Village of Salado

SUBDIVISION ORDINANCE

Adopted
April 2, 2009

Amended
February 19, 2015
June 9, 2016

Subdivision Ordinance
of the Village of Salado, Texas

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Subdivision Ordinance
of the Village of Salado, Texas

I. GENERAL PROVISIONS

Section 1.1: Authority; Extension to Extraterritorial Jurisdiction

1.1 a. This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including Chapter 212, Texas Local Government Code, being adopted after a public hearing on the matter held on June 9, 2016.

b. The following rules and regulations are hereby adopted as the Subdivision Ordinance of the Village of Salado, Texas, also referred to herein as "this Ordinance". The Board of Aldermen hereby extends the application of this Ordinance to the extraterritorial jurisdiction of the Village of Salado, as that area may exist from time to time in accordance with Chapter 42 of the Texas Local Government Code. This Ordinance shall be applicable to the filing of plats and the subdivision of land, as that term is defined herein and in Chapter 212 of the Texas Local Government Code, within the corporate limits of the Village of Salado and its extraterritorial jurisdiction as they may be from time to time adjusted by annexation or de-annexation. The Village shall have all remedies and rights provided by said Chapter 212 with regard to the control and approval of subdivisions and plats both within the Village and within its extraterritorial jurisdiction.

Section 1.2: Interpretation and Purpose

1.2 In the interpretation and application of the provisions of this Ordinance, it is the intention of the Board of Aldermen that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions within the Village of Salado and its extraterritorial jurisdiction.

The subdivision (i.e., platting) of land is the first step in the process of development. The distribution and relationship of residential, nonresidential and agricultural uses throughout the community, along with the system of improvements for thoroughfares, utilities, public facilities and community amenities, determine, in large measure, the quality of life enjoyed by the residents of the Village. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life and overall character. A community's quality of life is of the public interest. Consequently, the subdivision of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. The regulations contained herein are intended to encourage the development of a quality municipal environment by establishing standards for the provision of adequate light, air, open space, storm water drainage, transportation, public utilities and facilities, and other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. Through the application of these regulations, the interests of the public, as well as those of public and private parties, both present and future, having

interest in property affected by this Ordinance, are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this Ordinance further the possibility that land will be developed for its most beneficial use in accordance with existing social, economic and environmental conditions.

The procedure and standards for the development, layout and design of subdivisions of land within the corporate limits and extraterritorial jurisdiction of the Village of Salado, Texas are intended to:

a. Promote the development and the utilization of land in a manner that assures an attractive and high quality community environment in accordance with the Comprehensive Plan and the Zoning Ordinance of the Village of Salado;

b. Guide and assist property owners and applicants in the correct procedures to be followed, and to inform them of the standards which shall be required;

c. Protect the public interest by imposing standards for the location, design, class and type of streets, walkways (sidewalks), alleys, utilities and essential public services;

d. Assist orderly, efficient and coordinated development within the Village's limits and its extraterritorial jurisdiction;

e. Provide neighborhood conservation and prevent the development of slums and blight;

f. Integrate the development of various tracts of land into the existing community, and coordinate the future development of adjoining tracts;

g. Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community as contained in this Ordinance;

h. Ensure the most efficient and beneficial provision of public facilities and services for each tract being subdivided;

i. Provide for compatible relationships between land uses and buildings; provide for the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways; provide for pedestrian circulation that is appropriate for the various uses of land and buildings; and provide the proper location and width of streets;

j. Prevent pollution of the air, streams and bodies of water; assure the adequacy of drainage facilities; safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land;

k. Preserve the natural beauty and topography of the municipality, and ensure development that is appropriate with regard to these natural features;

l. Establish adequate and accurate records of land subdivision;

m. Ensure that public or private facilities are available and will have sufficient capacity to serve proposed and future developments and citizens within the Village and its extraterritorial jurisdiction;

n. Protect and provide for the public health, safety and general welfare of the community;

o. Provide for adequate light, air and privacy; secure safety from fire, flood and other danger; and prevent overcrowding of the land and undue congestion of population;

p. Protect the character and the social and economic stability of all parts of the community, and encourage the orderly and beneficial development of all parts of the community;

q. Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land, and minimize conflicts among the uses of land and buildings;

r. Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities; and

s. Encourage the development of a stable, prospering economic environment.

Minimum standards for development are contained in the Village's Technical Construction Standards and Specifications (TCSS), the Zoning Ordinance, the Building Code, applicable articles of the Code of Ordinances, and in this Ordinance. However, the Comprehensive Plan (including the Future Land Use Plan, Transportation Plan, Park and Open Space Plan, and other related plans) contains policies designed to achieve an optimum quality of development in Salado and its extraterritorial jurisdiction. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous municipal setting and physical environment within the community. Subdivision design shall be of a quality that will carry out the purpose and spirit of the policies expressed within the Comprehensive Plan and within this Ordinance, and shall be encouraged to exceed the minimum standards required herein.

Section 1.3: Application of Regulations

1.3 a. No subdivision plat shall be recorded until a final plat, accurately describing the property to be conveyed, has been approved in accordance with this Ordinance and with other applicable Village regulations (described in Subsection 1.3(b.) below). No building permit, certificate of occupancy, plumbing permit, electrical permit, flood plain permit, utility tap, or certificate of acceptance for required public improvements shall be issued by the Village for any parcel of land or plat until:

1. A final plat has been approved in accordance with this Ordinance; and

2. All improvements required by this Ordinance have been constructed and accepted by the Village of Salado, or

3. Assurances for completion of improvements have been provided in accordance with Section 6 of this Ordinance.

b. Compliance with all Village ordinances pertaining to the subdivision of land, and the Comprehensive Plan, shall be required prior to approval of any development application governed by this Ordinance. It is the property owner's responsibility to be familiar with, and to comply with, Village ordinances. Applicable ordinances and requirements include, but are not limited to, the following:

1. **Comprehensive Plan**, which includes the Future Land Use Plan, Transportation Plan, Park and Open Space Plan, and all other associated maps and plans;

2. **Zoning Ordinance**;

3. **Building Codes**;

4. **Flood Damage Prevention Ordinance**;

5. **Construction Ordinance**;

6. **Fire Prevention Code**;

7. **Other Applicable Chapters of the Village's Code of Ordinances.**

Section 1.4: Jurisdiction

1.4 The provisions of this Ordinance shall apply to the following forms of land subdivision and development activity within the Village's limits and its extraterritorial jurisdiction:

a. The division of land into two or more tracts, lots, sites or parcels; or

b. All subdivisions of land whether by metes and bounds division or by plat, which were outside the jurisdiction of the Village's subdivision regulations in Bell County, Texas and which subsequently came within the jurisdiction of the Village's subdivision regulations through:

1. Annexation; or

2. Extension of the Village's extraterritorial jurisdiction; or

c. The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site, except as otherwise provided herein; or

d. When a building permit is required for the following uses:

1. Residential single-family:
   (a) Construction of a new single-family dwelling unit; or
   (b) Moving of a primary structure or a main building onto a piece of property; or

2. Nonresidential and multi-family:

(a) Construction of a new nonresidential or multi-family structure; or

(b) Additions, such as increasing the square footage of an existing building by more than twenty percent [20%] of its gross floor area; or

(c) Moving a primary structure onto a piece of property; or

e. For tracts where any public improvements are proposed; or

f. Whenever a property owner proposes to divide land lying within the Village or its extraterritorial jurisdiction into two or more tracts, and claims exemption from Subchapter A of Chapter 212 of the Texas Local Government Code for purposes of development, that results in parcels or lots all greater than five (5) acres in size; or in the event that development of any such tract is intended, and where no public improvement is proposed to be dedicated, he shall first obtain approval of a development plat that meets the requirements of Texas Local Government Code Chapter 212, Subchapter B, Regulation of Property Development, Sections 212.041 through 212.050, as may be amended. (See Section 2.7 of this Ordinance for requirements for development plats.)

Section 1.5: Exemptions

1.5 The provisions of this Ordinance shall not apply to:

a. Development of land legally platted and approved prior to the effective date of this Ordinance, except as otherwise provided for herein (construction of facilities and structures shall conform to design and construction standards in effect at the time of construction) and for which no re-subdivision is sought; or

b. Development of land constituting a single tract, lot, site or parcel for which a legal deed of record describing the boundary of said tract, lot, site or parcel was filed of record in the Deed Records of Bell County, Texas on or before November 7, 2002; or

c. Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is occurring; or

d. Existing cemeteries complying with all State and local laws and regulations; or

e. Divisions of land created by order of a court of competent jurisdiction; or

f. When a building permit is requested for unplatted or already platted parcels for one or more of the following activities:

1. Replacement or reconstruction of an existing primary single-family or duplex structure, but not to exceed the square footage, nor deviate from the original location, of the original structure;

2. Building additions, such as increasing the square footage of an existing residence or other structure, of not over one hundred percent (100%) of the existing structure's value, and of not over fifty percent (50%) of the gross floor area of the structure;

3. Accessory buildings (as defined in the Zoning Ordinance);

4. Remodeling or repair which involves no expansion of square footage; or

5. Moving a structure off a lot or parcel, or for demolition permits.

Section 1.6: Pending Applications

1.6 All applications for plat approval, including final plats, that are pending on the effective date of this Ordinance and which have not lapsed shall be reviewed under the regulations in effect immediately preceding the effective date of this Ordinance.

Section 1.7: Interpretation; Conflict; Severability

1.7 a. Interpretation. In their interpretation and application, the provisions of the regulations contained in this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

b. Conflict with Other Laws. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in this Ordinance. To the extent that this Ordinance promulgates standards or imposes restrictions or duties which differ from those imposed by other Village ordinances, rules or regulations, the regulations contained within this Ordinance shall supersede such other provisions to the extent of any conflict or inconsistency.

c. Severability. If any part or provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered, and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Board of Aldermen hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

Section 1.8: Saving Provision

1.8 This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Village under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Village except as shall be expressly provided in this Ordinance.

Section 1.9: Waivers/Suspensions

1.9 a. General. Where the Board of Aldermen finds that undue hardships will result from strict compliance with a certain provision(s) of this Ordinance, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve a

waiver/suspension from any portion of these regulations so that substantial justice may be done and the public interest is secured, provided that the waiver/suspension shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the Board of Aldermen shall not approve a waiver/suspension unless it shall make findings based upon the evidence presented to it in each specific case that:

1. Granting the waiver/suspension will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver/suspension will not prevent the orderly subdivision of other property in the vicinity;

2. The conditions upon which the request for a waiver/suspension is based are unique to the property for which the waiver/suspension is sought, and are not applicable generally to other property;

3. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

4. The waiver/suspension will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan or any other adopted plan(s) or ordinance(s) of the Village;

5. An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

Such findings of the Board of Aldermen, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board of Aldermen meeting at which a waiver/suspension is considered. A waiver/suspension from any provision of this Ordinance 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. Pecuniary hardship to the property owner or developer, standing alone, shall not be deemed to constitute undue hardship.

b. Criteria for Waivers/Suspensions from Development Exactions. Where the Board of Aldermen finds that the imposition of any development exaction pursuant to these regulations exceeds reasonable benefit to the property owner, or is so excessive as to constitute confiscation of the tract to be platted, it may approve a full or partial, at its discretion, waiver/suspension to such requirements, so as to prevent such excess.

c. Conditions. In approving a waiver/suspension, the Board of Aldermen may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.2.

d. Procedures:

1. A petition for a waiver/suspension shall be submitted in writing by the property owner before the plat is submitted for the consideration of the Board of Aldermen. The petition shall state fully the grounds for the application, and all of the facts relied upon by the petitioner.

2. All waivers/suspensions shall have final approval or disapproval by the Board of Aldermen.

e. Criteria for Waivers/Suspensions for Street Exactions. Where the Board of Aldermen finds that the imposition of any dedication or construction requirement for streets pursuant to these regulations exceeds reasonable benefit to the property to be platted, it may approve waivers/suspensions for such requirements so as to prevent such excess. In order to qualify for a waiver/suspension under this Section, the property owner shall demonstrate that the costs of right-of-way dedication and construction of non-local streets imposed pursuant to these regulations substantially exceeds the incremental costs of providing land and transportation improvements necessary to offset the additional traffic impacts generated by, or attributable to, the development upon the transportation network serving the property, including that which may be generated by or attributed to other phases to be platted in the future.

Section 1.10: Payment of All Indebtedness Attributable to a Specific Property

1.10 No person who owes delinquent taxes, delinquent paving assessments, delinquent fees, or any other delinquent debts or obligations to the Village of Salado, and which are directly attributable to a piece of property, shall be allowed to receive approval for any plat or replat until the taxes, assessments, debts or obligations directly attributable to said property and owed by the property owner or a previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the Mayor/Village Administrator (or designee) has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or obligations have been paid at the time of submission for any application for approval under this Ordinance.

Section 1.11: Right to Deny Hearing and Plat

1.11 The Village may deny a hearing and any approval pursuant to this Ordinance if the applicant does not submit the information and fees required by this Ordinance.

Section 1.12: Misrepresentation of Facts

1.12 Misrepresentation of Facts. It shall be a violation of this Ordinance for any person to knowingly or willfully misrepresent, or fail to include, any information required by this Ordinance in any plat application or during any public hearing or meeting or the Commission or Board of Aldermen. Such a violation shall constitute grounds for denial of the plat.

Section 1.13: Definitions

1.13 For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word "shall" is always mandatory, while the word "may" is merely directory.

a. Addition. A lot, tract or parcel of land lying within the corporate boundaries or extraterritorial jurisdiction of the Village which is intended for the purpose of subdivision or development.

b. Administrative Officers. Any officer of the Village referred to in this Ordinance by title, including but not limited to the Mayor/Village Administrator, Village Secretary, Fire Chief, Police Chief, Director of Public Works, Village Engineer, and Chief Building Official shall be the person so retained in that position by the Village, or his or her duly authorized representative. This definition shall also include civil engineering, planning, legal, financial, traffic engineering, and other consultants retained by the Village to supplement or support existing Village staff, as deemed appropriate by the Village.

c. Alley. A minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties that derive primary access from a street. The length of an alley segment is to be measured from the right-of-way lines of the streets from which the alley is provided access, including any alley turnouts onto a street, or from the center point of an intersection with another alley which connects to a street.

d. Amended or Amending Plat. A revised plat correcting errors or making minor changes to the original recorded final plat.

e. Amenity. An improvement to be dedicated to the public or to the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this Ordinance.

f. Applicant. A person or entity who submits an application for an approval required by this Ordinance. Also sometimes referred to as "developer", "subdivider", or other similar term.

g. Application. A written request for an approval required by this Ordinance.

h. Approval Authority (by Board of Aldermen). The Board of Aldermen, as the governing body of the Village of Salado, shall be the final authority responsible for approving all case types as outlined in Section 1.14 herein. The only appeal to a decision by the Board of Aldermen shall be the judicial system.

i. Approval Authority (by the Planning & Zoning Commission). The Commission has recommendation and specified approval authority as outlined in Section 1.14 herein. Any appeal to a decision by the Commission shall be made to the Board of Aldermen.

j. Assurance. See Section 6.2.

k. Base Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year. This type of flood is also commonly referred to as the *100-year flood.*

l. Block Length or Street Length. For a residential subdivision, that distance measured along the centerline of the street from the intersection centerpoint of one through street to the intersecting centerpoint of another street, or to the midpoint of a cul-de-sac. The through street referred to above shall not be a cul-de-sac, a dead-end street, or a looped street, but shall be a street which clearly has two points of ingress from two different directions.

m. Board of Aldermen. The duly elected governing body of the Village of Salado, Texas.

n. Bond. Any form of a surety bond in an amount and form satisfactory to the Village.

o. Building Setback Line. The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street right-of-way line, property line, a creek, or some other specific feature.

p. Capital Improvements Program (CIP). The official proposed schedule, if any, of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by Board of Aldermen.

q. Commission. The Planning and Zoning Commission of the Village of Salado, Texas.

r. Comprehensive Plan. The phrase "Comprehensive Plan" shall mean the Comprehensive Plan of the Village and adjoining areas as adopted by the Board of Aldermen, including all its revisions and Plan elements (including, but not limited to, the Future Land Use Plan, Transportation Plan, Parks and Open Space Plan, etc.). This Plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water and wastewater facilities, and other public and private developments and improvements.

s. Concept Plan. A drawing of the overall conceptual layout of a proposed development, superimposed upon a topographic map which generally shows the anticipated plan of development, and which serves as a working base for noting and incorporating suggestions of the Village's administrative officers, the Commission, the Board of Aldermen, and others who are consulted prior to preparation of the construction plat. A concept plan is also sometimes referred to as a "preliminary site plan" or a "land study".

t. Construction Plat (also "Preliminary Plat"). The graphic expression of the proposed overall plan for subdividing, improving and developing a tract, showing in plain view the proposed street and lot layout, easements, dedications and other pertinent features, with such notations as are sufficient to substantially identify the general scope and detail of the proposed development. The preliminary plat is referred to as the "construction plat" herein, since the engineering plans for public improvements are submitted along with it, and since it contributes toward authorization to proceed with construction of the subdivision and its associated public improvements, subject to any additions, alterations, plan approval and construction release by the Village's Engineer.

u. Contiguous. Lots are contiguous when at least one boundary line or point of one lot touches a boundary line, or lines, or point of another lot.

v. Cul-De-Sac. A street having only one outlet to another street, and terminated on the opposite end by a vehicular turnaround or "bulb". The length of a cul-de-sac is to be measured from the intersection centerpoint of the adjoining through street to the midpoint of the cul-de-sac bulb.

w. Dead-End Street. A street, other than a cul-de-sac, with only one outlet.

x. Easement. The word "easement" shall mean an area for restricted use on private property upon which the Village or a public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs and other improvements or growths which in any way

endanger or interfere with the construction, maintenance or efficiency of its respective systems within said easements. The Village and public utilities shall, at all times, have the right of ingress and egress to and from and upon easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of their respective systems without the necessity at any time of procuring the permission of anyone.

y. Engineer. A person duly authorized and licensed under the provisions of the Texas Engineering Registration Act to practice the profession of engineering.

z. Engineering Plans or Drawings. The maps or drawings accompanying a construction plat and showing the specific location and design of public improvements to be installed in the subdivision in accordance with the requirements of the Village as a condition of approval of the plat.

aa. Escrow. A deposit of cash with the Village in accordance with this Ordinance.

bb. FEMA. The Federal Emergency Management Agency of the U.S. government.

cc. Final Plat (also "Record Plat", "Final Plat" or "As-Built Plat"). The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer, with the subdivision location referenced to a survey corner, and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. The final plat of any lot, tract or parcel of land shall be recorded in the land records of Bell County, Texas. An amended plat is also a final plat.

dd. Governing Body. The Board of Aldermen of the Village of Salado.

ee. Improvement or Developer Agreement. A contract entered into by the applicant and the Village, by which the applicant promises to complete the required public improvements within the subdivision or addition within a specified time period.

ff. Land Study. This is the same as a "Concept Plan".

gg. Land Planner. Persons, including surveyors or engineers, who possess and can demonstrate a valid proficiency in the planning of residential, nonresidential and other related developments, such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum, or by actual experience and practice in the field of land planning, and who may be certified as a member of the American Institute of Certified Planners (AICP).

hh. Lot (also Lot of Record). A divided or undivided tract or parcel of land having frontage on a public street, and which is, or which may in the future be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record at the County.

ii. Major Plat. All plats not classified as minor plats, including but not limited to subdivisions of more than four (4) lots, or any plat that requires the construction of a new street (or portion thereof) or the extension of a municipal facility as required by this or any other Village ordinance.

jj. Major Subdivision. This is the same as a "Major Plat".

kk. Mayor or Village Administrator. The person holding the position of Mayor, as duly elected by the citizens of Salado, or the person holding the position of the Village's chief executive officer (e.g., Village Administrator), as appointed by the Board of Aldermen, as the term is applicable to the Village's form of management (per the Texas Local Government Code).

ll. Minor Plat. A subdivision resulting in four (4) or fewer lots, [MF1]and provided that the plat does not create any new easements for public facilities nor the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor plat shall already be served by all required Village utilities and services.

mm. Minor Subdivision. This is the same as a "Minor Plat".

nn. On-Site Facilities or Improvements. These are the existing or proposed facilities or improvements constructed within the property boundaries of the plat, and the existing or proposed facilities required to be constructed or improved immediately adjacent to the property that are needed to serve the development. Facilities and improvements include, but are not limited to, streets, alleys, water lines, sewer lines, storm drainage facilities, sidewalks, screening devices, and curbs and gutters.

oo. Off-Site Facilities or Improvements. "Off-site" facilities shall mean those facilities or improvements that are required to serve the site but that are not located within the boundaries of the plat, and are not required to be constructed or improved immediately adjacent to the property to serve the development. These include oversizing for streets, sewer lines, water lines and storm drainage facilities, as well as the excess capacity of facilities such as water storage tanks and wastewater treatment plants available for new development.

pp. Overlength Street (or Alley). A street segment, or a cul-de-sac or alley segment, which exceeds the maximum length allowed by this Ordinance, as measured along the centerline of the street from the intersection centerpoint of one through street, which shall not be a cul-de-sac or dead-end or looped street, to the intersecting centerpoint of another through street or, in the case of a cul-de-sac, to the midpoint of the cul-de-sac. For an alley segment, the measurement shall be to the right-of-way lines of the streets from which the alley is provided access, including any alley turnouts, or from the centerpoint of an intersection with another alley which connects to a street.

qq. Pavement Width. The portion of a street that is available for vehicular traffic. Where curbs are used, it is the portion from the back of one curb to the back of the opposite curb.

rr. Perimeter Street. Any existing or planned street which abuts the subdivision or addition to be platted.

ss. Person. Any individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind.

tt. Planning and Zoning Commission. The Planning and Zoning Commission (Commission) of the Village of Salado, Texas.

uu. Plat. This means a construction plat, final plat, development plat, amended plat or replat, as determined by the context.

vv. Preliminary Plat. This is the same as a "Construction Plat". (See "Construction Plat".)

ww. Private Street. A private vehicular access way, including an alley, that is shared by and that serves two or more lots, which is not dedicated to the public, and which is not publicly maintained.

xx. Property Owner (also known as "Applicant" or "Subdivider" or "Developer"). Any person or firm, association, syndicate, general or limited partnership, corporation, trust or other legal entity, or any agent thereof, that has sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance. In any event, the term "property owner" shall be restricted to include only the owner(s) or authorized agent(s) of such owner(s), such as a developer, of land sought to be subdivided.

yy. Public Improvements. Facilities, infrastructure and other appurtenances, typically owned and maintained by the Village, which serve a public purpose in providing a needed service or commodity, such as wastewater collection and treatment and water storage and distribution, and which protect the general health, safety, welfare and convenience of the Village's citizens, including efficiency in traffic circulation and access for emergency services. Required public improvements may include, but shall not be limited to, street and alley paving, including any necessary median openings and left turn lanes on major thoroughfares; water lines and pumping stations; sanitary sewer lines and lift stations; storm drainage structures and storm water management devices; water quality and erosion controls; screening and retaining walls; fire lane paving and fire hydrants; landscaping, where such is used for required screening or other required landscaped area, and associated irrigation system; and any required public sidewalks, street lights and street name signs. The term "public improvements" shall not include facilities or infrastructure of private providers of utility services other than water and wastewater, but shall be deemed to include facilities and infrastructure that the Village would normally require of a development but which will be owned and maintained by an entity such as a homeowners association, as in the case of private streets.

zz. Replatting or Replat. This is the re-subdivision of any part or all of a block or blocks of a previously platted subdivision, addition, lot or tract.

aaa. Review. Shall be construed to mean "to read, analyze, assess and act upon" a development application.

bbb. Right-of-Way. A parcel of land occupied, or intended to be occupied, by a street or alley. Where appropriate, "right-of-way" may include other facilities and utilities such as sidewalks; railroad crossings; electrical, communication, oil and gas facilities, water and sanitary and storm sewer facilities; and any other special use. The use of right-of-way shall also include parkways and medians outside of the paved portion of the street. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and shall not be included within the dimensions or areas of such lots or parcels.

ccc. Standard Street. A standard street is a street or road that meets or exceeds the minimum specifications in the Village's standard street specifications, and which is constructed to the ultimate configuration for the type of roadway it is designated for on the Village's Transportation Plan.

