

CITY OF DONNA

ORDINANCE NO. PL-2006-01-01

AMENDED MODEL

SUBDIVISION RULES

ADOPTED: FEB. 7, 2006

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AN ORDINANCE OF THE CITY OF DONNA, TEXAS,
PROVIDING FOR THE ADOPTION OF THE SUBDIVISION
REGULATION AMENDMENTS AND PROVIDING FOR THE
ENFORCEMENT OF SUCH REGULATIONS

WHEREAS, the City of Donna, Texas has a duty to its citizens to ensure the safe and orderly development of property within its town site and within its duly authorized extraterritorial jurisdiction,

NOW, THEREFOR BE IT ORDAINED that the City Council of the City of Donna hereby adopts and agrees to enforce that attached amended subdivision regulations.

All previous ordinances and amendments thereto in conflict with the terms of the attached amended subdivision regulations are repealed.

Passed and approved upon first reading on this the 17th day of January 2006.

Passed, Approved and Adopted upon second and final reading on this the 7TH day of February 2006.



Attest:

Martha Alvarado

Martha Alvarado
City Secretary

Ricardo L. Morales

Ricardo L. Morales
Mayor

Approved as to form and substance:

Javier Villalobos
Javier Villalobos
City Attorney

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ARTICLE I - GENERAL PROVISIONS.

1.1 PURPOSE

It is the purpose of these rules to promote the public health of the City's residents, to ensure that adequate water and wastewater facilities are provided in subdivisions within the corporate limits and extraterritorial jurisdiction of the City, and to establish the minimum standards for water and wastewater facilities.

1.2 INTRODUCTION

Subdivision platting is the most vital processing tool available to insure coordinated development, compatible with a municipality's plan for development and guidelines for growth and is intended to assure that infrastructure and utilities are provided in accordance with the plans for growth. The subdivision enabling legislation of Texas municipalities is set forth in Chapter 212 of the Local Government Code. A municipality may enact subdivision regulations to " *promote the health, safety, morals or general welfare of the municipality and the safe, orderly and helpful development of the municipality*" (LGC Section 212.002). In the case of Lacy v. Hoff, 633 S. W. 2d 605 (Tex. Civ. App. - Houston [14 Dist.] 1982, writ refn.r.e.) the court set forth the following purposes of platting:

- To regulate subdivision development and implement planning policies;
- To implement plans for orderly growth and development within the City's boundaries and extraterritorial jurisdiction;
- To ensure adequate provisions for streets, alleys, parks and other facilities indispensable to the community;
- To protect future purchasers from inadequate police and fire protection;
- To insure sanitary conditions and other governmental services;
- To require compliance with certain standards as a condition precedent to plat approval; and,
- To provide a land registration system.

The Local Government Code set forth the following language for establishing when a plat is required:

" The owner of a tract of land within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract into two or more parts to layout a subdivision of the tract, including an addition to the municipality, or to layout suburban, building, or other lots, and to layout streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A subdivision of a tract 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 deed by using a contract for deed, by using a contract of sale or other executory contract to convey or by using any other method" (LGC Section 212.004).

Subdivision of land is one of the first steps in the process of urban development. The distribution and relationship of residential, commercial, industrial, and agricultural uses throughout the community along with the system of improvements for streets, utilities, public facilities, and community amenities, determine to large measure, the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life and character. A community's quality of life is of public interest. Consequently, the subdivision of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. The regulations contained herein are designed and intended to encourage the development of a quality urban environment by establishing standards for the provision of adequate light, air, open space, storm water drainage, transportation, public utilities and facilities, and other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe, and efficient community that provide for the conservation, enhancement, and protection of its human and natural resources. Through the application of these regulations, the interests of the public, as well as those public and private parties, both present and future, having interest in property affected by these regulations are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the following requirements further the possibility that land will be developed for its beneficial use in accordance with existing social, economic, and environmental conditions.

Subdivision regulations are more instrumental in shaping future development than any other local regulation, and are used by more local entities than any other growth management instrument. Though their purposes are broad, the following are perhaps the most commonly associated with the adoption and administration of subdivision regulations:

- To promote the public health, safety, and general welfare;
- To facilitate safe, orderly, and healthful community development;
- To enable the sale and transfer of lots, and the recording thereof: by plat reference rather than by the less efficient metes and bounds property description;
- To ensure that streets, utilities, schools, parks, open space and other public facilities are adequate to serve the needs of those who will occupy and/or use the tract; and,
- To prevent harm to persons and/or damage to land or property both within and outside the tract.

