

**CITY ORDINANCE NO. 2022-0711B**

**AN ORDINANCE OF THE CITY OF WOLFE CITY ESTABLISHING STANDARD RULES AND GUIDELINES FOR THE REGULATION OF LAND SUBDIVISION WITHIN ITS CORPORATE LIMITS AND EXTRA TERRITORIAL JURISDICTION AS APPLICABLE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City of Wolfe City, Texas, (the "City") has authority to regulate, limit, prohibit, and direct the installation, placement, and planning of housing within the municipality through zoning, land use, and its powers to protect the public health, safety, and general welfare; and

**WHEREAS**, the City Council for the City of Wolfe City desires to institute rules, procedures, and guidelines related to land subdivision; and

**WHEREAS**, the City Council of the City of Wolfe City, Texas, finds that it is in the best interest of the public safety, health, and general welfare, as well as to proper planning and management of zoning and land use, to regulate subdivision of land within the city and the extra territorial jurisdiction OF THE CITY; and

**WHEREAS**, a public hearing on this matter was held by the City Council as required by law.

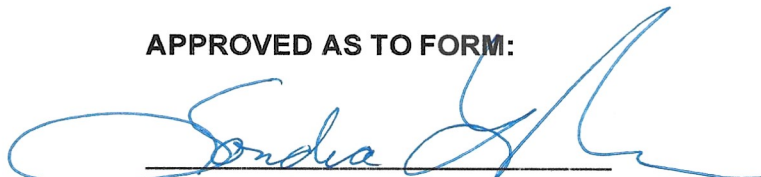
**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WOLFE CITY, TEXAS:**


The **Wolfe City, Texas Subdivision and Land Development Regulations**, attached hereto as **Exhibit A** are hereby enacted.

**PASSED AND APPROVED** this the 11<sup>th</sup> day of July 2022.

  
Sharion Scott, Mayor

**APPROVED AS TO FORM:**

  
Sondra LaFavers, City Secretary

  
Aaron D. Huddleston, Assistant City Attorney

# Wolfe City, Texas

## Subdivision and Land Development Regulations

APPROVED BY THE CITY COUNCIL OF WOLFE CITY

July 11, 2022

By ordinance # 2022-0711B





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## Section 1. General Provisions

### 1.01. Title

These Subdivision and Land Development Regulations of Wolfe City, Texas (“Wolfe City” or simply the “City”) are called the “Subdivision Regulations” within the remainder of this document.

### 1.02. Authority

The Wolfe City City Council (the “City Council”) adopts these Subdivision Regulations through the authority granted to it by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically Texas Local Government Code (TLGC) Chapter 212 and Texas Government Code (TGC) Chapter 2007, as amended.

### 1.03. Severability

If any portion of these Subdivision Regulations is found to be unconstitutional by a court of competent jurisdiction, such finding will not invalidate the remainder of these Subdivision Regulations which will continue in full force as if the invalidated portion were not a part thereof.

### 1.04. Purpose

The City adopts these Subdivision Regulations for the following purposes:

- A. To promote the health, safety and general welfare of the community within the unincorporated areas of the City;
- B. To encourage sensible use and management of natural resources throughout the City;
- C. To preserve the integrity, stability, and beauty of the community;
- D. To preserve the topography of the City by ensuring appropriate development with regard to natural features;
- E. To ensure the proper and accurate Legal Description and documentation of subdivided land;
- F. To establish clear policies and orderly procedures for the Subdivision of property;
- G. To establish reasonable design standards for Subdivision and Public Improvements;
- H. To ensure Public Facilities have sufficient capacity for every Building site and that their use does not come at the expense of future residents and businesses of the City;
- I. To establish minimum construction specifications and engineering design criteria for Public Facilities that promote the public good and convenience, and to reduce unnecessary burden on the City for correction of inadequate or malfunctioning Public Facilities;
- J. To provide the most beneficial circulation of people and goods throughout the City by properly locating and designing Roadways; and
- K. To ensure each Subdivider participates in the dedication and construction of Roadways and drainage facilities so that the City does not disproportionately bear the burden of Public Improvement.



## 1.05. Applicability

### A. General

It is the intent of the City Council of Wolfe City to regulate the Subdivision of land for the purpose of ensuring orderly, planned, efficient and economical development of land in the City.

### B. Policies Regarding the Subdivision and Development of Land

1. The Subdivider must ensure that adequate drainage, water, wastewater, transportation and other facilities exist, as these regulations require, before subdividing land (see **Section 5.01.B. Adequate Facilities Required**).
2. All Infrastructure and facilities, public and private, must be of at least the capacity necessary to adequately serve the Subdivision in conformance with the standards of these Subdivision Regulations.
3. The City will use Infrastructure regulations to enforce Land Use regulations where applicable. In all other cases, Infrastructure regulations supplement regulations on Land Uses requiring Development authorization (see **Section 13. Site Development Authorization**) and adopted Building Codes.

### C. Requirement to Plat

1. A property owner or Subdivider must Plat (unless otherwise exempted by **Section 1.06.A.**) if the owner or Subdivider divides a Tract into two or more parts to lay out:
  - a. A Subdivision, including an addition;
  - b. Lots;
  - c. Roadways, Open Space, Common Lots, or other parts of the Tract intended for public use or for the use of purchasers or owners of Lots within the Subdivision;
  - d. A revision of existing Lots for the purpose of creating one or more new Lots;
  - e. An amendment or correction of errors on an existing Plat.
2. A division of land under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
3. This section applies to land that is in the Extraterritorial Jurisdiction (ETJ) of Wolfe City per **Texas Local Government Code (LC) Chapter 212.004**.

### 1.06. Exemptions to Platting Requirement

- A. The property owner or Subdivider of land may be exempted from the platting requirement found in **Subchapter A** of the **Texas Local Government Code (LGC) 212** if, by determination of the City, they are required to file a plat under **Subchapter B** of the LGC 212.
- B. Exemption under the scenarios listed in **Section 1.05.C** does not release the Subdivider from the responsibility to meet other requirements of these Subdivision Regulations, including the following:
  - 1. Minimum Lot Frontage requirements (see **5.04.B.**);
  - 2. Minimum Setback requirements (see **5.04.C.**);
  - 3. Prohibition on creation of Flag Lot (see **5.04.E.**)

### 1.07. Compliance with Subdivision Rules Required

The City will not approve an Application for Subdivision or Land Use unless it complies with all City regulations pertaining to the Subdivision and development of land and with these Subdivision Regulations.

- A. The following are the codes, ordinances, and plans the City will use in reviewing an Application:
  - 1. The Hunt County Engineering Standards Manual, as amended,
  - 2. City Ordinances, as amended; and
  - 3. Federal, State, North Central Texas Council of Governments (NCTCOG), and local environmental regulations.
- B. References to City regulations and plans mean those documents as they exist or as amended.
- C. The property owner is responsible for complying with City regulations, including these Subdivision Regulations.
- D. The City is not responsible for enforcing regulations outside of its authority.

### 1.08. Public Improvements for Road and Drainage Required

- A. Subdivider's Responsibility
  - 1. The Subdivider is responsible for Public Improvements necessary for the proper development of the Subdivision under TLGC Sections 212.002 and 212.044 as applicable and these Subdivision Regulations (see Section 5.01.B).
  - 2. The Subdivider must design and construct Public Improvements according to these Subdivision Regulations, the Engineering Standards Manual, and any other standards the City Council adopts by Court Order under TTLGC Sections 212.002 and 212.044 as applicable.
- B. Sizing of Public Improvements for Multi-Phase Development
  - 1. If the Subdivider builds a Subdivision in phases, the City Council may require that the Subdivider construct Public Improvements of greater size and specification than the requirement for a single phase.
  - 2. The City Council may further require that the Subdivider construct Public Improvements in each phase for Fully Developed Conditions based on a Phasing Plan. This requirement is to ensure the necessary Public Improvements exist for the entire development once all phases are completed.
- C. Drainage for Multi-Phase Development

1. If it is necessary for Stormwater Facilities to be located in an Unplatted future phase of the Subdivision, the Stormwater Facilities must function as Public Facilities and the following must occur:
  - a. The Final Plat for the current phase must dedicate or reference recorded Easements providing the City Approval to the Stormwater Facilities;
  - b. The Final Plat must include a note providing the City permission and Approval to Access and maintain or improve the Stormwater Facilities, if necessary to protect the owners of property within the Subdivision.
  - c. If the City performs necessary repair or maintenance under this section, the City reserves the right levy the cost of the repair or maintenance against the owner(s) of the Stormwater Facilities.
  - d. Emergency repairs performed under this Section do not obligate the City to take over permanent maintenance of a facility.

### 1.09. Special Provisions, Enforcement, and Violations

#### A. Provisions

1. City Authority to Disapprove Plats and Plans
  - a. If a Plat does not meet the requirements of these Subdivision Regulations, the City Council has the authority to disapprove the Plat (**Section 4, Platting Requirements**);
  - b. If a Subdivider does not provide Fiscal Security, the City Council has the authority to disapprove Construction Plans (**Section 6, Subdivision Development Procedures**).
2. Selling or Transferring Lots Prohibited Until Completion

The Subdivider may not sell or transfer individual Lots in a Subdivision until the Subdivider receives a Letter of Public Improvement Compliance (**Section 6.04.A. Timing of Public Improvements**) and records the Final Plat (**Section 4.03.K. Plat Recordation**).
3. Platting Within the Extraterritorial Jurisdiction (ETJ) Boundaries of an Adjacent Municipality

If land is developed requiring a plat that is in the ETJ of more than one municipality, the authority responsible for plat approval is the authority in the municipality with the largest population per the **Texas Local government Code Section 212.007**.
4. Services Prohibited to Subdivision Until Completion

The City prohibits the sale or supply of a utility service such as water, gas, electricity, telephone, cable, communication or wastewater service within a Subdivision before the Subdivider records a Final Plat with the City (see Section **4.03.K. Plat Recordation**).
5. Compliance with Standards Required

The City will not authorize a Subdivider or property owner to install any Public Facilities in any Subdivision that do not comply with these Subdivision Regulations, and the City is not obligated to install, repair, or maintain any Public Facilities that do not comply with these Subdivision Regulations.
6. Obligation for Maintenance of Public Improvements

Approval of a Plat does not impose any obligation upon the City concerning maintenance of any improvement.

  - a. After the Subdivider completes construction of Public Improvements (see **Section 6.04**), the City will formally

accept maintenance of Public Improvements by resolution.

- b. The City's public works representative will issue a Letter of Acceptance to the Subdivider after formal acceptance of Public Improvements.

B. Enforcement

1. The City Council may request that the City Attorney or other prosecuting attorney representing the City file an action in a court of competent jurisdiction under TLGC Section 212.0185 to:
  - a. Enjoin the Violation or threatened Violation of a requirement of these Subdivision Regulations; and
  - b. Recover expenses the City incurs while correcting a Violation, including construction costs.
2. A Person commits an offense if the Person knowingly or intentionally violates a requirement established by or adopted by the City Council.
3. A Violation under this Section 1.09 is a Class C Misdemeanor.

**1.10. Summary of the General Subdivision Procedure**  
 Land Subdivision within the City will follow the process depicted in **Figure 1. Platting and Subdivision Approval Process** along with **Section 3. Application Submittal and Processing**; **Section 4. Platting Requirements**; and **Section 6. Subdivision Development Procedures**.

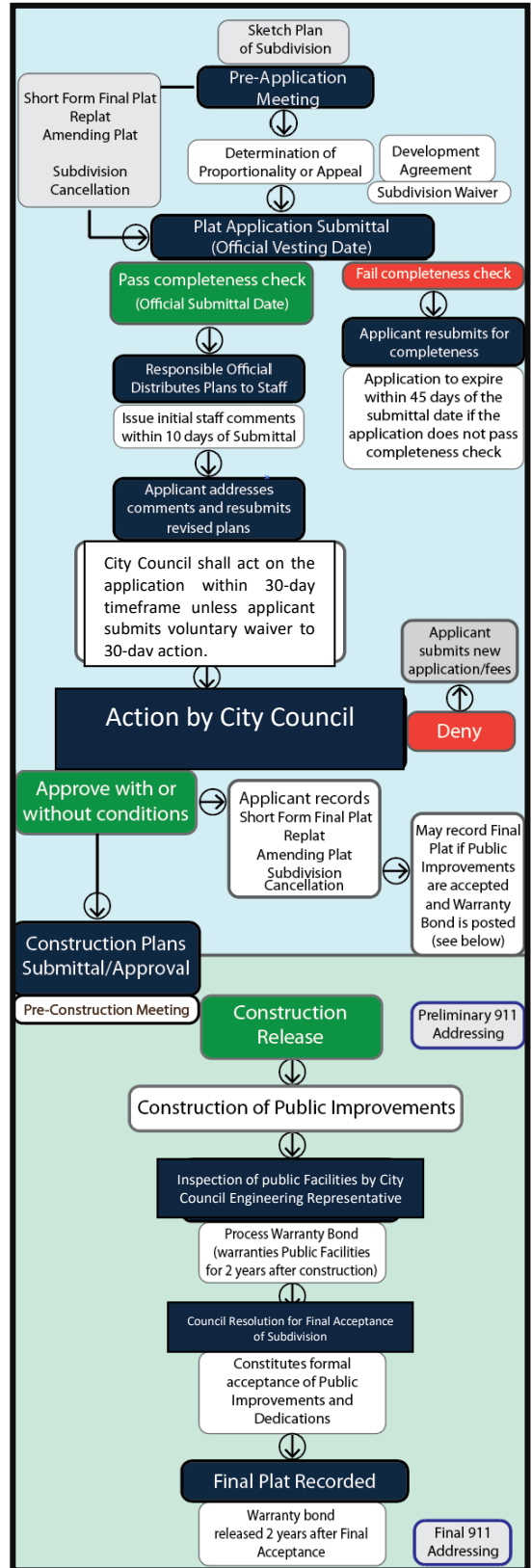


Figure 1. Platting and Subdivision Approval Process

## Section 2. Decision-Maker Authority

### 2.01. City Council

#### A. Responsibilities

**Table 1** summarizes the responsibilities of the City Council in carrying out these Subdivision Regulations. When an official or committee is required to make a recommendation to the City Council, the Council will consider that recommendation when making its decision, but is not bound to adopt the recommendation of an official or committee unless otherwise stated in this **Section 2**.

**Table 1. City Council Responsibilities**

City Council Responsibilities	
<b>Section 3.05</b>	Deciding a Determination of Proportionality appeal
<b>Section 4.02</b>	Approving, Conditionally Approving, or Disapproving a Preliminary Plat
<b>Section 4.02.L</b>	Approving or Denying a Preliminary Plat extension
<b>Section 4.03</b>	Approving, Conditionally Approving, or Disapproving a Final Plat
<b>Section 4.04</b>	Approving, Conditionally Approving, or Disapproving a Short Form Final Plat
<b>Section 4.05</b>	Approving, Conditionally Approving, or Disapproving an Amending Plat
<b>Section 4.06</b>	Approving, Conditionally Approving, or Disapproving Cancellation of a Subdivision
<b>Section 4.07</b>	Approving, Conditionally Approving, or Disapproving a Revision of a Plat (Replat)
<b>Section 5.02.G.3.c</b>	Approving Reimbursement of a Fence Relocated during Road Improvement
<b>Section 6.06.F</b>	Approving or Denying a Warranty Bond Release
<b>Section 6.07.A.4</b>	Issuing an Order of the City Council for Final Acceptance
<b>Section 7.01</b>	Accepting Right-of-Way and Roadways
<b>Section 7.02</b>	Approving or Denying the Abandonment of Roadways
<b>Section 15</b>	Approving or denying a Subdivision Waiver
<b>Section 16</b>	Approving Economic Development Agreements

## 2.02. Development Support Committee

### A. Membership

1. The City Council will appoint officers to serve on the Development Support Committee.
2. Officers appointed to serve on the Development Support Committee must be representatives of the City departments that have responsibility to oversee planning, engineering, health, sanitary sewer, fire, and 9-1-1 addressing.
3. The City Council will appoint a Responsible Official to accept any Application the Committee will review under these Subdivision Regulations and act as the presiding officer at all meetings of the Committee.
4. Any other City official or employee may be requested to serve on the Development Support Committee by the City Council.

### B. Roles

1. The Development Support Committee reviews Applications, identifies corrections needed or incomplete information, and makes recommendations to City Council for Approval, Approval with conditions, or disapproval (see **Section 3. Application Submittal and Processing**).
2. The Responsible Official will determine whether an Application for a Preliminary Plat, Final Plat, Amending Plat, Cancellation of a Subdivision, Revision of a Plat (Replat), Subdivision Waiver, or other requests listed in **Table 2** is administratively complete (see **Section 3.02 General Application Processing**.)
3. After issuing a Determination of Completeness, the Responsible Official will forward the Application to the Development Support Committee for formal review.
4. The Development Support Committee will review the Application for a Preliminary Plat, Final Plat, Amending Plat, Cancellation of a Subdivision, Revision of a Plat (Replat), Subdivision Waiver, or other requests noted in **Table 2**, and make formal recommendation for approval or disapproval to the City Council.

C. Responsibilities

**Table 2** summarizes responsibilities of the Development Support Committee.

**Table 2. Development Support Committee Responsibilities**

<b>Development Support Committee Responsibilities</b>	
<b>Section 4.02</b>	Recommending Approval, Conditional Approval, or Disapproval of a Preliminary Plat
<b>Section 4.02.L</b>	Recommending Approval or Denial of a Preliminary Plat Extension
<b>Section 4.03</b>	Recommending Approval, Conditional Approval, or Disapproval of a Final Plat
<b>Section 4.04</b>	Recommending Approval, Conditional Approval, or Disapproval of a Short Form Final Plat
<b>Section 4.05</b>	Recommending Approval, Conditional Approval, or Disapproval of an Amending Plat
<b>Section 4.06</b>	Recommending Approval, Conditional Approval, or Disapproval of Cancellation of a Subdivision
<b>Section 4.07</b>	Recommending Approval, Conditional Approval, or Disapproval of a Revision of a Plat (Replat)
<b>Section 6.06.F</b>	Recommending Approval or Denial of a Warranty Bond Release
<b>Section 6.07.A.4</b>	Recommending Approval or Denial of an Order of the City Council for Final Acceptance
<b>Section 7.01</b>	Recommending Approval or Denial of Other Public and Private Roadways
<b>Section 7.02</b>	Recommending Approval or Denial of Abandonment of Roadways
<b>Section 13.05.C</b>	Approval or Denial of Site Development Authorization if Responsible Official Defers



**2.03. Responsible Official**

A. Responsibilities

**Table 3** summarizes responsibilities of the Responsible Official.

**Table 3. Responsible Official Responsibilities**

Responsible Official Responsibilities	
<b>Section 3.01</b>	Scheduling and Presiding over a Pre-Application Meeting
<b>Section 3.02.A</b>	Creating and Maintaining Application Forms
<b>Section 3.02.D</b>	Reviewing Applications for Administrative Completeness
<b>Section 3.02.F.2</b>	Approve Waiver of 30-Day Decision
<b>Section 4.02</b>	Reviewing the Preliminary Plat for conformance to Preliminary Plat Requirements
<b>Section 4.02.M</b>	Determination of Minor or Major Preliminary Plat Amendment
<b>Section 4.03</b>	Reviewing the Final Plat for conformance to Final Plat Requirements
<b>Section 4.03.C</b>	Developing and Maintaining Signature Blocks
<b>Section 4.04</b>	Reviewing the Short Form Final Plat for conformance to Short Form Final Plat Requirements
<b>Section 4.05</b>	Reviewing the Amending Plat for conformance to Amending Plat Requirements
<b>Section 4.06</b>	Reviewing Cancellation of a Subdivision
<b>Section 4.07</b>	Reviewing the Revision of a Plat (Plat, Revision to (Replat))
<b>Section 6.02</b>	Scheduling and Holding a Pre-Construction Meeting
<b>Section 13.05.C</b>	Approving or Deferring Site Development Authorization

**2.04. City Council Engineering Representative**

A. Responsibilities

**Table 4** summarizes the responsibilities of the City Council Engineering Representative.

**Table 4. City Council Engineering Representative Responsibilities**

City Council Engineering Representative Responsibilities	
<b>Section 3.05.A</b>	Making a Determination of Proportionality for Public Improvement costs
<b>Section 4.02</b>	Reviewing the Preliminary Plat for conformance to Preliminary Plat Requirements
<b>Section 4.03</b>	Reviewing the Final Plat for conformance to Final Plat Requirements
<b>Section 4.04</b>	Reviewing the Short Form Final Plat for conformance to Short Form Final Plat Requirements
<b>Section 4.05</b>	Reviewing the Amending Plat for conformance to Amending Plat Requirements
<b>Section 4.06</b>	Reviewing Cancellation of a Subdivision
<b>Section 4.07</b>	Reviewing the Revision of a Plat (Plat, Revision to (Replat))
<b>Section 6.01.E</b>	Approval or Disapproval of Construction Plans
<b>Section 6.01.J</b>	Approval or Denial Request for Extension of Construction Plans
<b>Section 6.02</b>	Attending or Conducting a Pre-Construction Meeting
<b>Section 6.03</b>	Approving Construction Release
<b>Section 6.05.A</b>	Conducting a Preliminary Inspection of Public Improvements
<b>Section 6.05.B</b>	Conducting a Final Inspection of Public Improvements
<b>Section 6.06.C</b>	Reviewing the Cost for Construction

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## Section 3. Application Submittal and Processing

### 3.01. Pre-Application Meeting

#### A. Purpose

1. The Pre-Application Meeting is a meeting that allows for the exchange of non-binding information between the Applicant and the Development Support Committee, including requirements and timelines for Approval, before the Applicant submits a Plat Application.
2. The Pre-Application Meeting provides the Applicant and Development Support Committee an opportunity to discuss major Development considerations such as utilities, Roadways, and drainage concerns.
3. This exchange of information is intended to promote an efficient and orderly review process.

#### B. Applicability

1. A Pre-Application Meeting is required before an Applicant submits an Application for a Preliminary Plat, Final Plat, Replat, or Cancellation of a Subdivision.
2. A Pre-Application Meeting is optional before an Applicant submits an Application for a Short Form Final Plat or Amending Plat.

#### C. Pre-Application Meeting occurs before the Submission of Plans and Applications

1. The Applicant is strongly encouraged to consult informally with members of the Development Support Committee as well as any other pertinent City staff and to become familiar with the City's Development regulations and the Development process.
2. At the Pre-Application Meeting, the Applicant may attend in person, by teleconference or videoconference, or through a representative or development professional such as a land planner, Engineer, Licensed Surveyor, or other qualified professional.
3. A Pre-Application Meeting does not vest a Permit, Application, or other type of development Approval, defined under **TLGC Chapter 212**.

#### D. Sketch Plan

1. A Sketch Plan is an informal visual aid to assist the Subdivider and members of the Development Support Committee during the Pre-Application Meeting.
2. A Sketch Plan is an informal freehand sketch on paper or a computer-aided drawing depicting the following elements:
  - a. The boundaries of the original property in its entirety along with any pertinent historic information based on surveys, hydrological maps such as rivers or wetlands, or geological studies;
  - b. Significant environmental features such as bodies of water, floodplain, springs or wells, groves or stands of trees, steep slopes, or other similar features;
  - c. Proposed improvements, including grading, drainage, water, sewer, electricity, fiber, or pavement;
  - d. Lots, roadway layouts, and buildings sites; and
  - e. Developmental phasing, if applicable.
3. A Sketch Plan is required for a Pre-Application Meeting.



### 3.02. General Application Processing

#### A. Application Form

1. The City is authorized to create any Application Form necessary and impose requirements for Administrative Completeness through the use of checklists, plan specifications, standardized requirements for property description and Applicant contact information, and any other information necessary to determine compliance with City standards.
2. The Responsible Official creates, maintains, and updates all Application Form.

#### B. Application Fees

1. The City will not consider an Application complete if the Applicant has not paid the fees shown in the City's adopted Fee Schedule.
2. Fees are not refundable unless the Responsible Official accepted the Application in error.
3. The City Council may amend the Fee Schedule at any time.

#### C. Payment of Indebtedness

The Responsible Official will not issue a Determination of Completeness to anyone owing delinquent taxes, assessments, fees, or other debt to the City on any matter concerning the subject property until the Applicant provides evidence of full payment, or arranges for full payment to be made.

#### D. Initiation of Application

##### 1. Required Plans and Documents

Before the Responsible Official can review a Plat Application for administrative completeness, the Applicant must complete the following, as applicable:

- a. The property owner must initiate and sign the Application or designate an agent to act on the property owner's behalf.
  - i. If the Applicant is a designated agent, the Application must include a statement from the property owner authorizing the agent to initiate the Application on the owner's behalf.
  - ii. The statement must be signed by the property owner and notarized.
  - iii. Every Application must include Proof of Ownership.
- b. Provide an original Tax Certificate from the Hunt County Tax Assessor-Collector certifying that the property carries no delinquent taxes.
- c. A Will-Serve Letter from utility providers who will serve the Subdivision with water, sewer, communications, telephone, and electricity.
- d. If the Subdivision will use on-site water wells, a Certificate of Groundwater Availability prepared by a licensed Engineer or geoscientist under **TLGC Section 212.0101**.
- e. If the Subdivision will use individual water wells for water service, an engineer's report certifying an adequate supply of groundwater exists and showing the location of existing on-site sewer facilities within 200 feet.
- f. If the Subdivider requests a Subdivision Waiver of any requirement under these Subdivision Regulation, the City Council must approve the waiver before Application processing (**see Section 15 Subdivision**

- Waiver).
- g. A Development Agreement approved by the City Council under **TLGC Section 212.071**, if applicable, where the City Council or the Applicant requests an Agreement under **Section 3.05 Subdivision Proportionality and Development Agreement** to construct Public Improvement.
  - h. A Traffic Impact Analysis approved by the City Council Engineering Representative, if the proposed Subdivision consists of 50 Lots or more, or has access from an existing Feeder Road (**see Section 5.02.F.12. Feeder Road**);
  - i. If the property lies within the 100-Year floodplain as shown on Flood Insurance Rate Map (FIRM) published by FEMA, a Flood Study approved by the City Council’s Engineering Representative.
2. Official Vesting Date
    - a. The date the Responsible Official receives the Application with all fees paid, along with items listed in **Section 3.02.D.1 Required Plans and Documents**, constitutes the Official Vesting Date of the Plat or Subdivision under **TLGC Section 245.002**.
    - b. The Official Vesting Date determines the regulations the City will use to review the Plat and future Applications, such as Subdivision Construction Plans, unless an application expires or becomes dormant.
  3. Incomplete Applications
    - a. If an Application does not include all of the documentation or other information required in Section 3.02.A Application Form or Section 4. Platting Requirements, the Responsible Official will notify the Applicant no later than the tenth (10<sup>th</sup>) business day after the date the Responsible Official received the Application,
    - b. The Applicant must submit the missing documents or other information no later than the thirtieth (30<sup>th</sup>) business day after the Responsible Official issues the notice.
    - c. If the Applicant fails to respond within thirty (30) business days, the Application will expire.
- E. Official Submittal Date
1. An Application is complete when the Responsible Official receives all documentation or other information required in **Section 3.02.D.1. Required Plans and Documents** or requested by the Responsible Official.
- F. Action by the Responsible Official and Development Support Committee
1. Circulate Plat and Compile Comments
    - a. Once the Application is complete (**Section 3.02.E**), the Responsible Official will circulate the Application materials to the Development Support Committee for review and comment.
    - b. After the Development Support Committee reviews the Application, the Responsible Official will compile the comments and the recommendation of the Committee.
    - c. If the Application requires revisions, the Responsible Official will deliver the written comments of the Development Support Committee to the Applicant no later than the tenth (10<sup>th</sup>) business day after the Official Submittal Date.
  2. Modifications Requested by the City and Applicant Response
    - a. If the Development Support Committee makes written comments requesting revisions to the Application, the Applicant must respond within the deadline set by the City per **TLGC Section 212.0093**.
-

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- b. If the applicant responds by the deadline, the City shall determine whether to approve or disapprove the applicants previously conditionally approved or disapproved plan or plat not later than the 15<sup>th</sup> day after the date the response was submitted per **TLGC Section 212.0095**.
  - c. If the City approves with conditions or disapproves the Application, the Responsible Official will notify the Applicant and the Applicant may respond (see **Section 3.03.A**).
3. Modifications Requested by the Applicant Restart Process
- a. Revised Application Becomes New Application  

If the Applicant chooses to submit a revised Application because of a change in development decisions, the Responsible Official will treat the modified Application as a new Application.
  - b. Effect on Timeline for Approval  

A revised Application submitted under this **Section 3.02.F.3** will restart the entire review process under **Section 3.02**, including the Official Submittal Date, Determination of Completeness, and the 30-day Approval period.
  - c. Exception for Minor Revisions and Waiver of 30-Day Decision  

If the Responsible Official determines the revisions submitted under this **Section 3.02.F.4** are minor the Responsible Official may choose to continue with the timeline established with the original submittal.
  - d. Effect on Vesting  

The Official Vesting Date (**Section 3.02.D.2**) will remain the same even if the Applicant submits a revised Application under this **Section 3.02.F.4**, unless the original Application has expired (**Section 3.02.D.3.c**).
5. Approval or Disapproval
- If the Application is a minor amendment to a Preliminary Plat, as defined in **Section 4.02.M.2**, the Responsible Official will give their decision to the Applicant in writing within the time required under this **Section 3.02.F**.
6. Forward Application and Provide Notification
- If the City Council is responsible for approving the Application (**Section 2.01.A**), the Responsible Official will forward the Application to the Court with the recommendation of the Development Support Committee (**Section 2.02.C**)
- G. Action by the City Council
- 1. After the Applicant addresses the comments of the Development Support Committee, as applicable (see **Section 3.02.F**), the Responsible Official will prepare a report and schedule the Application for decision by the City Council within the time required under **Section 3.02.F**.
  - 2. The City Council will consider the Application and approve, approve with conditions, or disapprove the Application.
  - 3. If the City Council fails to act within the required timeframe, the Application is approved with remedies provided under **TLGC Section 212.009(d)**.



