

UNIFIED DEVELOPMENT CODE

CHAPTER 3: SUBDIVISION REGULATIONS

Chapter 3: Subdivision Regulations

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Article 1 – Subdivision Procedures

Division 1 – Provisions Applicable to All Platting Procedures

Section 3.1.1.1 Authority, Purpose & Applicability

- (a) **Authority.** The procedures of this Article 1 are authorized under the authority of Texas Local Government Code, Chapter 212 (including Subchapter B) and the City's charter. The provisions of this Article expressly extend to all areas inside the City limits and throughout the City's extraterritorial jurisdiction.
- (b) **Purpose.**
- (1) The provisions of this Chapter are intended to implement standards and requirements provided for herein, and shall be minimum requirements for the platting and developing of subdivisions within the City of Pearland and its extraterritorial jurisdiction, as authorized by State statute.
 - (2) 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. Through the application of these regulations, the interests of public and private parties are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this chapter further the possibility that land will be developed in accordance with existing physical, social, economic and environmental conditions.
 - (3) The provisions of this Chapter are intended to implement the following objectives:
 - 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 City of Pearland;
 - 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 City's limits and its extraterritorial jurisdiction;
 - e. Integrate the development of various tracts of land into the existing community, and coordinate the future development of adjoining tracts;
 - f. Ensure the most efficient and beneficial provision of public facilities and services for each tract being subdivided;
 - g. Provide for compatible relationships between land uses and buildings;
 - h. Provide for the circulation of traffic throughout the municipality;

- i. Provide for pedestrian circulation that is appropriate for the various uses of land and buildings;
- j. Prevent pollution of the air, streams, bodies of water, and aquifers; 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 City and its extraterritorial jurisdiction;
- n. 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;
- o. Encourage the development of residential areas that meet a wide range of income levels.

(c) Applicability.

- (1) The provisions of this Chapter 3 apply to any non-exempt (see Section 3.1.1.3) division of land, combination of separate land parcels, and/or development of land within the corporate boundaries of the City and within its extraterritorial jurisdiction.
- (2) No permit shall be issued for any building or structure on a property until a subdivision or a development plat has been approved and filed for record with the following exceptions:
 - a. Permits for repair or remodeling of an existing structure or for site improvements (parking areas, driveways, etc.) which involves no increase in square footage of any structure or paving; or
 - b. Demolition permits, or permits for removal of a structure from a parcel or tract.
 - c. A building permit may be issued for a Public Educational Facility prior to platting, but no certificate of occupancy shall be issued until after approval and recordation of the final plat.
 - d. Permits for the replacement of an existing septic system from owner or occupant of the property located in the City or the City's ETJ where the sole proposed change to the property is the replacement of the septic system. A survey of the lot prepared by a licensed surveyor for the State of Texas shall be filed with the City of Pearland in hard copy and electronic form with the following information:
 - 1. the corners and boundaries of the lot;

2. the location of all existing structures and known easements;
 3. the location and width of all abutting rights-of ways; and
 4. a floodplain statement for the lot;
 5. the location of the existing septic system; and,
 6. the location of the proposed replacement septic system.
- (3) Notwithstanding any UDC provision to the contrary, a permit, variance, or special exception may be granted for an unplatted lot zoned or used for residential uses and on which exists a structure used for residential purposes, to allow the expansion of said structure or the construction or expansion of an accessory structure located on the same lot, upon the determination by the Planning Director that the following conditions are met:
- a. The lot's configuration has remained unchanged since February 27, 2006;
 - b. The lot has frontage on a public road or a private road built to the City's standards;
 - c. The total value of the work being permitted does not exceed fifty thousand dollars (\$50,000.00), as determined by the Building Official;
 - d. A survey of the lot prepared by a licensed surveyor for the State of Texas is filed with the City of Pearland in hard copy and electronic form with the following information:
 1. the corners and boundaries of the lot;
 2. the location of all existing structures and easements;
 3. the location and width of all abutting rights-of ways; and
 4. a floodplain statement for the lot;
 - e. Any public dedication required by the City is achieved by separate conveyance to the City prior to the issuance of the permit; and
 - f. No such permit was issued for the subject lot in the three (3) years prior to the issuance of the permit being sought.

(d) **Subdivision Rules.** The provisions of this Chapter 3, the standards governing water and wastewater facilities applicable to plats in Chapter 30 of the City Code of Ordinances, and the technical standards contained in the Engineering Design Criteria Manual (EDCM), as adopted by the City Council and as may be amended from time to time, constitute the subdivision rules of the City of Pearland, which apply to applications for plat approval inside City limits and within the City's extraterritorial jurisdiction.

Ord. No. 2000T-2, Section 3.1.1.1, February 26, 2007.

Ord. No. 2000T-10, Section 3.1.1.1, February 23, 2009.

Ord. No. 2000T-13, Section 3.1.1.1, October 24, 2011.

Ord. No. 2000T-21, Section 3.1.1.1, September 12, 2016.

Section 3.1.1.2 Types of Plats Required

- (a) **Subdivision Plats.** A Final Subdivision Plat or a Minor Subdivision Plat shall be approved prior to any non-exempt land division.
- (b) **Development Plats.** A Final Development Plat shall be approved prior to development of any tract or parcel for which no subdivision plat is required, or prior to development of any lot in a subdivision for which dedication of any right-of-way for construction or maintenance of public improvements is required by this Unified Development Code.

Section 3.1.1.3 Exemptions

- (a) **Subdivision Plat Exemptions.** The following land divisions are exempt from the requirements of this article that apply to subdivision plats:
 - (1) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended;
 - (2) Use of existing cemeteries complying with all State and local laws and regulations;
 - (3) A division of land created by order of a court of competent jurisdiction; and
 - (4) A division of land that results in the creation of two or more parcels, each of which is greater than five (5) acres inside the City limits, or each of which is greater than ten (10) acres within the City's extraterritorial jurisdiction for areas subject to an interlocal agreement between the City and the County, when each parcel has direct access to an existing public street, and no dedication of public facilities is required under this Unified Development Code in connection with the division.
- (b) **Development Plat Exemptions.** The following development activities are exempt from the requirements of this article that apply to development plats:
 - (1) Any development activity associated with a subdivision plat that conforms to the subdivision requirements set forth in this chapter;
 - (2) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended;
 - (3) Use of existing cemeteries complying with all State and local laws and regulations;
 - (4) Bona fide agricultural activities;
 - (5) Construction of agricultural accessory structures and related development activities; and
 - (6) Construction of a single-family dwelling and related accessory structures and development activities on a lot for which a final or minor subdivision plat has been approved.

Ord. No. 2000T-2, Section 3.1.1.3, February 26, 2007.

Ord. No. 2000T-3, Section 3.1.1.3, July 9, 2007.

Ord. No. 2000T-21, Section 3.1.1.3, September 12, 2016.

Section 3.1.1.4 Time for Decision

- (a) **Time Period for Action.** All plat applications shall be acted upon within thirty (30) days from the official filing date unless a waiver is submitted in accordance with Subsection (b) below.
- (b) **Waiver Requests.** An applicant may request in writing a waiver of the decision time. Such waiver when granted shall operate to postpone the official filing date of the plat by the number of days for which the waiver is granted. The waiver request shall contain a statement of the reasons for the waiver and the time for which a waiver is sought. No waiver shall be granted for a period less than the number of days until the Commission's next regularly scheduled meeting nor longer than forty (40) days. Waiver requests must be received by the responsible official on or before the seventh (7th) calendar day prior to the Planning and Zoning Commission meeting at which action is to be taken on the plat application. Waiver requests that are not received by that day shall not be considered properly submitted, and action shall be taken on the plat application at such meeting as scheduled. Only one (1) waiver may be granted per plat.
- (c) **Action on the Waiver Request.** The decision-maker shall take action on the waiver request within the thirty-day (30-day) period for acting on the plat. Where the Planning and Zoning Commission is the decision-maker, action on the waiver request shall be taken at the meeting at which the plat is scheduled for decision. If the waiver is granted, action on the plat application shall be tabled for a time certain consistent with the approved waiver.
- (d) **Final Plat Application for Extraterritorial Jurisdiction.** Where the land to be platted lies within the extraterritorial jurisdiction of the City in a county with which the City has an interlocal agreement under Texas Local Government Code, Chapter 242, or where the property lies within the Brazoria Drainage District No. 4, or within the Harris County Flood Control District, no final plat application shall be accepted as complete for filing by the responsible official unless the application is accompanied by verification that a copy of the final plat has been delivered to the applicable county or the applicable drainage district in which the land subject to the application is located. If the City has not received a decision from the applicable county or drainage district on matters pertaining to the final plat application which are to be determined by the applicable county under the interlocal agreement or drainage district rules, the application for final plat approval shall be accepted for filing by the City, but shall be denied approval, unless a waiver is submitted in accordance with subsection (b) above.

Ord. No. 2000T-2, Section 3.1.1.4, February 26, 2007.

Section 3.1.1.5 Stages of Plat Approval

- (a) **Subdivision Plats.** A subdivision plat may be approved in three stages:
 - (1) Master Plat;

- (2) Preliminary Subdivision Plat; and
 - (3) Final Subdivision Plat.
- (b) **Development Plats.** A development plat may be approved in one stage
- (c) **Combined Applications.** An applicant may not submit applications for approval of a Preliminary Subdivision Plat and a Final Subdivision Plat simultaneously.
- (d) **City Staff Review Required.** City staff shall review all plat applications in conformance with a checklist that is based on application forms and related requirements supplied by the Planning Department. City staff shall then accept or reject the plat applications. Plat applications that are deemed to be complete shall be accepted and forwarded to the appropriate body, as outlined in this UDC.

Ord. No. 2000T-11, Section 3.1.1.5, July 27, 2009.

Section 3.1.1.6 General Relief Procedures

- (a) **Appeals.** A decision of a responsible official on a plat application shall be appealed to the Planning and Zoning Commission, as further provided under the specific procedure.
- (b) **Waivers.** An applicant may file a waiver petition with an application for plat approval. The waiver shall be decided by the Planning and Zoning Commission in accordance with Article 3, Division 4 of Chapter 1.
- (c) **Vested Rights Petition.** An applicant may file a vested rights petition with an application for plat approval. The vested rights petition shall be decided by the Planning and Zoning Commission, subject to appeal to the City Council, in accordance with Article 3, Division 3 of Chapter 1.
- (d) **Relief Where No Preliminary Subdivision Plat Application Is Filed.** If an applicant files an application for Final Subdivision Plat or Final Development Plat approval without first having received approval of a Preliminary Subdivision Plat or Preliminary Development Plat application, the applicant may submit a waiver petition with the Final Plat application.
- (e) **Relief from Dedication or Construction Requirement.** An applicant may file a petition for relief from a dedication or construction requirement. The petition shall be decided by the City Council, in accordance with Article 3, Division 2 of Chapter 1.
- (f) **Relief from Development Requirements.** An applicant may file for a Variance from the Planning and Zoning Commission for relief of certain development requirements such as lot width, lot depth. Or lot area requirements.

Ord. No. 2000T-14, Section 3.1.1.6, January 14, 2013.

Section 3.1.1.7 Certifications

- (a) **Reasons for Denial.** A written summary of the reasons for denial of a plat application shall be provided by the responsible official to the applicant upon written request by the applicant. For purposes of this section, conditional approval of a plat application shall not be considered a denial.
- (b) **Exemption Determination.** The responsible official, upon written application of a property owner, a utility provider, or the City Council, shall certify in writing whether a plat is required under this Article or whether an exemption under Section 3.1.1.3 applies to a proposed development. The responsible official shall notify the petitioner of the determination within twenty (20) days of the date the petition is received, or within ten (10) days of the date of the decision, whichever is earlier, in the manner provided in Article 2, Division 1 of Chapter 1. The petitioner may appeal the responsible official's decision in the manner provided in Article 3, Division 1 of Chapter 1.
- (c) **Certification of Action on Plat.** If a utility provider or the City Council requests the status of a plat for the land, the responsible official shall certify whether a plat has been prepared and any action taken on the plat in the manner and within the time periods listed in Subsection (b) above.

Division 2 – Master Plan

Section 3.1.2.1 Purpose, Applicability, and Effect

- (a) **Purpose.** The purpose of a Master Plan shall be to delineate the sequence and timing of development within a proposed subdivision, where the tract to be developed is part of a larger parcel of land owned or controlled by the applicant, in order to determine compliance with the City's Comprehensive Plan and the availability and capacity of public improvements needed for the subdivision and the larger parcel.
- (b) **Applicability.**
 - (1) A Master Plan shall be required for any division of land where proposed development of the tract is to occur in phases. A Master Plan may not be accepted for filing if the land subject to the plat exceeds three hundred (300) acres for single-family residential developments, or one hundred (100) acres for other types of developments. Non-residential and residential mixed-use developments shall not exceed four hundred (400) total acres. Phasing for the Master Plan shall not exceed a time period of ten (10) years. The applicant shall submit a schedule showing the proposed phasing of development that shall be approved along with the Master Plan. If the land subject to the Master Plan is part of a larger parcel, the remaining land shall be shown as a remainder tract, but shall not be included within the Master Plan.
 - (2) Not more than one (1) Master Plan at a time shall be submitted for a phased development. A previously submitted Master Plan and related Preliminary Subdivision Plat or Preliminary Development Plat shall be approved prior to any subsequent Master Plan application for a phased development.

- (3) A Master Plan also shall be required for land in a Planned Development (PD) zoning district or as part of a development agreement, and in either case, the applicable amount of land may exceed the size limitations set forth in Subsection (b)(1) above.

(c) **Effect.**

- (1) Approval of a Master Plan authorizes the subdivider to submit a Preliminary Subdivision Plat or Preliminary Development Plat application for each phase of development shown on the plat, subject to the schedule of development approved for the land.
- (2) Once a Master Plan has been approved, all plats approved thereafter for the same land shall be consistent with the Master Plat for so long as the Master Plan remains in effect. Minor variations between the Master Plan and the subsequent plat application(s) shall be permitted; however, in no case shall minor variations be deemed to include any increase in the residential density, number of units, building coverage or square footage, and/or impervious cover of the proposed development.

Ord. No. 2000T-31, Section 3.1.2.1, November 25, 2019.

Section 3.1.2.2 Application Requirements

- (a) **Responsible Official.** The Planning Director shall be the responsible official for a Master Plan.
- (b) **Submittal.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (c) **Prior Approved Applications.** An application for a Master Plan shall not be approved unless all zoning amendments, including a request for a Planned Development District, which are necessary to authorize the proposed uses have been approved and remain in effect for the land included in the Master Plan. Where applicable, approval of a Cluster Development Plan also is required prior to approval of a Master Plan application. If the Cluster Development Plan includes details regarding the phasing of the development, then no Master Plan will be required for said development.
- (d) **Accompanying Applications.**
 - (1) An application for a Master Plan may be accompanied by an application for rezoning approval, including a request for a Planned Development District, or a Cluster Development Plan, where applicable. The rezoning application and the Cluster Development Plan shall be decided first. The applicant must execute a waiver of the time period required for Master Plan approval.
 - (2) An application for a Master Plan may be accompanied by an application for approval of a Preliminary Subdivision Plat or Preliminary Development Plat for the first phase of the project, provided that the application for Master Plan shall be decided first.

Ord. No. 2000T-13, Section 3.1.2.2, October 24, 2011.

Ord. No. 2000T-31, Section 3.1.2.2, November 25, 2019.

