance shown on the preceding plat;
- b. To add a course or distance that was omitted on the preceding plat;
- c. To correct an error in the description of the real property shown on the preceding plat;
- d. To indicate monuments set forth after death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments;
- e. To show the proper location or character of any monument which has been changed in location or character or which originally was shown incorrectly as to location or character on the preceding plat;
- f. To correct any other type of scrivener's, clerical error or omission previously approved by the planning and zoning commission and/or city council, including lot numbers, acreage, street names and identification of adjacent recorded plats;
- g. To correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished; provided, that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
- h. To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
- i. To relocate one or more lot lines between one or more adjacent lots where the owners of all such lots join in the application for the plat amendment; provided, that such amendment does not attempt to remove recorded covenants or restrictions or increase the number of lots; and
- j. To replat lots on an existing street if:
 1. All owners join in the application;
 2. The amendment does not remove deed restrictions;
 3. The number of lots is not increased;
 4. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(b) *Replat.*

(1) *General.* A replat is a revision of a previously platted subdivision and is controlling over all or a portion of the preceding plat without vacation of the plat in accordance with Texas Local Government Code Chapter 212.

(2) *Processing.* A replat that requires the construction of new public infrastructure shall follow the same procedures as are required for a new subdivision plat and shall comply with Texas Local Government Code Chapter 212, including requirements for public hearings and notifications.

(3) *Form and content.* The proposed replat shall depict all the information as required for final plats as presented in section 48-24. A copy of the original plat shall be provided, or the original approved lot lines shall be shown as dashed lines on the new plat. If a replat does not require the construction of new infrastructure, the city may waive the required engineering drawings, described in section 48-24(b)2, in order for the application submission to be considered complete and become eligible to be acted upon by the municipal authority or governing body.

(4) *Public hearing required for variance or exception.* If a proposed replat requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the municipality, in accordance with LGC Sec. 212.015.

(c) *Minor plat.*

(1) Authority for administrative minor plats. An application for an administrative minor plat may be submitted to the city in accordance with Tex. Local Gov't Code § 212.0065.

a. Content, review and decision-making process.

b. The administrative minor plat shall contain the same information in accordance with the final plat.

c. In accordance with Tex. Local Gov't Code § 212.0065, the city delegates the City Manager or designated representative the authority to approve administrative minor plats which:

1. Involve four or fewer lots

2. Front onto an existing street

3. Do not require the creation of any new street or the extension of municipal facilities.

d. The designated representative may, for any reason, elect to present the administrative minor plat to the Planning Board for approval.

e. The designated representative shall not disapprove the administrative minor plat and shall be required to refer any administrative minor plat application which he or she refuses to approve to the Planning Board for consideration.

f. If the administrative minor plat is approved by the designated representative, the signature block and signature of the Chairperson of the Planning Board shall not be required. The following signature shall, however, appear on the administrative minor plat.

g. A certificate of approval by the city manager, in the following format, shall be placed on the final plat: Approved this ____ day of _____, 20__, by the City Manager of the City of Gatesville, Texas.

City Manager	

Attest: City Secretary	
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(d) *New subdivision plat.*

(1) *General.* A new subdivision plat is a plat of a tract of land that has not been previously platted. A new subdivision plat shall comply with Texas Local Government Code ch. 212, including any requirements for public hearings and notifications.

(2) *Processing.* New subdivision plats shall follow the review and approval process for preliminary and final plats.

(3) *Form and content.* A new subdivision plat will include the form and content required for preliminary plats in section 48-68(c) and final plats in section 48-69(b).

(e) *Vacating a plat.* A replat to eliminate the subdivision of property reflected by a prior plat. Vacating plats may not be used without the consent of all property owners in the plat, even if only a portion of the plat is to be vacated. Once recorded, the vacating plat has the effect of returning the property to raw acreage

(f) *Additional information.* The city may, at its option, require additional information necessary for the approval process. Such information may include, but not be limited to:

- (1) Subdivision ingress and egress;
- (2) Existing and/or proposed area features;
- (3) Topography;
- (4) Floodplains;
- (5) Layout of other utilities;
- (6) Notation of deed restrictions;
- (7) Public use areas.”

SECTION 7. The Code of Ordinances of the City of Gatesville, Texas is hereby amended by amending Chapter 48 “Subdivisions” at section 48-68“Preliminary Plat” by renumbering section 48-68 as section 48-23 and repealing and replacing the section to read in its entirety as follows:

“SEC. 48-23. PRELIMINARY PLAT.