By definition Subdivision Regulations are local ordinances that govern the conversion of raw land into buildable lots and parcels. These regulations establish requirements for public improvements, specify standards for land development, and outline procedures for submittal, review and approval of subdivision plats.

Enforcement of subdivision requirements is obtained primarily through plat review and approval procedures which enable the City to ensure that every new subdivision is developed in accordance with established standards. To ensure compliance, the City may either withhold plat approval or deny use of City utilities; or with the exception of land within the extraterritorial jurisdiction (ETJ), refuse building permits, or impose fines.

1.3 TITLE

These regulations shall be officially known, cited and referred to as the "*Subdivision Regulations*" of the City of Donna, Texas (hereinafter "these regulations").

1.4 TERMS AND DEFINITIONS

For the purpose of these regulations, certain numbers, terms, phrases, words, abbreviations and their derivations shall be used; the interpretation and definition as they relate to these, regulations are given herein. When consistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. Any office referred to in these regulations by title, means the person or persons employed or appointed by the City in that position, or his duly authorized representative.

Access easement - An easement designated on the Final Plat, which provides access to platted tracts. The easement shall meet all of the requirements as set forth for a dedicated street, including but not limited to construction standards, width, building lines, and function, but shall be privately maintained.

Accessory building - A one-story building, which is uninhabited, such as a garage or shed.

Administrative officer - The person or persons as designated by the City to administer these regulations and is responsible for coordinating the review of all plats and construction documents.

Agricultural use - Any activity related to the cultivation of the soil, the producing of crops for human food, animal feed or planting seed or for the production of fibers; floriculture, viticulture or horticulture, raising or keeping of livestock; and planting cover crops or leaving land idle for the purpose of participating in any governmental program or recognized normal crop or livestock rotation procedure. A residential unit (principle buildings) and related accessory buildings located wholly on a tract of land used solely for one or more of the purposes described in the preceding sentence shall be deemed and agricultural use.

Alley - A minor public right-of-way not intended to provide the primary means of access to abutting lots or reserves, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

Amending plat - A plat which is controlling over the preceding plat without vacation of that plat, which is submitted for approval of certain dimensional and notational corrections and lot line adjustments under the provisions of the Texas Local Government Code. An Amending Plat is a Final Plat.

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

Apartment building - A building which is designed to contain three (3) or more separate living units with facilities for living, sleeping, cooking, and eating.

Applicant - The person, firm, business, corporation, or association responsible for the submittal of the plat for review and approval by the City. The applicant need not be the developer nor the property owners, but may submit and represent said developer and/or property owner on all platting matters.

Arterial street - A public street designed for fast, heavy traffic and intended to serve as a traffic artery of considerable length and continuity throughout the community and so designated on the latest edition of the City's Thoroughfare Plan.

Article 970a - A general law of the State of Texas found at Acts 1963 General Laws, Chapter 231, as may be from time to time amended.

Article 974a - A general law of the State of Texas found at Acts 1927 General Laws, Chapter 231, as may be from time to time amended.

Block - An identified tract or parcel of land surrounded by a street or a combination of streets and other physical features and which may be further subdivided into individual lots or reserves.

Bond - The approved form of security furnished by the Principal and his sureties conditioned upon the faithful performance of the work in strict accordance with all applicable regulations, plans and specifications.

Buffer - Area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and berms designed to limit continuous view of and/or sound from the site to the adjacent sites or properties.

Building setback line (abbr. B.L.) - The line that designates the area within a property which defines the minimum permissible horizontal distance between a building or structure and the adjacent street or alley right-of-way line, excluding all allowable overhangs.

Capital Improvements Program (abbr. C.I.P.) - A proposed schedule of all future projects listed in order of construction priority together with cost estimates and anticipated means of financing each project.

City - The City of Donna, Hidalgo County, Texas. Any reference to an act of the City shall be deemed to include acts of the City Council, Board of Aldermen, or other such elected governing body of the City.

City Attorney - The person holding the position of City Attorney as appointed by the City Council according to the City Charter.

City Council or Council- The duly elected governing body of the City of Donna, Texas.

City Engineer - "City Engineer" shall apply only to such registered professional engineer or firm of registered professional consulting engineers that have been specifically designated as such by the City of Donna.

City Manager - The person holding the position of City Manager as appointed by the City Council according to the City Charter.