Section 3.1.2.3 Decision

- (a) The Planning Director shall decide whether to approve, approve with conditions or deny the Master Plan application. The conditions may relate to, among other matters, compliance with the City's Comprehensive Plan, and the availability and capacity of public improvements.

Ord. No. 2000T-31, Section 3.1.2.3, November 25, 2019.

Section 3.1.2.4 Criteria for Approval

- (a) **Factors.** The following criteria shall be used to determine whether an application for a Master Plan shall be approved, approved with conditions, or denied:
- (1) The Master Plan is consistent with all zoning requirements for the property, and any approved development agreement;
 - (2) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities are adequate to serve each phase of the subdivision and generally meets the standards of this Chapter 3;
 - (3) The schedule of development is feasible and prudent, and assures that the proposed development will progress to completion within the time limits proposed; and
 - (4) If the land lies within a Planned Development (PD) zoning district or is subject to a Cluster Development Plan, the proposed Master Plan conforms to the PD or and is consistent with the incorporated Design Plan, or is consistent with the approved Cluster Development Plan;
 - (5) The location, size and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the plat;
 - (6) Where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and is subject to an interlocal agreement under Texas Local Government Code, Chapter 242, or is located within a drainage district, the proposed Master Plan meets any county or drainage district standards to be applied under the agreement or district rules.
 - (7) The Master Plan is consistent with the adopted Comprehensive Plan, except where application of the Plan conflicts with state law.
- (b) **Conditions.** In addition to any other conditions required to conform the plat to the standards of this Unified Development Code, the Planning and Zoning Commission

may condition approval on exclusion of land from the Master Plan or adjustments in the proposed sequence or timing in the proposed phases of the development.

Ord. No. 2000T-31, Section 3.1.2.4, November 25, 2019.

Section 3.1.2.5 Expiration and Extension

- (a) **Time of Expiration.** Expiration of the Master Plan shall be five (5) years from the date a complete application is officially filed, unless otherwise governed by the schedule of development approved by the Planning and Zoning Commission. The subdivider shall submit and receive approval for a Preliminary Subdivision Plat or Preliminary Development Plat, where applicable, for the first and all subsequent phases of the Master Plan within the time limits prescribed in the approved phasing schedule. Failure to meet a platting deadline included in the phasing schedule shall result in the expiration of the Master Plan for that and all subsequent phases of the subdivision. Expiration of the Preliminary Subdivision Plat, Preliminary Development Plat, Final Subdivision Plat, or Final Development Plat for any phase of the Master Plan shall result in the expiration of the Master Plan for all phases for which any type of preliminary plat has not been approved.
- (b) **Extension.** The expiration date for any phase of the development may be extended by the Planning and Zoning Commission under Chapter 1, Article 2, Division 5. Extension of the expiration date for the phase extends the expiration date for the Master Plan for a like period. A Master Plat is not subject to reinstatement following expiration.

Ord. No. 2000T-31, Section 3.1.2.5, November 25, 2019.

Section 3.1.2.6 Remainder Tracts

- (a) **Definition.** A remainder tract is that portion of a larger parcel that is not included within the boundaries of a subdivision plat. Remainder tracts shall not be considered lots or tracts of the subdivision. Approval of a subdivision plat shall not constitute approval of development on a remainder tract.
- (b) Information accompanying a subdivision plat application for remainder tracts shall be deemed to be an aid to the Planning and Zoning Commission in taking action on the plat application and may be used to determine whether development of the land subject to the plat will be adequately served by public facilities and services and is otherwise in compliance with this Unified Development Code, taking into account the development of the property as a whole. Information concerning remainder tracts, including topography, drainage, and existing and planned public improvements, may be considered in formulating conditions to approve the plat application. Based upon such information, the Planning and Zoning Commission may require that additional or less land be included in the subdivision plat in order to satisfy the standards applicable to the plat application.

Division 3 - Preliminary Subdivision Plats

Section 3.1.3.1 Purpose, Exceptions and Effect

- (a) **Purpose.** The purpose of a Preliminary Subdivision Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development and the overall compliance of the land division with applicable requirements of this Unified Development Code.
- (b) **Exceptions.** A Preliminary Subdivision Plat is not required when a Minor Subdivision Plat is submitted (Chapter 3, Article 1, Division 6).
- (c) **Effect.** Approval of a Preliminary Subdivision Plat shall authorize the subdivider to submit construction plans for approval by the City Engineer under Division 8 of Article 1 of this Chapter and, upon approval of such plans, to construct public improvements to serve the subdivision in accordance therewith. Approval of a Preliminary Subdivision Plat also shall authorize the subdivider to seek approval of a Final Subdivision Plat for the land subject to the Preliminary Subdivision Plat.

Section 3.1.3.2 Application Requirements

- (a) **Responsible Official.** The Planning Director shall be the responsible official for a Preliminary Subdivision Plat.
- (b) **Application Contents.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (c) **Accompanying Applications.** An application for a Preliminary Subdivision Plat may be accompanied by an application for rezoning approval, including a request for a Planned Development District, or a Cluster Development Plan, where applicable or a Master Plat application. The rezoning application, the Cluster Development Plan and Master Plan application shall be decided first. The applicant must execute a waiver of the time period required for Preliminary Subdivision Plat approval.

Ord. No. 2000T-31, Section 3.1.3.2, November 25, 2019.

Section 3.1.3.3 Decision

- (a) The Planning and Zoning Commission shall decide whether to approve, approve with conditions or deny the Preliminary Subdivision Plat application. The action of the Commission shall be noted on two copies of the Preliminary Subdivision Plat, referenced and attached to any conditions determined. One copy shall be returned to the applicant and the other retained in the City's files. A notation of the action taken on each Preliminary Subdivision Plat application and the reasons for the action shall be entered in the minutes of the Commission.

Section 3.1.3.4 Criteria for Approval

- (a) The following criteria shall be used to determine whether the application for a Preliminary Subdivision Plat shall be approved, approved with conditions, or denied:
- (1) The plat is consistent with all zoning requirements for the property, and any approved development agreement;
 - (2) The plat conforms to the general layout of the approved Master Plat (with minor variations as described in Section 3.1.2.1), if any, and is consistent with the phasing plan approved therein;
 - (3) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities conform to the master facilities plans for the facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other municipal master facilities plans;
 - (4) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision and meet applicable standards of this Chapter;
 - (5) The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Texas Local Government Code, Chapter 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county, or drainage district rules, where the land is located in whole or in part within a drainage district; and
 - (6) The plat conforms to design requirements and construction standards as set forth in the Engineering Standards Technical Manual.
 - (7) The plat is consistent with the adopted Comprehensive Plan, except where application of the Plan conflicts with state law.

Section 3.1.3.5 Expiration and Extension

- (a) The approval of a Preliminary Subdivision Plat application shall remain in effect for a period of two (2) years from the date of final approval. If a Final Subdivision Plat application has not been approved within the two (2)-year period, the Preliminary Subdivision Plat application, unless extended in accordance with Article 2, Division 5 of Chapter 1 shall expire and the plat shall be null and void.

Ord. No. 2000T-14, Section 3.1.3.5, January 14, 2013.

Section 3.1.3.6 Revisions Following Approval of Preliminary Subdivision Plat

- (a) **Minor Changes.** Minor changes in the design of the subdivision subject to a Preliminary Subdivision Plat may be incorporated in an application for approval of a Final Subdivision Plat without the necessity of filing a new application for approval of a Preliminary Subdivision Plat. Minor changes shall include adjustment in street or alley alignments, lengths, and paving details, and adjustment of lot lines that do not

result in creation of additional lots, provided that such changes are consistent with any approved prior applications.

- (b) **Amendments.** All other proposed changes to the design of the subdivision subject to an approved Preliminary Subdivision Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Subdivision Plat before approval of a Final Subdivision Plat. Approval of major revisions to an approved Preliminary Subdivision Plat shall occur prior to the date any approved Master Plat would have expired for the same land.

Division 4 - Development Plats

Section 3.1.4.1 Purpose and Effect

- (a) **Purpose.** The purpose of the Development Plat is to assure that the division or development of the land subject to the plat is consistent with all standards of this Unified Development Code pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been proposed in accordance with the City of Pearland's requirements, that all other requirements and conditions have been met or planned for to allow the plat to be recorded, and to assure that the subdivision or development meets all other standards of this Unified Development Code to enable initiation of site preparation activities for any lot or tract being platted.

The Development Plat is applicable for an integrated business development that proposes a subdivision of any number of non-residential or multi-family residential lots, that require extension of municipal facilities only to serve the specific development being platted or platting of single lots, and where delay in construction or deferral of municipal facilities does not affect the city or any other parcel.

- (b) **Applicability.** A Development Plat application under this division shall be required for any development except those that may be approved through the other platting procedures of Chapter 3.
- (c) **Effect.** Approval of a Development Plat authorizes the Planning Director to record the plat, and further authorizes submittal of an application for a Site Preparation Permit, construction plans for approval by the City Engineer under Division 8 of this Article, and an application for a building permit for any lot in the subdivision. The installation of public improvements on the land subject to the development plat, however, may not begin prior to approval of a Development Plat.

Ord. No. 2000T-11, Section 3.1.4.1, July 27, 2009.

Ord. No. 2000T-21, Section 3.1.4.1, September 12, 2016.

Section 3.1.4.2 Application Requirements

- (a) **Responsible Official.** The Planning Director shall be the responsible official for a Development Plat.

- (b) **Application Contents.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (c) **Consent of Lienholders.** The applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas policy, or a title opinion letter from an attorney licensed to practice in Texas, identifying all persons having an interest in the property subject to the plat, including lienholders. The Development Plat shall be acknowledged by all owners of any interest in the land, including lienholders. Said acknowledgement may be signed on the face of the plat in plain view by each lienholder, or it may be filed with the plat as a separate instrument bearing the notarized signatures of all lienholders, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the plat. Such lienholder consent shall be subject to review and approval by the City Attorney.
- (d) **Accompanying Applications.** An application for a Development Plat shall be accompanied by a site plan for the land subject to the plat and a general layout of the required public improvements, easements, access streets and parking layout.

Ord. No. 2000T-11, Section 3.1.4.2, July 27, 2009.

Section 3.1.4.3 Decision

The Planning Director shall decide whether to approve, approve with conditions, or deny the Development Plat application.

Ord. No. 2000T-11, Section 3.1.4.3, July 27, 2009.

Section 3.1.4.4 Criteria for Approval

- (a) The following criteria shall be used to determine whether the application for a Development Plat shall be approved, approved with conditions, or denied:
 - (1) The Development Plat is consistent with all zoning requirements for the property, and any approved development agreement;
 - (2) The plat conforms to the general layout of the approved Master Plat if applicable and a site plan accompanying the Development Plat application, and is consistent with the phasing plan approved therein, if any;
 - (3) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities to serve the development site conform to the master facilities plans for such facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other master facilities plans, and a general layout of the required public improvements,

access streets and parking layout have been approved by City Engineer, as shown on the accompanying site plan, and in accordance with Section 4.2.1.2 (b)(8);

- (4) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities are adequate to serve the development and meet the standards of this Chapter;
- (5) Easements or rights-of-way for all public water, sanitary sewer, roadway and drainage facilities have been designated;
- (6) Fire lanes access easements or street rights-of-way have been provided for access to all fire hydrants and fire department connections;
- (7) Easements have been designated for all landscaped buffers and open space;
- (8) The ownership, maintenance, and allowed uses of all designated easements have been stated on the plat;
- (9) The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Texas Local Government Code, Chapter 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county, or drainage district rules, where the land is located in whole or in part within a drainage district;
- (10) The plat is consistent with the adopted Comprehensive Plan, except where application of the Plan conflicts with state law;
- (11) The final layout of the subdivision and development meets all standards for adequacy of public facilities contained in this Chapter;
- (12) The plat conforms to design requirements and construction standards as set forth in the Engineering Criteria Manual; and
- (13) The plat conforms to the subdivision application checklist.

Ord. No. 2000T-11, Section 3.1.4.4, July 27, 2009.

Section 3.1.4.5 Expiration and Extension

The approval of a Development Plat application shall remain in effect for a period of two (2) years from the approval date, during which period the applicant shall submit and receive approval for a building permit for at least part of the development subject to the Development Plat. If a building permit has not been approved within the two (2) year period, the Development Plat approval, unless extended in accordance with Article 2, Division 5 of Chapter 1, shall expire and the plat shall be null and void.

Section 3.1.4.6 Revisions to Development Plat

- (a) **Following Approval.** An applicant may apply for modification of a Development Plat to reflect changes arising after approval from the installation of public improvements, provided that the approved Development Plat has not been recorded and that approval of the modified Development Plat occurs prior to expiration of approval of the Development Plat application. If the approved Development Plat has been recorded, revisions may only be approved under Division 7 of this Article.
- (b) **After Denial or Conditional Approval.** Following conditional approval or denial of a Development Plat application, the applicant may submit a revised Development Plat application, together with any revised construction plans, for approval by the Planning Director.

Section 3.1.4.7 Recordation

- (a) The property owner shall submit the approved Development Plat, following any required revisions, to the Planning Director, who shall cause the Development Plat to be recorded in the real property records of the county in which the land is located.
- (b) **Submittal of Record Plat Where Improvements Installed.** Where public improvements have been installed prior to recording of the plat, the property owner shall submit a maintenance bond in accordance with Division 8 of this Article from each contractor, one sealed set of “as built” mylars, and a digital copy of all plans (in a format required by the City Engineer), together with a letter stating the contractors' compliance with Division 8 of this Article, and bearing a sealed certification by the design engineer that all public improvements have been constructed in compliance with all City construction standards. The property owner also shall submit copies of the approved Development Plat, revised to reflect the “as built” plans or record drawings, in the format and number as may be required by the Planning Director.
- (c) **Submittal of Record Plat Where Improvements Have Not Been Installed.** Where public improvements have yet to be completed in connection with an approved Development Plat, the property owner shall submit in the format and number as set forth in the Engineering Design Criteria Manual, the approved Development Plat, revised to reflect any changes as a result of construction of improvements.
- (d) **Update of Lienholder Consent.** In conjunction with the application for a record plat, the applicant shall furnish to the City an updated title policy commitment issued by a title insurance company authorized to do business in Texas, or a title opinion letter from an attorney licensed to practice in Texas, identifying all persons having an interest in the property subject to the plat, including lienholders. If there has been any

change in the lienholders since the time of the lienholder consent agreement provided under Section 3.1.5.2, the applicant shall submit a new agreement executed by each lienholder consenting to the platting of the property and the dedications and covenants contained in the plat. The title commitment or title opinion letter and consent agreement shall be subject to review and approval by the City Attorney.

Ord. No. 2000T-11, Section 3.1.4.7, July 27, 2009. New Section.

Division 5 - Final Subdivision Plats

Section 3.1.5.1 Purpose, Applicability, Exceptions and Effect

- (a) **Purpose.** The purpose of a Final Subdivision Plat is to assure that the division or development of the land subject to the plat is consistent with all standards of this Unified Development Code pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision or development meets all other standards of this Unified Development Code to enable initiation of site preparation activities for any lot or tract subject to the plat.
- (b) **Applicability.** A Final Subdivision Plat application under this division shall be required for any land division except those that may be approved through the Minor Subdivision Plat procedures of Division 6, Replat and Amending Plat procedures of Division 7, and Development Plat procedures of Division 4 of this Article.
- (c) **Effect.** Approval of a Final Subdivision Plat is authorized only upon acceptance of public improvements or posting of security, and authorizes the subdivider to install any improvements in public rights-of-way under approved construction plans and a subdivision improvement agreement, and to submit an application for a Site Preparation Permit for any lot in the subdivision.