ddd. Street. A right-of-way, whether public or private and however designated, which provides vehicular access to adjacent land. Streets may be of the following categories:

1. Major thoroughfares, also known as arterial streets or primary thoroughfares, which provide vehicular movement from one neighborhood to another or to distant points within the Village, and including freeways or highways leading to other communities.
2. Collector streets, also known as feeder streets or secondary thoroughfares, which provide vehicular circulation within neighborhoods, and from local streets to major thoroughfares.
3. Local residential streets, also known as minor thoroughfares or streets, which primarily provide direct vehicular access to abutting residential property.
4. Private streets are streets which are owned and maintained by a homeowners association or property owners association, and which are not dedicated to the public.

eee. Street Improvements. This means any street or thoroughfare, together with all appurtenances required by Village regulations to be provided with such street or thoroughfare, and including but not limited to curbs and gutters, walkways (sidewalks), drainage facilities to be situated in the right-of-way for such street or thoroughfare, traffic control devices, street lights and street signs, for which facilities the Village will ultimately assume the responsibility for maintenance and operation.

fff. Street Length. This means the same as "Block Length".

ggg. Street Right-of-Way. The width of the right-of-way for any roadway is the shortest perpendicular distance between the lines which delineate the rights-of-way of the street.

hhh. Subdivision (also known as "Addition"). A division or re-division of any tract of land situated within the Village's corporate limits or its extraterritorial jurisdiction into two or more parts, lots or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. "subdivision" includes re-subdivisions of land or lots which are part of a previously recorded subdivision.

iii. Submission Date. The submission date is when all necessary forms, fees, plans, information and copies have been submitted to the Village, previewed for completeness, deemed as "complete", and a fee receipt has been issued by the Village.

jjj. Substandard Street. An existing street or road that does not meet the minimum specifications in the Village's standard street specifications, and which is not constructed to the ultimate configuration for the type of roadway it is designated for on the Village's Transportation Plan.

kkk. Surety (or "Security"). See Section 6.2.

lll. Surveyor. A licensed land surveyor or a registered public land surveyor, as authorized by State statutes to practice the profession of surveying.

mmm. SWPPP. A Storm Water Pollution Prevention Plan (contained within the engineering construction plans).

nnn. TCSS. The Village of Salado's Technical Construction Standards and Specifications for the construction of subdivision improvements, a copy of which is maintained and available for inspection at the Village Municipal Building, and which is incorporated herein by reference.

ooo. TCEQ. The Texas Commission on Environmental Quality.

ppp. Temporary Improvements. Improvements built and maintained by the property owner that are needed to remedy a circumstance that is temporary in nature, such as a temporary drainage easement or erosion control device, that will be removed upon completion of the subdivision or shortly thereafter.

qqq. U.S. Army Corps of Engineers. The civil engineering branch of the U.S. Government.

rrr. Village. The Village of Salado, Texas.

sss. Village Administrator. See "Mayor or Village Administrator".

ttt. Village Attorney. The term "Village Attorney" shall apply only to such attorney, or firm of attorney, that has been specifically employed by the Village to assist in legal matters. This term shall also apply if the Village retains a person to perform the functions of Village Attorney as an official Village employee.

uuu. Village's Engineer. The term "Village's Engineer" shall apply only to such licensed professional engineer, or firm of licensed professional consulting engineers, that has been specifically employed by the Village to assist in engineering-related matters. This term shall also apply if the Village retains a person to perform the functions of Village's Engineer as an official Village employee.

vvv. Village Planner. The term "Village Planner" shall apply only to such practicing, professional land planner, or firm of professional land planners, that has been specifically employed by the Village to assist in planning- and zoning-related matters. This term shall also apply if the Village retains a person to perform the functions of Village Planner as an official Village employee.

www. Yard. The open area between building setback lines and lot lines.

Section 1.14: Development Review Bodies and Approval Authority

General. This Section establishes or describes the development review bodies and approval authority that pertains to this Subdivision Ordinance and that are not established elsewhere in the City Code or this ordinance.

a. **Board of Aldermen Final Action.** The Board of Aldermen hears and takes final action on the following development review procedures:
   1. Subdivision Ordinance Text Amendments
   2. Concept Plan
   3. Waivers, suspensions, or exceptions except Section 5.7 Screening and Landscaping Construction)
   4. Appeals

5. Approval of plats with Planned Development Zoning
6. Plat extension and reinstatement
7. Extension of approval of engineering plans
8. Approval of plats that are subject to Development Agreements
9. Approval of Improvement Agreements, Performance Agreements, Development Agreements and any associated escrow funds, security, performance bonds, letter of credit
10. Approval of deferred construction of public improvements
11. Dissolution or amendment of Homeowners Association covenants and restrictions
12. Village-initiated plat vacation

b. **Commission Powers and Duties.** The following powers and duties are assigned to the Commission.
   1. Review and Recommendation. The Commission must review and make a recommendation on the following development review procedures:
      a. Subdivision Ordinance Text Amendment
      b. Plats with Planned Development Zoning
      c. Plats that are subject to Development Agreements
      d. Village-initiated plat vacation
      e. Concept Plan

   2. Final Action. The Commission hears and takes final action on the following development review procedures:
      a. Preliminary Plat
      b. Final Plat
      c. Replat Without Vacating Preceding Plat
      d. Plat Vacation
      e. Development Plat
      f. Dedication of Parks and Open Space
      g. Minor or amending plats referred by the Mayor/Village Administrator
      h. Waivers to Section 5.7 Screening and Landscaping Construction

c. **Mayor/Village Administrator Powers and Duties.** The following powers and duties are assigned to the Mayor/Village Administrator.
   1. Final Action. The Mayor/Village Administrator or designee reviews and takes final action on the following development review procedures:
      a. Amending plats described by Section 212.016 of the LGC;
      b. Minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or
      c. A replat under Section 212.0145 of the LGC that does not require the creation of any new street or the extension of municipal facilities.

Section 1.14 added by Ord. 2016.14, eff. June 9, 2016

II. PROCEDURES

Section 2.1: Pre-Application Procedures

2.1 The applicant should avail himself or herself of the advice and assistance of the Village's administrative officers, including its retained planning and engineering consultants (as applicable), and should consult early and informally with those officers and consultants before preparing a concept plan or any plat in order to save time and money, and to avoid potential unnecessary delays.

Prior to formal application for approval of any concept plan or plat, the applicant shall request and attend a mandatory pre-application conference with the appropriate Village official(s) in order to become familiar with the Village's development regulations and the subdivision process. At the pre-application conference, the applicant may be represented by his or her land planner, engineer and/or surveyor. No development right (if any) shall vest upon participation in any pre-application conferences.

Section 2.2: Statutory Procedures

2.2 a. Zoning Requirements. A property within the Village's corporate limits that is being proposed for platting or development must be properly zoned by the Village prior to submission of an application for approval of any concept plan or plat. In addition, the proposed development layout or subdivision design shown on the proposed concept plan or plat must be in conformance with all standards and requirements prescribed in the Village's Zoning Ordinance and this Ordinance.

Noncompliance with the requirements of the zoning district in which the subject property is located, or lack of the proper zoning, shall constitute grounds for denial of the concept plan or plat. In situations where the zoning on a particular piece of property cannot be ascertained by the Village, the burden of proof regarding the property's zoning shall rest with the property owner. Proof of proper zoning shall consist of appropriate documentation, such as a copy of the ordinance establishing the zoning, which shall be reviewed by Village officials as to its validity and authenticity.

Any concept plan or plat submitted for approval by the Village shall be in accordance with the Village's Zoning Ordinance, if the property is located within the Village's corporate limits, and, if the property is located within the Village's corporate limits or extraterritorial jurisdiction, it shall be in accordance with the Village's Comprehensive Plan, including all adopted water, sewer, storm drainage, future land use, park, recreation, open space and transportation plans. All plats shall be prepared by a licensed civil engineer or a registered professional land surveyor.

b. Classification of Subdivisions and Additions. Before any land is filed for record with the County Clerk, the property owner shall apply for and secure approval of the required subdivision plat pursuant to Section 1.14, and in accordance with the following procedures, unless otherwise provided within this Ordinance.

1. Minor subdivisions may be approved for residential or nonresidential properties. Minor plat approval by the Mayor/Village Administrator (or designee) requires the submission of a final plat drawing and other submission materials required by Section 2.11 of this Ordinance.

Lots may be conveyed or sold only when the plat has been approved by the Mayor/Village Administrator and the plat has been filed at Bell County.

2. Major subdivisions may be approved for residential or nonresidential properties. The procedure for approval of a major subdivision typically involves three steps: a concept plan, construction plat and final plat. Sections 2.3 through 2.6 of this Ordinance provide the requirements for each. Major plat approval shall be in accordance with Sections 2.4 through 2.6 of this Ordinance. Upon completion of the required public improvements, or upon submission and Village approval of the appropriate surety for public improvements, the property owner may submit the final plat for approval. All major subdivision plats must be reviewed and approved pursuant to Sections 1.14 and 2.4 through 2.8 of this Ordinance. Lots may be sold only when the final plat has been approved and the plat has been filed at Bell County. ***If the land is required to be platted, no conveyance or sale of any portion or lot of the property may occur until after the final plat is approved and filed at Bell County.***

c. Submission Requirements for All Types of Plat Applications. In addition to the requirements outlined herein for each type of development application, the Village shall maintain separate policies and procedures for the submission and processing of applications including, but not limited to, application forms, checklists, language blocks for plats, and other similar items. The forms and paperwork are available at the office of the Mayor/Village Administrator, or designee. These policies and procedures may be amended from time to time, and it is the applicant's responsibility to be familiar with, and to comply with, these policies and procedures.

d. Official Submission Date and Completeness of Application for All Types of Plats.

1. For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for approval of any type of plat, that contains all required elements mandated by the Texas Local Government Code, Section 212.004(b) and by this Ordinance, is submitted to the Mayor/Village Administrator (or designee), after which the statutory period required for approval or disapproval of the plat shall commence to run. No application shall be deemed officially submitted until the Mayor/Village Administrator (or designee) determines that the application is complete and a fee receipt is issued by the Village. Failure by the Mayor/Village Administrator (or designee) to make a determination of incompleteness within fifteen (15) calendar days following the date on which the application was first received by the Village, shall result in the application being deemed complete, and the "official submission date" shall become the 16th calendar day following initial receipt of the application by the Village.

2. Plat applications which do not include all required information and materials, as outlined below and per other Village development review policies which may change from time to time, will be considered incomplete, shall not be accepted for official submission by the Village, and shall not be scheduled on an agenda until the proper information is provided to Village officials including the Village's retained planning and engineering consultants, if applicable.

e. Submission Procedures and Village Review Process for All Types of Plats.

1. Submission Timing. A complete application for approval of any plat shall be submitted to the Village at least twenty-four (24) calendar days, but no more than thirty (30) calendar days

unless the applicant waives the 30-day requirement for action on the plat in writing, prior to the meeting at which it is to be considered.

(1) Due to State-mandated notification requirements, any residential replat that requires public notification (see Section 2.8) shall be submitted to the Village at least thirty (30) calendar days prior to the meeting at which it is to be considered. Such replat application shall also be accompanied by a written waiver of the 30-day requirement for action on the plat due to timing constraints imposed by publication of the required notice in the Village's official newspaper.

2. Submission Materials. The application shall include a written application form which bears the original notarized signature(s) of the property owner(s) of the subject property, along with the appropriate submission fee, the appropriate number of full-size folded (24" x 36") prints of the plat and an electronic copy of the plat in PDF format as required by the Village's current development review policies and requirements, , a copy of any applicable development agreement pertaining to the subject property (if any), and any other applicable information and materials deemed appropriate by the Village. ***All of the above materials and plans shall be submitted to the Village for review in order for the application to be deemed complete.***

The application shall be accompanied by a certificate or other satisfactory evidence from the Bell County Central Appraisal District showing that all taxes have been paid on the subject property, and that no delinquent taxes exist against the property, in accordance with Section 1.10. Documentation shall also be included that shows no delinquent assessments, fees, or other debts or obligations to the Village and which are directly attributable to the subject property. One copy of the tax status certificate shall be submitted to the Village in order for the application to be deemed complete.

The application shall also be accompanied by an engineer's summary report which describes, in as much detail as necessary, the following: the overall nature and scope of the proposed development, including zoning of the property (and including the Ordinance number that established the property's current zoning), proposed use(s) and acreage of each proposed use, minimum lot sizes, widths and depths, number of lots to be created, and special amenities or facilities that will be included in the development; how the property will be served with required utilities and services; how storm water drainage will be handled; and an itemization and description of any waivers/suspensions from provisions of this Ordinance that will be sought. If the proposed development will have access points onto a major thoroughfare, the application shall also include a letter from the appropriate entity, such as TxDOT or Bell County, acknowledging and approving proposed driveway locations and corresponding median openings and left turn lanes, if applicable. Letters shall also be provided from each of the applicable utility service providers, including water, wastewater, gas, electricity, telephone, cable TV and solid waste, verifying their ability to provide an adequate level of service for the proposed development. The School District shall be notified so that any desire the District may have to obtain a future school site within any portion of the subject property can be documented. ***The above materials (and any associated plans) shall be submitted to the Village for review in order for the application to be deemed complete.***

All plat drawings and other corresponding plans and drawings, including engineering plans and landscape and screening plans, shall be on sheets equal to 24" by 36" in size, and shall be drawn to a known engineering scale of not smaller than one hundred feet to the inch (1"=100') or a larger scale. In cases of large developments which would exceed the dimensions of the sheet at one hundred foot (100') scale, plats may be on multiple sheets or to another known engineering scale, as approved by the Mayor/Village Administrator (or designee), and in a format that will be acceptable for eventual filing at Bell County.

3. Village Staff Review. Upon official submission of a complete application for plat approval, the Village shall commence technical review of the development proposal by forwarding a copy of the application and plat to development review team members which may include, but shall not be limited to, the Mayor/Village Administrator, Village Engineer, Public Works Director, Fire Chief/Marshall, Police Chief, Chief Building Official. . Village development review team members shall review the plat and shall ascertain its compliance with these and other applicable Village regulations. Following Village staff review of the plat and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected plat (and engineering plans, if applicable) to the Mayor/Village Administrator (or designee) no later than seven (7) calendar days prior to the meeting for final review and inclusion in the packets. Failure to resubmit corrected copies of the plat back to the Village in time shall be cause for the Mayor/Village Administrator (or designee) to forward the plat application as it was originally submitted rather than the corrected version of the plat. If, upon re-submission of the corrected plat to the Village, the Mayor/Village Administrator (or designee) determines that the application is still incomplete or is not correct to a reasonable extent, the plat application shall be subject to denial.

   After the plat has been scheduled on an agenda (or at any time prior), the applicant may request, in writing, a waiver of the thirty (30) day approval requirement in order to allow him or her more time to correct deficiencies, address concerns, or otherwise improve the plat pursuant to the Village's regulations. After receipt of the request, the Village may delay action on the final plat beyond thirty (30) calendar days following the official submission date.

4. Action by the Commission and Board of Aldermen. All subdivision plat applications (except minor plats and amended plats) shall be reviewed by the Approval Authority and if in complete conformance with the provisions of this Ordinance and with all other applicable regulations of the Village, then they shall be approved by the designated Approval Authority in accordance with Section 1.14

   The Approval Authority shall review each plat application and shall take action to either recommend approval of the plat application (in the case of Planned Development or Development Agreements), approve the plat application, or approve the application subject to certain conditions, or shall vote to deny the plat application, within thirty (30) calendar days following the official submission date unless the applicant has submitted a written waiver of the 30-day review/approval time pursuant to subsection 3 above. In the case where a plat is subject to a Development Agreement or Planned Development, the Board of Aldermen shall take action on the plat within thirty (30) calendar days following the Commission's action to recommend approval of the application (or approval with conditions). Affirmation of, or minor modifications to, the Commission's recommendation

to approve the plat shall require a simple majority vote of the Board of Aldermen members present and voting.

If the Commission votes to disapprove (i.e., deny) a plat application, the Commission shall state such disapproval and the reasons thereof. The applicant or property owner may appeal such decision to the Board of Aldermen by filing a Notice of Appeal in the office of the Mayor/Village Administrator (or designee) no later than ten (10) calendar days after the date upon which the Commission denied the application. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Board of Aldermen shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date upon which the Notice of Appeal was filed. The Board of Aldermen may change the decision of the Commission by vote of a supermajority (i.e., ¾) of the Board members present and voting. The Board of Aldermen may also, where appropriate, remand the plat application back to the Commission for reconsideration if it believes that there is a compelling reason to do so, such as the introduction of significant new facts or testimony, in which case the Commission shall re-review the application, including such new facts or testimony, at its next regularly scheduled meeting.

f. Simultaneous Submission of Plats. In the event that an applicant submits construction and final plat applications simultaneously, as provided in Section 2.4 (c), the Mayor/Village Administrator (or designee) shall schedule both plat applications for action within thirty (30) calendar days following the official submission date, unless the applicant has executed a written waiver of the 30-day review period for one or both plats. If the construction plat has not received favorable action by the Commission prior to consideration of the final plat by the Commission, then the Commission shall have no choice but to deny the final plat application (unless withdrawn by the applicant) and such denial shall be final unless appealed to the Board of Aldermen (see above). In the case of appeal, the Board of Aldermen shall take action on either one or both plat applications, as applicable, within thirty (30) calendar days following the Commission's action, which shall require a simple majority vote of the Board of Aldermen members present and voting.

g. Proof of Land Ownership. The Village requires proof of land ownership prior to approval of any development application involving real property. Along with the application submission, the applicant shall provide written verification, such as a notarized statement or a power of attorney or other evidence satisfactory to the Mayor/Village Administrator (or designee), that he or she is the owner of record of the subject land parcel or parcels, or is the property owner's authorized agent. The Mayor/Village Administrator (or designee) shall have the authority to determine what document(s) the Village will require to prove ownership, such as one of the following:

1. General warranty deed;
2. Special warranty deed;
3. Title policy; or
4. Some other documentation that is acceptable to the Mayor/Village Administrator (or designee).

If ownership cannot be conclusively established prior to the meeting date on which the development application will be heard, the Village shall have the authority to deny the application

on the basis of protecting the public interest. The applicant may resubmit a new development application, including the submission fees, for the property at any time following such denial.

One copy of the proof of land ownership document(s) shall be simultaneously submitted to the Village in order for the application to be deemed complete.

h. Lapse of Plat Approval. The approval of any type of plat shall be effective for a period of three hundred and sixty-five (365) calendar days beyond the date that the plat was approved , except as otherwise provided herein. By 12:01 a.m. on the 366th day following approval of the plat, the applicant must have completed a Village-required "progress benchmark" as set forth below. If this is not accomplished, then the approved plat shall be deemed to have expired and shall become null and void and a new plat application (along with all other required paperwork, plans, fees, etc.) must be submitted, reviewed and approved by the Village in order to proceed with development of the property. The series of "progress benchmarks" for a project, pursuant to the provisions of this Section, are as follows:

Approved Plat or Plan	→	Next "Progress Benchmark"
Concept Plan	→	Submission of the construction plat, as required by this Ordinance, and final site plan, if required by the Zoning Ordinance, and continued active engineering review of the engineering plans (submitted along with the construction plat and final site plan, if applicable).
Construction Plat	→	All of the following shall occur within the one hundred and eighty-three (183) calendar days following construction plat approval: 1) Village Engineer's approval of engineering plans for all proposed public improvements; and 2) payment of all applicable site development related fees that are traditionally collected prior to release for site construction. In addition to the above, an application for approval of the final plat shall be submitted to the Village within three hundred and sixty-five (365) calendar days following actual commencement of site construction in order to avoid lapse of the approved construction plat (unless such is extended or reinstated pursuant to provisions in this Ordinance).
Final Plat	→	Final plat approved but not yet filed with Bell County – All materials necessary to file the plat at the County, including plat mylars, filing fees, etc., shall be submitted to the Village within thirty (30) calendar days of the date of final plat approval. An application for a certificate of occupancy shall also be submitted to the Village within three hundred and sixty-five (365) calendar days following the date of final plat approval in order to avoid lapse of the approved final plat (provided that the final plat is not yet filed at the County), unless such approval is extended or reinstated pursuant to provisions in this Ordinance. Final plat that has been filed at Bell County – The final filed plat is valid in perpetuity, unless the filed plat is properly amended or vacated pursuant to the provisions of this Ordinance.

i. Extension and Reinstatement Procedure. Prior to the lapse of approval for a plat, the property owner may petition the Village to extend the plat approval. Such petition shall be considered at a public meeting before the Board of Aldermen, which shall approve or deny the petition. . If no petition for extension of plat approval is submitted by the property owner prior to the expiration date, then the plat shall be deemed to have expired and shall become null and void.

In considering whether to grant a request for extension, the Board of Aldermen shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which newly adopted subdivision regulations would apply to the plat at that point in time. The Board of Aldermen shall either extend the plat (either with or without conditions) or shall deny the request, in which instance the originally approved plat shall be deemed to be null and void. The property owner must thereafter submit a new plat application for approval, and shall conform to the subdivision regulations then in effect.

The Board of Aldermen may extend the plat approval subject to additional conditions based upon newly enacted Village regulations or State legislation, or such as are necessary to ensure compliance with the original conditions of approval or to protect the public health, safety and welfare. The Board of Aldermen may also specify a shorter time for extension of the plat than the original 365-day approval period.

j. Lapse of Approval of Engineering Plans. The approved engineering plans shall be valid for a period of three hundred and sixty-five (365) calendar days following approval by the Village's Engineer. The Board of Aldermen may, upon written request by the applicant, grant an extension of up to an additional 365 calendar days, after which the engineering plans shall be subject to re-approval by the Village's Engineer if no construction has occurred.

Section 2.3: Concept Plan Approval

2.3 a. Applicability. A concept plan, sometimes referred to as a "preliminary site plan" or a "land study", is required, and submission and approval of a concept plan is the first step in the approval process for a residential or nonresidential development project. Village review and approval of a concept plan has many benefits for both the Village and the applicant. The applicant benefits in that he or she gains preliminary review and scrutiny, as well as input and suggestions, on the overall conceptual layout of the proposed development from the Village's development review team. The Village benefits in that it is allowed to become familiar with and involved in the project early in the development process, which is particularly important for large-scale developments and subdivisions. This allows the Village to plan for and closely coordinate the provision of public facilities and services, thereby potentially avoiding future problems such as undersized utility lines, inadequate roadway capacities, unanticipated shortfalls in public services, and fiscal inefficiencies resulting from lack of planning and coordination.

Submission and approval of a concept plan is specifically required in, but is not limited to, the following circumstances:

1. In conjunction with an application for a major subdivision plat for a property that is intended for development, particularly for large land parcels; or

2. In conjunction with any project where a road is to be established or realigned.

b. Procedures and Submission Requirements for Concept Plan Approval. The procedures for Village review and approval of a concept plan shall be as set forth herein and as may be required in the Village of Salado's Zoning Ordinance.

c. Purpose. The purpose of a concept plan, as it pertains to this Ordinance, is to allow opportunity for the Commission and Board of Aldermen to "preview" proposed major thoroughfare and collector street patterns; land use patterns and trends; environmental issues and constraints; conformance to the Comprehensive Plan, Future Land Use Plan, Transportation Plan, Parks and Open Space Plan, water and sewer master plans, and other applicable plans of the Village; and, if the subject property is within the Village's corporate limits, the Zoning Ordinance; and the property's relationship to adjoining subdivisions or properties. Review of a concept plan also assists the Village in evaluating the possible impacts of the proposed development in terms of provision of essential public facilities and services, respecting and preserving important natural features and the environment, provision of open space and recreational opportunities, and protecting the general health, safety and welfare of the community.

d. Extent of Area That Should be Included in a Concept Plan. When the overall development project is to be developed in phases, the concept plan area shall include the entire property from which the phases are being subdivided and an approximate development schedule. Where significant natural or man-made features, such as thoroughfares or creeks, make inclusion of the entire property in the concept plan unnecessary to adequately review the items listed in the preceding paragraph, the concept plan may include a smaller study area. Boundaries such as major thoroughfares, whether existing or proposed, creeks and major drainageways, political subdivisions, or other such natural or man-made features may be used to delineate the smaller study area if approved by the Mayor/Village Administrator (or designee).

e. Duration of Approval. The concept plan shall have an effective date of two (2) years from the date of approval by the Board of Aldermen for any portion of the development project for which a construction plat has not been filed at the Village.