### 3.03. Process Following City Council Decision

#### A. Notification of Decision

##### 1. Application Approval

- a. If the City grants Approval, the Responsible Official will deliver the decision to the Applicant in writing.
- b. The Applicant has authorization to proceed to the next phase (**see Section 1.10**).

##### 2. Application Approval with Conditions

- a. If the City grants a conditional Approval, the Responsible Official will deliver the decision and the conditions to the Applicant in writing in accordance with **TLGC Section 212.0091**.
- b. The Application is disapproved until the Applicant addresses each condition.
- c. Once the Applicant addresses the conditions, the Application is automatically approved and the Applicant has authorization to proceed to the next phase (**see Section 1.10**).

##### 3. Application Disapproval and Applicant Response

- a. If the City disapproved the Application, the Responsible Official will deliver the decision and reasons for disapproval to the Applicant in writing in accordance with **TLGC Section 212.0091**.
- b. The Applicant may submit a new Application under this Section 3. Application Submittal and Processing, or respond in writing to the reasons for disapproval under **TLGC Section 212.0093**.
- c. If the Applicant submits revisions and responds in writing to each reason for disapproval, the City will vote to approve, approve with conditions, or disapprove the revisions no later than fifteen (15) days after the Applicant submits the response in accordance with **TLGC Section 212.0095**.

#### B. Type of Notice

Notice may be given by electronic mail (email) or by postal service.

### 3.04. Amendments to and Expiration of Approved Applications

#### A. Amendment to an Approved Subdivision Application

The Responsible Official will process a request to amend or revise an approved, unexpired Application, under the procedures and standards in place at the time the Applicant files the new Application, unless otherwise provided in these Subdivision Regulations.

#### B. Expiration of an Approved Subdivision Application

##### 1. Subdivision Application Expiration – Two (2) Years

An approved Plat Application automatically expires two (2) years from the Application Approval date, unless the Applicant or Subdivider demonstrates Progress Toward Completion under **TLGC Section 245.005** (See **Section 4.02.L. Preliminary Plat Extension**, **Section 6.01.I. Expiration of** , and **Section 6.01.J. Extension of** ).

##### 2. Applications with No Time Limit

An Application approved administratively or by resolution without a specified expiration date will expire two (2) years from the Application Approval date.

##### 3. Applications with Vested Right

An Application approved prior to the effective date of these Subdivision Regulations will expire according to the expiration date in effect at the Official Vesting Date.

##### 4. Effect of Expiration

If an approved Application expires without extension (**Section 4.02.L**), the Applicant or Subdivider must submit a new Application to the Responsible Official under this **Section 3**.

### 3.05. Subdivision Proportionality and Development Agreement

- A. Determination of Proportionality of Infrastructure Costs
  - 1. The City may, under ~~TLGC Section 212.904~~, require a Subdivider to enter into a Development Agreement to divide the costs of Infrastructure by dedicating public Right-of-Way or Easements, paying fees, or participating in construction costs.
  - 2. The Subdivider must request in writing a Determination of Proportionality to determine the appropriate cost participation for the Public Improvements.
    - a. The City Engineering Representative will make the Determination of Proportionality no more than thirty (30) days after the Subdivider requests a determination in writing.
    - b. The cost participation amount may not exceed the amount required for Public Improvements that are roughly proportionate to the proposed Subdivision.
- B. Appeal of Determination of Proportionality
  - 1. The Subdivider may appeal the decision of the City Council Engineering Representative.
    - a. In making the appeal, the Subdivider may present evidence and testimony to the City Council.
    - b. After hearing testimony and reviewing evidence, the City will decide whether to uphold or modify the decision of the City's Engineering Representative.
    - c. The City will decide no more than (30) days after the Subdivider submits the appeal.
  - 2. The Subdivider may appeal the determination of the City Council to district court of the City within 30 days of the final determination by the City Council.

### 3.06. HB 3167 Alternative Final Plat Approval Process

In 2019, the Texas Legislature passed legislation (i.e., HB 3167) to allow an **Applicant** to not file a **Preliminary Plat** and **Construction Plans** if the applicant decides, at his or her own discretion, to submit a **Final Plat** with either a bond or financial guarantee in lieu of a bond for the proper construction of the roads and streets in and drainage requirements for the subdivision. HB 3167 allows an **Applicant** to receive approval of a **Final Plat** before any **Construction Plans** are designed or infrastructure is built or inspected. However, the recording of the **Final Plat** may only occur after the subdivision's infrastructure is built and inspected as per the **Final Plat** recording process outlined in **4.03.K Plat Recordation**. Notably, any **Final Plat** approved through the HB 3167 approval process will need to meet all the applicable requirements of these **Subdivision Regulations**.

#### A. Bond Requirements

In accordance with ~~TLGC Section 212.0106~~, if an **Applicant** selects to seek approval of a **Final Plat** without a previously approved **Preliminary Plat** and **Construction Plans**, then the **City Council** will require the owner of the tract to execute a bond. The owner must execute a bond before subdividing the tract unless an alternative financial guarantee is provided under Section **3.06.B (Financial Guarantee In Lieu of Bond)**. The bond must:

1. Be payable to the Mayor or to the Mayor's successors in office;
2. Be in an amount determined by the City Council to be adequate to ensure proper construction of the roads and streets in and drainage requirements for the subdivision, but not to exceed the estimated cost of construction of the roads, streets, and drainage requirements;
3. Be executed with sureties as may be approved by the City Council;
4. Be executed by a company authorized to do business as a surety in this state if the council requires a surety bond executed by a corporate surety; and
5. Be conditioned that the roads and streets and the drainage requirements for the subdivision will be constructed:
  - a. In accordance with the specifications adopted by the City Council; and
  - b. Within a reasonable time set by the City Council.

#### B. Financial Guarantee In Lieu of Bond

In accordance with ~~TLGC Section 212.0106(c)~~, in lieu of the bond, an owner may deposit cash, a letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee. If a letter of credit is used, it must:

1. List as the sole beneficiary the Mayor, and
2. Be conditioned that the owner of the tract of land to be subdivided will construct any roads or streets in the subdivision:
  - c. In accordance with the specifications adopted by the City Council; and
  - d. Within a reasonable time set by the City Council.

#### C. Compliance Required and Final Plat Recording

1. **Final Plats** approved using the HB 3167 alternative process shall comply with all applicable **Subdivision Regulations**. If an application does not comply, conditional approval or disapproval may be given.
2. All Final Plats shall only be recorded in agreement with Section 4.03. K Plat Recordation.

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## Section 4. Platting Requirements

### 4.01. General Subdivision and Platting Procedures

#### A. Platting Required for Land Subdivision

The City has the authority, subject to limitations under **TLGC Chapter 212**, to require an approved Final Plat before any land in the incorporated areas of the City is subdivided for development.

#### B. Amending Plats

A Subdivider or property owner may revise a or modify a recorded Plat under certain circumstances with an Amending Plat (**Section 4.05**).

### 4.02. Preliminary Plat

#### A. Purpose

A Preliminary Plat allows the City Council to review and determine the following: The

1. general layout of the Subdivision;
2. The Public Improvements needed to serve the Subdivision, including Roadways and stormwater facilities;
3. Whether the Lots are adequate for On-Site Sanitary Sewer Facility (OSSF), where needed; and
4. Whether the proposed Subdivision complies with the requirements of these Subdivision Regulations.

#### B. Applicability

1. A Preliminary Plat is required for all land Subdivision and development unless exempted under a scenario listed in **Section 1.06.A**, or if the construction of Public Improvements is not necessary based on a Determination of Proportionality (see **3.05.A**, and **TLGC Section 212.904**.)
2. If Public Improvements are not needed or will not be installed, the Applicant may proceed to Final Plat (**Section 4.03**).
3. The Applicant must obtain Permits from the City for development listed in **Section 12. Development or Use of City Property or Facility** even if Public Improvements are not required.

#### C. Required Documents

The following additional plans are required for a completed Preliminary Plat Application (see **Section 3.02. General Application Processing** prior to completing this section):

1. A completed Application Form obtained from the Responsible Official;
2. Preliminary Construction Plans, if required by the Responsible Official;
3. Preliminary Drainage Plan (see Engineering Standards Manual);
4. A Traffic Impact Analysis, if the proposed Subdivision proposes 50 total Lots or more, or will have Access from an existing Feeder Road (see **Section 5.02.F.12**); and
5. Other plans requested by the Responsible Official or as required by **TLGC Section 212.0085**.

D. Proof of Ownership

The Subdivider must provide one of the following with the Application:

1. A current title commitment issued by a title insurance company authorized to do business in Texas;
2. A title opinion letter from an attorney licensed to practice in Texas;
3. Warranty Deed; or
4. Some other acceptable proof of ownership, identifying all Persons or entities having an ownership interest in the property, including all lienholders.

E. Preliminary Plat Requirements

1. The Plat must be drawn on 24" x 36" sheet at a scale not to exceed 1" = 200' and include the following:
  - a. The name, address and telephone number of the Subdivider, Licensed Surveyor, and Engineer as applicable;
  - b. The proposed name of the Subdivision, and the names, locations, and dimensions of all proposed Lots, Roadways, Alleys, Easements, parks, and other Open Space;
  - c. The number of all Lots and Blocks arranged in systematic order;
  - d. The size of each Lot in standard units;
  - e. The location of setback line on each Lot (**Table 9. Building Setbacks from Roadways**);
  - f. Date the Plat was prepared;
  - g. North arrow and scale;
  - h. A location or vicinity map oriented due north and depicting the location of the proposed Plat or Subdivision in context of its surroundings, along with major roads, County and city boundaries, if applicable, at no more than a 1" = 1,000' scale;
  - i. The locations of existing property lines with bearings, distances, arc lengths and curve radii, as applicable;
  - j. The accurate location, condition (found or set), type, and approximate size of all monuments and benchmarks;
  - k. Proposed Right-of-Way dimensions for every internal Public Roadway and Private Roadway, along with dimensions of the Right-of-Way Abutting the property;
  - l. Current and proposed maintenance responsibilities;
  - m. The description, location, width, and recording information of any Easements on or within 300 feet of the property;
  - n. Topographical survey showing existing slope and lines of topography. Land with less than five percent (5%) overall slope must show contour intervals at two (2) foot increments; land with more than five percent (5%) slope must show contour intervals at five (5) foot increments;
  - o. The name and location of all adjacent Subdivisions and roads. Where there are no adjacent Subdivisions, the Plat must show:

- i. The name of all owners of property within 300 feet along with Lot, Block, and Subdivision name (if Platted) or property deed recording and survey abstract information (if Unplatted);
  - ii. The location and distance to the nearest Feeder Road, if a Feeder Road is within 3000 feet, and how the Roadways in the proposed Subdivision connect to the Feeder Road (see **Section 5.02.F.12**);
- p. Subdivisions located in a 100 Year Flood Plain or Flood Zone, as shown on the current Flood Insurance Rate Map (FIRM), must provide a Flood Study and must show the following on the Plat, if available:
  - i. Provide a Floodplain note that states “According to flood insurance rate map (firm) map no. XXXXX dated XXXXXXXX prepared by the Federal Emergency Management Agency (FEMA) for Wolfe City, Texas, this property is within zone A, AE, X>.”
  - ii. Permanent benchmarks must be set in appropriate locations with the description and elevation shown on the Plat. The elevation of the benchmark must be tied to a benchmark shown on the FIRM panel, or to sea level if there is no found benchmark.
  - iii. The Finished Floor Elevation (FFE) must be shown for each Lot located in and adjacent to the Base Flood Elevation (BFE). The FFE must be at or above the BFE.
  - iv. A note stating that “A Floodplain development construction Permit is required from Wolfe City prior to any construction in the Floodplain” (see **Section 9. Flood Damage Prevention**).
- q. A Preliminary Plat does not require a Licensed Surveyor’s seal.

F. Review by the Responsible Official

After the Application is complete, the Responsible Official will:

- 1. Initiate review of the Plat and materials submitted;
- 2. Provide copies to the Development Support Committee for review and comment; and
- 3. After the Responsible Official determines that the Application is ready to be acted upon, schedule the Plat for consideration by the City Council.

G. Action by the Development Support Committee:

After the Responsible Official provides copies of the completed Application, the Development Support Committee will:

- 1. Review the Application to determine whether the Plat conforms to these Subdivision Regulations, and provide a recommendation to the City Council (see **Section 3.02.F. Action by the Responsible Official and Development Support Committee**), and
- 2. Forward its recommendation to the City Council, giving the Council enough time to act within thirty (30) calendar days following the Official Submission Date, unless the Subdivider submits a Waiver of 30-Day Decision (see **Section 3.02.F.2 Waiver of 30-Day Decision**).



H. Criteria for Approval

The Development Support Committee and the City Council will use the following criteria to determine whether the Preliminary Plat should be approved or denied:

1. The Preliminary Plat conforms to the standards of this **Section 4.02** and the Engineering Standards Manual;
2. The proposed Public Improvements, Right-of-Way, and Easements are adequate to serve the Subdivision, meet the standards of these Subdivision Regulations and conform to the City's Engineering Standards Manual and the adopted master plans for those facilities, where applicable;
3. The proposed Subdivision does not endanger public health, safety, or welfare; and
4. If Lots in the Subdivision will use OSSF, each Lot provides at least one (1) acre of Useable Surface Area.

I. Action by the City Council

After the Development Support Committee provides its recommendation and the Responsible Official schedules the Application for consideration, the City Council will:

1. Review the Plat Application and the recommendation of the Development Support Committee.
2. The City Council will determine the conformance of the Plat to **Section 4.02.H. Criteria for** and take one of the following actions:
  - a. Approve the Preliminary Plat;
  - b. Approve the Preliminary Plat with conditions; or
  - c. Disapprove the Preliminary Plat,
3. If the City Council approves a Preliminary Plat with conditions, it is disapproved until the Subdivider meets each condition.
4. See **Section 3.03. Process Following City Council Decision** for conditional Approval or disapproval process and Subdivider options.

J. Effect of Approval

1. Preliminary Plat Approval allows the Subdivider to proceed with submitting Construction Plans for Approval (**Section 6.01**) and ultimately a Final Plat (**Section 4.03**).
2. Preliminary Plat Approval is general approval of the Subdivision layout only and does not imply Approval or acceptance of Construction Plans or a Final Plat.

K. Expiration

1. Two-Year Validity

- a. Preliminary Plat Approval will remain valid for a period of two (2) years following the Approval date.
- b. The Preliminary Plat will automatically expire if the Subdivider has not made Progress Toward Completion by submitting Construction Plans, posting Fiscal Security, payment of fees, or any other activity defined in TLGC Section 245.005(c).

2. Remains Valid During Construction

Preliminary Plat Approval remains valid and will not expire as long as the approved Construction Plans remain valid (Section 6.01.I. Expiration of ).

3. Phased Expiration of Preliminary Plat

For phased Subdivisions, only those portions of the Preliminary Plat with approved and active Construction Plans will remain valid. Other portions of the Preliminary Plat will expire in two (2) years unless the Responsible Official approves an extension (see **Subsection L** below).

L. Preliminary Plat Extension

1. Process for Requesting Extension

- a. This section applies when the Subdivider has not made Progress Toward Completion under TLGC Section 245.005(c) and the Preliminary Plat is at least thirty (30) days from its expiration date (Section 4.02.K. Expiration ).
  - i. The Subdivider must submit a request for extension to the Responsible Official, who will review and forward the request to the Development Support Committee and the City Council before the Preliminary Plat expires;
  - ii. The request must include a written timeline for completion of the project, including anticipated Final Construction Plan and Final Plat submittal; and
  - iii. The Development Support Committee will review the request and provide a recommendation to the City Council.
- b. An extension request will temporarily stop Preliminary Plat expiration until a final decision is made by the City Council.

2. Criteria Considered

In making its decision, the City Council will consider the following:

- a. Whether the Preliminary Plat as originally approved meets current Subdivision Regulations; and
- b. Whether and to what degree extending Preliminary Plat Approval may be contrary to the intent of current City regulations, especially those governing health, safety, and general welfare.

3. Decision by the City Council

- a. The city council must approve or deny the extension request no more than thirty (30) calendar days after the city received the request.
- b. If the city council fails to act on the extension request within thirty (30) days, the request is automatically approved.
- c. The council may extend approval of the preliminary plat for any length of time, not to exceed one (10)

years beyond the original expiration date.

4. Conditions

In granting an extension, the city council may impose any conditions needed to ensure timely development and compliance with current City standards.

M. Amendments to an Approved Preliminary Plat

1. Responsible Official Determination

The Subdivider must submit the requested amendment to the Responsible Official, who will decide whether the amendment is major or minor.

2. Minor Amendment to Preliminary Plat

a. Minor amendments include minor adjustments in Roadway or Alley alignments, lengths and paving details, and minor adjustments to Lot Lines.

b. Amendments are not minor if they will create additional Lots or nonconforming Lots or increase the land area or density compared to the approved Preliminary Plat,

c. The Responsible Official approves minor amendments in two ways:

i. If the Subdivider has not received Approval of Construction Plans, the Approval will stipulate that the Subdivider amend the original Application with an updated Plat document and any other documentation the Responsible Official requires (see **Section 4.02.C**);

ii. If the Subdivider has submitted and received Approval of Construction Plans, the Approval may allow the Subdivider to incorporate the minor amendments into an Application for Final Plat Approval (see **Section 4.03**); or

iii. If the Subdivider has received Approval of Construction Plans for only a portion of the Subdivision, Approval will require an amendment to the entire Preliminary Plat.

3. Major Amendments to Preliminary Plat

Other amendments to the approved Preliminary Plat are major amendments and require the Subdivider to submit a new Application under subsection **Section 4.02** and receive Approval from the City Council before approval of Construction Plans or a Final Plat.

### 4.03. Final Plat

#### A. Purpose

A Final Plat allows the City Council to review and determine the following: The

1. proposed Subdivision is consistent with these Subdivision Regulations;
2. If Public Improvements are required, the City Council Engineering Representative issues a Letter of Public Improvement Compliance or the Subdivider has posted Fiscal Security (see **Section 6.04.A. Timing of Public Improvements**); and
3. The Subdivider has met all other City requirements and conditions.

#### B. Applicability

1. A Final Plat creates a legal record of property and survey monuments delineating property, and dedicates property for public and common use such as Right-of-Way and Easements.
2. A Final Plat (**Section 4.03**) or Short Form Final Plat (**Section 4.04**) is required for all land Subdivision and development unless exempted under a scenario listed in **Section 1.06.A**.

#### C. Required Documents

The following are required for a completed Final Plat Application (see **3.02. General Application Processing** prior to completing this section):

1. A completed Application Form obtained from the Responsible Official;
2. Letter of Public Improvement Compliance issued by the City Council Engineering Representative, if applicable.
3. A copy of the Private Covenants governing the Subdivision, if applicable.

#### D. Proof of Ownership

The Subdivider must furnish one of the following with the Application:

1. A current title commitment issued by a title insurance company authorized to do business in Texas;
2. A title opinion letter from an attorney licensed to practice in Texas;
3. Warranty Deed; or
4. Some other acceptable proof of ownership, identifying all Persons or entities having an ownership interest in the property, including all lienholders.

#### E. Previously Approved Preliminary Plat

1. The Final Plat must conform to the approved Preliminary Plat.
2. If the City Council approved a Preliminary Plat extension under **Section 4.02.L. Preliminary Plat Extension** and imposed conditions on the Approval, or the Responsible Official approved a Preliminary Plat amendment under **Section 4.02.M. Amendments to an Approved**, the Final Plat must conform to any conditions imposed under those Approvals.

F. Final Plat Requirements

1. The Plat must be drawn on an 18" x 24" sheet at a scale of 1" = 200' and include the following:
  - a. The name, address, and telephone number of the Subdivider;
  - b. A Licensed Surveyor's name, physical address, telephone number, email address and PLS registration number. Final copies must be sealed.
  - c. The proposed name of the Subdivision, and the names, locations, width and dimensions of all proposed and existing Lots, Roadways, Alleys, Easements, parks, and other Open Space;
  - d. The number of all Lots and Blocks arranged in systematic order;
  - e. The size of each Lot in standard units;
  - f. The location of setback line on each Lot (see **Section 5.04.C Building Setback**);
  - g. The date the Plat was prepared;
  - h. North arrow and scale;
  - i. A location or vicinity map oriented due north and depicting the location of the proposed Plat or Subdivision in context of its surroundings, along with all major roads, County and city boundaries, if applicable, at no more than a 1" = 1000' scale;
  - j. The locations of existing and proposed property lines with bearings, distances, arc lengths and curve radii, as applicable;
  - k. The accurate location, condition (found or set), type, and approximate size of all monuments and benchmarks;
  - l. Proposed Right-of-Way dimensions for every internal Public Roadway and Private Roadway, along dimensions of the roadways.
  - m. Right-of-Way Abutting the property;
  - n. Current and proposed maintenance responsibilities;
  - o. The description, location, width, and recording information of any Easements on or within 300 feet of the property;
  - p. The name and location of all adjacent Subdivisions and Roadways. Where there are no adjacent Subdivisions, the Plat must show:
    - i. The name of all owners of property within 300 feet along with Lot, Block, and Subdivision name (if Platted) or property deed recording and survey abstract information (if Unplatted);
    - ii. The location and distance to the nearest Feeder Road if a Feeder Road is within 3000 feet, and how the roads in the proposed Subdivision may connect to the Feeder Road (see **Section 5.02.F.12**);
  - q. Subdivisions located in a 100 Year Flood Plain or Flood Zone, as shown on the current Flood Insurance Rate Map (FIRM), must provide a Flood Study and must show the following on the Plat, if available:
    - i. Provide a Floodplain note that states "According to flood insurance rate map (firm) map no. XXXXX dated XXXXXXXX prepared by the Federal Emergency Management Agency (FEMA) for Wolfe City, Texas, this property is within zone A, AE, X>."

- ii. Permanent benchmarks must be set in appropriate locations with the description and elevation shown on the Plat. The elevation of the benchmark must be tied to a benchmark shown on the FIRM panel, or to sea level if there is no found benchmark.
    - iii. The Finished Floor Elevation (FFE) must be shown for each Lot located in and adjacent to the Base Flood Elevation (BFE). The FFE must be at least two (2) feet above the BFE.
    - iv. A note stating that “A Floodplain development construction Permit is required from Wolfe City prior to any construction in the Floodplain.” (see **Section 9. Flood Damage Prevention**).
  - r. A Legal Description of the property located to an original corner of the original Tract of which it is a part, and the number of acres being subdivided.
    - i. All Blocks, corners and angles must be marked.
    - ii. All corners should be marked with caps, where practical.
    - iii. A dedication, by the Subdivider, of all streets, Roadways, Alleys, and Utility Easements intended for public use, and the Subdivider’s certification that all parties with any interest in the title to the subject property have joined in such dedication, duly executed, acknowledged and sworn before a Notary Public.
  - s. Adequate clear space for the signature of the Mayor and County Clerk.
- 2. The Subdivider must provide the following statements on the face of the Plat:
  - a. Blocking the flow of water or constructing improvements in drainage Easements, and filling or obstruction of the Floodway is prohibited.
  - b. The existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the Lot or Lots that are traversed by or adjacent to the drainage courses along or across said Lots.
  - c. The City will not be responsible for the maintenance and operation of drainage ways for the control of erosion.
  - d. The City will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flooding conditions.
  - e. The City will not be responsible for the availability or delivery of any private well water in a Subdivision.
  - f. All culverts within any Right-of-Way require City Permit Approval and must meet minimum City Standards.
  - g. The City will not maintain Roadways or Public Improvements dedicated by this Plat except by Resolution of the City Council, entered of record in the minutes of the City Council regular session, specifically identifying any Roadway or Public Improvement and specifically accepting it for City maintenance.
  - h. Easements: Any public utility, including the City, shall have the right to remove and keep clear all or part of any Building, fences, trees, overgrown shrubs or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the Easement or Right-of-Way shown on the Plat (or filed by separate instrument that is associated with said property); and any public utility, including the City, shall have the right at all times of ingress and egress to and from upon said Easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining, and adding to or removing all or in part of its respective systems without the necessity at any time of procuring the permission of anyone. Easements shall be maintained by property owners. The County can remove trees or any other improvements(s) and does not have the responsibility to replace them.

3. If the Plat contains Private Roadways, and private emergency Access Easements the following statement must be included on the face of the Plat:

“All private streets (drives and roadways) will be signed in a manner that indicates its private status: City shall not be responsible for maintenance of Private Roadways, drives, emergency Access Easements, recreation areas and Open Spaces, and the owners shall be responsible for the maintenance of private streets, drives, emergency Access Easements, recreation areas and Open Spaces and said owners agree to indemnify and save harmless Wolfe City from all claims, damages, and losses arising out of or resulting from performance of the obligations of said owners set forth in this paragraph.”

4. If the Plat contains, is within, or is adjacent to a FEMA designated Floodplain the following statement must be included on the face of the Plat:

“100-Year Floodplain Easement Restriction:

Construction within the Floodplain may not occur until approved by the City. (A request for construction within the Floodplain Easement must be accompanied with detailed engineering plans and studies indicating that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners or the property affected by such construction becoming a party to the request.) Where construction is approved, all finished floor elevations shall be a minimum of two (2) feet above the 100-year Base Flood elevation as determined by analyzing the ultimate build-out conditions of the entire drainage basin.

Existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of this addition, will remain as an open channel at all times and will be maintained by the individual owners of the Lot or lots that are traversed by the drainage courses along or across said lots. The City will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing his/her property clean and free of debris, silt, or any substance that would result in unsanitary conditions. The City is not obligated to maintain or assistance with maintenance of the area.

The natural drainage channel, as in the case of all-natural drainage channels, are subject to stormwater overflow and natural bank erosion. The City shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structure(s) within the natural drainage channels. The natural drainage channel crossing each lot is shown by the Floodway Easement line as shown on the Plat. If a Subdivision alters the horizontal or vertical Floodplain, a FEMA Floodway map revision may be required.”

- G. Review by the Responsible Official

After the Application is complete, the Responsible Official will:

1. Initiate review of the Plat and materials submitted;
2. Provide copies to the Development Support Committee for review and comment; and
3. After the Responsible Official determines that the Application is ready to be acted upon, schedule the Plat for consideration by the City Council.

H. Action by the Development Support Committee

After the Responsible Official provides copies of the completed Application, the Development Support Committee will:

1. Review the Application to determine whether the Plat conforms to these Subdivision Regulations, and provide a recommendation to the City Council (see Section 3.02.F. Action by the Responsible Official and Development Support Committee).
2. Forward its recommendation to the City Council, giving the Court enough time to act within thirty (30) calendar days following the Official Submission Date, unless the Subdivider submits a Waiver of 30-Day Decision (see Section 3.02.F.2 Waiver of 30-Day Decision).

I. Criteria for Approval

The Development Support Committee and the City Council will use the following criteria to determine whether the Final Plat should be approved or denied:

1. The Final Plat conforms to the standards of this Section 4.03, approved Preliminary Plat or to minor amendments authorized under Section 4.02.M.2.c.ii for Approval without revising the approved Preliminary Plat;
2. All conditions of Approval or extension of the Preliminary Plat are addressed;
3. The final layout of the Subdivision aligns with the Construction Plans, as applicable.

J. Action by the City Council

After the Development Support Committee provides its recommendation and the Responsible Official schedules the Application for consideration, the City Council will:

1. Review the Plat Application and the recommendation of the Development Support Committee.
2. The City Council will determine the conformance of the Plat to Section 4.03.I. Criteria for and take one of the following actions:
  - a. Approve the Final Plat;
  - b. Approve the Final Plat with conditions; or
  - c. Disapprove the Final Plat.
3. The following conditions automatically apply to every Final Plat decision:
  - a. The Subdivider must pay all required fees.
  - b. The City must review and approve proposed Private Covenants and Restrictions.
  - c. The Final Plat must dedicate or show record of on-site Easements and Right-of-Way.
  - d. Right-of-Way or Easement Abandonment that require City Council Approval are included along with Council Resolution reference on the **Final Plat**.
  - e. There are no outstanding taxes owed on the Property.
4. See Section 3.03. Process Following City Council Decision for conditional Approval or disapproval process and Subdivider response to each.



K. Plat Recordation

After the City Council approves the Final Plat, the Subdivider must use the following procedures to record the **Final Plat**:

1. The City Council Engineering Representative must confirm Public Improvements are complete (see **Section 6.05.B. Final Inspection**).
2. After final inspection, the City Council Engineering Representative will issue a Letter of Public Improvement Compliance.
  - a. Public Improvements will not be accepted until two years from the date the Letter of Public Improvement Compliance is issued.
3. The Subdivider must submit a Warranty Bond to the City before recording the **Final Plat** (see **Section 6.06. Warranty Bond**).
4. Subdivider Signatures
  - a. The Subdivider must provide the number of signed and executed copies of the Final Plat for filing, according to the Approval notification issued by the Responsible Official (see **Section 3.03, Process Following City Council Decision**).
  - b. Each property owner must sign the **Final Plat** before recording, or the representative of the owners authorized to sign legal documents, consenting to the **Final Plat**.
5. City Signatures
  - a. The Responsible Official will maintain City signature blocks for recording.
  - b. The Responsible Official will gather City signatures on the **Final Plat** no later than the tenth (10<sup>th</sup>) business day after the date when the Subdivider submits final signed and executed copies.
  - c. The Mayor and City Council must sign the **Final Plat** to authorize recording.