Ord. No. 2000T-2, Section 3.1.5.1, February 26, 2007.

Ord. No. 2000T-11, Section 3.1.5.1, July 27, 2009.

Ord. No. 2000T-12, Section 3.1.5.1, June 28, 2010.

Section 3.1.5.2 Application Requirements

- (a) **Responsible Official.** The Planning Director shall be the responsible official for a Final Subdivision Plat.

- (b) **Application Contents.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
 - (c) **Consent of Lienholders.** The applicant shall furnish with the application to the City a current title commitment issued by a title insurance company authorized to do business in Texas policy, or a title opinion letter from an attorney licensed to practice in Texas, identifying all persons having an interest in the property subject to the plat, including lienholders. The Final Subdivision Plat shall be acknowledged by all owners of any interest in the land, including leinholders. Said acknowledgement may be signed on the face of the plat in plain view by each lienholder, or it may be filed with the plat as a separate instrument bearing the notarized signatures of all leinholders, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the plat. Such lienholder consent shall be subject to review and approval by the City Attorney.
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Ord. No. 2000T-2, Section 3.1.5.2, February 26, 2007.

Ord. No. 2000T-11, Section 3.1.5.2, July 27, 2009.

Section 3.1.5.3 Decision

- (a) **Decision.** The Planning and Zoning Commission shall decide whether to approve or deny the Final Subdivision Plat.
 - (b) **Certification.** A notation of the action taken on each Final Subdivision Plat application and the reasons therefore shall be entered in the minutes of the Planning and Zoning Commission. The Director's notification to the applicant under Article 2, Division 2 of Chapter 1 following approval of a Final Subdivision Plat or shall constitute certification that the plat has been approved by the Commission.
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Ord. No. 2000T-11, Section 3.1.5.3, July 27, 2009.

Ord. No. 2000T-31, Section 3.1.5.3, November 25, 2019

Section 3.1.5.4 Criteria for Approval

- (a) The following criteria shall be used to determine whether the application for a Final Subdivision Plat shall be approved, approved with conditions or denied:
 - (1) Prior Approved Preliminary Subdivision Plat:
 - a. The Final Subdivision Plat, conforms to the approved Preliminary Subdivision Plat, as applicable, except for minor changes authorized under divisions 3 or 4 of this Article and that may be approved without the necessity of revising the approved Preliminary Subdivision Plat;
 - b. All conditions imposed at the time of approval of the Preliminary Subdivision Plat, as applicable, have been satisfied;
 - c. Required public improvements have been installed, conform to the approved construction plans, and have been approved for acceptance by the City Engineer, or improvements such as the waterlines, sewer lines,

storm water infrastructure and streets are 85-90% complete and have met the requirements of the Engineering Department.

- d. Where the City Engineer has authorized public improvements to be deferred, the subdivision improvement agreement and surety have been executed and submitted by the property owner in conformity with Division 8 of this Article;
- e. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Chapter; and
- f. The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Texas Local Government Code, Chapter 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county, or drainage district rules, where the land is located in whole or in part within a drainage district.
- g. The plat conforms to design requirements and construction standards as set forth in the Engineering Design Criteria Manual.
- h. The plat conforms to the subdivision application checklist.

(2) No Prior Approved Preliminary Subdivision Plat

- a. The Final Subdivision Plat conforms to all criteria for approval of a Preliminary Subdivision Plat, as applicable;
- b. The construction plans conform to the requirements of Chapter 3;
- c. The subdivision improvement agreement and surety for installation of public improvements have been prepared and executed by the property owner in conformity with Division 8 of this Article 1;
- d. The final layout of the subdivision or developments meets all standards for adequacy of public facilities contained in Article 2 of this Unified Development Code; and
- e. The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Texas Local Government Code, Chapter 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county, or drainage district rules, where the land is located in whole or in part within a drainage district.
- f. The plat conforms to the subdivision application checklist.

Ord. No. 2000T-2, Section 3.1.5.4, February 26, 2007.

Ord. No. 2000T-11, Section 3.1.5.4, July 27, 2009.

Ord. No. 2000T-31, Section 3.1.5.4, November 25, 2019.

Section 3.1.5.5 Revisions to Final Subdivision Plat

- ((a) **Following Approval.** An applicant may apply for modification of an approved Final Subdivision Plat to reflect changes arising from installation of public improvements thereafter, provided that the approved Final Subdivision Plat has not been recorded and that approval of the modified Final Subdivision Plat occurs prior to expiration of approval of the initial Final Subdivision Plat application. If the approved Final Subdivision Plat has been recorded, revisions may only be approved under Division 7 of this Article.
- (b) **After Denial or Conditional Approval.** Following conditional approval or denial of a Final Subdivision Plat application, the applicant may submit a revised Final Subdivision Plat application, together with any revised construction plans, for approval by the Planning and Zoning Commission, provided that the revised application is approved prior to the original expiration date of any approved Preliminary Subdivision Plat, as applicable, for the same land.

Ord. No. 2000T-11, Section 3.1.5.5, July 27, 2009.

Section 3.1.5.6 Expiration and Extension

The approval of a Final Subdivision Plat application shall remain in effect for a period of two (2) years from the date of final approval. If the Final Subdivision Plat has not been recorded within the two-year (2-year) period, the Final Subdivision Plat approval, unless extended in accordance with Article 2, Division 5 of Chapter 1, shall expire and the applicable plat shall be deemed null and void.

Ord. No. 2000T-11, Section 3.1.5.6, July 27, 2009.

Ord. No. 2000T-14, Section 3.1.5.6, January 14, 2013.

Section 3.1.5.7 Plat Recordation

- (a) **Procedure.** After approval of the Final Subdivision Plat, the Planning Director shall procure the signature of the chairperson of the Planning and Zoning Commission on the plat and shall record the Final Subdivision Plat with the county clerk of the county in which the land is located, upon the subdivider's or developer's performance of one of the following:
- (1) Completion of the construction of required improvements prior to recordation;
or
 - (2) Filing of security in lieu of completing construction in accordance with Division 8 of this Article.
 - (3) Regardless of which option, (1) or (2) above, is chosen, construction plans must be approved in accordance with Section 3.1.8.1 prior to approval of the Final Subdivision Plat and prior to plat recordation.
- (b) **Submittal of Record Plat Where Improvements Installed.** Where public improvements have been installed prior to recording of the plat, the property owner

shall submit a maintenance bond in accordance with Division 8 of this Article from each contractor, one sealed set of “as built” mylars, and a digital copy of all plans (in a format as determined by the City Engineer), together with a letter stating the contractors' compliance with Division 8 of this Article, and bearing sealed certification by the design engineer that all public improvements have been constructed in compliance with all City construction standards. The property owner also shall submit copies of the approved Final Subdivision Plat, revised to reflect the “as built” plans or record drawings, in the format and number as may be required by the Director.

- (c) **Submittal of Record Plat Where Improvements Have Not Been Installed.** Where public improvements have yet to be completed in connection with an approved Final Subdivision Plat, the property owner shall submit in the format and number as set forth in the Engineering Design Criteria Manual, copies of the approved Final Subdivision Plat, revised to reflect any changes required by the Planning and Zoning Commission.
- (d) **Update of Lienholder Consents.** In conjunction with the application for a record plat, the applicant shall furnish to the City an updated title policy commitment issued by a title insurance company authorized to do business in Texas, or a title opinion letter from an attorney licensed to practice in Texas, identifying all persons having an interest in the property subject to the plat, including lienholders. If there has been any change in the lienholders since the time of the lienholder consent agreement provided under Section 3.1.5.2, the applicant shall submit a new agreement executed by each lienholder consenting to the platting of the property and the dedications and covenants contained in the plat. The title commitment or title opinion letter and consent agreement shall be subject to review and approval by the City Attorney.

Ord. No. 2000T-2, Section 3.1.5.7, February 26, 2007.

Ord. No. 2000T-11, Section 3.1.5.7, July 27, 2009.

Ord. No. 2000T-12, Section 3.1.5.7, June 28, 2010.

Division 6 - Minor Subdivision Plats

Section 3.1.6.1 Purpose, Applicability and Effect

- (a) **Purpose.** The purpose of a Minor Subdivision Plat is to simplify divisions of land under certain circumstances by authorizing administrative approval of a plat.
- (b) **Applicability.** An application for approval of a Minor Subdivision Plat may be filed only in accordance with state law, when all of the following circumstances apply:
 - (1) The proposed division results in four or fewer lots;
 - (2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Unified Development Code; and

- (3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision, however, right-of-way widening and easements shall be permitted as part of a Minor Subdivision Plat. The term “municipal facilities” shall not include water lines for firefighting purposes and fire hydrants connected thereto which are located in easements on private property.
- (c) **Effect.** Approval of a Minor Subdivision Plat authorizes the Planning Director to record the plat, and further authorizes submittal of an application for a Site Preparation Permit for any lot in the subdivision.

Ord. No. 2000T-2, Section 3.1.6.1, February 26, 2007.

Section 3.1.6.2 Application Requirements

- (a) **Responsible Official.** The Planning Director shall be the responsible official for a Minor Subdivision Plat.
- (b) **Application Contents.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (c) **Accompanying Applications.** An application for approval of a Minor Subdivision Plat may be accompanied by an application for approval of a Site Preparation Permit for the land subject to the plat, provided that the Minor Subdivision Plat shall be decided prior to decision on any Site Preparation Permit.

Section 3.1.6.3 Decision

- (a) The Director of Community Development shall decide whether to approve, approve with conditions, or deny the Minor Subdivision Plat application, except as provided in (b).
- (b) The Planning and Zoning Commission shall decide whether to approve, approve with conditions, or deny a Minor Subdivision Plat application containing any lot that does not have frontage on a public road. In reaching its decision, the Planning and Zoning Commission shall consider the requirements of Section 3.2.14.2 (j) and any guiding principles promulgated by the City Council.

Ord. No. 2000T-2, Section 3.1.6.3, February 26, 2007.

Section 3.1.6.4 Appeals

- (a) The applicant may appeal a decision of the Director conditionally approving or denying a Minor Subdivision Plat to the Planning and Zoning Commission. The appeal shall be processed and decided in accordance with Article 3, Division 1 of Chapter 1.

Section 3.1.6.5 Criteria for Approval

- (a) The Director, or the Planning and Zoning Commission on appeal, shall decide whether to approve, conditionally approve or deny the Minor Subdivision Plat application based upon the following criteria:
- (1) The Minor Subdivision Plat is consistent with all zoning requirements for the property, all other requirements of this Unified Development Code that apply to the plat, and any approved development agreement;
 - (2) All lots to be created by the plat already are adequately served by all required City utilities and services;
 - (3) The ownership, maintenance, and allowed uses of all designated easements have been stated on the plat; and
 - (4) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

Section 3.1.6.6 Expiration

- (a) The approval of a Minor Subdivision Plat application shall remain in effect for a period of two (2) years from the date of final approval. If the Minor Subdivision Plat has not been recorded within the two (2)-year period, the Minor Subdivision Plat approval shall expire and the plat shall be deemed null and void.

Ord. No. 2000T-14, Section 3.1.6.6, January 14, 2013.

Section 3.1.6.7 Recordation

- (a) The property owner shall submit the approved Minor Subdivision Plat, following any required revisions, to the Director, who shall cause the Minor Subdivision Plat to be recorded in the property records of the county in which the land is located.

Division 7 - Revisions to Recorded Plats

Section 3.1.7.1 General Requirements for Plat Revisions

- (a) **Applicability and Terminology.** The procedures in this Division 7 shall apply only if a property owner seeks to change any portion of a plat that has been filed of record with the county or a recorded covenant or restriction applicable to such plat. The term "replat" includes changes to a recorded plat, restriction or covenant, whether the change is effected by vacating the recorded plat and approval of a new plat application, replatting without vacation, or approving an amended plat.
- (b) **City Action Required for Replats.** Except as expressly stated otherwise in this Division 7, any change to a recorded plat or a recorded covenant or restriction applicable to such plat shall be subject to approval by the Planning and Zoning

Commission under requirements and procedures for approval of a Final Subdivision Plat application under Division 5 of this Article.

- (c) **Responsible Official.** The Planning Director shall be the responsible official for a replat.
- (d) **Construction Management.** If a replat requires construction of additional improvements, the provisions of Division 8 of this Article shall apply.
- (e) **Recording.** The replat shall be filed for recording in accordance with Division 5 (final plats) of this Article.

Section 3.1.7.2 Replats Without Vacation

- (a) **Applicability.** A replat of all or a portion of a recorded plat may be approved in accordance with state law, without vacation of the recorded plat, if:
 - (1) The replat is signed and acknowledged by only the owners of the property being replatted; and
 - (2) The replat does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.
- (b) **Notice and Hearing.** Published notice of the public hearing on the replat application shall be given in accordance with Article 2, Division 2 of Chapter 1. The hearing shall be conducted by the Planning and Zoning Commission in accordance with Article 2, Division 3 of Chapter 1.
- (c) **Partial Replat Application.** 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.
- (d) **Criteria for Approval.** The replat of the subdivision shall meet all approval criteria for a Final Subdivision Plat.
- (e) **Effect.** Upon approval of the application, the replat may be recorded and is controlling over the previously recorded plat for the portion replatted.

Section 3.1.7.3 Special Replat Requirements

- (a) **Applicability.** In addition to compliance with the requirements of Section 3.1.7.2 above, a replat without vacation of the preceding plat, in accordance with state law, 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.
- (b) **Exception.** The requirements of this section shall not apply to any approval of a replat application for a portion of a recorded plat if all of the proposed area sought to

be replatted was designated or reserved for usage other than for single- or duplex-family residential usage. Such designation must be noted on the recorded plat or in the legally recorded restriction applicable to such plat.

- (c) **Notice and Hearing.** Published and personal notice of the public hearing on the replat application shall be given in accordance with Article 2, Division 2 of Chapter 1. Personal notice shall be accompanied by a copy of the language of subsection (d) below. The hearing shall be conducted by the Planning and Zoning Commission in accordance with Article 2, Division 3 of Chapter 1.
- (d) **Protest.** If the replat application is accompanied by a variance petition and is protested in accordance with this Subsection, approval of the replat shall require the affirmative vote of at least three-fourths of the members of the Planning and Zoning Commission present at the meeting. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the replat application and extending two hundred feet (200') from that area, but within the original subdivision, must be filed with the Commission prior to the close of the public hearing. In computing the percentage of land area under this section, the area of streets and alleys shall be included.

Section 3.1.7.4 Amending Plats

- (a) **Purpose.** The purpose of an amending plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of state law.
- (b) **Applicability.** 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;
 - (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;

- (10) Make necessary changes to the preceding plat to create four (4) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat; or
- (11) Replat one or more lots fronting on an existing street.
- (c) **Effect.** Upon approval by the Director, an amending plat may be recorded and is controlling over the recorded plat without vacation of that plat.
- (d) **Application Contents.** All applications shall be submitted on a form supplied by the Planning Department with the required information as stated on the application form.
- (e) **Decision.** The Director shall either approve, approve with conditions, or deny the application for an amending plat.
- (f) **Criteria for Approval.** The Director shall decide whether to approve, conditionally approve or deny the amending plat application based upon the following criteria:
 - (1) The amending plat makes only those changes to the recorded plat that are allowed under Subsection (b);
 - (2) If a correction in courses and distances of lot lines between two adjacent lots is proposed:
 - 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.
 - (3) If relocation of one or more lot lines between one or more adjacent lots is proposed:
 - 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.
 - (4) If four (4) or fewer lots are proposed to be added to a subdivision:
 - a. The changes do not affect compliance with applicable zoning and other regulations of the City;
 - 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 City Council has approved, after a public hearing, as a residential improvement area.
 - (5) If lots fronting on an existing street are to be replatted:
 - a. The owners of all those lots join in the application;
 - 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.
- (g) **Expiration.** Approval of an amending plat shall expire if the plat is not submitted for recordation within the time period specified for recordation of a Final Subdivision Plat.

