

**CITY OF KERRVILLE
SUBDIVISION ORDINANCE**

ART. 10-IV-1 GENERAL	5
SECTION (A) PURPOSE AND INTENT	5
SECTION (B) PLATS	6
SECTION (C) JURISDICTION.....	7
SECTION (D) SUBDIVISION PROCESS.....	7
SECTION (E) FILING FEES.....	8
ART. 10-IV-2 PROCEDURE FOR PLAT APPROVAL	9
SECTION (A) PRELIMINARY PLAT	9
1. General.....	9
2. Filing Time.....	9
3. Form and Content	9
a. Natural Features.....	10
b. Improvements	11
c. Boundaries	11
d. General.....	12
4. Approval	12
SECTION (B) FINAL PLAT	12
1. General.....	12
2. Filing Time	12
3. Form and Content	12
a. Natural Features.....	13
b. Boundaries	13
c. General.....	14
d. Recording.....	15
4. Approval	15
5. Minor Subdivision Approval	16
SECTION (C) VACATING AND RESUBDIVISION PLAT	17
1. General.....	17
2. Filing Time.....	17
3. Form and Content	17
4. Approval	18

ART. 10-IV-3	MINIMUM DESIGN STANDARDS	19
SECTION (A)	STREETS	19
1.	Conformity to the Circulation Plan	19
2.	Relation to Adjoining Street System	19
3.	Additional Width of Existing Streets	19
4.	Street Right-of-Way Widths	19
5.	Turn-around (Cul-de-sacs)	20
6.	Topographic Restrictions	20
7.	Restriction of Access	20
8.	Reserve Strips	20
9.	Intersections	20
10.	Street Jogs	20
11.	Horizontal Curves	20
12.	Street Grades	20
13.	Tangents	20
14.	Orientation	21
15.	Street Names	21
16.	Addressing	21
SECTION (B)	BLOCKS AND LOTS	21
1.	Arrangement	21
2.	Minimum Size	21
3.	Building Setback Lines	21
SECTION (C)	PARKS, OPEN SPACES, PUBLIC EASEMENTS AND PRESERVATION OF NATURAL FEATURES	22
SECTION (D)	DEVELOPMENT OF SENSITIVE LANDS: FLOOD HAZARDS	22
SECTION (E)	LARGE TRACTS OF PARCELS	22
SECTION (F)	LARGE SCALE DEVELOPMENT	22
SECTION (G)	VARIANCES	23
SECTION (H)	ZONING OR OTHER REGULATIONS	24

ART. 10-IV-4	DEVELOPMENT PROCEDURES	25
	SECTION (A) MINIMUM DEVELOPMENT IMPROVEMENTS	25
	1. General	25
	a. Monuments	25
	b. Minimum Pavement W	25
	c. Pavement.....	25
	d. Curb and Gutters.....	25
	e. Water Supply System.....	25
	f. Sanitary Sew	26
	g. repealed by Ordinance No. 1996-04].....	26
	h. Drainage Facilities	26
	i. Sidewalks	26
	j. Streetlights	26
	k. Utility Placement	26
	SECTION (B) WAIVERS	26
	SECTION (C) DEVELOPMENT COSTS.....	27
	SECTION (D) GUARANTEES IN LIEU OF COMPLETED IMPROVEMENTS	27
	SECTION (E) DEVELOPMENT STANDARDS FOR RUREL RESIDENTIAL SUBDIVISIONS	28
ART 10-IV-5	CONSTRUCTION PLANS	31
	1. General.....	31
	2. Filling Time	31
	3. Form and Content	31
	4. Approval	32
ART. 10-IV-6	VIOLATIONS/ENFORCEMENT/PENALTIES/SEPARABLITY	33
	1. General.....	33
	2. Violations.....	33
	3. Enforcement.....	33
	4. Penalties	33

ART. 10-IV-7 FORMS.....34

Form 1. Certificate of Ownership and Dedication 34

Form 2 Registered Public Surveyor’s Certificate..... 34

Form 3 Certificate of Approval for Recording..... 35

Form 4. Certificate of Approval of Water and Sewage Systems..... 35

Form 5 Certification of the approval of Streets and Utilities 35

Form 6 Waiver of Claims for Damages..... 36

Form 7 Certification of Street Names and Addresses 36

Form 8 Certification of Subdivision Location..... 36

ART. 10-IV-8 DEFINITIONS AND TERMS.....37

ATTACHMENTS :

- Ordinance No. 2004-02 (Sidewalks)
- Ordinance No 2006-11 (Sidewalks)

Resolution No. 2005-128 (Inter-local Agreement Regarding Subdivision Authority in the ETJ)

TITLE 10
PUBLIC SAFETY, MORALS, AND WELFARE
CHAPTER IV
PLATS AND SUBDIVISION

Art. 10-IV-1 GENERAL

SECTION (A) PURPOSE AND INTENT

The subdivision of land is a major factor in the process of achieving sound community development which ultimately becomes a public responsibility, since streets and utilities must be maintained and public services customary to urban areas must be provided. Therefore, it is to the interest of the public, the developer, and the future owners that subdivisions be conceived, designed and developed in accordance with appropriate design standards and development specifications. It is the intent of these regulations to aid in guiding the growth of the City of Kerrville and its environs in an orderly manner; and to provide attractive, well planned subdivisions with adequate streets, utilities, and building sites-in a manner that will be uniformly applied.

The goals and objectives guiding the City Planning Commission in the preparation and adoption of this ordinance are:

- to provide for the harmonious development of the urban area.
- to coordinate the supply of services as a tool for directing the optimal distribution of population in the urban area.
- to provide for the separation of pedestrian and vehicular traffic.
- to designate and preserve through advance dedication/reservation of rights-of-way for transportation corridors.
- to insure the acquisition of land for public needs-parks, schools, open space, fire and police facilities.
- to preserve and maintain scenic vistas.
- to encourage the preservation of natural vegetation to minimize erosion.
- to restrict development in areas where hazards may result.
- to secure coordinated site plans.
- to minimize the financial burden of urban development upon the City.

to assure the accuracy of land records.

to address the needs of sensitive lands that would be adversely affected by the strict application of this ordinance.

SECTION (B) PLATS

1. Except as otherwise provide below, the owner of land located within the city limits or in the extraterritorial jurisdiction (ETJ) of the City who subdivides the land and/or who owns previously subdivided land which was not platted in accordance with the current City Subdivision Ordinance, must have a plat of the subdivision or lot approved as provided in this Ordinance. No improvements to the subdivision or lot shall be commenced until compliance with this Ordinance is fulfilled.
2. The Following are exempted from the above stated plat requirement:
 - a. A conveyance of land by dedication, lease of sale to a public agency for a roadway, utility lines or drainage facility, provided that said conveyance is accepted and approved by the public agency.
 - b. The conveyance of parcels of land between owners of adjoining property and contiguous land, provide that no additional building lot or substandard lot is created.
 - c. Any lease of public property at the Kerrville Airport.
 - d. Any property subdivided prior to January 1, 1981, provided that each part of the subdivided property was adequately served by the following after the subdivision:
 - (1) Streets constructed and previously accepted for maintenance by the City or County, whichever is applicable;
 - (2) Water improvements as currently required by this or other applicable ordinances;
 - (3) Sanitary sewer or individual on-site sewage disposal system as currently required by this or other ordinances;
 - (4) Storm drainage facilities as currently required by this or other applicable ordinances, and;
 - (5) Easements or rights-of-way as may be currently required by this or other applicable ordinance for the installation of any of the above stated improvements;
 - e. In accordance with Texas Local Government Code §212.004(a), the division of land into two or more parts provided:
 - (i) all parts after the division of land are larger than five acres;

- (ii) no public improvement is required by the Chapter to be dedicated, and;
- (iii) after the division, each part has access.

“Access” for purposes of this Subsection (e), shall be to an existing public right-of-way abutting each part of the subdivided property, on which right-of-way is constructed a publicly maintained paved street or road, unless access by some other means has been previously approved by the City Council.

3. The Planning and Zoning Commission may grant an exception to the plat requirement if it finds that the use of the land after subdividing will be strictly agricultural and will create no need for new public streets, water, sewer or storm drainage and will not interfere with the extension of such public facilities. Agricultural use does not include the processing of agricultural products or livestock feeding, exhibition or sales facilities.
4. A plat of one lot may be approved for either the original owner of the entire tract and/or a subsequent purchaser of the lot, if:
 - a. The original tract has already been subdivided and there are currently multiple owners of the different lots, and it is not practical to attempt to subdivide all of the original tract at one time; or
 - b. The owner of the original tract prepares a preliminary plat of the total acreage to meet the requirements of the Ordinance; or
 - c. The Commission finds that the purpose and intent of this Ordinance shall not be impaired by the approval of the one-lot plat.

SECTION (C) JURISDICTION

From and after the date of its adoption, this ordinance shall govern all subdivisions of land within the corporate limits of the City of Kerrville and within its extra-territorial jurisdiction (herein referred to as “ETJ”) as provided under Art. 970a, Section 3, of the Vernon’s Annotated Civil Statutes for the State of Texas. The boundary of the ETJ for the City of Kerrville, based upon its population as of the date of the passage of this ordinance is one (1) mile from the city limits of the City of Kerrville, and such boundary is subject to revision as provided in such Art. 970a.

SECTION (D) SUBDIVISION PROCESS

The subdivision planning process consists of two (2) separate phases. The initial phase is the preparation and submission of the preliminary plat of the proposed subdivision. This phase is the most significant phase in the planning process since it will set the stage for the eventual development of the land. The second and final phase is the preparation and submission of a final plat with construction plans. However, in the case of minor plats, replats, vacating plats and amending plats, only a final plat may be submitted.

The Director of Planning is authorized to approve minor plats, but may, for any reason, elect to present the plat to the Planning and Zoning Commission for approval. However, the Director shall not

disapprove the plat and shall be required to refer which he refuses to approve to the Planning and Zoning Commission. A minor plat shall be defined as: any plat consisting of four or fewer lots fronting on an existing street that are adequately served by streets, utilities, drainage facilities (if necessary), and easements or rights-of-way; and does not require the creation of any new street(s) or the extension of municipal facilities.

All other plats must be submitted for approval or disapproval to the Planning and Zoning Commission.

The final Plat becomes the recording instrument in the office of the County Clerk when signed by the Planning and Zoning Commission Chairman or in the case of minor plats, by the City Director of Planning.

SECTION (E) FILING FEES (Amended 9/25/07, Resolution No. 2007-96)

1. a. Preliminary plats shall be accompanied by a filing fee of \$300 plus \$20 per lot ,or \$10.00 per acre, whichever is greater.
- b. Final Plats shall be accompanied by a filing fee of \$150.00 plus \$10 per lot.
- c. Vacating plats, amending plats and replats shall be accompanied by a filing fee of \$150.00 plus \$10 per lot.
- d. Minor plats shall be accompanied by a filing fee of \$150.00 plus \$10 per lot.
- e. Requests for waivers/variance require no fees to be paid.
2. Filing fees shall be made by check to the City of Kerrville, Texas. All fees are nonrefundable
3. The fees and charges set forth and/or established herein may be changed and amended from time to time by resolution of the City Council of the City of Kerrville.