Collector street - A street which is not designated as an Arterial street, but provides access and general circulation between Arterial and Minor streets.

Commission - The Texas Commission on Environmental Quality and any of its predecessors or successor entities.

Common Open Space - Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include structures and improvements.

Condominium - Joint ownership and control, as distinguished from sole ownership and control ownership of specified horizontal layers of air space, each condominium unit is individually owned, while the common elements of the condominium building, structure or development are jointly owned; may be commercial, industrial, recreational, or residential.

Construction documents - A complete set of construction documents includes the construction plans and specifications required to fully define the scope of work and limits of the construction.

Construction Plans - The engineering drawings showing the specific location and design of public and/or private improvements to be installed in the subdivision in accordance with the Design Standards.

Corner clip or cutback - This is the sight clearance area required at all street intersections.

Corner lot - A residential lot located to the intersection of two (2) streets.

County - Hidalgo County, Texas

Crosswalk way - A public right-of-way, ten feet (10') or more in width between property lines, which provides pedestrian cross circulation.

Cul-de-sac - A street having but one outlet to another street, and terminated on the opposite end by a vehicular turnaround.

Cul-de-sac lot - A residential lot having at least one side lot line on the cul-de-sac radius (i.e. 5' radius).

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

Deed - An instrument which has been filed with the County Clerk's office in an official deed record.

Deferral - This is when the Planning and Zoning Commission or Council postpones decision of approval or disapproval to allow further study of the submission.

Density - The number of dwelling units per gross acre of land to be developed.

Department - The Department of Planning Development for the City of Donna

Design Standards - The document which provides the general requirements for the design of public improvements, private improvements that connect to or effect the public infrastructure and the supporting documents for approval in the City of Donna and its extraterritorial jurisdiction. Specific design criteria is included in the document.

Detention Basin - A man-made or natural water collection facility designed to collect surface and sub-surface water in order to impede its flow and to release the same gradually at rate not grater than that prior to the development of the property, into natural or man-made others.

Developer - The person, firm, business, corporation or association responsible for the development of the subdivision. The developer, mayor may not be the property owner. However, the developer may be the owners representative or agent thereto, with the express written authority to act on behalf of such property owner(s). The developer need not be the applicant.

Development - A planning or construction project involving substantial property involvement and usually including the subdivision of land and change in land use character.

Development Plan (abbr. D.P.) - A conceptual plan, drawn to scale, showing uses and structures proposed for the parcel of land. Information to be shown includes major existing physical and landscape features, the location of propose streets, drives, lot lines, parking spaces, walkways, means of ingress and egress, drainage facilities, and other applicable information for the proposed development in order to make and informed determination pursuant to the ordinance requirements for approval by the City.

Development regulation - Zoning, subdivision, site plan official map, flood plain regulation, or other governmental regulation of the use and development of land.

Divided street - A street having an island or other barrier separating opposite moving lanes of traffic.

Double front lot or reserve - A lot or reserve which has frontage on two (2) streets, other than corner lot intersecting streets.

Drainage - The removal of surface water or ground water from land by drains, grading or other means.

Drainage facility - Any component of the drainage system.

Drainage system - The system through which water flows from the land, including all watercourses, water bodies and wetlands.

Drinking water - All water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.

Driveway - A paved area used for ingress and egress of vehicle, and allowing access from street to a building, structure or facility.

Duplex - A dwelling house divided so as to accommodate two (2) families with separate kitchens and bathroom facilities and separate living areas and entrances; a two-family house whose separate dwelling units are either side by side or one on top of the other.

Dwelling - A dwelling is a building or portion thereof, but not a mobile home, designed and used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels, or lodging houses.

Easement - The word "easement", shall mean an area for restricted use on private property upon which a public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements. The public utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, 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.

Engineer - A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

Environmental constraints - Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Extension of approval or Reinstatement - This is the granting by the Planning and Zoning Commission or City Council of an additional one (1) year approval limitation on a previously approved submission.

Extraterritorial jurisdiction (abbr. ETJ) - Refers to the unincorporated territory extending five (5) mile beyond the City limits of the City of Donna, as established by the authority of Article 970a and Article 974a.

Filing date - The date when all necessary forms, fees, and copies submitted by the applicant for consideration of a subdivision plat by the Planning and Zoning Commission, are certified as complete and marked "Filed" by the City. The Filing date is the date to be considered as the initial date, after which the statutory thirty (30) day time period begins; in which the Planning and Zoning Commission is required to act upon a plat submitted to it under the provision of Article 974e, Texas Revised Civil Statutes, as amended.