Ord. No. 2000T-8, Section 3.1.7.4, August 25, 2008.

Section 3.1.7.5 Plat Vacation

- (a) **Applicability.** A plat vacation application must be approved by the Planning and Zoning Commission prior to vacation of any recorded plat or portion thereof. A plat may be vacated only in conjunction with approval of a new plat application and in accordance with state law.
- (b) **Application.** If no lot subject to the recorded subdivision plat has been sold, the property owner may apply for a plat vacation. If any lot in a subdivision has been sold, the recorded subdivision plat or any portion thereof may be vacated only upon application of all lot owners in the subdivision. A plat vacation application shall be accompanied by an application for a Master Plat, Preliminary Subdivision Plat, or Final Subdivision Plat for the land subject to the recorded plat or portion thereof to be vacated, prepared in accordance with this Article. A plat vacation application also shall be accompanied by an unconditional waiver of the time for decision on a plat for the plat vacation application, pending approval of a new Final Subdivision Plat application for the same land.
- (c) **Processing and Decision.** The plat vacation application shall be decided by the Planning and Zoning Commission in conjunction with its decision on a new plat application for the same land. The application for plat vacation shall be processed together with the new plat application in accordance with the procedures applicable to the new plat application under this Article. If the new plat application is for a Master Plat or Preliminary Subdivision Plat, decision on the plat vacation application shall be deferred or conditioned on approval of a Final Subdivision Plat application for the land subject to the recorded plat or portion thereof to be vacated. The Commission shall finally decide the plat vacation application after it decides the Final Subdivision Plat application.
- (d) **Criteria.** The Planning and Zoning Commission shall approve the plat vacation application upon approving the Final Subdivision Plat application for the same land, and shall deny the plat vacation application upon denial of such Final Subdivision Plat application. The Final Subdivision Plat application, as well as any preceding Master Plat or Preliminary Subdivision Plat application, shall be decided in accordance with the criteria applicable to such applications under this Article.
- (e) **Effective Date of Plat Vacation.** 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. On the execution and recording of the vacating instrument, the vacated plat shall have no further effect.

Division 8 - Construction Management

Section 3.1.8.1 Construction Plans

- (a) **Purpose.** The purpose of construction plans is to assure that public improvements required to be installed in order to serve a subdivision or a development are constructed in accordance with all standards of this Unified Development Code.
- (b) **Application Contents.** All applications shall be submitted on a form supplied by the Engineering Department with the required information as stated on the application form.
- (c) **Responsible Official and Decision.**
 - (1) The City Engineer shall be the responsible official for approval of construction plans.
 - (2) For construction plans submitted following approval of a Preliminary Subdivision Plat or Development Plat, the City Engineer shall approve, approve subject to modifications, or reject the construction plans within thirty (30) calendar days after the plans have been submitted. Incomplete plans shall be returned to the applicant.
 - (3) If construction plans are approved, the plans shall be marked "approved" and one set shall be returned to the applicant, and at least two sets shall be retained in the City's files.
 - (4) Once the construction plans are approved, the property owner shall provide additional sets of the approved plans to the City, as specified by the City Engineer, for use during construction. A full set of the City-approved and stamped construction plans must be available for inspection on the job site at all times.
- (d) **Notification.** The City Engineer shall notify the applicant of approval in accordance with Article 2, Division 2 of Chapter 1.
- (e) **Revised Plan Submission.** If the conditions of approval require revision(s) to the construction plans, one set shall be marked with objections noted (on the plans themselves and/or in memo format) and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and resubmit them for decision. A properly revised set of construction plans shall be submitted to the City Engineer within twenty-one (21) working days of receipt of the notice of decision. The City Engineer shall have an additional twenty (20) working days to approve or deny the revised set of plans.
- (f) **Criteria for Approval.** The City Engineer shall render a decision on the construction plans in accordance with the following criteria:
 - (1) The plans are consistent with the approved Preliminary Subdivision Plat, or the proposed Final Subdivision Plat or proposed Development Plat;
 - (2) The plans conform to the development standards, and standards for adequate public facilities contained in this Unified Development Code; and

- (3) The plans conform to the specifications contained in the City's Engineering Design Criteria Manual (EDCM).
- (g) **Approval Required.** Construction of public improvements shall be completed in accordance with approved construction plans prior to approval of the Final Subdivision Plat and prior to plat recordation. For Development Plats, construction of public improvements shall be completed and accepted in accordance with approved construction plans prior to issuance of a certificate of occupancy.
- (h) **Effect.** Approval of construction plans authorizes the property owner to install public improvements in right-of-way offered for dedication to the public.

Ord. No. 2000T-2, Section 3.1.8.1, February 26, 2007.

Ord. No. 2000T-12, Section 3.1.8.1, June 28, 2010.

Section 3.1.8.2 Timing of Public Improvements

- (a) **Completion Prior to Approval of Final Subdivision Plat.** Except as provided below, after approval of a Preliminary Subdivision Plat and before approval of a Final Subdivision Plat, the installation of all public improvements required to serve the subdivision, whether to be located off-site or on-site, including but not limited to water, wastewater, drainage, roadway and park improvements, shall be finally completed in accordance with the approved construction plans. Park improvements in this instance refers to public parks being constructed as part of the development by the developer (not the City). If the development is being constructed in phases, and is platted in phases, park improvements shall be completed as phases are constructed. The installation of improvements required for proper drainage and prevention of soil erosion on individual residential lots, and improvements on any common areas, also shall be finally completed prior to Final Subdivision Plat approval in accordance with the approved construction plans, except as provided below.
- (b) **Installation after Final Subdivision Plat Approval.** The City Engineer, upon request of the applicant, may defer the obligation to install one or more public improvements to serve the subdivision until after Final Subdivision Plat recordation. The request shall be submitted with an application for Preliminary Subdivision Plat approval. Deferral of the obligation to install public improvements shall be conditioned on execution of a subdivision improvement agreement and sufficient surety to secure the obligations defined in the agreement or sureties as required in Section 3.1.8.4.
- (c) **Installation after Development Plat Approval.** Upon approval of a site plan in accordance with Chapter 4, Article 1, Division 1 and approval and recordation of any necessary offsite and onsite access and utility easements required to serve the parcels in the Development Plat, including dimensions and location of the easement and clearly assigned responsibility for perpetual maintenance, installation of public improvements may be deferred until after the issuance of building permits and before issuance of Certificates of Occupancies for one or more buildings within the Development Plat. For Development Plats, deferral of the obligation to install public improvements shall be conditioned on execution of a subdivision improvement

agreement and provision of security to secure the obligations defined in the agreement, as required in Section 3.1.8.4.

- (d) **Off-Site Easements.** All necessary off-site easements required for installation of off-site public improvements to serve the subdivision or development shall be acquired by the subdivider or developer and conveyed by an instrument approved by the City Attorney.

Ord. No. 2000T-2, Section 3.1.8.2, February 26, 2007.

Ord. No. 2000T-11, Section 3.1.8.2, July 27, 2009.

Ord. No. 2000T-12, Section 3.1.8.2, June 28, 2010.

Section 3.1.8.3 Subdivision Improvement Agreement

- (a) **Obligations Under Agreement.** Whenever public improvements to serve the development are deferred until after Final Subdivision Plat or Final Development Plat approval, the property owner shall enter into a subdivision improvement agreement by which the owner covenants to complete all required public improvements, including residential lot improvements for drainage or erosion control, and common area improvements, no later than two (2) years following the date upon which the Final Subdivision Plat or Final Development Plat is recorded. The agreement shall be subject to review and approval by the City Attorney, and shall be approved by the City Engineer prior to approval of the Final Subdivision Plat or Final Development Plat. The agreement shall contain the following provisions:
- (1) Covenants to complete the improvements;
 - (2) Covenants to warranty the improvements for a period of two (2) years following acceptance by the City;
 - (3) Covenants to provide a maintenance bond in the amount of one hundred percent (100%) of the costs of the improvements for such period;
 - (4) Provisions for participation in the costs of the improvements by the City, if authorization has been obtained from the City Council, and a performance bond for such improvements from the contractor, with the City as a co-obligee;
 - (5) Provisions for securing the obligations of the agreement consistent with Section 3.1.8.4; and
 - (6) Such other terms and conditions as are agreed to by the property owner and City, or as may be required by this Unified Development Code.
- (b) **Covenants to Run with the Land.** The subdivision improvement agreement shall provide that the covenants contained in the agreement run with the land and bind all successors, heirs and assignees of the property owner. All existing lienholders shall be required to execute the agreement or provide written consent to the covenants contained in the agreement. The City shall deliver a release to bona fide third party purchasers of individual lots when all required public improvements have been accepted by the City.

Section 3.1.8.4 Security for Completion of Improvements

- ((a) **Security.** Whenever the obligation to install public improvements to serve a subdivision or development is deferred until after approval of the Final Subdivision Plat or recordation of the Development Plat, the property owner shall provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of one of the following:
- (1) A cash escrow with the City;
 - (2) An irrevocable letter of credit drawn upon a state or national bank that has a regular business office in the state of Texas that:
 - a. Is of a term sufficient to cover the completion, maintenance and warranty periods, but not less than two (2) years, and
 - b. Authorizes the City to draw upon the letter of credit by presenting to the issuer only a sight draft and a certificate signed by an authorized representative of the City attesting to the City's right to draw funds under the letter of credit;
 - (3) A construction funding agreement under which funds for the construction of the required improvements are escrowed in Texas with an office of a state or national bank, under which:
 - a. The City has the irrevocable right to withdraw funds, and
 - b. The subdivider may be permitted to draw funds to make payments towards the construction of the improvements as progress is verified; or
 - (4) A first and prior lien on the property.
 - (5) Another similar type of agreement that provides security and/or ensures completion of public improvements and that is approved by the City Attorney.
- (b) **Amount and Acceptability.** The security shall be issued in the amount of one hundred and twenty-five percent (125%) of the cost estimate approved by the City Engineer for all public improvements associated with the subdivision. The security shall be subject to the approval of the City Attorney.
- (c) **Security for Construction in Extraterritorial Jurisdiction.** Where the land to be platted lies within the extraterritorial jurisdiction of the City, the security shall be in a form and contain such terms as are consistent with the interlocal agreement between the City and the county in which the land is located. In cases where the requirements governing the form and terms of the security are defined in such an agreement, they will supersede any conflicting provisions of Subsections (a) and (b).
- (d) **Partial Release.** If, in the opinion of the City Engineer, the public improvements have commenced in good faith, a release for construction on up to five percent of the residential lots may be issued. A lot must have permanent street access installed to it prior to this release.

(e) **Remedies.** In addition to all other remedies authorized in Article 2, Division 6 of Chapter 1, where a subdivision improvement agreement has been executed and security has been posted and required public improvements have not been installed in accordance with the terms of the agreement, the City 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) Obtain funds under the security and complete the improvements itself or through a third party; or
- (3) Assign its right to receive funds under the security to any third party, including a subsequent owner of the development in exchange for the subsequent owner's agreement and posting of security to complete the public improvements serving the tract.

Ord. No. 2000T-2, Section 3.1.8.4, February 26, 2007.

Ord. No. 2000T-11, Section 3.1.8.1, July 27, 2009.

Section 3.1.8.5 Inspection and Acceptance of Public Improvements

- (a) **Inspections.** Construction inspection shall be supervised by the City Engineer. Construction shall be in accordance with the approved construction plans. Inspection shall be in accordance with Article 2, Division 6 of Chapter 1. Any significant change in design required during construction shall be made by the subdivider's engineer, and shall be subject to approval by the City Engineer. If the City Engineer finds upon inspection that any of the required public improvements have not been constructed properly and in accordance with the approved construction plans, the property owner shall be responsible for completing and/or correcting the public improvements.
- (b) **Submission of As-Built Plans or Record Drawings.** The City shall not accept dedication of required public improvements until the applicant's engineer has certified to the City Engineer, through submission of a detailed "as-built" or record drawing or survey plat of the property and any off-site easements, the location, dimensions, materials, and other information establishing that the public improvements have been built in accordance with the approved construction plans. Each as-built or record drawing sheet shall show all changes made in the plans during construction and on each sheet there shall be an "as-built" or "record" stamp bearing the signature of the engineer and date.
- (c) **Acceptance of Improvements.** When the City Engineer has determined that the public improvements have been installed in accordance with the approved construction plans, then he shall accept such improvements on behalf of the City. Acceptance of the improvements shall mean that the property owner has transferred all rights to all the public improvements to the City for use and maintenance. Upon acceptance of the required public improvements, the City Engineer shall issue a certificate to the property owner stating that all required public improvements have been satisfactorily completed.

- (d) **Disclaimer.** Approval of a preliminary or Final Subdivision Plat or Final Development Plat by the Planning and Zoning Commission shall not constitute acceptance of any of the public improvements required to serve the subdivision or development. No public improvements shall be accepted for dedication by the City except in accordance with this Section.
- (e) **Acceptance of Improvements for Land in Extraterritorial Jurisdiction.** Where the facilities to be constructed under the subdivision improvement agreement are located within the City's extraterritorial jurisdiction, and are to be dedicated to the county in which the land is located, the City Engineer shall inform the county that the public improvements have been constructed in accordance with approved construction plans, and are ready for acceptance by the county.

Ord. No. 2000T-12, Section 3.1.8.5, June 28, 2010.

Section 3.1.8.6 Maintenance and Warranty of Improvements

- (a) **Maintenance During Construction.** The property owner shall maintain all required public improvements during construction of the development.
- (b) **Bond.** The owner shall covenant to warranty the required public improvements for a period of two (2) years following acceptance by the City of all required public improvements and shall provide a maintenance bond in the amount of fifty percent (50%) of the costs of the improvements for such period. All improvements located within an easement or right-of-way shall be bonded.

Article 2 – Subdivision Standards

Division 1 – Adequate Public Facilities

Section 3.2.1.1 General Policy

- (a) **Adequate Service for Areas Proposed for Development.** Land proposed for development in the City and in the City's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities. Land shall not be approved for platting or development unless and until all public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or offsite.
- (b) **Eligibility for Building Permits.** No building permit shall be issued until all public facilities planned to serve the proposed development are completed and accepted by the City, except as provided below:
 - (1) Upon submission of security pursuant to Section 3.1.8.4, recordation of the final subdivision plat, and approval of a site plan, a permit may be issued for site work limited to clearing, grading, and installation of underground utilities

(public or private) within the land proposed for development. As used in this section, "underground utilities" shall include water, wastewater, drainage, and dry utilities.

- (2) A non-residential development that complies with (1) above may also, upon approval of City Council, be issued a building permit for construction of noncombustible improvements not more than thirty feet (30) in height, provided that all areas of construction are accessible to emergency vehicles by way of an all weather road capable of supporting the heavy equipment necessary for the construction activity.
- (3) A non-residential development that complies with (1) and (2) above may also, upon approval of City Council, be issued a building permit to allow the interior build-out of premises to be occupied by the owner of the property, provided that said premises are served by a water line and fire hydrant that pass City inspection.
- (4) A development subject to a Development Plat under Chapter 3, Article 1, Division 4, above.