(a) *Generally.* The preliminary plat and preliminary engineering drawings shall show all proposed phases of development of an area of land under the same ownership.

(1) Preliminary plats shall be required for any subdivision plat requiring new infrastructure.

(2) Preliminary plats and preliminary engineering drawings shall be deemed approved if no action is taken by the planning and zoning commission within 30

days of submittal, and if no action is taken by the city council within 30 days of planning and zoning commission approval.

(3) Preliminary plats and preliminary engineering drawings shall be deemed approved by the City Council if no action is taken by the Council within 30 days of Planning and Zoning Commission approval.

(b) *Changes to preliminary plat.* An approved preliminary plat and/or preliminary engineering drawings may be amended at the request of the developer or required by the city per this section. Substantial amendments or changes to an approved preliminary plat or preliminary engineering drawings must be reviewed and approved by the planning and zoning commission as well as by the city council. Minor amendments may be approved by the city manager. Minor amendments are those that:

- (1) Increase by ten percent or less the number of lots or potential structures that can be accommodated by the infrastructure;
- (2) Reduce the number of lots; and
- (3) Any proposed change in infrastructure is considered a major amendment, unless deemed by the City Manager as a minor amendment.

(c) *Form and content.* A complete submission for approval shall contain all items on the application. Failure to submit the plat and engineering drawings together in the quantities as stated on the application checklist shall be deemed an incomplete submission. The submission shall not be filed until all required documents (plat and engineering documents) in their respective quantities as stated herein are submitted.

(1) Preliminary plat. The preliminary plat shall be prepared and sealed by a state-registered professional land surveyor and plotted at a scale of one inch to 100 feet or larger. The plat shall conform to the general requirements and minimum standards of design and requirements, and shall include the following elements as applicable:

- a. A cover sheet is required for all plats involving three or more sheets. All plan sheet numbers shall be placed on the cover along with the corresponding plan sheet titles. This cover sheet should include a listing of all plan sheet numbers and plan sheet titles in the engineering drawings as well. A vicinity map should always be included on the cover sheet to show the project location;
- b. Title block, including proposed subdivision name, phase, block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the plat;
- c. Index sheet for plats with more than one sheet that shows the entire subdivision drawn to a scale of not less than one inch equals 100 feet;
- d. Legal description, existing boundary, lot lines and right-of-way lines of streets and easements with accurate dimensions, bearings, deflection angles, radii and central angles of all curves;
- e. Phasing plan if subdivision is to be constructed in phases;

f. Lot lines shall have line dimensions clearly displayed within the lot along with the lot's respective lot number. Groups of lots that are considered within a block shall have the block number clearly displayed;

g. All right-of-way lines and easements shall be clearly displayed on the plat. The plat shall clearly display the location, size and purpose of all existing and proposed easements on or adjoining the property;

h. Location of existing and proposed streets, alleys, bikeways and sidewalks on or adjoining the site. Such information shall include name, right-of-way widths, type and width of surfacing. All private streets shall be clearly labeled;

i. Any areas reserved or dedicated for public uses;

j. Easements and street stub-outs necessary to serve adjacent properties;

k. Location and size of all existing and/or proposed city utilities, and all other utilities where known. All city utility lines six inches in diameter or larger within the right-of-way shall be shown on the profile view. All utility lines, regardless of size, should be shown in the plan view, where known;

l. Street light layout;

m. Adjacent property information including legal descriptions (recorded volume and page) and property lines within 100 feet;

n. Primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data shall be referred. The plat shall be located with respect to a corner of the surveyor tract, or an original corner of the original survey of which it is a part. Temporary benchmarks and NGS datum shall be described on each sheet;

o. Scale, basis of bearing and benchmarks (datum) and description shall all be clearly displayed on the plat; and

p. A north arrow is required on all sheets and should be oriented either upward or to the right. It is the intent of this requirement that all stationing should start from cardinal points of the compass and proceed in the direction of construction.

(2) Preliminary engineering drawings. Preliminary engineering drawings shall be prepared and sealed by a state-licensed professional engineer and plotted at a scale of one inch to 100 feet or larger. The preliminary engineering drawings shall match the features found on the preliminary plat and they shall conform to the general requirements and minimum standards of design and requirements in accordance with the most current edition of the standards for public works adopted by the city, and shall include the following elements as applicable:

a. Title block, including proposed subdivision name, phase(s), block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the preliminary engineering drawings;

b. Water layout plan view to include rough locations of service connections, pipe diameters, valves, hydrants and flush assemblies;

- c. Sanitary sewer layout plan to include rough locations of service connections, pipe diameters, cleanouts and manholes;
- d. Street and sidewalk layout plan view; and
- e. Stormwater drainage layout plan (drainage calculations are only necessary on major drainage structures at this step).