Art. 10-IV-2 PROCEDURE FOR PLAT APPROVAL

SECTION (A) PRELIMINARY PLAT

1. **General** The applicant shall present to City staff a concept plan prior to the submission of the preliminary plat. The staff shall present the concept plan to the Commission for review and comment. The objective of the concept plan presentation is to clarify city regulations and the comprehensive plan-land use strategy guidelines, as they apply to the parcel of land in question and its proposed subdivision. The concept plan shall include the following information:
 - a. The property's legal description, zoning, and location identifying the site in relation to natural water courses, public rights-of-way, and significant landmarks which are located within five hundred feet (500.0') of the boundary of the proposed subdivision;
 - b. Proposed uses, lot layouts, and general land features, to include significant trees or tree stands, major grade changes, flood plains, ridge lines, and drainage courses;
 - c. Existing and proposed utilities, streets and drainage facilities or courses.

When the proposed subdivision constitutes a unit of a large tract owned by the developer or in which the developer has interest, the Commission may require that the concept plan identify and include the entire area which is intended to be subsequently subdivided. The presentation, including portions of the larger tract, shall be required to include, at a minimum, the same information as required for the concept plan, except that individual lots need not be shown so long as the anticipated land uses and development density is presented. The latter shall be used to determine compatibility with zoning, street layout, and utility and drainage facility capacities.

The preliminary plat as approved will be the basis for the preparation of construction plans for improvements. The preliminary plat may be given final approval in phases, but if so, each phase given final approval shall conform to the approved preliminary plat.

2. **Filing Time** The time required to review and process the preliminary plat shall be a maximum of thirty (30) days following receipt of the application and preliminary plat. Plats shall not be docketed for Commission consideration unless those items identified on the Subdivision Planning Check List are furnished.
3. **Form and Content** The purpose of the preliminary plat is to provide the City Planning Commission with adequate information to arrive at a decision on the developer's proposed improvements. The developer shall submit to the City Planning Department ten (10) copies of the preliminary plat drawn to scale of one (1) inch to one hundred (100) feet, and a photocopy of the owner(s) deed. Where necessary, the preliminary plat may be on several sheets accompanied by an index sheet (showing the entire subdivision at a larger scale). In no case may any single sheet of paper be larger than can be hung without folding in the record cases of the Kerr County Clerk. Specific information to be included on the preliminary plat shall consist of:

a. Natural Features

- (1) The location of existing water courses, dry creek beds, caves, springs, wells, sinkholes and other similar drainage features including existing drainage structures;
- (2) The limit of the “100-year” flood hazard area boundary and the floodway, as determined by the most current map published by the Federal Emergency Management Agency (FEMA). If neither encroaches upon the subject property, a note to that effect must be placed upon the drawing.
- (3) Topographic data drawn according to “**The Manual of Practice for Land Surveying in the State of Texas,**” Category 6, except that where each tract or lot created is equal to or greater than 25 acres in size, data compiled from United States Geologic Survey (USGS) map or an aerial photograph may be substituted. Contour intervals shall be:
 - (a) Where the slope is less than five percent ; 2 feet.
 - (b) Where the slope is five percent or greater but less than ten percent; 5 feet.
 - (c) Where the slope is ten percent or greater but less than fifteen percent; 10 feet.
 - (d) Where the slope is fifteen percent or greater; 20 feet

The contoured area shall extend outward in all directions along the entire length of the subdivision boundary line for a distance equal to 25% of the distance across the tract, but not less than 50 feet nor more than 200 feet in any one direction; provided, however, in the event the developer, his contractors or agents, are unable to gain access to property adjacent to the proposed subdivision for the purpose of obtaining the above-required topographical data as the result of an inability to obtain the consent of the property owner or a the likelihood of injury to persons or property who might go on to such adjacent property, the inability to obtain such data, and the reason for such inability shall be certified to in writing by the developer and delivered to the Planning Director. The Planning Director or his designee shall provide reasonable assistance to the developer in gaining access to the adjacent property; provided however, such assistance shall not require the City to obtain any easements or commit the expenditures of any City funds. If access to the adjacent property cannot be obtained with ten (10) working days after receipt by the Planning Director of the certified statement, the requirement to extend the contoured area beyond the perimeter of the proposed subdivision shall be waived.

b. Improvements

The locations, sizes, and descriptions of all existing and proposed improvements within, adjacent to, or for use by the subdivision, whether above or below grade, including, but not limited to:

- (1) gas and petroleum lines;
- (2) sanitary sewer, storm sewer, and water lines;
- (3) water towers and wells
- (4) electrical and telecommunication lines;
- (5) drainage structures
- (6) streets and alleys; and
- (7) parks

c. Boundaries

- (1) The existing property lines of the land to be subdivided shall be represented by a boundary survey performed on the ground by a Registered Professional Land Surveyor, registered in the State of Texas. A closure run sheet demonstrating an adjusted mathematical closure of no less than 1:50,000 shall be submitted. The survey shall also be in total compliance with “The Texas Board of Professional Land Surveying General Rules of Practice”;
- (2) The location, dimensions, names, descriptions and recording information as determined from existing records of all public or private easements or right-of-way located within, intersecting with, or contiguous to the proposed subdivision and its boundaries, including, but not limited to, street, alleys, railroad or pipeline rights-of-way, utility easements. Such easements should be indicated whether or not such easements are currently improved. The distance from the centerline of the roadway of any adjoining street to the proposed platted property shall also be shown;
- (3) The location of City limit lines and/or outer border of the City extra-territorial jurisdiction, as depicted on the City’s most recent base map, if either traverses the subdivision or is contiguous to the subdivision boundary;
- (4) The locations, dimensions, names and descriptions of all recorded lots and blocks, parks, public areas, natural features to be preserved, and permanent structures within, contiguous to, or within two feet of the subdivision perimeter boundary;
- (5) The locations, dimensions, and numbers for all proposed lots and blocks;

- (6) The current owner's name, deed or plat reference, and property lines of property adjacent to the subdivision boundaries; and
- (7) A legend shall be provided, and all lines, symbols and marking on the plat shall conform to it. The area to be platted shall be drawn in a manner to clearly distinguish it from other lines on the plat.

d. General

- (1) Date the drawing was prepared, approximate north arrow and graphic scale;
- (2) Location sketch map drawn at a scale of one inch to one thousand feet;
- (3) The total contiguous acreage held by the owner(s) shall be indicated. Subdivision proposed to be developed in phases shall so indicate.

4. Approval The City Planning Commission shall render a decision on the preliminary plat at the meeting for which it is to be considered.

Such decision may consist of approval, disapproval, or conditional approval. Conditional approval shall be considered to be approval subject to conformity with conditions prescribed by the City Planning Commission, but shall be deemed to be a disapproval of such plat until such conditions are met.

Approval of the preliminary plat shall lapse unless a final plat is submitted within one (1) year from the date of initial approval.

Approval of the preliminary plat by the City Planning Commission shall not constitute acceptance of the final plat, but will be deemed only as expression of approval of the arrangement and approximate size of streets, lots, and blocks.

Upon approval by the Commission, a single reproducible copy of the preliminary plat shall be delivered to the Planning Department for placement in city records.

SECTION (B) FINAL PLAT

- 1. General** The final plat shall conform substantially to the preliminary plat as approved, and if desired by the developer, it may constitute only that portion of the approved preliminary plat which he proposed to record and develop at the time ; provided that such portion conforms to all requirements of this ordinance, and that the phase of development be indicated.
- 2. Filling Time** The time required to review and process the final plat shall be a maximum of twenty-one (21) days.
- 3. Form and Content** The final plat represents the Planning and Zoning Commission's final opportunity to assure that the development conforms to the requirements of this ordinance and that it is consistent with all the conditions identified in the preliminary plat. The developer shall submit to the City Planning Department ten (10) copies of the final plat for review, drawn at the

same scale as the preliminary plat. Where necessary, the paper submissions may be on several sheets accompanied by an index sheet showing the entire subdivision. In no case may any single sheet of paper be larger than can be hung without folding in the record cases of the Kerr County Clerk. The final plat shall show or be accompanied by the following information:

a. Natural Features

- (1) The location of center lines of all waterways intended to convey water from or to adjacent private land owners;
- (2) The boundaries of all drainage easements and the one hundred (100) year flood plain and designated flood way. If the subdivision or a portion thereof is in a flood-prone area, the developer will be required to comply with provisions of the City's floodplain management ordinances. This information must be certified by a Registered Professional Engineer with the following statement:

“The fully developed, concentrated storm water runoff resulting from the one hundred (100) year frequency storm is contained within the drainage easements shown and/or public rights-of-way dedicated by this plat”

On each buildable lot in said flood plain the required base flood elevation (BFE) shall be indicated. Vertical bench marks tied to USGS Vertical datum of 1929 or the City of Kerrville's Coordinate System, shall be shown on the plat with a maximum horizontal separation of 1,000 feet between benchmarks.

b. Boundaries

- (1) The existing outer boundary lines of the land to be subdivided shall be drawn in such a way as to provide easy identification, and shall comply to the requirements of the preliminary plat. The record calls for course and distance in parentheses along with the measured bearings and distances which have been surveyed shall be provided on the final plat for each individual call.
- (2) True bearing and distances to the nearest established street right-of-way lines, official monuments, or existing subdivision corner shall be accurately described on the plat and rotated to the City of Kerrville Coordinate System or the State Plane Coordinate System using said system. Coordinates shall be identified for two outer boundary corners, to the nearest hundredth of a foot.
- (3) Identification (whether “found” or “set”) and location of all permanent survey monuments, with a clear description of the size and type of monuments and city control points.
- (4) Suitable primary control points to which all dimensions, bearing and similar data are referenced. At least one (1) corner of the subdivision shall be located with respect to a corner of the original survey of which it is a part.