L. Amendments Following Recordation

**Final Plat** revisions require an Amending Plat (see **Section 4.05**) or Replat (see **Section 4.07**).

#### 4.04. Short Form Final Plat

A. Purpose

A Short Form Final Plat allows the City Council to review minor Subdivisions of land and determine the following:

1. The proposed Subdivision is consistent with these Subdivision Regulations;
2. The land to be subdivided has Frontage and Access to an existing Public Roadway or Private Roadway and requires no Public Improvements other than Right-of-Way dedication; and
3. The Subdivider has met all other City requirements and conditions.

B. Applicability

1. A Short Form Final Plat creates a legal record of property and survey monuments delineating property and dedicates property for public and common use such as Right-of-Way and Easements.
2. A Short Form Final Plat or Final Plat (**Section 4.03**) is required for all land Subdivision and development unless exempted under a scenario listed in **Section 1.06.A.**
3. The following limitations are intended to ensure that a Subdivider does not utilize the Short Form Final Plat to circumvent the requirement to Preliminary Plat or to decrease Determination of Proportionality or to avoid improvement or provision of Infrastructure:
  - a. A Short Form Final Plat may not be used to create more than four (4) Lots.
  - b. Only one Short Form Final Plat may be created from a single parent Tract or Abutting Tract under the same ownership within any two (2) year period.

C. Required Documents

The following are required for a completed Short Form Final Plat Application (see **Section 3.02. General Application Processing** prior to completing this section):

1. A completed Application Form obtained from the Responsible Official;
2. Everything required in **Section 4.03.F. Final Plat Requirements.**

D. Proof of Ownership

The Applicant must furnish one of the following with the Application:

1. A current title commitment issued by a title insurance company authorized to do business in Texas;
2. A title opinion letter from an attorney licensed to practice in Texas;
3. Warranty Deed; or
4. Some other acceptable proof of ownership, identifying all Persons or entities having an ownership interest in the property, including all lienholders.

E. Review by the Responsible Official

After the Application is complete, the Responsible Official will:

1. Initiate review of the Plat and materials submitted;
2. Provide copies to the Development Support Committee for review and comment; and

3. After the Responsible Official determines that the Application is ready to be acted upon, schedule the Plat for consideration by the City Council.

F. Action by the Development Support Committee:

After the Responsible Official provides copies of the completed Application, the Development Support Committee will:

1. Review the Application to determine whether the Plat conforms to these Subdivision Regulations, and provide a recommendation to the City Council (see Section 3.02.F. Action by the Responsible Official and Development Support Committee).
2. Forward its recommendation to the City Council, giving the Court enough time to act within thirty (30) calendar days following the Official Submission Date, unless the Subdivider submits a Waiver of 30-Day Decision (see Section 3.02.F.2 Waiver of 30-Day Decision).

G. Criteria for Approval

The Development Support Committee and the City Council will use the following criteria to determine whether the Short Plat should be approved or denied:

1. The Short Form Final Plat meets one or more purposes of Section 4.04.B. Applicability; and
2. The Short Form Final Plat meets all other requirements of this Section 4.04.

H. Action by the City Council

After the Development Support Committee provides its recommendation and the Responsible Official schedules the Application for consideration, the City Council will:

1. Review the Plat Application and the recommendation of the Development Support Committee.
2. The City Council will determine the conformance of the Plat to Section 4.04.G. Criteria for and take one of the following actions:
  - a. Approve the Short Form Final Plat;
  - b. Approve the Short Form Final Plat with conditions; or
  - c. Disapprove the Short Form Final Plat.
3. See Section 3.03. Process Following City Council Decision for conditional Approval or disapproval process and Applicant options.

#### 4.05. Amending Plat

A. Purpose

The purpose of an Amending Plat is to provide for minor revisions to a recorded Plat as authorized by TLGC Section 212.016.

B. Applicability

The City Council may approve an Amending Plat for one or more of the following purposes: To correct

1. an error in a course or distance shown on the preceding Plat;
2. To add a course or distance that was omitted on the preceding Plat;
3. To correct an error in a real property description shown on the preceding Plat;
4. To 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;
5. To correct any other type of scrivener or clerical error or omission of the previously approved Plat, including Lot numbers, acreage, road names, and identification of adjacent recorded Plat; or
6. To correct an error in courses and distances of Lot Lines between two adjacent Lots if:
  - a. Both Lot owners join in the Application for amending the Plat;
  - b. Neither Lot is abolished;
  - c. The amendment does not attempt to remove recorded covenants or restrictions; and
  - d. The amendment does not have a material adverse effect on the property rights of the other owners of the property that is the subject of the Plat.
7. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
8. To relocate one or more lot lines between one or more adjacent lots if:
  - a. The owners of all those lots join in the applications for amending the plat;
  - b. The amendment does not attempt to remove recorded covenants or restrictions; and
  - c. The amendment does not increase the number of lots;
9. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
  - a. The changes do not affect applicable zoning and other regulations of the municipality;
  - b. The changes do not attempt to amend or remove any covenants or restrictions; and
  - c. The area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
10. To replat one or more lots fronting on an existing street if:
  - a. The owners of all those lots join in the application for amending the plat;
  - b. The amendment does not attempt to remove recorded covenants or restrictions;

c. The amendment does not increase the number of lots; and

d. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

C. Certificates of Correction

The Responsible Official is authorized to approve a Certificate of Correction in lieu of an Amending Plat if the sole purpose is to amend or correct a scrivener's error or other minor amendment that does not affect the boundaries of any Lot.

D. Required Documents

The following are required for a completed Amending Plat Application (see **Section 3.02. General Application Processing** prior to completing this section):

1. A completed Application Form obtained from the Responsible Official;
2. Everything required in **Section 4.03.F. Final Plat Requirements**.
3. A purpose statement describing the needed amendments on the face of the Amending Plat.

E. Proof of Ownership

The Applicant must furnish one of the following with the Application:

1. A current title commitment issued by a title insurance company authorized to do business in Texas;
2. A title opinion letter from an attorney licensed to practice in Texas;
3. Warranty Deed; or
4. Some other acceptable proof of ownership, identifying all Persons or entities having an ownership interest in the property, including all lienholders.

F. Review by the Responsible Official

After the Application is complete, the Responsible Official will:

1. Initiate review of the Plat and materials submitted;
2. Provide copies to the Development Support Committee for review and comment; and
3. After the Responsible Official determines that the Application is ready to be acted upon, schedule the Plat for consideration by the City Council.

G. Action by the Development Support Committee:

After the Responsible Official provides copies of the completed Application, the Development Support Committee will:

1. Review the Application to determine whether the Plat conforms to these Subdivision Regulations, and provide a recommendation to the City Council (see **Section 3.02.F. Action by the Responsible Official and Development Support Committee**).
2. Forward its recommendation to the City Council, giving the Council enough time to act within thirty (30) calendar days following the Official Submission Date, unless the Subdivider submits a Waiver of 30-Day Decision (see **Section 3.02.F.2 Waiver of 30-Day Decision**).

H. Criteria for Approval

The Development Support Committee and the City Council will use the following criteria to determine whether the Amending Plat should be approved or denied:

1. The Amending Plat meets one or more purposes of Section 4.05.B. Applicability; and
  2. The Amending Plat meets all other requirements of this Section 4.05.
- I. Action by the City Council
- After the Development Support Committee provides its recommendation and the Responsible Official schedules the Application for consideration, the City Council will:
1. Review the Plat Application and the recommendation of the Development Support Committee.
  2. The City Council will determine the conformance of the Plat to Section 4.05.H. Criteria for and take one of the following actions:
    - a. Approve the Amending Plat;
    - b. Approve the Amending Plat with conditions; or
    - c. Disapprove the Amending Plat.
  3. See Section 3.03. Process Following City Council Decision for conditional Approval or disapproval process and Applicant options.
- J. Effect of Approval
- The Amending Plat controls over the original Plat without the need to vacate or cancel the original Plat.

**4.06. (this section intentionally left blank)**

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#### 4.07. Revision of a Plat (Replat)

A. Purpose

The purpose of a Plat, Revision to (Replat) is to revise a recorded Plat as authorized by TLGC Section 212.014.

B. Applicability

The City Council may approve a Replat to revise a recorded Subdivision Plat under TLGC Section 212.014, if the purpose for revising the Plat is not a purpose listed in Section 4.05. Amending Plat.

C. Required Documents

The following are required for a completed Replat Application (see Section 3.02. General Application Processing prior to completing this section):

1. A completed Application Form obtained from the Responsible Official;
2. Everything required in Section 4.03.F. Final Plat Requirements.
3. The Applicant must indicate each revised Lot by a sub-designator (i.e., if Lot 2 is altered it becomes "Lot 2-R"; if Lot 2 is split into three (3) Lots it becomes "Lot 2R-1; Lot 2R-2; Lot 2R-3").
4. A purpose statement describing each change and purpose for the changes on the face of the Replat.

D. Notice Required and Protest Provision

1. After the Application is complete, the Responsible Official will publish notice as prescribed under TLGC Section 212.015. if:
  - a. During the preceding five 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 residential units per lot; or
  - b. Any Lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
2. If a proposed Replat described by Section 4.07.D requires a variance, the City Council must hold a public hearing.
3. Notice of the public hearing must be given before the 15<sup>th</sup> day before the date of the hearing in the following manner:
  - a. By publication in an official newspaper or a newspaper of general circulation in the county; and
  - b. By written notice, with a copy of Section 4.07.D.4 attached, forwarded to the owners of lots that are in the original Subdivision and that are within 200 feet of the Lots to be replatted, as indicated on the most recently approved County tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the County.
4. If the proposed replat requires a variance and is protested in accordance with this Section 4.07.D, the proposed Replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the City Council members present.
  - a. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the Lots or land immediately adjoining the area covered by the proposed Replat and extending 200 feet from that area, but within the original Subdivision, must be filed with the City Council prior to the close of the public hearing.

- 
- b. The calculation of the percentage of land area under **Section 3.07. D.4.a** must include the area of Roadways and Alleys.
  - 5. Compliance with **Section 4.07. D.4** is not required for approval of a Replat of part of a preceding Plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the Plat.
  - 6. If a proposed Replat described in **Section 4.07. D.1** does not require a variance, the City must, not later than the 15th day after the date the Replat is approved, provide written notice by mail of the approval of the Replat to each owner of a lot in the original Subdivision that is within 200 feet of the Lots to be replatted according to the most recent City tax roll.
    - a. This requirement does not apply to a proposed Replat if the City Council holds a public hearing and gives notice of the hearing in the manner provided by **Section 4.07. D.3**.
    - b. The notice must include the zoning designation of the property that was replatted (if any) and a telephone number and e-mail address an owner of a Lot may use to contact the City about the Replat.
- E. Review by Responsible Official
- After the Application is complete, the Responsible Official will:
- 1. Initiate review of the Plat and materials submitted;
  - 2. Provide copies to the Development Support Committee for review and comment; and
  - 3. After the Responsible Official determines that the Application is ready to be acted upon, schedule the Plat for consideration by the City Council.
- F. Action by the Development Support Committee:
- After the Responsible Official provides copies of the completed Application, the Development Support Committee will:
- 1. Review the Application to determine whether the Plat conforms to these Subdivision Regulations, and provide a recommendation to the City Council (see **Section 3.02.F. Action by the Responsible Official and Development Support Committee**).
  - 2. Forward its recommendation to the City Council, giving the Court enough time to act within thirty (30) calendar days following the Official Submission Date, unless the Subdivider submits a Waiver of 30-Day Decision (see **Section 3.02.F.2 Waiver of 30-Day Decision**).
- G. Criteria for Approval
- The Development Support Committee and the City Council will use the following criteria to determine whether the Replat should be approved or denied:
- 1. The revision will not interfere with the established rights of any owner of a part of the Subdivision;
  - 2. Each owner whose rights may be interfered with has agreed to the revisions; and
  - 3. The Replat meets the same criteria for Approval as a Final Plat (**Section 4.03.1**)
- H. Action by the City Council
- After the Development Support Committee provides its recommendation and the Responsible Official schedules the Application for consideration, the City Council will:
-

1. Approve the Replat, if its meets all the conditions of **Section 4.07.G**; or
  2. Deny the Replat.
- I. Effect of Approval

The area covered by the Replat controls over the equivalent area on the preceding Final Plat without vacating or cancelling the original Plat. The Replat only affects the Lots shown on the Replat and may leave other Lots in the original Plat unchanged.

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## Section 5. Subdivision Design Standards

### 5.01. General Standards

#### A. Conformance to Plans and Codes

The design and construction of Public Improvements must conform to following the standards, criteria, and requirements:

1. Engineering Standards Manual;
2. Federal, State and Local Environmental Regulations;
3. Texas Administrative Code, Texas Water Code, and Texas Health Code;
4. Texas Commission on Environmental Quality;
5. Wolfe City Wastewater Orders; and
6. All other codes and ordinances of the City.

#### B. Adequate Facilities Required

1. Land proposed for Subdivision must have Adequate Facilities, including water, wastewater, Roadway Access, and drainage.
2. The City will not approve land for Subdivision unless the Adequate Facilities listed in **Section 5.01.B** exist or the Subdivider provides plans to construct the facilities within the Subdivision or off-site.

#### C. Observation of Construction Work for Public Improvements

The City or its representative has the right to enter and observe Subdivision and Public Improvement construction at any time.

### 5.02. Roadway Standards

#### A. Adequate Roadways Required

1. The Subdivider is responsible for the cost of Right-of-Way and Roadway improvements required in **Section 7.4** of the Engineering Standards Manual and this **Section 5.02**.
2. The City Council Engineering Representative may require additional Right-of-Way at certain Roadway intersections for utilities, sidewalk construction, traffic control devices, and removal of sight distance obstructions.
3. A Subdivision constructed on an existing City Roadway may be liable for damage caused to the City Roadway during construction (**TLGC Section 251.160.**)

#### B. General Requirements

1. Roadway Design According to City Specifications

Roadway design must conform to Chapter 7 of the Hunt County Engineering Standards Manual.

- a. When laying out roads, the Subdivider must consider the existing and planned roads, topography, drainage requirements, and the number of Lots the road serves.
- b. The arrangement of new Roadways must allow existing Roadways to continue between adjacent properties when necessary for the safe and efficient movement of traffic and utility extension.

2. Construction of Roads According to Approved Wolfe City Thoroughfare Plan

If Wolfe City has adopted an official Thoroughfare Plan, and that plan describes a Roadway that Abuts or runs through a proposed Subdivision, the Subdivider must dedicate Right-of-Way and construct the Roadway to the classification the Wolfe City Thoroughfare Plan describes (see Engineering Standards Manual; **Section 5.02.F. Roadway Design Criteria** and **Section 6. Subdivision Development Procedures.**)

3. Block Length

- a. A Block may provide Frontage for no more than twelve (12) Lots.
- b. A Block may not exceed 2,500 feet in length as measured from the centerline of intersecting streets, or, in the case of a Cul-de-Sac, 2,500 feet from the centerline of the nearest intersecting street.

4. Reserve Strips Prohibited

The Subdivider may not reserve any strips of land in private ownership at the end of proposed or existing Roadways for the purpose of controlling Access to and from Abutting property (see **Figure 2**).

**Figure 2. Example of a Reserve Strip**





C. Minimum Driveway Spacing from Intersections

Table 5 shows the minimum distance requirements for driveways proposed along City roads.

Table 5. Minimum Driveway Spacing from Intersections

Type of Road Driveway is On	Type of Road Intersected	Minimum Driveway Spacing from Intersection	
		Approach Side of Intersection	Departure Side of Intersection
Major Arterial	Major Arterial	150'	100'
Major Arterial	Minor Arterial Collector	150'	75'
Minor Arterial Collector	Major Arterial	100'	100'
Minor Arterial Collector	Minor Arterial Collector	100'	75'
Local	Collector	50'	75'

**Notes:**  
 1.State standards shall apply for properties fronting along state or federal roads.  
 2.Residential driveways should generally be located on a local street section.  
 3.For curbed streets, the minimum corner clearance shall be defined as the distance between the intersection of the projected curb lines of the two streets and the point of tangency of the driveway curb returns at the street curb.  
 4.For rural streets, the minimum corner clearance shall be defined as the distance between the intersection of the projected edge of pavement lines of the two streets and the intersection of the edge of driveway pavement at edge of pavement of the street.

D. Driveway Spacing

Table 6 show the maximum number of driveways per Lot and the minimum spacing between other driveways.

Table 6. Driveway Spacing

Land Use	Frontage	Maximum Number of Driveways Per Property	Minimum Spacing Between Driveways
Single-Family	90' or greater	2	45'
Single-Family	Less than 90'	1	N/A
Single-Family Attached Multifamily	90' or greater	2	45'
Single-Family Attached Multifamily	Less than 90'	1	N/A
Commercial Industrial	250' or more <sup>1</sup>	2	100'
Commercial Industrial	Less than 250' <sup>1</sup>	1	N/A

<sup>1</sup>An additional driveway may be added for each additional 500 feet of lot width is excess of 250 feet. State standards shall apply for properties fronting along state or federal roads.



E. Driveway Approach

Table 7 shows the required Driveway Approach according to Land Use.

Table 7. Driveway Approach

Land Use	Driveway Approach			
	Approach Width <sup>1</sup>		Pavement Edge/Curb Radius	
	Minimum ft	Maximum ft	Minimum ft	Maximum ft
<b>Residential</b>				
Single Family	10	20	5	10
Single Family Attached & Multifamily	20	24	15	30
<b>Nonresidential</b>				
Retail & Office	24	30	15	30
Industrial	24	45	25	60
<sup>1</sup> The minimum and maximum approach widths are for the point where pavement edge/curb radii (from the public street) end or the approach width at the right of way line.				

F. Roadway Design Criteria

1. Arterial Roadways, Collector Roadways, and Local Roadways must conform to specifications included within these Subdivision Regulations and the Hunt County Engineering Standards Manual.
2. The alignment and spacing of Roadway, Collectors and Arterial Roadways within or Abutting the proposed Subdivision must conform to the alignment in the Wolfe City Thoroughfare Plan, if adopted.
3. If the Wolfe City Thoroughfare Plan does not depict a road Abutting or running within the Subdivision, the Subdivider must continue the projection of existing roads.
4. Phased Subdivisions must provide roads in each phase that coordinates with the roads shown on the Preliminary Plat or within the built phases of the Subdivision.
5. Where Abutting areas are Unplatted, the arrangement of roads in a proposed Subdivision must allow for the reasonable projection of roads needed for effective traffic circulation.
6. The Subdivider must provide at least two (2) points of ingress and egress for a Subdivision with thirty (30) Lots or more.
7. Roads more than one hundred (100) feet in length must connect at both ends to a dedicated road, or terminate as a Cul-de-Sac (see **Section 5.02.F.11. Cul-de-Sacs and Roadway, Dead-Ends**).
8. No new driveway cuts to Residential Uses are allowed onto a Roadway, Arterial or Roadway, Collector.
9. The Subdivider may not install decorative squares, ornamental trees, landscape islands, or any other obstruction to traffic within the Public Right-of-Way of any road the City maintains.
  - a. **Section 5.02.F.9** above is not intended to serve as a prohibition of these features. However, where these features exist, the ownership and maintenance of the Roadway must be private (see **Section 5.03. Subdivisions with Gated Entries and Private Roads** and **Section 5.06. Homeowners' or Property Owners' Associations**).

10. Local Roads

- a. The Subdivider must design and provide Local Roadways according to these Subdivision Regulations and the Engineering Standards Manual.
- b. The Subdivider must design each Roadway, Local with no less than three (3) degrees of offset for every eight hundred (800) feet in length to encourage lower motor vehicle speeds.
- c. The Subdivider must extended or stub roads to the Subdivision boundary or phase boundary to provide future connection with Abutting Unplatted land.
- d. The Subdivider must design the Subdivision to connect to existing stub out streets.

11. Cul-de-Sacs and Roadway, Dead-Ends

a. Cul-de-Sacs

- i. The Subdivider must Plat and construct any Cul-de-Sac with the following minimum dimensions:
  - a) A minimum Right-of-Way radius of 60 feet;
  - b) A minimum surfaced radius of 45 feet;
  - c) A minimum base course radius of 47 feet.
- ii. A Cul-de-Sac may serve a maximum fifteen (15) of residential Lots.

b. Roadway, Dead-Ends

- i. A Roadway, Dead-End that is not a Cul-de-Sac may not exceed one hundred (100) feet.
- ii. If a Roadway, Dead-End exceeds one hundred (100) feet and is intended to extend to an Abutting future Subdivision, the Subdivider must provide a temporary turnaround.
  - a) The turnaround must meet the drainage requirements of the Engineering Standards Manual and emergency Access requirements of the adopted City Wolfe City Fire Code.
  - b) The Development Support Committee may consider an alternate design to a full Cul-de-Sac such as a Hammerhead Turnaround.
  - c) The Subdivider may designate a temporary Easement to provide Access to the turnaround rather than dedicating Right-of-Way to the City in excess of the Roadway, Dead-End section.
  - d) The owner(s) of the property containing the temporary turnaround Easement bear responsibility for keeping the turnaround passable to emergency vehicles and free of any unauthorized improvements, parked vehicles, and other obstructions.
  - e) After the Subdivider extends or connects the Roadway, Dead-End, the temporary turnaround Easement will automatically vacate. The area needed for the turnaround will revert to the Lot(s) Abutting or containing the temporary turnaround Easement.
- iii. Barricades
  - a) The Subdivider must install a barricade at the end of each Roadway, Dead-End.

- b) The Subdivider or Homeowners' Association (HOA) or Property Owners' Association (POA) is responsible for maintaining barricades at the end of each Roadway, Dead-End.

12. Feeder Roads

- a. A Feeder Road is an existing road serving the function of a Roadway, Collector by providing a connection between a proposed Subdivision and an Roadway, Arterial or Roadway, Collector,
- b. Cases Where an Existing Feeder Road Needs Improvement
  - i. When an existing Feeder Road within 3,000 feet of the nearest entrance to a proposed Subdivision is insufficient, due to design or functional condition, to accommodate an increase of traffic from the new Subdivision, the City Council may approve the Preliminary Plat on the condition that the Subdivider enters into a Development Agreement.
  - ii. The Development Agreement must include a Determination of Proportionality based on the cost to improve the Feeder Road to a standard that accommodates the increase in traffic and prevent the deterioration of the Feeder Road.
  - iii. The Subdivider must submit a Traffic Impact Analysis (TIA) with the Preliminary Plat Application.

G. Right-of-Way Dedication

A Subdivision that dedicates new Public Roads or Abuts or includes any portion of an existing road must dedicate Right-of-Way on the Final Plat under **Section 3.05. Subdivision Proportionality and Development Agreement** and **TLGC Section 212.904** and according to the following conditions:

- 1. New Roads; Proportional Dedication and Cost of Construction
  - a. Where there is no existing road, the Subdivider must construct new roads within the Subdivision so each Platted Lot has direct Access to a Roadway, Local and required Lot Frontage (see **Section 5.04.B. Lot Frontage Requirement**).
  - b. When the proposed Subdivision Abuts a planned Roadway, Arterial or Roadway, Collector;
    - The Subdivider must dedicate a proportional share of Right-of-Way on the Plat to construct the
    - i. road according to the Wolfe City Thoroughfare Plan, if adopted, and Engineering Standards Manual; and
    - ii. The Subdivider is responsible for a proportional share of the cost to construct the Abutting road under **Section 3.05. Subdivision Proportionality and Development Agreement** and **TLGC Section 212.904**.
- 2. Existing Right-of-Way Below Minimum Standards
  - a. If a proposed Subdivision Abuts an existing road and the Right-of-Way width is below the minimum required the Engineering Standards Manual, the Subdivider must dedicate Right-of-Way on the Plat, or by separate instrument for future phases.
  - b. The following standards apply based on the relationship of the Subdivision to the Right-of-Way;
    - i. Both Sides of an Existing Road Within a Subdivision:
      - a) The Subdivider must dedicate one hundred percent (100%) of the Right-of-Way needed to construct the road in conformance with the Wolfe City Thoroughfare Plan, if adopted, and the Engineering Standards Manual when the Subdivision Abuts both sides of the existing road; or

- ii. One Side of an Existing Road Abuts a Subdivision:
    - a) The Subdivider must dedicate fifty percent (50%) of the Right-of-Way needed to construct the Roadway in conformance with the Wolfe City Thoroughfare Plan, if adopted, and the Engineering Standards Manual when the Subdivision Abuts only one side of the existing Roadway.
  - iii. Improvement of existing Right-of-Way after Dedication
    - a) If directed by the City Council Engineering Representative, the Subdivider must remove any trees, vegetation or fencing that exist within the newly dedicated Right-of-Way upon dedication or before construction.
    - b) The Subdivider is responsible for adjusting the ditch line to allow for Roadway expansion.
3. Additional Right-of-Way Needed Above Minimum Standard

The City Council Engineering Representative may issue a Determination of Proportionality requiring the Subdivider to dedicate additional Right-of-Way if an existing Roadway that Abuts the proposed Subdivision is inadequate.

- a. The inadequacy may be due to unique physical or environmental factors related to topography or Roadway geometry, or as the City Council's Engineering Representative determines for reasons of traffic or pedestrian safety.
- b. Right-of-Way Adjacent to a Platted Subdivision:
  - i. The basis for Right-of-Way dedication is the distance from the centerline of the Roadway on the Plat to the proposed Subdivision boundary.
  - ii. The City Council Engineering Representative may allow or request reasonable geometric adjustments to accommodate safe traffic movements, preserve existing topography, or provide for City maintenance of existing Infrastructure.
- c. Fence and Gate Replacement Following City's Discretionary Acquisition of Right-of-Way

Right-of-Way obtained as required for construction and reconstruction on a Roadway maintained by Wolfe City, and not as part of the Platting process, may require the owner's land to be fenced.

  - i. All negotiations regarding fence removal and replacement must be completed before the City takes deed to the Right-of-Way.
  - ii. Temporary electric fencing will be provided to the property owner before construction starts on the Roadway. The City will maintain the electric fencing during construction.
  - iii. Existing fences lying within Right-of-Way obtained for road improvements will be removed and replaced with the same type at City expense and placed on the owner's side of the property line where it abuts the newly-acquired Right-of-Way.
  - iv. To obtain reimbursement for an existing fence, the property owner must, before construction begins on the Roadway, send a letter to the City Council Engineering Representative requesting reimbursement for the existing fence to be removed.
  - v. The City Council Engineering Representative must approve any reimbursement on existing fences, following City Council authorization.

- d. Right-of-Way by instrument, metes and bounds, or general written description:
  - i. The basis for Right-of-Way dedication is the distance from the geometric centerline of the Roadway to the proposed Subdivision boundary.
  - ii. The City Council Engineering Representative may allow or request reasonable geometric adjustments to accommodate safe traffic movements, preserve existing topography, or provide for City maintenance of existing Infrastructure.
  - iii. Right-of-Way dedication by Plat supersedes Right-of-Way described by metes and bounds or description unless the City Council requires Abandonment of the existing Right-of-Way before filing (see **Section 7.02. Abandonment Process for City Roads**).
  - iv. If the City Council requires Right-of-Way Abandonment, the Final Plat must note the Abandonment instrument.
  - v. If the City Council does not require Right-of-Way Abandonment, the Development Support Committee or City Council may require that the Final Plat note the recording instrument that dedicated the original Right-of-Way.
- e. Prescriptive Right-of-Way:
  - i. The basis for Right-of-Way dedication is the apparent centerline of the existing pavement, or of the travelled way if unpaved, to the proposed Subdivision boundary.
  - ii. The City Council Engineering Representative may allow or request reasonable geometric adjustments to accommodate safe traffic movements, preserve existing topography, or provide for City maintenance of existing Infrastructure.
  - iii. The Subdivider must identify the Prescriptive Right-of-Way on the Preliminary Plat using features such as fences, borrow ditches, utility lines, drainage improvements, limits of plowed or improved fields, or other similar features.
  - iv. The Subdivider must convert existing Prescriptive Right-of-Way dedications within the Subdivision to a Platted Right-of-Way on the Final Plat.
  - v. The Development Support Committee or City Council may require that the Final Plat note the boundaries of the former Prescriptive Right-of-Way.
- H. Naming of Roads
  - 1. The Subdivider must submit a list of road names with the Preliminary Plat.
  - 2. Chosen names are subject to modification or rejection by the Development Support Committee.
  - 3. The Subdivider must choose new road names in a way that provides continuity with the existing road network, including roads in an Abutting Subdivision that may extend to the proposed Subdivision.
  - 4. Names may not duplicate or be similar to the names of existing roads in the City.
  - 5. Preliminary Approval of a road name does not vest the Approval; the Development Support Committee may deny any proposed road name on a Preliminary Plat or Final Plat even if the Committee approved the road name on the Preliminary Plat.
- I. Traffic Control Signs
  - 1. The Subdivider is responsible for street signs and traffic control signs for all areas within the Subdivision.

2. The Construction Plans must include a master sign plan for review by the City Council Engineering Representative.
3. The Subdivider must provide and install traffic control signs in accordance with the prescribed type currently in use by the Manual on Uniform Traffic Control Devices.

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### 5.03. Subdivisions with Gated Entries and Private Roads

#### A. General Requirements

1. The City Council may allow or require a Private Roadway under the following conditions:
  - a. The Subdivider requests to Plat one or more Lots that are below the minimum size and width required in **Section 5.04, Lot Standards**;
  - b. One or more proposed roads within the Subdivision will contain decorative, ornamental or functional equipment such as gates, fountains, monumentation or vegetation within the Right-of-Way;
  - c. One or more Roadway, Local within the Subdivision will not meet the requirements of these Subdivision Regulations or the Engineering Standards Manual;
  - d. The Preliminary Plat proposes roads within a Subdivision as Private Roadways;
  - e. The City is not equipped to maintain the proposed Roadways; or
  - f. As a part of a Development Agreement between the City Council and the Subdivider.
2. Changing Public Roadways to Private Roadways on a Preliminary Plat  
If the Subdivider revises Public Roadways approved on a Preliminary Plat to Private Roadways, the City Council must approve the revision as a major amendment to the Preliminary Plat (see **Section 4.02.M. Amendments to an Approved** ) before approving Construction Plans or a Final Plat.
3. Construction and Maintenance Costs Borne by Subdivider  
The Subdivider, Homeowners' Association (HOA) or Property Owners' Association (POA) are responsible to bear all construction and maintenance costs associated with a Private Roadway (see **Section 5.03.C**).