(c) **Responsibilities of the Developer.** The developer shall be responsible for the following:

- (1) Phasing of development or improvements in order to ensure the provision of adequate public facilities;
- (2) Extensions of public facilities and roadways (including any necessary on-site and off-site facilities) to connect to existing public facilities;
- (3) Providing and/or procuring all necessary property interests, including rights-of-way and easements, for the facilities (whether on-site or off-site);
- (4) Providing proof to the City of adequate public facilities;
- (5) Making provisions for future expansion of the public facilities as needed to serve future developments, subject to the City's oversize participation policies, if applicable;
- (6) Providing for all operations and maintenance of the public facilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the facilities;
- (7) Providing all fiscal security required for the construction of the public facilities;
- (8) Obtaining approvals from the applicable utility providers other than the City; and
- (9) Complying with all requirements of the utility providers, including the City and applicable drainage districts

(d) **Eligibility for Certificate of Occupancy.** Notwithstanding the completion of any construction or development activity that is allowed in subsection (b), no certificate of occupancy or any kind shall be issued for any development until all public facilities

required to serve the development have been completed and accepted by the City, and all other applicable requirements of the UDC are met.

Ord. No. 2000T-2, Section 3.2.1.1, February 26, 2007.

Ord. No. 2000T-11, Section 3.2.1.1, July 27, 2009.

Ord. No. 2000T-12, Section 3.2.1.1, June 28, 2010.

Section 3.2.1.2 Conformance to Plans

- (a) **Conformance.** Proposed capital improvements serving new development shall conform to and be properly related to the public facilities elements of the City's adopted Comprehensive Plan, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.
- (b) **Final Plat Approval After Water and Wastewater Provided For.** No final plat shall be approved for any subdivision within the City or its extraterritorial jurisdiction until the applicant has made adequate provision for a water system and a sanitary wastewater system of sufficient capacity to adequately provide service to all tracts and lots within the area to be subdivided. The design and construction of the water system and of the sanitary wastewater system to serve the subdivision shall be in conformance with the City's master plans for water and wastewater facilities and with the City's Engineering Design Criteria Manual (EDCM), and shall be subject to approval by the City Engineer.

Section 3.2.1.3 Water

- (a) **Reference.** Refer to Chapter 30 of the City of Pearland Code.

Section 3.2.1.4 Wastewater

- (a) **Reference.** Refer to Chapter 30 of the City of Pearland Code.

Section 3.2.1.5 Roads

- (a) **Safety, Convenience, Functionality.** Proposed roads serving new development shall provide a safe, convenient and functional system for vehicular, bicycle and pedestrian circulation and shall be properly related to the applicable master thoroughfare plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. New developments shall be supported by a thoroughfare network having adequate capacity, and safe and efficient traffic circulation. Each development shall have adequate access to the thoroughfare network. Additional standards and requirements are defined in Article 2 of this Chapter 3.

Section 3.2.1.6 Drainage

- (a) **Reference.** Refer to the City of Pearland Engineering Design Criteria Manual (EDCM).

Section 3.2.1.7 Other Facilities

- (a) **Other Facilities.** Adequate sites and convenient access for schools, parks, playgrounds, and other community services indicated in the City's Comprehensive Plan shall be related to the character and uses of the surrounding properties in accordance with the intent, policies and provisions of this Chapter 3.

Section 3.2.1.8 City Options

- (a) **Adequate Levels of Facilities & Services.** In order to maintain prescribed levels of public facilities and services for the health, safety and general welfare of its citizens, the City may require the dedication of easements and rights-of-way for or construction of on-site or off-site capital improvements for water, wastewater, road, drainage, park facilities, or other public facilities to serve a proposed development, or require the payment of fees in lieu thereof consistent with this Chapter 3, or both. If adequate levels of public facilities and services cannot be provided concurrent with the schedule of development proposed, the City may deny the development until the public facilities and services can be provided, or require that the development be phased so that the delivery of facilities and services coincides with the demands for the facilities created by the development.

Division 2 – Dedication & Construction Requirements & City Participation

Section 3.2.2.1 Findings on Necessity for Right-of-Way Dedication and Construction as a Condition of Development Approval

(a) Support for New Development.

- (1) New development must be supported by adequate levels of public facilities and services.
 - (2) It is necessary and desirable to provide for dedication of rights-of-way and easements for capital improvements to support new development at the earliest stage of the development process.
 - (3) Requirements for dedication and construction of capital improvements to serve a proposed new development should be attached as conditions of approval of any development application that contains a specific layout of the development.
- (b) **Essential Nexus.** There is an essential nexus between the demand on public facilities systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct capital improvements to offset such impacts.

- (c) **Mitigation of Development Impacts; Fair Share.** The City desires to assure both that development impacts are mitigated through contributions of rights-of-way, easements and construction of capital improvements, and that a development project contribute not more than its fair share of such costs.

Section 3.2.2.2 Property Owner's Obligation

- (a) **Dedication and Construction of Improvements.** The property owner shall dedicate all rights-of-way and easements for, and shall construct, capital improvements within the rights-of-way or easements for those water, wastewater, road or drainage improvements needed to adequately serve a proposed development consistent with the applicable master facilities plans and construction design standards, whether the facilities are located on, adjacent to or outside the boundaries of the property being developed.
- (b) **Adjacent Road Improvements.** In the case of adjacent or abutting roads, the City may require that the entire right-of-way be dedicated and improved to City design standards, depending on factors such as the impact of the development on the road, the timing of development in relation to need for the road, and the likelihood that adjoining property will develop in a timely manner. In the case of frontage or service roads for state and federally designated highways, the entire abutting right-of-way shall be dedicated and improved to applicable construction design standards.
- (c) **Reservation of Right-of-Way.** The City may reserve the right-of-way along a roadway designated in the Thoroughfare Plan, an approved collector plan or an established capital improvement project located in the planning jurisdiction of the City to protect a transportation corridor from development. The City Engineer shall determine the alignment of reserved right-of-way based upon the Thoroughfare Plan, collector plan or capital improvement project and engineering criteria, including grade, curvature and the existence of a floodplain. In an area designated for a state roadway project, the Texas Department of Transportation may establish alignment.
- (d) **Substandard Road Improvements.** Where an existing road that does not meet the City's right-of-way or design standards abuts a proposed development, the City may require the property owner to dedicate the right-of-way for a standard width, and to improve the street according to the dimensions and specifications in the applicable thoroughfare plan, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to the need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.
- (e) **Facilities Impact Studies.** The City may require that a property owner prepare a comprehensive traffic impact analysis, drainage study or other public facilities study in order to assist the City in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development. The study shall identify at a minimum the adequacy of existing facilities and the nature and extent of any deficiencies, and the capital improvements needed to meet the adopted level of service assuming development at the intensity proposed in the development application. The study shall be subject to approval by the City Engineer. The City also may require, at the time of approval of a subordinate development application,

an update of a public facilities study approved in connection with a priority development application.

Ord. No. 2000T-12, Section 3.2.2.2, June 28, 2010.

Section 3.2.2.3 Timing of Dedication and Construction

- (a) **Initial Provision for Dedication or Construction.** The City shall require an initial demonstration that a proposed development shall be adequately served by public facilities and services at the time for approval of the first development application that portrays a specific plan of development, including but not limited to a petition for establishing a Planned Development (PD) zoning district, or other overlay zoning district; a petition for an annexation agreement or a development agreement; an application for a Cluster Development Plan; an application for a Subdivision Master Plat, or an application for a preliminary or final subdivision or development plat. As a condition of approval of the development application, the City may require provision for dedication of rights-of-way or easements for, and construction of, capital improvements to serve the proposed development.
- (b) **Deferral of Obligation.** The obligation to dedicate rights-of-way for or to construct one or more capital improvements to serve a new development may be deferred until approval of a subordinate development permit, or, in the case of a development proposed to be developed in phases, until a subsequent phase of the development, on the sole discretion of the City, upon written request of the property owner, or at the City's own initiative. As a condition of deferring the obligation, the City may require that the developer enter into a capital improvements agreement pursuant to Division 8 of Article 1 of this Chapter, specifying the time for dedication of rights-of-way for or construction of capital improvements serving the development.

Section 3.2.2.4 Relief From Obligations

- (a) In order to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the City may participate in the costs of capital improvements in accordance with this Article, credit or offset the obligations against payment of impact fees, or relieve the property owner of some or part of the obligations in response to a petition for relief from a dedication or construction requirement pursuant to Chapter 1.

Section 3.2.2.5 Utility Participation Policies

- (a) **Connections to the City's Water and Wastewater Systems.** All connections to the City's water and wastewater systems shall be in accordance with Chapter 30 of the City Code of Ordinances.
- (b) **Connections to Existing City Water or Wastewater System Outside the City Limits.** Applications for connection to existing portions of the City water or

wastewater system for uses located outside the City limits will be granted only with the approval of the City Manager.

Section 3.2.2.6 Roadway Participation Policies - Improvement of Adjacent (Perimeter) Roads and Utilities

- (a) **Improvement of Fair Share of an Adjacent Substandard Road.** When an area within a proposed subdivision or development plat, whether residential or nonresidential, abuts on one or both sides of an existing substandard road or utility facility, or a planned or future road or utility facility as shown on the City's Thoroughfare Plan and/or adopted plans related to water and wastewater, the developer shall be required to improve its reasonable share of the road (including appurtenant sidewalks, barrier-free ramps, storm drainage facilities, screening and landscaping, median openings, left turn lanes, and water quality or erosion controls) and utility facilities, to bring the facilities to City standards, or to replace them with standard City road or utility facilities as determined by a traffic or other public facilities impact study, if required, at no cost to the City.
- (b) **Calculation of Fair Share.**
- (1) The developer's share of improvements to a substandard perimeter road is twenty-two feet (22') of pavement (not including curb), or the equivalent of one-half of a primary collector street, along the entire front footage of the subdivision.
 - (2) The developer's share of improvements to a roadway when a subdivision is to be located on both sides of a roadway is the full width of a primary collector roadway, which is forty-four feet (44') of pavement, not including curbs. The roadway shall be improved by the developer on each side of the road along the entire length of the subdivision.
 - (3) The City shall participate in the costs of perimeter roads in excess of the developer's fair share obligations and where such costs are not borne by another public entity, and in cases where the application of the standards in this Section result in a disproportional burden on the development, as determined in accordance by the City Council in accordance with Chapter 1, Article 1, Division 4.
- (c) **Participation in Construction of Other Necessary Facilities.** The developer's share for major bridges and similar region-serving drainage structures and for railroad crossings (including the appurtenant roadway paving, sidewalks/pedestrian pathways, abutments, safety railings and cross arms, median areas, etc.) shall be in accordance with the City of Pearland's policies for the construction of such facilities.

Ord. No. 2000T-12, Section 3.2.2.6, June 28, 2010.

Division 3 - Interlocal Agreements

Section 3.2.3.1 Interlocal Cooperation Agreements Between Pearland and Brazoria County

- (a) The City has executed a separate interlocal cooperation agreement as authorized under Chapter 242 of the Texas Local Government Code. This agreement is with Brazoria County. Brazoria County has assigned the City its respective authority to approve subdivision plats in the City's ETJ. The agreement generally provides for the City to enforce its subdivision regulations, together with specified regulations of Brazoria County, within the applicable areas of the ETJ. (For specific responsibilities, see the separate interlocal agreement.)

Division 4 - Water

Section 3.2.4.1 The City System

- (a) **Installation of Water Facilities.** Where water is to be provided through the City system, the developer shall install adequate water facilities, including fire hydrants, in accordance with the current Rules and Regulations for Public Water Systems of the TCEQ, and the firefighting standards of the Texas Board of Insurance, and the standards and specifications of the City.
- (b) **Facilities for Health and Safety Emergencies; Alternative Water Sources.** All water facilities connected to the City's water system shall be capable of providing water for health and emergency purposes, including fire protection. Water supply facilities shall be in accordance with Chapter 30 of the City Code of Ordinances. The design and construction of water system improvements and alternative water sources shall also 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.
 - (2) Design and construction of water service from the City shall be in accordance with the standards in the City's EDCM.
 - (3) Design and construction of a fire protection and suppression system shall be in accordance with the standards in the EDCM, and in accordance with the City's Fire Department and Fire Code (also see Chapter 30 of the City Code for cross-connection control and backflow prevention).

Section 3.2.4.2 Location; Performance Guarantees

- (a) **Location and Cost of Installation.** The location of all fire hydrants, all water supply improvements and the boundary lines of special districts, private systems and certified water service areas, indicating all improvements proposed to be served, shall be shown on the construction plans. The cost of installing all water supply improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees furnished by the developer.
- (a) (b) **Extension of Lines.** Extension of water and wastewater lines shall be made along the entire frontage of the subdivision or development plat 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 City Engineer may waive the requirement for adjacent utility line construction at the time of final plat approval and prior to construction of the subdivision.

- (c) **Compliance with Other Regulations.** Installation, operations and maintenance of utilities not specifically referenced herein shall comply with regulations of the TCEQ, and with any other applicable State rules and regulations, whichever is the most stringent requirement.

Ord. No. 2000T-12, Section 3.2.4.2, June 28, 2010.

Section 3.2.4.3 Individual Wells

- (a) **Within the ETJ.** Individual wells within the ETJ shall be subject to approval by the county health official, and this approval shall be documented by the health official's signature on the water system statement on the plat. The developer must submit with the plat application a certificate from a professional engineer registered in this state or a geoscientist licensed to practice in this state verifying the adequacy of the proposed source of well supply prior to plat approval.
- (b) **Compliance with Other Regulations.** Installation, operations and maintenance of individual wells shall comply with City standards, regulations of the TCEQ, any other applicable State rules and regulations, and applicable regulations of any groundwater conservation districts. In the event of conflict among these regulations, whichever is the most stringent shall apply.

Section 3.2.4.4 Central Water Systems

- (a) **Design and Construction.** All water facilities within a subdivision shall be designed and constructed to City standards and to all state laws, policies, standards, rules and regulations for an approved public water system, including those covering the preparation, submittal and approval of plans and specifications for water systems and acceptable operating practices, and in conformance with all laws, policies, standards and rules and regulations for establishing the ISO rating of the City and current fire codes of the City. The entire water system may not meet these standards, but the part that serves the subdivision must meet these standards in order to be approved by the City.
- (b) **Other Water Systems.** For water systems other than the City system, the following apply:
 - (1) If the water system that will serve a proposed development is not to be a part of the City water system, the developer must submit with the application for approval of the preliminary plat a current letter from the TCEQ certifying that the public water system that will serve the subdivision is in compliance with

TCEQ rules and regulations. Plans and specifications for the subdivision's water system that will be built to serve the subdivision shall be submitted as part of the subdivision's construction plans.

- (2) The developer must submit a letter from the TCEQ verifying that the public water system proposed to serve the development holds a current valid certificate of convenience and necessity (CCN) for the area proposed for development. The letter must be accompanied by a map showing the boundaries of the water system CCN in the vicinity of the development.
 - a. Standards May Be Met Upon Annexation - If a water system cannot meet the standards of this Subsection, at the Planning and Zoning Commission's discretion, the subdivision may be approved, if arrangements have been made for an approved water system that will meet City standards to serve the subdivision upon annexation by the City. This shall be arranged by means of a mutually acceptable contract with the City, unless a contract with another entity ensures compliance with the technical requirements of this chapter, as determined by the City Attorney.

Section 3.2.4.5 Water Taps

- (a) **Reference.** See Chapter 30 of the City Code.