(d) *Processing preliminary plat.*

(1) Submission of preliminary plat application along with all items required in subsection (c) of this section.

(2) The preliminary plat and preliminary engineering drawings shall be reviewed by the city staff for conformity with the city's plans, thoroughfare plan, utility master plan, engineering standards and specifications, city ordinances and other applicable city standards before the planning and zoning commission meet to review the preliminary documents.

(3) The planning and zoning commission shall review the preliminary plat, preliminary engineering drawings and all the staff's recommendations. Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, lot sizes and arrangement, water and sewer lines, drainage, the further development of adjoining lands and the requirements of city ordinances, policies and plans.

(4) The planning and zoning commission shall act on the preliminary plat and preliminary engineering drawings and may advise the developer of any specific changes or additions they will require in the layout, or comment on the character and extent of improvements and dedications that will be required prior to infrastructure construction and as a prerequisite to the approval of the final plat and final engineering drawings.

(5) The planning and zoning commission shall forward the preliminary plat and preliminary engineering drawings with their approval to the city council for their consideration. The planning and zoning official shall inform the developer in writing of the decision of the planning and zoning commission and city council including any conditions for approval or reasons for disapproval. If conditionally approved or disapproved by the planning and zoning commission or the city council, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response. In accordance with LGC 212.0093. Upon receiving a written response, the municipal authority or governing body that receives a response under LGC 212.0093 shall determine whether to approve or disapprove plan or plat not later than the 15th day after the response was submitted.

(6) A preliminary plat and preliminary engineering drawings shall expire 24 months after approval unless:

- a. An extension is applied for and granted by the city manager if the city's regulations and requirements have not changed;
- b. Final plat submittal, on at least one phase, occurs within 24 months following the initial approval; or
- c. Preliminary plats and preliminary engineering drawings will also expire if there is more than a 24-month period of time between subsequent submittal and approval of any phase of the preliminary plat.

(7) The planning and zoning commission has the responsibility to act on the preliminary plat and preliminary engineering drawings within 30 days of the complete submission of the application and all necessary documents. The preliminary plat and preliminary engineering drawings shall be considered approved if no action is taken by the planning and zoning commission within 30 days. The plat and engineering drawings shall be presented to the city council within 30 days of action being taken by the planning and zoning commission for its consideration. The plat and engineering drawings shall be considered approved if the council does not act on it within 30 days after the planning and zoning commission has acted on it.”

SECTION 8. The Code of Ordinances of the City of Gatesville, Texas is hereby amended by amending Chapter 48 “Subdivisions” at section 48-69 “Final Plat” by renumbering section 48-69 as section 48-24 and repealing and replacing the section to read in its entirety as follows:

“SEC. 48-24. FINAL PLAT.

(a) *Generally.* The final plat and final engineering drawings for the subject phase of construction shall be substantially consistent per requirements in section 48-68(c)(1) with the approved preliminary plat and preliminary engineering drawings. At the option of the applicant, the final plat may constitute only that portion of the approved preliminary plat that the applicant proposes to develop and record at that time. The first phase of a subdivision shall have its final plats and final engineering drawings submitted within 24 months of approval of preliminary plat and preliminary engineering drawings after which time, a new preliminary plat and preliminary engineering drawings may be required.

(b) *Form and content.* A complete submission for approval shall include the final plat application provided by the city and all items listed and required therein. The submission shall not be considered complete until all required documents (plat and engineering documents) in their respective quantities as stated in the application are submitted.

(1) Final plat. The final plat shall be prepared and sealed by a state-licensed professional engineer or state-registered professional land surveyor and plotted at a scale of one inch to 100 feet or larger. The plat shall conform to the general requirements and minimum standards of design and requirements, and shall include the following elements as applicable:

- a. A cover sheet is required for all plats involving three or more sheets. All plan sheet numbers shall be placed on the cover along with the corresponding plan

sheet titles. Cover sheet shall include all plan sheet numbers and plan sheet titles shown in the engineering drawings as well. A vicinity map should always be included on the cover sheet to show the project location;

b. Title block including proposed subdivision name, phase, block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the plat;

c. Legal description, existing boundary, lot lines and right-of-way lines of streets and easements with accurate dimensions, bearings, deflection angles, radii and central angles of all curves;

d. Index sheet for plats with more than one sheet that shows the entire subdivision drawn to a scale of not less than one inch equals 100 feet;

e. Lot lines shall have line dimensions clearly displayed within the lot along with the lot's respective lot number. Groups of lots that are considered within a block shall have the block number clearly displayed;

f. All right-of-way lines and easements shall be clearly displayed on the plat. The plat shall clearly display the location, size and purpose of all existing and proposed easements on or adjoining the property;

g. Location of existing and proposed streets, alleys, bikeways and sidewalks on or adjoining the site. Such information shall include name, right-of-way widths, type and width of surfacing. All private streets shall be clearly labeled;

h. Any areas reserved or dedicated for public uses;

i. Notes addressing how lots with low wastewater service tolerances will be served;

j. Delineation of the Federal Emergency Management Association (FEMA) Special Flood Hazard Area as well as any hazards from adjacent detention facilities or as required by the city;

k. Easements and street stub-outs necessary to serve adjacent properties;

l. Adjacent property information including legal descriptions (recorded volume and page) and property lines within 100 feet;

m. Primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data shall be referred. The plat shall be located with respect to a corner of the surveyor tract, or an original corner of the original survey of which it is a part. Temporary benchmarks and NGS datum shall be described on each sheet;

n. Scale, basis of bearing and benchmarks (datum) and description shall all be clearly displayed on the plat;

o. A north arrow is required on all sheets and should be oriented either upward or to the right. It is the intent of this requirement that all stationing should start from cardinal points of the compass and proceed in the direction of construction;

p. Tax certificate title block;

q. Signature/certification blocks. All final plats shall have affixed to the first page of the plat sheets to be recorded the following elements as applicable:

1. A surveyor's certificate, in the following format, shall be placed on the final plat:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision and Property Development Regulations of the City of Gatesville, Texas.

Signature	
Texas Reg. No. _____	

2. An original certificate of ownership and of dedication of all streets, alleys, easements and lands to public use forever, signed and acknowledged before a notary public by the owner of the land, shall appear on the face of the map, containing complete and accurate description of the property being platted and the streets dedicated.
3. A certificate of approval by the planning and zoning commission, in the following format, shall be placed on the final plat:

Approved this _____ day of _____, _____, by the Planning and Zoning Commission of the City of Gatesville, Texas.

Chairperson, Planning and Zoning Commission	
Secretary, Planning and Zoning Commission	

4. A certificate of approval by the City Council, in the following format shall be placed on the final plat:

Approved this _____ day of _____, _____, by the City Council of the City of Gatesville, Texas.

Mayor	
City Secretary	

5. A tax certification block, in the following format, shall be placed on the final plat:

The Coryell County Tax Assessor, the taxing authority for all entities in Coryell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this _____ day of _____, A.D. _____

Coryell County Tax Assessor/Collector's Office

By:	
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6. A recordation block, in the following format, shall be placed on the final plat:

FILED FOR RECORD this _____ day of _____, _____ in Cabinet _____, Slide(s) _____, Plat Records of Coryell County, Texas.

- (2) Final engineering drawings. Engineering drawings shall be prepared and sealed by a state-licensed professional engineer and plotted at a scale of one inch to 100 feet or larger. The engineering drawings shall match the features found on the final plat and they shall conform to the general requirements and minimum standards of design and requirements in accordance with city's adopted standards for public works, and shall include the following elements as applicable:
- a. Title block including proposed subdivision name, phase, block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the engineering drawings;
 - b. Lot layout showing the area in square feet of each lot proposed;
 - c. Water layout plan, fire flow/water design report, details;
 - d. Sanitary sewer layout plan and profiles, a wastewater design report, details, specifications, lift station capacity and a detailed engineering estimate;
 - e. Street plan and profiles, to include paving details and a traffic control plan (if applicable);
 - f. Streetlight layout;
 - g. Display natural ground profiles of each right-of-way or easement line. Centerline profiles will be satisfactory for right-of-way or easements, except where there is a difference of 0.50 foot or more from one right-of-way or easement line to the other line measured parallel at any point along the right-of-way or easement;
 - h. Stormwater plan and profiles of culverts and channels, a grading plan with two-foot contours, a drainage report, an erosion and sedimentation control plan,