- (5) The location, bearing, width, purpose, and approved names (if applicable) of existing and proposed streets, alleys, easements, and right-of-way to be dedicated to public use, and lots, with the following data:
 - (a) Complete curve data including deflection angle (Δ), chord length, cord bearing, radius, arc length, and other data required to reproduce the curve on the ground.
 - (b) All easements must be depicted in graphic matter on the face of the plat, with course and distance.
 - (c) All other lines not intended to be boundary lines (set backs, etc.) shall be labeled accordingly.
- (6) The minimum surveying requirements shall conform to the accuracy standards set by the "Texas Board of Land Surveying 1992 Act", except that in no case shall the requirements be less than the following:
 - (a) The raw unadjusted angular error in the field survey shall not exceed fifteen seconds when multiplied by the square root of the number of angles in the traverse.
 - (b) The boundary shall be adjusted, and the bearings shall be shown to the nearest 10 seconds and the lengths to the nearest .01 of a foot.
- (7) At least two main corners of each subdivision block shall have a concrete monument set. These corners must be situated so that each monument is visible from the other, be a minimum distance of 200 feet apart, and be referenced on the plat.

c. General

- (1) Name and location of subdivision, date the drawing was prepared, graphic scale and true north arrow;
- (2) Location map at a scale of one inch to one thousand feet;
- (3) Lot and block numbers for each lot or tract;
- (4) Certification of dedication of all rights-of-way, easements or property to be dedicated for public use, signed by the owner(s);
- (5) An agreement waiving any claim for damages against the City of Kerrville occasioned by the alteration of the surface of any portion of existing streets or alleys to conform to the grade established in the subdivision;

- (6) Certification by a Registered Professional Land Surveyor, registered in the State of Texas, to the effect that the plat represents a complete and accurate survey made on the ground;
- (7) Other certificates as needed, as set forth in Art. 10-IV-7.
- (8) If the final plat is not a minor plat, a note referencing the date of approval of the preliminary plat by the Planning Commission and its location in City records.

d. Recording

After approval by the Planning Commission, three copies of the approved plat, drawn to the same scale as the preliminary plat on a permanent reproducible medium suitable for recording at the county courthouse, and with the original and notarized signatures of the owner(s) shall be presented for the signature of either the Director of Planning or the Chair of the Planning and Zoning Commission, whichever is appropriate, and for recording by the City. One of the three copies shall be returned by the Planning Department to the developer for his records.

A drawing providing a complete and accurate representation of the subdivision shall also be submitted in either Drawing Exchange File (.dxf) or AutoCAD (.dwg) digital format. The Digital submission shall meet the same standard as the non-digital submission, except that title blocks, certifications, signature blocks, legends, scales, north arrows and borders shall not be required.

The digital submission shall be on 3.5 inch diskette in PC-DOS format. Payment of \$300 per sheet shall be accepted in lieu of the digital submission. This fee shall be used by the City to pay for an independent contractor to convert the paper submission into the digital format.

4. Approval

The City Planning Commission shall render a decision on the final plat within thirty (30) days of filing of the complete final plat which includes all necessary construction plans. Such decision shall consist of approval, disapproval, or conditional disapproval subject to certain conditions which, if fulfilled, shall cause the plat to become automatically approved without reappearance before the Commission.

Prior to final approval of the plat, the City Engineer shall furnish the City Planning Commission with a written certificate approving the proposed construction, plans, or that all improvements have been satisfactorily completed in accordance with the City of Kerrville construction standards and specifications. In applicable situations, the City Engineer shall certify to the Commission that the proper irrevocable cash or bond guarantees have been secured from the owner/developer by the City of Kerrville to insure the completion of all improvements required by the City Planning Commission.

Upon approval of the final plat and certification by the Chairman of the City Planning Commission, the original tracing or a permanent type, reproducible, transparent film and one paper print shall be retained in the files of the City Planning Department.

Approval of the final plat by the City Planning Commission shall not constitute the acceptance by the public of the dedication of any streets, or other public way or ground.

If the owner/developer so elects, he or she may request that the Planning Commission, after approval of the preliminary plat and approval of all necessary construction plans by the City Engineer, approve the construction of all or a part of the necessary public improvements, prior to final plat approval, then the sufficient cash or bond guarantee shall be provided for the balance prior to final approval of the plat.

5. **Minor Subdivision Approval** The Planning Director may approve minor subdivision without the necessity of submitting the application for approval to the Planning and Zoning Commission or requiring the developer to obtain approval of a preliminary plat. If the Planning Director determines he cannot or does not desire to approve a subdivision that qualifies as a minor subdivision, the application shall be forwarded to the Planning and Zoning Commission for consideration at the next available meeting after proper notice. A subdivision may be considered a minor subdivision if:

- (1) state law or ordinance does not require that a public hearing be held prior to approval of the subdivision; and
- (2) the property being subdivided is not part of a larger tract of land, any part of which has been the subject of a previous application for a minor subdivision approved ten years prior to the filing of the application for minor subdivision consideration;
- (3) the subdivision consist of three or fewer lots; and
- (4) all lots created by the subdivision abut on a street constructed to then current city specifications, unless a waiver or deferral for the upgrade of the street previously obtained in accordance with this chapter; and
- (5) all water, sanitary sewer, and drainage facilities that are otherwise required to be constructed pursuant to this chapter are already in place and meet the regulations then in effect for construction of such improvements; however, the subdivision may be considered and approved as a minor subdivision if no storm water drainage study has been submitted or the required storm drainage facilities constructed, provided the plat contains the following note:

A drainage study conforming to the applicable drainage specifications shall be submitted to, and approved by, the city engineer before a building permit is issued for any lot in the subdivision. Drainage improvements which adequately address the findings of the study shall be made part of the building permit application, and shall be constructed concurrently with the development of the site.

An approved minor subdivision shall constitute a final plat of said subdivision.

SECTION (C) VACATING AND RESUBDIVISION PLAT

1. **General** A vacating and re-subdivision plat shall be prepared for re-subdivision as defined in the ordinance. A formal application to the City Planning Department shall be submitted for approval by the City Planning Commission, and the re-subdivision plat shall be prepared in accordance with this ordinance.
2. **Filing Time** The time required to review and process a vacating and re-subdivision plat shall be a maximum of twenty-one (21) days.
3. **Form and Content** The City Planning Department shall review the vacating and re-subdivision plat to see if it conforms to information on the previously filing plat which is now being vacated and check all changes for compliance with this ordinance.

The vacating and re-subdivision plat and accompanying data shall conform to the previously filed plat which it is vacating and incorporate any and all modifications, changes, alterations, and corrections imposed by the re-subdivision process.

The vacating and re-subdivision plat shall be drawn at a scale of one (1) inch to one hundred (100) feet or larger on sheets of a size approved by the County Clerk. Where necessary the vacating and re-subdivision plat may be on several sheets accompanied by an index sheet showing the entire subdivision.

In addition to the requirements for the final plat, the vacating and re-subdivision plat shall also include the following:

- (1) A vacating drawing to show previous plat layout.
- (2) A deed reference to volume and page number of the previous plat which is now being re-subdivided.
- (3) Written evidence of property owners concurrence in accordance with the provisions of Art. 974a of the Vernon's Annotated Civil Statutes for the State of Texas.

4. **Approval** The City Planning Commission shall render a decision on the vacating and re-subdivision plat at the meeting or which it is to be considered.

Such decision may consist of approval, disapproval, or conditional approval. Conditional approval shall be considered to approval subject to conformity with conditions prescribed by the City Planning Commission, but shall be deemed to be a disapproval of such plat until such conditions are met. All conditions made to the vacating and re-subdivision plat, or conditions imposed, shall be furnished to the developer in writing.

Upon approval of the vacating and re-subdivision plat and certification by the Chairman of the City Planning Commission, the original tracing or a permanent type reproducible, transparent film and one paper print shall be retained in the files of the City Planning Department.

Art. 10-IV-3 MINIMUM DESIGN STANDARDS

The purpose of this section is to reflect the character and quality of development envisioned by the City Planning Commission to be in the best interest of the citizens both present and future, and to insure that the long term effects of development which takes place in current times will not become a burden upon the general public in the future. The standards expressed in this section are established to provide streets of adequate right-of-way width, alignment and traffic capacity to prevent or at least minimize traffic hazards and congestion, to provide adequate space for the installation of necessary utility service and collection and disposal of storm waters and to establish adequately sized lots, tracts or parcels of land where residential and other types of building structures may be constructed without creating hazards to the health, safety and well being of the occupants.

Where physical or topographical features may render the design standards identified to be impracticable, the Planning Commission may authorize a variance from these standards.

SECTION (A) STREETS

- 1. **Conformity to the Circulation Plan** The location and width of all streets and roads shall conform to the Circulation Plan for the Kerrville urban area and the Kerr County Transportation Study 1975-1990
- 2. **Relation to Adjoining Street System** The proposed street system shall extend existing streets or projects at the same or greater width, but in no case less than the required minimum width.
- 3. **Additional Width of Existing Streets** Subdivision that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street requirements.
 - a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
 - b. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way measured from the center line of the existing roadway, shall be provided. In no case shall the resulting right-of-way be less than fifty (50) feet.
- 4. **Street Right-of-Way Widths** The minimum width of “right-of-way,” measured from lot line to lot line, shall be as shown on the Circulation Plan and shall not be less than as follows:

Arterial Streets	80-150 ft.
Collector Streets	60 ft.
Minor Residential Streets	50 ft
Marginal Access Streets	40 ft.
Access Streets	40 ft.
Alleys	20 ft.

Through business areas the street widths shall be increased ten (10) feet on each side if needed to provide parking without interference of normal passing traffic.

5. **Turn-around (Cul-de-sacs)** Minor terminal streets or courts designed to have one end permanently closed (cul-de-sac) shall be no more than six hundred (600) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway pavement diameter of at least eighty (80) feet and street right-of-way diameter of at least one hundred (100) feet.

Where, in the opinion of the City Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such turn-arounds shall be provided with a paved temporary turn-around having a roadway diameter of at least eighty (80) feet.

6. **Topographic Restrictions** In cases where topography or other physical conditions make a street of the required minimum width impracticable, the City Planning Commission may modify the above requirements.
7. **Restriction of Access** When a tract fronts on an arterial street or highway, the City Planning Commission may require such lots to be provided with frontage on a marginal access street.
8. **Reserve Strips** There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the City under conditions approved by the City Planning Commission.
9. **Intersections** Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees. Property line radii at street intersections shall not be less than twenty (20) feet and where the angle of street intersection is less than seventy-five (75) degrees the City Planning Commission may require a greater curb radius. Wherever it is necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.
10. **Street Jogs** Street jogs with center-line offsets of less than one hundred fifty (150) feet should be discouraged.
11. **Horizontal Curves** Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve or reasonable long radius shall be introduced. On streets with right-of-ways of sixty (60) feet or more in width, the centerline radius of curvature shall be no less than four hundred (400) feet; on other streets no less than two hundred (200).
12. **Street Grades** To assure adequate drainage a minimum gradient of 0.35% is necessary. Maximum grades will vary according to street classification and function. To reduce traffic hazards, grades on minor streets should not exceed 15% and 10% on collector and arterial streets.
13. **Tangents** A tangent of at least one hundred (100) feet long shall be provided between reverse curves on arterial and collector streets.