Section 2.4: Procedures and Submission Requirements for Construction Plat Approval

2.4 a. Following the pre-application conference (as described in Section 2.1 above) regarding the overall general development strategy for the property, the applicant shall have prepared a construction plat together with full engineering plans for the construction of the subdivision and all associated public improvements and other supplementary materials, as required by this Ordinance or by the Village.

b. The construction plat shall constitute only that portion of the property or subdivision which the applicant proposes to construct and record provided, however, that such portion conforms to all the requirements of this Ordinance and with any other applicable regulations and codes of the Village.

c. A construction plat shall be preceded by an approved concept plan showing phasing of the overall development, shall include all contiguous property under the ownership or control of the applicant unless otherwise approved by the Mayor/Village Administrator (or designee). A construction plat

may also be submitted simultaneously for those areas anticipated for initial construction. A construction plat may also contain more than one phase, which, if so, shall be clearly identified.

d. The applicant may choose to submit a final plat for review concurrently with the construction plat. In such case, the Village may schedule concurrent review of both plats, provided that all required information and other items are submitted for both plats, including full engineering plans and the appropriate assurances for the completion of all improvements, as per Section 6, and provided that adequate review can be achieved by the Village. If the Village, due to staff resources or other factors, cannot complete its review of both plats, and other associated materials, prior to the applicable Commission meeting, then only the construction plat shall be considered for approval and the final plat shall be denied unless the thirty (30) day review requirement is waived in writing by the applicant.

e. Approval of a construction plat shall be deemed general approval of the street and lot layout shown on the construction plat (approval for construction of the necessary streets, water lines, sewer lines, and other required improvements and utilities shall be authorized only through the Village's Engineer's approval of the engineering plans), and to the preparation of the final or record plat when construction of all required public improvements is nearing completion (or when appropriate surety for completion is provided to the Village). Except as provided for herein, approval of the construction plat shall constitute conditional approval of the final plat when all conditions of approval and when all procedural requirements set forth in this Ordinance have been met, and when construction of all improvements (or surety provided) are satisfactorily completed.

f. Standards for Approval. No construction plat shall be approved unless the following standards have been met:

1. The plat substantially conforms with the previously approved concept plan and with other studies and plans, as applicable;

2. The layouts and engineering plans for required public improvements and Village utilities have been submitted by the applicant for approval by the Village's Engineer (whether specifically stated or not, construction plat approval shall always be subject to any additions or alterations to the engineering plans as deemed necessary by the Village's Engineer, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision); and

3. The plat conforms to applicable zoning and other Village regulations.

g. No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the construction plat, nor prior to issuance of all appropriate construction permits by the Village and other appropriate entities or agencies. The applicant shall also provide copies of letters from applicable local utility companies stating that each utility company has reviewed the construction plat and stating any requirements, including easements, they may have. This requirement may be deferred until the final plat is submitted if such deferral request is submitted to the Village in writing and approved by the Mayor/Village Administrator (or designee) prior to the meeting at which the construction plat will be considered. ***No excavation, grading, tree removal or site clearing activities shall occur prior to approval of the construction plat and the engineering plans.*** However, preliminary grading or site preparation activities, such as limited excavation, filling, and removal or clearing of brush, undergrowth or man-induced debris, may be

authorized by the Mayor/Village Administrator (or designee), at his or her discretion, if such request is submitted in writing by the property owner or developer, if such activities are in conformance with all applicable Village ordinances and codes, and if such activities will not be detrimental to the public health, safety or general welfare (also see Section 6.8b.).

h. Information Required Upon or With A Construction Plat. The proposed construction plat and associated engineering plans shall show the following information (the construction plat itself shall only include those items marked by *italics* -- other physical and engineering data shall be included in the engineering plans or as separate documents):

1. *A vicinity, or location, map that shows the location of the proposed construction plat within the Village (or within its ETJ) and in relationship to existing roadways*;

2. *Boundary lines, abstract/survey lines, corporate and other jurisdictional boundaries, existing or proposed highways and streets (including right-of-way widths), bearings and distances sufficient to locate the exact area proposed for the subdivision, and all survey monuments (identified and labeled; see Section 5.2 for specifications) including any required concrete monuments (per the Village's Engineer); the length and bearing of all straight lines, radii, arc lengths, tangent lengths and central angles of all curves shall be indicated along the lines of each lot (curve and line data may be placed in a table format); accurate reference ties via courses and distances to at least one recognized abstract or survey corner or existing subdivision corner shall be shown*;

3. *The name, location and recording information of all adjacent subdivisions (or property owners of adjacent unplatted property), including those located on the other sides of roads or creeks, shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys, building setbacks, lot and block numbering, easements, and other features that may influence the layout of development of the proposed subdivision; adjacent unplatted land shall show property lines, the names of owners of record, and the recording information*;

4. *The location, widths and names of all streets, alleys and easements (it shall be the applicant's responsibility to coordinate with appropriate utility entities for placement of necessary utility easements and for location of all streets and median openings on highways or arterial roadways), existing or proposed, within the subdivision limits and adjacent to the subdivision*; a list of proposed street names shall be submitted (in the form of a letter or memo along with the application form) for all new street names (street name approval is required at the time the construction plat is approved);

5. *The location of all existing property lines, existing lot and block numbers and date recorded, easements of record (with recording information), buildings, existing sewer or water mains (can be shown on a separate sheet, if preferred), gas mains or other underground structures, or other existing features within the area proposed for subdivision*;

6. *Proposed arrangement and square footage of lots (including lot and block numbers) and proposed use of same*; for nonresidential uses, the location and size of buildings, existing and proposed (this information may be provided on a separate sheet, such as on a concept plan or the final site plan; refer to the Village's Zoning Ordinance);

7. *A title block within the lower right hand corner of the plat* (and engineering plans) *which shows the title or name under which the proposed subdivision is to be recorded; the name, address and phone number of the property owner(s); the name, address and phone number of the licensed engineer or registered professional land surveyor who prepared the plat/plans; the scale of the plat/plans; the date the plat/plan was prepared; and the location of the property according to the abstract or survey records of Bell County, Texas*; the subdivision name shall not duplicate (or too closely phonetically replicate) the name of any other platted subdivision in Salado, its ETJ, or other surrounding communities in Bell County, but phasing identification is allowed to be similar to previous phases of that particular development (it is the property owner's responsibility to check the plat records of Bell County to ensure that the proposed subdivision name will not duplicate or sound too much like a subdivision name already in existence -- the Village may, at its discretion, require a different subdivision name if there is potential for confusion by public safety officials or the general public);

8. *Sites, if any, to be reserved or dedicated for parks, schools, playgrounds, other public uses or for private facilities or amenities*;

9. *Scale (including a graphic scale), date, north arrow oriented to the top or left side of the sheet, and other pertinent informational data*;

10. *Contours with intervals of two feet (2') or less shown for the area, with all elevations on the contour map referenced to sea level datum; and the limits of any portion of the 100-year flood plain (pursuant to the flood study, if required by the Village's Engineer) that may be within or adjacent to (i.e., within 100 feet of) the property (final documentation of the flood plain shall occur, and shall be shown, on the final plat prior to approval and filing at the County) - if no flood plain present, then a note stating this shall be shown on the plat;*

11. Areas contributing drainage to the proposed subdivision shall be shown in the engineering plans; locations proposed for drainage discharge from the site shall be shown by directional arrows;

12. *All physical features of the property to be subdivided shall be shown in the engineering plans, including the location and size of all water courses, 100-year flood plain according to Federal Emergency Management Agency (FEMA) information, U.S. Army Corps of Engineers flowage easement requirements, ravines, bridges, culverts, existing structures,* drainage area in acres or area draining into subdivisions (only in the engineering plans), *the outline of major wooded areas or the location of major or important individual trees, and other features pertinent to subdivision*;

13. Engineering plans of water and sewer lines and other infrastructure (including sizes) to be constructed in the subdivision; the proposed connections to distribution mains shall be indicated;

14. *Proposed phasing of the development*; where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the construction plat, shall provide a schedule of development; *the dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision*; the Approval Authority shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established, and may require that a

traffic impact analysis be submitted for the entire project or for such phases as the Approval Authority determines to be necessary to adjudge whether the subdivision will be served by adequate streets and thoroughfares;

15. *All construction plats shall be submitted in a legible format that complies with Bell County requirements for the filing of plats, and shall be drawn on a good grade blue line or black line paper;*

16. *Existing or proposed zoning of the subject property and all adjacent properties;*

17. *Minimum finished floor elevations of building foundations shall be shown for lots adjacent to a flood plain or within an area that may be susceptible to flooding;*

18. *Construction Traffic Plan showing proposed routes for construction vehicle traffic and points of ingress and egress of such vehicles during construction;* this shall be sealed by a registered engineer;

19. *Certificates and other language shall be included on the plat, pursuant to the following Subsections:*

    (a) *A statement signed by the property owner(s) and acknowledged before a Notary Public that the subdivided area is legally owned by the applicant.*

    (b) *An accurate legal, such as by metes and bounds, description by bearings and distances (including necessary curve and line data), accurate to the nearest one hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.*

    (c) *A statement signed by the property owner(s) and acknowledged before a Notary Public as to the authenticity of the signatures, saying that the property owner(s) adopts the plat as shown, described and named, and that he/she does dedicate, in fee simple, to the public use forever the streets, alleys and easements shown on the plat. The property owner(s) further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth or other appurtenance for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.*

    (d) *The registered professional land surveyor's certificate, with a place for his or her signature and notarization of his or her signature.*

    (e) *A place for plat approval signature of the Mayor (or Mayor Pro Tem, in the Mayor's absence) of the Board of Aldermen, a place for the Village Secretary to attest such signature, and the approval dates by the Commission and or Board of Aldermen, as applicable.*

(f) *Following are the certificates and languages to be used on the plat to accommodate the above requirements:*

(1) *Property Owner's Certificate (required):*

STATE OF TEXAS '
COUNTY OF _____ '

WHEREAS, [__Name(s)___] is (are) the Owner(s) of a tract of land situated in the [_____] Survey, Abstract No. [____], Bell County, Texas and being out of a [_____] acre tract conveyed to him (them) by [_____], and a [___] acre tract conveyed to him (them) by [_____], and being more particularly described as follows:

(Enter accurate metes and bounds property description here, with total land area shown in both acreage and square footage)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____, acting herein by and through his(its) duly authorized officer(s), does hereby adopt this plat designating the herein above described property as _____, an addition to the Village of Salado, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the Village. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and Village of Salado's use thereof. The Village of Salado and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The Village of Salado and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Village of Salado, Texas

WITNESS, my hand, this the ___ day of _____, 20____.

BY:

_____

Authorized Signature of Owner *[use additional signature lines, if necessary]*

_____

Printed Name and Title

STATE OF TEXAS '

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

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

_____

Notary Public in and for the State of Texas

_____

My Commission Expires On:

[Use additional Notary blocks, if necessary, for additional owners]

(2) *Surveyor's Certificate (required):*

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the Village of Salado.

(Seal)

_____

Signature of Registered Public Land Surveyor
Registration No. _____

STATE OF TEXAS '
COUNTY OF _____ '

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

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

_____

Notary Public in and for the State of Texas

_____

My Commission Expires On:

(3) *Approval Block (required):*

VILLAGE APPROVAL OF CONSTRUCTION PLAT
Approved for preparation of final plat following construction of all public improvements (or appropriate sureties thereof) necessary for the subdivision shown on this plat.

Signatures as Applicable:

RECOMMENDED BY: Planning and Zoning Commission, Village of Salado, Texas

_____ Signature of Chairperson

_____ Date of Recommendation

APPROVED BY: Board of Aldermen, Village of Salado, Texas

_____ Signature of Mayor

_____ Date of Approval

ATTEST:

_____ Village Secretary

_____ Date

(4) *Special Notice (required):*

NOTICE: Selling a portion of this addition by metes and bounds is a violation of Village ordinance and State law, and is subject to fines and withholding of utilities and building permits.

(5) *Visibility, Access and Maintenance Easements (to be used if applicable):*

The area or areas shown on the plat as "VAM" (Visibility, Access and Maintenance) Easement(s) are hereby given and granted to the Village, its successors and assigns, as an easement to provide visibility, right of access for maintenance upon and across said VAM Easement. The Village shall have the right but not the obligation to maintain any and all landscaping within the VAM Easement. Should the Village exercise this maintenance right, then it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The Village may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the owners. No building, fence, shrub, tree or other improvements or growths, which in any way may endanger or interfere with the visibility, shall be constructed in, on, over or across the VAM Easement. The Village shall also have the right but not the obligation to add any landscape improvements to the VAM Easement, to erect any traffic control devices or signs on the VAM Easement and to remove any obstruction thereon. The Village, its successors,

assigns, or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.

(6) *Fire Lanes (to be used if applicable):*

The undersigned owner does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface in accordance with the Village of Salado's paving standards for fire lanes, and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking or Standing." The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

(7) *Access Easements (to be used if applicable):*

The undersigned owner does acknowledge and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the Village of Salado, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

(8) *Other Plat Language. The plat shall include any other applicable language, such as for drainage, floodway or other special types of easements, or such as for a private street subdivision, as deemed appropriate and necessary by the Village for the purpose of protecting the public health, safety and welfare. Applicable plat languages are available upon request at the Village.*

i. Engineering Plans. Along with the construction plat application, the applicant shall submit the required number of sets of the complete engineering plans for all streets, alleys (if any), storm sewers and drainage structures, water and sanitary sewer facilities, screening and retaining walls, landscaping and irrigation, and any other required public improvements for the area covered by the construction plat. The engineering plans shall also contain any plans deemed necessary to show or document compliance with the Village's ordinances pertaining to nonpoint source pollution control, and any other applicable codes and ordinances of the Village that are related to development of a land parcel. Cost estimates for the completion of all public improvements shall also be submitted with the engineering plans for review (and approval, if necessary) by the

Village's Engineer. For the purposes of this Ordinance, complete sets of engineering plans shall include the following plans or sheets (generally in this order), as well as any additional plans or sheets deemed necessary and requested by the Village's Engineer:

- Cover or title sheet (with list of all plans)
- Construction plat
- Final site plan (for nonresidential and multi-family projects only - see the Zoning Ordinance for specific requirements and approval procedures)
- Existing conditions plan (unless these items are shown on the construction plat itself), which shows existing topography, vegetation, tree inventory, existing natural and man-made physical features, etc.
- Existing tree and vegetation protection plan
- Grading, erosion control, and water quality control plans (including a SWPPP)
- Paving and storm drainage plans, including drainage calculations for the 10, 25 and 100 - year storm events for predevelopment and post-development conditions.
- Utility plans for water, sanitary sewer, etc.
- Traffic control plans (if necessary)
- Screening and retaining wall plans
- Landscaping and irrigation plans

The applicant shall have these plans prepared by their own professional engineer(s), subject to approval of the plans by the Village's Engineer. The Village's Engineer (or designee) shall review, or cause to be reviewed, the plans and specifications and if approved, shall mark them "approved" and shall return one set to the applicant, and at least two (2) sets shall be retained in the Village's files. If not approved, then one set shall be marked with the objections noted (on the plans themselves and/or in memo format, a copy of which shall also be sent to the Village) and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and shall resubmit them back to the Village's Engineer for re-review. Once the engineering plans are approved by the Village's Engineer (as documented by an approval letter addressed to the applicant and copied to the Village), the property owner shall provide additional sets of the approved plans to the Village, as specified by the Village's Engineer, for use during construction. A full set of the Village-approved and stamped engineering plans must be available for inspection on the job site at all times.

After approval of the construction plat, approval of the engineering plans and specifications by the Village's Engineer, and following procurement of all applicable permits from other appropriate agencies (such as TxDOT, TCEQ, U.S. Army Corps of Engineers, FEMA, and/or Bell County), the applicant shall cause a contractor(s) to install or construct the public improvements in accordance with the approved plans and the Village's standard specifications, and at the applicant's expense (also see Section 6). The applicant shall employ engineers, surveyors or other professionals as necessary to design, stake, supervise, perform and complete the construction of such improvements, and shall cause his or her contractor to construct the said improvements in accordance with this Ordinance and with the Village's, and any other applicable agency's design standards. If the project will require a FEMA map revision, then the proposed plans shall also be reviewed for compliance with the Village's Flood Damage Prevention Ordinance as amended) prior to approval of the construction plat and prior to any construction activities (including but not limited to grading, clearing, grubbing, brush removal, etc.) on the site.

Engineering plans shall be prepared by or under the direct supervision of a professional engineer licensed in the State of Texas, as required by State law governing such professions and in accordance with this Ordinance and the Village's Technical Construction Standards and Specifications (TCSS). All engineering plans submitted for Village review shall be dated and shall bear the responsible engineer's registration number, his or her designation of "professional engineer" or "P.E.", and the engineer's seal. Engineering plans shall be approved by the Village's Engineer only when such plans meet all of the requirements of this Ordinance and the TCSS.

Engineering plans shall be in conformance with the Technical Construction Standards and Specifications (TCSS) and with the requirements set forth herein. Engineering plans (in complete sets, as described above) showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers, sidewalks, screening and retaining walls, landscape and irrigation plans (if appropriate), and other engineering details of the proposed subdivision at a scale of one inch equals 20 or 40 feet (1" = 20' or 40') horizontally and one inch equals 2, 5, or 10 feet (1" = 2', 5' or 10') vertically shall be submitted to the Village's Engineer (or designee) along with a copy of the construction plat of the subdivision. The number of copies as specified by the Village shall be submitted along with the construction plat submittal.

As part of the engineering plans, a drainage plan showing how the drainage of each lot relates to the overall drainage plan for the plat under consideration shall be submitted. The drainage plan shall be made available to each builder within the proposed subdivision and all builders shall comply with the drainage plan.

k. Effect of Approval. Approval of a construction plat authorizes the property owner, upon fulfillment of all requirements and conditions of approval and upon construction of all required improvements (or submission of the proper assurances for construction of same, per Section 6), to submit an application for final plat approval (see Section 2.5).

l. Revisions to Approved Construction Plat. It is generally recognized that minor revisions to the construction plat will probably be needed before the final plat can be filed at the County. Such minor revisions as slight enlargement or shifting of easements or lot lines, addition of private or franchise utility easements, correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, etc. may occur on the final plat without having to re-approve the construction plat. Determination of whether or not revisions are "minor" in nature is subject to the judgement of the Village's Engineer. Major revisions, such as obvious reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvement (including corresponding easement), shall necessitate re-submission and re-approval of the plat as a "revised construction plat" unless otherwise approved by the Village. The procedures for such re-approval shall be the same as for a construction plat, and such re-approval may constitute a new project thus necessitating submission of a new application form, payment of new fees, compliance with amendments to this Ordinance which occurred since original construction plat approval, and other requirements.

Section 2.5: Procedures and Submission Requirements for Final Plat Approval

2.5 a. The final plat shall be in accordance with the construction plat, as approved (also see Section 2.4.l. above), and shall incorporate all applicable conditions, changes, directions and additions

imposed by the Approval Authority upon the construction plat. The final plat shall not be approved until all utilities, infrastructure, and other required improvements have been constructed according to the engineering plans, as approved by the Village's Engineer, unless provisions are made for the completion of the improvements in accordance with Section 6. The final plat shall not be submitted prior to approval of the construction plat (see Section 2.4 [c] for exception).

b. Final plat applications which do not include the required data, completed application form, submission fee, number of copies of the plat, record drawings, "Letter of Satisfactory Completion" (of the public improvements) from the Village, and other required information, including documentation that all required public improvements have been constructed and installed in accordance with Village standards, letters from utility companies verifying their easements, and submission of the proper assurances or escrow funds for the completion of the improvements (per Section 6) will be considered incomplete, shall not be accepted for submission by the Village, and shall not be scheduled for final consideration until the proper information is provided to Village staff.

c. Information Required on a Final Plat.

1. All information that is required for a construction plat (see Section 2.4(h)), except for submission of engineering plans, provided that such plans were already submitted and approved with the construction plat; and except that physical features of or on the land (such as topography, buildings, utility structures, water bodies and tree cover) shall not be shown on the final plat. In addition to these items, the final plat shall also provide a place for the County Clerk of Bell County to stamp the date and location where the plat will be filed ("Volume or Cabinet ____, Page or Slide ___") in the lower right-hand corner of all sheets of the plat drawing near the title block.

2.

3. *Approval Block (required). The approval block used on the previously approved construction plat shall be modified and shown on the final plat, as follows:*

FINAL PLAT
Approved by the Village of Salado for filing at the office of the
County Clerk of Bell County, Texas.

Signatures as Applicable:

RECOMMENDED BY: — Planning and Zoning Commission, Village of Salado, Texas

_____ — _____

Signature of Chairperson — Date of Recommendation

APPROVED BY: — Board of Aldermen, Village of Salado, Texas

_____ — _____

Signature of Mayor — Date of Approval

ATTEST:

Village Secretary _____ Date _____

4. *Property Location Statement (if required by Bell County):*

This property is located in the corporate limits [or the extraterritorial jurisdiction] of the Village of Salado, Bell County, Texas.

Mayor, Village of Salado _____ Date _____

ATTEST:

Village Secretary, Village of Salado _____ Date _____

d. Standards for Approval. No final plat shall be reviewed or approved unless the following standards have been met:

1. The plat substantially conforms with the approved construction plat and other studies and plans, as applicable;

2. The construction and installation of required public improvements and Village utilities has been completed and the improvements have been accepted by the Village as conforming to the Village's regulations and design standards (or the proper assurances for construction of the improvements have been submitted and approved by the Village, per Section 6); and

3. The plat conforms to applicable zoning, subdivision and any other applicable codes or ordinances of the Village that are related to development of a land parcel.

e. When all of the improvements are found to be constructed and completed in accordance with the approved plans and specifications and with the Village's standards, and upon receipt by the Village of Salado of a maintenance bond or certificate of deposit in accordance with Section 6 of this Ordinance from each contractor, three sealed (3) sets of "AS BUILT" (or "Record Drawing") plans and one sealed (1) set of "As-Built" or "Record Drawing" mylars and a digital copy of all plans (in a format as determined by the Village's Engineer) shall be submitted with a letter stating the contractors' compliance with this Ordinance, and bearing sealed certification by the design engineer that all public improvements have been constructed in compliance with all Village construction standards set forth in the TCSS and other applicable Village design documents. After such letter and certification is received, the Village shall receive and accept the title, use and maintenance of the improvements according to Section 6.7. The final plat shall not be approved or filed at the County prior to receipt of the above letter and certification and any other required items, nor prior to acceptance of the improvements by the Village.

f. Timing of Public Improvements.

1. The Board of Aldermen may permit all or some of the public improvements to be installed, offered for dedication, or accepted by the Village after approval of the final plat if there

exists a compelling reason that is consistent with the public health, safety or welfare to do so (also see Section 6).

The Board of Aldermen may permit or require the deferral of the construction of public improvements if, in its judgment, deferring the construction would not result in any harm to the public or would offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. The deferred construction of any required public improvement(s) must be approved by the Board of Aldermen at the time of construction plat approval, and the necessary assurances for completion of the improvements, in accordance with Section 6, shall be a stipulation, or condition, of approval of the preliminary or final plat, as appropriate.