- delineated drainage basins, details for all structures, specifications and a detailed engineering estimate;
- i. Existing contours at intervals of two feet for grades up to five percent and not more than five feet for grades over five percent;
 - j. Drainage information and calculations required in the City of Gatesville Drainage Criteria Manual, including, but not limited to, drainage channel and detention pond locations and approximate size of facilities. Flow line elevations shall be shown along with direction of flow of all existing or proposed drainage features;
 - k. Drainage structures, 100-year floodplain, floodway, watercourses, railroad, structures and other physical features on or adjacent to the site;
 - l. Location and size of all existing and/or proposed city utilities, and all others where known. All city utility lines six inches in diameter or larger within the right-of-way shall be shown on the profile view. All utility lines, regardless of size, should be shown in the plan view, where known;
 - m. Major thoroughfare plans and profiles shall be drawn at a scale of one inch equals two feet vertically and one inch equals 20 feet horizontally. Minor streets and easement plans and profiles shall be drawn at a scale of one inch equals five feet vertically and one inch equals 50 feet horizontally or one inch equals four feet vertically and one inch equals 40 feet horizontally. Label each plan sheet as to street widths, right-of-way widths, pavement width and thickness, type of roadway materials, curbs, intersection radii, curve data, stationing, existing utilities type and location. Stationing must run from left to right, except for short streets or lines originating from a major intersection where the full length can be shown on a single plan and profile sheet;
 - n. Texas Department of Transportation (TxDOT) approvals for driveway and drainage into their jurisdiction, if applicable;
 - o. Existing conditions such as marshes, wooded areas, buildings and other significant features;
 - p. Significant features on adjacent properties such as slopes, structures and power lines;
 - q. Grading, erosion and sedimentation control plan;
 - r. Details of all special structures and standard details, such as drainage features, streams and gully crossing, special manholes and the like, shall be drawn with the vertical and horizontal scales equal to each other; and
 - s. Station all points of curvature (P.C.'s), points of tangency (P.T.'s) radius returns and grade change points of intersection (P.I.'s) in the profile with their respective elevations.
- (3) Resolution/dedication/field notes. The applicant will furnish the city with a signed, original copy of the dedication, resolution and field notes, as applicable, at the same time the final plat and final engineering drawings are submitted for approval.

(c) *Processing final plat.*

(1) Submission of application as provided under 48-24(b) of this section.

(2) The final plat and final engineering drawings shall be reviewed by the City staff for conformity with the approved preliminary plat and preliminary engineering drawings, city's plans, thoroughfare plan, utility master plan, engineering standards and specifications, city ordinances and other applicable city standards. Upon completion of this review, the final plat and final engineering drawings shall be submitted to the planning and zoning commission for review.

(3) The planning and zoning commission shall study the final plat and final engineering drawings and all recommendations. Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, lot sizes and arrangement, water and sewer lines, drainage, the further development of adjoining lands and the requirements of city ordinances, polices and plans.

(4) Final plats and final engineering drawings shall be deemed approved if no action is taken by the planning and zoning commission within 30 days of submittal, and if no action is taken by the city council within 30 days of planning and zoning commission approval.

a. The planning and zoning commission shall forward the final plat and final engineering drawings upon approval to the city council for their consideration.

b. The planning and zoning official shall inform the developer in writing of the decision of the planning and zoning commission and city council including any conditions for approval or reasons for disapproval.

1. If conditionally approved or disapproved by the planning and zoning commission or the city council, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided.

2. The municipal authority or governing body may not establish a deadline for an applicant to submit the response. In accordance with LGC 212.0093.

3. Upon receiving a written response, the municipal authority or governing body that receives a response under LGC 212.0093 shall determine whether to approve or disapprove plan or plat not later than the 15th day after the response was submitted.

(5) The final plat and final engineering drawings shall not be approved, conditionally approved or filed for record and no permits shall be issued until the applicant posts with the city a letter of credit/performance bond for any infrastructure construction remaining.”

SECTION 9. The Code of Ordinances of the City of Gatesville, Texas is hereby amended by amending Chapter 48 “Subdivisions” at section 48-70 “Guarantee of Performance” by renumbering section 48-70 A AWRION 48-25 and by repealing and replacing the section to read in its entirety as follows:

“SEC. 48-25. GUARANTEE OF PERFORMANCE.