#### B. Private Roadway Construction

Subdivisions with Private Roadways and gated entries must meet the following construction requirements:

1. The requirements these Subdivision Regulations and other City regulations, including the Engineering Standards Manual, apply to the design, construction, and maintenance of Private Roadways, unless otherwise stated.
2. The Subdivider must construct entry gates with a turnaround that allows maneuvering space if a vehicle cannot enter.
3. Common Lots for Private Roadways
  - a. The Subdivider must construct any Private Roadway within a Subdivision as a Common Lot.
  - b. The Final Plat must dedicate each Common Lot to the Homeowners' Association (HOA) or Property Owners' Association (POA) and provide perpetual Access to:
    - i. Each property owner with Frontage along the Private Roadway or that will use the Private Roadway for Access to a Public Roadway;
    - ii. The City, for fire and police protection, inspection and repair of Public Facilities or Private Facilities, or any other legitimate government function relating to the City's authority.
    - iii. All utilities serving property or having Easement within the Subdivision.



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- c. The Final Plat must grant the City the ability to remove any vehicle or obstacle within the Private Roadway if the obstacle impairs emergency Access.
4. Plans and Inspections
- a. Unless otherwise stated, any requirement of Section 6, Subdivision Development Procedures that applies to a Public Roadway also applies to a Private Roadway, including Construction Plans review and Approval and payment of fees.
  - b. The City or its representative may inspect a Private Roadway both during and after construction and require repairs necessary to maintain emergency Access.
- C. Private Roadway Maintenance
1. Homeowners' Association (HOA) or Property Owners' Association (POA) Required
- If a Subdivision creates one or more Private Roadways, the Subdivider must create an Homeowners' Association (HOA) or Property Owners' Association (POA) that meets the following minimum requirements:
- a. The HOA or POA must require that every owner of property that a Private Roadway serves be a member of the Homeowners' Association (HOA) or Property Owners' Association (POA);
  - b. The members of the Homeowners' Association (HOA) or Property Owners' Association (POA) must jointly own and be responsible for the maintenance of every Private Roadway in the Subdivision and all of its appurtenances, including drainage facilities.
2. Sole Liability for Maintenance
- The Homeowners' Association (HOA) or Property Owners' Association (POA) is responsible for maintaining Private Roadways without any contribution from the City.
3. Timing of Incorporation
- The Homeowners' Association (HOA) or Property Owners' Association (POA) documents must establish a reserve fund for the maintenance of Roadways and appurtenances.
- a. The City may review Homeowners' Association (HOA) or Property Owners' Association (POA) governing documents before the City Council approves the Final Plat.
  - b. The Subdivider must incorporate the Homeowners' Association (HOA) or Property Owners' Association (POA) with the City before the City Council approves the Final Plat.
  - c. Each deed of a Lot within the Subdivision must convey membership in the Homeowners' Association (HOA) or Property Owners' Association (POA) and obligate the owner to pay dues to the Homeowners' Association (HOA) or Property Owners' Association (POA).
  - d. The Homeowners' Association (HOA) or Property Owners' Association (POA) may not amend its governing documents to alter responsibility for maintaining Private Roadways without the written consent of the City.
4. Dissolution of Association
- a. The Homeowners' Association (HOA) or Property Owners' Association (POA) may not vote to dissolve Public Roadways (see Section 5.03.H, Converting Private Roadways to Public Roadways).
  - b. If the City Council refuses to accept the Private Roadways as Public Roadways, the City may provide consent to dissolve the Homeowners' Association (HOA) or Property Owners' Association (POA) on the condition that the property owners create another Homeowners' Association (HOA) or Property Owners' Association (POA) that meets the requirements of this **Section 5.03.C**.
-

5. Placement of Signs

The Subdivider must install and the Homeowners' Association (HOA) or Property Owners' Association (POA) must maintain signage displaying the following language:

WOLFE CITY IS NOT RESPONSIBLE FOR MAINTENANCE OF PRIVATE ROADWAYS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES.

THE OWNERS OF PRIVATE ROADWAYS AND FACILITIES ARE RESPONSIBLE FOR THEIR MAINTENANCE.

THE OWNERS AGREE TO INDEMNIFY AND HOLD HARMLESS WOLFE CITY FROM ALL CLAIMS, DAMAGES, AND LOSSES ARISING OUT OF RESULTING FROM THE PERFORMANCE OF THE OBLIGATIONS OF THE OWNERS SET FORTH IN THIS PARAGRAPH.

D. Authority Maintained by City

1. If Private Facilities such as Roadways, gates, and other fire protection features, signage, and equipment described in this **Section 5.03** fall into a condition of disrepair or become an inconvenience to public Access, the Homeowners' Association (HOA) or Property Owners' Association (POA) must repair them immediately.
2. The City, without securing permission from the Homeowners' Association (HOA) or Property Owners' Association (POA) has the right to enter onto a Private Roadway by opening a private gate, device, or other feature that impedes or controls vehicle Access.

E. Owner's Responsibility

1. In constructing one or more Private Roadways, the Subdivider waives assurance of certain services and liabilities the City may provide or obligate to itself in the maintenance and patrol of Public Roadways.
  - a. Waiver of Service Language – Preliminary Plat and the Final Plat, Homeowners' Association (HOA) or Property Owners' Association (POA) governing documents, and each individual property deed must include the following waivers of service:

“The roadways serving this property are owned and maintained privately. Wolfe City may not provide certain services on Private Roadways including, but not limited to, roadway maintenance, maintenance of drainage and signage, routine police patrols, enforcement of traffic and parking regulations, and preparation of accident reports.”
2. Indemnification Language – Final Plat
  - a. The Subdivider must include the following language on the Final Plat:

“The Association, as owner of the Private Roadways and appurtenances, agrees to release, indemnify, defend and hold harmless the County, any governmental entity and public utility:
  - i. For damages to any Private Roadways occasioned by the reasonable use of Private Roadways by the City, governmental entity, or public utility;

- ii. For damages and injury (including death) arising from the condition of Private Roadways;
- iii. For damages and injury (including death) arising out of the use by the City, governmental entity, or public utility of any restricted Access gate or entrance; and
- iv. For damages and injury (including death) arising out of any use of the Subdivision by the City, governmental entity, or public utility. Further, such language shall provide that all Lot owners shall release the City, governmental entities, and public utilities for such damages and injuries.
- v. The indemnifications contained in the above language apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the City, governmental entity, or public utility, or their representative officers, employees, or agents.”

F. Gated Entry

1. Each gate installation in a gated Subdivision must conform to the following provisions:
  - a. Approval Required
    - i. The Development Support Committee must approve the gate before installation.
    - ii. For a new Subdivision, the Fire Marshal must test and approve the gate before the City Council Engineering Representative issues a Letter of Public Improvement Compliance (see **Section 6.05.C**).
    - iii. For an existing Subdivision, the Fire Marshal must test the gate and issue a letter of Approval before the Homeowners’ Association (HOA) or Property Owners’ Association (POA) can begin operation.
    - iv. Until the Fire Marshal issues Approval, the gate must remain open.
  - b. Gate Openings and Clearances
    - i. Single Gate Opening
      - a) The minimum unobstructed width is of twenty-four (24) feet.
      - b) The gate design may incorporate one or more sections to meet the required minimum width.
    - ii. Divided Gate Opening
      - a) The Fire Marshal may approve a narrower opening for an entrance incorporating a median, guard booth, or similar Structure with a divided gate arrangement.
      - b) No gate or Roadway pavement may provide a clear opening of less than eighteen (18) feet.
  - c. If a gate design incorporates any overhead obstruction, the minimum vertical clearance is fourteen (14) feet above the finished Roadway surface across the entire minimum width of the opening.
2. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow unimpeded passage of emergency vehicles through the entrance area.
3. An automatic gate installation must conform to the design and performance guidelines established by the Wolfe City Fire Code.

4. The Homeowners' Association (HOA) or Property Owners' Association (POA) must maintain all components of the gate system in working order, including regular servicing and repair as needed to ensure proper operation.
  5. The Homeowners' Association (HOA) or Property Owners' Association (POA) must maintain continual electrical supply, including a backup device that will operate the gate in the event of a power failure.
- G. Entrance Design Standards
1. Visitor Entrance Design Standards
    - a. If a Subdivision has multiple gated entrances, the Subdivider, the Homeowners' Association (HOA) or Property Owners' Association (POA) must equip at least one entrance for visitor Access.
    - b. In addition to meeting the design standards of **Section 5.03.F** above, the visitor entrance must include a call or code box for Access.
    - c. The call or code box must provide at least fifty (50) feet of separation from the Right-of-Way or the boundary of the Subdivision for automobile queuing.
    - d. The entry design must provide a turnaround space with a minimum outside radius of thirty (30) feet between the call or code box and the gate to allow vehicles denied Access to exit the Subdivision without backing up.
    - e. The Subdivider, Homeowners' Association (HOA) or Property Owners' Association (POA) must install and maintain signage that prohibits vehicle parking in the turnaround space.
    - f. The visitor entrance may also function as a resident entrance.
  2. Resident-Only Entrance Design Standards
    - a. Residential-only entrances must comply with all requirements listed in **Section 5.03.G.1**, except as specified below.
    - b. The Fire Marshal may approve the use of fob access for resident-only entrances rather than a code box or keypad.
    - c. If a resident-only entrance does not meet the minimum queuing and turnaround radius requirement, the Subdivider, Homeowners' Association (HOA) or Property Owners' Association (POA) must install and maintain signage visible from the nearest Public Road that identifies the entrance as resident-only and not Access to the public.
- H. Converting Private Roadways to Public Roadways
1. Requirement to Petition
    - a. The Homeowners' Association (HOA) or Property Owners' Association (POA), or the owners of Lots fronting one or more Private Roadways created under this **Section 5.03**, May submit a petition to the City to take ownership and maintenance of one or more Private Roadways (for City acceptance of Prescriptive Roadways and Private Roadways that existed before adoption of these Subdivision Regulations, see **Section 7**.)
    - b. The petitioner must submit the petition in writing to the Responsible Official along with a survey showing each Private Roadway subject to the petition.
    - c. The petition is not valid unless the owners of at least seventy-five percent (75%) of the Lots fronting each Private Roadway subject to the petition agree to the petition in writing.

- d. Private Roadways constructed before adoption of these Subdivision Regulations require a petition in conformance with **Section 6.07**.
2. Review by Responsible Official

If the petition is valid, the Responsible Official will:

    - a. Request that the City Council Engineering Representative inspect the Private Roadways subject to the request and develop a cost estimate for needed repairs and maintenance;
    - b. Forward the petition to the Development Support Committee for recommendation; and
    - c. Schedule the petition for consideration by the City Council.
  3. Action by the Development Support Committee
    - a. The Development Support Committee will make a recommendation to the City Council based on the inspection performed by the City Council's Engineering Representative; and
    - b. Consideration of other factors including, but not limited to, the condition of the Roadway, cost to maintain the Roadway, and conformance to current standards.
  4. Action by City Council
    - a. The City Council may approve or deny the petition upon recommendation of the Development Support Committee.
    - b. The City Council is not obligated by these Subdivision Regulations to accept any Private Roadway.
  5. Effect of Approval
    - a. If the City Council approves the conversion, the following must occur before the City takes ownership of the Private Roadways:
      - i. Based on the inspection and cost estimate (see **Section 5.03.H.2.a**), the City Council Engineering Representative will assess the Homeowners' Association (HOA) or Property Owners' Association (POA), or the owners of Lots fronting the Private Roadway, the cost of needed repairs;
      - ii. The owners of Lots fronting the Private Roadway must pay the assessment within a ten (10) year period from the date the City assumes ownership and maintenance of the Private Roadway; and
      - iii. The Homeowners' Association (HOA) or Property Owners' Association (POA) must remove guard booths, gates, landscaping, medians, and other items the City will not accept for maintenance.

**5.04. Lot Standards**

A. Purpose

The purpose of this section is to provide a uniform minimum standard for Platted and Unplatted Lots in the City, to prevent overcrowding, establish predictable development patterns, avoid overcrowding, and regulate the number of driveways impacting Public Roadways and Drainageways.

**Table 8. Minimum Lot Frontage Required**

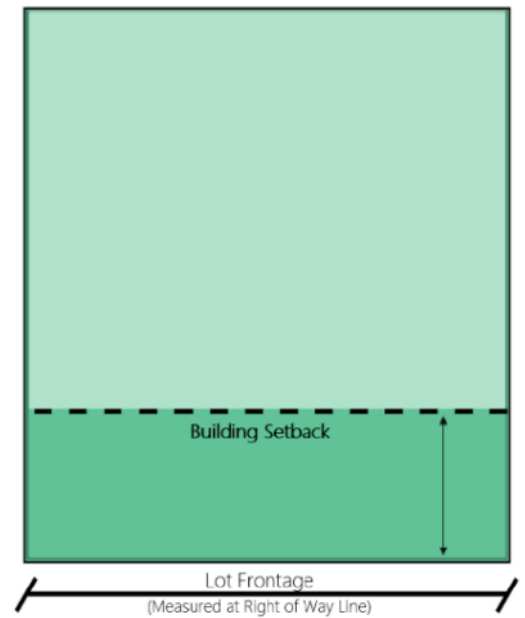
Lot or Tract Size	Minimum Frontage
Less than 1.00 acres or Cul-de-Sac Lot	80 feet
1.00 acres to 2.00 acres	150 feet
2.01 Acres to 5.00 Acres	200 feet
5.01 Acres and Greater	275 feet

B. Lot Frontage Requirement

1. Every property, whether Platted or Unplatted, must have Access to a Public Roadway or a Private Roadway that conforms to the Hunt County Engineering Standards Manual, unless otherwise noted.
2. Every property, whether Platted or Unplatted, must maintain the minimum Lot Frontage required in **Table 9**, as authorized under **TLGC Section 212.005**.
3. Every property, whether Platted or Unplatted, must maintain minimum Lot Frontage across the entire front setback (the darker green area shown in **Figure 3**).

C. Building Setback

Every property, whether Platted or Unplatted, must maintain a Building Setback of fifty (50) feet from the edge of the Right-of-Way on state or federal roads and highways, and twenty-five (25) feet on all other Roadways, as authorized under **TLGC Section 212.151**.

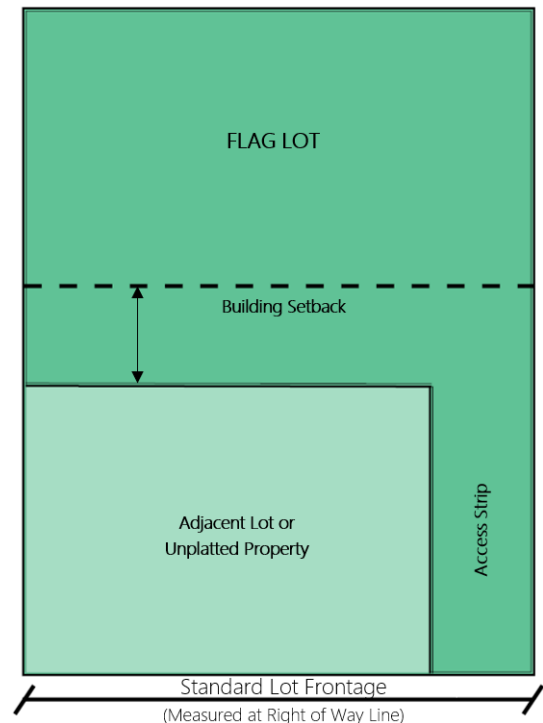


D. (this section intentionally left blank)

E. Flag Lots

The City Council may grant a variance to allow a Flag Lot (see **Figure 4**) if it meets the following conditions:

1. The proposed Lot configuration is needed to abate an unusual property Access constraint not created by the property owner or Subdivider;
2. The property has unusual topographical conditions and constraints or an unusual adjacent property boundary configuration constrains the arrangement of an otherwise standard Lot configuration;
3. The variance does not hinder the Platting of Roadways for public and emergency Access;
4. The variance does not prevent the extensions of Roadways to adjacent property;
5. The Lot Frontage is no less than seventy-five (75) feet in width along the Frontage of an existing Roadway;
6. The Roadway shoulder and drainage can be adequately maintained;
7. Vehicles leaving the Flag Lot will have adequate visibility to and from the Roadway (see **Section 5.05.D. Triangular Sight Visibility Easements**);
8. Other Tracts of land in the Subdivision or adjoining properties are not landlocked or limited in Access to the Right-of-Way.



**Figure 4: Flag Lot Configuration**

## 5.05. Easements and Dedications

### A. Purpose

The purpose of this section is to identify and provide for Easements for roads, sidewalks, trails, stormwater facilities, including detention and retention ponds, Floodways, water and wastewater mains and any other Public Facilities or Private Facilities needed to serve the property or Subdivision.

### B. Utility Easements

1. Utility Easements must be at least twenty (20) feet wide for utility construction, service, and maintenance within private property or property the City does not maintain.
2. A Subdivider or Utility Provider may only place utilities within the Public Right-of-Way according to prepared Construction Plans and with City Council Approval (see **Section 6.01. Construction Plans**).
3. The City Council Engineering Representative may require wider Easements along or across Lots where engineering design or special conditions make it necessary.
4. The Easement dedication instrument must contain the following statement:

**Easements:** Any public utility, including the City, shall have the right to move and keep moved all or part of any Building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the Easements or Right-of-Way shown on the Plat (or filed by separate instrument that is associated with said property); and any public utility, including the City, shall have the right at all times of ingress and egress to and from and upon said Easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone. Easements shall be maintained by property owners. The City has the authorization to remove trees or any other improvements and does not have the responsibility to replace them.

### C. Non-residential Fire Lane Easement

1. The Subdivider or property owner must provide and maintain fire lane Easements for nonresidential property in accordance with the Wolfe City Fire Code.
2. Minimum Dimensions
  - a. Fire lane Easements must have a minimum width of twenty-four (24) feet and a minimum vertical clearance of fourteen (14) feet across the entire Easement.
  - b. Turns must have a minimum inside radius of twenty-five (25) feet and a minimum outside radius of fifty (50) feet.
3. A fire lane Easement may not exceed one hundred and fifty (150) feet in length without connecting at each end to a Public Roadway or Private Roadway.
  - a. The Fire Marshal may approve a fire lane Easement exceeding one hundred and fifty (150) feet in length if the Subdivider or property owner provides a Cul-de-Sac having forty-five (45) feet diameter of concrete paving.
4. The property owner or POA is responsible for maintaining the fire lane Easement.



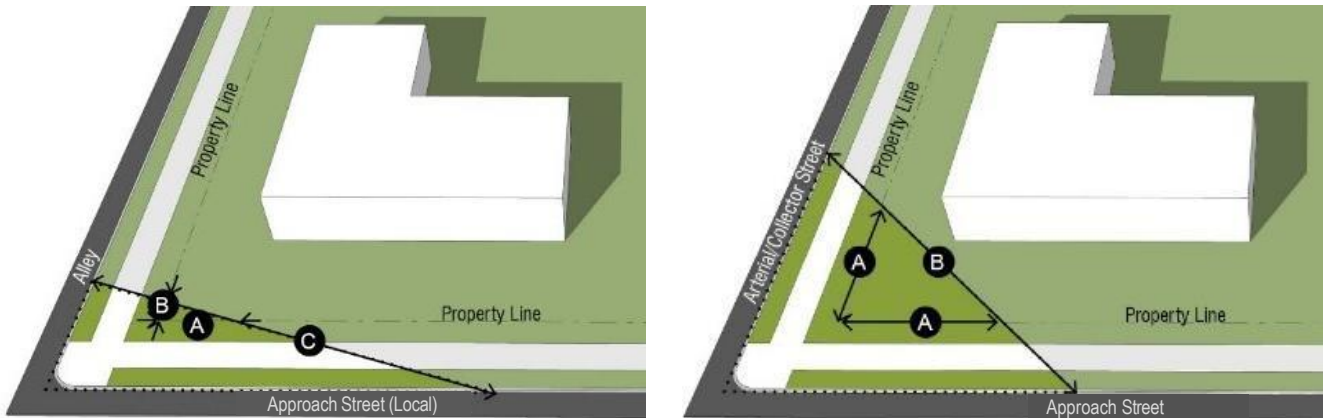
D. Triangular Sight Visibility Easements

- The Subdivider or property owner must provide and maintain Triangular Sight Visibility Easements according to **Table 9** and **Figure 5** below.

**Table 9. Site Visibility Easement Matrix**

Approach Type	Local	Local	Collector or Arterial
Intersecting Type	Alley	Local or Collector	Collector or Arterial
Approach Dimension	15' (A)	15' (A)	30' (A)
Intersecting Dimension	5' (B)	15' (A)	30' (A)

**Figure 5: Visibility Easement Types**



- A** 15 feet from property line
- B** 5 feet from property line
- C** Sight visibility line

- A** 15 to 30 feet from property line (see Table 9)
- B** Sight visibility line

- The Subdivider must include the following statement on the face of the Plat:

**Sight Visibility Restriction:** No Structure, object, or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height of ten (10) feet above the top of the curb or edge of pavement, including, but not limited to Buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., within the sight visibility Easement.

## 5.06. Homeowners' or Property Owners' Associations

### A. Purpose

The purpose of this section is to consistently provide maintenance of common private property within each Subdivision through uniform standards for Homeowners' Association (HOA) or Property Owners' Association (POA) under Texas Property Code Chapter 209.

### B. Applicability

1. When a Subdivision contains Common Lots or Private Facilities not intended for City ownership or maintenance (such as Private Roadways, Detention Ponds, and Open Space), the Subdivider must create an Homeowners' Association (HOA) or Property Owners' Association (POA) with duties and responsibilities established in the governing documents.
2. If an Improvement District exists under TLGC Chapter 372 with the power to levy assessments within the Subdivision to maintain Public Facilities, including those not maintained out of the City's general fund, the City Council may approve the District to function in addition to or as a substitute for creating an Homeowners' Association (HOA) or Property Owners' Association (POA) under this **Section 5.06**.

### C. Dedication on Plat

The Subdivider must designate Common Lots on the Preliminary Plat and **Final Plat**, with a description of their intended use and dedication for the purpose of:

1. Saving the title to Common Lots for a Homeowners' Association (HOA) or Property Owners' Association (POA); and
2. Signifying the intent of the Subdivider to convey Common Lots to the Homeowners' Association (HOA) or Property Owners' Association (POA).

### D. Membership

An Homeowners' Association (HOA) or Property Owners' Association (POA) must be an incorporated organization operating under a recorded Declaration, Dedicatory Instrument, and Restrictive Covenants or other governing documents that provide for the following:

1. Each property owner in the Subdivision is automatically a member Homeowners' Association (HOA) or Property Owners' Association (POA); and
2. Each Lot is automatically subject to an assessment proportionate to its share of the expenses of the Homeowners' Association (HOA) or Property Owners' Association (POA).

E. Legal Requirements

To ensure the establishment of a permanent Homeowners' Association (HOA) or Property Owners' Association (POA), its financing and the rights and responsibilities of members to own, manage, and use each Common Lot, the Subdivision Plat, Declaration, Dedicatory Instrument, and Restrictive Covenants must:

1. Provide for automatic membership in the Homeowners' Association (HOA) or Property Owners' Association (POA);
2. Identify the land area within the jurisdiction of the Homeowners' Association (HOA) or Property Owners' Association (POA) including, but not limited to, the following:
  - a. All Right-of-Way, or other property on the Final Plat such as Parkland, that the Subdivider will dedicate or transfer to the County or other public agencies;
  - b. Each residential Lot(s) intended for private sale;
  - c. Each Common Lot on the Final Plat that the Subdivider will transfer to the Homeowners' Association (HOA) or Property Owners' Association (POA),
3. Establish a process to transfer ownership of Common Lots from the Subdivider to the Homeowners' Association (HOA) or Property Owners' Association (POA), such as the sale of a certain percentage of Lots to private owners;
4. Assign responsibility for operation and maintenance of the Common Lots to the Homeowners' Association (HOA) or Property Owners' Association (POA);
5. Provide funding that assesses each Lot proportionally and allows the Homeowners' Association (HOA) or Property Owners' Association (POA) to maintain the Common Lots and.

F. Restrictive Covenants

The Dedicatory Instrument must establish Restrictive Covenants that assign the following:

1. Homeowners' Association (HOA) or Property Owners' Association (POA) responsibility for the maintenance and operation of all Common Lots and provisions for assessments;
2. Individual property owner responsibility, enforceable by lien under **Texas Property Code Chapter 209**, to pay all dues and assessments.

G. Procedure for Incorporation

The Subdivider must complete the following before the City records the Final Plat:

1. Draft the Dedicatory Instrument and Restrictive Covenants;
2. Submit the draft to the Responsible Official for review under this **Section 5.06**;
3. Record approved dedicatory instrument with the County Clerk and
4. Provide a copy of the recorded Dedicatory Instrument and a copy of the Restrictive Covenants to the Responsible Official.

## Section 6. Subdivision Development Procedures

### 6.01. Construction Plans

#### A. Purpose

This section establishes standards for the City and Subdivider to use in developing and reviewing Construction Plans and constructing, inspecting, and accepting Public Improvements.

#### B. Applicable City Codes, Ordinances, and Plans Construction

Plans must conform to the following:

1. These Subdivision Regulations;
2. The City's adopted Engineering Standards Manual;
3. The City's adopted Wolfe City Thoroughfare Plan;
4. Other development-related standards including:
  - a. TxDOT Access Management Manual, as amended;
  - b. The latest edition of the International Building Code, as amended;
  - c. The latest edition of the International Fire Code & National Fire Protection Association (NFPA) Life and Safety Code.
  - d. The latest edition of the Federal Highway Administration (FHWA) Manual on Uniform Traffic Control Devices (MUTCD), as amended.
5. Other federal, state, and local standards that the City Council may adopt; provided, however, that the City will not be liable for the non-enforcement of standards outside its jurisdiction.

#### C. Plans to be Included in Construction Plan Set

The following plans constitute a complete set of Construction Plans:

1. Paving Plan and Profile Sheets
2. Drainage Plan and Profile Sheets
3. Water Utility Plan
4. Wastewater Utility Plan

#### D. Preparation and Submission of Plans

1. The Subdivider must submit Construction Plans in accordance with the Engineering Standards Manual and these Subdivision Regulations.
2. A licensed Professional Engineer must prepare the Construction Plans at the Subdivider's expense.
3. Off-Site Easements
  - a. The Subdivider is responsible for obtaining any Easement required for off-site Public Improvements before submitting Construction Plans for Approval,

- b. The instrument conveying the off-site Easement must appear on the approved Construction Plans and Final Plat.
- E. Action by the City Council Engineering Representative
  1. The City Council Engineering Representative is responsible for review and Approval of Construction Plans, unless otherwise stated in these Subdivision Regulations.
  2. After the Subdivider’s Engineer submits the Construction Plans, the City Council Engineering Representative will review the plans and issue a Letter of Completeness to the Subdivider no later than the tenth (20<sup>th</sup>) business day after the Subdivider’s Engineer submits the Construction Plans.
  3. If the Construction Plans are incomplete, City Council Engineering Representative will notify the Subdivider no later than the tenth (20<sup>th</sup>) business day after the Subdivider’s Engineer submits the Construction Plans.
  4. After the City Council Engineering Representative determines the Construction Plans are complete, the City Council Engineering Representative will approve or disapprove the plans no later than thirty (30) calendar days after the Subdivider’s Engineer submits the Construction Plans.
- F. Criteria for Approval

The City Council Engineering Representative will use the following criteria to determine whether the Construction Plans should be approved or denied:

  1. The Construction Plans conform to the requirements of the Hunt County Engineering Standards Manual, these Subdivision Regulations and all other applicable codes under **Section 6.01.B**; and
  2. The Construction Plans are consistent with the approved Preliminary Plat.
- G. Notice

The City Council Engineering Representative will issue notice to the Subdivider that the Construction Plans have been approved or denied.
- H. Effect of Approval

Approval of Construction Plans authorizes the Subdivider to schedule a Pre-Construction Meeting.
- I. Expiration of Construction Plans
  1. Approval of Construction Plans remains in effect for the duration of construction of the project, or for a period of two (2) years from the date of Approval if the project becomes dormant.
  2. A project becomes dormant when the Subdivider does not begin construction or demonstrate Progress Toward Completion (see **TLGC Section 245.005(c)**).
  3. If the project becomes dormant for a period exceeding two (2) years from the date of Approval of Construction Plans, or five (5) years from the Official Vesting Date, Approval is void, and the Subdivider must resubmit Subdivision plans that comply with current standards (see **TLGC Section 245.005(b)**).
- J. Extension of Construction Plans
  1. Process for Requesting Extension
    - a. The Subdivider must submit the request for extension in writing to the Commissioners Court Engineering Representative at least thirty (30) days before expiration of the Construction Plans.

b. The request must include a revised timeline for completion of the project.

2. Criteria Considered

In making the decision to approve or deny, the City Council Engineering Representative will consider the following:

- a. Whether the Construction Plans as originally approved meet all current regulations listed under **Section 6.01.B**; and
- b. Whether and to what degree extending Approval of the Construction Plans may be contrary to the intent of current regulations, especially those governing health, safety, and general welfare.

3. Action by the City Council Engineering Representative

- a. The City Council Engineering Representative will review the extension request according to the criteria in **Section 6.01.J.2** and approve or deny the extension request no more than thirty (30) calendar days after the Subdivider request the extension.
- b. The City Council Engineering Representative may extend Approval for a period of six (6) months beyond the expiration date defined in **Section 6.01.I**.
- c. If the City Council Engineering Representative fails to notify the Subdivider of the decision to approve or deny the extension request within thirty (30) calendar days of the date the Subdivider submitted the request, the extension is approved for six (6) months from the date of expiration.