2. If the Board of Aldermen does not require that all public improvements be installed, offered for dedication, or accepted by the Village prior to approval of the final plat, the applicant shall provide assurances or security for the completion of the improvements or escrowed funds, as provided in Section 6.

g. Effect of Approval. Approval of a final plat authorizes the property owner, upon fulfillment of all requirements and conditions of approval and upon completion of construction of all required improvements (or submission of the proper assurances for construction of same, per Section 6), to submit the final copies, or mylars, of the plat for filing at Bell County. Lots may be sold only when the final plat has been approved and the plat has been filed at Bell County. ***No conveyance or sale of any portion or lot of the property may occur until after the final plat is approved and filed at Bell County.***

h. Revisions to Approved Final Plat Prior to Filing at the County. Occasionally, minor revisions are needed before the final plat can be filed at the County. Such minor revisions as correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, etc. may occur on the record plat prior to filing it without having to re-approve the final plat. Determination of whether or not revisions are "minor" in nature is subject to the judgment of the Village. Major revisions, such as obvious corrections or reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvement (including corresponding easement), shall necessitate re-submission and re-approval of the plat as a "revised final plat" unless otherwise approved by the Village. The procedures for such re-approval shall be the same as for a final plat, and such re-approval may constitute a new project thus necessitating submission of a new application form, payment of new fees, compliance with amendments to this Ordinance which occurred since original final plat approval, and other requirements.

i. Subsequent to final plat approval, the applicant shall return copies of the final plat, as approved, along with any other required documents and necessary fees, to the Mayor/Village Administrator (or designee) within thirty (30) calendar days following approval, in accordance with requirements established by the Village. All easements shall be included on the final plat, including the recording information for those easements that are filed or recorded as separate instruments, as required by utility companies and the Village of Salado prior to filing the final plat, and a copy of letters from each applicable utility company shall be submitted to the Mayor/Village Administrator (or designee) stating that the plat contains the proper easements. All necessary

filing materials as required by the County Clerk of Bell County, in addition to the appropriate number of mylar copies and a computer disk containing the digital plat file(s) required by the Mayor/Village Administrator (or designee), shall be returned to the Village Secretary with the required fees. If the required copies and materials are not returned to the Village within the specified 30-day time frame, the approval of the final plat shall be null and void unless an extension is granted by the Board of Aldermen. The Village Secretary shall file the final plat at the office of the County Clerk of Bell County within thirty (30) calendar days following receipt of all filing materials, including filing fees.

Section 2.6: Owner's/Applicant's Responsibility Regarding Copies of a Recorded Plat

2.6 a. It shall be the owner's/applicant's responsibility to contact the Village to receive executed copies of the recorded plat.

Section 2.7: Development Plats

2.7 a. Authority. This Section is adopted pursuant to the Texas Local Government Code, Chapter 212, Subchapter B, Sections 212.041 through 212.050, as amended.

b. Applicability. For purposes of this Section, the term "development" means the construction of any building, structure or improvement of any nature (residential or nonresidential), or the enlargement of any external dimension thereof. This Section shall apply to any land lying within the Village or within its extraterritorial jurisdiction in the following circumstances:

1. The development of any tract of land which has not been platted or replatted prior to the effective date of this Ordinance, unless expressly exempted herein; or

2. The development of any tract of land for which the property owner claims an exemption from the Village's Subdivision Ordinance, including requirements to replat, which exemption is not expressly provided for in such regulations; or

3. The development of any tract of land for which the only access is a private easement or street; or

4. The division of any tract of land resulting in parcels or lots each of which is greater than five (5) acres in size, and where no public improvement is proposed to be dedicated or constructed.

c. Exceptions. No development plat shall be required, where the land to be developed has received final plat or replat approval prior to the effective date of this Ordinance. The Board of Aldermen may, from time to time, exempt other development or land divisions from the requirements of this Section.

d. Prohibition on Development. No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued, for any development or land division subject to this Section, until a development plat has been approved and submitted to the Village for filing at the County. Notwithstanding the provisions of this

Section, the Village shall not require building permits or otherwise enforce the Village's Building Code or Zoning Ordinance in the Village's extraterritorial jurisdiction in relation to any development plat required by this Subdivision Ordinance.

e. Standards of Approval. The development plat shall not be approved until the following standards have been satisfied:

1. The proposed development conforms to all Village plans, including but not limited to, the Comprehensive Plan, utility plans and applicable capital improvements plans;

2. The proposed development conforms to the requirements of the Zoning Ordinance (if located within the Village's corporate limits) and the Subdivision Ordinance;

3. The proposed development is adequately served by public facilities and services, parks and open space in conformance with Village regulations;

4. Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered; and

5. The proposed development conforms to the design and improvement standards contained in this Ordinance and in the Village's TCSS, and to any other applicable codes or ordinances of the Village that are related to development of a land parcel.

f. Conditions. The Approval Authority may impose such conditions on the approval of the development plat as are necessary to assure compliance with the standards in Subsection (e) above.

g. Approval Procedure. The application for a development plat shall be submitted to the Village in the same manner as a final plat (see Sections 2.5 and 2.6), and shall be approved, conditionally approved, or denied in a similar manner as a final plat. Upon approval, the development plat shall be filed at the County by the Village Secretary in the same manner as prescribed for a final plat (see Section 2.5), and approval of a development plat shall expire if all filing materials are not submitted to the Mayor/Village Administrator (or designee) and if the plat is not filed at the County within the time periods specified for a final plat.

h. Submittal Requirements - In addition to all information that is required to be shown on a final plat (see Section 2.6), a development plat shall:

1. Be prepared by a registered professional land surveyor;

2. Clearly show the boundary of the development plat;

3. Show each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement involving a change therein;

4. Show all easements and rights-of-way within or adjacent to the development plat; and

5. Be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate or some other form of verification from the Bell County Central Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property in accordance with Section 1.10.

A copy of all application materials for a development plat shall be submitted to the Village for review in the same manner as for a final plat, or the application shall be deemed incomplete.

Section 2.8: Replatting

2.8 a. Replat Required. Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved and filed final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the final platting of land by this Ordinance. All improvements shall be constructed in accordance with the same requirements as for a construction or final plat, as provided herein. The Mayor/Village Administrator (or designee) may waive or modify requirements for a construction replat under certain circumstances where the proposed replat does not involve a large land parcel or an existing structure or business on the subject property, and where the proposed plat revisions are relatively simple in nature.

b. Replatting Without Vacating Preceding Plat. A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

1. Is signed and acknowledged by only the owners of the property being replatted;

2. Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the Approval Authority; and

3. Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

c. Previous Requirements or Conditions of Approval Which Are Still Valid. In addition to compliance with (b) above, a replat without vacation of the preceding plat must conform to the requirements of this Section if:

1. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or

2. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

Notice of the public hearing required under (b) above shall be given before the fifteenth (15^{th}) calendar day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in Bell County. Notice of the public hearing shall also be given by written notice before the fifteenth (15^{th}) calendar day before the date of the hearing, with a copy or description of any requested waivers/suspensions, sent to the property owners,

as documented on the most recently approved ad valorem tax roll of the Village, of lots that are in the original subdivision and that are within two hundred (200) feet of the lot(s) to be replatted. In the case of a subdivision in the extraterritorial jurisdiction, the most recently approved County tax roll shall be used. The written notice may be delivered by depositing the notice, properly addressed with appropriate postage paid, in a post office or postal depository within the boundaries of the Village.

d. If the property owner(s) of twenty percent (20%) or more of the total land area of lots to whom notice is required to be given under Subsection (b) above file with the Village a written protest of the replatting before or at the public hearing then approval of the replat will require the affirmative vote of at least three-fourths (3/4) of the Commission. Additionally, if the replat requires a waiver/suspension as defined in Section 1.9, then approval of the replat will require the affirmative vote of at least three-fourths (3/4) of the Board of Aldermen members present and voting. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the total land area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred feet (200') from that area, but within the original subdivision, must be filed with the Village prior to the close of the public hearing. In computing the percentage of land area subject to the "20% rule" described above, the area of streets and alleys shall be included.

e. Compliance with Subsection (c.) above is not required for approval of a replat for part of a preceding plat if the area to be replatted was designated or reserved for other than single- or two-family (i.e., duplex) residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat. For example, for a replat involving nonresidential property, a public hearing must be held, pursuant to Subsection (b.2.) above, but notice of the hearing does not have to appear in the newspaper and written notices do not have to be mailed to individual property owners within two hundred feet (200') of the subject property.

f. Any replat which adds or deletes lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information, and must state on the replat the specific lots which have changed along with a detailed "Purpose for Replat" statement.

g. If the previous plat is vacated as prescribed in Section 212.013 of the Texas Local Government Code, as amended, and as provided in Section 2.10 of this Ordinance, a public hearing is not required for a replat of the area vacated. It would, instead, be submitted as a "final plat" and reviewed accordingly.

h. The replat of the subdivision shall meet all the requirements under current regulations for a final plat for a new subdivision that may be pertinent, as provided for herein.

i. The title shall identify the document as a "Final Plat" of the "_____ Addition, Block ____, Lot(s) ____, being a Replat of Block _____, Lot(s) _____ of the _____ Addition, an addition to the Village of Salado, Texas, as recorded in Volume/Cabinet _____, Page/Slide _____ of the Plat Records of Bell County, Texas".

j. An application submittal for a replat shall be the same as for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and

that no delinquent taxes exist against the property in accordance with Section 1.10. The replat shall also bear a detailed "Purpose for Replat" statement which describes exactly what has been changed on the plat since the original (or previous) plat was approved by the Village and filed at the County.

A copy of all application materials for a replat shall be submitted to the Village for review in the same manner as for a final plat, or the application shall be deemed incomplete.

k. The replat shall be filed at the County in the same manner as prescribed for a final plat, and approval of a replat shall expire if all filing materials are not submitted to the Village Secretary, and if the replat is not filed at the County within the time periods specified for a final plat.

Section 2.9: Amending Plats

2.9 a. An amended plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate or some other acceptable form of verification from the Bell County Central Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property in accordance with Section 1.10.

A copy of all application materials for an amending plat shall be submitted to the Village for review in the same manner as for a final plat, or the application shall be deemed incomplete.

b. Upon review and a finding that the amending plat is in full conformance with this and all other applicable Village ordinances, the Mayor/Village Administrator (or designee) may approve an amending plat, which may be recorded and is controlling over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and if the amending plat is for one or more of the purposes set forth in this Section. The procedures for amending plats shall apply only if the sole purpose of the amending plat is to:

1. Correct an error in a course or distance shown on the preceding plat;

2. Add a course or distance that was omitted on the preceding plat;

3. Correct an error in a real property description shown on the preceding plat;

4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

5. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

6. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

7. Correct an error in courses and distances of lot lines between two adjacent lots if:

(a) Both lot owners join in the application for amending the plat;
(b) Neither lot is abolished;
(c) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
(d) The amendment does not have a material adverse effect on the property rights of the owners in the plat;

8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

9. Relocate one or more lot lines between one or more adjacent lots if:

(a) The owners of all those lots join in the application for amending the plat;
(b) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
(c) The amendment does not increase the number of lots; or

10. To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

(a) The changes do not affect applicable zoning and other regulations of the Village;
(b) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
(c) The area covered by the changes is located in an area that the Board of Aldermen or Commission has approved, after a public hearing, as a residential improvement area; or

11. To replat one or more lots fronting on an existing street if:

(a) The owners of all those lots join in the application for amending the plat;
(b) The amendment does not attempt to remove recorded covenants or restrictions;
(c) The amendment does not increase the number of lots; and
(d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

Section 2.9b11 added by Ord. 2016.14, eff. June 9, 2016

c. The Mayor/Village Administrator (or designee) may, at his or her discretion and for any reason, elect to present the amending plat to the Commission for consideration. Any decision made on the amending plat by the Mayor/Village Administrator (or designee) or Commission shall be final, except in the case of denial and subsequent appeal. Should the Mayor/Village Administrator (or designee) or the Commission, as applicable, refuse to approve the amending plat, the applicant or property owner may appeal such decision by filing a Notice of Appeal in the office of the Mayor/Village Administrator (or designee) no later than five (5) calendar days after the date upon which the application was denied. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. By 12:01 a.m. on the sixth (6^{th}) day after denial, if no

appeal has been made, such denial will become final. In the case of such appeal, the plat shall be referred to the Board of Aldermen for consideration, within the time period required by State law.

d. Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

e. The amended plat shall be entitled and clearly state that it is an "amended plat", and it shall include a detailed "Purpose for Amended Plat" statement which describes exactly what has been changed on the plat since the original (or previous) plat was approved by the Village and filed at the County. It shall also state the specific lots affected or changed as a result of the amended plat, and shall include the original subdivision plat boundary. All references to "final plat" or "replat" shall be removed.

f. Other than noted above, the procedure for approval of plat amendment(s) shall be the same as in Section 2.8.

g. The amending plat shall be filed at the County in the same manner as prescribed for a final plat, and approval of an amending plat shall expire if all filing materials are not submitted to the Village Secretary, and if the plat is not filed at the County within the time periods specified for a final plat.

Section 2.10: Plat Vacation

2.10 a. By Property Owner. The property owner of the tract covered by a plat may vacate, upon review and approval by the Commission, the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat (instrument language is available from the Village, upon request).

b. By All Lot Owners. If some or all of the lots covered by the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

c. Criteria. The Commission shall review and may approve, the petition for vacation on such terms and conditions as are in accordance with Section 212.013 of the Texas Local Government Code (as amended), and as are reasonable to protect the public health, safety and welfare. As a condition of vacation of the plat, the Commission may direct the petitioners to prepare and seek approval of a revised final plat in accordance with this Ordinance such that the property does not become "unplatted".

d. Effect of Action. On the execution and recording of the vacating instrument, the plat that has been vacated as a result of this instrument shall have no effect. Regardless of the Commission's action on the petition, the property owner will have no right to a refund of any monies, fees or charges paid to the Village nor to the return of any property or consideration dedicated or delivered to the Village except as may have previously been agreed to by the Commission.

e. Village-Initiated Plat Vacation.

1. General Conditions. The Board of Aldermen, on its motion and following a public hearing on the matter, may vacate the plat of an approved subdivision or addition when:

   (a) No lots within the approved plat have been sold within five (5) years following the date that the plat was signed by the Village;

   (b) The property owner has breached an improvement agreement and the Village is unable or does not desire to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by property owner or its successor; or

   (c) The plat has been of record for more than five (5) years and the Village determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety or welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.

2. Procedure. Upon a motion of the Board of Aldermen to vacate the plat of any previously approved subdivision or addition, in whole or in part, the Village shall publish notice in a newspaper of general circulation in the County before the fifteenth (15^{th}) day prior to the date of the public hearing at which the plat vacation shall be heard by the Commission. The Village shall also provide written notice to all property owners within the subdivision or addition and to all members of the Board of Aldermen. The notice shall state the time and place for a public hearing before the Commission, and subsequently before the Board of Aldermen, on the motion to vacate the subdivision or addition plat. The Commission shall recommend approval, and the Board of Aldermen shall approve, the plat vacation only if the criteria and conditions cited above are satisfied.

3. Record of Notice. If the Board of Aldermen approves vacating a plat, the Village Secretary shall record a copy of the plat vacation instrument in the office of the County Clerk of Bell County along with an exhibit showing a drawing of the area or plat vacated. The County Clerk shall write legibly on the vacated plat the word "vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded. If the Board of Aldermen vacates only a portion of a plat, it shall cause a revised final plat drawing to also be recorded which shows that portion of the original plat that has been vacated and that portion that has not been vacated. On the execution and recording of the vacating instrument the plat that has been vacated as a result of this instrument (or the vacated portion of the plat) has no effect.

Section 2.11: Minor Plats

2.11 a. A minor plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate or some other acceptable form of verification from the Bell County Central Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property in accordance with Section 1.10.

A copy of all application materials for a minor plat shall be submitted to the Village for review in the same manner as for a final plat, or the application shall be deemed incomplete.

b. Upon review and a finding that the minor plat is in full conformance with this and all other applicable Village ordinances, the Mayor/Village Administrator (or designee) may approve a minor plat, or may, for any reason, elect to present the minor plat to the Commission for consideration. Any decision made on the minor plat by the Mayor/Village Administrator (or designee) or Commission shall be final, except in the case of denial and subsequent appeal. Should the Mayor/Village Administrator (or designee) or Commission refuse to approve the amending plat, the applicant or property owner may appeal such decision by filing a Notice of Appeal in the office of the Mayor/Village Administrator (or designee) no later than five (5) calendar days after the date upon which the application was denied. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. By 12:01 a.m. on the sixth (6^{th}) day after denial, if no appeal has been made, such denial will become final. In the case of such appeal, the plat shall be referred to the Board of Aldermen for consideration, within the time period required by State law.

c. Notice, a public hearing, and the approval of other lot owners are not required for the approval a minor plat.

d. The minor plat shall be entitled and clearly state that it is a "minor plat."

e. The minor plat shall be filed at the County in the same manner as prescribed for a final plat, and approval of a minor plat shall expire if all filing materials are not submitted to the Village and if the plat is not filed at the County within the time periods specified for a final plat.

III. SUBDIVISION DESIGN STANDARDS

Section 3.1: Streets

3.1 a. The arrangement, character, extent, width, grade and location of all streets shall conform to the Village of Salado's Transportation Plan and TCSS, and shall be considered in their relation to existing and planned streets or driveways (whether within the Village of Salado, within its ETJ area, or within adjacent municipal or County areas), to topographical conditions, to public safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Reserve or residual strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or which will not be taxable or accessible for improvements shall not be permitted in any subdivision unless such are required by the Village in the public interest (such as to enhance public safety or other public interest). All streets shall be constructed in accordance with Section 5 and with the Village's TCSS.

b. Proposed streets shall provide a safe, convenient and functional system for vehicular and pedestrian circulation, shall be properly related to the Transportation Plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. All streets shall be open and unobstructed at all times. The layout of the street network shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction, thereby helping to reduce storm water runoff and preserve natural, scenic characteristics of the land.

c. Adequacy of Streets and Thoroughfares.

1. Responsibility for Adequacy of Streets and Thoroughfares. The property owner shall assure that the subdivision is served by adequate streets and thoroughfares, and shall be responsible for the costs of rights-of-way and street improvements, in accordance with the following policies and standards, and subject to the Village's cost participation policies on oversized facilities.

2. General Adequacy Policy. Every subdivision shall be served by and connect to improved, paved streets and thoroughfares adequate to accommodate the vehicular traffic to be generated by the development. Proposed streets shall provide a safe, convenient and functional system for traffic circulation; shall be properly related to the Village's Transportation Plan, road classification system, Comprehensive Plan and any amendments thereto; and shall be appropriate for the particular traffic characteristics of each development.

3. Road Network. New subdivisions shall be supported by a road network having adequate capacity, ingress/egress, and safe and efficient traffic circulation. The adequacy of the road network for developments of two hundred (200) or more dwelling units, or for developments generating two thousand (2,000) or more "one-way" trips per day, or for developments involving collector or arterial streets not appearing on the Village's adopted Transportation Plan, shall be demonstrated by preparation and submission, prior to or along with the construction plat application, of a traffic impact analysis prepared in accordance with

Subsection (f), Traffic Impact Analysis, which takes into consideration the need to accommodate traffic generated by the development, land to be developed in common ownership and other developed property. In the event that the property to be developed is intended as a phase in a larger development project, or constitutes a portion of the land to be ultimately developed, the Commission may require a demonstration of adequacy pursuant to this Section for additional phases or portions of the property as a condition of approval for the proposed construction plat. In the event that the applicant submits a traffic impact analysis for an entire phased development project, the Village may require an update of the study for each subsequent phase of the development which reflects any applicable changed conditions. If the construction plat is in conformance with the Transportation Plan and if the construction plat is for a development of less than two hundred (200) dwelling units or for a development generating less than two thousand (2,000) "one-way" trips per day, then a traffic impact analysis is not required.

4. Approach Roads and Access. All subdivisions with fifty (50) or more lots must have at least two (2) points of vehicular access (primarily for emergency vehicles), and must be connected via improved paved roadways to the Village's improved thoroughfare and street system by one or more approach roads of such dimensions and improved to such standards as are hereinafter set forth. Requirements for dedication of right-of-way and improvement of approach roads may be increased depending upon the size or density of the proposed development, or if such need is demonstrated by traffic impact analysis.

   (a) "Two (2) points of vehicular access" shall be construed to mean that the subdivision has at least two (2) improved roads accessing the subdivision from the Village's improved thoroughfare system, and the subdivision has at least two (2) road entrances. The Commission may, at its discretion and upon a finding that such will not compromise public safety or impede emergency access, accept a single median-divided entrance from the Village's improved thoroughfare system provided that the median extends into the subdivision for an unbroken length of at least two hundred feet (200') to an intersecting internal street which provides at least two (2) routes to the interior of the subdivision. For example, the entrance street is not a dead-end or cul-de-sac, and it does not create a "bottleneck" allowing only one emergency route into the interior of the subdivision. (Also see Section 3.1u.)

   (b) The subdivision shall be designed to provide adequate emergency access for public safety vehicles. Each residential lot in the subdivision shall have a minimum frontage on a dedicated public street as required by applicable zoning or thirty-five feet (35'), whichever is greater, unless other provisions have been authorized through planned development approval. Each non-residential lot shall have a minimum frontage on a dedicated public street as required by applicable zoning or fifty feet (50'), whichever is greater, unless other provisions have been authorized through planned development approval.

5. Off-Site Improvements. Where traffic impact analysis demonstrates the need for such facilities, or where the Village believes public safety is at risk, the property owner shall make such improvements to off-site collector and arterial streets and intersections as are necessary to mitigate traffic impacts generated by the development or in conjunction with related developments. The Village may participate in the costs of oversize improvements with the

property owner as set out herein, and subject to the Village's cost participation policies on oversized improvements.

6. Street Dedications.

   (a) **Dedication of Right-of-Way**. The property owner shall provide all rights-of-way required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads, as shown in the Transportation Plan and as required by the TCSS or by other valid development plans approved by Board of Aldermen. In the case of perimeter streets, half of the total required right-of-way width for such streets shall be provided unless the proposed development is on both sides of the street, in which case the full right-of-way width shall be provided, or unless there is some other compelling reason to require more than half of the right-of-way width (such as avoiding the infringement upon or demolition of existing structures, avoiding crossing a creek or flood plain or some other obstacle, or other similar circumstance). In some instances, more than half of the required width shall be required when a half street is impractical or unsafe and depending upon the actual or proposed alignment of the street, such as in the case of a curved street, as may be required by the Commission.

   (b) **Perimeter Streets**. Where an existing half-street is adjacent to a new subdivision or addition, the other half of the street shall be dedicated, and an appropriate amount of the street shall be improved, by the developer of the new subdivision or addition.

   (c) **Slope Easements**. The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall be no steeper than three feet (3') horizontal run to one foot (1') vertical height, or a three-to-one (3:1) slope.

7. Street Construction. All streets and thoroughfares shall be constructed with curb-and-gutter, and shall be paved to Village standards and within rights-of-way as required by the Transportation Plan and this Ordinance, and in accordance with the TCSS and other Village standards as may be from time to time amended or adopted. The Board of Aldermen may approve a waiver for alternate paving designs for residential subdivisions if not in conflict with the TCSS Manual.

8. Intersection Improvements and Traffic Control Devices shall be installed as warranted in accordance with the traffic impact analysis required by Subsection (f), or as may be required by the Village for traffic safety and efficiency. Construction and design standards shall be in accordance with Village standards and the TCSS.

9. Phased Development. Where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the construction plat, shall provide a proposed schedule of development. The schedule shall set forth the intended plan of development and dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision. The Commission shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the entire project or such phases as the Board of Aldermen determines to be necessary to adjudge whether the subdivision will be adequately served by streets and thoroughfares.

10. Private Streets. Subdivisions having private streets may be established only under the terms set forth in this Section, and pursuant to any other ordinances or guidelines for private street developments as may be adopted for use by the Village either as part of this Ordinance or as separate ordinances or policies. All private streets shall be designed and constructed in accordance with the Village's standards for publicly dedicated streets. The term "private street" shall be inclusive of alleys, if such are to be provided within the subdivision.

(a) **Private Streets: Subdivision Eligibility Criteria.** Private streets shall be permitted only within a subdivision satisfying each of the following criteria:

(1) The subdivision shall have no fewer than thirty (30) residential lots; and

(2) The streets to be restricted to private use are not intended for regional or local through traffic circulation (see Subsection 3.1c.10 (b) below); and

(3) The subdivision is located in an area that is surrounded on at least three (3) sides, meaning at least seventy-five percent (75%) of the perimeter, by natural barriers, such as creeks, flood plains, steep topological slopes, geologic formations or wildlife preserves, or by similar barriers created by man, such as a golf course or linear park (non-qualifying barriers would include screening walls, roadways, man-made drainage ditches or berms, utility easements and rights-of-way); and

(4) The subdivision is not located adjacent to an existing or approved public street subdivision that can be reasonably connected, even though the street connection would require construction of a bridge or culvert (in that instance, the two subdivisions shall be connected as public street subdivisions unless the bridge or culvert would be so expansive as to be impractical or unfeasible); and

(5) A mandatory property owners (homeowners) association, which includes all property to be served by the private streets, will be formed (see Subsection 3.1c.10.(e) below and Section 4.3); and

(6) The subdivision conforms to any other special guidelines for private street developments as may be approved separately by the Commission.