14. **Orientation** As an energy conservation measure, where practicable streets should be oriented in an east-west alignment to produce lots with maximum solar advantage.
15. **Street Names** Proposed streets which are in alignment with already existing named streets, shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing streets names or like sounding street names, irrespective of the use of the suffix street, avenue, boulevard, driveway, place or court. Proposed street names should be checked by the City Planning Department to avoid conflict with this requirement.
16. **Addressing** The Planning Director or his designee shall have the authority to assign street addresses for individual lots or building sties located within the city. A person making application for approval of a subdivision must request and obtain a designation of street addresses by the Planning Director prior to approval of the final plat. To the extent feasible, the assignment of individual street addresses shall be in conformity with the addressing method used by the Kerr Emergency 9-1-1 District or its successor entity. (Amended 7/22/08 Resolution No. 2008-58)

SECTION (B) BLOCKS AND LOTS (Amended 8/28/07, Ordinance No. 2007-14)

Block length shall exceed one thousand two hundred (1200) feet maximum

1. **Arrangement** Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. Each lot shall have access to public street.
2. **Minimum Size** The size, shape and orientation of lots shall be in accordance with the type of development and use contemplated and as established in the City's Comprehensive Zoning Ordinance. The minimum size of residential lots not served by municipal water and wastewater services shall be as follows:
 - a. Five (5) acres for lots where an individual water well is planned to be the source of potable water and an on-site sewage facility (OSSF) is located.
 - b. One (1) acre either for lots: (i) served by a public water system and served by an on-site sewage facility (OSSF) if such OSSF is installed in compliance with the then existing rules of Kerr County for OSSFs; or, (ii) served by a community sewage collected system.
 - c. One quarter (1/4) acre if served by a community, public or shared water system and a community sewage collection system."
3. **Building Setback Lines** The minimum depth of building setback lines from the property lines shall meet the minimum requirements of the City's Comprehensive Zoning classification contemplated by the developer. Ordinance. Developments located with the ETJ shall subscribe to the proposed zoning classification contemplated by the developer.

SECTION (C) PARKS, OPEN SPACES, PUBLIC EASEMENTS AND PRESERVATION OF NATURAL FEATURES

1. **Parkland Dedication** All subdivision plat which are to be approved by the Planning and Zoning Commission shall note the method of Parkland Dedication, which has been chosen by the developer and approved by the City as provided in Ordinance No. 91-10.
2. **Easements for Public Utilities** The City Planning Commission may require easements for poles, wires, conduits, storm and sanitary sewers, gas, water or other utility lines, along any necessary lot lines. Easements shall be a minimum of fourteen (14) feet in width. Easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities.
3. **Preservation of Natural Features** Natural features such as large trees, water courses, historic spots, and similar community assets which, if preserved, will add attractiveness and value to the property. Nature features shall be identified on a site plan prior to plat approval. If considered to be of significant value to the property, or the neighborhood, or the community, the Commission may require the preservation of some or all of these natural features.

SECTION (D) DEVELOPMENT OF SENSITIVE LANDS: FLOOD HAZARDS

Land subject to flooding as identified in the Federal Insurance Administration's report entitled "The Flood Insurance Study for the City of Kerrville, dated January 19, 1982, with accompanying flood hazard maps shall serve as the basis for identifying those lands susceptible to flood conditions. The developer and/or his agent at the pre-application conference stage of preparing the preliminary plat shall establish floodway elevations. Lands that are to be platted for development which are susceptible to flooding shall be in accordance with current city code requirements in which finished flood elevations shall be established a minimum of one (1) foot above the established flood criteria and/or in accordance with alternatives identified by the Federal Insurance Administration.

The City Planning Commission shall not approve the subdivision of land if from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

SECTION (E) LARGE TRACTS OF PARCELS

When the land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged to allow for the opening of future streets and logical re-subdivision.

SECTION (F) LARGE SCALE DEVELOPMENT

Developments of a large scale nature under single ownership or condominium arrangement which would result in significant change to existing topographic and landscape features, traffic and drainage patterns, parking and other development changes that would impact the community shall be required to submit a plat of the proposed development for City Planning Commission review and approval in the manner prescribed by this ordinance and authorized by Art. 1301a. of the Vernon's Annotated Civil Statutes for the State of Texas.

SECTION (G) VARIANCES

The City Planning Commission may authorize a variance from these regulations when undue hardship will result from strict compliance. In the granting of a variance, the Commission shall prescribe conditions that it deems necessary to or desirable in the public interest. In arriving at their findings, the Commission shall consider the nature of the proposed use of the land, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of the requested variance on traffic conditions and the public health, safety, convenience, and welfare in the vicinity. Variances shall not be granted unless the City Planning Commission finds one or more of the following:

1. That there are special circumstances or conditions affecting the land involved that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of this land;
2. That the variance is necessary for the preservation of environmental features that would be affected by a strict application of the ordinance. These features would include tree preservation, geologic formations, steep slopes, springs, and other similar circumstances;
3. That the variance would enable a more efficient use of the land of previously subdivided parcels which meet or exceed the area requirements of the City zoning ordinance (deep lots, unusual shape);
4. That the granting of a variance would serve to minimize or correct previous development deficiencies (utility line placement, drainage courses, transmission line location, septic systems);
5. That the variance would enable the developer to orient his lots for greater solar advantage;
6. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

Such findings of the City Planning Commission, together with the specific facts upon which such findings are based, shall be incorporated into the minutes of the City Planning Commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety and welfare may be secured and substantial justice done. Financial hardship to the developer, shall not be deemed to constitute a hardship.

All requested variances from the ordinance shall be submitted in writing at the time of formal application shall of all plats with the City Planning Department. Applications for variance request shall be confined to the criteria established above.

Where applications for variance have been denied by the City Planning Commission, the applicant shall have the right to appeal the Commission's decision to the City Council. The City Council may reverse the decision of the City Planning Commission upon appeal of the applicant only by an affirmative vote of not less than a majority of City Council.

SECTION (H) ZONING OR OTHER REGULATIONS

No final plat shall be approved unless it conforms with the current City Comprehensive Zoning Ordinance where applicable.

Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building code, or other city, development regulations, the highest standard shall apply.

Art. 10-IV-4 DEVELOPMENT PROCEDURES

SECTION (A) MINIMUM DEVELOPMENT IMPROVEMENTS

1. **General** A perfectly prepared and recorded subdivision or plat means little to a prospective lot buyer until he can see actual physical improvements and transformation of raw acreage into lots suitable for building purposes. Improvements by the developer spare the community of a potential tax liability.

Every subdivision developer shall be required to install monuments, streets and alleys, curbs and gutters, water mains, drainage systems, utility systems, (where applicable) sidewalks, and streetlights in accordance with specifications established by the City. The developer shall bear the total cost of construction of all on-site improvements.

The following improvements are required prior to final plat approval:

- a. **Monuments** Concrete monuments shall be established at all boundary corners of a subdivision in accordance with the standard specifications of the City of Kerrville. Variances from these standards may be allowed in cases where rock strata, unusual soil conditions, major trees, fences or other obstacles are encountered by written authorization of the City Engineer of the City of Kerrville.

- b. **Minimum Pavement Widths** Due to the diversity of development in the planning region ranging from sparsely populated agricultural areas to the densely populated urban areas, required pavement widths will necessarily vary with the character of building development and the amount of traffic encountered. Minimum pavement widths from back of curb to back of curb shall be as follows:

Arterial Streets	as required
Collector Streets	40 ft.
Minor Residential Streets	30 ft.
Marginal Access Streets	24 ft.
Access Streets	24 ft.
Alleys	16 ft.

- c. **Pavement** Excavation, embankment, and compaction, preparation of sub-grade, flexible base, and surfacing shall be in compliance with the standard specifications of the City of Kerrville.
- d. **Curb and Gutters** The developer shall provide permanent reinforced concrete curbs and gutters which shall be in compliance with the standard specifications of the City of Kerrville.
- e. **Water Supply System** Water mains properly connected with the City water distribution system or with an alternate supply approved by the City Engineer shall be constructed as to serve adequately all lots shown on the subdivision plat for both domestic use and fire protection.

The sizes of water mains, the location and types of valves and hydrants, the amount of soil cover over the pipes and other features of the installation shall be approved by the City Engineer and City Fire Department and conform with the standard specifications of the City of Kerrville

- f. **Sanitary Sewers** When located within the service area of the city sewage collection system or state approved sewage collection systems, sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system.
- g. **[repealed by Ordinance No. 1996-04]**
- h. **Drainage Facilities** Drainage facilities shall be designed and provided to meet the approval of the City Engineer and shall be designed and constructed in accordance with the City's Design Manual for Storm Drainage Facilities and City construction standards and specifications
- i. **Sidewalks** See Ordinance No. 2004-02 for Sidewalk requirements and Ordinance No. 2006-11 for amendments. (See attached)
- j. **Streetlights**
 - 1. Streetlights shall be installed and erected in accordance with standards prescribed by the City of Kerrville.
 - 2. Streetlights easements of five (5) feet in width (2 ½ feet on each side of lot line) shall be provided for the purpose of service wire installment, when necessary for service.
- k. **Utility Placement** All utilities shall be placed underground or if the Developer so elects, they may be placed overhead if located within service drives, alleys, or rear lot easements.

SECTION (B) WAIVERS

The City Planning Commission may recommend to City Council a waiver or the tempering of the full application of the required improvements, where because of the nature of the development, lot size, topography, distance from the City, remoteness, the improvements required would be impractical at the time of platting to install and/or maintain. Provisions for required improvements to occur following recording in the form of deed restrictions should accompany all waiver requests. All requests for improvement waivers shall be submitted in writing to the City Planning Commission and shall be accompanied with the following information;

- 1. Statement of intended development;
- 2. Statement justifying the request waiver;
- 3. The nature of the waiver (ex., request for reduction of sidewalks from both sides of street to one side); and

4. Plan identification of the waiver

Final approval for waiver must be authorized by an affirmative vote of majority of the City Council.

SECTION (C) DEVELOPMENT COSTS

1. **Developer** The developer shall, at developer's expense, construct all improvements-both on site and off site-required by this ordinance and, water pumping stations, sewage lift stations, bridges, major drainage structures, and other improvements required to service the development proposed. All streets, utilities, and improvements within the City Limits shall become the property of the City of Kerrville upon completion and acceptance. The developer, at developer's expense, shall extend all water mains, sewer lines, other utilities and streets to the outer boundaries of the subdivision for future use beyond the subdivision.
2. **City** Except as otherwise provided herein, where the City requires improvements of a cost greater than that required for the subdivision itself, then the City shall pay any additional cost thereof.
3. **Right-of-Way** No portion of any right-of-way cost shall be an "additional cost" paid by the City. Except, the City Council may authorize exceptions where extra ordinary and unanticipated financial loss to the developer would otherwise result.
4. **Agreement** It is desirable that during the platting process, and prior to the City Council's determination provided below, that the Developer and the City Engineer agree, in writing, on any City "additional costs". Such agreement, however, shall not be blinding on the City Council.
5. **Payment by City** Any developer who claims that the City has required improvements of a cost greater than that required for the subdivision itself, shall make such claim in writing to the City Council prior to the final approval of the plat by the Planning and Zoning Commission. Such claim shall state the nature of the items claimed and the amount therefore. No such claim shall be paid unless approved by the City Council prior to final approval of the plat by the Planning and Zoning Commission.
6. **Illustrative Example** 300 Feet of six inch water line is required to get water to a subdivision. An additional 100 feet is needed to get across the subdivision. The City required a ten inch water line. The Developer pays for 400 feet of six inch water line. The City pays for the difference between the cost of 400 feet of ten inch line and 400 feet of six inch line.