4. Conditional Approval

The City Council Engineering Representative, or the City Council, if the Subdivider appeals the decision of the City Council Engineering Representative (see **Section 6.01.J.5** below), may impose any conditions needed to meet the intent of these Subdivision Regulations, to ensure completion of the project in a timely fashion, and to serve the public interest.

5. Appeal

The Subdivider may appeal the decision of the City Council Engineering Representative to the City Council.

- a. The Subdivider must appeal in writing to the City Council Engineering Representative no later than ten (10) calendar days following the deadline for decision in **Section 6.01.J.3**.
- b. The City Council Engineering Representative will forward the appeal to the Commissioners Court.
- c. After receiving the appeal, the City Council may uphold, modify, or reverse the decision of the commissioners Court Engineering Representative.
- d. If the City Council fails to decide on the appeal within thirty (30) calendar days from the date the Subdivider submits the appeal, the appeal is denied.
- e. The decision of the City Council is final.

6. The Subdivider may request and receive a second extension for up to six (6) months. The sum of all extension may not exceed twelve (12) months.

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## 6.02. Pre-Construction Meeting

### A. Purpose

1. The purpose of the Pre-Construction Meeting is to facilitate a two-way dialogue between the Subdivider and the Development Support Committee.
2. Topics intended for discussion include, but are not limited to, discussion of construction schedules, phases, methods, supervision, inspection, and other procedures, processes and expectations before and after Construction Release.

### B. Requirement

1. The Subdivider, Applicant, Contractor, or other agent of the Subdivider (collectively referred to as the “Subdivider” in this **Section 6.02**, unless otherwise distinguished) must attend a Pre-Construction Meeting conducted by the City Council Engineering Representative.
2. The Pre-Construction Meeting may be held in person or by teleconference or videoconference at the discretion of the City Council Engineering Representative.
3. The City Council Engineering Representative will schedule the Pre-Construction Meeting after Approval of Construction Plans (see **Section 6.01.E**).
4. The Subdivider is responsible for initiating the Pre-Construction Meeting.
5. The Subdivider may request that the City Council Engineering Representative provide a written schedule or checklist of typical inspection items, procedures, and acceptance criteria for Public Improvements at the Pre-Construction Meeting.

### C. Meeting Schedule

1. The City Council Engineering Representative or the Development Support Committee may elect to publish a schedule of dates reserved for Pre-Construction Meetings and require that the Subdivider schedule the meeting for one of the dates shown on the published schedule.
2. Upon receiving the request by the Subdivider, the City Council Engineering Representative will not unreasonably delay scheduling or conducting the Pre-Construction Meeting.

## 6.03. Construction Release

### A. Timing of Construction Release

Following the Pre-Construction Meeting (see **Section 6.02**), the City Council Engineering Representative will issue the Construction Release.

### B. Construction Release Expiration and Extension

1. The Construction Release remains valid while the Construction Plans remain valid and unexpired (see **Section 6.01.H. Effect of** and **Section 6.01.I. Expiration of** ).
2. If the Subdivider requests an extension of Construction Plans under **Section 6.01.J**, the Construction Release remains in effect during the thirty (30) day decision period.
3. Denial of the extension by the City Council Engineering Representative revokes the Construction Release as of the original expiration date.



4. If the Subdivider appeals the denial of extension under **Section 6.01.J.5**, the appeal does not reinstate the Construction Release unless and until the City Council reverses the denial on appeal.

#### **6.04. Construction of Public Improvements**

##### **A. Timing of Public Improvements**

1. The Responsible Official will withhold recording the **Final Plat** while construction of Public Improvement is ongoing (see **Section 4.03.K. Plat Recordation** and **Figure 1. Platting and Subdivision Approval Process**).
2. The Responsible Official will record the **Final Plat** after the City Council Engineering Representative issues a Letter of Public Improvement Compliance and the Subdivider provides a Warranty Bond (see **Section 6.06. Warranty Bond**).

##### **B. Phased Development**

1. If the Subdivider constructs the Subdivision in phases, the Subdivider must construct Public Improvements for each phase consistent with **Section 3.05. Subdivision Proportionality and Development Agreement**.
2. The Responsible Official will not file the **Final Plat** for a phase until the City Council Engineering Representative issues a Letter of Public Improvement Compliance for that phase (see **Section 6.05.C**).

##### **C. Conformance with Construction Plans and City Standards**

1. The Subdivider must construct Public Improvements in accordance with the approved Construction Plans, the Engineering Standards Manual and these Subdivision Regulations.
2. The City Council Engineering Representative must approve any design change to the approved Construction Plans during construction.

##### **D. Notification of Utilities and Temporary Easements**

1. The Subdivider is responsible for contacting all utility providers prior to beginning construction, and for securing any temporary construction Easements.
2. Temporary construction Easements will expire when the Subdivider records the Final Plat, unless otherwise needed before release of the Construction Bond (see **Section 6.06.F**).

#### **6.05. Inspection of Public Improvements**

##### **A. Preliminary Inspection**

1. Once Public Improvements are substantially complete, the Subdivider will notify the City Council Engineering Representative that the project is ready for Preliminary Inspection.
2. The City Council Engineering Representative may conduct the inspection jointly with other City officials.
3. After Preliminary Inspection, the City Council Engineering Representative will provide the Subdivider with a written punch list of deficiencies the Subdivider must address before Final Inspection.
4. The City Council Engineering Representative will attempt to coordinate with other applicable City officials to provide a single punch list to the Subdivider containing all necessary items.

B. Final Inspection

1. After the Subdivider addresses the deficiencies identified in the Preliminary Inspection, the City Council Engineering Representative will conduct a Final Inspection.
2. The City Council Engineering Representative may conduct the inspection jointly with other City officials.

C. Letter of Public Improvement Compliance

1. Once Final Inspection is complete, the City Council Engineering Representative will issue a Letter of Public Improvement Compliance to the Subdivider.
2. The Letter of Public Improvement Compliance confirms completion of the Public Improvements.

D. Inspection Fees

1. Fee Standards

- a. The City will charge the Subdivider an inspection fee according to the City's adopted fee schedule.
- b. If third party inspections are necessary, the City may further charge the Subdivider an additional inspection fee to reimburse the City for the actual inspection costs.
- c. The City Council Engineering Representative, or other City official responsible for reviewing Construction Plans, may perform periodic inspections.

2. Cost of Construction

The Subdivider must submit an itemized cost for construction to the City Council Engineering Representative.

3. Hours of Inspections

The City and its representatives will conduct inspections during normal business hours, Monday through Friday, except as noted below.

4. Inspection During Non-Business Hours

- a. The Subdivider or Contractor may request an after-hours inspection a minimum of forty-eight (48) hours in advance.
- b. An after-hours inspection requires prior Approval from the Mayor.
- c. The City will not conduct inspections on Sundays, holidays, holiday weekends, or the day after Thanksgiving.

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## 6.06. Warranty Bond

### A. Warranty Bond Purpose

A Warranty Bond ensures that Public Improvements perform as approved, and that the cost of repairing any defects or deficiencies is not borne by the City.

### B. Warranty Bond Duration

1. The Subdivider must execute the Warranty Bond in the offices of the City Treasurer under a surety company authorized to do business in Texas.
2. The conditions of the Warranty Bond must stipulate that the Subdivider guarantees to maintain in working order all of the Roadways, retaining walls, underground utilities, drainage Structures and all other physical improvements for a period of two (2) years from the date of the Letter of Public Improvement Compliance (see **Section 6.05.B. Final Inspection**).
3. The Warranty Bond must be payable to the Mayor or to his or her successor.

### C. Warranty Bond Amount

The Warranty Bond amount must be equal to twenty percent (20%) of the estimated cost of Public Improvements including, but not limited to, constructing Roadways, Roadway signs, retaining walls, underground utilities, required drainage Structures and other physical improvements dedicated to the City for ownership and maintenance (see **Section 6.05.D.2. Cost of Construction**).

### D. Periodic Inspections During Maintenance Period

The City Council Engineering Representative may perform periodic inspections of any Public Improvements covered by the Warranty Bond during the two (2) year period (see **Section 6.06.B. Warranty Bond Duration**).

### E. Process for Curing Deficiencies Under Warranty Bond

1. If any of the Public Improvements covered under the conditions of the Warranty Bond fail due to defects or lack of maintenance, the City will advise the Subdivider and Contractor in writing and provide ninety (90) days to correct the failure.
2. If the Subdivider and Contractor, upon receiving notice, fail to correct the deficiency, the City will complete maintenance or repair using funds provided by the Warranty Bond.

### F. Warranty Bond Release

1. The City Council will order release of the Warranty Bond after the two (2) years. The Court may request the recommendation of the Development Support Committee before issuing the order to release.
2. The Subdivider must present a written request to release the Warranty Bond. The request must include a copy of the Order of the City Council for Final Acceptance and a set of Record Drawings (see **Section 6.07. Acceptance of Public Improvements**).
3. The Developer may request the release of the Warranty Bond two (2) years from the date of the Letter of Public Improvement Compliance.

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## 6.07. Acceptance of Public Improvements

### A. Acceptance or Rejection of Improvements

#### 1. Two-Year Maintenance Inspection

Two (2) years from the effective date of the Warranty Bond, the City Council Engineering Representative will conduct a Two-Year Maintenance Inspection to ensure Public Improvements are in working order and ready for acceptance.

#### 2. Recommendation of Final Acceptance

If the Two-Year Maintenance Inspection finds that all Public Improvements are in good repair and functioning according to City standards, the City Council Engineering Representative will issue a recommendation for the City Council to accept the Public Improvements;

#### 3. Finding of Deficiencies

If the Two-Year Maintenance Inspection finds deficiencies, or that any of the Public Improvements are not in good repair or not functioning according to City standards, the City Council Engineering Representative will notify the Subdivider and provide (60) days to correct the failure.

#### 4. Order of the City Council for Final Acceptance

- a. After the Subdivider addresses the deficiencies identified in the Two-Year Maintenance Inspection, the City Council Engineering Representative will conduct a reinspection.
- b. The City Council Engineering Representative will not recommend acceptance of the Public Improvements or release of the Warranty Bond until all deficiencies are addressed.

The City Council, upon recommendation of the City Council Engineering Representative, will issue an Order of the City Council for Final Acceptance to the Subdivider.

#### 5. Meaning of Acceptance

- a. A resolution of the City Council for Final Acceptance serves as acceptance by the City Council of any dedications offered on the Final Plat, including Right-of-Way,
- b. A resolution of the City Council for Final Acceptance transfers ownership of the Public Improvements from the Subdivider to the City.

### B. Acceptance Disclaimer

1. City Council Approval of a Preliminary Plat, Construction Plans, or Final Plat does not mean acceptance of any Public Improvements.
2. The Subdivider must note the following on each Final Plat:

“Transfer of ownership and maintenance responsibilities occurs with formal acceptance by the City through a resolution of the City Council for Final Acceptance. If the City does not take ownership through acceptance of Public Improvements, ownership and maintenance responsibility will remain with the Subdivider or owner of record.”

C. Submission of Record Drawings

Record Drawings serve as a public record of Public Improvements as constructed.

1. The Subdivider must submit Record Drawings for all Public Improvements before release of the Warranty Bond (see **Section 6.06. Warranty Bond**).
2. Record Drawings must record any change made during construction if not approved on the Construction.

## Section 7. Acceptance or Abandonment of Existing Roadways

### 7.01. Acceptance of Other Public and Private Roadways

#### A. Purpose

This section establishes the acceptance process for existing Roadways, including Prescriptive Roadways and Private Roads constructed before the adoption of these Subdivision Regulations (for City acceptance of Private Roads constructed under these Subdivision Regulations, see [Section 5.03.H.](#))

#### B. General Requirements

1. The City Council Engineering Representative will review the Petition For Acceptance once it is signed by all property owners with Frontage or direct Access to the Roadway (individually and collectively referred to in this [Section 7.01](#) as the “Petitioner”).
2. Traffic Impact Analysis Required
  - a. The petitioner must commission a qualified Engineer or professional to conduct a Traffic Impact Analysis (TIA).
  - b. The TIA must, at a minimum, show the following:
    - i. Analysis of existing and forecasted traffic conditions according generally-accepted methods and metrics, such as the ITE Trip Generation Manual, or as approved by the City Council Engineering Representative.
    - ii. A table of recommendations that address the following:
      - a) Appropriate Roadway classification, if the Roadway is not shown on the Wolfe City Thoroughfare Plan, if adopted;
      - b) Appropriate traffic control improvements, including, but not limited to, deceleration lanes, acceleration lanes, striping and lane alignment, signage, and any modifications that will promote vehicular and pedestrian safety and visibility;
      - c) Any other physical improvements needed to bring the Roadway to City standards or promote the intent of those standards.
  - c. The City Council Engineering Representative may consider an exemption to the requirement for a TIA if the Roadway proposed for City acceptance meets at least three (3) of the following conditions:
    - i. The Roadway is designated on the City’s Wolfe City Thoroughfare Plan, if adopted;
    - ii. The Roadway currently functions as a Roadway, Local and, based on approved or anticipated development or plans for other Roadways in the area, can be reasonably expected to function in the future at a Roadway, Local classification;
    - iii. The Roadway serves fewer than fifty (50) Lots or seventy-five (75) gross acres; and
    - iv. The Roadway does not lie within or is not directly Accessible to any area the City Council’s Engineering Representative deems sensitive due to existing or anticipated traffic concerns.



- d. The Petitioner may appeal the decision of the City Council Engineering Representative to the City Council.
  - i. The Council may decide an appeal in favor of either the City Council Engineering Representative or the Petitioner.
  - ii. The Council's decision is final.
- C. Additional Requirements
  - 1. The Petition For Acceptance must include a Legal Description and survey with signature and seal of a Licensed Surveyor that shows the entire limits of the Roadway.
  - 2. The Petitioner must grant the City permission to enter private property for the purpose of inspecting the Roadway.
  - 3. On the recommendation of the TIA, if required, and the City Council Engineering Representative, the City Council may require the Petitioner to pay an assessment to improve the Roadway to Public Roadway construction standards.
    - a. The Petitioner must pay any assessment required under this section before the City accepts the Roadway for maintenance.
    - b. The Abutting property owners must dedicate enough Right-of-Way to meet the minimum width dimensions in the Hunt County Engineering Standards Manual for the Roadway designation recommended in the TIA, if required, or adopted Wolfe City Thoroughfare Plan, if adopted.
    - c. If the Roadway is not shown on the adopted Wolfe City Thoroughfare Plan and does not meet the threshold for TIA (see **Section 7.01.B.2**), the City Council will designate the Roadway as a Roadway, Local section for the purpose of determining Right-of-Way, unless additional Right-of-Way is needed (see **Section 5.02G.3. Additional Right-of-Way Needed Above Minimum Standard**).
- D. Dedication of Roadway
  - 1. Step 1: Petitioner Action
    - a. After the City Council approves the Petition, the Petitioner must record with the County Clerk an instrument containing a Legal Description and survey boundary with signature and seal of a Licensed Surveyor that formally dedicates the Right-of-Way to the City; or
    - b. Dedicate the minimum Right-of-Way required by recording a Plat with the County Clerk.
  - 2. Step 2: Council Action
    - a. After the Petitioner formally dedicates the Right-of-Way and pays the assessment under **Section 7.01.C.3**, the City Council may issue a resolution accepting the Roadway.
- E. Council Discretion in Accepting Right-of-Way
  - 1. This **Section 7.01** contains the minimum standards for the City Council to consider acceptance of a Roadway.
  - 2. The City Council is not obligated to accept maintenance of a Roadway, regardless of the degree to which the Petitioner has met the requirements of this section. The City may place other stipulations on conditions on the acceptance of the Roadway.

## 7.02. Abandonment Process for City Roads

### A. Applicability

1. A property owner Abutting a portion of Public Roadway (the "Petitioner") may petition to the City to Abandon, vacate, or close a Public Roadway (collectively referred to in this section as "Petition to Abandon" and "Roadway Abandonment") that the City owns or maintains (see TTC Section 311.007).
2. The City Council may not Discontinue, close, or Abandon an entire Roadway, Arterial or Roadway, Collector unless the Roadway is vacated or unused for at least three years.

### B. Required Documents

The Petitioner must include the following information with the Petition to Abandon:

1. A letter stating the request and purpose of the Petition.
2. The name of each property owner who receives a conveyance of land if the City Council approves the Roadway Abandonment.
3. A survey with signature and seal of a Licensed Surveyor showing the dimensions of the Roadway Abandonment showing the property conveyed to each property owner.
4. Appraisal of the market value of property conveyed conducted by an Appraiser Licensed to practice in Texas.

### C. Notice Required

If a utility or common carrier currently operates within the Right-of-Way the Responsible Official must notify the utility or common carrier of the Petition to Abandon no less than thirty (30) days before the date the City Council issues a Resolution Abandoning the Roadway under this Section 7.02.

### D. Review by the Development Support Committee

1. The Responsible Official will review the Petition to Abandon for completeness and forward the Petition to the Development Support Committee.
2. The Development Support Committee will review the Petition to determine the following:
  - a. Reasonable administrative costs to process the Petition;
  - b. Any utility or common carrier currently operating within the Right-of-Way; and
  - c. The dimension of the required Easement the Petitioner must dedicate for the benefit of the utility.
3. The Development Support Committee will forward its findings and the information included in the Petition to Abandon to the City Council.

E. Action by the City Council

1. The City Council may approve the Roadway Abandonment only by unanimous vote and with the following conditions:
  - a. That the Petitioner pay all reasonable administrative costs the City incurs processing the request, including recoding the resolution and conveying the Right-of-Way from the City to the Petitioner; and
  - b. That the Petitioner reimburse the City for the market value of the Right-of-Way.
2. If the City Council approves the Roadway Abandonment, the resolution must include the following, based on the information the Petitioner provided with the Petition to Abandon (see **Section 7.02.B**) and the Development Support Committee findings (see **Section 7.02.D**):
  - a. The name of each property owner who receives a conveyance;
  - b. The dimensions of the property the Order conveys;
  - c. A Statement that the utility or common carrier has Easement and continued use of the Right-of-Way after the City transfers title to the Petitioner.

F. Conveyance of a Public Road Abandoned, Closed and Vacated

1. Title to a Public Road or portion of a Public Road vests on the date the mayor signs the resolution.
2. The City Secretary will file the resolution in the Deed Records of the County as the official instrument of conveyance from the City to the property owner(s) Abutting the Public Road.
3. The City will index the resolution in the Deed Records of the County in a manner that describes the City as “grantor” and the property owner(s) receiving the conveyance as “grantee.”

## Section 8. Stormwater Management

### 8.01. Applicability

This Section contains timing and dedication requirements for Stormwater Facilities and other requirements not related to technical design or construction specifications (see Engineering Standards Manual.)

### 8.02. Maintenance Responsibility

#### A. Private and Public Stormwater Maintenance

1. The City will not provide maintenance for drainage or Stormwater Facilities located on private property.
2. The Subdivider or property owner must dedicate a drainage Easement with each Stormwater Facility.
3. The following require City Council Approval:
  - a. Public Stormwater Facilities;
  - b. Private Stormwater Facilities within the public Right-of-Way or property the City maintains (see **Section 13. Site Development Authorization**); or
  - c. Easements for public Stormwater Facilities or private Stormwater Facilities within the public Right-of-Way.

#### B. Maintenance of Detention and Retention Ponds

1. A Homeowners' Association (HOA) or Property Owners' Association (POA) must maintain each Detention Pond and Retention Pond unless the City Council approves an alternative maintenance arrangement such as a PID.
  - a. The **Final Plat** must include a note providing the City permission and Approval to Access and maintain or improve the Detention and Retention Pond, if necessary to protect the owners of property within the Subdivision.
2. If a Detention Pond or Retention Pond fails to operate due to lack of maintenance, the City may hold the Homeowners' Association (HOA) or Property Owners' Association (POA) in Violation of these Subdivision Regulations (see **Section 1.09. Special Provisions, Enforcement, and Violations**).
  - a. If the City performs necessary repair or maintenance under this section, the City reserves the right to levy the cost of the repair or maintenance against the owner(s) of the Detention and Retention Pond.
  - b. Emergency repairs performed under this Section do not obligate the County to take over permanent maintenance of the facility.

#### C. Areas of Flood Hazard

The Subdivider must dedicate areas within the Floodplain, Floodway, or Areas of Special Flood Hazard in a private drainage Easement. The City will not accept maintenance of these areas.

### 8.03. Construction of Stormwater Facilities

#### A. Identification and Development of Facilities

1. The Engineering Standards Manual governs the design calculations and construction specifications for public Stormwater Facilities and private Stormwater Facilities.
2. The Subdivider must identify all Stormwater Facilities on the Preliminary Plat and indicate whether the City or the Homeowners' Association (HOA) or Property Owners' Association (POA) will provide maintenance.
3. The City Council may require a Development Agreement before agreeing to maintenance of public Stormwater Facilities (see **Section 1.08. Public Improvements for Road and Drainage Required** and **Section 3.05. Subdivision Proportionality and Development Agreement**).
4. No private Lot may extend into a dedicated public Stormwater Facility.

#### B. Construction of Public Stormwater Management Facilities

1. Construction of public Stormwater Facilities follows the same process as construction of Public Facilities and is subject to the timing and acceptance conditions of **Section 6. Subdivision Development Procedures**.
2. The City Council Engineering Representative must release Construction Plans before construction of public Stormwater Facilities begins (see **Section 6.03. Construction Release**).

### 8.04. Completion of Stormwater Facilities with Public Improvements

The City Council Engineering Representative will not issue a Letter of Public Improvement Compliance until the Subdivider completes all public Stormwater Facilities or private Stormwater Facilities (see **Section 6.05.C**).

## Section 9. Flood Damage Prevention

### **9.01. Incorporation by Reference and Compliance**

A. Engineering Standards Manual

These Subdivision Regulations incorporate the latest version of the Engineering Standards Manual by reference.

B. Compliance

Each Subdivision or Land Use must conform to the requirements of the Engineering Standards Manual.

C. Copies

The Responsible Official will maintain copies of the Engineering Standards Manual for distribution to the public.

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## Section 10. Water and Wastewater

### 10.01. Purpose

This purpose of this Section is to ensure that adequate water and wastewater is available to serve each Subdivision.

### 10.02. General Provisions

#### A. City Not Responsible for Utilities

The City will not provide maintenance for water or wastewater facilities located on private property.

#### B. Required Documents

1. The Subdivider must submit a Will Serve Letter from any utility providing service to the Subdivision, along with water and wastewater plans showing that the Subdivision will be furnished with required water and wastewater utilities.
2. The Subdivider must submit a Certificate of Convenience and Necessity with the Construction Plans if any of the following entities will supply water to the Subdivision or treat wastewater from the Subdivision:
  - a. Municipality or Municipal Utility District (MUD);
  - b. Water Control and Improvement District;
  - c. Nonprofit Water Supply Corporation;
  - d. Special Utility District; or
  - e. An existing investor-owned water supply corporation.
3. The Subdivider must submit written approval from the Texas Commission on Environmental Quality (TCEQ) for any area not controlled by an approved rural water or wastewater utility.

#### C. Easements and Maintenance

1. The City Council must approve water or wastewater utilities within public Right-of-Way or City property (refer to see **Section 13. Site Development Authorization**).
2. The Subdivider or utility must install water and wastewater utilities within an Easement at least fifteen (15) feet wide along front and rear property lines or ten (10) feet wide along all other property lines that are not front or rear property lines.
3. Subdivider or utility must maintain any Easement unless the City Council approves a public Easement.
4. Water and wastewater utility design and installation must conform to the requirements of this **Section 10.02**.

#### D. Utility Construction Standards

1. Utility lines must be a minimum of twenty-four (24) inches below the ditch line or a minimum of thirty-six (36) inches below the crown line of the Roadway, whichever is greater.
2. All lines carrying liquid products must be encased in metal or PVC schedule forty (40) and a minimum length of five (5) feet from ditch line to ditch line.



### 10.03. Water Utility

#### A. General Provisions

1. The Subdivider must provide plans for a water distribution system connected to either a rural water supply corporation, privately owned water system, or individual well.
2. In the absence of specific City standards, water supply, distribution, pumping, and storage improvement design and operation must conform to Texas Administrative Code Chapter 290.
3. The City Council Engineering Representative or Development Support Committee may recommend denial of a Subdivision Plat if the Subdivision Utility Plans do not provide adequate water service as defined in Texas Administrative Code Chapter 290.

#### B. Available Groundwater Certification Required

If a public service provider (such as a city or water district) will not provide water to the Subdivision, the Subdivider must provide groundwater certification under TAC Title 30, Chapter 230.3.

##### 1. Certification

A Texas licensed Engineer or a Texas licensed geoscientist must prepare the certification.

##### 2. Submission of Information

The Subdivider must provide to the City, the executive administrator of the Texas Water Development Board, and the applicable groundwater conservation district or districts the certification of adequacy of groundwater under TAC Title 30, Chapter 230.3.

#### C. Use of Ground Water

If the source of the water supply intended for a Subdivision is groundwater under that land, the Plat Application must include a report prepared by a licensed Engineer or a licensed geoscientist that certifies adequate groundwater is available for the Subdivision (TLGC Section 232.0032(a)).

1. The groundwater certification must conform to Texas Commission on Environmental Quality (TCEQ) guidelines.
2. A Subdivider who submits an Application for Plat under Section 10.02 must transmit useful information to any affected groundwater conservation district and to TCEQ (in consultation with the Texas Water Development Board) as described under TLGC Section 212.0101(c).
3. If the Subdivider proposes well water as the freshwater source for a Subdivision, the report must include a well water availability study addressing the thirty (30) year supply of well water relative to the ultimate needs of the Subdivision.

#### D. Basic Requirements (if Water Infrastructure Installed)

##### 1. Fire Hydrant Locations and Hose-Lay

- a. Maximum spacing of required fire hydrants is 500 feet in a residential Subdivision and 300 feet in a nonresidential Subdivision or development.
- b. The Subdivider must construct a fire hydrant at the entrance of each Cul-de-Sac.

2. Subdivision not Served by Fire Hydrants

If a Subdivider proposes a Roadway, Local without fire hydrants, the City Council may require a limited fire suppression system that provides adequate storage to pump 250 gallons per minute for a minimum of two (2) hours.

E. Water Utility Plan

The Subdivider must submit a Water Utility Plan to the City Council Engineering Representative with Construction Plans (see **Section 6.01**) showing the location and size of water utility mains.

1. The Water Utility Plan must include the following:

- a. Maximum 1 inch equals 40 foot scale;
- b. Location and size of proposed water lines;
- c. Location of existing and proposed Right-of-Way and Easements;
- d. Water line profile sheets at a maximum 1 inch equals 40 foot scale horizontal and 1 inch equals 4 foot scale vertical;
- e. The location of all proposed appurtenances;
- f. Location and identification of other existing utilities.

2. Coordination with other Water Utility Providers

a. Preliminary Plat

- i. When a utility provider serves all or a portion of the area included in the Subdivision, the Subdivider must provide a water system analysis addressing the adequacy of water supply and water quality.
- ii. When no water utility provider serves the area included in the Subdivision, the Subdivider must indicate the source of water on the Preliminary Plat.

b. Final Plat

The Subdivider must provide the City Council Engineering Representative with a letter from the water utility accepting the water system Infrastructure before filing the Final Plat .

## 10.04. Wastewater Utility

### A. General Provisions

1. The Subdivider must provide plans for wastewater collection and treatment.

### B. Possible Phasing of Development Required

The Development Support Committee, City Council Engineering Representative or TCEQ may require the Subdivider to phase improvements if necessary to maintain adequate wastewater capacity (see **Section 6.04.B. Phased Development**).

### C. Wastewater Lines Extended to Subdivision Borders

The Subdivider must extend laterals and sewer mains to the borders of the Subdivision for future extensions of the collection system, regardless of whether the extensions are necessary to serve the Subdivision.

### D. Wastewater Utility Plan

The Subdivider must submit a Wastewater Utility Plan to the City Council Engineering Representative with Construction Plans (see **Section 6.01**) showing the location and size of water utility mains.

1. The Wastewater Utility Plan must include the following:
  - a. Maximum 1 inch equals 40 foot scale;
  - b. Topography lines as specified by the Commissioners Court Engineering Representative;
  - c. Soil survey;
  - d. Location of existing and proposed water wells;
  - e. Location and size of proposed sewer lines;
  - f. Location of existing and proposed Right-of-Way and Easements;
  - g. Waste water line profile sheets at a maximum 1 inch equals 40 foot scale horizontal and 1 inch equals 4 foot scale vertical;
  - h. Location of all proposed appurtenances;
  - i. Wastewater line grades and elevations at all junction points;
  - j. The seal and signature of the Engineer responsible for the design; and
  - k. Location and identification of other existing utilities.

E. Coordination With Other Agencies and Utility Providers

a. Preliminary Plat

- i. When a utility provider serves all or a portion of the area included in the Subdivision, the Subdivider must provide a wastewater system analysis addressing the adequacy of the system.
- ii. When no wastewater utility provider serves the area included in the Subdivision, the Subdivider must indicate the method for treating wastewater on the Preliminary Plat.

b. Construction Plans

- i. The Subdivider must submit Wastewater Utility Plans with the Construction Plans (see **Section 6.01.C**).
- ii. TCEQ must approve Wastewater Utility Plans prior to Construction Release.

c. Final Plat

The Subdivider must provide the City Council Engineering Representative with a letter from the wastewater utility accepting the water system Infrastructure before filing the Final Plat.