(b) **Private Streets: Certain Streets Excluded.** Roads or streets that are shown on the Village's Transportation Plan, such as highways, major or minor thoroughfares or arterials, or collectors, shall not be used, maintained or constructed as private streets, and a private street subdivision shall not cross or interfere with an existing or future collector or arterial street. Also, the Commission may deny the creation of any private street if, in their sole judgment, the private street would negatively affect traffic circulation on public streets, or if it would impair access to the subject or adjacent property; impair access to or from public facilities including schools or parks; or if it would cause possible delays in the response time of emergency vehicles.

(c) **Private Streets: Access onto Public Thoroughfare.** A private street subdivision shall provide a minimum of eighty feet (80') of access frontage on a public collector or arterial street for subdivision entrances in order to accommodate a median-divided entrance with appropriate vehicle stacking, queuing and turnaround area. Primary access into a private street subdivision shall be from a major roadway, which has a

minimum right-of-way of sixty-six feet (66'), or from a larger roadway, as shown on the Village's Transportation Plan. Restricted access entrances shall not be allowed from residential collector streets, minor residential or local streets, nor from alleys or private driveways or parking lots. No more than two (2) gated street entrances may intersect a thoroughfare within any one (1) mile segment.

(d) **Private Streets: Parks, Greenbelts and Wildlife Preserves Excluded.** A private street subdivision shall not cross or interfere with public access to or enjoyment of an existing or future public pedestrian pathway, hike and bike trail, greenbelt, park or wildlife preserve as shown on the Village of Salado's Parks and Open Space Plan or as already dedicated for public use.

(e) **Private Streets: Property Owners or Homeowners Association Required.** Subdivisions developed with private streets shall have a mandatory property owners association which includes all property and lots served by the private streets (see Section 4.3). The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents shall be reviewed and approved by the Mayor/Village Administrator (or designee) and the Village's Attorney to ensure that they conform to these and other applicable Village rules and regulations. The documents shall be filed of record at the County prior to final plat approval in order to ensure that there is an entity in place for long-term maintenance of private streets and appurtenances. The association may not be dissolved without the prior written consent of the Board of Aldermen. No portion of the association documents pertaining to the maintenance of private streets and alleys, and assessments therefore, may be amended without the written consent of the Board of Aldermen. The Village will not assist in enforcing deed restrictions.

(f) **Private Streets: Private Street Lot.** Private streets must be constructed within a separate lot owned by the property owners association. This lot must conform to the Village's standards for public street rights-of-way. An easement covering the street lot shall be granted to the Village providing unrestricted access to and use of the property for any purpose deemed necessary by the Village. This right shall also extend to all utility providers operating within the Village and to other necessary governmental service providers, such as the U.S. Postal Service. The easement shall also permit the Village to remove any vehicle or obstacle within the street lot that may impair emergency access.

(g) **Private Streets: Construction and Maintenance Cost.** The Village shall not pay for any portion of the cost of constructing or maintaining a private street.

(h) **Private Streets: Infrastructure and Utilities.** Any public water, sewer and drainage facilities, street lights, and traffic control devices, such as traffic signs, placed within the private street lot shall be designed and constructed to Village standards, and shall be accepted by and dedicated to the Village prior to filing the record plat for the subdivision. All private traffic control devices and regulatory signs shall conform to the "Texas Manual of Uniform Traffic Control Devices", as amended, and to Village standards. All Village regulations relating to infrastructure financing, developer cost participation, and capital cost recovery shall apply to developments with private streets, with the exception of those applying to street construction.

The metering for utilities such as water, gas and electricity shall be located on the individual lots to be served, not grouped together in a centralized location(s), such as "gang-box" style metering stations, which shall not be permitted.

(i) **Private Streets: Plans and Inspections**. Development applications for subdivisions with private streets must include the same plans and engineering information required for public streets and utilities. Village requirements pertaining to review and approval of improvements shall apply, and fees charged for these services shall also apply. The Village may periodically inspect private streets, and may require any repairs necessary to ensure efficient emergency access and to protect the public health, safety, convenience and welfare.

(j) **Private Streets: Restricted Access**. The entrances to all private streets shall be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private, and that they are not maintained nor regularly patrolled by the Village. Guard houses, access control gates, and cross arms, if used, shall be constructed per Subsection (k) below. All restricted access entrances must be manned twenty-four (24) hours every day, or they must provide a reliable, alternative means of ensuring Village and emergency access to the subdivision, preferably with an Opticom-type system for emergency access, by the Village and other utility or public service providers, such as postal carriers and utility companies, with appropriate identification. The method to be used to ensure Village and emergency access into the subdivision shall be approved by the Commission and by all applicable emergency services providers prior to engineering release for construction of the development. If the association fails to maintain reliable access as required herein, the Village may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this Section which may not be amended without the written consent of the Board of Aldermen.

(k) **Private Streets: Access Restricted Entrance Design Standards**. Any private street (and any other type of gated entrance) which has an access control gate or cross arm must have a minimum uninterrupted pavement width of twenty-four feet (24') at the location of the gate or access control device, both ingress point and egress point, regardless of the type of device used. If an overhead, or lift-up, barrier is used, it must be a minimum of sixteen feet (16') in height above the road surface, and this clearance height shall be extended for a minimum distance of fifty feet (50') in front of and behind the location of the device. All gates and cross arms must be of a break-away design. A minimum vehicle stacking distance of one hundred feet (100') shall be provided from the right-of-way line of the public road from which the private street subdivision is accessed to the first vehicle stopping point, which is usually an access request keypad, a telephone, or a guard's window. Adequate distance shall be provided between the access request point(s) and the entry barrier, or gate, to accommodate a vehicle turnaround as described below.

A paved turnaround space must be located in front of (i.e., prior to passage of) any restricted access entrance barrier, between the access request device and the barrier or gate, to allow vehicles that are denied access to safely exit onto public streets without having to back up, particularly into the public street upon which the entrance is located. The design and geometry of such turnaround shall be of such pavement width and

having such inside turning radius that it will accommodate smooth, single-motion U-turn movements by the following types of vehicles:

(1) Larger passenger vehicles, such as full-sized vans and pick-up trucks;

(2) Passenger vehicles with short trailers up to twenty-four feet (24') in length, such as small flatbed, camping or box-type trailers; and

(3) The types of service and utility trucks that typically visit or make deliveries to neighborhoods that are similar to the proposed private street development, such as utility service vehicles, postal or UPS delivery trucks, and two- to three-axle flatbed or box-type trucks used by contractors and moving companies.

The Mayor/Village Administrator (or designee) or the Commission may require submission of additional drawings, plans or exhibits demonstrating that the proposed turnaround will work properly, and that vehicle turnaround movements will not compromise public safety on the entry roadway or on the adjacent public street(s).

A site plan showing the design and location of all proposed access restricted entrances shall be submitted for review by the Mayor/Village Administrator (or designee) and the Village's Engineer, along with the engineering plans for the subdivision, and must be approved by the Commission along with approval of the construction plat.

(l) **Private Streets: Waiver of Services**. The subdivision final plat, property deeds and property owner's association documents shall note that certain Village services shall not be provided for private street subdivisions. Among the services which will not be provided are: routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports. Depending upon the characteristics of the development and upon access limitations posed by the design of entrances into the subdivision, other services (such as sanitation) may not be provided, as well.

(m) **Private Streets: Petition to Convert to Public Streets**. The property owner's association documents shall contain provisions that describe how the association may petition the Village to accept private streets and any associated property as public streets and right-of-way upon written notice to all association members and upon the favorable vote of a majority of the membership. However, in no event shall the Village be obligated to accept said streets as public. Should the Village elect to accept the streets as public, then the Village has the right to inspect the private streets and to assess the lot owners for the expense of needed repairs concurrent with the Village's acceptance of the streets. The Village shall be the sole judge of whether repairs are needed. The Village may also require, at the association's or the lot owners' expense, the removal of any guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot or within any other common area. The association documents shall provide for the Village's right to such removal and assessment. Those portions of the association documents pertaining to the subject matter contained in this Section shall not be amended without the written consent of the Board of Aldermen.

(n) **Private Streets: Hold Harmless**. On the subdivision final plat shall be language whereby the property owners association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the Village, any

other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury (including death) arising from the condition of the private streets, out of any use of access gates or cross arms, or out of any use of the subdivision by the Village or governmental or utility entity (such plat language is available from the Village).

d. Escrow Policies and Procedures.

1. Request for Escrow. Whenever this Ordinance requires a property owner to construct a street or thoroughfare, or other type of public improvement, the property owner may, if there exists unusual circumstances, such as a timing issue due to pending roadway improvements by another agency such as TxDOT or Bell County, that would present undue hardships or that would impede public infrastructure coordination or timing, petition the Village to construct the street or thoroughfare, usually at a later date, in exchange for deposit of escrow as established in this Section. If more than one street or thoroughfare must be constructed in order to meet adequacy requirements for roadways, as demonstrated by a traffic impact analysis, the Mayor/Village Administrator (or designee) may prioritize roadways for which escrow is to be accepted and require the deposit of all funds attributable to the development in escrow accounts for one or more of such affected roadways. The Board of Aldermen shall review the particular circumstances involved (a traffic impact analysis may be required to facilitate the Board of Aldermen's deliberations on the matter), and shall determine, at its sole discretion, whether or not provision of escrow deposits will be acceptable in lieu of the property owner's obligation to construct the street or thoroughfare with his or her development.

2. Escrow Deposit with the Village. Whenever the Board of Aldermen agrees to accept escrow deposits in lieu of construction by the owner of the property under this Ordinance, the property owner or developer shall deposit in escrow with the Village an amount equal to his or her share of the costs of design, construction, permits, reviews and approvals, inspections, any additional land acquisition, and an appropriate (and realistic) inflation factor to ensure that the actual "future dollar" costs will be covered when actual construction occurs in the future. Such amount shall be reviewed and approved by the Mayor/Village Administrator (or designee) and by the Village's Engineer, and shall be paid prior to release of engineering plans by the Village's Engineer. The obligations and responsibilities of the property owner shall become those of the property owner's transferees, successors and assigns; and the liability therefore shall be joint and several.

3. Determination of Escrow Amount. The amount of the escrow shall be determined by using the maximum comparable "turnkey" bid price of construction of the improvements (including design, permits, reviews and approvals, inspections and any additional land acquisition that may be needed). Such determination of the escrow amount shall be made as of the time the escrow is due hereunder, and shall be subject to the review and approval of the Mayor/Village Administrator (or designee) and the Village's Engineer.

4. Termination of Escrow. Escrows, or portions of escrowed amounts, which have been placed with the Village under this Section and which have been held for a period of ten (10) years from the date of such payment or agreement, in the event that the Village has not authorized the preparation of plans and specifications for construction of such roadway facilities for

which the escrow was made, shall, upon written request, be returned to the property owner, along with one-half of its accrued interest. Such return does not remove any obligations of the property owner for construction of the required facilities if a building permit has not been issued on the subject lot or if a new building permit is applied for.

5. Refund. If any street or highway for which escrow is deposited is constructed by a party other than the Village, or is reconstructed by another governmental authority at no cost to the Village, the escrowed funds and accrued interest shall be refunded to the property owner or applicant who originally paid the escrow amount after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the Village and the other portion of the cost by another party or governmental authority, the difference between the property owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.

6. Interest Limitation. If money is refunded within six (6) months of deposit, only the principal will be refunded. Monies returned after this date will be refunded with one-half of its accrued interest.

e. Traffic Impact Analysis. Any proposed development project or plat involving a significant change to a proposed roadway alignment from that shown on the Village of Salado's Transportation Plan (or involving a development of two hundred [200] or more dwelling units, or for developments generating two thousand [2,000] or more "one-way" trips per day) shall be preceded by submission, Village staff review and Commission approval of a traffic impact analysis as specified in Subsection (f) below. Such a proposed roadway alignment change shall also be preceded by (or simultaneous with) an amendment to the Village's Transportation Plan showing the new proposed alignment. Failure to provide for such approvals prior to submission of a construction plat (or concurrently with the construction plat application) shall be grounds for denial of the plat application.

f. Required Components of Traffic Impact Analysis. Whenever this Ordinance (or the Commission, in unique instances which do not necessarily meet the above criteria but which may significantly affect the public health, safety or welfare, such as a proposed subdivision that will only be accessed via substandard roadways which may pose an impediment to emergency response vehicles) require submission and Commission approval of a traffic impact analysis, the following elements shall be included:

1. General Site Description. The traffic impact analysis shall include a detailed description of the roadway network within one (1) mile of the site, a description of the proposed land uses, the anticipated states of construction, and the anticipated completion date of the proposed land development shall be provided. This description, which may be in the form of a map, shall include the following items: (1) all major intersections; (2) all proposed and existing ingress and egress locations; (3) all existing roadway widths and rights-of-way; (4) all existing traffic signals and traffic-control devices; and (5) all existing and proposed public transportation services and facilities within a one (1) mile radius of the site.

2. Proposed Capital Improvements. The traffic impact analysis shall identify any changes to the roadway network within one (1) mile of the site that are proposed by any government agency or other developer. This description shall include the above items as well as any

proposed construction project that would alter the width or alignment of roadways affected by the proposed development.

3. Roadway Impact Analysis.

(a) **Transportation Impacts**:

(1) *Trip Generation.* The average weekday trip generation rates (trip ends), the average weekend trip generation rates (for uses other than residential or institutional), the highest average a.m. and p.m. hourly weekday trip generation rates, and the highest hourly weekend generation rates (for uses other than residential or institutional) for the proposed use shall be determined based upon the trip generation rates contained in the most recent edition of the Institute of Transportation Engineers= Trip Generation book; or shall be based upon data generated by actual field surveys of area uses compatible to the proposed use and approved by the Mayor/Village Administrator (or designee) and the Village's Engineer.

(2) *Trip Distribution.* The distribution of trips to arterial and collector roadways within the study area identified in Subsection 3.1f.1 (General Site Description) above shall be in conformity with accepted traffic engineering principles, taking into consideration the land use categories of the proposed development; the area from which the proposed development will attract traffic; competing developments (if applicable); the size of the proposed development; development phasing; surrounding existing and anticipated land uses, population and employment; existing and projected daily traffic volumes; and existing traffic conditions identified pursuant to Subsection 3.1f.1 above.

(b) **Adequacy Determination.** The roadway network included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing roadways identified as arterials and collectors can accommodate the existing service volume, and the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at a level of service "C" or above (refer to the Village's Transportation Plan for discussion of levels of service).

4. Intersection Analysis.

(a) **Level of Service Analysis.** For intersections within the roadway traffic impact analysis area described in Subsection 3.1f.1 herein (General Site Description), a level of service analysis shall be performed for all arterial to arterial, arterial to collector, collector to arterial, and collector to collector intersections, and for any other pertinent intersections identified by the Mayor/Village Administrator (or designee) or by the Village's Engineer. Also, level of service analyses will be required on all proposed site driveway locations for all nonresidential developments. The Village may waive analysis of minor intersections and site driveway locations within the one-mile radius. The level of service analysis shall be based upon the highest hourly average a.m. or p.m. peak weekday volume or highest average hourly peak weekend volume as determined from a two-day survey of weekday volumes and, where necessary, a one-day survey of weekend volumes. The level of service analysis shall take into consideration the lane

geometry, traffic volume, percentage of right-hand turns, percentage of left-hand turns, percentage (and typical size) of trucks, intersection width, number of lanes, signal timing and progression, roadway grades, pedestrian and bicycle flows, school routes, number of accidents, and peak hour factor.

(b) **Adequacy Analysis.** The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at level of service "C" or above.

5. Effect of Adequacy Determination. If the adequacy determination for roadways and intersections indicates that the proposed development would cause a reduction in the level of service for any roadway or intersection within the study area identified in Subsection 3.1f.1 herein that would cause the roadway to fall below the level of service required hereto, the proposed development shall be denied unless the developer agrees to one of the following conditions:

(a) The deferral of building permits until the improvements necessary to upgrade the substandard facilities are constructed;

(b) A reduction in the density or intensity of development;

(c) The dedication or construction of facilities needed to achieve the level of service required herein; or

(d) Any combination of techniques identified herein that would ensure that development will not occur unless the levels of service for all roadways and intersections within the traffic impact analysis study are adequate to accommodate the impacts of such development.

g. Arrangement of Streets Not Shown on the Transportation Plan. For streets that are not shown on the Village's Transportation Plan, such as local residential streets, the arrangement of such streets within a subdivision shall:

1. Provide for the continuation or appropriate projection of existing streets from or into surrounding areas;

2. Conform to a plan for the neighborhood approved or adopted by the Board of Aldermen or Commission to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;

3. Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use; and

4. Not conflict in any way with existing or proposed driveway openings (including those on the other side of an existing or planned median-divided arterial, in which case new streets shall align with such driveway openings such that median openings can be shared).

h. Residential collector streets and minor residential streets shall be laid out such that their use by through traffic will be discouraged, such as via circuitous routes or multiple turns or offsets, but such that access is provided to adjacent subdivisions.

1. Wherever the right-of-way width of a collector or residential street must transition to a greater or lesser width, such transition shall occur along the front, side or rear lot lines of adjacent lots (for a reasonable distance) and shall not occur within the street intersection itself. In other words, the right-of-way width shall be the same on both sides of the street intersection.

2. To the greatest extent possible, the number of lots fronting along residential collector streets shall be minimized in order to ensure adequate traffic safety and efficiency. No more than twenty percent (20%) of the total centerline length of a collector street may have residential lots fronting onto the collector on each side of the street. For example, a collector street having a total centerline length (from one terminus to another) of 1,000 feet may have lots fronting onto it with a total frontage distance of 200 feet on each side of the street. Calculations shall be submitted with the construction plat application verifying that lots fronting onto a collector street do not exceed the above.

3. At least twenty five percent (25%) of the total centerline length of all local streets (15% collector streets) within a residential subdivision (or within each phase of a residential subdivision, unless otherwise approved by Board of Aldermen to apply to the subdivision in its entirety rather than each individual phase) shall be curvilinear in design. Calculations shall be submitted with the construction plat application verifying that the above curvilinear street requirement is being met.

Section 3.1h3 amended by Ord. 2016.14, eff. June 9, 2016

i. Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets, reverse frontage (lots which back onto the arterial), deep lots with rear service alleys, or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

j. Reserve strips controlling access to streets shall be prohibited except where their control is required by the Village and approved by the Commission.

k. Intersecting, undivided streets with centerline offsets of less than one hundred and fifty feet (150') shall be avoided. Intersecting streets onto an existing or future divided roadway must be configured such that the centerline offset will accommodate the appropriate median opening and left-turn lanes (with required transition and stacking distances) on each divided roadway, and shall be aligned with any existing or proposed streets or driveways on the opposite side of the divided roadway (in order to share the median opening).

l. A street intersection with a major thoroughfare shall be at a ninety degree (90°) angle and shall be tangent to the intersecting street for at least one hundred feet (100'). All other street intersections shall be laid out so as to intersect as nearly as possible at a ninety degree (90°) angle or radial to the centerline of the intersecting street for the full right-of-way of the intersecting street, and tangent to the intersecting street for at least fifty feet (50'). No street shall intersect at an angle that is less than eighty-five degrees (85°).

m. Street right-of-way widths shall be as shown on the Transportation Plan and as defined by the corresponding roadway cross-sections on the Transportation Plan and in the Village's TCSS Manual.

n. Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of this Ordinance and the Transportation Plan, and where the Board of Aldermen makes a determination that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision in question. The Board of Aldermen may also find that it would be more practical, or cost effective, to delay construction of the other half of a street until when the adjoining property is developed.

If the property owner is responsible for one-half (1/2) of the street, then the property owner shall either construct the facility along with his or her development or shall provide escrow for the construction cost of his or her share of the facility (including all applicable street appurtenances such as median openings, left turn lanes into the development, sidewalks with barrier-free ramps, drainage structures, etc.) unless the Village participates in the construction of the facility. Whenever a partial street has been previously platted along a common property line, the other portion of the street right-of-way shall be dedicated such that the right-of-way is increased to the street's ultimate planned width. Improvements shall be made to all on-site facilities as defined herein (see Definitions, Section 1.13).

o. The maximum length of any block or street segment (including a looped street) shall be one thousand two hundred feet (1,200') and the minimum length of any block or street segment shall be four hundred feet (400'), as measured along the street centerline and between the point(s) of intersection with other through, but not dead-end or cul-de-sac, streets.

p. A cul-de-sac street shall not be longer than six hundred feet (600') in a subdivision with any lots less than one-half (1/2) acre in area and shall not be longer than one thousand feet (1000') in a subdivision with all lots being one-half (1/2) acre or greater in area; and shall have a turnaround bulb generally at the mid-point and end point bulb. The closed end of all cul-de-sacs shall have a turnaround bulb with an outside pavement diameter of at least eighty feet (80') and a right-of-way diameter of at least one hundred feet (100'). The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of the cul-de-sac bulb.

Section 3.1p amended by Ord. 2016.14, eff. June 9, 2016

q. The Board of Aldermen may approve, waivers/suspensions for overlength streets or cul-de-sacs upon considering the following:

(a) Alternative designs which would reduce street or cul-de-sac length;

(b) The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in traveling to and from their homes; and

(c) Means of mitigation, including but not limited to additional mid-block street connections, limitation on the number of lots to be served along an overlength street segment or cul-de-

sac, temporary (or permanent) points of emergency access, mid-block turnaround bulb, and additional fire protection measures.

r. Except in unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets on adjacent land. In the case of dead-end streets which will eventually be extended into the adjacent subdivision, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turnaround bulb (with the appropriate temporary street easement) is provided at the end. A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed like a cul-de-sac, as provided in Subsection (p) above (the Village's Engineer may authorize the use of asphalt or other durable paving material than concrete for the arc, or "wing", portions of the temporary turnaround bulb in order to minimize the cost of removing those portions later on). A note shall be placed on the final plat clearly labeling any temporary dead-end streets (if any) that will at some point be extended into the adjacent property, and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Signage and lettering must be large enough to be legible by a person with normal vision at a twenty-foot distance. Any required temporary turnaround easements shall be shown on the final plat along with their appropriate recording information, if they are off-site or established by separate instrument.

s. New streets which extend existing streets shall bear the names of the existing streets, and shall be dedicated at equal or greater right-of-way widths than the existing streets for an appropriate transition length, if applicable.

t. Construction of New Streets. All new streets dedicated within a subdivision shall be constructed in accordance with paving widths and specifications as set forth in the TCSS of the Village of Salado at the time at which the construction plat application is officially submitted and deemed a complete application.

u. Points of Access. All subdivisions shall have at least two (2) points of access from improved public roadways (also see Section 3.1c.4). All residential developments shall provide no less than one (1) entrance for every fifty (50) lots, or portion thereof, including temporary dead-end stubbed streets that will eventually provide connections into adjacent future developments and thence to an arterial or collector street. Driveway access onto roadways shall be provided and designed in accordance with the Village's TCSS and construction standards that are in effect at the time the construction plat application is officially submitted and deemed a complete application. ***Residential driveway cuts shall not be allowed on roadways that are larger than a residential collector street (60-foot right-of-way) unless specifically approved by Board of Aldermen with the construction plat application.***

v. Streets will be constructed in accordance to the Village's TCSS and construction standards that are in effect at the time the construction plat application is officially submitted and deemed a complete application.

Section 3.2: Alleys

3.2 a. Service alleys in nonresidential districts, if provided or constructed by the developer, shall be a minimum right-of-way width of thirty feet (30') and a pavement width of twenty-four feet (24').

b. Residential alleys shall be permitted in single-family subdivisions within the Village of Salado and its extraterritorial jurisdiction under the following standards:

1. In residential districts, alleys shall be parallel, or approximately parallel, to the frontage of the street. Alleys in residential districts shall provide a minimum of twenty feet (20') of right-of-way and twelve feet (12') of pavement.

c. General Design Standards for Alleys (if provided).