SECTION (D) GUARANTEES IN LIEU OF COMPLETED IMPROVEMENTS

No final plat of subdivision shall be approved by the City Planning Commission or accepted for recording by the County Clerk until the improvements listed shall be constructed in satisfactory manner and approved by the City Engineer or in lieu of such prior construction, sufficient assurances which may include and irrevocable letter of credit acceptable to the City.

SECTION (E) DEVELOPMENT STANDARDS FOR RUREL RESIDENTIAL SUBDIVISIONS
(Amended 8/28/07, Ordinance No. 2007-14)

1. **Exception to Minimum Development Improvements** If the average size of all lots in a proposed residential subdivision is five (5) acres or greater, a developer may request, and the Planning and Zoning Commission may approve, a final plat that does not comply with the minimum development improvements standards required by Section (A), above, provided, however, said standards may only be modified only as follows:
 - a. **Street width and Construction:** Streets must be constructed to the following minimum standards:
 - (1) Streets which are not identified on the City's Major Street and Circulation Plan and which provide direct access to not more than twenty (20) lots, otherwise known as Residential Minor Streets, must be dedicated to the public with not less than sixty feet (60') of right-of-way and shall be constructed with:
 - (a) six inches (6") minimum of scarified and re-compacted stabilized subgrade not less than twenty-four feet (24') in width, and
 - (b) eight inches (8") of compacted flexible base not less than twenty-four (24') feet in width; and
 - (c) a two-course penetration of an asphalt and aggregate surface treatment or a one and one-half inch (1.5") hot mix asphalt concrete (HMAC) surface over laying a one-course penetration of an asphalt and aggregate surface treatment not less than twenty feet (20') in width;
 - (2) Streets which are not identified on the City's Major Street and Circulation Plan and which provide direct access to more than twenty (20) lots, otherwise known as Residential Collector Streets, must be dedicated to the public with not less than sixty feet (60') of right-of-way and shall be constructed with:
 - (a) six inches (6") minimum of scarified and re-compacted stabilized subgrade not less then twenty-eight feet (28') in width, and
 - (b) eight inches (8") of compacted flexible base not less than twenty-eight feet (28') in width; and
 - (c) a two-course penetration of an asphalt and aggregate surface treatment or a one and one-half inch (1.5") hot mix asphalt concrete (HMAC) surface overlaying a one-course penetration of an asphalt and aggregate surface treatment not less than twenty-four (24') in width;
 - (3) Street which are identified as Arterial Streets on the City's Major Street and Circulation Plan, as amended, must be dedicated to the public with not less than eighty feet (80') of right-of-way and shall be constructed with:

- (a) six inches (6") minimum of scarified and re-compacted stabilized subgrade not less than twenty-eight feet (28') in width, and
 - (b) ten inches (10") of compacted flexible base not less than twenty-eight feet (28') in width, and
 - (c) a one and one-half inch (1.5") hot mix asphalt concrete (HMAC) surface overlaying a one-course penetration of an asphalt and aggregate surface treatment not less than twenty-four feet (24') in width;
- (4) Street which are identified as Collector Streets on the City Major Street and Circulation Plan, as amended, must be dedicated to the public with not less than sixty feet (60') of right-of-way and shall be constructed with:
- (a) six inches (6") minimum of scarified and re-compacted stabilized subgrade not less than twenty-eight feet (28') in width, and
 - (b) ten inches (10") of compacted flexible base not less than twenty-eight (28') in width;
 - (c) a one and one-half inch (1.5") hot mix asphalt concrete (HMAC) surface overlaying a one-course penetration of an asphalt and aggregate surface treatment not less than twenty-four feet (24') in width;
- (5) Dead End Streets shall be platted and constructed so that the street can be extended into the next tract of land if and whenever that property is developed or for the purpose of allowing for an extension of a Collector Street or an Arterial Street identified on the City's Major Street and Circulation Plan; provided, however, if it is determined that a street cannot reasonably be extended, such Dead End Street shall not provide direct access to more than twenty (20) lots.
- a. Streets constructed pursuant to this Paragraph May be constructed without curb and gutter if, and only if, an alternative method of street drainage (e.g. culverts/or and drainage channels) approved by the City Engineer is constructed as part of the street improvements.
 - b. Sidewalks The Construction of sidewalks shall not be required
 - c. Water Supply Systems If the proposed residential subdivision is located more than 2000 feet from the nearest City-owned water main, the subdivision may be served by;
 - (1) Individual water wells located on each residential lot; or
 - (2) A central water distribution system not connected to the City's water system, provided such system is installed in accordance with

engineering design standards established by the City of Kerrville for its own water facilities.

In either case, such system(s) must be inspected and approved by the Kerr County Environmental Health Department, and if required, by any agency or subdivision of the State of Texas or the United States Government having jurisdiction over such matters. At the time of plat application, the developer must indicate the method by which water service will be provided to the subdivision, and if using a central water distribution system, submit all plans for such system to the City Engineer for approval.

- d. Waste Water and Sewage Disposal Systems: If the proposed residential subdivision is located more than 2000 feet from the nearest City-owned sewage disposal main, the subdivision may be served by:
 - (1) individual on-site sewage disposal system; or
 - (2) a central sewage disposal and waste water treatment system not connected to the City's sewage disposal system.

In either case, such system(s) must be inspected and approved by the Kerr County Environmental Health Department, and, if required, by any agency or subdivision of the State of Texas or the United States Government having jurisdiction over such matters. If the developer proposes to use individual on-site sewage disposal systems within the proposed subdivision be less than five (5) acres. At the time of plat application, the developer must indicate the method by which water service will be provided to the subdivision, and, if using a central water distribution system, submit all plans for such system to the City Engineer for approval.

- e. Underground Utilities: Underground installation of electric, telephone, and cable television facilities shall not be required for approval of a final plat. All other utilities must be installed underground.

- 2. **Determination of Five Acre Average:** For purposes of this Section (E), the area contained within all existing and proposed street and alley rights-of-way and other areas to be dedicated to the public, if any, shall be excluded from the total area when determining whether or not the proposed final plat complies with the five acre average described in Subsection 1, above.

Art 10-IV-5 CONSTRUCTION PLANS

1. **General** The construction plans and specifications which accompany the preliminary plat should clearly and concisely describe the manner in which the improvements are to be constructed. Since these documents are the primary source of information for the contractor to estimate and build the project they should be legible, complete and accurate.
2. **Filing Time** The time required to review and process the construction plans shall be a maximum twenty-one (21) days.
3. **Form and Content** Construction plans shall be prepared and submitted to the City Planning Department and City Engineer for review. The developer or his engineer shall submit five (5) sets of the proposed construction plans which shall be drawn at a scale of one (1) inch to one hundred (100) feet or larger on twenty-four (24) inch by thirty-six (36) inch sheets. Specific information to be included on the proposed construction plan shall include the following:
 - a. The proposed subdivision name and location, the name and address of owner or owners and the name and seal of the Civil Engineer preparing the plans.
 - b. Date, approximate north arrow and graphic scale, actual datum and bench marks.
 - c. Location sketch map drawn at a scale of one (1) inch to one thousand (1000) feet.
 - d. Topographic map of existing and proposed contours of the ground at not more than an interval of five (5) feet. Flood limits shall be identified and steep slopes (exceeding 15%)
 - e. **Plan of the Proposed Water System** This plan shall show the sizes and types of all lines, fittings, valve boxes, and the location of fire hydrants with an indicated elevation of the top of the proposed curb at its location. The plan shall show the location and elevation on bench marks referred to city datum. The plan shall show the existing mains to which the system will be connected.
 - f. **Plan of the Proposed Sanitary Sewer System** This plan shall indicate the sizes and types and flow line grades of all lines and their locations within this system. It shall show the location and sizes of the existing mains to which this system will be connected. The plat will show the location and flow line elevations of all manholes and cleanouts.
 - g. **Plan of Storm Drainage System**
 - (1) Developer shall present a topographic map showing existing drainage conditions and submit a drainage plan which meets approval of the City Engineer prior to approval of submission. An adequate drainage system, including necessary open ditches, pipes, culverts, intersection drains, drop inlets, bridges, etc., shall be provided for the

proper drainage of all surface water. The 100-year flood plain shall be delineated based upon condition of the projected ultimate development of the subdivision.

- (2) Where a subdivision is traversed by a water course, drainage way, natural channel or stream, there shall be provided an “easement” or “right-of-way” conforming substantially to the limit of such water course, plus additional width to accommodate future needs. Drainage easements shall be approved by the City Engineer both as to location and width.
 - h. **Specifications** The project engineer shall provide written specifications identified on or accompanying the plans. Specifications shall meet and/or exceed City of Kerrville Specifications.
 - i. **Plan of the Proposed Street System** This plan shall show the right-of-way roadway width of all streets, grades and distances with the elevations indicated. The location of all proposed curbs, gutters, and sidewalks shall be identified.
 - j. **Plan Details** The plan detail sheet shall be a composite of all details which concern the above set of construction plans, such as: detail of the proposed inlets, manholes, cleanouts, sewer and water service connections, typical street cross section, curb and gutter size and type, fire hydrant location and footing construction, concrete junction boxes, headwalls, or any other details necessary to show the extent of construction of all improvements.
 - k. **Plan-Profile Sheets** The plan-profile sheets shall be platted to a convenient and legible scale and will show the finished plan and profile of the proposed utilities and street construction. They shall also indicate the existing plan and profile of all streets, sanitary sewers, storm sewers, drainage ditches, and water lines, same for curb, if not a standard street section, flow lines of all sanitary sewers, storm sewers, and water lines
 - l. **Field Tracings** Upon completion of field construction, the owner shall furnish the City Planning Department one (1) complete set of permanent type reproducible tracings on film of the construction to a scale of one hundred (100) feet to the inch or larger. Such tracings shall show the water system, sewer system, drainage and street improvements and any other permanent subdivision improvements “A Built”.
4. **Approval** All Construction plans shall be subject to approval by the City Engineer, which shall be in writing.

The City Engineer is hereby authorized and directed to prepare rules, regulations standards and specifications for the construction, installation, design, location and arrangement of all improvements

Art. 10-IV-6 VIOLATIONS/ENFORCEMENT/PENALTIES/SEPARABILITY

1. **General** No plat of any, subdivision within the city limits or the ETJ of the City of Kerrville shall be recorded in the County Clerk's office and shall have no validity until, it shall have been approved in the manner prescribed.