**10.05. (this section intentionally left blank)**



## Section 11. Manufactured Home Rental Community

### 11.01. Purpose

- A. The purpose of this Section is to provide uniform standards for a new Manufactured Home Rental Community.
- B. The regulations in this section are established to protect health, safety and general welfare of the residents of Wolfe City, especially those residing in a Manufactured Home.
- C. This section applies only to Manufactured Homes as defined in these Subdivision Regulations and in **Texas Occupations Code Section 1201.003(12)** and **Section 1201.003(12)**.

### 11.02. Applicable Subdivision Regulations

#### A. Applicability of Subdivision Regulations

Development of a Manufactured Home Rental Community is subject to **TLGC Section 214.906** and the following sections of these Subdivision Regulations, unless otherwise specified in this **Section 11.02**:

1. Section 5. Subdivision Design Standards
2. Section 6. Subdivision Development Procedures
3. Section 8. Stormwater Management
4. Section 9. Flood Damage Prevention
5. Section 10. Water and Wastewater
6. Section 13. Site Development Authorization

#### B. Conflict Between Regulations

If any requirement of a section listed in **Section 11.02.A** conflicts with state or federal law, state or federal law will prevail.

#### C. General Development Standards

1. The Manufactured Home Rental Community may Access Public Right-of-Way only from paved, community-owned interior Roadways.
2. Interior Roadways within the Manufactured Home Rental Community must be private.
3. The Owner must design interior Roadways to the same standard as a Roadway, Local and provide additional width as needed to allow for delivery and removal of Manufactured Home units (see **Section 7.2 Engineering Standards Manual**.)
4. Cul-de-Sacs are prohibited in a Manufactured Home Rental Community unless approved by the City Council Engineering Representative.
5. Parking must be off-street to prevent restriction of fire Access.
6. A Manufactured Home Rental Community is subject to the adopted Wolfe City Fire Code specifically as it pertains to the installation of fire hydrants.

7. The Owner must provide an area for cluster mailboxes with the off-street parking for mail delivery and pick-up.
8. The Owner must maintain front Building Setbacks on each Lot (see Section 5.04.C. Building Setback).
9. A Manufactured Home Rental Community with a density more than one house per acre must install and operate a community wastewater treatment system (package plant) in accordance with Texas Commission on Environmental Quality (TCEQ) requirements.

### 11.03. Infrastructure Development Plan

#### A. Infrastructure Development Plan Required

1. The property owner or developer (referred to in this Section 11 as the "Owner") of a Manufactured Home Rental Community must submit an Infrastructure Development Plan.
2. The Infrastructure Development Plan must provide information required for Construction Plans (see Section 6.01) including the following:
  - a. A survey with signature and seal of a Licensed Surveyor showing the boundary of the Manufactured Home Rental Community, including Right-of-Way and Easement dedications and community Open Space,
  - b. Specifications for Public Roadways or Private Roadways in accordance with the Engineering Standards Manual.
  - c. Adequate drainage Structures in accordance with the Engineering Standards Manual and Section 8. Stormwater Management;
  - d. Proposed management of areas within the one-hundred (100) year Floodplain in accordance with Section 9. Flood Damage Prevention;
  - e. Provisions for adequate public or community water supply in accordance with Texas Health and Safety Code Chapter 341 and Section 10.03. Water Utility.
  - f. Provisions for adequate sanitary sewer facilities, including sanitary sewer lines in accordance with Health and Safety Code Chapter 366, Section 10.04 Wastewater Utility.
  - g. Reasonable specification for Roadways in the Manufactured Home Rental Community to provide Access for fire and emergency vehicles.

#### B. Review by Responsible Official

1. The Responsible Official will circulate the Infrastructure Development Plan to the Development Support Committee for review and comment after determining the Application is complete.
2. After the Development Support Committee reviews the Application, the Responsible Official will compile the comments and the recommendation of the Committee.
3. If the Application requires revisions, the Responsible Official will deliver the written comments of the Development Support Committee to the Owner no later than twenty (20) business days after the Responsible Official determines the Plan is complete.
4. The Owner is responsible for responding to comments before the deadline for Development Support Committee decision.



C. Decision by Development Support Committee

1. The Development Support Committee will approve or disapprove the Infrastructure Development Plan no later than sixty (60) days after the Responsible Official determines the Plan is complete.
2. The Responsible Official will notify the Owner in writing no later than ten (10) days after the Development Support Committee makes the decision to approve or disapprove.
3. If the Development Support Committee disapproves the plan, the written determination must specify the reasons for the rejection and the revisions necessary for Approval of the plan.
4. If the Development Support Committee fails to act on the Plan within sixty (60) days, the most recently submitted version of the Plan is approved.

### 11.04. Approval Required Prior to Construction

A. Development Authorization

The Development Support Committee must approve the Infrastructure Development Plan before construction of the Manufactured Home Rental Community begins. (see **Section 13. Site Development Authorization**).

B. Certificate of Compliance

1. A utility may not provide utility services, including water, sewer, gas and electric services, to a Manufactured Home Rental Community until the City Council Engineering Representative issues a Certificate of Compliance.
2. Utility provider under this subsection **Section 11.04** includes any of the following:
  - a. A municipality that provides utility services;
  - b. A municipally owned and operated utility that provides utility services;
  - c. A public utility that provides utility services;
  - d. A nonprofit water supply or sewer service corporation organized and operating under **Texas Water Code Chapter 67**;
  - e. A utility service operating in the City; and
  - f. A special district or authority created by state law that provides utility services.

3. Inspection

The City Council Engineering Representative will conduct an inspection of the property after construction is complete.

- a. The inspection must include all sewer lines, yard lines, collector lines, and trunk lines before the Owner or Contractor covers the lines.
- b. The City Council Engineering Representative will conduct the inspection in accordance with Section 6.05. Inspection of Public Improvements, unless otherwise specified.
4. The City Council Engineering Representative will issue a **Certificate of Compliance** to the Owner within five (5) business days of determining the Manufactured Home Rental Community conforms to the approved Infrastructure Development Plan.
5. The Certificate of Compliance will authorize the Owner and utility to begin services.

## Section 12. Development or Use of City Property or Facility

### 12.01. Purpose and Applicability

#### A. Purpose

The purpose of this section is to regulate and provide a standard of Approval for construction activity proposed on City property, specifically including Right-of-Way, and to ensure that activity or objects placed in the Right-of-Way does not unfairly burden the City or cause a public nuisance.

#### B. Applicability

1. These regulations govern all real property owned or operated by the City or held in trust for the public including, but not limited to:

- a. City-owned real property
- b. City-owned or operated facilities and Structures that occupy real property; and
- c. Public Roadways, Public Right-of-Way, and Easements.

2. Private Improvements Prohibited Without Permit

No property owner may disturb land or construct a driveway, culvert, ornamentation, mailbox, landscaping or any other encroachment in the Public Right-of-Way or other City property listed in **Section 12.01.B** without first obtaining a Permit from the City (see **Section 12.02. Driveway Culverts Processing and Standards**).

3. Utility Work Prohibited Without Permit

- a. No public or private utility may disturb land to install utility lines along, within, above, or under Public Right-of-Way or other City property listed in **Section 12.01.B** or install communications equipment not fastened to an existing Structure without first obtaining a Permit from the City.
- b. A utility may install communications equipment to an existing Structure without first obtaining a Permit under this section when each of the following are true:
  - i. The **Texas Utilities Code** regulates the Structure;
  - ii. The City issues a Permit for the Structure under this **Section 12**; and
  - iii. A utility or provider other than the City owns the Structure.

4. City Property Excluded

- a. These regulations do not apply to City-owned properties or facilities wholly under the operational control of the federal or state government or a special district or entity established by the state.
- b. Activities conducted by authorized law enforcement, public safety and emergency service agencies and offices operating within the scope of their duties during an emergency condition on City property do not require authorization under this **Section 12**.

## 12.02. Driveway Culverts Processing and Standards

### A. Permit Required for All Driveway Culverts

No Person may construct a driveway culvert in the Public Right-of-Way or other City property listed in **Section 12.01.B** without first obtaining a Permit from the City under this **Section 12.**

### B. Dedication of Public Right-of-Way or Easement

1. If additional Public Right-of-Way is needed, and the Roadway to which the driveway will have access is shown on the Wolfe City Thoroughfare Plan, the City may require that an Application for a driveway culvert include a dedication of Public Right-of-Way.
2. For all other driveway culverts, the City may require that the culvert be placed in a Drainage Easement providing the City sufficient access to clean and make repairs to the culvert (see Section 12.02.D through G below for explanation of maintenance responsibilities and corrective action by the City.)

### C. Culvert Size

The minimum size for a culvert in the Right-of-Way is 15" in diameter by 36" in length.

### D. Water to Follow at Natural Rate

1. A driveway constructed in the Right-of-Way must have a culvert large enough to allow water to flow at its natural rate at its normal peak level from one side of the driveway to the other.
2. The City Council Engineering Representative may require a larger culvert than the minimum specified in **Section 12.02.B** depending on peak observed flow.

### E. Existing Culverts

1. The City will issue notice to any property owner with an existing culvert in poor condition.
2. The owner will be given enough time to repair or replace the culvert before the City begins referral for enforcement proceedings.

### F. Corrective Culvert Measures by the City

1. The City reserves the right to remove and replace any substandard or blocked culverts;
2. The City further reserves the right to take any necessary corrective measures within the Public Right-of-Way to address a drainage issue in the Right-of-Way or on an Abutting property.

### G. Public Nuisance and Abatement

A Violation of this **Section 12** is a public nuisance subject to abatement procedures, criminal and civil penalties, injunctions, liens, and cost assessments to repay the City the cost of abating or correcting the nuisance.

## Section 13. Site Development Authorization

### 13.01. Purpose and Authority

The purpose of this Section is to regulate certain Land Uses within the City as authorized under TLGC Chapter 212 and TLGC Chapter 214.

### 13.02. General Provisions

#### A. Compliance Required

1. Development associated with the Permit Types and Notification Types listed in Section 13.02.B below must comply with the regulations contained in this Section 13 and these Subdivision Regulations.
2. The Responsible Official must issue any Permits listed in Section 13.02.B before the Applicant can begin any of the development activities outlined in these regulations.

#### B. Summary of Permit Types:

1. Building Permit (Multi-Family Residential Use and Commercial Use only)
2. Floodplain Development
3. Manufactured Home Community and Recreational Vehicle (RV) Park
4. (MHCRV) Permit City Property Development Permit
5. Regulated Land Use Permit
6. Preliminary 9-1-1 Address Permit
7. Final 9-1-1 Address Permit

### 13.03. Permit Types

#### A. Building Permit

1. A property owner may not construct or substantially improve any Commercial Use Building, Multi-Family Residential Use Building or Public Building unless the property owner or Contractor obtains a Building Permit.
2. The Responsible Official will issue a Building Permit for any Commercial Use Building, Multi-Family Residential Use Building or Public Building if the plans conform to the adopted Wolfe City Fire Code under TLGC Chapter 212, Subchapter B.
3. The Responsible Official must approve or deny a Building Permit Application no more than thirty (30) days after the property owner or Contractor submits the Application.

4. Failure to approve or deny within thirty (30) days results in the Application being automatically approved (TLGC Section 212.009(a)).
- B. Floodplain Development Permit
1. A Floodplain Development Permit is required for all development activities within an Area of Special Flood Hazard (see **Chapter 5 Engineering Standards Manual**.)
  2. The Subdivider must submit a Floodplain Development Permit Application with an Application for Construction Plans (Section 6.01), Final Plat (Section 4.03) or Replat (Section 4.07).
  3. The Responsible Official will issue final Approval of the Floodplain Development Permit with Approval of the Construction Plans, Final Plat or Replat.
- C. (this section intentionally left blank)
- D. Park (MHCRV) Permit
- A Manufactured Home Park or Subdivision in which an area is rented or leased to the owner of a Manufactured Home or RV must conform to the regulations contained in Section 11. Manufactured Home Rental Community.
- E. City Property Development Permit
- Development or construction within Public Right-of-Way or properties owned or maintained by the City must conform to the regulations contained in Section 12. Development or Use of City Property or Facility.
- F. Regulated Land Use Permit
- Any Regulated Land Use must conform to the regulations contained in Section 14. Regulated Land Uses.
- G. Preliminary 9-1-1 Address Permit
1. The Subdivider may submit Application for Preliminary 9-1-1 Address Permit after Preliminary Plat Approval.
  2. The 9-1-1 Addressing Coordinator will review the Application and approve or deny the Preliminary 9-1-1 Address Permit.
- H. Final 9-1-1 Address Permit
1. The Subdivider may submit Application for Final 9-1-1 Address Permit after Final Plat Approval.
  2. The 9-1-1 Addressing Coordinator will review the Application and approve or deny the Final 9-1-1 Address Permit.
  3. The 9-1-1 Addressing Coordinator will issue a Final 9-1-1 Address Permit for property exempted from Platting under Section 1.06.A after the property owner submits an affidavit affirming the property qualifies for exemption.

#### 13.04. Notification Types

A. Residential Building Notice and Inspection Requirement

New Single-Family Residential or Duplex construction in an unincorporated area of Wolfe City must conform to the most recent adopted International Residential Code ([TLGC Section 214.212](#)).

B. Notification Requirements

1. Before starting New Construction, the Builder must provide notice to the Responsible Official showing:
  - a. The location of the new residential construction;
  - b. The approximate construction start date; and
  - c. The International Residential Code version used in construction.

C. Inspection Requirements

The Owner or Builder is responsible for inspection of new residential construction under [TLGC Section 214.212](#) to ensure Building Code compliance.

1. For new residential construction on a vacant Lot, the Contract Inspector (see [Section 13.04.C.3](#)) must perform a minimum of three (3) total inspections to ensure code compliance at each of the following stages of construction:
  - a. The foundation stage, before placement of concrete;
  - b. The framing and mechanical systems stage, before installation of permanent wall covering; and
  - c. On completion of construction;
2. For an addition to an existing residence, if the addition will increase the square footage or value of the existing residential Building by more than 50 percent, the City must perform inspections as necessary based on the scope of the construction project.
3. For new residential construction on a vacant lot and for construction of an addition to an existing residence, the Owner or Builder is responsible for contracting to perform the inspections required under this [Section 13.04.C](#) with:
  - a. A licensed engineer;
  - b. A registered architect;
  - c. A professional inspector licensed by the Texas Real Estate Commission;
  - d. A plumbing inspector employed by a municipality and licensed by the Texas State Board of Plumbing Examiners;
  - e. A Building inspector employed by a political subdivision such as a municipality; or
  - f. An individual certified as a residential combination inspector by the International Code Council.
4. The builder may use one Contract Inspector for all the required inspections or multiple inspectors.

D. Notice to the City of Inspection Result

1. No later than the tenth (10<sup>th</sup>) day after the date of the final inspection under this [Section 13.04](#), the Owner or Builder must submit notice in the form of a report to the Responsible Official.
2. The report must show compliance with the International Building Code standards applicable to each phase of construction listed in [Section 13.04.C.1](#) or as the Responsible Official and the Owner or Builder determine necessary under [Section 13.04.C.2](#).

E. Enforcement of Standards

If the Owner or Builder fails to submit notice to the Responsible Official under [Section 13.04.D](#), the City may seek any remedies provided under [TLGC Section 233.155](#).

### 13.05. Site Development Review Procedures

For the Permit Types listed in [Section 13.03](#), the Responsible Official must approve a Site Development Authorization Application that complies with this [Section 13.05](#).

A. General Information Required

1. Description of use corresponding to one of the Permit Type listed in [Section 13.03](#)
  - a. A separate Application is required for each use.
2. A description of the property in a form acceptable to the City.
3. If the property is City owned or maintained, the name, location, designation, and type of City property.
4. A plan or other supporting information providing enough detail to describe the location of the proposed activities, including:
  - a. The location of proposed Buildings, Structures or improvements (including screening devices);
  - b. All existing site improvements and Buildings;
  - c. Primary Access to the site from a Public Roadway or Private Roadway; and
  - d. Required dimensions based on the specific Land Use (see [Section 14, Regulated Land Uses](#)).
5. The Applicant must identify any active Permits on the property authorized under these Subdivision Regulations.

B. Fees

The Applicant must pay associated fees according to the City's adopted Fee Schedule at the time of Application.

C. Site Development Authorization Approval or Denial

1. The Responsible Official will review the Application for completeness.
  - a. If the Application is complete, the Responsible Official will issue a written Determination of Completeness to the Applicant,
  - b. If the information provided with the Application is incorrect or insufficient to review the Application, the Responsible Official will issue a written notice to the Applicant that includes:

- i. A reference to the specific section of these Subdivision Regulations to which the Application must conform; and
  - ii. Other City Application Form or supplemental instructions or documents applicable to the requested use.
2. Action by the Responsible Official  
Once the Application is complete, the Responsible Official may take any of the following actions:
  - a. Approve the Application and issue written notice to the Applicant,
  - b. Defer the Application to the Development Support Committee,
3. Action by the Development Support Committee  
If the Responsible Official defers a decision on the Application, the Development Support Committee must take one of the following actions no later than thirty (30) days after the Applicant submits the Application:
  - a. Approve the Application; or
  - b. Deny the Application with reasons, including identification of the section prohibiting the activity under these Subdivision Regulations.

### **13.06. Permit Expiration**

A Permit for Site Development Authorization issued under this **Section 13** is valid two (2) years from the date the Permit is issued.



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## Section 14. Regulated Land Uses

### 14.01. Purpose and Authority

This purpose of this Section is to regulate certain Land Uses within the City as authorized under TLGC Chapter 215, TLGC Chapter 243 and TLGC Chapter 342, and with the Texas Water Code Chapter 26 and Texas Water Code Chapter 35.

### 14.02. General Provisions

Development activity associated with the Land Uses listed in Section 14.02.A require authorization by the City. The Applicant must obtain the Permit in accordance with Section 13. Site Development Authorization.

#### A. Regulated Land Uses

The following types of activities are regulated Land Uses and must conform to the development guidelines contained in this section.

1. Uses regulated under TLGC Chapter 215
  - a. Automotive Wrecking and Salvage Yard;
  - b. Rendering Plants;
  - c. For-hire passenger taxicabs and limousines and their drivers;
  - d. Overnight shelters for children ran by religious organizations;
  - e. Dairies and Slaughterhouses;
  - f. Operators of vehicles;
  - g. Theaters, Shows, and Amusements; and
  - h. Gamerrooms
2. Uses regulated under TLGC Chapter 243
  - a. Sexually oriented businesses

### 14.03. Screening Standards for TLGC Chapter 215 Uses

The Owner of an automotive wrecking and salvage yard, a rendering plant, a dairy or a slaughterhouse, must obtain a Regulated Land Use Permit (Section 13. Site Development Authorization) from the Responsible Official to develop, alter or expand the use and must comply with the screening requirements contained in this section.

#### A. Screening Height and Transparency

The Owner of any businesses listed in Section 14.02.A, other than a game room, must install and maintain screening that meets the following requirements:

1. A minimum height of eight (8) feet.
2. Screening type and construction must create a solid barrier made from one or more of the following durable materials:
  - a. Wrought iron fencing with masonry columns spaced at a maximum twenty (20) feet on center with structural support every ten (10) feet and evergreen shrubs measuring six (6) feet in height at the time of planting and spaced closely enough to create a solid screening effect; or
  - b. Brick, stone, or other masonry exterior finishing material; or
  - c. A board-on-board wood fence constructed of cedar with metal posts.

3. The screening must extend to within three (3) inches of the ground and be plumb and square.
- B. Placement of Screening Devices
1. The Owner must finish both sides of the screening device with stain or rustproofing, as appropriate.
  2. The Owner must install the screening device according to the specifications approved in the Regulated Land Use Permit before commencing the use.
  3. Screening devices must extend alongside and rear property lines and completely enclose the use.
  4. Screening devices may not sit in the Public Right-of-Way or interfere with visibility from any Roadway.
  5. Materials, equipment, or commodities may sit no higher than one (1) foot below the top of the screening device.
  6. Each gate must meet the requirements of a screening device and remain closed except during normal business hours.
- C. Existing TLGC 215 Business
1. Existing businesses listed in **Section 14.02.A**, other than a game room, that do not comply with the screening requirements of the **Section 14.03** are given twelve (12) months from the Date of Adoption of these Subdivision Regulations to establish compliance.
  2. A business subject to a screening requirement under **Texas Transportation Code, Subchapter E of Chapter 391** or **Chapter 396** that was in compliance with that screening requirement on August 26, 1991, is exempt from the screening requirement of **Section 14.03**.)
- D. Effect on Existing City Ordinances
1. If any portion or requirement of this **Section 14.04** conflicts with a City Ordinance regulating a use listed under **TLGC Chapter 215** the most restrictive requirement will govern.
  2. Conformance with this **Section 14.03** does not relieve the owner of a business listed under **TLGC Chapter 215**, from obtaining a permit required by these Subdivision Regulations or by a City Ordinance.
- E. Violation
1. The City may impose civil penalties on Violations of the screening standards contained in this **Section 14.03**.
  2. The Responsible Official may suspend or revoke a Certificate of Occupancy if the Owner fails to adequately maintain the screening device.

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## Section 15. Subdivision Waiver

### 15.01. Petition for Subdivision Waiver

#### A. Purpose

1. To purpose of this Section is to establish criteria for the City Council to use in deciding whether to grant a waiver to these Subdivision Regulations.

#### B. Applicability

1. An Applicant for Waiver may request a Subdivision Waiver of a requirement applicable to one or more of the following:
  - a. Preliminary Plat (see **Section 4.02**)
  - b. Final Plat (see **Section 4.03**)
  - c. Short Plat (see Section 4.04); or
  - d. Plat, Revision to (Replat) (see **Subsection 4.07**).
2. The Applicant may request that the City Council waive one or more requirements in a single Subdivision Waiver request.
3. The City Council will process a request under the following scenarios as required in State Law:
  - a. A request for delay or variance by the Subdivider from a requirement to Replat if the Subdivider makes the request for the purpose of installing utilities under **TLGC Section 212.015**; or

#### C. Submittal Procedures

1. The Applicant must submit the request for a Subdivision Waiver in writing with an Application for Preliminary Plat, Final Plat, Short Plat, or Replat.
2. The Subdivision Waiver request must specify each requirement to which the Waiver applies, the reasons why the Waiver should apply (see **Section 15.01.D**), and an explanation of alternative measures the Applicant will take to fulfill the intent of the requirement.
3. The Subdivision Waiver request automatically includes a Waiver of 30-Day Decision for any Application (**TLGC Section 212.009**).

#### D. Burden of Proof

The Applicant bears the burden of proof and must demonstrate that the requirement in question imposes an undue hardship unless the City Council grants relief from the requirement.

#### E. Subdivision Waiver Criteria

1. The City Council will consider the following factors in making its decision:
  - a. The nature of the proposed Land Use involved and existing uses of the land in the vicinity;
  - b. The number of persons who will reside or work in the proposed development;
  - c. The effect a Subdivision Waiver might have on traffic conditions and the health, safety, convenience, and welfare of the public;
  - d. Whether the Subdivision Waiver is in harmony with the general purpose and intent of these Subdivision Regulations;

- 
- e. Where the Subdivision Waiver violates or conflicts with any other City regulation or Plan; and
  - f. Whether the requested Subdivision Waiver is the minimum degree of variation necessary to meet the objective of the applicant.
2. The City Council may grant a Subdivision Waiver upon finding:
- a. That special conditions exist that are not common to other property in the vicinity and a literal enforcement of the ordinance would result in unnecessary hardship on the Applicant;
  - b. That the special conditions affect the subject property to the extent that strict application of these Subdivision Regulations would deprive the Applicant of reasonable use of the land;
  - c. That granting the Subdivision Waiver is not detrimental to the public health, safety or welfare of other property owners, or injurious to other property in the area; and
  - d. That granting the Subdivision Waiver will not prevent the orderly Subdivision of other property in the area in accordance with these Subdivision Regulations.
3. Falsification of Information
- a. If the Applicant knowingly or unknowingly falsifies any information on the Application or at the hearing before the City Council, the falsification may invalidate the requested Subdivision Waiver.
  - b. If the City Council approves the Subdivision Waiver request based upon false information, regardless of whether the falsification was intentional, the City Council may nullify Approval of the Subdivision Waiver.
- F. Decision of City Council
1. The City Council may question the Applicant regarding the written testimony submitted under Section 15.01.D and request testimony from relevant witnesses before making its decision.
  2. The City Council will consider the Subdivision Waiver based on the testimony of the Applicant and other witnesses and the criteria in Section 15.01.E.
  3. The City Council may take any of the following action:
    - a. Deny the petition, and impose the standard or requirement as stated in these Subdivision Regulations;
    - b. Grant the petition to waive the standard or requirement; or
    - c. Grant alternative relief or partial waiver of the standard or requirement.
  4. In approving the request, the City Council may impose any conditions it finds necessary to fulfill the intent of these Subdivision Regulations.
  5. The Responsible Official will provide written notification of the decision to the Applicant within fourteen (14) calendar days.

G. Effect of Approval

Approval of the Subdivision Waiver authorizes the Responsible Official and the Applicant or Subdivider to process the Plat (see **Section 3.02. General Application Processing**).

H. Expiration and Extension of Approval

1. The Subdivision Waiver remains in effect while the associated Plat or Construction Plans are in effect.
2. Expiration or extension of the associated Plat or Construction Plans automatically cancels or extends the Subdivision Waiver (see **Section 3.04. Amendments to and Expiration of Approved Applications**).

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## Section 16. Economic Incentives

### 16.01. Purpose and Authority

The purpose of this section is to provide local guidelines under ~~TLGC Chapter 381~~ and ~~Chapter 312~~ of the Texas Tax Code granting the Wolfe City City Council authority to develop and administer a program for granting tax abatement to incentivize property owners to invest in Wolfe City and provide job opportunities that contribute to economic growth.

### 16.02. General Provisions

#### A. Agreement with Owner or Lessee of Property

1. The City Council may enter into a tax abatement agreement with the owner or lessee of a property interest subject to ad valorem taxation, the terms of a tax abatement agreement being governed under Texas Tax Code Sections 312.002, 312.003, 312.007, and Chapter 312, Subchapter B.
2. The City Council may, on a case-by-case basis, consider providing tax abatement and rebates as stimulation for economic development in the City for development enhancements and expansions of local businesses.
3. It is the policy of the City Council to provide consideration in accordance with the procedures and criteria outlined in this Section 16 and in conformance with a City Resolution adopting guidelines and criteria for Tax Abatements and Rebates.

#### B. Discretion of City

1. The adoption of this Section does not imply or suggest that the City Council is under any legal or equitable obligation to provide an incentive to any Applicant.
2. The City Council has final authority for Approval or disapproval of any Application, at its discretion.
3. The City Council has the option of having terms in any abatement agreement differ from the terms in an abatement agreement with Hunt County and may exercise that option at its discretion.

### 16.03. Qualifying Development Enhancements


The following types of activities may qualify for economic incentives subject to acceptance by the City Council.

1. Water Conservation Features
2. Open Space Preservation
3. Low Intensity Residential Development
4. Boundary Street Improvements

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## Section 17. Frequently Asked Questions

### 17.01. What Type of Housing Do I Have?

HOUSING TYPE	GENERAL DESCRIPTION
<p><b>MOBILE HOME</b></p>	<ul style="list-style-type: none"> <li>Built before June 15, 1976.</li> <li>Not built to a code.</li> <li>No Certification Label from the US Department of Housing.</li> <li>Design to be used with or without permanent foundation.</li> </ul>
<p><b>HUD CODE MANUFACTURED HOME</b></p> 	<ul style="list-style-type: none"> <li>Built on or after June 15, 1976.</li> <li>Per <u>Texas Occupation Code, 1201.003(18)</u>, a “manufactured home” is defined as “a HUD-Code Manufactured Home or a Mobile Home.”</li> <li>Per the <u>Texas Occupation Code, 1201.003(12)</u>, MH homes are designed for use as a dwelling with or without permanent foundation.</li> <li>Consists of Red Certification Label from the US Department of Housing.</li> <li>HUD-Code Manufactured Homes are regulated by the Manufactured Housing Division of the Texas Department of Housing and Community Affairs. These manufactured homes are provided with a red label certifying the Structure meets the standards specified by the Texas Department of Housing and Community Affairs. More information on HUD-Code Manufactured Homes is available at <a href="http://www.tdhca.state.tx.us">http://www.tdhca.state.tx.us</a>.</li> </ul>

HOUSING TYPE	GENERAL DESCRIPTION
--------------	---------------------

**INDUSTRIALIZED OR MODULAR HOME**  
(meets the International residential Code)



- Built offsite.
- Installed on permanent foundation.
- Carries Blue Decal issued by the Texas Department of Licensing and Regulation signifying that the home has been built to comply with the International Residential Code, 1202.002. Industrialized homes are regulated by the Texas Department of Licensing and Regulation. This agency provides a Modular Home with the Blue Decal signifying that the home has been built to the model code standards required. More information on industrialized homes is available at <http://www.tdlr.state.tx.us/index.htm>.

**TINY HOUSE**  
(meets the International Residential Code App. Q)



- If utilized as full-time residence, then considered a regular stick-built home; or Modular Home.
- A Tiny House that is transported to the site with an oversize permit from the Motor Carrier Division will be considered as a Modular Home or a regular stick-built home. Per the [Transportation Code, Section 621.201](#) (maximum width), the total width of a vehicle operated on a public highway may not be greater than 102 inches.