Division 5 - Wastewater

Section 3.2.5.1 The City System

- (a) **Installation of Water Facilities.** Establishment of a private wastewater utility district within the City of Pearland or within the City's extraterritorial jurisdiction shall be prohibited (see Chapter 30 of the City Code).

Section 3.2.5.2 Centralized Wastewater System; Connection to Existing System

- (a) **Design Requirements.** Where wastewater is to be provided through a centralized system, the developer shall install adequate facilities, subject to the standards and specifications (EDCM) of the City and state design criteria for wastewater systems.
- (b) **Existing System.** Where insufficient capacity exists downstream of a proposed connection, the replacement and upsizing of the existing main is required of the developer. The installation of a parallel main is prohibited, unless approved by the City Engineer.

Section 3.2.5.3 Location; Performance Guarantees

- (a) **Location and Cost of Installation.** The location of all wastewater improvements and the boundary lines of special districts, private systems and certified areas, indicating all improvements proposed to be served, shall be shown on the

construction plans. It is the policy of the City to require all systems to have gravity flow. The use of lift stations is prohibited unless a gravity design is impractical. The cost of installing all wastewater improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees furnished by the developer.

- (b) **Future Extension of Lines.** Pipe stub-outs shall be located in manholes to facilitate the future extension of wastewater lines. The City Engineer will determine the location and size of the stub-outs.

Ord. No. 2000T-12, Section 3.2.5.3, June 28, 2010.

Section 3.2.5.4 Wastewater Taps

- (a) **Reference.** See Chapter 30 of the City Code.

Section 3.2.5.5 On-Site Sewage Facilities

- (a) **Adoption and Authorization.** The On-Site Sewage Facility Rules are adopted, and shall conform to Chapter 30 of the City Code and all state regulations.
- (b) **Wastewater Connections When Platting Not Required.** All wastewater connections to be made in connection with development for which a plat is not required shall be in accordance with Chapter 30 of the City Code.
- (c) **Rule Conflicts.** Where this division or other provisions of this Code are more stringent than the On-Site Sewage Facility Rules, the local regulations take precedence over the corresponding provisions of the Rules.
- (d) **Penalties.** The City will enforce these rules as provided in V.T.C.A., Health and Safety Code, Sections 306.091, Criminal Penalties, 366.092, *Injunction or Civil Suit*, 366.0921, *Civil Penalty*, and by any other remedies provided by State Law.

Division 6 - Roadways

Section 3.2.6.1 Conformance With Regulations and Circulation and Safety Needs

- (a) **Conformance With Plans and Regulations.** The arrangement, character, extent, width, grade and location of all streets shall conform to the City's Thoroughfare Plan and the City's Engineering Design Criteria Manual (EDCM), and shall be considered in their relation to existing and planned streets or driveways (whether within the City limits, the ETJ area, or 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 the 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 they are required by the City in the public interest (such as to enhance public safety or other public interest). All streets shall be constructed in accordance with this section and with the City's EDCM.

- (b) **Establishment of a Safe, Convenient and Functional System.** Proposed streets shall provide a safe, convenient and functional system for vehicular, bicycle and pedestrian circulation, shall be properly related to the Thoroughfare 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.

Section 3.2.6.2 Adequacy of Streets and Thoroughfares

- (a) **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 City's cost participation policies on oversized facilities.
- (b) **General Adequacy Policy.** Every subdivision shall be served by improved streets and thoroughfares adequate to accommodate the vehicular, bicycle and pedestrian 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 City's Thoroughfare Plan, road classification system, Comprehensive Plan and any amendments thereto; and shall be appropriate for the particular traffic characteristics of each development.
- (c) **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 streets or thoroughfares not appearing on the City's adopted Thoroughfare Plan, shall be demonstrated by preparation and submission, prior to or along with the preliminary plat application, of a traffic impact analysis prepared in accordance with this Article 2, Division 8 (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.
 - (1) In the event 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 City Engineer may require a demonstration of adequacy pursuant to this article for additional phases or portions of the property as a condition of approval for the proposed preliminary plat.
- (d) **Approach Roads and Access.** All subdivisions with sixty (60) or more lots must have at least two points of vehicular access (primarily for emergency vehicles), and

must be connected with improved roadways to the City's improved thoroughfare and street system by one or more approach roads of the dimensions and standards 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 the need is demonstrated by traffic impact analysis.

- (1) Points of vehicular access into subdivisions shall meet the requirements of the City's adopted Fire Code.
 - (2) 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 twenty-five feet (25'), 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.
- (e) **Off-Site Improvements.** Where traffic impact analysis demonstrates the need for the facilities, or where the City believes public safety is at risk, the property owner shall make improvements to off-site collector streets, thoroughfares, and intersections necessary to mitigate traffic impacts generated by the development or in conjunction with related developments. The City may participate in the costs of oversize improvements with the property owner as set out herein, and subject to the City's cost participation policies on oversized improvements.
- (f) **Street Dedications.**
- (1) 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 Thoroughfare Plan and as required by the EDCM or by other valid development plans approved by the City.
 - (2) Construction Easements: Construction easements, in addition to rights-of-way, shall be required when adequate width for streets and/or utilities is not available.
- (g) **Street Construction.** All streets and thoroughfares shall be constructed and paved to City standards and within rights-of-way as required by the Thoroughfare Plan and this article, and in accordance with the EDCM and other City standards, as may be from time to time amended or adopted.
- (h) **Intersection Improvements and Traffic Control Devices.** Intersection improvements and traffic control devices shall be installed as warranted in accordance with the traffic impact analysis required by Article 2, Division 8 of this Chapter, or as may be required by the City for traffic safety and efficiency. Construction and design standards shall be in accordance with City standards and the EDCM.
- (i) **Phased Development.** Where a subdivision is proposed to be developed in phases, the applicant, in conjunction with submission of the preliminary plat, shall provide a schedule of development.

- (j) **Private Streets.** In relation to private streets, **the City will not assist in enforcing deed restrictions.** The City 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.
- (1) Private Streets: Construction and Maintenance Cost: The City shall not pay for any portion of the cost of constructing or maintaining a private street.
 - (2) Private Streets: Traffic Control Devices: All private traffic control devices and regulatory signs shall conform to the "Texas Manual of Uniform Traffic Control Devices", as amended, and to City standards.
 - (3) Private Streets: Restricted Access: The subdivision homeowners association shall clearly mark entrances to all private streets with a sign, placed in a prominent and visible location, indicating that the streets within the subdivision are private, and not maintained nor regularly patrolled by the City. All restricted access entrances shall be manned 24 hours every day, or they shall provide a reliable, alternative means of ensuring access into the subdivision by the City, by emergency service providers, and by other utility or public service providers, such as postal carriers and utility companies, with appropriate identification. The method used to ensure City and emergency access into the subdivision shall be approved by the City's Fire Department and by any other applicable emergency service providers. If the association fails to maintain reliable access as required herein, the City may enter the private street subdivision and remove any gate or device which is a barrier to access, and bill the expense to the association. If the bill is not paid, the City may file a lien for the expense against any property owned by the association.
 - (4) Private Streets: Waiver of Services: Certain City services may not be provided for private street subdivisions. Among the services which may not be provided are: routine law enforcement patrols, enforcement of traffic and parking regulations, preparation of accident reports, and street lighting. Depending on the characteristics of the development and access limitations posed by the design of entrances into the subdivision, other services (such as sanitation) may not be provided as well.
 - (5) Private Streets: Petition to Convert to Public Streets: The property owners association may petition the City 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 City be obligated to accept the streets as public. The City, as a condition of accepting a private street, may impose a requirement either for repairs and improvements to a street at private expense prior to acceptance, or a written agreement by all property owners along the street to payment of a prorata assessment of the costs for repairs or improvements to the street by the City prior to acceptance. The City shall be the sole judge of the nature and extent of repairs or improvements needed. The City 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 or other common area prior to City acceptance.

- (6) Private Streets: Hold Harmless: The property owners association, as owner of the private streets and appurtenances, shall release, indemnify, defend and hold harmless the City, 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 City or governmental or utility entity.

Ord. No. 2000T-2, Section 3.2.6.2, February 26, 2007.

Section 3.2.6.3 Escrow Policies and Procedures

- (a) **Request for Escrow.** Whenever this Unified Development Code requires a property owner to construct a street or thoroughfare, or other type of public improvement, the property owner may petition the City to construct the improvement at a later time, in exchange for deposit of escrow as established in Subsection (b) below, if unusual circumstances exist, such as a timing issue due to pending improvements by another agency such as TxDOT or the county, that would present undue hardships or that would impede public infrastructure coordination or timing. If more than one street or thoroughfare must be constructed in order to meet adequacy requirements for roadways, the City Engineer 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 the affected roadways. The City Engineer shall review the particular circumstances involved and may require a traffic impact analysis. The City Engineer shall determine whether or not provision of escrow deposits will be acceptable in lieu of the property owner's obligation to construct the street or thoroughfare.
- (b) **Escrow Deposit With the City.** Whenever the City Council agrees to accept escrow deposits in lieu of construction by the property owner, the property owner shall deposit in escrow with the City an amount equal to the owner's 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. This amount shall be reviewed and approved by the City Engineer, and shall be paid prior to recording of the final plat. 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.
- (1) Determination of Escrow Amount: The amount of the escrow shall be determined by using comparable "turnkey" costs for construction of the improvements (including design, permits, reviews and approvals, inspections and any additional land acquisition that may be needed). The 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 City Engineer.

- (2) Termination of Escrow: Escrows, or portions of escrowed amounts, which have been placed with the City under this section and which have been held for a period of ten years from the date of such payment or agreement, in the event that the City 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 or applicant who originally paid the escrow amount, 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(s) or if application for a new building permit(s) is made.
- (3) Refund: If any street or highway for which escrow is deposited is constructed by a party other than the City, or is reconstructed by another governmental authority at no cost to the City, 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 City 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.
- (4) Interest Limitation: If money is refunded within six months of deposit, only the principal will be refunded. Monies returned after this date will be refunded with one-half of its accrued interest.

Section 3.2.6.4 Specific Street Standards

- (a) **EDCM Standards Met.** In addition to the requirements of the Engineering Design Criteria Manual (EDCM), the requirements of the street standards in this Section shall be met.
- (b) **Arrangement of Streets Not Shown on the Thoroughfare Plan.** For streets that are not shown on the City's Thoroughfare 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 or street stubs from or into surrounding areas – every twelve hundred feet (1,200'), there shall be a projection that would allow for such continuation;
 - (2) Conform to any plan for the neighborhood approved or adopted by the City 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 thoroughfare, in which case new streets shall align with such driveway openings such that median openings can be shared).

- (c) **Discouragement of Through Traffic on Residential Streets.** Residential collector streets and local residential streets shall be laid out such that their use by “cut through” traffic will be discouraged, with the development of a hierarchical street system and such measures as circuitous routes or multiple turns or offsets, but such that access is provided to adjacent subdivisions.
- (d) **Transitions of Right-of-Way Width.** Wherever the right-of-way width of a residential local or collector street must transition to a greater or lesser width, the transition shall not occur within an intersection but within the street right-of-way so that the right-of-way shall be the same on both sides of the street intersection.
- (e) **Residential Subdivisions Abutting or Containing Streets Classified as Major or Minor Thoroughfares.** Where a residential subdivision abuts or contains an existing or proposed street which is or will be classified as a major or minor thoroughfare, the Planning and Zoning Commission may require measures to provide adequate protection of the residential properties and create separation of through traffic from local traffic. These measures may include marginal access streets, shared access driveways, reverse or double-lot frontage (lots which back on the a major or minor thoroughfare or major collector), or deep lots with rear service alleys. Where a lot is allowed direct access to a street classified as a major collector or major or minor thoroughfare, said lot shall be greater than one acre in area, have a shared access drive with the adjoining lot(s) if the lot has less than four hundred feet (400') of frontage, and require the approval of the City Engineer. Lots which existed in their present configuration prior to February 27, 2006 may be exempted at the discretion of the City Engineer. Direct access to a thoroughfare from a residential lot shall be prohibited unless the lot is in an existing subdivision and has no frontage or other means of access to another road.
- (f) **Reserve Strips.** Reserve strips controlling access to streets shall be prohibited except where their control is required by the City and approved by the Planning and Zoning Commission.
- (g) **Configuration Shall Reduce Minimal Offsets.** 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).
- (h) **Intersections.** A street intersection with a classification of secondary thoroughfare or above 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 width 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 eight-five degrees (85°).
- (i) **Right-of-Way Widths.** Street right-of-way widths shall be as shown on the Thoroughfare Plan and as defined by the corresponding roadway cross-sections on the Thoroughfare Plan and in the City's EDCM.

- (j) **Half Streets.** 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 Code and the Thoroughfare Plan, and where the Planning and Zoning Commission 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 Planning and Zoning Commission 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.
- (k) **Maximum Length of a Block or Street Segment.** The maximum length of any proposed block or street segment (including a looped street) shall be twelve hundred feet (1,200'), except sixteen hundred feet (1,600') shall be permitted along major thoroughfares, and the minimum length of any proposed block or street segment shall be six hundred feet (600'), as measured along the street centerline and between the point(s) of intersection with other through streets (i.e., not dead-end streets or cul-de-sacs). Where no existing subdivision or topographical constraints control, the blocks shall not be less than 600 feet in length. However, in cases where physical barriers, nature of development, or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased at plat approval by the Planning and Zoning Commission to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.
- (l) **Maximum and Minimum Length of a Cul-De-Sac Street.** A cul-de-sac, or approved turn-around, shall not be required for streets less than one hundred fifty feet (150') in length and with no more than four (4) lots with frontage on each side of that street upon determination by the City that there will be no adverse impact on circulation of traffic and public safety. Cul-de-sac streets shall not exceed six hundred feet (600') in length. The closed end of a residential cul-de-sac street shall have a cul-de-sac 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 closed end of a non-residential cul-de-sac streets shall have a cul-de-sac bulb with an outside pavement diameter of a least ninety feet (90') and a right-of-way diameter of one hundred feet (100'). The length of the cul-de-sac shall be measured from the centerline of the street intersection to the centerline of the cul-de-sac bulb. Alternatives to cul-de-sac bulb may be accepted by the City Engineer when a hardship exists.
- (1) **Exception:** Dead-end streets with a turn-around may be extended to a maximum length of one thousand two hundred feet (1,200') if platted and constructed with a minimum right-of-way of sixty feet (60') and a pavement width of thirty-six feet (36'), measured from back-of-curb to back-of-curb}, or if an acceptable all-weather emergency access street fitted with a key box is provided at the end of the cul-de-sac turnaround. All roadway and property line diameters referenced above shall apply.
- (m) **Allowance for Overlength Streets or Cul-De-Sacs.** The Planning and Zoning Commission may approve overlength streets or cul-de-sacs up to seven hundred and fifty feet (750') in length, whether temporary or permanent, upon considering the following:

- (1) If there are alternative designs that are feasible and that would, if used, reduce the proposed overlength street or cul-de-sac;
 - (2) 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
 - (3) 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, and additional fire protection measures.
 - (4) Whether the allowance of such overlength street or cul-de-sac preserves the spirit and intent of these regulations.
 - (5) Recommendation of the City Engineer.
- (n) **Dead-End Streets.** Except when recommended by the City Engineer, no public dead-end streets will be approved unless they are provided to connect with existing streets (including stubbed-out streets) or future platted streets on adjacent land.
- (1) In the case of dead-end streets which will eventually be extended into the adjacent property, 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.
 - (2) 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 (l) above.
 - (3) 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 may be and is intended to be extended in the future. Signage and lettering must be large enough to be legible by a person with normal vision at a fifty-foot (50') 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.
 - (4) No dead-end private street shall extend further than seven hundred feet (700') for multiple-family developments.
 - (5) Permanent streets one hundred and fifty feet (150') or less in length (measured from centerline of intersecting through street to end of paving) may be platted as dead-end streets if no more than four (4) lots on each side adjoin the proposed dead-end street. Streets providing access to more than four lots on each side or more than one hundred and fifty feet (150') in length must have an approved turnaround pursuant to Section 3.2.6.4(l) above.
- (o) **Names of Extensions of Existing Streets.** 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.