No charges, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the City Planning Commission , and endorsed in writing on the plat, unless such changes are approved by the City Planning Commission.

2. **Violations** Until a final plat has been approved by the City Planning Commission and filed for record in the office of the County Clerk, no person, firm, corporation or other entity, whether owner, developer, agent or otherwise, shall transfer title of any parcel of such land, nor shall there be initiated any construction of residences, or other buildings, or private sewage disposal systems, nor shall any such property be served with public utilities.

This prohibition against the construction of private improvements and the sale of land shall apply both within the city limits and within the extraterritorial jurisdiction of the city.

This prohibition does not apply to the Commission approved street and utilities provided that said utilities do not become operable and serve the development until such time as the plat is approved and recorded.

3. **Enforcement**

- a. **Withholding Permits** No city inspector shall issue a permit on a lot in a subdivision for which a final plat has not been approved after the date of this ordinance.
- b. **Withholding Services** The City shall withhold all public improvements of whatever nature, including the maintenance of streets and the furnishing of sewage facilities and water service from all subdivisions which have not received final approval.

4. **Penalties**

- a. **City** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalty provided in Art. 1-I-8 of the Code Ordinances.
- b. **Extra Territorial Jurisdiction** The City of Kerrville shall have the right to institute an action in the District Court for any and all types of injunctive relief to enjoin the violation of any provision of the ordinance in the City's extra-territorial jurisdiction.

5. **Separability** Should any portion of this ordinance be held for any reason invalid or unenforceable, it shall not be construed to affect other portions of the ordinance.

Art. 10-IV-7 FORMS

Form 1. Certificate of Ownership and Dedication

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all public streets, alleys, walks, parks and other open spaces to public use as noted.

_____ 19 _____

Owner

Notary Public

Form 2 Registered Public Surveyor's Certificate

KNOW ALL MEN BY THESE PRESENTS:

That I _____ (*name of surveyor*) , do hereby certify that I made an actual and accurate survey on the ground of the hereon platted land that the corner monuments shown hereon were properly placed under my personal supervision, in accordance with the Subdivision Ordinance of the City of Kerrville, Texas

_____ 19 _____

Registered Public Surveyor

(Seal)

Form 3 Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Kerrville, Texas, with the exception of such variances, if any as are noted in the minutes of the City Planning Commission and that has been approved for recording in the office of the County Clerk.

_____, 19____

Chairman, City Planning Commission

Form 4. Certificate of Approval of Water and Sewage Systems

I hereby certify that the water supply and sewage disposal utility system installed, or proposed for installation, in the subdivision plat entitled (Subdivision Name) fully meet the requirements of the Texas State Health Department and U.G.R.A. and are hereby approved as shown.

_____, 19____

City Sanitarian or Approving Agent

_____, 19____

Upper Guadalupe River Authority

Form 5 Certification of the approval of Streets and Utilities

I hereby certify that:

- (1) That streets, utilities and other improvements have been installed in an acceptable manner and according to City of Kerrville Standard Specifications in the subdivision entitled.
- (2) That a surety bon in the amount of \$_____ has been deposited with the City of Kerrville to assure completion of all required improvements in case of default.

_____, 19____

City Engineer or Approving Agent

Form 6 Waiver of Claims for Damages

In accordance with Art. 10-IV-2 of the Code of Ordinance of the City of Kerrville, Texas, and in consideration of the approval of (Name of Subdivision), (Owner of Subdivision) does hereby waive any and all claims for damages against the City of Kerrville, Kerr County, Texas, occasioned by the establishment of grades or that alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the above named subdivision.

_____, 19____
Name of Owner of Subdivision

**Form 7 Certification of Street Names and Addresses
(Amended 7/22/08, Resolution No. 2008-58)**

I hereby certify that subdivision plat entitled _____ (Subdivision Name) meets with approval by the post office, regarding street names and addresses meet the City Master grid system for house numbers assigned by City of Kerrville Planning Department.

_____, 19____
City Planner or Approved Agent

Form 8 Certification of Subdivision Location

I hereby certify that the above named subdivision in within the ETJ of the City of Kerrville, Kerr County, Texas, in accordance with the City's official map

_____, 19____
Registered Public Surveyor

Art. 10-IV-8 DEFINITIONS AND TERMS

As used in this ordinance, the following definitions shall apply unless the context clearly indicates otherwise:

1. **Block** A “block is an land designation consisting of a lot or lots that may be surrounded by public streets, public parks, cemeteries, or other natural or man-made physical features that disrupt what would otherwise be an unbroken landscape.
2. **Building** A “Building” is any structure which is built for the support, shelter, or enclosure of persons, animals, machinery, equipment, or movable property of any kinds.
3. **Building Line** or Building Setback Line The term “Building Line” or “Building Setback Line” shall refer to a line parallel to the street right-of-way line and defines an area on the building lot between the street right-of-way lines and the building line within which no building shall be constructed.
4. **Circulation Plan** The term “Circulation Plan” is the master plan of major and secondary streets and highways and which is a component part of the City’s Comprehensive or Master Plan with any and/or amendments as adopted by the City, Planning Commission and Council.
5. **Community Sewage System** A sewage collection, treatment, and disposal system designed to serve two or more sewage generating units on separate lots in a subdivision or a system that is connected to another system for collection, treatment, and disposal of sewage. (Amended 8/28/07, Ordinance No. 2007-14)
6. **Comprehensive Plan** The term “Comprehensive Plan” and any amendments, or supplements hereto, which have been adopted in principle by City Planning Commission shall be used as a guide for future development of the City of Kerrville, Texas, and it’s surrounding areas.
7. **Corner Lot** The term “Corner Lot” means a lot or parcel of land bound on two (2) sides, usually at a 90 degree angle, by public streets
8. **Crosswalk** A public right-of-way not more than six (6) feet in width between property lines which provides pedestrian circulation.
9. **Developer** The word “Developer” shall have the same meaning and effect as the term “Subdivision” referred to in these definitions.
10. **Development** The term “Development” shall have the same meaning and effect as the term “Subdivision” referred to in these definitions.
11. **Double Front Lot** A “Double Front Lot” means a building lot, not a corner lot, which has frontage on two (2) streets that are parallel or within forty-five (45) degrees of being parallel to each other.

12. **Easement** The word “Easement” means a strip of land reserved for the use of the public by the grantor, for the installation and maintenance of utilities, drainage ways, or public access to open space or for bicycling or other recreational uses.
13. **Extra-Territorial Jurisdiction (ETJ)** The term “Extra-Territorial Jurisdiction (ETJ)” is that area which is contiguous to the corporate limits to the City of Kerrville as stipulated in the Texas Municipal Annexation Act as amended
14. **Final Plat** The term “Final Plat” shall refer to the map or plat of a proposed subdivision submitted to the City Planning Department for approval by the City Planning Commission, and said plat shall be prepared in accordance with this ordinance.
15. **Final Plat Approval** The term “Final Plat Approval” shall mean approval by the City Planning Commission to begin construction, with possible stipulations, if any, to be met prior to beginning such construction.
16. **Front or Frontage** The term “Front” or “Frontage” shall be that portion of a tract of land which abuts on a street to which it has direct access.
17. **HMAC** An abbreviation for Hot Mix Asphalt Concrete (Amended 8/28/07, Ordinance No. 2007-14)
18. **Lot** The word “Lot Depth” refers to a physically undivided tract or parcel of land having access to a 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 may be identified by a lot number or tract symbol on an approved subdivision plat which has been properly recorded.
19. **Lot Depth** The term “Lot Depth” is the length of a straight line connecting the mid-point of the front and rear lot lines.
20. **Lot Width** The term “Lot Width” is the average length of the front and rear property lines.
21. **Master Plan** The term “Master Plan”, or Comprehensive Plan is a plan which has been adopted in principle by the City Planning Commission and serves as the guide for future development of the City of Kerrville, Texas, and it’s surrounding areas.
22. **May** The word “May” is permissive.
23. **Off-Site Improvements** All required improvements beyond the property limits of the subdivision.
24. **On-Site Improvements** All required improvements within or contiguous to the proposed subdivision.
25. **Open Space** The term “Open Space” shall apply to public and private property under public or common ownership designated for recreational use, private park, play lot area, building setback and ornamental areas open to general view within the development, areas to be retained for

views and vistas, wild-life preserves, and land set aside for drainage ways. No parking shall be permitted in lands defined as open space.

26. **OSSF (On-Site Sewage Facility)** An on-site sewage system capable of complying with the current rules and regulations of the State of Texas and Kerr County.” (Amended 8/28/07, Ordinance No. 2007-14)
27. **Pavement Width** The term “Pavement Width” means the portion of the surface of a street available for vehicular traffic. Where curbs are laid, “Pavement Width” shall be measured from back of curb to back of curb. In the absence of curbs it is that portion of vehicular improvements.
28. **Person** The term “Person” means any individual, association, firm, corporation, governmental agency, or political subdivision.
29. **Plat** The term “Plat” means a map drawing, or plan identifying the layout of a subdivision; which is submitted for approval.
30. **Pollution** The term “Pollution” shall mean any substance which would generate, produce, or discharge any matter or thing into the atmosphere, surface of land, or water courses, (including noise or odor) offensive to a person of ordinary sensibilities.
31. **Preliminary Plat** The term “Preliminary Plat” means the first or introductory plat of a proposed subdivision submitted to the City Planning Commission.
32. **Preliminary Plat Approval** The term “Preliminary Plat Approval” shall mean the approval, by all departments including the Planning Department, in conjunction with the approval of the City Planning Commission.
33. **Replat** The term “Replat” shall have the same meaning and effect as the term “Subdivision” as referred to in these definitions.
34. **Shall** The word “Shall” is mandatory.
35. **Sidewalk** The word “sidewalk” means a paved pedestrian way extending the entire length of a block parallel to a street right-of-way line. Sidewalks shall be constructed within the right-of-way.
36. **Street** The word “Street” means a right-of-way which provides vehicular circulation and access to adjacent property.
 - a. An Arterial street means a principal traffic artery or traffic way, having continuous routing over long distances, whose function is to serve as a principal connecting street with state and federal highways, and shall include each street designated as a thoroughfare or street on the Circulation Plan.

- b. A Collector street means a street whose function is to collect and distribute traffic between major thoroughfares and minor streets, is not necessarily a continuous routing for long distances, has intersections at grades and provides direct access to abutting property, and shall include each street designated as a secondary street on the circulation plan.
- c. A Minor street means a street whose prime function is to provide access to abutting residential property within neighborhoods, with all intersections at grade, and not of continuous routing for any great distances to discourage through traffic.
- d. Marginal access street means a street whose function is to provide a buffer between a subdivision frontage on an arterial street or highway. The purpose of these streets are to permit better through traffic movement along arterials while preserving low density residential living environments.
- e. Access street means a street providing access to cluster housing units limited to ten (10) dwelling units or less. Access streets provide direct vehicular access to individual garages, drives, or common parking court.
- f. An “Alley” is a minor right-of-way which provides a secondary means of vehicular access to abutting properties for delivery or public service purposes.