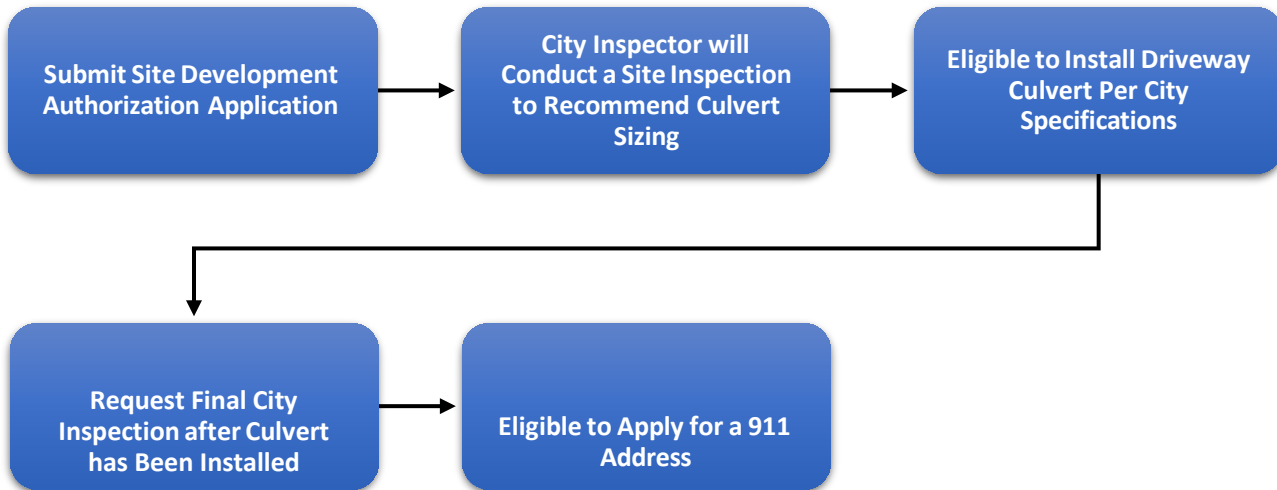
**RECREATIONAL VEHICLE**



- Built on a single chassis.
- 400 square feet or less when measured at the largest horizontal projections.
- Self-propelled or permanently towable by a light duty truck.
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use and has a license or appropriate registration from the City and state agencies.

**17.02. What is the Process to Get a Driveway Culvert Permit?**

Driveway culverts shall not be installed until Development Authorization regarding location of the culvert has been approved by Wolfe City (See **Section 13. Site Development Authorization**). A City Property Development Permit is required before construction (see **Section 12. Development or Use of City Property or Facility**.) Below is the process to obtain a City Property Development Permit. To ensure that driveway culverts on City- maintained roads are constructed to the City’s standards, a 9-1-1 Address Permit will not be issued until a culvert Permit has been approved for the property.



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### 17.03. Are Residential Permits Required in the City?

Per TLGC Section 233.153(d), the City may not require Approval prior to the beginning of a new residential construction. However, the City may require inspections for a “new residential construction” to ensure that it complies with the International Residential Building Code. Per TLGC Section 233.154(b), the property owner or builder must provide notice to the City on a form prescribed by the City before commencing a new residential construction. Per TLGC Section 233.153(f), the City may not charge a fee for this Permit. The Site Development Authorization Application for a new residential construction will request the following information:

- The location of the new residential construction;
- The approximate date by which the new residential construction will begin; and
- The version of the International Residential Code that will be used to construct the new residential construction before beginning construction.

The definition of the “new residential construction” and the inspection timeframe per the Texas Local Government Code are noted below.

#### The Definition of New Residential Construction

Per TLGC Section 233.151, new residential construction includes:

- Residential construction of a single-family house or duplex on a vacant lot; and
- Construction of an addition to an existing single-family house or duplex if the addition will increase the square footage or value of the existing residential Building by more than 50 percent.

The term does not include a Structure that is constructed in accordance with Chapter 1201 (Manufactured Housing), Occupations Code, or a Modular Home constructed in accordance with Chapter 1202 (Industrialized Housing and Buildings), Occupations Code.

#### City Inspections for New Residential Construction on a Vacant Lot

For new residential construction on a vacant lot, a minimum of three (3) City inspections may be performed during the construction project at the following stages of construction:

- The foundation stage, before the placement of concrete;
- The framing and mechanical systems stage, before drywall or other interior wall covering; and
- Upon completion of construction of the residence.

#### City Inspections for an Addition to an Existing Residence

For New Construction of an addition to an existing residence, as described by TLGC Section 233.151(a)(2), a minimum of three (3) City inspections may be performed during the construction project, as seen necessary by the builder based on the scope of work of the construction project.



**Responsible Entity for Conducting City Inspections:**

The builder will be responsible for 1) contracting with the Building professional to perform the inspections and 2) submit the necessary documentation to the City to prove compliance with the International Residential Building Code. The inspection may be performed by the following professionals:

- A licensed engineer;
- A registered architect;
- A professional inspector licensed by the Texas Real Estate Commission;
- A plumbing inspector employed by a municipality and licensed by the Texas State Board of Plumbing Examiners;
- A Building inspector employed by a political subdivision such as a municipality; or
- An individual certified as a residential combination inspector by the International Code Council; and
- May use the same inspector for all the required inspections or a different inspector for each required inspection.

## Section 18. Definitions

### 18.01. Terms Beginning With "A-D"

1. Abandon  
Means to relinquish the Public Right-of-Way and any improvements within it to private ownership and use (see Section 7.02).
2. Abut  
Adjacent, adjoining, and contiguous to. May refer to any land that shares a boundary with a Right-of-Way, Easement, Roadway, River, Open Space, or other Lot.
3. Access  
A means of approaching or entering a property, or the ability to traverse a property.
4. Adequate Facilities  
Roadway, stormwater facilities, and water and wastewater facilities correctly sized to provide service to a property or Subdivision.
5. Alley  
A public or private Right-of-Way not intended to provide the primary means of Access to Abutting Lots and used primarily for vehicular service Access to the back or sides of properties otherwise Abutting on a Roadway.
6. Amending Plat  
See Plat, Amending
7. Applicant  
The Person or entity responsible for the submission of an Application. The Applicant must be the actual owner of the property for which an Application is submitted or shall be a duly authorized representative of the property owner. May also refer to Subdivider.
8. Application  
The completed form that begins the process to authorize a Plat or Land Use and the required package of materials, such as planning documents, survey, Plat, completed checklist, proof of ownership, Construction Plans, drawings, studies, and other informational materials the Responsible Official may require.
9. Application Form  
The written form (as provided by and as may be amended by the Responsible Official) that is filled out and executed by the Applicant and submitted to the City along with other required materials as a part of an Application.
10. Approval  
A determination by an official, board, commission, or the City Council, acting as Decision-Maker under these Subdivision Regulations, that an Application complies with the minimum provisions of these Subdivision Regulations. Such Approval does not constitute Approval of the engineering or surveying contained in the plans, as the design Engineer or Licensed Surveyor that sealed the plans is responsible for the adequacy of such plans.
11. Areas of Special Flood Hazard  
The land in the Floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in

preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, or V.

12. Arterial Roadway

See Roadway, Arterial

13. Automotive Wrecking and Salvage Yard

A business other than a business classified as a salvage pool operator under Texas Occupations Code Chapter 2302 that store three or more wrecked vehicles outdoors for the purpose of:

- a. Selling the vehicles whole; or
- b. Dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.

See TLGC Section 234.001(1)

14. Base Flood

The flood having a one (1) percent chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.

15. Block

A unit of land, typically is subdivided into a group of Lots or Tracts, that is bounded by a segment of Roadway on each side.

16. Building

Any Structure built for support, shelter or enclosure of persons, animals, personal property, records, or other movable property and when separated in a manner sufficient to prevent fire, each portion of such Building shall be deemed a separate Building.

17. Building Permit

A Permit the City issues for construction of a Commercial Use Building, Multi-Family Residential Use Building or Public Building under TLGC Chapter 233, Subchapter C after reviewing plans for conformance with the City's adopted Wolfe City Fire Code.

18. Building Setback

The minimum required distance between the Right-of-Way line or property line and the nearest face of a Building (see Yard, Front). **See Figure 19.1**

19. Cancellation of a Subdivision

A recorded instrument approved by Court Order that reestablishes a Subdivision or Platted property as acreage Tracts (see Section 4.06).

20. Certificate of Correction

A recorded instrument created by a Licensed Surveyor that legally corrects a minor feature of a recorded Plat, such as a scrivener's error, without recording a new Plat.

21. Collector Roadway

See Roadway, Collector

22. City Council

The governing body of Wolfe City, Texas. The City Council approves most forms of Plat and some forms of Land Use (see Section 2.01.A).

23. City Council Engineering Representative

The City Council designee responsible for making Determination of Proportionality for Public Improvement costs, reviewing and approving Construction Plans, recommending acceptance of Public Improvements, and serving as an advisor to the City Council and the Development Support Committee on engineering matters (see **Section 2.04**).

24. Common Lot

Designated Lots in a Subdivision that a Homeowners' Association (HOA) or Property Owners' Association (POA) owns and maintains for the common use of Association members (see **Section 5.06**).

25. Construction Plans

A set of drawings detailing Public Improvements associated with a Subdivision including paving, water, wastewater, drainage, and other required plans (see **Section 6.01**). Submittal of Construction Plans does not authorize construction to begin (see **Section 6.03, Construction Release**).

- a. Preliminary Construction Plans are the drawings the Subdivider submits with the Preliminary Plat to demonstrate the Subdivision will conform to these Subdivision Regulations and the Engineering Standards Manual.
- b. Final Construction Plans are the engineered and stamped drawings the Subdivider submits after Preliminary Plat Approval that the Contractor will work from to construct the Subdivision and Public Improvements.

26. Construction Release

Authorization by the City Council Engineering Representative to begin construction of Public Improvements (see **Section 6.03, Construction Release**).

27. City

Wolfe City, Texas. Also used to refer collectively to the authority of the City Council, City Judge, City Attorney, Development Support Committee, Responsible Official, City Council Engineering Representative, and City OSSF Designated Representative.

28. City Attorney

The City Council appointee responsible for providing legal advice to the City, or any licensed attorney the City Attorney designates.

29. City Clerk

The person(s) designated to provide clerical and official services for the City.

30. City Judge

The appointed municipal judge of Wolfe City, Texas.

31. Cul-de-Sac

A Roadway having only one vehicular Access to another Roadway and terminated on the opposite end with a vehicular turnaround.

32. Date of Adoption

The date of adoption of these Subdivision Regulations shall be the date this ordinance becomes effective.

33. Dead-End Road

See Roadway, Dead-End.

34. Decision-Maker

The City Council or City official, such as the City Council Engineering Representative or the Responsible Official, that approves or disapproves an Application (see Section 2: Decision-Maker Authority).

35. Demolition Business

A business that demolishes Structures, including houses and other Buildings in order to salvage Building materials and that stores those materials before disposing of them (TLGC 234.001(2)).

36. Determination of Completeness

Written determination from the City that an Applicant has provided all items necessary for review and that the submitted Application is administratively complete under TLGC Section 232.0025 and TLGC Section 245.002. A Determination of Completeness does not mean Approval of an Application.

37. Determination of Proportionality

A determination of the equitable cost to provide Public Improvements based on the calculated impact of a proposed Subdivision. Payment of cost may come in the form of dedications, the payment of fees, or the payment of construction costs, or as agreed to by the City Council and the Subdivider under the terms of a Development Agreement.

38. Development Agreement

An agreement between the City and a Subdivider under TLGC Chapter 232.105 that includes a Determination of Proportionality and creates terms for the equitable share and participation in the cost of constructing Public Improvements.

39. Development Support Committee

A committee of City Council appointees responsible for reviewing Subdivision Applications and making recommendation to the City Council for Approval of Plats and other requests (see Section 2.02.C).

40. Discontinue

To discontinue the maintenance of a Roadway.

41. Drainage Plan

A plan detailing drainage requirements; refer to Engineering Standards Manual for details.

42. Driveway Approach

The area between a Roadway and private property intended to provide Access for vehicles from the Roadway of a public street to a definite area of the private property (e.g., parking area or driveway) and used for ingress and egress of vehicles.

43. Dwelling Unit

One or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single-family or group of persons living together as a family or by a single person.

## 18.02. Terms Beginning With "E-K"

### 45. Easement

- a. Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or Plat filed with the City Clerk. Among other things, Easements may be used to install and maintain utility lines, drainage ditches or channels, or for other City or public services.
- b. An area established for public purposes on private property upon which the City shall have the right to remove and keep removed all or part of any Buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance, or efficiency of City systems.

### 46. Engineer

A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare Construction Plans and specifications for public works improvements.

### 47. Engineering Standards Manual

The technical manual containing Roadway and drainage standards applicable to Subdivisions and Land Use in these Subdivision Regulations. The Engineering Standards Manual works in concert with these Subdivision Regulations and for similar purposes by providing minimum standards for the design and construction of Public Facilities.

### 48. Extraterritorial Jurisdiction (ETJ)

The unincorporated area outside a municipality but contiguous to and extending outward from its corporate limits over a distance specified in ~~TLGC Chapter 42.021~~. A municipality has certain planning controls, such as Platting authority, within its Extraterritorial Jurisdiction (ETJ).

### 49. Fee Schedule

The listing of fees approved by the City Council for various City Applications.

### 50. Feeder Road

see Roadway, Feeder.

### 51. Final Acceptance

The acceptance by the City of all Infrastructure improvements constructed by the Subdivider in conjunction with the development of land.

### 52. Final Plat

See Plat, Final.

### 53. Fiscal Security

A guarantee by a Subdivider, often through the purchase of a Construction Bond, that gives the City funding if the Subdivider cannot complete the Public Improvements or other obligations listed in a Development Agreement.

### 54. Flag Lot

See Lot, Flag

### 55. Flea Market

An outdoor market for selling secondhand articles or antiques (~~TLGC Section 234.001.(3)~~).

56. Floodplain

The area subject to inundation by water from the Base Flood.

57. Floodway

A natural drainage area that accommodates the Base Flood for existing creeks and open drainage ways without cumulatively increasing the Water Surface Elevation more than a designated height.

58. Frontage

All the property Abutting on one (1) side of a Roadway, or between two (2) or more intersecting Roadways, measured along the Roadway or Right-of-Way line (see **Section 5.04.B. Lot Frontage Requirement**).

59. Fully Developed Conditions

May refer to the maximum extent of a Subdivision, especially one constructed in phases where one or more phases may require oversized Public Improvements (see **Section 1.08.B**); or to the buildout of a defined area when all the land within the area develops to its maximum extent. These Subdivision Regulations typically use the term to refer to a benchmark for determining Infrastructure needs.

60. Habitable Building

Any Building used, or intended for use, on a day-to-day basis by people for residential purposes, or for purposes of conducting a commercial or industrial business, or for purposes of a similar nature and having the minimum required bathroom facilities, kitchen facilities, windows, and ventilation.

61. Hammerhead Turnaround

Additional pavement at the end of a Dead-End Road that allows larger vehicles to turnaround with minimal backing up (see Figure 19-1.)

62. Homeowners' Association (HOA) or Property Owners' Association (POA)

A formal organization operating under recorded land agreements through which:

- a. Each Lot and/or property owner in a specific area is automatically a member; and
- b. Each Lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and
- c. The charge, if unpaid, becomes a lien against the nonpaying member's property.

(see **Section 5.06; Texas Property Code Chapter 209**)

63. HUD-Code Manufactured Home

- a. Means a Structure:
  - i. Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
  - ii. Built on a permanent chassis;
  - iii. Designed for use as a dwelling with or without a permanent foundation when the Structure is connected to the required utilities;
  - iv. Transportable in one or more sections; and

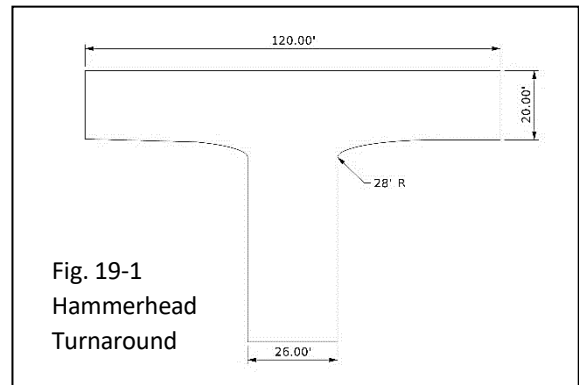


Fig. 19-1  
Hammerhead  
Turnaround

- v. In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet;
- b. Includes the plumbing, heating, air conditioning, and electrical systems of the home; and
- c. Does not include a Recreational Vehicle (RV) as defined by 24 C.F.R. Section 3282.8(g).  
(See Texas Occupations Code Chapter 1201.003(12))

64. Wolfe City Fire Code

The fire guidelines the City Council adopts by Court Order.

65. Wolfe City Thoroughfare Plan

The plan that guides the development of adequate circulation within the City and connects the City Roadway system to regional traffic carriers. Also referred to as "Thoroughfare Plan."

66. Industrialized Housing

- a. A residential Structure that is:
  - i. Designed for the occupancy of one or more families;
  - ii. Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
  - iii. Designed to be used as a permanent residential Structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
- b. Industrialized housing includes the Structure's plumbing, heating, air conditioning, and electrical systems.
- c. Industrialized housing does not include:
  - i. A residential Structure that exceeds four stories or 60 feet in height;
  - ii. Housing constructed of a sectional or panelized system that does not use a modular component; or (note: per Texas Occupations Code Chapter 1202.001 "modular component" means a structural part of housing or a Building constructed at a location other than the Building site in a manner that prevents the construction from being adequately inspected for code compliance at the Building site without: (A) damage; or (B) removal and reconstruction of a part of the housing or Building.)
  - iii. A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

Texas Occupations Code Chapter 1202.002

67. Infrastructure

Roadways, Alley, sidewalks, stormwater facility, water and wastewater facilities, utilities, and other similar facilities.

68. Junkyard

A business that stores, buys, or sells materials that have been discarded or sold at a nominal price by a previous owner that keeps all or part of the materials outdoors until disposing of them (TLGC Section 234.001(4)).



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### 18.03. Terms Beginning With "L-O"

69. Land Use

The primary use of a Tract or Lot based on the existing or planned Structures or activities. The City does not regulate Land Use except under TLGC Chapter 232, TLGC Chapter 233, and TAC Chapter 285 (see Section 13, Site Development Authorization).

70. Legal Description

- a. The physical boundaries of a property drawn by a Licensed Surveyor and described in metes and bounds or by Lot and Block:
- b. Metes and Bounds lists specific measurements and bounds that specifically describe the perimeter of the property. The language includes a list of step by step directions (e.g., "THENCE North 02E 15N 25° and East 519 ft to a set of 1 inch iron rods marking the northeast corner;") that ends in the point of beginning.
- c. Lot and Block lists the Lot number and Block number followed by a reference to a Tract within a Subdivision Plat recorded with the City. An adequate legal property description includes the volume and page number of the City Deed Record containing the Plat that created the Lot and Block (e.g., Lots 9 and 10 in Block 11, of Any Addition, a Subdivision in Wolfe City, Texas, according to the map or Plat thereof recorded in Volume 1, Page 100, of the Deed Records of Wolfe City, Texas)

71. Letter of Acceptance

A letter from the City Council Engineering Representative to the Subdivider indicating that the City Council formally accepts the Public Improvements for ownership and maintenance (see subsection Section 6.07).

72. Letter of Public Improvement Compliance

A letter from the City Council Engineering Representative to the Subdivider indicating that completed Public Improvements meet City standards and are ready for use. A Letter of Public Improvement Compliance does not mean the City accepts the Public Improvements for ownership and maintenance (see Section 6.05.C).

73. Licensed Surveyor

A professional land surveyor licensed to practice in the State of Texas.

74. Local Roadway

See Roadway, Local.

75. Lot

Land identifiable by Legal Description with required yards and Roadway Access or Frontage. These Subdivision Regulations generally use the term Lot to describe land divided for constructing a Habitable Building, establishing or expanding a Land Use (see Section 13), or for use as Open Space.

76. Lot, Corner

A Lot situated at the intersection of two or more Roadways.

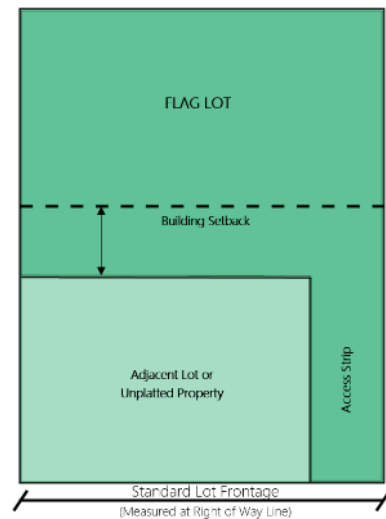
77. Lot, Depth

The mean distance from the front street line to the rear line.

78. Lot, Flag

A property with zero or minimal Roadway Frontage having Access primarily by means of a narrow strip of property or Easement across a separate property (see Section 5.04.E). See Figure 19.2

Figure 19.2 Flag Lot



79. Lot Frontage

See, Frontage

80. Lot Lines

Lines that collectively form the boundary of a Lot. A Licensed Surveyor creates Lot lines by placing actual monuments in the ground tied to reference datum from which the Licensed Surveyor calculates the bearings and distances that describes the Lot line on the Plat.

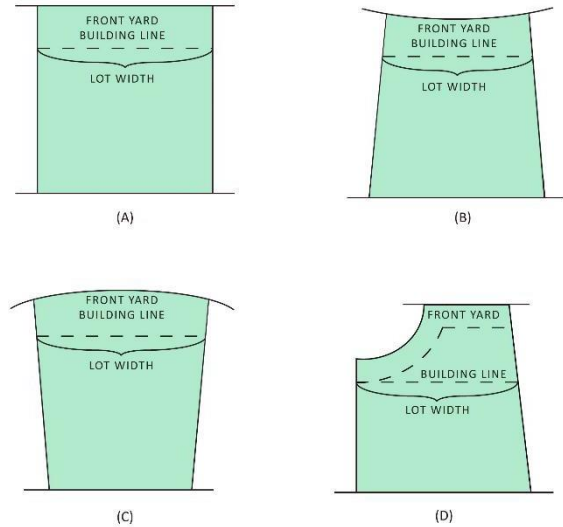
81. Lot of Record

A Lot that is part of a recorded Subdivision or Plat.

82. Lot Width

The mean distance between side lines measured at right angles to the depth (see **Section 5.04.B. Lot Frontage Requirement**). See **Figure 19.3**

Figure 19.3  
 Lot Width



83. Manual on Uniform Traffic Control Devices

The Manual on Uniform Traffic Control Devices, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and Private Road open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

84. Manufactured Home

Manufactured Home or "manufactured housing" means a HUD-Code Manufactured Home or a Mobile Home.

85. Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more Manufactured Home Lots for rent or sale.

86. Manufactured Home Rental Community

Land that is separated into two or more spaces or Lots for rent or lease for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences (see **Section 11. Manufactured Home Rental Community; TLGC Section 232.007**).

87. Mobile Home

a. A Structure:

- i. Constructed before June 15, 1976;
- ii. Built on a permanent chassis;
- iii. Designed for use as a dwelling with or without a permanent foundation when connected to the required utilities;
- iv. Transportable in one or more sections; and
- v. In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and
- vi. Includes the plumbing, heating, air conditioning, and electrical systems of the home (see Texas Occupations Code Chapter 1201.003(20).)

88. Modular Home

See Industrialized Housing.

89. Multi-Family Residential Use

A Building used for a residence or a dwelling with four or more units for sale or rent and that requires a Building Permit under Section 13. Site Development Authorization.

90. New Construction

New Residential construction of a single-family house or duplex on a vacant lot and construction of an addition to an existing single-family house or duplex, if the addition will increase the square footage or value of the existing residential building by more than fifty percent (50%) (see TLGC Section 233.151.)

91. North Central Texas Council of Governments

(Also "NCTCOG") The non-profit metropolitan planning organization responsible for coordination between counties, municipalities, and other government and subgovernment units in the Dallas-Fort Worth region. NCTCOG is responsible for directing transportation and other planning funds to entities within its jurisdiction, conducting studies, and promoting education and cooperation on Land Use and economic issues.

92. 9-1-1 Address Permit

- a. Preliminary Permit: A Permit issued to establish an addressing scheme for a Preliminary Plat or Final Plat if Public Improvements are not complete.
- b. Final Permit: A Permit issued establishing the final official 9-1-1 address for each Lot in a Subdivision or an individual property.

93. Official Submission Date

The date the Responsible Official determines that a Plat Application is complete.

94. Official Vesting Date

The date the Applicant submits the Application for Review of Administrative Completeness.

95. On-Site Sanitary Sewer Facility (OSSF)

A facility or system, commonly classified as aerobic or anaerobic, designed to treat no more than 5,000 gallons of sewage per day and that operates within or on or a portion of the property from which the sewage originates.

96. Open Space

An area without a Habitable Building that may include facilities for outdoor recreation, stormwater management, beautification, buffering of uses, or trees, bushes, and sod.

97. Outdoor Resale Business

Per TLGC Section 234.001(5), a business that sells used merchandise other than automobiles, logging equipment, or other agricultural equipment and store or displays the merchandise outdoors.

98. Order of the City Council for Final Acceptance

An order of the City Council acknowledging the completion, inspection and conformance of all Public Improvements and accepting ownership and maintenance of the Public Improvements.

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## 18.04. Terms Beginning With "P-S"

99. Perimeter Roadway

A street that Abuts a parcel of land to be subdivided on one side.

100. Permit

Authorization to begin a regulated Land Use or activity such as construction under [Section 13. Site Development Authorization](#).

101. Permit Types

The Permits listed in [Section 13.03](#).

102. Person

An individual, firm, association, organization, partnership, trust, foundation, company, or corporation.

103. Phasing Plan

The plan the Subdivider submits with the Preliminary Plat for a multi-phase Subdivision showing the extent of each phase and the Fully Developed Conditions of the Subdivision.

104. Plat

When used as a noun, a scaled map that a Licensed Surveyor prepares for a Subdivider to divide property into one (1) or more Lots. A Plat also contains the owner's signature and attestation, information about the Subdivider's property and neighboring properties, Public Right-of-Way and Easement dedication, and notes about the intended function of the Subdivision and Infrastructure constructed to serve the Subdivision.

When used as a verb, the act of creating a Plat and filing it in the Wolfe City Plat Records.

105. Plat, Amending

A minor revision or modification of a recorded Plat that does not change or create new Lot boundaries (see [Section 4.05](#)).

106. Plat, Final

The legal record of land, including a Subdivision, prepared from actual field measurements and staking of identifiable points by a Licensed Surveyor to a location referenced to a survey corner. The Plat, Final describes all boundaries, corners, and curves with enough detail that a Licensed Surveyor or Engineer can reproduce them without additional references. The Plat, Final also establishes and records Lots, Right-of-Way, and Easements (see [Section 4.03](#)).

107. Plat, Preliminary

A scaled planning document that lays out the boundary, Roadways, Lots, topography, and Infrastructure in a proposed Subdivision and that provides the City with a basis for reviewing Construction Plans and the Final Plat (see [Section 4.02](#)).

108. Plat, Revision to (Replat)

A revision to a recorded Subdivision that revises Lots, Right-of-Way, or Easements (see [Section 4.07](#)).

109. Plat, Short Form Final

A Final Plat of a property with existing Roadway Frontage that requires no Public Improvements other than Right-of-Way dedication (see [Section 4.04](#)).

110. Platted

Property described in a recorded Subdivision or Plat.

**111. Pre-Application Meeting**

An informal meeting between City staff and a Subdivider or Applicant that allows for exchange of non-binding information before the Subdivider or Applicant submits an Application.

**112. Preliminary Drainage Plan**

This plan shows the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, though, and from the development refer to **Section 6. Subdivision Development Procedures** for details.

**113. Preliminary Plat**

See Plat, Preliminary.

**114. Private Road**

See Roadway, Private.

**115. Progress Toward Completion**

- a. An application for a Final Plat or plan is submitted to the City;
- b. A good-faith attempt is made to file with the City an Application for a Permit necessary to begin or continue towards completion of the project;
- c. Costs have been incurred for developing the project including, without limitation, costs associated with Roadway, utility, and other Infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised market value of the real property on which the project is located; or
- d. Fiscal Security is posted with the City to ensure performance of an obligation required by the City. (See

TLGC Section 245.005)

**116. Proportionality**

See Determination of Proportionality.

**117. Public Improvement**

A facility or service and its associated Public Right-of-Way, Easement, or other property necessary to provide Roadways for transportation of persons or goods or storm drainage. The City or Subdivider may construct Public Improvements individually or jointly through a Development Agreement, with the City ultimately assuming ownership and responsibility for operations and maintenance by Order of the City Council for Final Acceptance.

**118. Public Road**

See Roadway, Public

**119. Record Drawings**

An engineering document that depicts the final configuration, size, and position of completed Public Improvements that the City can use to determine future maintenance and repair needs. Record Drawings also reflect changes in the field that may cause the Public Improvements to differ from the specifications of the approved Construction Plans.

**120. Recycling Business**

A business that is primarily engaged in:

- a. Converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value;
- b. Using raw material products of that kind in the production of new products or

- c. Obtaining or storing ferrous or nonferrous metals or other materials for a purpose described by (a) or (b) above.

**121. Recreational Vehicle (RV)**

Per **24 C.F.R. Section 3282.8(g)**, a vehicle that is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projections;
- c. Self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**122. Replat**

See Plat, Revision to (Replat)

**123. Residential Use**

Use of a Building as a residence or dwelling and that requires notification and inspection under subsection **Section 13.04** (see Multi-Family Residential Use for residential Buildings with four or more units).

**124. Responsible Official**

The City Council designee responsible for accepting and processing Subdivision and Land Use Applications, overseeing the Subdivision process, managing public hearing notices, and acting as a liaison between an Applicant and the City Council (see **Section 2.03: Responsible Official**).

**125. Revision of a Plat (Replat)**

See Plat, Revision to (Replat).

**126. Right-of-Way**

- a. **Public Right-of-Way:** An area of land described on a Plat or deed record that the City or the State owns and maintains and that the public may use as a Roadway, drainageway, or sidewalk if the use is consistent with City or State law. Utilities or other entities may use the Public Right-of-Way with the Approval of the City Council (see **Section 12. Development or Use of City Property or Facility**).
- b. **Private Right-of-Way:** An area of land described on a Plat or deed record for private use or facilities such as Roadways, utilities, sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.
- c. Right-of-Way also refers to parkways and medians outside of a paved Roadway.
- d. For Platting purposes, every Right-of-Way on a Final Plat must be separate and distinct from the Lots Abutting it and not included in the area of any Lot.