- (a) In order to record an approved final plat in which public infrastructure improvements are required, the developer shall construct the improvements to the approval of the city or file a guarantee of performance in lieu of completing the infrastructure prior to recordation of the plat. All such construction shall be coordinated while in progress by the city building inspector. If the infrastructure has not been completed and no letter of credit/performance bond posted within five years of approval, the approved final plat is considered null and void.
- (b) If the developer elects to file a guarantee of performance in lieu of completing construction prior to recording the plat, one of the following methods of posting security shall be used, while the city does reserve the right to select which of the following guarantees of performance is utilized:
 - (1) Unconditional letter of credit from a local bank or other financial institution in a form acceptable to the city and signed by a principal officer of the institution, agreeing to pay to the city, on demand, a stipulated sum of money to apply to the estimated costs of completion of all required improvements, cost of completion of the required improvements being verified by the city engineer.
 - a. The letter of credit shall be dated to expire not less than one year from the recordation of the final plat.
 - b. If the required infrastructure is not complete within six months of acceptance of the letter of credit, the city shall use the funds to construct the improvements.
 - (2) Performance bond submitted with the city by a surety company holding a license to do business in the state, in a form acceptable to the city, in an amount equal to the estimated costs of completion of required improvements verified by the city engineer.
 - a. It shall be dated to expire not less than one year from the recordation of the final plat.
 - b. If the required infrastructure is not complete within six months of acceptance of the a performance bond, the city shall use the funds to construct the improvements.
- (c) For the guarantee of performance, as described in this section, the engineer whose stamp and signature are found on the final plat and final engineering drawings shall prepare a detailed estimate of outstanding infrastructure items to include the cost of each item, the cost of installation of each item and the total

cumulative cost of all outstanding infrastructure items. This detailed estimate should be stamped and signed by the engineer.

(1) The city's engineer shall review this detailed estimate to ensure that all items are accounted for and are valued at costs that are reasonable given the market at the time of which the project occurs.

(2) The city may request that the developer make modifications to the detailed estimate to reflect comments from the city's engineer. Once approved by the city's engineer, the city will accept the guarantee of performance, as described in this section, for the total cumulative cost as shown on the detailed estimate, and the final plat shall be filed with the county.”

SECTION 10. The Code of Ordinances of the City of Gatesville, Texas is hereby amended by amending Chapter 48 “Subdivisions” at section 48-71 “Maintenance Bond Required” by renumbering section 48-71 as section 48-26 and repealing and replacing section the section to read in its entirety as follows:

“SEC. 48-26. MAINTENANCE BOND REQUIRED.

(a) Before the issuance of any building permit, the subdivider shall furnish the city with a maintenance bond, or other surety instrument such as a letter of credit or escrow account. The purpose of the maintenance bond/surety instruments is to assure the quality of materials and workmanship and maintenance of all required improvements including the city's costs for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements in the event the subdivider defaults. The maintenance bond or other surety instrument shall be satisfactory to the city as to form, sufficiency and manner of execution.

- (1) For water and sewer related improvements, the bond or other instrument shall be in an amount equal to 20 percent of the cost of improvements verified by the city engineer and shall run for a period of one calendar year.
- (2) Bonds or other instruments for streets and drainage facilities shall be in an amount equal to 40 percent of the improvements verified by the city engineer and shall run for a period of two calendar years.
- (3) Effective time frame for bonds or other instruments will be measured from the date of release of the performance surely instrument or signing and recording of the final plat whichever is later.
- (4) In an instance where a maintenance bond or other surety instrument has been posted and a defect or failure of any required improvement occurs within the period of coverage, the city may declare the bond or surety instrument to be in default and require that the improvements be repaired or replaced.

(b) Whenever a defect or failure of any required improvement occurs within the period of coverage, the city shall require that a new maintenance bond or surety instrument be posted for a period of one full calendar year, except streets and drainage channels and structures which will be for two calendar years.

- (1) The amount of the bond or instrument will be equal to the amount required to correct the fault or failure.
- (2) Effective time frame for the new maintenance bond or other instrument shall begin on the date the city inspects and approves the required correction."

SECTION 11. The Code of Ordinances of the City of Gatesville, Texas is hereby amended by amending Chapter 48 "Subdivisions" at section 48-72 "As-Built Drawings" by renumbering section 48-72 as section 48-27 and by repealing and replacing the section to read in its entirety as follows:

"SEC. 48-27. AS-BUILT DRAWINGS.

(a) The purpose of this requirement is to document the subdivision improvements as they were actually built. These drawings are required to replace the approved plans that are on file at the city and as such should contain all of the sheets presented in the final plat and final engineering drawings. These plans shall be labeled "as-built" or "record drawings." These drawings shall minimally include:

- (1) An index sheet listing all plan sheets presented in the as-built drawings;
- (2) Drawings shall contain information within tolerances pertinent to the intended function of the design;
- (3) Waterlines and appurtenances shall be field located with a horizontal and vertical location within a tolerance of one foot, more or less;
- (4) Gravity wastewater lines and manholes shall be field located with a vertical location within a tolerance of 0.1 foot, more or less, and a horizontal location within a tolerance of one foot, more or less;
- (5) Pressure wastewater lines and appurtenances shall be field located with a horizontal and vertical location within a tolerance of one foot, more or less;
- (6) Drainage facilities shall be field located with a vertical location within a tolerance of 0.1 foot, more or less, and a horizontal location within a tolerance of one foot more or less;
- (7) Roadway and sidewalk paving shall be field located with a vertical location within a tolerance of 0.1 foot, more or less, and a horizontal location within a tolerance of one foot, more or less;
- (8) All public facilities shall be shown to be located within public rights-of-way or appropriate easements; and
- (9) The as-built drawings shall be prepared by a state-licensed professional engineer and shall bear a certification from the engineer as follows:
 - a. "To the City of Gatesville: I certify that the subdivision improvements shown on this sheet reflect any revisions of design as approved by the city and which I authorized, and/or any and all field changes of which I am aware."; and
 - b. The certification shall be executed by and shall bear the seal and original signature of the professional engineer licensed in the state at the date of such

certification that directly supervised the construction of the project pursuant to the Texas Engineering Practice Act (Texas Occupations Code § 1001.001 et seq.).

(b) As built drawing submittal requirements.

(1) The developer shall provide the city with a digital copy and a single set of drawings of the constructed infrastructure. A digital copy of the as-built plat and its as-built engineering drawings must be submitted.

(2) Digital as-built files should be submitted in PDF, DXF, DWG or GIS shapefile/feature class/coverage format. This digital format shall be an exact replica of any required and/or included data represented on the submitted hard copy drawing/document. The submitted media shall be labeled with the project name (subdivision name) and filing date.”

SECTION 12. The Code of Ordinances of the City of Gatesville, Texas is hereby amended by amending Chapter 48 “Subdivisions” at sections 48-73“ through 48-108 by renumbering section 48-73 as section 48-28, reserving sections 48-29 through 48-40, and renumbering sections 48-105 through 28-108 respectively as sections 48-41 through 48-44.

SECTION 13. The Code of Ordinances of the City of Gatesville, Texas is hereby amended by amending Chapter 48 “Subdivisions” at section 48-109 “Street Standards” by renumbering section 48-109 as section 48-45 and by repealing and replacing the section to read in its entirety as follows:

“SEC. 48-45. STREET STANDARDS.

(a) *Entrances to subdivisions.* New subdivisions with 51 to 100 lots must have at least two access streets; new subdivisions with 101 or more lots require three access streets. In cases where a subdivision will be developed in phases, the number of access streets required will be based on the number of developed lots.

(b) *Projection of streets.* Where adjoining areas are not subdivided, the developer shall design and construct abutting short stub-outs or temporary turnarounds for the projection of streets into such unsubdivided areas.

(c) *Street design standards.*

(1) *Local streets.* Streets that serve individual residential lots. They carry low traffic volumes at low speeds. Local Streets shall have a right-of-way width of 50 feet and a pavement width of 31 feet. Sidewalks on local streets shall be a minimum of four feet wide, meet Texas Accessibility Standards, and must be constructed between the curb and 12 inches away from the property line. Where entrances to subdivisions are not part of a collector street, they shall be 42 feet wide with 70 feet of right-of-way for a distance of 100 feet from the intersection.

(2) *Minor collectors.* Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to major collectors. Residential lots may front on these streets. Minor Collectors shall have a right-of-way width of 70 feet and a pavement width of 42 feet. Sidewalks on minor collectors shall be a minimum of four feet wide and cannot be placed beyond the property line.

(3) *Major collectors.* Streets generally located along borders of neighborhoods and within commercial areas to collect and to channel this traffic to the arterial system. These are limited access roads on which no single-family or two-family residential lots may front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot. Major collectors shall have a right-of-way width of 80 feet and a pavement width of 48 feet. Sidewalks on major collectors shall be a minimum of six feet wide and cannot be placed beyond the property line.

(4) *Cul-de-sacs.* Streets with only one outlet which terminates in a vehicular turnaround at the other end. Cul-de-sacs shall be provided at the closed end with a turnaround having a minimum pavement diameter of 96 feet and a right-of-way diameter of 116 feet.

(5) *Major arterial.* Roads that serve corridor movements having trip lengths and travel densities indicative of substantial statewide or interstate travel. These are limited access roads on which no single-family or two-family residential lots may front. Major arterials will follow TxDOT design standards.

(6) *Minor arterial.* Roads that provide service to corridors with trip lengths and travel densities greater than those served by rural collectors or local systems. They should have high overall travel speed with minimum interference to through movements. These are limited access roads on which no single-family or two-family residential lots may front.

(d) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their control is dedicated to the city.