1. Alleys shall be paved in accordance with the Village of Salado's TCSS and construction standards that are in effect at the time the construction plat application is officially submitted and deemed a complete application.

2. Where the deflection of alley alignment occurs, the design of the paving and property line shall be as established by the TCSS.

3. Dead-end or "hammerhead" alleys shall not be allowed. Alleys must have adequate turnouts and street entrances such that vehicular traffic flow is continuous and efficient. Where a temporary dead-end alley situation is unavoidable, a temporary turnaround bulb or turnout onto a street, either of which will need a temporary easement for street or alley purposes, shall be provided as determined by the Village's Engineer.

4. Alleys may not exceed a maximum length of one thousand six hundred feet (1,600'), as measured along the centerline of the alley and between intersections with other alleys or entrances onto streets (at the right-of-way line of the street at the alley entrance). The Board of Aldermen may approve, waivers/suspensions for overlength alleys upon consideration of the following:

(a) Alternative designs which would reduce alley length;

(b) The effect of overlength alleys upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in accessing rear driveways and in driving around to the front of their homes; and

(c) Means of mitigation, including but not limited to additional mid-block alley turnouts, limitation on the number of lots to be served along a single alley segment, temporary points of access, and additional fire protection measures.

5. Alley intersections shall be perpendicular and at a ninety degree (90°) angle or radial to the intersecting alley centerline for the full alley right-of-way width, and intersection pavement shall be of sufficient width and inside radius to accommodate waste collection and emergency vehicles. Intersections shall be three-way wherever possible, and four-way intersections shall be avoided. No alley intersection serving more than four directions shall be allowed.

Section 3.3: Easements

3.3 a. The minimum width for Village utility easements shall be twenty feet (20') or as otherwise required by the Village's Engineer. The width of easements for other utility providers, such as for gas, electric, telephone or cable television, shall be as required by that particular entity. It shall be the applicant's responsibility to determine appropriate easement widths required by other utility companies (also see Section 3.8).

b. Where a subdivision is traversed by a watercourse, drainageway or channel, there shall be provided a storm drainage easement or right-of-way conforming substantially with such course and of such additional width as may be designated by the Village's Engineer, subject to determination according to proper engineering considerations. The required width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers, and/or the Village. Parallel streets or parkways shall be required adjacent to certain portions of creek or drainageways to provide maintenance access and/or public access and visibility into public open space or recreation areas (see Section 4). The number of lots that back or side onto creeks, drainageways, public parks and open spaces, and public school sites shall be severely limited, and possibly prohibited, such that public access, visibility, safety and security within these areas are maximized. Other utilities may be permitted within a drainage or floodway easement only if approved by the Village's Engineer and any other applicable entity requiring the drainage or floodway easement.

c. A lot's area shall be computed inclusive of all easements. However, there shall be a minimum buildable area, exclusive of required easements, buffer zones and setbacks for each lot. The minimum buildable area shall be an area one-half (1/2) of the required minimum lot size. If the Village disputes the buildable area of any lot, the applicant shall submit verification in writing that the buildable area is adequate for the type of housing product (or nonresidential building) proposed for that lot. Final approval of the allowed buildable area for any lot shall be by the Village.

d. Where alleys are not provided in a residential subdivision, a minimum twenty-foot (20') wide utility easement shall be provided along the front of all lots, adjacent to and flush with the street right-of-way line for the potential placement of utility facilities.

e. For new development, all necessary on-site easements shall be established on the subdivision plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity if other than the Village, for which they are being provided. Examples include, but are not limited to, the following: a water, sanitary sewer or drainage easement, which is dedicated to the Village for a water or sanitary sewer line or for a drainage structure; an access easement, which is dedicated to the public for unrestricted access purposes; a fire lane easement, which is dedicated to the Village and its fire suppression and emergency medical service providers for access purposes; an electrical, gas or telephone easement, which is dedicated to the specific utility provider that requires the easement; and so on.

Section 3.4: Blocks

3.4 a. The length, width and shapes of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;

2. Zoning requirements as to lot sizes, setbacks and dimensions (if within the Village's corporate limits); and

3. Needs for convenient access, circulation, control and safety of street traffic and for pedestrians or bicyclists traveling to a public park or school site or other facility within or close to the neighborhood.

b. Intersecting streets, which determine the lengths and widths of blocks, shall be provided at such intervals as to serve cross-traffic adequately, to provide adequate fire protection, and to conform to customary subdivision practices. Where no existing subdivision or topographical constraints control, the block lengths shall not exceed one thousand two hundred feet (1,200') in length. Where no existing subdivision or topographical constraints control, the blocks shall not be less than four hundred feet (400') in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased (through issuance of a waiver/suspension by the Board of Aldermen with plat approval) to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

Section 3.5: Sidewalks

3.5 a. Pedestrian concrete walkways (sidewalks are required as follows:

1. Residential subdivisions with lot(s) less than one-half acre in size shall have a minimum four feet (4') wide sidewalk on both sides of streets within the subdivision.
2. Residential subdivisions with all lots being one-half acre or greater in size are not required to have sidewalks within the subdivision.
3. All streets that are classified as collectors or arterials in the Thoroughfare Plan shall have sidewalks not less than five feet (5') wide
4. All nonresidential developments shall have sidewalks along all streets and sidewalks shall not be less than five feet (5') wide.

b. All sidewalks shall be constructed in accordance with the Village of Salado's TCSS, and applicable state and federal standards. Root barriers shall be installed underneath, and along with the construction of, all required sidewalks. Barrier-free ramps shall be constructed at all street intersections and at any other locations deemed appropriate by the Village due to anticipated pedestrian travel patterns. Sidewalks shall be constructed within the street right-of-way, one foot (1') away from the right-of-way line, and at least five feet (5') away from the street curb. In certain instances, the Board of Aldermen may, at its sole discretion, approve placement of the sidewalk adjacent or closer than five feet (5') to the curb provided that such placement benefits the general public by allowing more space for landscaping, such as for street trees, screening shrubs, and decorative walls and fences, and provided that the width is increased to a minimum of five feet (5') of sidewalk pavement or to such a width as may be needed in the interest of public safety.

Section 3.5a & 3.5b amended by Ord. 2016.14, eff. June 9, 2016

c. All sidewalks along a perimeter roadway, collector, or arterial are considered part of the overall development's required public improvements and shall be installed prior to acceptance of the subdivision by the Village and prior to final plat approval, unless surety is provided, per Section 6. In any event, a Certificate of Occupancy will not be issued for any lot within the subdivision until the required sidewalks are in place or appropriate surety is provided.

The cost and provision of any perimeter sidewalks, such as along major thoroughfares, may be escrowed as a part of a developers agreement, if approved by the Board of Aldermen. The Village has the right, but not the obligation, to refuse escrow and to require paving of the sidewalks if, in its sole opinion, immediate provision of the sidewalks is necessary for safe pedestrian circulation or if it would otherwise protect the public health, safety, convenience or welfare.

Section 3.6: Lots

3.6 a. Lots shall conform to the minimum requirements of the established zoning district, if located within the Village's corporate limits.

b. Each lot on a subdivision plat shall front onto a dedicated, improved public street unless platted as an approved private street subdivision in accordance with this Ordinance (see Section 3.1c.10.). Lot width and access shall conform with the provisions of the Village of Salado's Zoning Ordinance (if within the Village's limits), Comprehensive Plan, and any other applicable Village code or ordinance. In all cases, lots shall have a minimum of thirty-five feet (35') of frontage along a dedicated, improved street.

c. Irregular-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate zoning district (if within the Village's limits), and shall provide a reasonable building pad without encroachment into front, side or rear yard setbacks or into any type of easement. Also, the rear width shall be sufficient to provide access for all necessary utilities, including access for driveways and solid waste collection when alleys are present (minimum 20-foot alley frontage). In general, triangular, severely elongated or tapered, "flag" or "panhandle" lots shall be avoided, and the Village reserves the right to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended, which is an obvious attempt to circumvent the purpose and intent of lot configuration or lot width minimums, or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties.

d. Side lot lines shall be at ninety degree (90°) angles or radial to street right-of-way lines to the greatest extent possible. The Village reserves the right to disapprove any lot which, in its sole opinion, is shaped or oriented in such a fashion as to be unsuitable or undesirable for the purpose intended, or which is not attractively or appropriately oriented toward its street frontage.

e. Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from traffic arterials, as defined in Section 3.1, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Where lots have double frontage, building setback lines shall be established for each street side, and rear yard screening shall be provided in accordance with Section 5.7. Residential lots shall not back onto any residential street or collector street within a residential area or neighborhood, and shall not have more than one-half (1/2) of its perimeter boundaries along streets.

f. For the subdivision of land wherein developed lots will be served by on-site septic facilities (OSSFs), the minimum lot size in such subdivisions shall conform to the size that has been established by the Bell County Health Department.

Section 3.7: Building Lines

3.7 a. Front, rear, side and street side building lines shall be shown on a concept plan and on any type of plat for all lots, and shall be consistent with the Zoning Ordinance requirements for the district in which the development is located (if subject to the Village's zoning regulations) and with any other applicable Village ordinance, respectively. For property that is not subject to the Village's zoning regulations, such as property that lies within the Village's extraterritorial jurisdiction, the minimum front building line (for residential and nonresidential lots) shall be twenty-five feet (25') and the minimum rear and side building lines (for residential and nonresidential lots) shall be five feet (5').

Section 3.8: Utility Services (not provided by the Village of Salado)

3.8 a. For purposes of this Section, the following meanings shall apply:

1. "Utility services" - The facilities of any person, firm or corporation providing electric, natural gas, telephone, cable television, or any other such item or service for public use approved but not provided by the Village of Salado.

2. "Feeder or feeder/lateral line" - High voltage supply electric lines carrying more than 69,000 volts that emanate from substations used to distribute power through an area to an unspecified number of customers.

3. "Lateral lines" - Those electric or telephone lines used to distribute power from a feeder line to a single subdivision. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.

4. "Service lines" - Those electric lines used to connect between the utilities' supply system or lateral lines and the end user's meter box.

b. All major subdivision plats and engineering plans submitted to the Village of Salado for approval of land that will be residential in use shall provide for utility services such as electrical, gas, telephone and cable television utility lines, including lateral or service distribution lines, and wires to be placed underground. Feeder and other major transmission lines may remain overhead within the appropriate easements. However, an applicant shall endeavor and, whenever practical, the Village shall require that feeder lines are placed away from major or minor thoroughfares or arterials, as shown on the Transportation Plan. Whenever practical, feeder lines which are to be placed overhead shall not be placed along both sides of the street right-of-way. Verification of acceptance of easement locations and widths by the public utilities shall be provided to the Village, by the applicant, prior to final plat approval, and all easements shall be reviewed by the utility companies and by the Village's Engineer (for those to the Village) prior to granting final approval for any residential subdivision affected by this Section. The applicant shall also, prior to final plat approval, provide a Letter of Commitment from each utility provider, such as those providing electricity, gas, telephone and cable television, who will serve the development that said utility providers will ensure the provision of necessary infrastructure and service to all portions of

the proposed development within twelve (12) months following final plat approval. Failure to submit such Letters of Commitment from utility providers shall constitute grounds for denial of the final plat application on the basis that there is no written assurance that the development can be served by essential utility services.

c. Each of the utility companies shall be responsible for developing administrative policies, criteria for easement size, and cost reimbursement procedures for the installation and extension of their underground utilities. Nothing herein shall prohibit or restrict any utility company from recovering the difference in cost of overhead facilities and underground utilities from the property owner in accordance with the provisions of such utility's approved tariff. No utility company shall be required or permitted to begin construction of underground facilities unless and until the property owner or developer of the subdivision has made arrangements satisfactory to the specific utility company for the payment of such difference between the cost of overhead facilities and underground facilities.

d. Temporary construction service may be provided by overhead electric lines and facilities without obtaining a waiver/suspension or special exception, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines and facilities are promptly removed.

e. Nothing in this Section shall be construed to require any existing facilities in place prior to the effective date of this Ordinance to be placed underground.

f. The metering for utilities such as water, gas and electricity shall be located on the individual lots to be served, not grouped together in a centralized location(s), such as "gang-box" style metering stations, which shall not be permitted.

g. The locations, widths and configurations of easements for any utility service provider other than the Village of Salado shall be determined, approved and acquired (if necessary) by the applicable utility service provider.

Section 3.9: Water and Wastewater Facility Design

3.9 a. Water supply for all new subdivisions shall be connected with the appropriate publicly certified water supply corporation, and shall be capable of providing water for health and emergency purposes, including fire protection. An alternative source of water may be used for irrigation purposes only and for a nonresidential use only (e.g., a public park, a public school, etc.), subject to Village approval and provided that all appropriate permits are procured from the Village, the U.S. Army Corps of Engineers, the TCEQ, and any other applicable agency(s). Such alternative water source may not be used for potable (i.e., drinking) water supply under any circumstances. The design and construction of water system improvements and alternative water sources shall comply with the following standards:

1. Design and construction of a water source on the site shall be in accordance with applicable regulations of the TCEQ, Bell County, and the Brazos River Authority (BRA) standards, whichever is the most stringent requirement.

2. Design and construction of water service shall be in accordance with the standards in the Village's TCSS Manual, and in accordance with TCEQ, Bell County, and the Brazos River Authority (BRA) standards, whichever is the most stringent requirement.

3. Design and construction of a fire protection and suppression system shall be in accordance with the standards in the TCSS Manual, and in accordance with the Village's Fire Department and Fire Code.

4. Water wells may be used if approved by Bell County and if the requirements as stated in 3.9.a.3. above are met.

b. Wastewater treatment for all new subdivisions shall be served by an appropriate wastewater collection and treatment system. The design and construction of the wastewater system improvements shall be in accordance with the standards in the Village's TCSS Manual, and in accordance with TCEQ, Bell County, and the Brazos River Authority (BRA) standards, whichever is the most stringent requirement.

c. The subdivider shall be responsible for:

1. Phasing of development or improvements in order to maintain adequate water and wastewater services;

2. Extensions of utility, water, and wastewater lines to connect to existing utility services;

3. Providing and/or procuring all necessary easements for the utilities (whether on-site or off-site);

4. Providing proof to the Village of adequate water and wastewater service;

5. Providing provisions for future expansion of the utilities if such will be needed to serve future developments, subject to the Village's oversize participation policies, if applicable;

6. Providing all operations and maintenance of the utilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the utilities;

7. Providing all fiscal security required for the construction of the utilities;

8. Obtaining approvals from the applicable utility providers if other than the Village; and

9. Complying with all requirements of the utility providers, including the Village.

d. Extension of water and wastewater lines shall be made along the entire frontage of the subdivision adjacent to a street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the Board of Aldermen may waive the requirement for adjacent utility line construction at the time of construction plat approval and prior to construction of the subdivision.

e. Installation, operations and maintenance of utilities not specifically referenced herein shall comply with regulations of the TCEQ, Bell County, and the Brazos River Authority (BRA) standards, and with any other applicable State rules and regulations, whichever is the most stringent requirement.

f. For all new subdivisions that are intended to use on-site septic facilities (OSSFs), the applicant shall, prior to final plat approval, provide the following:

1. A letter from the Bell County Health Department representing that the Department has reviewed the proposed subdivision design.

2. An approval by the Village of a drawing that is representative of the intended lay-out of a typical lot within the proposed subdivision, specifically showing how the OSSF would be positioned on and how it would serve the lot. This drawing shall be reviewed by the Village Engineer prior to its approval or denial by the Village.

Section 3.10: Storm Water Collection and Conveyance Systems

3.10 a. System Design Requirements. Drainage improvements shall accommodate runoff from the upstream drainage area in its anticipated maximum "build-out" condition, and shall be designed to prevent overloading the capacity of the downstream drainage system. The Village may require the phasing of development, the use of control methods such as retention or detention, or the construction of off-site drainage improvements in order to mitigate the impact of the proposed development. Any storm water collection system constructed shall be designed in accordance with the Village's TCSS Manual by a licensed professional engineer, shall be reviewed and approved by the Village's Engineer, and shall be in accordance with the Village's Flood Damage Prevention Ordinance. All plans submitted to the Village's Engineer for approval shall include a layout of the drainage system together with supporting calculations for the design of the system.

b. All erosion and sedimentation controls shall conform to the TCSS Manual.

c. No person, individual, partnership, firm or corporation shall deepen, widen, fill, reclaim, reroute or change the course or location of any existing ditch, channel, stream or drainageway without first obtaining written permission of the Village's Engineer and any other applicable agency (such as FEMA or the U.S. Army Corps of Engineers) having jurisdiction. The Village's Engineer may, at his or her discretion, require preparation and submission of a FEMA or flood study for a proposed development if there are concerns regarding storm drainage on the subject property or upstream or downstream from the subject property. The costs of such study, if required, shall be borne by the developer.

d. In order to help reduce storm water runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction.

e. No cross-street flow (i.e., perpendicular to traffic flow) of storm water runoff shall be permitted unless approved by the Village's Engineer. When and if such drainage flow is allowed, it must be across a concrete street (i.e., valley gutter) and as approved by the Village's Engineer.

f. All storm water retention or detention facilities shall be designed using materials and techniques as established in the Village's TCSS Manual or as may be required by the Village's Engineer.

IV. PUBLIC SITES AND OPEN SPACES

Section 4.1: Areas for Public Use

4.1 a. The applicant shall give consideration to suitable and adequate sites for schools, parks, playgrounds, and other areas for public use or service so as to conform with the recommendations contained in the Village's Comprehensive Plan; Park and Open Space Plan; and other applicable plans. Any provision for schools, parks or other public facilities shall be indicated on the preliminary and final plat, and shall be subject to approval by Commission, after consideration of the Parks Committee recommendation.

Section 4.2: Protection of Drainage and Creek Areas

4.2 a. All creeks and drainage areas shall be preserved and protected in their natural condition wherever possible, unless significant storm drainage improvements are required by the Village in these areas. All development adjacent to creeks and drainage areas shall be in accordance with the Village's TCSS Manual, and with any other Village policies or ordinances related to aesthetics or public access or enjoyment of creeks and waterways.

b. Definitions and Methodology for Determining the Floodway Management Area (FMA). The definitions for "floodway" and "floodway fringe" shall correspond to those set forth by the Federal Emergency Management Agency (FEMA). For purposes of the National Flood Insurance Program, the concept of a floodway is used as a tool to assist the local community in the aspect of flood plain management. Under this concept, the area of the 100-year flood is divided into a floodway and floodway fringe. The floodway is the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights as defined by FEMA. The area between the floodway and boundary of the 100-year flood is termed the floodway fringe.

The floodway fringe area may be reclaimed (elevated, infilled) for development provided that said reclamation will result in a "no-rise" condition (i.e. the base flood elevation will increase by no more than 0.0-feet as a result of reclamation). The Village Engineer may require the applicant/developer to provide supporting information which is signed and sealed by a licensed engineer in the State of Texas including, but not limited to, hydrologic and hydraulic studies for pre-project and post-project conditions, grading plan for the site, Conditional Letter of Map Revision (CLOMR) approved by FEMA, etc. Nothing herein relieves the applicant/developer of the requirements of Section 6.8.

Section 4.2b amended by Ord. 2016.14, eff. June 9, 2016

For the purposes of this Ordinance, the Floodway Management Area (FMA) will correspond to the floodway, as defined by FEMA, or as may be modified pursuant to a flood study that is approved by FEMA.

c. Areas Where an FMA is Required. All drainage areas or regulated floodways as referenced on the applicable floodway and flood boundary map (Flood Insurance Rate Map, or FIRM) shall be included in the FMA. If FEMA does not specify a floodway zone in any of the creeks or their

tributaries, it shall be the developer's responsibility to establish and identify the FMA. The determination shall be made by a licensed professional engineer and approved by the Village's Engineer. Where improvements to a drainage area are required by other ordinances of the Village for the purpose of safety or other reasons related to drainage, those ordinances shall also be observed. The FMA is intended to apply to a creek or channel which is to remain open or in its natural condition. The creek shall remain in its natural state unless improvements are permitted or required by the Village due to the pending development of properties adjacent to or upstream of the required improvements.

d. Ownership and Maintenance of the FMA. The area determined to be the FMA shall be designated on the construction plat. Approximate locations shall be shown on zoning change requests and concept plans -- accurate locations of the FMA shall be established on the construction plat and prior to site construction. At the Village's option, the FMA shall be protected by one of the following methods:

1. Dedicated to the Village of Salado; or

2. Easement(s). Creeks or drainageways on tracts which have private maintenance provisions, other than single- or two-family platted lots, can be designated as the FMAs by an easement to the Village on the construction plat (with the appropriate plat language, as required by the Village). Subdivisions with platted single-family or two-family lots may designate the FMA by easement provided there are adequate access and maintenance provisions (such as by a mandatory homeowners association), but no lots or portions of lots may be platted in the easement portion required for access unless specifically allowed by the Village. The area designated as FMA may be identified by a tract number; or

3. Certain recreational uses normally associated with or adjacent to flood prone areas (no structures allowed in the FMA), such as golf courses or certain types of parks. The uses allowed shall be in conformance with the Zoning Ordinance and approved by the Commission and Board of Aldermen.

Prior to acceptance of any drainageway as an FMA by the Village, the area shall be cleared of all debris and brush (except for mature trees) and placed in a maintainable state. Floodway management areas dedicated to the Village shall be left in a natural state except those areas designated for active recreational purposes and unless storm drainage requirements do not permit this to occur.

e. Design Criteria. The following design criteria shall be required for development adjacent to the FMA:

1. Adequate access shall be provided to and along the FMA for public and/or private maintenance. An unobstructed area a minimum of twenty feet (20') wide with a maximum 5:1 slope (five feet horizontal to one foot vertical), the length of the floodway shall be provided adjacent to or within the FMA. On the opposite side of the drainage area, an unobstructed area having a minimum width of five feet (5') shall be provided.

2. Lots in a single-family, PD single-family, or duplex residential zoning district shall not be platted within the FMA, and no more than ten percent (10%) of the linear length of the FMA (on each side) shall be allowed to have lots backing or siding onto it. If lots back or side onto

an FMA, at least two (2) reasonable points of access to the FMA, each a minimum of twenty feet (20') in width, shall be provided. Streets, alleys and open-ended cul-de-sacs may qualify as access points if designed such that they are navigable by maintenance vehicles (e.g., alleys must be twenty-foot width). All areas of the FMA shall be accessible from the access points and shall be visible from access points. Lots used for multi-family dwellings may be platted in the FMA if the FMA is identified as an easement and is maintained as open space for use by the residents, and provided that access to the FMA is possible by Village maintenance vehicles, should that need arise. If the FMA is to be public park land, then adequate public access and good public visibility shall also be provided to all portions of it.

3. Public streets may be approved in the FMA by the Commission and Board of Aldermen (if they conform to applicable engineering standards).

4. Linear public streets may be required to be constructed adjacent to some (or all) portions of the FMA to allow access for maintenance or recreational opportunities, and/or to allow increased visibility into creek areas for public safety and security purposes.

5. Alternate designs to facilitate equal or better access may be permitted if approved by the Commission and Board of Aldermen.

f. Drainage areas which have been altered and are not in a natural condition can be exempted from an FMA and this Section at the discretion of the Board of Aldermen and upon recommendation by the Commission.