**127. River**

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**128. Roadway**

The paved or improved portion of a Right-of-Way that allows for the passage of vehicles between properties or between intersecting Roadways.

**129. Roadway, Arterial**

A Roadway designed to provide primary Access to nonresidential properties and to allow the passage of large volumes of primarily commercial traffic between freeways and other Arterial Roadways or Collector Roadways (see **Section 7.2 Engineering Standards Manual**.)



**130. Roadway, Collector**

A Roadway designed to allow the passage of moderate to large volumes of mixed traffic between Roadway, Arterials and other Collector Roadways or Local Roadways (see **Section 7.2 Engineering Standards Manual**).

**131. Roadway, Dead-End**

A Roadway having one point of Access from an intersecting Roadway with the other end terminating or transitioning to a private driveway.

**132. Roadway, Feeder**

A Roadway serving the function of a Roadway, Collector that allows the passage of primarily residential traffic between a Subdivision and other Roadway (see **Section 7.2 Engineering Standards Manual**).

**133. Roadway, Local**

A Roadway designed to provide primary Access to residential properties and to allow the passage of residential traffic to a Feeder Road or Roadway, Collector (see **Section 7.2 Engineering Standards Manual**).

**134. Roadway, Private**

A Roadway that functions as a Roadway, Local but is under private ownership and maintenance (see **Section 7.2 Engineering Standards Manual**).

**135. Roadway, Public**

A public-access Roadway owned and maintained by a public agency such as the City or the State. May also be referred to as a City Roadway.

**136. Sexually Oriented Business**

A sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer (**TLGC Chapter 243**).

**137. Short Form Final Plat**

See Plat, Short Form Final

**138. Sketch Plan**

An informal plan prepared prior to the preparation of the Preliminary Plat or Final Plat describing the proposed design of the Subdivision to be reviewed during the Pre-Application Meeting or review process.

**139. Structure**

Anything constructed or erected that requires location on the ground or attached to something having a location on the ground, including, but not limited to, drainage control devices; towers such as radio, microwave, and cell towers; construction designed for habitation, storage, or protection from the elements (see Building); a Manufactured Home; advertising signs, billboards and poster panels, but not including of customary fences or boundary of retaining walls, sidewalks and curbs.

**140. Subdivider**

A Person or corporation that divides land to create a Subdivision of Lots for sale and Building construction. The term is generally used interchangeably with "Developer," "Applicant," "Contractor," or "Builder" within these Subdivision Regulations unless the text explicitly refers to those terms in a way that is separate and distinct from Subdivider.

**141. Subdivision**

The division or Platting of a Tract or parcel of land into two or more parts or Lots for the purpose of sale, Building construction, or transfer of ownership other than transfer to heirs of an estate. The term includes "Addition" and re-Subdivision through Revision of a Plat (Replat) and other Subdivision or re-Subdivision of land defined and regulated under **TLGC Chapter 232**.

**142. Subdivision Regulations**

The Subdivision Regulations of Wolfe City adopted under **TLGC Chapter 232** for the purpose of regulating Subdivision and Land Use within the City, and any amendments to these Subdivision Regulations.

**143. Subdivision Plat**

A Plat (i.e., Preliminary Plat, Short Form Final Plat, Final Plat, Amending Plat, or Plat, Revision to (Replat)) established in **TLGC Chapter 232** involving the subdividing of land in two (2) or more parts or the amending of a recorded Plat.

**144. Subdivision Waiver**

A waiver of a particular standard or requirement of the Subdivision Regulations.

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## 18.05. Terms Beginning With "T-Z"

### 145. Tiny House

A dwelling that is less than 400 square feet in floor areas excluding Lofts.

### 146. Thoroughfare

- a. A road designated as a Thoroughfare within the Wolfe City Thoroughfare Plan.
- b. A principal traffic-way more or less continuous across the City or areas adjacent thereto acting as a principal connecting Roadway with highways as indicated in the Wolfe City Wolfe City Thoroughfare Plan.
- c. See the Wolfe City Thoroughfare Plan for detailed standards.

### 147. Tract

A property identifiable by Legal Description but typically described in abstract or with boundaries divided from an original land grant or division of a land grant.

### 148. TxDOT Access Management Manual

A manual published by the Texas Department of Transportation that is applicable to state highways and outlines the criteria for general Thoroughfare planning such as shared access, cross access, and Thoroughfare spacings.

### 149. Unplatted

Property that is not described in a recorded Subdivision or Plat.

### 150. Utility Easement

See Easement.

### 151. Violation

Failure to comply with standards of these Subdivision Regulations.

### 152. Vested Right

A right of an Applicant requiring the City to review and decide the Application under standards in effect prior to the effective date of the standards of these Subdivision Regulations in accordance with TLGC Chapter 245.

### 153. Waiver of 30-Day Decision

A request by the Subdivider for an extension of the deadline for Plat decision under TLGC Section 232.0025(f). A Waiver of 30-Day Decision delays the date the City Council approves or disapproves a Plat for up to thirty (30) days.

### 154. Warranty Bond

A type of Fiscal Security used to guarantee the performance of Public Improvements after the City Council Engineering Representative issues a Letter of Public Improvement Compliance but before the City accepts the Public Improvements.

### 155. Water-Saving Devices

Devices that, when used in conjunction with household fixtures or appliances that discharge water into an OSSF, qualify for reduced flow rate assumptions when sizing the OSSF according to TCEQ standards (see Section 10.05.L):

- a. Low-Flow Toilets (1.6 gallons per flush or fewer);
- b. Faucet aerators;
- c. High-efficiency showerheads;

- d. High-efficiency (Energy Star Rated) washing machines;
- e. Periodic leak testing of OSSF using dye test.

156. Water Surface Elevation

The height, in relation to the National Geodesic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in a Floodplain.





## **TAKINGS IMPACT ASSESSMENT**

### **Proposed Subdivision Regulations – Wolfe City, Texas**

#### **PURPOSE AND INTENT**

Wolfe City, Texas, acting through the Wolfe City’s City Council (hereafter “City”) is proposing to adopt new Subdivision Regulations (hereafter “Proposed Regulations”) for the City. The Proposed Regulations will include specification of City and City Council authority to define and implement its regulations along with definition of procedures and rules for implementation of subdivision land development projects within City jurisdictional areas including but not limited to the following:

- Plat application review and procedures
- Preliminary and final plat requirements
- Procedures for amending and vacating plats
- Fiscal security requirements and procedures
- Private subdivisions
- Variances
- Plat Expirations
- Manufactured home community standards
- Vesting protocol
- Engineering guidelines
- HB 1445 protocol
- Construction inspection requirements
- Lot requirements, including set-backs
- Development fees and penalties
- Technical specification for subdivision layout, street and driveway design, and drainage design.

This Takings Impact Assessment (hereafter “TIA” is intended to satisfy the statutory requirements of the Texas Private Real Property Rights Preservation Act (the “Act” or PRPRPA) in regard to the Proposed Regulations.

#### **REGULATORY BACKGROUND**

##### **General Principles in the Law of Regulatory Takings**

The U.S. Supreme Court and the Texas Supreme Court have formulated a standard for determining when a governmental regulation of private property goes so far as to become a taking. At present, the U.S. Supreme Court and Texas Supreme Court have adopted the following basic legal principals concerning the law of regulatory takings:



- Possible remedies for a regulatory taking are to invalidate the offending regulation or to make the governmental entity liable for monetary damages.
- In defending a challenge to a regulation, the governmental entity must show that the regulation actually substantially advances a legitimate state interest. A legitimate state interest has been liberally interpreted to include such things as protecting residents from the “ill effects of urbanization” and the preservation of desirable aesthetic features.
- A compensable regulatory taking occurs when a land use regulation either (1) denies the landowner all economically viable uses of the property, or (2) unreasonably interferes with the owner’s right to use and enjoy his property. The Texas Supreme Court has held that a land use regulation denies a landowner all economically viable uses of the property if the regulation renders the property valueless.
- In determining whether a governmental regulation unreasonably interferes with an owner’s right to use and enjoy his property, a court must evaluate two factors: (1) the economic impact of the regulation (i.e., comparing the value that has been taken from the property with the value that remains), and (2) the extent to which the regulation interferes with existing or already permitted land uses is more likely to be considered a regulatory taking than a regulation which interferes with speculative uses or the landowner’s asserted entitlement to the highest and most valuable use of every piece of his property.
- In the case of governmental exactions, the required dedication for public use or of public facilities must be roughly proportional to the actual need for those public facilities which is generated by the proposed development. For example, the amount of roadway required to be dedicated by the developer must be reasonably commensurate to the amount of traffic generated by the new development.

The City recognizes the need to comply with the general principles regarding takings or other exactions as reflected in applicable state or federal laws, court rulings and the Texas Real Property Rights Preservation Act.

### **The Texas Real Property Rights Preservation Act ( the “Act”)**

In 1995, the Legislature enacted the Act which is codified in Chapter 2007 of the Texas Government Code (TGC). The overriding purpose of the Act was to ensure that governmental entities in Texas take a “hard look” at the effects on private real property rights of the regulations they adopt.

### **Definition of a Regulatory Taking Pursuant to the Act**

The following information is taken from a guidance document prepared by the State of Texas Office of the Attorney General (OAG). The Act [specifically TGC §2007.002(5)] defines a “taking” as follows:

(a) *a governmental action that affect private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or Section 17 or 19, Article I, Texas Constitution; or*

(b) *a governmental action that:*

(1) *affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action; and*

(2) *is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect.*

The Act, in TGC §2007.002, thus sets forth a definition of “taking” that (i) incorporates current jurisprudence on “takings” under the United States and Texas Constitutions, and (ii) sets forth a new statutory definition of “taking.” Essentially, if a governmental entity takes some “action” covered by the Act and that action results in a devaluation of a person’s private real property of 25% or more, then the affected party may seek appropriate relief under the Act. Such an action for relief would be predicated on the assumption that the affected real property was the subject of the governmental action.

TGC §2007.003(a) provides that the Act applies only to the following governmental actions:

(1) *the adoption or issuance of an ordinance, rule, regulatory requirement, resolution, policy, guideline, or similar measure;*

(2) *an action that imposes a physical invasion or requires a dedication or exaction of private real property;*

(3) *an action by a municipality that has effect in the extraterritorial jurisdiction of the municipality, excluding annexation, and that enacts or enforces an ordinance, rule, regulation, 4. or plan that does not impose identical requirements or restrictions in the entire extraterritorial jurisdiction of the municipality; and*

(4) *enforcement of a governmental action listed in Subdivisions (1)-(3), whether the enforcement of the governmental action is accomplished through the use of permitting, citations, orders, judicial or quasi-judicial proceedings, or other similar means.*

The requirement to do a TIA only applies to §2007.003(a)(1)-(3).

### **Governmental Actions Exempted From the Act**

There are certain governmental actions exempted by the Act. The following actions are exempted from coverage of the Act under §2007.003(b):

- (a) an action by a municipality except as provided by subsection (a)(3);*
- (b) a lawful forfeiture or seizure of contraband as defined by Article 59.01, Code of Criminal Procedure;*
- (c) a lawful seizure of property as evidence of a crime or violation of law;*
- (d) an action, including an action of a political subdivision that is reasonably taken to fulfill an obligation mandated by federal law or an action of a political subdivision that is reasonably taken to fulfill an obligation mandated by state law;*
- (e) the discontinuance or modification of a program or regulation that provides a unilateral expectation that does not rise to the level of a recognized interest in private real property;*
- (f) an action taken to prohibit or restrict a condition or use of private real property if the governmental entity proves that the condition or use constitutes a public or private nuisance as defined by background principles of nuisance and property law of this state;*
- (g) an action taken out of a reasonable good faith belief that the action is necessary to prevent a grave and immediate threat to life or property;*
- (h) a formal exercise of the power of eminent domain;*
- (i) an action taken under a state mandate to prevent waste of oil and gas, protect correlative rights of owners of interests in oil or gas, or prevent pollution related to oil and gas activities;*
- (j) a rule or proclamation adopted for the purpose of regulating water safety, hunting, fishing, or control of non-indigenous or exotic aquatic resources;*
- (k) an action taken by a political subdivision:*
  - (1) to regulate construction in an area designated under law as a floodplain;*
  - (2) to regulate on-site sewage facilities;*
  - (3) under the political subdivision's statutory authority to prevent waste or protect rights of owners of interest in groundwater; or*
  - (4) to prevent subsidence;*
- (l) the appraisal of property for purposes of ad valorem taxation;*
- (m) an action that:*
  - (1) is taken in response to a real and substantial threat to public health and safety;*
  - (2) is designed to significantly advance the health and safety purpose; and*
  - (3) does not impose a greater burden than is necessary to achieve the health and safety purpose; or*

*(n) an action or rulemaking undertaken by the Public Utility Commission of Texas to order or require the location or placement of telecommunications equipment owned by another party on the premises of a certificated local exchange company.*

Based on the types of actions anticipated under the Proposed Regulations, Wolfe City believes that while certain actions included in the Proposed Regulations are exempt, other actions may not be exempt and will require the City to prepare this TIA.

#### Lawsuit to Invalidate a Governmental Taking

The Act allows landowners whose property is significantly impaired by governmental regulations to sue the governmental entity to invalidate the regulation. As an alternative to invalidation of the governmental action, the governmental entity may elect to pay the landowner compensation for the loss in value of the property interest. The Act is generally applicable to any governmental action (e.g., adoption of an ordinance, regulatory requirement or policy, or a governmental exaction) that restricts or limits the landowner's rights in the real property and that causes a reduction of 25% or more in the market value of the property. Any lawsuit by an affected real property owner against the governmental entity must be filed within 180 days after the owner knew or should have known of the governmental action. The prevailing party in the lawsuit against the governmental entity is entitled to recover reasonable and necessary attorney's fees and court costs from the losing party.

#### Requirement to Prepare A Takings Impact Assessment (TIA)

In addition to a lawsuit to invalidate a taking by a governmental entity, all governmental entities in Texas (including the City) are required to prepare a TIA evaluation of any proposed regulation that may impair private real property interests and to provide public notice of the takings impact assessment.

### **EVALUATION PROCESS**

Based on those items from the Proposed Regulations determined to be subject to the preparation of a TIA, the City is evaluating these items using the guidelines prepared by the State of Texas Office of the Attorney General. These guidelines require each action be evaluated through a series of questions. These questions, with subsequent instruction, are:

***Question 1:*** *Is the Governmental Entity undertaking the proposed action a Governmental Entity covered by the Act, i.e., is it a "covered Governmental Entity"? See the Act, §2007.002(1).*

*The answer to Question 1 is "Yes":*

TGC §2007.002(1)(B) indicates that "a political subdivision of this state" is a covered governmental entity. Article IX of the Texas Constitution indicates that municipalities are political subdivisions of the State. Therefore, the City would be a covered governmental entity, subject to the requirements to prepare a TIA where it would otherwise be required.

**Question 2:** *Is the proposed action to be undertaken by the governmental entity an action covered by the Act, i.e., a “Covered Governmental Action”*

- (1) *If the answer to Question 2 is “No”: No further compliance with the Act is necessary.*
- (2) *If the answer to Question 2 is “Yes”: Go to Question 3.*

Based on the City’s review of the Act, certain of the actions included in the Proposed Regulations may qualify as Covered Governmental Actions while others do not. Except as stated herein, the Proposed Regulations do not propose any “physical taking” of any particular property as defined in the Act, but certain actions are required to be evaluated as a “regulatory taking”. Those actions determined to be Covered Governmental Actions will be further evaluated using subsequent questions. Any “physical taking”, as defined by the Act, will be compensated for pursuant to the applicable provisions of the Texas Property Code and the U.S. and Texas Constitutions.

**Question 3:** *Does the Covered Governmental Action result in a burden on “Private Real Property” as that term is defined in the Act?*

- (1) *If the answer to Question 3 is “No”: A “No Private Real Property Impact” or No PRPI Determination should be made.*
- (2) *If the answer to Question 3 is “Yes”: A TIA is required, and the governmental entity must undertake evaluation of the proposed governmental action on private real property rights.*

Based on the City’s review of the Act, certain of the actions included in the Proposed Regulations may result in the imposition of a burden on “Private Real Property” as that term is defined in the Act. Those actions determined to impose a burden on “Private Real Property” will be further evaluated using subsequent questions and through the preparation of this TIA.

**Question 4.** *What is the Specific Purpose of the Proposed Covered Governmental Action? The TIA must clearly show how the proposed governmental action furthers its stated purpose. Thus, it is important that a governmental entity clearly state the purpose of its proposed action in the first place, and whether and how the proposed action substantially advances its stated purpose.*

**Question 5.** *How does the Proposed Covered Governmental Action burden society?*

**Question 6.** *How does the Proposed Covered Governmental Action benefit society?*

**Question 7.** *Does the Proposed Covered Governmental Action result in a “taking”?*

The actions determined to be Covered Governmental Actions which also impose a burden on “Private Real Property” as that term is defined in the Act have been proposed to accomplish several different purposes. Each of those actions determined to be both a Covered Governmental Action and which impose a burden on “Private Real Property” will be further evaluated using Questions 4 through 7 in this TIA. The Office of Attorney General guidance also provides the following sub-questions for items determined to be Covered Governmental Actions:

- (1) *Does the Proposed Covered Governmental Action result indirectly or directly in a permanent or temporary physical occupation of Private Real Property?*
- (2) *Does the Proposed Covered Governmental Action Require a property owner to dedicate a portion of Private Real Property or to grant an easement?*
- (3) *Does the Proposed Covered Governmental Action deprive the owner of all economically viable uses of the Property?*
- (4) *Does the Proposed Covered Governmental Action have a significant impact on the landowner's economic interest?*
- (5) *Does the Covered Governmental Action decrease the market value of the affected Private Real Property by 25% or more? Is the affected Private Real Property the subject of the Covered Governmental Action? See the Act, §2007.002(5)(B).*
- (6) *Does the Proposed Covered Governmental Action deny a fundamental attribute of ownership?*

In addition to these questions to be addressed for each proposed action, the Office of Attorney General guidance also recommends an alternatives evaluation.

**Question 8.** *What are the alternatives to the Proposed Covered Governmental Action?*

For each of the Covered Governmental Actions which also impose a burden on “Private Real Property”, an alternative evaluation will be provided.

**SUMMARY OF THE PROPOSED REGULATIONS**

The Proposed Regulations establish new regulations governing the development of land within areas under the City’s jurisdictional authority. The Proposed Regulations are not provided as a limited change to an existing ordinance, but are intended to be a new and comprehensive statement of all of the City’s regulatory responsibilities as described in Texas Local Government Code Chapter 212 and other legislative authority. As such, most of the Proposed Regulations are explicitly required and authorized by TLGC Chapter 212 and are not considered to restrict or limit a property owner’s rights that would otherwise exist in the absence of the Proposed Regulations.

Requirement for Platting (212.004) – “The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use ...”

Enforcement Authority (212.018) – “At the request of the governing body of the municipality, the municipal attorney or any other attorney representing the municipality may file an action in a court of competent jurisdiction to:

(1) enjoin the violation or threatened violation by the owner of a tract of land of a requirement regarding the tract and established by, or adopted by the governing body under, this subchapter; or

(2) recover damages from the owner of a tract of land in an amount adequate for the municipality to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the tract and established by, or adopted by the governing body under, this subchapter.”

Exceptions from Platting (212.0045) – “To determine whether specific divisions of land are required to be platted, a municipality may define and classify the divisions. A municipality need not require platting for every division of land otherwise within the scope of this subchapter.”

Authority to Allow Revision or Cancellation of a Plat (212.013 & 212.016) – “The municipal authority responsible for approving plats may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes...”

“The proprietors of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

(b) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

(c) The county clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

(d) On the execution and recording of the vacating instrument, the vacated plat has no effect.”

Authority to Adopt Rules (212.002) – “After a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.”

Plans Rules and Ordinances (212.045) – “After a public hearing on the matter, the municipality may adopt general plans, rules, or ordinances governing development plats of land within the limits and in the extraterritorial jurisdiction of the municipality to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality...”

Requirement for Certification of Groundwater Availability (212.0101) – “If a person submits a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land, the municipal authority responsible for approving plats by ordinance may require the plat application to have attached to it a statement that:

- (1) is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state; and
- (2) certifies that adequate groundwater is available for the subdivision.”





## **Impacts Of Development Regulation In General**

In general, reasonable development restrictions will serve a basic public purpose but will not be of such an extreme character as would constitute a regulatory taking. First, the goals of protecting public health and safety and water quality clearly appear to qualify as a legitimate state interest since prior U.S. Supreme Court rulings have held that governmental regulations addressing the “ill effects of urbanization” and the preservation of desirable aesthetic features are legitimate state interests. It has also been expressly held by the Supreme Court that governmental restrictions on the use of only limited portions of a parcel of land such as setback ordinances are not considered regulatory takings.

This conclusion is consistent with the guidelines adopted by the OAG. These guidelines provide as follows:

*“Accordingly, government may abate public nuisances, terminate illegal activity, and establish building codes, safety standards, or sanitary requirements generally without creating a compensatory ‘taking’. Government may also limit the use of real property through land use planning, zoning ordinances, setback requirements, and environmental regulations.”*

These guidelines further indicate that some types of development regulation may qualify for the exemption from the Texas Private Real Property Rights Preservation Act as regulatory actions which protect public health and safety.

The following items provide a summary of the major actions described in the Proposed Regulations. Based on the regulatory background information and the nature of the proposed actions, each major proposed action has been assigned to one of three categories, depending on whether it was determined to be a “Covered Governmental Action” and whether it places a “burden” on property, as those terms are defined under the Act. An explanation of each action and the rationale for its inclusion in its selected category is provided below.

## **Burdens and Benefits of Proposed Impacts on Private Property**

The Proposed Regulations may create certain burdens on private property by subjecting the property to the requirements set forth in the Proposed Regulations. These burdens include the cost and administrative burden of applying for required permits and limiting the freedom of a landowner to develop property without regard to impacts on adjoining landowners and the City as a whole. However, such burdens are no greater than as reasonably necessary for the City to accomplish the public health, safety and welfare objectives the Proposed Regulations are intended to achieve. Moreover, the burdens imposed by the Proposed Regulations are no greater than those typically placed on developers and landowners in urbanizing counties in Texas such as Wolfe City. These burdens must be weighed against the benefits to the residents of the City and society as a whole which include a uniform set of development requirements that protect the health and welfare of the City’s residents and the environment of the City.

Having a uniform and consistently enforced set of development regulations allows for private

development to occur in a known and planned manner that is more efficient and costeffective than rules imposed under unwritten policy and guidance.

### **Reasonable Alternative Actions**

The reasonable alternative actions to the Proposed Regulations include (1) maintaining the current system of development regulatory ordinances; or (2) adopting more detailed and burdensome regulations. The Proposed Regulations are considered to be the best of these alternatives because they strike a fair and reasonable balance between (1) haphazard regulation under the current set of regulations which were not designed for the urbanizing environment in the City, and (2) regulation of development at a detailed scale that cannot be adequately enforced by the City under the present economic and budgetary constraints under which the City presently operates. Based on available information, neither of these alternatives would constitute a taking to any greater degree than the Proposed Regulations.

### **Actions in the Proposed Regulations Determined to Not Place a Burden on Property (“No” to OAG Question 3)**

Standardization of Administrative Procedures, Applications Processing, Public Notice Procedures and Other Land Development Activities

Under the City’s authority to regulate various aspects of land development as authorized under various chapters of the Texas Local Government Code, the City is proposing changes and additions to the administrative procedures, and applications processing procedures to be utilized by the City in the regulation of development within the City. While these proposed actions could potentially affect the information to be prepared and submitted to the City, and how the City will apply the Proposed Regulations, the administrative procedures themselves do not create a “burden” per se on “Private Real Property”, as that term is defined in the Act, being regulated by the Proposed Regulations. As outlined in the guidance from the OAG:

*TIA’s must concentrate on the truly significant real property issue. No need exists to amass needless detail and meaningless data. The public is entitled to governmental conformance with legislative will, not a mass of unnecessary paperwork.*

Therefore, the proposed actions regarding the administrative procedures and applications processing were determined to not place a direct burden on “Private Real Property” and qualify for a “No Private Real Property Impact” Determination (hereafter “NoPRPI Determination”) as provided in the OAG guidelines, and would not be subject to the requirement to prepare a TIA.

### **Actions in the Proposed Regulations Determined to Be “Covered Governmental Actions” and to Place a “Burden” on “Private Real Property”**

Based on the evaluation conducted by the City, the following list of proposed actions may qualify as “Covered Governmental Actions” and place a “burden” on Private Real Property. The further evaluation of these items is presented in the following section:

- Plat Expiration

### Takings Impact Assessment For the Qualifying Actions

The following proposed actions have been determined to be “Covered Governmental Actions” that may place a “burden” on Private Real Property. Each of these proposed actions has been evaluated using the additional questions in OAG guidelines (specifically Questions 4 through 8, and where necessary, the sub-questions).

#### Plat Expiration

The City’s proposed development regulations contain certain requirements for the expiration, and in some cases renewal, of various permits and approvals. Specifically, the Proposed Regulations stipulate that a Preliminary Plan shall expire two (2) years after the date of approval unless the Subdivider produces evidence of one or more activities defined in TLGC Section 245.005(c) as “progress toward completion”.

Under the City’s authority to regulate the expiration of various permits and approvals provided in TLGC, Chapter 245, the City is proposing to establish this expiration period for these permits and approvals included within the Proposed Regulations. Specifically, the City is relying on TLGC Chapter 245 which authorizes a “regulatory agency” to establish expiration periods for various permits and approvals. In this context, a “regulatory agency” includes a political subdivision, and “political subdivision” includes a City. This provision of the TLGC authorizes the City, upon the adoption of the Proposed Regulations, to establish expiration periods for a broad range of permits, which is defined to include an “approval” or “other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.”

#### *OAG Question 4 – What is the specific purpose of the proposed CGA?*

The purpose of the proposed CGA is to minimize the number of projects that are constructed under older, and generally less protective standards, to the extent allowed by law.

#### *OAG Question 5 – How does the proposed CGA burden Private Real Property?*

The proposed CGA may create a burden on Private Real Property by requiring the Permittee to continue to make progress on a project within a specific timeframe, regardless of the market or other timing factors.

#### *OAG Question 6 – How does the proposed CGA benefit society?*

In general, the City believes that by implementing the proposed expiration period, the City will minimize the number of projects constructed under the older, generally less protective, standards. The proposed CGA will benefit society by minimizing the number of projects using old or outdated standards.

*OAG Question 7 – Does the proposed CGA result in a “taking”?*

*OAG Sub-question 1 – Does the proposed CGA result indirectly or directly in a permanent or temporary physical occupation of Private Real Property?*

No.

*OAG Sub-question 2 – Does the proposed CGA require a property owner to dedicate a portion of Private Real Property or to grant an easement?*

No.

*OAG Sub-question 3 – Does the proposed CGA deprive the owner of all economically viable uses of the Property?*

In the event that a plat has expired, the Permittee might be deprived of the specific use(s) planned with the expired plat. However, there would likely be other uses available or the Permittee could apply again for a new plat. Given these conditions, the proposed CGA will not deprive an owner of *all* economically viable use of the Property.

*OAG Sub-question 4 – Does the proposed CGA have a significant impact on the landowner’s economic interest?*

A determination as to whether the proposed CGA has a significant impact on the landowner’s economic interest must be made on a case-by-case basis. As outlined in the response to OAG Sub-question 3, in the event that a plat expired, the proposed CGA could result in the temporary loss of a particular use. However, the “producing cause” of this loss would be the Permittee’s failure to act under the terms of the Proposed Regulations and not the expiration of the plat. Since the CGA would not be the “producing cause”, it would therefore not constitute a regulatory taking.

*OAG Sub-question 5 – Does the CGA decrease the market value of the affected Private Real Property by 25% or more? Is the affected Private Real Property the subject of the covered governmental action? See the Act, §2007.002(5)(B).*

As outlined in the previous response, determinations as to whether the proposed CGA decreases the market value of affected Private Real Property must be made on a case-by-case basis. However, given the considerations outlined in the responses to OAG Sub-questions 3 and 4, if an instance occurred where the expiration of a particular plat resulted in the decrease of the market value of the private real property by 25% or more, the “producing cause” of this loss would be the Permittee’s failure to act under the terms of the Proposed Regulations and not the expiration of the plat. Since the CGA would not be the “producing cause”, it would therefore not constitute a regulatory taking.

*OAG Sub-question 6 – Does the proposed Covered Governmental Action deny a fundamental attribute of ownership?*

No.

*OAG Question 8 – What are the alternatives to the proposed CGA?*

The City’s proposed CGA is based on authority granted to counties by the Texas Legislature. The only alternative to the proposed CGA is to not implement this authority. The City believes that the proposed CGA provides significant public benefits at relatively small risk of adverse impact to property owners.

**Conclusion: The City’s proposed action of establishing a plat expiration period does not constitute a regulatory taking.**

#### Right-of-Way Dedications

Plats may require dedication of right-of-way. The City acknowledges that it must comply with general principles regarding takings or other exactions as reflected in applicable state and federal laws, court rulings and the Texas Real Property Rights Preservation Act. The required dedication for public use must be roughly proportional to the actual need for the public use which is generated by the proposed development.

**Conclusion:**

**The City’s proposed action requiring right-of-way dedications does not constitute a regulatory taking so long as (1) the City action is not such that would require compensation under the United States or the Texas Constitution, or (2) the City action does not affect the private real property in a manner that restricts or limits the owner’s right to the property and is the producing cause of a reduction of at least 25% in the market value of the property.**