(e) *Street jogs.* Street jogs with centerline offsets of less than 125 feet shall be avoided.

(f) *Street intersections.* Streets shall be laid out so as to intersect at right angles, or as close as possible to 90 degrees. Six-foot concrete valley gutters are required at street intersections where cross drainage will occur.

(g) *Dead-end streets.* Dead-end streets shall be prohibited except for short stub-outs for future roadway extensions. Temporary turnarounds are required if they exceed 150 feet in length.

(h) *Street names.* No street names shall be used which will duplicate or be confused with the names of existing streets. Street extensions shall use the existing street names. Street names shall be subject to the approval of the city.

(i) *Streetlights.*

(1) It shall be the policy of the city that adequate street lighting for traffic safety be installed in all new subdivisions within the city limits or those in its ETJ requesting voluntary annexation. Streetlights shall generally be limited to intersections, curves, dead ends, cul-de-sacs and where spacing exceeds 600 feet.

(2) Installation procedures and acceptable standards for streetlights shall be governed by the design and specification standards of the electric utility company serving the subdivision.

(3) The use of special non-standard poles or fixtures from sources other than the electric utility shall not be accepted for dedication to the public for city maintenance.

(4) Streetlights on collector and minor residential streets shall be at least 100-watt LED. Streetlights on major collectors and higher shall be at least 250-watt LED.

(5) The city engineer shall approve the street lighting plan.

(6) The developer shall be responsible for the cost of such street lighting installation, including the cost-of-service lines to supply electricity to the streetlights, and all engineering costs. Once satisfactorily installed, approved, and accepted, the ownership and maintenance of the streetlights shall be provided by the electric utility serving the area.

(7) The furnishing of electric energy to the streetlights shall be provided by the electric utility providing service to the area. The city will pay the energy costs of streetlights located in the city limits.

(j) *Sidewalks.* Sidewalks shall be required on all new streets. Sidewalks are not required on existing streets, streets without curb and gutter, or in a subdivision where all lots are greater than one acre in size. Sidewalks that are currently present on existing streets shall be retained when a parcel of land/lot on an existing street is subdivided. Sidewalks shall be constructed before any certificates of occupancy are issued by the city.

(1) The subdivision developer may be required to install sidewalks when the city determines that in the interest of connectivity, accessibility, and/or public safety sidewalks are necessary.

(2) All required public sidewalks shall be located in the city's right-of-way.

(3) Subdivision developers are only responsible for installing sidewalks on property that is under construction.

(4) All sidewalk elevations shall not be less than the top elevation of the existing curb, nor more than 24 inches above the height of the street curb.

(5) Obstructions such as, but not limited to, fire hydrants, telephone poles, and street signs shall not be located within a sidewalk, unless approval of such is obtained from the city engineer.

(6) Sidewalk ambulatory ramps shall be constructed within each curb return at all street intersections within the subdivision prior to the granting of a certificate of occupancy for the applicable lot. The ramp dimensions and surface finish shall be uniform throughout the subdivision.

(7) The developer shall establish a uniform ground surface not to exceed the top of the curb elevation for all rights-of-way inside each curb return requiring sidewalk ambulatory ramps prior to the release of the subdivision.”

SECTION 14. The Code of Ordinances of the City of Gatesville, Texas is hereby amended by amending Chapter 48 “Subdivisions” at sections 48-110 through 48-145 by renumbering section 48-110 as section 48-46, by renumbering section 48-145 as section 48-47, and by reserving sections 48-48 through 48-60.

SECTION 15. If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or the application thereof to any person or under any circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of GATESVILLE, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 16. It is officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and the public notice of the time, place and purpose of this meeting was given as required by law.

SECTION 17. This Ordinance shall become effective immediately upon its passage and approval.


The foregoing Ordinance No. 2024-11 was read the first time and passed to the second reading this 22nd day of October 2024.

The foregoing Ordinance No. 2024-11 was read the second time and passed to the third reading this 14th day of November 2024.

The foregoing Ordinance No. 2024-11 was read the third time and was passed and adopted as an Ordinance to the City of Gatesville, Texas, this 10th day of December 2024.

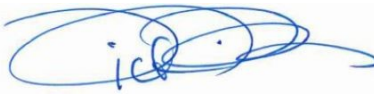
BY: 
GARY M. CHUMLEY, MAYOR

ATTESTED:



HOLLY OWENS, T.R.M.C.
CITY SECRETARY

APPROVED AS TO FORM AND SUBSTANCE:



VICTORIA THOMAS
CITY ATTORNEY