- (p) **Construction of Streets.** All streets shall be constructed in accordance with paving widths and specifications as set forth in the EDCM of the City of Pearland at the time at which the preliminary plat application is officially submitted and deemed a complete application.
- (q) **Street Grades and Horizontal Curves.** Minimum and maximum street grades and horizontal curves will conform to standards set forth in the EDCM.
- (r) **Pavement Widths and Rights-of-Way.** Pavement widths and rights-of-way shall be as follows:
- (1) Major thoroughfare streets shall have a right-of-way width of at least one hundred and twenty feet (120') with a pavement width of at least two (2) thirty-six-foot (36') sections with a fourteen-foot-wide (14') raised median.
 - (2) Secondary thoroughfare streets shall have a right-of-way width of at least one hundred feet (100') with a pavement width of at least two (2) twenty-four-foot (24') sections and a twenty-foot-wide (20') raised median.
 - (3) Primary collector streets shall have a right-of-way width of at least eighty feet (80') with a pavement width of at least forty-four feet (44').
 - (4) Secondary collector streets shall have a right-of-way width of at least sixty feet (60') with a pavement width of at least thirty-eight feet (38').
 - (5) Residential streets shall have a right-of-way width of at least fifty feet (50') and a pavement width of at least twenty-eight feet (28').
 - (6) Rural lot (lot having an area of 0.625 acres or more) streets shall have a right-of-way width of at least seventy feet (70') with a pavement width of at least twenty-five feet (25'). Upon the approval of the City Engineer, the right-of-way may be reduced to fifty feet (50') as long as ten foot (10') drainage easements are provided on both sides of the right-of-way.
 - (7) Open ditches and asphalt streets are prohibited except in areas developed in conformance with residential lot sizes that are one-half (1/2) acre or more in size. Additional drainage easements may be required for streets with open ditches by the City Engineer.
- (s) **Curbs and Gutters.** Curbs and gutters, or ribbon curbs, where approved, shall be installed in the subdivision on both sides of all interior streets and on the subdivision side of all streets forming part of the boundary of the subdivision, according to the EDCM.
- (t) **Street Names.**
- (1) New streets in a subdivision shall be named in a way that will provide continuity of street names and prevent conflict or confusion with existing street names in the City, in the City's extraterritorial jurisdiction or in a neighboring jurisdiction. A proposed new street name is in conflict with this subsection where:
 - a. It duplicates or sounds phonetically similar to the name of a street already in use within the City or the City's extraterritorial jurisdiction or designated as a future extension in the current Thoroughfare Plan;

- b. It differs from an existing street name in the City or the City's extraterritorial jurisdiction by the addition of an auxiliary designation including "avenue", "way", "boulevard", etc.; or
- c. The street to be named is an extension of or is in substantial alignment with an existing street in the City, the City's extraterritorial jurisdiction or a neighboring jurisdiction and the proposed street name is different from the existing street name.

(2) Renaming of existing streets shall also be in accordance with this Section 3.2.6.4.

- (u) **Street Signs.** Street signs shall be installed by the developer at all intersections within and abutting the subdivision. These signs shall be of a type approved by the City, and shall be installed according to City standards.
- (v) **Streetlights.** Streetlights shall be installed by the developer at all intersections and at the ends of cul-de-sacs, and shall have no greater distance than two hundred feet (200') between them within or abutting the subdivision.
- (w) **Access Management.** Access management standards and requirements related to TxDOT roadways and City roadways shall be in accordance with the EDCM and Chapter 3, Article 2, Division 7 (Driveways) of this Unified Development Code.
- (x) **Screening Along Roadways.** Screening requirements for roadways shall be in accordance with the zoning districts outlined in Chapter 2 of this UDC; or with Chapter 4, Article 2, Division 2; or with Chapter 4, Article 2, Division 4, whichever is most applicable.
- (y) **Pedestrian Connectivity.** Pedestrian connectivity and access shall be provided between subdivisions, schools, cul-de-sacs (i.e., bulb-to-bulb access) and park areas. In cases where a subdivision is constructed in a location that is adjacent to another subdivision, pedestrian access shall be provided such that adjacent development can connect to such access at a later date, when development occurs. Gated subdivisions may be exempt from this requirement upon approval by the Planning Director. Also refer to Section 3.2.11.1 (sidewalks).
- (z) **Conformance with the Comprehensive Plan.** Streets and the layout of streets shall be consistent with the adopted Comprehensive Plan, and specifically the Thoroughfare Plan, to the furthest extent possible.

Ord. No. 2000T-2, Section 3.2.6.4, February 26, 2007.

Ord. No. 2000T-8, Section 3.2.6.4, August 25, 2008.

Ord. No. 2000T-12, Section 3.2.6.4, June 28, 2010.

Ord. No. 2000T-13, Section 3.2.6.4, October 24, 2011.

Division 7 - Driveways

Section 3.2.7.1 Reference

- (a) **Reference.** See the City's Engineering Design Criteria Manual (EDCM).

Division 8 – Traffic Impact Analysis

Section 3.2.8.1 Reference

- (a) **Reference.** See the City's Engineering Design Criteria Manual (EDCM).

Division 9 - Drainage

Section 3.2.9.1 Reference

- (a) **Reference.** See the City's Engineering Design Criteria Manual (EDCM).

Division 10 – Parks & Open Space

Section 3.2.10.1 Parkland Dedication & Fees

(a) Areas for Public Use.

- (1) Application: This division shall apply to areas inside the City limits and the City's ETJ.
- (2) Suitable Sites; Area(s) Indicated on Submittals: 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 City's adopted Parks Plan, as amended.
 - a. Any provision for parks and public open space areas shall be indicated on the construction drawings and final plat, and shall be subject to a recommendation by the Park Director and approval by the Planning and Zoning Commission.
 - b. Suitable park sites include those that can be used for active recreation (such as playgrounds and areas for organized sports) and passive recreation (such as hiking and picnic areas) as defined and discussed within the City's adopted Parks Plan, as amended.
- (3) Permit Required for Park Site Manipulation: 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 proposed for a park without first obtaining written permission of the City and any other agency having jurisdiction.

(b) Parkland Dedication.

- (1) Generally: The City of Pearland has determined that recreational areas in the form of public parks and open spaces are necessary for the well being of the residents of the City. The City has further determined that a reasonable connection exists between the subdivision of residential property and the need for additional parkland to serve new residents of the community. It is the intent of this section, therefore, to require a reasonable method for the dedication of public parkland, or the payment of a fee in lieu of property dedication, that is

directly related to the need for high quality park land and open space sites for the use and enjoyment of the citizens of Pearland.

- (2) Criteria for Land Dedication: All residential subdivisions, regardless of type, shall be required to dedicate suitable land for park or open space development in the amount of one (1) acre per fifty (50) units or lots, whichever results in a greater dedication.
- (3) Calculation: Residential units shall be calculated based on the actual number of single-family, duplex and townhouse lots platted in the subdivision. Multiple-family and condominium units shall be calculated on the maximum allowed density of the zoning district in which the lot is located. If the subdivision is located outside of the City limits, multiple-family units shall be calculated at the rate of 24 dwelling units per acre, and condominium units shall be calculated at the rate of 12 dwelling units per acre, unless deed restrictions are filed restricting the property to a lesser density.
- (4) Exemption from dedication requirements: Parkland dedication requirements shall not apply to either the subdivision of commercial, industrial or other non-residential lots, or to the replatting of previously platted residential lots, where such lots were subject to parkland dedication requirements at the time of the prior subdivision. If a replat or amending plat is filed that increases the number of dwelling units from the previous plat, the park dedication requirement shall apply to the additional dwelling units.
- (5) Criteria for Park and Open Space Dedication: Land dedicated for parks or open spaces shall be appropriate for the intended purpose. The following criteria shall apply to land proposed for parkland or open space dedication:
 - a. At least fifty percent (50%) of the parkland that is required to be dedicated (based on the previously described calculation) shall be acceptable in terms of design, location, etc., for use as an area of active recreation.
 - b. Drainage ditches, power line easements, pipeline easements, and similar sites shall not be accepted for parkland dedication, unless the Planning and Zoning Commission finds, after consultation with the Director of Parks and Recreation, that the land has exceptional recreational value that warrants its acceptance as parkland or open space. If this finding is made, such areas may account for a maximum of fifty percent (50%) of the parkland dedication.
 - c. Detention/retention facilities may be accepted for parkland dedication when the Planning and Zoning Commission finds, after consultation with the Director of Parks and Recreation, that the facilities have been incorporated into the design of the development as an amenity, such as a lake or pond. The term "amenity" is defined within Chapter 5 of this UDC.
 - d. The dedication of land within the 100-year floodplain may be acceptable, provided the land consists of the native floodplain that is unaltered by channelization or other man-made stormwater control facilities.
 - e. All parkland and open space dedication shall be consistent with the goals, objectives and policies of the City's adopted Park Plan (as amended).

- f. The parkland shall be located in the same park benefit zone as the subdivision fulfilling the park donation requirement.
 - g. The parkland shall be clearly visible to public safety vehicles and the neighborhood residents.
 - h. Pedestrian or vehicular access to the parkland shall be available from one (1) or more streets. Street frontage shall be required to ensure public access to the parkland and adequate on-site parking, if appropriate.
 - i. The parkland shall be of suitable width, depth, topography and size to permit the development and/or construction of facilities listed herein and as described in the adopted Parks Plan. This requirement may vary from subdivision to subdivision depending upon the specific need being served by the dedication.
 - j. Potable water, sanitary sewer, and electrical power shall be readily available to the parkland from an adjacent street right-of-way or public utility easement.
 - k. The parkland shall be free of easements, pipelines, overhead utilities, and other conditions which prohibit the effective use of the property as a neighborhood park.
 - l. The subdivider shall remove all dead tress, trash, refuse, and water materials from the dedicated parkland prior to its acceptance.
 - m. The parkland shall have adequate drainage as determined by the City Engineer, who shall review all construction plans for any detention or retention proposed to be built on the property.
- (6) Fee in lieu of Dedication: A cash fee for the purchase of offsite parkland may be paid in lieu of all or part of the dedication of onsite parkland. The cash fee in lieu of parkland dedication shall be set by resolution of the City Council. All fees in lieu of dedication shall be paid prior to the recordation of the final plat or prior to the issuance of a building permit where a plat is not required. Fees in lieu of dedication may be accepted if either of the following conditions apply:
- a. If requested by the subdivider, and reviewed by the Director of Parks and Recreation, the Planning and Zoning Commission may allow the option of the payment of a fee over the dedication of land within the subdivision; or
 - b. If the Director of Parks and Recreation recommends to the Planning and Zoning Commission that land proposed for dedication by the subdivider is either unsuitable for parkland due to its size or general physical characteristics, or the proposed dedication is not consistent with the goals, policies and objectives of the City's adopted Parks Plan, as amended.
- (7) Park Benefit Areas/Zones: The City shall establish a separate parkland and open space account. The funds in the account shall be earmarked solely for the acquisition and development of parkland either in the same park benefit area in which the subdivision is located, or for regional parks and open space that will benefit all of the citizens of Pearland. The City shall expend cash contributions within ten (10) years of the date any such contribution is made.
- (8) Parkland Conveyance:

- a. Land proposed for dedication as public parkland or open space shall be designated on the final plat and shown as "Parkland dedicated to the City of Pearland." The acreage of the land included in the dedication shall also be shown on the plat. All land designated as parkland shall be included in a separate reserve area, or multiple reserve areas, that are shown on the plat.
 - b. Park and recreation facilities in the City shall be dedicated to the City. Park and recreation facilities in the City's ETJ shall be dedicated to the City. If the City does not wish to accept the dedication of public parkland in its ETJ, it shall be dedicated to the county, municipal utility district, or a homeowners' association (as defined), subject to acceptance by such entity.
 - c. The subdivider shall be obligated to provide survey corner markers at the corners of all parkland reserve areas in accordance with the standards set forth in this Article, Division 14.
- (9) Method of Park Dedication: The proper method of park dedication for a subdivision subject to the park dedication requirement shall be determined by the City prior to the approval of the Final Subdivision Plat, and shall be based upon the size of the subdivision, as follows:
- a. 500 Dwelling Units or More – The Final Subdivision Plat of any subdivision subject to this division of the UDC that establishes five hundred (500) or more dwelling units shall include dedication of land to the City for zone parks and neighborhood park purposes. Such dedication shall be at the rate of one (1) acre of land per each fifty (50) dwelling units on the Final Subdivision Plat.
 - b. 50 to 499 Dwelling Units – For any subdivision subject to this division of the UDC that establishes fifty (50) to four hundred and ninety-nine (499), the City Council, in consultation with the Park Director, shall have the sole discretion to accept either a dedication of land on the Final Subdivision Plat at the above rate, or to require payment of cash in lieu thereof in the amount provided by Subsection (b)(6) above.
 - c. Fewer than 50 Dwelling Units – The City declares that development of a park less than one (1) acre in size is impractical and creates unreasonable and unnecessary maintenance and operating expenditures. Therefore, if the proposed subdivision contains fewer than fifty (50) dwelling units, the subdivider shall be required to pay cash in lieu thereof in the amount provided by Subsection (b)(6) above. No plat showing a dedication of less than one (1) acre shall be approved unless the dedicated property may reasonably be developed in conjunction with adjacent park property.
- (10) Excess Open Space: A subdivider may satisfy up to ten percent (10%) of the park dedication requirement on an acre for acre basis by exceeding the open space requirement for the subdivision by at least thirty percent (30%).
- (11) Improvements to Existing Park Sites: Construction of improvements to existing public park sites or neighborhood recreational facilities located within the same park benefit zone as the subdivision fulfilling the park dedication requirement,

may satisfy up to fifty percent (50%) of the subdivision's park dedication requirement, subject to the following conditions.

- a. Such improvements shall be constructed in accordance with a Site Plan. The Site Plan shall include, at a minimum, a topographic element including proposed grading, landscaping and beautification elements, site facilities, recreation facilities, and existing and proposed utilities. The Site Plan shall be drawn at a scale of one inch (1") to twenty feet (20') (or other suitable scale). All approved improvements shall be designed in compliance with the EDCM standards applicable to such improvements. Additionally, the subdivider shall include details related to materials, equipment, methods of construction, warranties, assurances, and indemnifications. All proposed improvements shall be subject to the approval of the City's Parks Director.
- b. The Site Plan shall be approved by the City's Parks Director prior to the filing of the Final Subdivision Plat.
- c. Improvements proposed in the Site Plan may fall into any of the following park improvement categories. A subdivider may satisfy up to ten percent (10%) of the park dedication requirement for each category of improvements that are constructed, up to a maximum of fifty percent (50%). Any improvements proposed by the subdivider, but not included in this list, and/or any improvements which are deemed unnecessary at the site, may be rejected by the City. In addition, the City's Parks Director may approve the provision of any improvement not shown on this list if such improvement is in compliance with the findings and recommendations of the Parks Plan.
 1. Handicapped accessible playgrounds, with approved equipment, benches, and/or picnic tables;
 2. Practice athletic fields and courts for volleyball, basketball, and/or tennis;
 3. Swimming Pools;
 4. Natural open space consisting of at least five (5) acres of useable natural habitat, approved by the Director of Parks and Recreation, and exclusive of subdivision entry ways and open space counted for the credit allowed in (10) above;
 5. Lakes with recreational amenities such as boat docks and/or fishing piers;
 6. Multi-purpose trails and walkways;
 7. A trail connection at least eight feet (8') wide for public use that links the subdivision to the City's hike and bike trail.
- d. All improvements constructed pursuant to this division of the UDC are subject to final acceptance by the Parks Director. If any or all of the improvements are deemed unacceptable, the subdivider shall make up that portion of the park donation requirements that would have been satisfied by the unacceptable improvements by payment of a cash donation prior to the final acceptance of the subdivision by the City.