37. **Subdivide/Subdivision** The dividing of a tract of land into two or more parts by using metes and bounds description in a deed conveyance, a contract for deed, a lease, or by another manner, for the purpose of:

- 1. Laying out a subdivision of any tract of land or any addition to the City; or
- 2. Laying out suburban lots or building lots or any lots; or
- 3. Laying out streets, alleys or parks or other portions intended for public use or the use of the purchasers, owners or lessees of lots fronting thereon or adjacent thereto.

38. **U.G.R.A.** The term conveniently used to identify the Upper Guadalupe River Authority.

Ordinance No. 82-34, adopted 11/23/82, effective 12/10/82, as amended by the following: Ord.No. 83-27, adopted 8/9/83, effective 8/19/83; Ord. No. 84-08, adopted and effective 2/28/84; Ord. No. 84-61, adopted 11/13/84, effective 11/23/84; Ord. No. 84-67, adopted 1/8/85, effective 1/18/85; Ord. No. 86-13, adopted and effective 4/8/86; Ord. No. 87-29, adopted and effective 6/9/87; Ord. No. 87-55, adopted and effective 11/10/87; Ord. No. 87-46, adopted and effective 1/26/88; Ord. No. 89-27, adopted and effective 10/24/89; Ord. No. 90-03, adopted and effective 3/13/90; Ord. No. 91-10, adopted and effective June 11, 1991; Ord. No. 91-24, adopted and effective 10/8/91; Ord. No. 96-04, adopted and effective 5/23/96; Ord. No. 97-09 adopted and effective 6/24/97; Ord. No. 97-15, adopted and effective 10/28/97)

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2004-02

AN ORDINANCE AMENDING ARTICLE 10-IV-4(A)1.i. OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, RELATING TO THE CONSTRUCTION OF SIDEWALKS AT THE TIME OF DEVELOPMENT OF A SUBDIVISION; AMENDING ARTICLE 7-I-1(b) OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY AMENDING THE SECTION REQUIRING SIDEWALK CONSTRUCTION PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR PROVISION OF UTILITIES TO NEW CONSTRUCTION IN CERTAIN CIRCUMSTANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, the City Council of the City of Kerrville, Texas, has previously determined on several occasions that in order to promote the health, safety, and general welfare of the City of Kerrville and the safe, orderly, and healthful development of the City, a network of sidewalks to facilitate pedestrian traffic within most areas of the City should be constructed at the time of development of a subdivision that requires the approval of the City of Kerrville or at the time of construction or renovation of buildings within the City; and

WHEREAS, having reviewed the City's regulations related to the construction of sidewalks within the City at the time of development of a subdivision as well as at the time of initial construction or renovation of a building, the City Council of the City of Kerrville has determined that the City's current regulations do not provide for sidewalks to be constructed in the manner desired by the City Council; and

WHEREAS, pursuant to Texas Local Government Code §212.002, notice has been given to all citizens by publication in the official newspaper and otherwise, of a hearing to be held before the City Council on December 9, 2003 to consider this Ordinance, the adoption of which will result in revisions to both Article 10-IV-4 of the Code of Ordinances of the City of Kerrville, Texas, which contains subdivision regulations currently in effect within the City, and its extraterritorial jurisdiction; as well as amendments to the City's building regulations; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:30 p.m. December 9, 2003, as advertised; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. That Article 10-IV-4(A)1.i. of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding Subsections (8) and (9) as follows:

Approved by City Council
Date: Jan 13, 2004
Volume 35 Page 231

02004-02

- “(8) Following a determination that adequate right-of-way does not exist to allow for the installation of sidewalks on a portion or all of the subject tract or lot, the City Engineer is authorized to grant a waiver of the sidewalk requirement on a specific portion(s) or the entirety of the tract or lot. The property owner may appeal the decision of the City Engineer to Planning and Zoning Commission who shall review and offer a recommendation to the City Council.
- (9) All sidewalks required in this Section shall comply with all Federal, State, and local laws, including those requiring accessibility standards. Should a conflict occur between any of said standards, the most restrictive shall apply. ”

SECTION TWO. That Article 7-I-6 of the Code of Ordinances of the City of Kerrville, Texas, is amended in its entirety to provide as follows:

“Art. 7-I-6 Sidewalks.

(a) Commercial Development.

- (1) To the extent that sidewalks do not already exist, sidewalks shall be constructed within all street rights-of-way adjacent to all tracts or lots utilized or intended to be utilized for commercial development purposes, whether platted or unplatted, to the full length of the property line of the lot or tract involved, said construction to be:
- a. concurrent with construction of the first structure on any lot or tract of land, whether or not the tract of land is platted or being subdivided;
 - b. concurrent with the construction of the addition to an existing building or buildings, regardless of the amount of additional square footage; or
 - c. concurrent with the construction of an additional building(s) on a lot or tract regardless of the amount of additional square footage.
- (2) Public and private colleges and universities, hospitals and other campus-like facilities are exempted from the requirements of this section subject to the following standards:
- a. Such uses existed prior to January 1, 1981; and

b. Such uses have an existing or planned fully developed internal pedestrian way system that provides access points off the users property to an existing or planned public sidewalk system. In the event of a planned or incomplete internal system, said planned or incomplete system shall be completed as part of the related building construction and/or expansion which increases the total square footage of an existing facility, regardless of the amount of additional square footage or, the construction of a new building.

(b) **Single or Two-family Residential Development.** Sidewalks shall be constructed concurrent with the construction of the first structure on any lot or tract of land utilized or intended to be utilized for single or two-family residential development purposes, whether platted or unplatted, except in:

- (1) All legally platted lots existing prior to January 1, 1981;
- (2) Replats of any lots originally platted prior to January 1, 1981;
- (3) Unplatted property exempted from the platting requirement per the Subdivision Ordinance;
- (4) Legally platted subdivisions recorded on or after January 1, 1981, in which 75% (percentages rounded to the nearest whole number) or more of the lots in said subdivision have received certificates of occupancy prior to the effective date of this ordinance; except that should a single lot or tract of land within said subdivision, as of the effective date of this ordinance, be adjacent to property developed with a sidewalk, whether or not separated from such single lot by a public or private road, alley, or easement shall be required to install a sidewalk on said lot or tract of land; or
- (5) Single lot subdivisions platted on or after January 1, 1981 in which:
 - a. All adjacent property, whether or not separated from said single lot subdivision by a public or private road, alley, or easement, is exempted from sidewalk construction by one of the exemptions in (b)(1) through (4) above; or
 - b. All adjacent developed property, whether or not separated from said single lot subdivision by a public or private road, alley, or easement, do not have existing sidewalks as of the effective date of this ordinance.

- (c) **Compliance with Subdivision Ordinance.** All sidewalks must comply with subparagraphs (5), (6) and (7) of Article 10-IV-4(A)1.i. of the City Code of Ordinances with respect to width and location.
- (d) **Sidewalks Required Regardless of Exemption from Subdivision Regulations.** Notwithstanding Article 10-IV-4(A)1.i., sidewalks shall be constructed in the rights-of-way of all streets, public or private, pursuant to this Article.
- (e) **Utility Connections; Certificates of Occupancy.** The Chief Building Official shall not issue any final utility clearance or certificate of occupancy until all sidewalks required to be constructed have been finally completed and approved by the Public Works Department.
- (f) **Administrative Waiver.** Where the City Engineer determines that adequate right-of-way does not exist to allow for the installation of a sidewalk(s) on a portion or all of the subject tract or lot, the City Engineer is authorized to waive the provisions of this Article for a portion or the entirety of a development. A decision of the City Engineer not to waive said requirements may be appealed to the City Council by the property owner.
- (g) **Appeal to City Council.** Following a determination by the City Engineer pursuant to (f) above, the City Council shall consider the following criteria for granting a waiver:
 - (1) Topographic restrictions such as slope, drainage structures, etc;
 - (2) whether all property(s) adjacent to the subject property, whether or not the said property(s) is separated from the subject property by a public or private road, alley, or easement, is exempted from sidewalk construction by operation of this Article;
 - (3) whether all property(s) adjacent to the subject property is developed property, whether or not separated from said subject property by a public or private road, alley, or easement, and does not have existing sidewalks as of the effective date of this Article; or
 - (4) If it shown to the satisfaction of the City Council that any of the requirements of this Section, if complied with, would work an undue hardship on the property owner; that the requirements required herein would not be in the best interest and general welfare of the public; or, that the intent of this Article was being met by the granting of such waiver.

- (h) All sidewalks required in this section shall comply with all Federal, State, and local laws, including those requiring certain accessibility standards. Where there are instances of conflicting requirements, the most restrictive standards apply.

SECTION THREE. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Kerrville, Texas, hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. This Ordinance shall be in full force and effect immediately upon and after its final passage and publication as required by law.

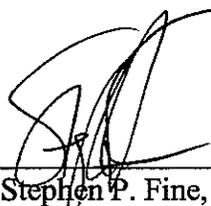
SECTION SIX. The penalty for violation of this Ordinance shall be in accordance with that general penalty provision contained in Title 1, Chapter I of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense.

SECTION SEVEN. Pursuant to Texas Local Government Code §52.013(a), the City Clerk is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

SECTION EIGHT. The City Council has previously adopted by ordinance a codification of its civil and criminal ordinances. This Code of Ordinances has recently been reviewed and revised and will eventually be readopted by Council. As a result, the provisions contained herein may be renumbered and relettered pursuant to the recodification.

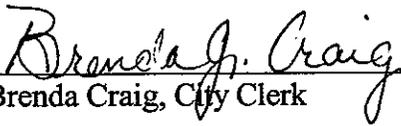
PASSED AND APPROVED ON FIRST READING, this the 9 day of December, 2003.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 13 day of January, 2004.