Section 4.3: Property Owners or Homeowners Associations

4.3 a. Applicability. When a subdivision contains either common open space or other improvements which are not intended to be dedicated to the Village of Salado for public use, such as private streets, a private recreation facility, landscaped entry features or other private amenities, a property owners or homeowners association agreement consistent with State and other appropriate laws, must be submitted to and approved by the Mayor/Village Administrator (or designee) and the Village Attorney. The Conditions, Covenants and Restrictions (CCRs) and the association documents, such as the articles of incorporation and association by-laws, shall be submitted to the Village for review and approval along with the final plat application, and shall be filed of record at the County simultaneously with the final plat in order to ensure that there is an entity in place for long-term maintenance of these improvements (also see Section 3.1c.10.(e)). Said documents must, at a minimum, include provisions which allow the Village, at its discretion, to take over the maintenance of common property, including but not limited to private streets and private recreation facilities, using association funds, if such action becomes necessary due to nonperformance or inaction by the association or if the association goes defunct. Provisions shall also be included which would, in the latter instance, convey ownership of the private streets (if any) and all other common areas to the Village, and which would allow the Village to remove any improvements or amenities from the common areas and sell any buildable land area, as residential lots, to recoup the Village's expenses for maintenance or demolition of the improvements. Any monies that remain after the Village has recovered all of its expenses shall be retained for future maintenance or upgrading of the streets, common areas (if any remain), screening walls, or other improvements within the subdivision. These provisions are not intended to allow the Village to profit in any way from taking over the association's responsibilities or funds; they are only

intended to allow the Village to recoup its actual incurred expenses such that the general public, the taxpayers of the Village, does not have to bear these costs.

b. Membership. A property owners or homeowners association shall be an incorporated non-profit organization operating under recorded land agreements through which:

1. Each lot owner within the described land area is automatically a mandatory member; and

2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the property owners or homeowners association's activities, such as maintenance of common open spaces or private streets, or the provision and upkeep of common recreational facilities.

c. Legal Requirements. In order to assure the establishment of a proper property owners or homeowners association, including its financing, and the rights and responsibilities of the property or home owners in relation to the use, management and ownership of common property, the subdivision plat, dedication documents, covenants, and other recorded legal agreements must:

1. Legally create an automatic membership, non-profit property owners or homeowners association;

2. Place title to the common property in the property owners or homeowners association, or give definite assurance that it automatically will be so placed within a reasonable, definite time;

3. Appropriately limit the uses of the common property;

4. Give each lot owner the right to the use and enjoyment of the common property;

5. Place responsibility for operation and maintenance of the common property in the property owners or homeowners association;

6. Place an association charge on each lot in a manner which will both assure sufficient association funds and which will provide adequate safeguards for the lot owners against undesirable high charges;

7. Give each lot owner voting rights in the association; and

8. Must identify land area within the association's jurisdiction including but not limited to the following:

   (a) Property to be transferred to public agencies;

   (b) The individual residential lots;

   (c) The common properties to be transferred by the developer to the property owners or homeowners association; and

   (d) Other parcels.

9. Any governmental authority or agency, including, but not limited to, the Village and the County, their agents, and employees, shall have the right of immediate access to the common

elements at all times if necessary for the preservation of public health, safety and welfare. Should the property owners or homeowners association fail to maintain the common elements to Village specifications for an unreasonable time, not to exceed ninety (90) days after written request to do so, then the Village shall have the same right, power and authority to enforce the association's rules and to levy assessments necessary to maintain the common elements. The Village may elect to exercise the rights and powers of the property owners or homeowners association or its Board, or to take any action required and levy any assessment that the property owners or homeowners association might have taken, either in the name of the property owners or homeowners association or otherwise, to cover the cost of maintenance (or the possible demolition, if such becomes necessary to preserve public safety or to ease maintenance burden) of any common elements.

d. Protective Covenants. Protective covenants shall be developed which, among other things, shall make the property owners or homeowners association responsible for:

1. The maintenance and operation of all common property;

2. The enforcement of all other covenants;

3. The administration of architectural controls (optional); and

4. Certain specified exterior maintenance of exterior improvements of individual properties (optional).

The Village is not responsible (i.e., has no jurisdiction) for enforcing protective covenants or deed restrictions.

e. The association may not be dissolved without the prior written consent of the Board of Aldermen.

f. No portion of the association documents pertaining to the maintenance of private streets and alleys, and assessments therefore, may be amended without the written consent of the Board of Aldermen.

Section 4.4: Park Land & Public Facility Dedication

4.4 a. Areas for Public Use.

1. The applicant shall give consideration to suitable sites for parks, playgrounds and other areas for public use so as to conform with the recommendations of the Village's Park and Open Space Plan. Any provision for parks and public open space areas shall be indicated on the preliminary and final plat, and shall be subject to approval by the Commission, after recommendation by the Parks Committee.

2. No individual, partnership, firm, or corporation shall deepen, widen, fill, reroute or change the course or location of any existing ditch, channel, stream or drainageway, without first obtaining written permission of the Village and any other agency having jurisdiction.

b. Park Land Dedication.

1. Any person, firm, or corporation offering a preliminary or final plat for development of any area zoned and to be used for single-family, duplex, or multi-family residential purposes within the Village shall include on such preliminary or final plat the dedication (to the Village of Salado) of land for public park purposes, calculated at the rate of not less than one (1) acre of park land per one hundred (100) ultimate units of such residential subdivision, and the buildable area of public parks shall not be smaller than five (5) acres in size.

   The location and size of public parks within the Village shall be determined in all instances by the Commission. That determination shall be based upon existing circumstances at the time, and shall be in accordance with the Park and Open Space Plan adopted by the Village.

2. The construction and final subdivision plat shall clearly show the area proposed to be dedicated as park land under the provisions of this Section. The Commission shall determine the numbers of persons per unit based upon data compiled by the Village of Salado, from time to time, in the update of its Park and Open Space Plan, which shall be reviewed and adjusted by the Board of Aldermen, as necessary, to reflect current figures.

   The applicant has the duty to submit with the subdivision plat for a multi-family residential development information concerning the numbers of units, and should he or she fail to do so, the Commission shall make an assumption of the highest density that would be allowed in such multi-family residential district for the purposes of calculating park land requirements.

3. In instances where park land is unacceptable, unavailable, or unsuitable (i.e., developments resulting in less than 100 units) for park purposes, and subject to review by the Parks Committee and approval by the Commission, money in lieu of land shall be paid into a "park dedication fund" to be established by the Village of Salado. Such money shall be in the amount of two hundred dollars ($200) per individual dwelling unit regardless of type, such as single-family, multi-family or other dwelling type.

4. The park dedication fund will be administered by the Board of Aldermen to best benefit the development, provided that the establishment of a park site shall be within the discretion of the Board of Aldermen. The money paid by the applicant will be expended on such park site(s) within ten (10) years from the date of final plat approval. All sums deposited to the fund shall be accounted for by the Village of Salado and expended for such purposes as land acquisition, construction of improvements, and purchase of equipment (at the Village's discretion) for a public park site that is located within the park service area(s) in which the subdivision depositing the funds is located. If such funds are not so expended within ten (10) years following final plat approval, the property owner shall be entitled to a refund of such funds, upon written request, less any amounts expended for such purposes.

5. The dedicated land required hereby shall be well-drained, relatively level in areas that are proposed for active park uses, and shall be suitable for appropriate recreational and leisure activities such as hiking, bicycling, picnicking, and wildlife observance. All park land offered for dedication under this Section shall meet the requirements for location and for physical land characteristics outlined in the Park and Open Space Plan. Areas having environmentally sensitive ecosystems, attractive views, topographical interest or unique natural features shall be preferred and encouraged for park land dedication. Areas which are relatively featureless, barren of natural trees and vegetative cover, and which are not physically attractive in some other way, may not be typically acceptable. Drainage areas may be accepted if the channel is to essentially remain in its natural state, and if any proposed

pathways, landscaping, irrigation systems, and other improvements are constructed in accordance with Village standards and in keeping with the character of the area.

c. Public Park Access. Park land shall be easily accessible for the public and open to public view so as to benefit area residents, enhance the visual character of the Village, protect public safety, and minimize conflicts with adjacent land uses. A proposed subdivision adjacent to a public park or open space area shall not be designed to restrict reasonable access or visibility into the park (for example, shall not have many lots backing to the park land). Street connections between residential neighborhoods shall be provided, wherever possible, to provide reasonable access to parks and open space areas. Proposed access and public availability, both physical and visual, of park land shall be approved by the Commission.

V. IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF SUBDIVISIONS BY THE VILLAGE OF SALADO

Section 5.1: Improvements, In General

5.1 a. The requirements of the Subdivision Ordinance as set forth below are designed and intended to ensure that, for all subdivisions of land within the scope of the Subdivision Ordinance, all improvements as required herein are installed properly and:

1. The Village can provide for the orderly and economical extension of public facilities and services;

2. All parcels of land in the subdivision are useable for the intended purpose or are developable; and

3. All required improvements are constructed in accordance with Village standards.

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

c. Public improvements that are required by the Village of Salado for the acceptance of the subdivision by the Village shall include, but are not limited to, the following:

1. Water and wastewater facilities;

2. Storm water drainage, collection and conveyance facilities;

3. Water quality, erosion and sedimentation controls;

4. Streets;

5. Street lights;

6. Street signs;

7. Sidewalks on both sides of the street in both residential and nonresidential developments

8. Screening and/or retaining walls;

9. Traffic control devices or treatments required as part of the project; and

10. Appurtenances to the above, and any other public facilities required as part of the proposed subdivision.

d. All aspects of the design and implementation of public improvements shall comply with the Village's current design standards and any other applicable Village codes and ordinances, including preparation and submittal of engineering plans and construction inspection. The construction of all of the improvements required in this Ordinance shall conform to the latest edition of the Village's TCSS, as may be amended, and to any other applicable Village standards.

e. Changes or Amendments to the TCSS and Other Construction or Design Documents. The Technical Construction Standards and Specifications (TCSS) will, from time to time, require revisions and updates to allow for changing construction technology. When changes are required, the TCSS may be amended by separate ordinance. It is the applicant's responsibility to be aware of, and to conform with, all TCSS requirements (including amendments) that are in place as of the time a complete development application for a construction plat (including required engineering/construction plans) is received by the Village.

Section 5.2: Monuments

5.2 a. In all subdivisions and additions, monuments shall be established at the corner of each block in the subdivision consisting of an iron rod or pipe not less than one-half inch (1/2") in diameter and eighteen inches (18") deep, and set flush with the top of the ground. Lot corner monuments shall be placed at all lot corners except corners which are also block corners, consisting of iron rods or pipes of a diameter of not less than one-half inch (1/2") and eighteen inches (18") deep, and set flush with the top of the ground. In addition, curve point markers shall be established of the same specifications as lot corners. Each block corner monument shall include a cap with the surveyor's name and registration number attached to it. All block corners shall be installed prior to the final review of the subdivision by the Village. Lot corners shall be installed prior to issuance of a building permit.

b. A subdivision shall have at least two (2) concrete monuments set by the surveyor, if not already existing, for two corners of the subdivision, and such concrete monuments shall be located at opposite ends (or at widely separated corners) of the subdivision and clearly shown on the final plat prior to filing at the County. The final plat shall also show clear ties to existing concrete monuments in the vicinity of the subdivision. The design and installation of concrete monuments shall be in accordance with the Village's TCSS.

Section 5.3: Street Lights

5.3 All street lighting shall be in keeping with the "semi-rural" atmosphere of Salado, and shall be in conformance with the Village's TCSS, "dark sky" lighting ordinance (when and if enacted), and any other applicable Village codes. Street lighting shall be of a design that casts light downward to the greatest extent possible, and shall minimize light overspill onto adjacent properties.

Section 5.4: Street Names and Signs

5.4 a. Street names must be submitted to the Village for review and approval in accordance with the Village's guidelines for the naming of streets. The Village shall forward all proposed street names to others for review, including the U.S. Postal Service, the County, and any other applicable emergency service providers. Proposed street names shall be submitted for review along with (and as a part of) the construction plat application, and shall become fixed at the time of approval of the construction plat. On the final plat, street names shall not be changed from those that were approved on the construction plat unless special circumstances have caused the major realignment of streets or a proposed street name(s) is discovered to have already been used elsewhere in the Village (or some other similar eventuality). If additional street names are needed for the final plat, then they must be submitted for review and approval by the Village, the U.S. Postal Service, and applicable emergency service providers, including 911 dispatch, along with the final plat application. A fee may be established by the Village for the changing of street names after approval of the construction plat.

b. Surnames of people or the names of corporations or businesses shall not be used as street names, unless approved by the Board of Aldermen. The Village will maintain a list of existing street names (and "reserved" street names that have been approved on a construction plat), and will update the list as new streets are platted.

c. New street names shall not duplicate existing street names either literally or in a subtle manner (for example, Smith Street vs. Smythe Street; Oak Drive vs. Oak Place vs. Oak Court vs. Oak Circle; Cascade Drive vs. Cascading Drive); shall not be so similar as to cause confusion between names (for example, Lakeside Drive vs. Lake Side Drive vs. Lake Siding Drive); and shall not sound like existing street names when spoken (for example, Oak Drive vs. Doak Drive vs. Cloak Drive; Lantern Way vs. Land Tern Way).

d. New streets which extend existing streets shall bear the names of the existing streets. Streets crossing thoroughfares or other roadways shall bear the same name on both sides of the thoroughfare, wherever practical, unless otherwise approved by Board of Aldermen.

e. The property owner shall provide payment for street name signs for the development. The cost of each street name sign installation shall include the cost of the sign assembly, pole and all costs associated with installation. Payment by the property owner will be due prior to acceptance of the subdivision by the Village.

f. Street name signs shall be installed in accordance with the Village's guidelines before issuance of a building permit for any structure on the streets approved within the subdivision.

Section 5.5: Street and Alley Improvements

5.5 a. All on-site, such as internal, streets and alleys shall be constructed by the developer at the developer's expense, unless otherwise allowed by this Ordinance. If the subdivision is adjacent to a planned or future or substandard arterial or collector street, as shown on the Village's Transportation Plan, and derives access, whether direct or indirect, from said roadway, then the developer shall be required to design and construct a reasonable portion of the roadway as well as any required median openings and left turn lanes needed to serve his or her subdivision (see Section 5.9). The Board of Aldermen may, at its option, accept escrow funds in lieu of immediate roadway construction if the subdivision derives principal access from another improved roadway

and if delaying construction or improvement of the road will not harm or otherwise inconvenience neighboring property owners or the general public.

b. All streets and alleys shall be constructed using the materials, products and procedures outlined in the specification of the Village's TCSS.

c. The minimum street and alley paving standards for which the construction shall be made by the developer are shown in the TCSS. All nonresidential areas shall have streets with curb and gutter.

d. In addition to the above mentioned minimum standards, barrier-free ramps for physically challenged persons shall be constructed at all street corners, driveway approaches, appropriate mid-block crosswalks, and in locations where accessible parking spaces are provided. All barrier-free ramps and other accessibility considerations shall comply with Section 228 of the Highway Safety Act, as currently amended, and with the Americans With Disabilities Act (ADA), as amended.

e. All signs and barricades shall be in conformity with the TCSS, with ADA standards, and with specifications for uniform traffic control devices, as adopted by the Village, by Bell County, by the Texas Department of Transportation, and by the Texas Department of Public Safety, as applicable.

f. Approval is required prior to the installation of any driveway connecting to a public street. The Village's Engineer shall approve all driveway cuts. The minimum distance, as measured from the edge or curb to the edge or curb of driveways, and not from the centerlines of the driveways, between driveway openings for multi-family and nonresidential developments shall be as set forth in the Village's TCSS Manual, unless otherwise approved by Board of Aldermen. Driveways shall not be within the transition or stacking portion of a right turn lane, and shall be no closer than one hundred feet (100') to an intersecting thoroughfare or arterial street, as measured from the intersecting street's end of curb radius, and no closer than fifty feet (50') to an intersecting residential or collector street. ***Residential driveways shall not be allowed on a major roadway (over 60 feet in right-of-way width; "Type 1"or "Type 2" within the Village's Transportation Plan).***

Section 5.6: Retaining Wall Requirements, Construction Regulations, and Design Criteria

5.6 a. Retaining Wall Requirements. In general, the use of retaining walls shall be minimized, wherever possible, through minimal and balanced cut and fill on property. When property within or directly adjacent to a subdivision contains changes in elevation exceeding two and one-half feet (2.5') and the slope exceeds one unit vertical in two units horizontal, a retaining wall shall be required at the locations specified herein prior to the acceptance of the subdivision:

1. Location A. The grade change roughly follows a side or rear lot line.
2. Location B. The grade change is adjacent to a proposed building site boundary.
3. Location C. The grade change is adjacent to a water course or drainage easement.

b. Retaining Wall Design and Construction. All retaining wall design and construction shall be in compliance with the provisions of the Building Code and the TCSS of the Village of Salado, and shall be approved by the Village's Engineer.

c. Retaining Wall Maintenance. Retaining walls shall be maintained by the owner of the property whereon such retaining wall is located.

d. Retaining walls shall not be constructed within any portion of a public utility, drainage, or right-of-way easement, unless approved by the Village's Engineer and properly permitted by the Village.

Section 5.7: Screening and Landscaping Construction Regulations, Requirements and Design Criteria

5.7 a. Screening.

1. Where subdivisions are platted so that the rear and/or side yards of single-family or two-family residential lots are adjacent to an arterial thoroughfare (greater than sixty feet (60') in right-of-way width on the Transportation Plan); a four (4) lane collector street; are separated from a thoroughfare by an alley; or back up to a collector or residential street (which is not allowed unless specifically approved by the Commission), the developer shall provide, at his or her sole expense, a minimum six-foot (6') tall masonry screening wall (also see Subsection 7 below), or some other alternative form of screening, if approved by Commission, according to the following alternatives and standards. All screening shall be adjacent to the right-of-way or property line and fully located on the private lot(s), including columns and decorative features. All forms of screening shall conform to the requirements of Village ordinances and policies that govern sight distance for traffic safety.

2. Screening Alternatives. Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the Village's TCSS and other related Village code(s) and policy(s). An alternative form of screening, in lieu of the six- to eight-foot tall masonry wall, may be approved by Commission on a landscaping/screening wall plan submitted with the construction plat application. Such possible alternatives may include, but may not be limited to, the following:

(a) Living/landscaped screen with decorative metal (e.g., wrought iron) fence sections with masonry columns;

(b) A combination of berms and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns;

(c) A combination of berms, decorative masonry retaining walls (no taller than six feet in height where facing or visible to a public street) and living/landscaped screening, either with or without a decorative metal or "WoodCrete" type of fence with masonry columns; or

(d) Some other creative screening alternative may be approved if it meets the spirit and intent of this Section, if it is demonstrated to be long-lasting and generally maintenance-free, and if the Commission finds it to be in the public interest to approve the alternative screening device.

(e) Use of chain-link, chicken-wire, and hog-wire fencing is expressly prohibited, as is any other material that is found by the Village to be of similar appearance and/or quality.

Any required screening device shall be, or shall achieve, at least six feet (6') in height and at least ninety percent (90%) opacity within three (3) years of initial installation/planting. Any landscaping used to achieve the purpose of required screening shall be equipped with an underground irrigation system with appropriate double-check valve(s), automatic controller(s), and automatic moisture- and freeze-sensors. Trees used for overstory screening shall be on a separate bubbler irrigation system that can be programmed to provide deep-watering of trees at intervals that may differ from the rest of the irrigation system. If drought-tolerant plants are installed, the Commission may waive the requirement for an irrigation system.

The use of wood or other privacy fences immediately behind or abutting an alternative screening device that utilizes living screening elements (i.e., landscaping), berms, retaining walls and/or open (i.e., non-opaque) fence sections shall not be permitted due to the creation of a "no man's land" and subsequent maintenance nuisance in the area between the two devices/fences, and due to the detrimental visual appearance of this type of arrangement.

The use of any alternative form of screening in lieu of the masonry wall, particularly a device utilizing landscaping, shall require formation of a property/homeowners' association in accordance with Section 4.3 of this Ordinance.

3. A wall/screening maintenance easement at least five feet (5') in width shall be dedicated to the Village or to a property owners association on the private lot side and adjacent to the entire length of the screening wall or device.

4. The screening wall/device shall be installed prior to approval of the final plat and prior to final acceptance of the subdivision (or appropriate surety provided, per Section 6 of this Ordinance). Landscape materials may be installed after the subdivision is accepted, upon approval of the Mayor/Village Administrator (or designee), but in no case later than six (6) months following acceptance of the subdivision. Failure to properly install all components of a required screening wall or device within the allowed time frame, and without the appropriate developer's agreement and surety, shall constitute a violation of this Ordinance and the developer may be subject to a penalty pursuant to Article VIII of the Village's Code of Ordinances.

5. All plants, such as trees, shrubs and ground covers, shall be living and in sound, healthy, vigorous and growing condition, and they shall be of a size, fullness and height that is customary for their container or ball size, as per the latest edition of the "American Standard for Nursery Stock", by the American Association of Nurserymen, as may be amended.

6. All masonry, wrought iron, steel or aluminum screening wall or fence plans and details must be designed and sealed by a licensed professional engineer, and must be approved by the Village's Engineer. Masonry walls shall be in accordance with the Village's design standards, and the use of "Thin Wall" type of construction is greatly discouraged (and may be disallowed altogether) due to problems with inferior strength and the higher cost of long-term maintenance. Decorative metal fencing shall be solid stock, not tubular, and shall have masonry columns at a minimum spacing of ten (10) feet on center.

7. The height of required screening devices, including spans between columns, shall be a minimum of six feet (6') and shall be no more than eight feet (8') tall. Decorative columns, pilasters, stone caps, sculptural elements, and other similar features may exceed the maximum eight-foot (8') height by up to two feet (2') for a total maximum height of ten feet (10') for these features, provided that such taller elements comprise no more than ten percent (10%) of the total wall length in elevation view. Features that are taller than ten feet (10') in height shall require Commission approval on the landscaping/screening plans submitted with the construction plat.

8. Screening fences, walls and devices shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the Village and by any other applicable utility provider(s).

b. Entryway Features (neighborhood identification).

1. Subdivisions in excess of ten (10) platted lots may provide a low maintenance landscaped entryway feature at access points from streets and thoroughfares into the subdivision. The entryway feature shall be placed on private property and within an easement identified for such use (limited portions of the feature or landscaping may be placed within the right-of-way, but only with Commission approval on the landscaping/screening plans), and shall observe all sight visibility requirements. Most of the feature or landscaping shall be located on private property so that long-term maintenance responsibility will be borne by the property owner or an approved homeowners association (see Section 4.3). Entryway features that are located mostly or entirely within Village right-of-way shall only be allowed with Commission approval. Prior to Commission approval, the Village may require the applicant to execute an agreement with the Village that relieves the Village of maintenance responsibility and that indemnifies and holds the Village harmless for damage or injury incurred by or in conjunction with such features in the right-of-way.

2. Design Requirements. The entryway feature shall include low maintenance, living landscaped materials as approved by the Commission. The design of the entryway feature shall also include an automatic underground irrigation system that is equipped with moisture- and freeze-sensors, and may also include subdivision identification, such as signage located on the wall. The Commission may waive the requirement for an automatic underground irrigation system if the subdivision installs drought-tolerant plant materials and ensures that they will be maintained in a living condition for a period of one (1) year. All plants shall be living and in a sound, healthy, vigorous and growing condition, and they shall be of a size, fullness and height that is customary for their container or ball size, as per the latest edition of the American Standard for Nursery Stock, by the American Association of Nurserymen, as may be amended. Any walls or structures used in the entryway feature must conform to the Village's regulations pertaining to maximum height within the front yard of residential lots (see the Zoning Ordinance) wherever the adjacent lot sides onto the arterial street and the wall will be located within the front yard setback area.

3. The design of the entryway shall be in accordance with design policies in the Village's TCSS. The design of the entry shall be reflected on the landscape, screening and irrigation plans submitted along with the engineering plans and the construction plat, and shall be approved by the Commission.

4. The maintenance of the entryway shall be the responsibility of the applicant for a period of at least two (2) years or until building permits have been issued for eighty percent (80%) of the lots in the subdivision, whichever date is later. Following that period of time, maintenance responsibility shall be borne by the private property owner(s) upon whose lot(s) the entryway feature is located, or by an approved homeowners association (see Section 4.3). If, at some point in time, the maintenance responsibility shifts to the Village, the Village shall have the right to upgrade, reduce or eliminate entirely, at its sole option, the landscaping and other amenities in order to simplify or minimize the amount of time, effort and cost that maintenance of the entryway will require.

c. Landscaping. All landscaping shall be in conformance with the Village's Zoning Ordinance, as amended.

d. Signage. All signage shall be in conformance with the Village's Sign Ordinance as amended.