(12) Expenditure of Collected Funds:

- a. Special Fund - There is hereby established a special fund for the deposit of all sums paid in lieu of parkland dedication under this division of the UDC. This fund shall be known as the parkland dedication fund. Monies placed in this fund may not be utilized for any other general business activity of the City. Monies may be expended from this fund only for the following:
1. The purchase, lease, or other acquisition of parkland and open space;
 2. The improvement preparation and maintenance of such areas and sites;
 3. The installation of utilities to such sites;
 4. The construction of landscaping, play equipment or recreation improvements on such sites; or
 5. Attendant engineering and planning costs associated with such park activities.
- b. Right to Refund - The City shall account for all sums paid in lieu of parkland dedication under this division with reference to the individual plats involved. Any funds paid for such purposes must be expended by the City within ten (10) years from the date received by the City for acquisition and/or development of City parks. Such funds shall be considered to be spent on a "first in, first out" basis. If not so expended, the subdivider or the owner of the subdivision on the last day of such period shall be entitled to a pro rata refund of such sum, computed on a square footage or area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be forfeited.

Ord. No. 2000T-2, Section 3.2.10.1, February 26, 2007.

Ord. No. 2000T-8, Section 3.2.10.1, August 25, 2008.

Ord. No. 2000T-12, Section 3.2.10.1, June 28, 2010.

Division 11 – Sidewalks & Alleys

Section 3.2.11.1 Sidewalks

- (a) **Required in Subdivisions.** Sidewalks are required along both sides of all streets, in accordance with the City's adopted Thoroughfare Plan, in all subdivisions (residential or nonresidential).
- (b) **Installation.** Sidewalks shall be installed as follows:
- (1) Sidewalks shall be located on the front of lots and along the street sides of corner lots.

- (2) Sidewalks shall be constructed in compliance with the width and location requirements indicated in the City of Pearland EDCM.
- (c) **Requirements for Sidewalks in Existing Platted Subdivisions.** Sidewalks are required on all existing vacant lots; all lots where a new building is constructed or an existing building undergoes expansion greater than 500 square feet, and on all lots that are planned for development or redevelopment, in accordance with Subsection (1) above.
- (d) **Width Along Street Types.** Sidewalks at least six feet (6') in width shall be installed along both sides of thoroughfares and collectors in accordance with the City's adopted Thoroughfare Plan. Sidewalks at least four feet (4') in width shall be installed along both sides of all other streets in accordance with the City's adopted Thoroughfare Plan.
- (e) **Completion of Construction.** Construction of required sidewalks shall be complete prior to the issuance of a Certificate of Occupancy for any new or expanded structure/building or expansion of paved area or parking lot of 5,000 square feet or more.
- (f) **Exception to These Requirements.** Sidewalks shall not be required:
- (1) along any side of a minor street that abuts residential property that utilizes open ditches for the drainage of stormwater, or
 - (2) along controlled-access freeways unless frontage roads exist or will be constructed in conjunction with the development.
- (g) **Payment in Lieu of Construction.** The City may accept payment, at the then prevailing rate for similar construction, as determined by the City, in lieu of actual construction of required sidewalks for the following properties:
- (1) infill lot located on a roadway with no existing sidewalks; or
 - (2) any lot on a roadway with no existing sidewalk and for which the City has plans to make improvements that could damage or destroy any sidewalk installed before the completion of the improvements.

Ord. No. 2000T-2, Section 3.2.11.1, February 26, 2007.

Ord. No. 2000T-12, Section 3.2.11.1, June 28, 2010.

Ord. No. 2000T-28, Section 3.2.11.1, November 26, 2018.

Section 3.2.11.2 Alleys

- (a) **Alleys in Nonresidential Districts.** Service alleys in nonresidential districts, if provided or constructed by the developer, shall be a minimum right-of-way width of twenty feet (20') and a minimum pavement width of twenty feet (20').
- (b) **Alleys in Residential Districts.** In residential districts, alleys shall be parallel, or approximately parallel, to the frontage of the street. Two-way alleys in residential districts shall provide a minimum of twenty feet (20') of right-of-way and twenty feet

(20') of pavement. One-way alleys shall provide a minimum of sixteen feet (16') of right-of-way and fifteen feet (15') of pavement.

(c) General Design Standards.

- (1) Alleys shall be paved in accordance with the City's EDCM and construction standards that are in effect at the time the preliminary 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 EDCM.
- (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 City Engineer.
- (4) Alleys may not exceed a maximum length of sixteen 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). Any request for a variance of alley length shall be considered based on 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.

Division 12 – Fire Lanes & Fire Department Access

Section 3.2.12.1 Reference

- (a) **Reference.** See the City's adopted Fire Code.

Division 13 – Easements

Section 3.2.13.1 General

(a) Easements for New Development.

- (1) For new development, all necessary on-site easements shall be established on the Final Subdivision Plat or Final Development Plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity if other than the City, for which they are being provided. Such easements may be permitted to be established by separate instrument only in limited circumstances, and only if requested by the entity providing services with the easement, and only if permitted by the City Engineer.
- (2) The ownership, maintenance, and allowed uses of all designated easements shall be stated on the plat. Examples include, but are not limited to, the following: a water, wastewater or drainage easement, which is dedicated to the City for a water or wastewater 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 City and fire suppression and emergency medical service providers for access purposes; and an electrical, gas or communications easement, which is dedicated to the specific utility provider that requires the easement; and so on.

- (b) **Encroachments.** No structure or equipment shall be placed within any easement dedicated pursuant to this chapter unless the person or entity wishing to place such structure or equipment has first obtained written consent to encroach from all holders of the right to use said easement. A wall, fence or screen shall be permitted over any utility easement only if approved by the City Engineer and provided that the easement remains fully accessible to the City for maintenance and repair purposes. A wall, fence or screen shall be permitted over any drainage easement if the water flow within the easement is not adversely affected by the wall, fence or screen. In addition to all other remedies provided by Chapter 1, Article 2, Division 6 of this Unified Development Code, the City may summarily remove any wall, fence or screen erected in violation of this section, and the City shall not incur any liability or assume any duty to compensate the owner or replace the wall, fence or screen.

Ord. No. 2000T-13, Section 3.2.13.1, October 24, 2011.

Section 3.2.13.2 Utility Easements

(a) Minimum Width.

- (1) The minimum width for City utility easements shall be ten feet or as otherwise required by the City Engineer or by the EDCM.
- (2) The minimum width for City drainage easements shall be as required by the City Engineer.
- (3) 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.

- (4) It shall be the applicant's responsibility to determine appropriate easement widths required by other utility companies. Wherever possible, easements shall be centered on the property line or along front or side lot lines rather than across the interior or rear of lots, particularly where no alleys will be provided behind the lots.
 - (5) It shall be the applicant's responsibility to obtain approval of appropriate easement widths for easements required by/for other entities, and to provide proof of such approval to the City.
- (b) **Location.** Within residential subdivisions, utility easements shall be provided only where required by the City Engineer. "Wet" utility easements shall be provided along the front of all lots platted pursuant to this chapter. "Dry" utility easements may be provided along the rear of lots, if approved by the City Engineer. (See Chapter 5 for definitions of "wet" utilities and "dry" utilities.)

Ord. No. 2000T-13, Section 3.2.13.2, October 24, 2011.

Section 3.2.13.3 Drainage Easements

- (a) **Reference.** See the City's Engineering Design Criteria Manual (EDCM).

Section 3.2.13.4 Lot Area

- (a) A lot's area shall be computed inclusive of all required public and utility easements. However, the area of required easements on a lot shall in no case exceed one-half of the lot size. If the property owner disputes the total easement area required for any lot, the owner shall submit a written computation of the percentage of the lot occupied by easements to the City Engineer. The City Engineer shall, in coordination with affected entities, consider a reduction in the area of required easements for the lot.

Division 14 – Lot Design & Improvement Standards

Section 3.2.14.1 Blocks - Determination and Regulation of Size

- (a) **Determination Criteria.** The length, width, placement, and shape of blocks shall be determined with due regard to the following:
- (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 City'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) **Streets.** 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.

Ord. No. 2000T-12, Section 3.2.14.1, June 28, 2010.

Section 3.2.14.2 Lots - Determination and Regulation of Size

- (a) **Zoning District Requirements, If Applicable.** Lots shall conform to the minimum requirements of the established zoning district, if located within the City's corporate limits.
- (b) **General Shape and Layout.** The size, width, depth, shape and orientation of lots, and the minimum building setback lines shall be designed to assure the adequate provision of public facilities and the purpose of these subdivision regulations (within this Chapter 3 of the UDC), taking into consideration the location and size of the subdivision and the nature of the proposed uses.
- (c) **Irregularly-Shaped Lots.** Irregularly-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 City'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 (in excess of a 3 to 1 depth to width ratio) or tapered, or flag lots shall be not be permitted, except as provided in Section 2.6.1.1 (b) (1). Lot depth and width shall be measured as shown in Chapter 2, *Figure 2-4*, The City reserves the right to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties.
- (d) **Side Lot Line Configuration.** Side lot lines shall be at ninety degree (90) angles or radial to street right-of-way lines to the greatest extent possible. The City 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.** Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from major thoroughfares, or to overcome a specific

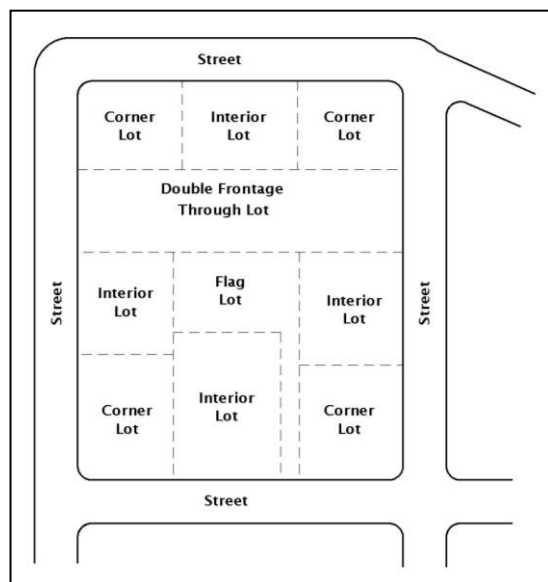


Figure 3-1: Types of Lots

disadvantage or hardship imposed by topography or other factors. Where lots have double frontage, are not screened, and/or are provided access directly onto a major thoroughfare, building setback lines shall be established for each street side, and rear yard screening shall be provided in accordance with Chapter 4, Article 2, Division 4. Residential lots shall not back onto any residential street or collector street within a residential area or neighborhood, provide direct access onto a major collector or major or minor thoroughfare except as provided by Section 3.2.6.4, or have more than one-half of its perimeter boundaries along streets.

- (f) **Extra Depth and Width in Certain Cases.** Additional depth shall be required by the Planning and Zoning Commission when a lot in a residential area backs up to a railroad right-of-way, a high pressure gasoline, oil or gas pipeline, an electric transmission line (69 kv or higher), a thoroughfare, an industrial area, or other land use that has a depreciating effect on the residential use of the property and where no marginal access street or other street is provided at the rear of the lot. A depth in excess of 140 feet shall not be required. Where a lot sides to any of the uses listed in this subsection, additional width shall be required by the Commission, but a width in excess of 75 feet shall not be required.
- (g) **Lots Adjacent To or In Floodplains.** Subdivision of property in a designated floodplain must meet the requirements for floodplain management in the City's adopted Flood Hazard Prevention Ordinance and/or Chapter 30 of the City Code, as applicable.
- (h) **Landscaping and Buffering.** The design of lots shall take into consideration the requirements of Chapter 4 pertaining to landscaping and buffering, specifically in situations where the subdivision will be adjacent to areas of different land uses or when residential densities or different land uses or various residential densities will be developed within the subdivision.
- (i) **Building Lines.** Front building lines shall be shown for all lots on all plats submitted for land within the City's ETJ.
- (j) **Access.** Each lot shall have access to a public street or a private street built to city standards by direct frontage on such street. The minimum required frontage of a lot shall be equal to the minimum lot width allowed for the zoning district in which the lot is located. The Planning and Zoning Commission may approve a minor subdivision plat containing lots that do not have frontage on a public street, as long as such lots:
 - (1) are pre-existing and the plat does not include a division of land that creates any new lots lacking frontage on a public street.
 - (2) have existing access to a public street via not more than one (1) permanent, valid access easement that is:
 - a. recorded in the county real property records;
 - b. appurtenant to (runs with) the land;
 - c. at least fifteen feet (15') wide and no more than two hundred feet (200') long;
 - d. cleared of trees, shrubs, debris, structures, and other obstacles to vehicular traffic; and

- e. improved to the City's minimum standards for driveways
- (3) are zoned for single family residential use; and
- (4) are either currently being used as residences or have been used as residences in the past and have not been vacant more than eighteen (18) months.

Lots shown on a Development Plat under Section 3.1.4.1 shall be permitted to have access via an access easement that meets the requirements of Section 4.2.1.2 (a)(8).

As used in this section, the term "pre-existing" shall mean that, on the later of March 9, 1981 or the date the property was annexed into the City, the property was in the same configuration, as indicated by deed records, as is being shown on the minor subdivision plat.

Ord. No. 2000T-2, Section 3.2.14.2, February 26, 2007.

Ord. No. 2000T-8, Section 3.2.14.2, August 25, 2008.

Ord. No. 2000T-11, Section 3.2.14.2, July 27, 2009.

Ord. No. 2000T-12, Section 3.2.14.2, June 28, 2010.

Section 3.2.14.3 Monuments & Markers

- (a) **Placement.** Monuments shall be set along the right-of-way boundary and two monuments shall be visible from each other. Permanent lot markers shall be placed at each lot corner. Monuments and lot markers shall be set immediately after completion of utility installations and street construction or as the City Engineer may require.
- (b) **Requirements for Monuments and Lot Markers.** Monuments should be set on subdivision corners along the right-of-way. A monument shall be made of an iron stake one-half inch (1/2") in diameter and twenty-four inches (24") long. For lot markers, stakes shall be twenty-four inches (24") long and set with cap and stamp. Longer stakes should be used in softer soils.
- (c) **Requirements for Subdivision Monuments.**
 - (1) Subdivisions less than five (5) acres shall have at least two (2) monuments installed.
 - (2) Subdivisions between five (5) and ten (10) acres shall have at least four (4) monuments installed.
 - (3) Any subdivision greater than ten (10) acres shall have more than four (4) monuments installed along the right-of-way boundary for the subdivision as determined by the City Engineer.

Ord. No. 2000T-12, Section 3.2.14.3, June 28, 2010.