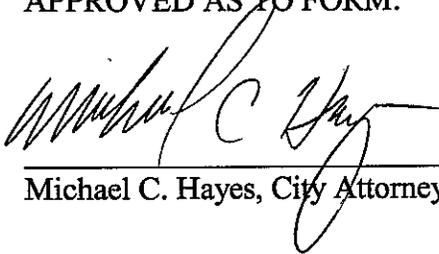


Stephen P. Fine, Mayor

ATTEST:


Brenda Craig, City Clerk

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2006-11

AN ORDINANCE AMENDING SECTION 26-36(a) OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, RELATING TO THE CONSTRUCTION OF SIDEWALKS PURSUANT TO COMMERCIAL BUILDING REQUIREMENTS BY EXEMPTING CERTAIN RURAL AREAS FROM SIDEWALK CONSTRUCTION REQUIREMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, the City Council of the City of Kerrville, Texas, has previously determined on several occasions that in order to promote the health, safety, and general welfare of the City of Kerrville and the safe, orderly, and healthful development of the City, a network of sidewalks to facilitate pedestrian traffic within most areas of the City should be constructed at the time of development of a subdivision that requires the approval of the City of Kerrville or at the time of construction or renovation of buildings within the City; and

WHEREAS, having reviewed the City's regulations related to the construction of sidewalks within the City at the time of initial construction or renovation of a building, City Council has determined that the City's current regulations provide for sidewalks to be constructed in the manner which is not desired by the City Council; and

WHEREAS, City staff had studied this issue and recommends amending the City's regulations to exempt specified rural areas adjacent to and along state highways from the requirement to construct sidewalks; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to amend the City's sidewalk construction requirements so as to exempt specified rural areas adjacent to and along state highways;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. That Section 26-36(a) of the Code of Ordinances of the City of Kerrville, Texas, is amended to provide a new subsection (3) as follows:

"Section 26-36. Sidewalks.

(a) Commercial development.

.
. .
.

Approved by City Council
Date: June 13, 2006
Volume 36 Page 14

Ordinance 2006-11

- (3) The following areas shall be exempted from the requirements of this section:
- a. All tracts or lots located east of Loop 534 and which are located along and adjacent to State Highway 27 or State Highway 173; and
 - b. All tracts or lots located west of Coronado Drive and which are located along and adjacent to State Highway 27.”

SECTION THREE. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Kerrville, Texas, hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

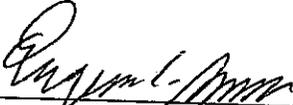
SECTION FIVE. This Ordinance shall be in full force and effect immediately upon and after its final passage and publication as required by law.

SECTION SIX. The penalty for violation of this Ordinance shall be in accordance with that general penalty provision contained in Title 1, Chapter I of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense.

SECTION SEVEN. Pursuant to Texas Local Government Code §52.013(a), the City Clerk is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

PASSED AND APPROVED ON FIRST READING, this the 13 day of June, A.D. 2006.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 27 day of June, A.D. 2006.

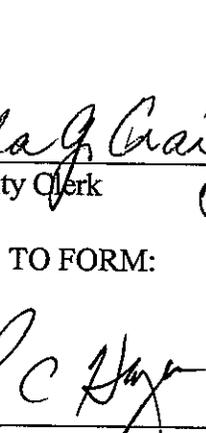


Eugene C. Smith, Mayor

ATTEST:


Brenda Craig, City Clerk

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 128-2005**

A RESOLUTION AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF KERRVILLE, TEXAS AND KERR COUNTY, TEXAS REGARDING SUBDIVISION AUTHORITY IN THE EXTRATERRITORIAL JURISDICTION

WHEREAS, the Texas Legislature modified Texas Local Government Code §242.001 to prohibit, with some exceptions, both a county and municipality from regulating subdivisions in the extraterritorial jurisdiction ("ETJ") of a municipality; and

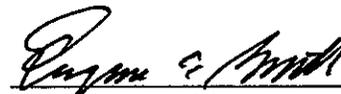
WHEREAS, the City is willing to provide the resources necessary to regulate subdivisions within its ETJ; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to enter an Interlocal Cooperation Agreement with Kerr County for such services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

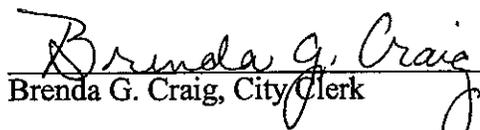
That the Mayor and City Clerk are hereby authorized to execute and attest, respectively, on behalf of the City of Kerrville, Texas, an Interlocal Cooperation Agreement with Kerr County, Texas, whereby the City agrees to provide the exclusive regulation of subdivision plats and approve related permits within the City's extraterritorial jurisdiction, the provisions of which agreement shall be substantially as set forth in **Exhibit A**, attached hereto and incorporated herein by reference.

PASSED AND APPROVED ON this the 13 day of December, A.D., 2005.



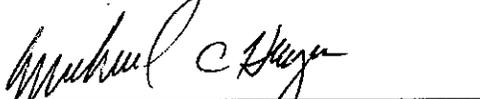
Eugene C. Smith, Mayor

ATTEST:



Brenda G. Craig, City Clerk

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

**INTERLOCAL COOPERATION AGREEMENT BETWEEN KERR COUNTY AND
THE CITY OF KERRVILLE FOR REGULATION OF SUBDIVISIONS WITHIN THE
CITY OF KERRVILLE'S EXTRATERRITORIAL JURISDICTION**

This Interlocal Cooperation Agreement ("Agreement") is made by and entered into between Kerr County, Texas ("County") and the City of Kerrville, Texas ("City"), on the ____ day of December, 2005.

WHEREAS, the Texas Legislature modified Section 242.001 of the Texas Local Government Code to prohibit, with some exceptions, both a county and municipality from regulating subdivisions within the extraterritorial jurisdiction ("ETJ") of a municipality; and

WHEREAS, Texas Local Government Code Section 242.001(c) states that a municipality and a county shall enter into a written agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits within the ETJ of that municipality; and

WHEREAS, it is in the best interests of the citizens of Kerr County for the County and the City to cooperate in the provision of governmental services where such cooperation will result in more efficient services; and

WHEREAS, the City has duly identified to the County the City's ETJ as it presently exists; and

WHEREAS, the City is willing to provide the resources necessary to regulate subdivisions within its ETJ; and

WHEREAS, the County and the City now find it to be in the public interest to enter into this Interlocal Cooperation Agreement wherein the City agrees to perform the governmental functions described below as authorized by Sections 212.003 and 242.001 of the Texas Local Governmental Code;

NOW, THEREFORE, in consideration of the promises, covenants and agreements contained herein, the County and City mutually agree as follows:

SECTION ONE. Duration of Agreement and Termination:

- A. This Agreement shall be effective on the date that it is fully executed by both parties and shall terminate on December 31, 2006. Thereafter, this Agreement shall renew automatically for successive one (1) year periods commencing on January 1, 2007, unless notice of termination is given by either party as provided below. Both parties anticipate participating in a periodic review, which may include revisions to address any changed circumstances.

- B. Notwithstanding the foregoing, this Agreement may be terminated by either party by giving ninety (90) days' written notice of intent to terminate this Agreement to the non-terminating party.

SECTION TWO. Grant of Authority: The County and the City enter into this Interlocal Cooperation Agreement as defined in Section 242.001(d)(1) of the Texas Local Government Code, whereby the County hereby grants to the City the exclusive authority to regulate subdivision plats and approve related permits within the City's ETJ. Pursuant to this Agreement, the City is authorized to accept plat applications for tracts of land located within its ETJ, collect municipal application fees and provide applicants one response indicating approval or denial of a plat application in conformance with the City's subdivision regulations.

SECTION THREE. County Responsibilities:

- A. The County shall not enforce its subdivision regulations within the ETJ of the City.
- B. The County shall provide a copy of all proposed plats for subdivisions occurring beyond the City's ETJ and within two (2) miles of the City's corporate boundaries to the City for the City's review and comment. The County shall deliver said plats to the City to allow the City enough time to review and comment prior to the County's approval of the plat or where approval may occur by operation of law. The County shall give due consideration to any comments received from the City.
- C. The County shall deliver one (1) copy of all approved and recorded plats within the area contemplated by Section Three (B) above to the City within ten (10) business days of such recording.

SECTION FOUR. City Responsibilities:

- A. The City shall enforce its subdivision regulations within its ETJ.
- B. The City shall provide a copy of all proposed subdivision plats within its ETJ to the County for the County's review and comment. The City shall deliver said plats to the County to allow the County enough time to review and comment prior to the City's approval of the plat or where approval may occur by operation of law. The City shall give due consideration to any comments received from the County. However, this review process shall not be construed as limiting the City's authority nor restoring or enhancing the County's authority to approve subdivision plats within the City's ETJ.
- C. The City shall deliver one (1) copy of all approved and recorded plats within the City's ETJ to the County within ten (10) business days of such recording.
- D. The City shall review the County's rural subdivision regulations as such exist on the date of execution of this Agreement. During the review, the City, in accordance with state law, shall invite public input regarding the proposed changes. Following

such review, but in no case later than June 30, 2006, the City shall seek to adopt and implement changes to its subdivision regulations where said regulations are significantly different from the County's regulations.

- E. On or before December 31, 2006, the City shall provide a written report to the County regarding the City's regulation of subdivisions within the ETJ. Such report shall include the City's estimated population at the time of the report and an approximate time period that the City projects that its ETJ will expand beyond one (1) mile.

SECTION FIVE. Applicability: The obligations and undertakings of each party to this Agreement shall be applicable within the City's ETJ. The City's ETJ presently exists as that unincorporated area that is contiguous to the corporate boundaries of the City and that is located within one (1) mile of those boundaries. The City shall notify the County of any expansion or reduction of the City's ETJ.

SECTION SIX. Miscellaneous Provisions:

- A. Any notice required or permitted to be given hereunder shall be given in writing and shall be delivered to the following addresses of the respective parties via hand delivery or first class, prepaid mail:

County: Kerr County, Texas
Attention: County Judge
Kerr County Courthouse
700 Main Street
Kerrville, Texas 78028

City: City of Kerrville
Attention: City Manager
800 Junction Highway
Kerrville, Texas 78028

- B. This Agreement supersedes all written or oral representations of the parties as to the content, obligations or performance of the provision of subdivision regulation by the City within the City' ETJ. The Agreement constitutes the entire agreement between the County and the City. Any modification to this Agreement shall be of no force or effect unless in writing and signed by both parties. Each party hereto certifies that the covenants and obligations stated in this Agreement constitute the duly authorized act and agreement of the respective entity and that the persons affixing their signatures below have obtained all requisite approvals for the execution of this Agreement.
- C. If any provision of this Agreement is found to be invalid, illegal or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions of this Agreement.

- D. The validity of the Agreement and any of its terms or provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas. Exclusive venue for any action concerning this Agreement shall be in Kerr County, Texas.
- E. Neither party may assign any right under this Agreement, and any purported assignment will be null and void and a breach of the Agreement.
- F. Notwithstanding any provision to the contrary, it is agreed that none of the obligations contained within this Agreement shall run to or be enforceable by any party other than a party to this Agreement.
- G. Pursuant to Section 242.001(c) of the Texas Local Government Code, the County and the City hereby certify that this Agreement complies with the requirements of Chapter 242 of the Texas Local Government Code.
- H. This Agreement may be executed in multiple counterparts, each of which constitutes an original.

EXECUTED on the ____ day of _____ December _____, 2005.

CITY OF KERRVILLE, TEXAS

KERR COUNTY, TEXAS

Eugene C. Smith, Mayor

Pat Tinley, Judge

ATTEST:

ATTEST:

Brenda G. Craig, City Clerk

Jannett Pieper, County Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

Rex Emerson, County Attorney