Section 5.8: Water and Wastewater Requirements

5.8 a. The installation of all water and wastewater lines shall be in conformance with Section 3.9 of this Ordinance.

b. No final plat shall be approved for any subdivision within the Village or its extraterritorial jurisdiction until the applicant has made adequate provision for a water system and a sanitary sewer system of sufficient capacity to adequately provide service to all tracts and lots, individually or collectively, within the area to be subdivided. The design and construction of the water system and of the sanitary sewer system to serve the subdivision shall be in conformance with the Village's, Water District's, and Bell County's master plans for water and wastewater facilities and with the TCSS, and shall be approved by the Village's Engineer (also see Section 3.9).

c. Water system with mains of sufficient size and having a sufficient number of outlets to furnish adequate and safe domestic water supply and to furnish fire protection to all lots shall be provided. Water lines shall extend to the property line in order to allow future connections into adjacent undeveloped property, and a box for the water meter(s) for each lot shall be installed either in the right-of-way or immediately adjacent to the right-of-way in a water meter easement.

d. Services for utilities shall be made available to the property line of each lot in such a manner as will minimize the necessity for disturbing the street pavement and drainage structures when connections are made.

e. Fire protection shall be provided in accordance with Section 3.9 of this Ordinance, with the Village's TCSS Manual, and with any other Village policy or ordinance pertaining to fire protection or suppression. The Fire Chief shall have the authority to approve the locations and placement of all fire hydrants and fire lanes and he or she may, at his or her discretion, modify fire hydrant spacing or fire lane placement based upon special design or distance circumstances. All required fire lanes shall be shown as "fire lane easements" on the construction and final plats, along with the applicable fire lane language block. Vertical construction (i.e., any building construction above foundation/slab level) shall not commence until all required fire lanes are

properly installed and accepted by the Village, nor until all fire hydrants have been installed, inspected, tested and accepted by the Village.

f. Any requirements of publicly approved underground water districts shall also be incorporated into the water and/or wastewater system.

Section 5.9: Improvement of Adjacent (Perimeter) Streets and Utilities

5.9 a. When a proposed subdivision, whether residential or nonresidential, abuts on one or both sides of an existing substandard street, or on a planned or future road as shown on the Transportation Plan, being substandard according to the then existing current Transportation Plan, the developer shall be required to improve his or her reasonable share of the existing on-site facility as that term is defined herein, including appurtenant sidewalks, barrier-free ramps, screening and landscaping, median openings and/or left turn lanes (if a divided thoroughfare), storm drainage structures, water quality or erosion controls, and other utilities as defined in Section 1.13, to bring the same to Village standards, or to replace it with a standard Village street as determined by the traffic impact analysis, if required, at no cost to the Village.

b. The developer's share of improvements to a substandard perimeter road shall be fourteen feet (14') of pavement (including curb, if any), which is approximately equivalent to half of a collector street width (i.e., two through traffic lanes), along the entire front footage of the subdivision, unless the traffic impact analysis, if required, indicates that some other pavement width is needed to achieve and maintain an acceptable level of service on the roadway. If the subdivision is to be located on both sides of the roadway, fourteen feet (14') of pavement shall be constructed by the developer on each side of the road along the entire front footage of the subdivision on each respective side of the road, unless the traffic impact analysis determines otherwise. Design and construction of the roadway shall be in accordance with the Village's Transportation Plan (with respect to right-of-way width and general location), the TCSS Manual, and with any other applicable Village codes and ordinances. Depending upon the specific roadway in question, and upon the traffic impact analysis results, any oversizing above the fourteen-foot (14') width shall be borne by the Village, the County, the State or by some other entity. The Board of Aldermen may, at its option, accept escrow funds in lieu of immediate roadway construction if the subdivision derives principal access from another improved roadway and if delaying construction and improvement of the road will not harm or otherwise inconvenience neighboring property owners or the general public.

c. Streets which dead-end at power lines or similar rights-of-way or easements, and which are intended for future extension across these rights-of-way or easements, shall be constructed in the right-of-way or easement for half the distance across the right-of-way or easement, and shall be further restricted as set forth in Section 3.1 of this Ordinance. As with any other dead-end street, a note shall be placed on the final plat clearly labeling the dead-end streets that will, at some point, be extended across the power line easement (or right-of-way), and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Signage size and lettering shall be large enough to be legible by a person with normal vision at a distance of twenty feet (20').

Section 5.10: Storm Drainage and Water Quality Controls

5.10 a. An adequate storm sewer system consisting of inlets, pipes and other underground structures with approved outlets shall be constructed where runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions or inadvertent storm water retention, such as standing or pooling water, as established by the Village's Engineer, will not be considered for development until adequate drainage has been provided.

b. The criteria for use in designing storm sewers, culverts, bridges, drainage channels, and drainage facilities shall conform to Section 3.10 of this Ordinance. In no case shall drainage areas be diverted artificially to adjacent properties or across roadways. Storm water drainage from one lot onto another shall not be allowed unless such does not pose any harm or inconvenience to the downstream property owner(s), unless specifically approved by the Village's Engineer, and unless the necessary off-site drainage easement is procured on the affected property(s).

c. The developer shall ensure that all drainage improvements within public easements or rights-of-way are functioning properly prior to the expiration of the maintenance bond. The developer shall be responsible for removing any significant build-up of sediment or debris from drainage improvements, with the exception of backlot and side-lot drainage swales, at the eleventh month of the second year for the required two-year maintenance bond for the applicable facilities. The Village shall inspect the improvements to determine any maintenance or correction of deficiencies at the conclusion of this period.

VI. REQUIREMENTS FOR ACCEPTANCE OF SUBDIVISIONS BY THE VILLAGE OF SALADO

Section 6.1: Withholding Village Services and Improvements until Acceptance

6.1 a. The Village hereby defines its policy to be that the Village will withhold all Village services and improvements of whatsoever nature, including the maintenance of streets and the furnishing of all other Village services from any subdivision or property until all of the street, utility, storm drainage and other public improvements, as well as lot improvements such as retaining walls and grading and installation of improvements required for proper lot drainage and prevention of soil erosion on the individual residential lots, are properly constructed according to the approved engineering plans and to Village standards, and until such public improvements are dedicated to and accepted by the Village.

Section 6.2: Guarantee of Public Improvements

6.2 a. Property Owner's Guarantee. Before approving the final plat of a subdivision located all or partially within the Village or its extraterritorial jurisdiction, all required public improvements must have been constructed in accordance with the approved engineering plans and with the requirements of this Ordinance.

b. Improvement Agreement and Guarantee. The Board of Aldermen may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final plat, and may permit the property owner to enter into an improvement agreement by which the property owner contracts to complete all required public improvements no later than two (2) years following the date upon which the final plat is approved. The Board of Aldermen may also require the property owner to complete or dedicate some of the required public improvements prior to approval of the final plat, and to enter into an improvement agreement for completion of the remainder of the required improvements during such two-year period. The improvement agreement shall contain such other terms and conditions as are agreed to by the property owner and the Village.

c. Improvement Agreement Required for Oversize Reimbursement. The Village shall require an improvement agreement pertaining to any public improvement for which the developer shall request reimbursement from the Village for oversize costs. The Board of Aldermen, as it deems appropriate, has the authority to authorize the approval of such agreement as meeting the requirements of the Village, and the Village shall not withhold approval as a means of avoiding compensation due under the terms of this Ordinance. The Mayor/Village Administrator (or designee) is authorized to sign an improvement agreement on behalf of the Village.

d. Security. Whenever the Village permits an applicant to enter into an improvement agreement, it shall require the applicant to provide sufficient security, covering the completion of the public improvements. The security shall be in the form of cash escrow or, where authorized by the Village, a performance bond or letter of credit or other security acceptable to the Board of Aldermen and the Village Attorney, as security for the promises contained in the improvement agreement. Security shall be in an amount equal to one hundred percent (100%) of the estimated cost of completion of the required public improvements and lot improvements. The issuer of any

surety bond and letter of credit shall be subject to the approval of the Mayor/Village Administrator and the Village Attorney.

e. Performance Bond. If the Board of Aldermen authorizes the applicant to post a performance bond as security for its promises contained in the improvement agreement, the performance bond shall comply with the following requirements:

1. All performance bonds must be in the forms acceptable to the Mayor/Village Administrator and the Village Attorney;

2. All performance bonds must be executed by such sureties as are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", as published in Circular 570, as may be amended, by the Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury;

3. All performance bonds must be signed by an agent, and must be accompanied by a certified copy of the authority for him or her to act;

4. All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized in the State of Texas to issue performance bonds for the limits and coverage required.

If the surety on any performance bond furnished by the applicant is declared bankrupt, or becomes insolvent, or its right to do business in terminated in the State of Texas, or the surety ceases to meet the requirements listed in Circular 570, the developer shall, within twenty (20) calendar days thereafter, substitute another performance bond and surety, both of which must be acceptable to the Village.

f. Letter of Credit. If the Board of Aldermen authorizes the applicant to post a letter of credit as security for its promises contained in the improvement agreement, the letter of credit shall:

1. Be irrevocable;

2. Be for a term sufficient to cover the completion, maintenance and warranty periods, but in no event less than two (2) years; and

3. Require only that the Village present the issuer with a sight draft and a certificate signed by an authorized representative of the Village certifying to the Village's right to draw funds under the letter of credit.

g. As portions of the public improvements are completed in accordance with the TCSS and the approved engineering plans, the applicant may make written application to the Mayor/Village Administrator to reduce the amount of the original security. If the Mayor/Village Administrator is satisfied that such portion of the improvements has been completed in accordance with Village standards, he or she may, but is not required to, cause the amount of the security to be reduced by such amount that he or she deems appropriate, so that the remaining amount of the security adequately insures the completion of the remaining public improvements.

h. Upon acceptance by the Village of all required public improvements, the Village shall authorize a reduction in the security to ten percent (10%) of the original amount of the security if the applicant is not in breach of the improvement agreement. The remaining security shall be security for the applicant's covenant to maintain the required public improvements and to warrant that the improvements are free from defects for two (2) years thereafter. If the required security for maintenance and warranty is otherwise provided by the contractors or by others, the Village will release the entire amount of the developer's security.

Section 6.3: Temporary Improvements

6.3 a. The applicant shall build and pay for all costs of temporary improvements required by the Village, and shall maintain those temporary improvements for the period specified by the Village. Prior to construction of any temporary facility or improvement, the applicant shall file with the Village a separate improvement agreement and escrow or, where authorized, a letter of credit, in an appropriate amount for temporary facilities, which agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained and removed.

b. Any temporary public improvement (e.g., a temporary cul-de-sac, alley turnout, drainage swale, erosion control device, etc.) shall be placed within an easement established specifically for that purpose. The recording information of the instrument establishing the temporary easement shall be clearly shown on the final plat for the subdivision prior to approval of the final plat. A temporary easement for a required public improvement shall not be abandoned without the Village's Engineer's approval and without written consent by the Village.

Section 6.4: Government Units

6.4 a. Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agents authorized to act in their behalf, agreeing to comply with the provisions of this Section.

Section 6.5: Failure to Complete Improvements

6.5 a. For plats for which no improvement agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the Village, the plat approvals shall be deemed to have expired. In those cases where an improvement agreement has been executed and security has been posted, and the required public improvements have not been installed within the terms of the agreement, the Village may:

1. Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;

2. Suspend final plat approval until the public improvements are completed, and may record a document to that effect for the purpose of public notice;

3. Obtain funds under the security and complete the public improvements itself or through a third party;

4. Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the property; or

5. Exercise any other rights or remedies available under the law.

Section 6.6: Acceptance of Dedication Offers

6.6 a. Acceptance of formal offers for the dedication of streets, public areas, easements or parks shall be by authorization of the Mayor/Village Administrator (or designee). The approval of a construction or final plat shall not, in and of itself, be deemed to constitute or imply the acceptance by the Village of any street, public area, easement or park shown on the plat. The Village may require the plat to be endorsed with appropriate notes to this effect.

Section 6.7: Maintenance and Guarantee of Public Improvements

6.7 a. The property owner shall maintain all required public improvements for a period of two (2) years following acceptance of the subdivision by the Village, and shall also provide a two-year maintenance bond (warranty) that all public improvements will be free from defects for a period of two (2) years following such acceptance by the Village.

Section 6.8: Construction Procedures

6.8 a. A site development permit is required from the Village prior to beginning any site development-related work in the Village or its extraterritorial jurisdiction which affects erosion control, storm drainage, vegetation or tree removal, or a flood plain.

b. Pre-construction Conference. The Village shall require that all contractors participating in the construction meet with the Village for a pre-construction conference to discuss the project prior to release of a grading permit and before any filling, excavation, clearing or removal of vegetation and any trees that are larger than six inch (6") caliper; discussion shall also include the required Construction Traffic Plan (refer to Section 2.4.h.18.). All contractors shall be familiar with, and shall conform with, applicable provisions of the Village's Zoning Ordinance, as well as the Village's Construction Ordinance.

c. Conditions Prior to Authorization. Prior to authorizing release of a site development permit, the Village's Engineer shall be satisfied that the following conditions have been met:

1. The construction plat has been approved (and any conditions of such approval have been satisfied);

2. All required engineering documents are completed and approved by the Village's Engineer;

3. All necessary off-site easements and dedications required for Village-maintained facilities and not shown on the plat must be conveyed solely to the Village, such as by filing of a separate instrument, with the proper signatures affixed. The original of the documents and the appropriate fees for filing the documents at the County (per Bell County requirements and the Village's submission guidelines, as may be amended from time to time) shall be returned to the Village Secretary prior to approval and release of the engineering plans by the Village's Engineer;

4. All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the Village's Engineer, and at least one set of these plans shall remain on the job site at all times;

5. A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the Village; and

6. All applicable fees must be paid to the Village.

7. All required approvals and permits have been obtained from all local, state, and federal entities/agencies.

d. Nonpoint Source Pollution Controls and Tree Protection. All nonpoint source pollution controls, erosion controls, and tree protection measures and devices shall be in place, to the Village's Engineer's satisfaction, prior to commencement of construction on any property.

Section 6.9: Review and Acceptance of Public Improvements

6.9 a. General Procedure. Construction observation and daily on-site representation shall be supervised and provided by the developer's engineer at the developer's expense. Construction shall be in accordance with the approved engineering plans and the TCSS of the Village of Salado (and other applicable codes and ordinances). Any change in design that is required during construction should be made by the licensed professional engineer whose seal and signature are shown on the plans. All revisions shall be reviewed and accepted by the Village's Engineer. If the Village's Engineer finds that any of the required public improvements - which include but are not limited to streets, drainage, water improvements, wastewater improvements, electrical, natural gas, and communication improvements - have not been constructed in accordance with the Village's standards and TCSS, then the property owner shall be responsible for completing and correcting the deficiencies such that they are brought into conformance with the applicable standards.

b. Prior to final acceptance of the required public improvements the applicant shall ensure the provision/completion of the following:

1. A signed statement from the design engineer that the public improvements have been constructed in conformance with the construction drawings, contract documents, and specifications.

2. Shop drawing submittals of all materials, structures, etc., with approvals by the design engineer.

3. Laboratory and field testing reports certified by a geotechnical firm or the testing laboratory(s) that are involved with the project.

4. A certificate from the general contractor that all bills for materials, services, and subcontractors have been paid.

5. Site visit/construction representation daily (or otherwise) reports signed by the design engineer or an acceptable representative as approved by the Village of Salado.

6. A listing of the elevation of at least four (4) permanent bench marks located at the project site.

7. A walk-through of the public improvements with Village of Salado officials, during which a complete final "punch list" of any additional/incomplete items will be developed. Once the punch list has been completed, there shall be a final walk-through with Village of Salado officials.

8. Submission of final written approvals of the completed infrastructure improvements by County, state, and local entities.

b. Letter of Satisfactory Completion. The Village will not deem required public improvements satisfactorily completed until the applicant's engineer or surveyor has certified to the Village's Engineer, through submission of detailed sealed "as-built", or record, drawings of the property which indicate all public improvements and their locations, dimensions, materials and other information required by the Village's Engineer, and until all required public improvements have been completed. The "as-builts" shall also include a complete set of sealed record drawings of the paving, drainage, water, sanitary sewer and other public improvements, showing that the layout of the lines and grades of all public improvements are in accordance with engineering plans for the plat, and showing all changes made in the plans during construction, and containing on each sheet an "as-built" stamp bearing the signature and seal of the licensed professional engineer and the date. One reproducible drawing of the utility plan sheets containing the as-built information shall also be submitted. The engineer or surveyor shall also furnish the Village with a copy of the approved final plat and the engineering plans, if prepared on a computer-aided design and drafting (CADD) system, in such a digital format (on disk) that is compatible with the Village's Engineer's CADD system and a copy in PDF format. When such requirements have been met to the Village's Engineer's satisfaction, the Mayor/Village Administrator (or designee) shall issue the Letter of Satisfactory Completion.

Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the Village for use and maintenance. The Board of Aldermen may, at its option, accept dedication of a portion of the required public improvements if the remaining public improvements are not immediately required for health and safety reasons, and if the property owner has posted a performance bond, letter of credit or cash bond in the amount of one hundred percent (100%) of the estimated cost of those remaining improvements for a length of time to be determined by the Board of Aldermen. If the remaining public improvements are greater than ten thousand dollars ($10,000.00) and are not completed within the determined length of time, the Village will impose a penalty that equals ten percent (10%) of the performance bond, letter of credit, or cash bond. The obligation to complete the improvements remains with the developer, and all future building permits or certificates of occupancy will be withheld until the improvements are complete. If the remaining public improvements are less than ten thousand

dollars ($10,000.00), the developer shall pay the actual dollar amount. The length of time may be extended due to inclement weather or unforeseen delays by mutual agreement between the developer and the Village.

Upon acceptance of the required public improvements, the Mayor/Village Administrator (or designee) shall submit a certificate to the developer stating that all required public improvements have been satisfactorily completed.

Section 6.10: Deferral of Required Improvements

6.10 a. The Board of Aldermen may, upon petition of the property owner and favorable recommendation of the Village's Engineer, defer at the time of plat approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not required in the immediate interests of the public health, safety and general welfare.

b. Whenever a petition to defer the construction of any public improvements required under this Ordinance is granted by the Board of Aldermen, the property owner shall deposit in escrow his or her share of the costs (in accordance with Village participation and oversizing policies) of the future public improvements with the Village prior to approval of the plat, or the property owner may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit guaranteeing completion of the deferred public improvements upon demand of the Village (refer to Section 6.2 for additional information).

Section 6.11: Issuance of Building Permits and Certificates of Occupancy

6.11 a. No building permit shall be issued for a lot, building site, building or use unless the lot or building site has been officially recorded by an approved final plat , and unless all public improvements, as required by this Ordinance for final plat approval, have been completed, except as may be permitted below:

1. A building "foundation only" permit may be issued for a nonresidential or multi-family development provided that a construction plat has been approved, and provided that the engineering plans have been released by the Village's Engineer. However, the building permit shall not be issued and building construction shall not be allowed to surpass the construction of fire protection improvements. In other words, the building shall not proceed above the slab level until all required fire lanes have been completed, and until all water lines serving fire hydrants have been completed, inspected and tested.

2. The Village Building Official may release some residential building permits for not more than ten percent (10%) of the lots within a new residential subdivision, provided that a construction plat has been approved and the engineering plans have been approved by the Village's Engineer, and provided that all public improvements have been completed for that portion of the development including, but not limited to, those required for fire and emergency protection, such as streets providing at least two points of emergency access, alleys, water lines serving fire hydrants, and other similar, required public safety improvements. ***No lot may be sold nor title conveyed until the final plat has been approved and recorded at Bell County.***

3. No certificate of occupancy shall be issued for a building or the use of property unless all subdivision improvements have been completed and a final plat has been approved and recorded at the County. Notwithstanding the above, the Mayor/Village Administrator (or designee) may authorize the conditional occupancy of a structure provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved by the Mayor/Village Administrator (or designee) for the completion of all remaining public improvements, and provided that the structure is safely habitable in accordance with the Village's Building Codes.

VII. FILING FEES & PLAT RE-SUBMISSION REQUIREMENTS

Section 7.1: Schedule of Fees and Re-Submission Requirements

7.1 a. Fees and charges, as well as other submission requirements, for the submission of applications for the approval of any type of plat and for engineering review and construction observation shall be as provided herein, and may be amended from time to time. It is the applicant's responsibility to obtain and comply with the Village's current fee schedule and submission requirements.

b. Such fees and charges shall be imposed and collected on all applications for approval of any type of plat, regardless of the action taken by the Village Commission and Board of Aldermen thereon. Such fees shall be collected for the purpose of defraying the costs of administrative, clerical, engineering, planning and review services necessary to properly review and investigate plats and subdivision construction. The cost incurred by the Village to retain professionals to perform necessary development review, possible including but not limited to, the Village Planner and Village Engineer, may be charged directly to the applicant for the actual cost of said professional services.

c. Should a development proposal or plat application lapse or expire, or should it be denied by the Commission or the Board of Aldermen, then that application ceases "pending" status and the project, and its corresponding series of development approvals and permits, shall be deemed to be ended, or "completed". Any re-application for any type of development approval for that property shall be considered commencement of a new project, and shall be accompanied by new application materials, including new submission fees, and shall conform to all applicable Village ordinances in effect at the time of submission of the new application.

d. All required fees, unless specifically stated otherwise herein, shall be paid as required in other sections of this Ordinance. Final observation and review fees may be paid at the time the actual review (i.e., final "walk-through") of the project is undertaken.

Concept Plan/Master Plan	$200.00 plus actual professional fees*
Minor/Administrative/Amending Plat	$200.00 plus actual professional fees
Construction Plat	$350.00 for the first 10 lots, $20.00 each additional lot plus actual professional fees*
Final Plat	$350.00 for the first 10 lots, $20.00 each additional lot plus actual professional fees*
Construction/Final Plat Combined	Construction Plat fees plus Final Plat fees plus actual professional fees*
Replat	$200.00 plus actual professional fees

Vacation of Recorded Plat	$150.00 plus actual professional fees
Infrastructure Inspection	Actual professional fees + 10% administrative fee
Appeals	$150.00

Development Agreement: $5,000.00 (not refundable) plus $5,000.00 professional service deposit. Total fees shall be $5,000.00 plus actual costs of professional services plus 10% for administration costs.

*Professional Cost Deposits are required on plat and site development/plan permit submissions requiring legal, engineer, and/or other professional service reviews or consultations. Deposits will be calculated based on the applicable fee times one hundred and fifty percent. Professional Services fees will be deducted from the deposit as costs to the Village are incurred at a rate of the Actual Cost of Professional Service plus 10.0%. Deposits must be maintained through the life of the project. At any time that the deposit is insufficient to cover actual professional fees, the applicant shall replenish the full deposit within ten business days of notification by the Village.

Article VII, Section 7.1(d) amended by Acts 2015, Board of Aldermen, Ord. 2015.05, eff. February 19, 2015.

VIII. ENFORCEMENT; VIOLATIONS; PENALTIES

Section 8.1: Enforcement; Violations; Penalties

8.1 In addition to all other remedies and relief available to the Village at law or in equity for a violation of this Subdivision Ordinance, the following non-exclusive forms of relief shall be available to the Village:

a. Violations and Penalties. Any person who violates any of these regulations for lands within the jurisdiction of the Village shall be subject to a fine of not more than five hundred dollars ($500.00) per day, with each day constituting a separate violation, pursuant to the Texas Local Government Code, Chapter 54, as amended.

b. Civil Enforcement. Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose additional penalties, to restrain, correct or abate a violation of these regulations, whether such violation occurs with respect to lands within the jurisdiction of the Village. These remedies shall be in addition to the penalties described above. The Village may recover a civil penalty not to exceed one thousand dollars ($1,000) per day for violation of this Ordinance.

c. Withholding of Subdivision Acceptance. Pursuant to the provisions of Article VI, Requirements for Acceptance of Subdivisions by the Village of Salado, the Village may refuse to grant final acceptance of a subdivision that does not fully and completely comply with all terms and conditions of this Subdivision Ordinance including, but not limited to, the refusal to issue building permits and certificates of occupancy, and the refusal to connect the property to Village utilities and services.

IX. EFFECTIVE DATE; ADOPTION

Section 9.1: Effective Date

9.1 This Ordinance shall be effective as of the date of its adoption.

Section 9.2: Repealer Clause

9.2 All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

Section 9.3: Adoption of Ordinance

9.3 Passed and adopted by the Board of Aldermen of the Village of Salado, Texas, this 9th day of June, 2016.

Skip Blancett, Mayor
Village of Salado, Texas

ATTEST:

Mary Ann Ray, Village Secretary
Village of Salado, Texas