Filing fee - A charge for filing a subdivision plat for review and approval with the City of Donna. This fee structure is set by City Council.

Final approval- The official action of the Planning and Zoning Commission and/or City Council taken on a preliminary approved major subdivision plat, after all conditions, engineering plans, and other requirements have been completed or fulfilled and/or the required improvements have guarantees properly documented to insure their completions.

Final Plat - a map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the county records and prepared as described in these regulations.

Fire lane - The required access for emergency vehicles to be shown on the plat as a privately maintained easement providing public access.

Floodplain - Any area in the 100-year floodplain that is susceptible to being inundated by water from any source, and that is defined as such by the Federal Emergency Management Agency ("FEMA") under the National Flood Insurance Act of 1968 (42 U.S.C. Ch. 50, § 4001, et seq.).

Frontage - That portion of any lot, reserve or tract of land, which abuts a public street right-of-way and where the primary access of said lot or tract is derived. The frontage of any *lot* or reserve is used to derive the addressing of such lot or reserve.

Improvements - Any man-made immovable component that is constructed or placed upon real estate.

Land planner - Persons other than surveyors or engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial, and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning, and may be a member of the American Institute of Certified Planners.

Letter of credit - An irrevocable standby letter of credit furnished by the Principal and his sureties conditioned upon the faithful performance of the work in strict accordance with all applicable regulations, plans and specifications.

Lot - An undivided tract or parcel of land.

Lot area - The total area, measured on a horizontal plane, included within the lot or property lines inclusive of all easements and building setback lines.

Lot frontage - The front distance of a lot or tract, measured along street right-of-way.

Major Amendment - Are changes to a previously approved Development Plan, Preliminary Plat or Final Plat (not yet recorded) for which, per these regulations, are considered major in nature and therefore require resubmission of the plat for review and approval by the Planning and Zoning commission and/or City Council.

Major subdivision plat - All plats not classified as Minor plats, including but not limited to subdivision of more than four (4) lots, or any plat requiring the creation of any new streets or extension of public improvements.

Minor amendment - Are changes to a previously approved Development Plan, Preliminary Plat or Final Plat (not yet recorded) for which, per these regulations, are considered minor in nature and may be approved by the Administrative Officer, and therefore do not require resubmission of the plat for review and approval by the Planning and Zoning Commission and Council.

Minor street - Any public street not designated as a Arterial or Collector street, that provides direct vehicular access to abutting residential property.

Minor subdivision plat - A subdivision plat resulting in four (4) or fewer lots and not requiring the creation of any new streets or the extension of any public improvements.

Model Subdivision Regulations - The Model Subdivision Rules as adopted by the State of Texas, shall apply only to a subdivision which creates two or more lots of (5) acres or less intended for residential purposes. Lots of (5) acres or less are assumed to be for residential purposes unless restricted to non residential uses on the Final Plat and in all deeds and contracts for deeds. Residential subdivisions must comply with Article I, II, & III which outline the requirements of the Texas Model Subdivision Rules and all other rules and regulations of the City of Donna.

Multi-family dwelling - A structure designed to contain three or more complete and separate living facilities for single-family occupancy. Multi-family dwellings shall include apartments and condominiums and shall be platted accordingly.

Non-public water system - Any water system supplying water for domestic purposes which is not a public water system.

One-foot reserve (abbr. 1' Res.) - A buffer strip established within the public street right-of-way and adjacent un-subdivided acreage to prevent access to the public street right-of-way for a street on or parallel to the plat boundary. When the adjacent property is platted, the one-foot (1') reserve becomes vested in the public for street right-of-way purposes.

Open space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for the public or private use or enjoyment or for the use and enjoyment of the owners and occupants of the land adjoining or neighboring such open space.

OSSF - On-site sewage facilities as that term is defined in rules and/or regulations adopted by the Commission including, but not limited to, 30 TAC Chapter 285.

Patio home or Zero lot line home - A single family detached dwelling unit with a zero building line on one side and a minimum ten feet (10') side yard on the other. There shall be right to access from the adjoining side yard for maintenance purposes.

Pavement width - The portion of a street available for vehicular traffic from back of curb to back of curb.

Person - Any individual, association, firm, corporation, governmental agency, or political subdivision.

Plan of Development - A guideline for growth of the city and adjoining areas as adopted by the City Council and the Planning and Zoning Commission, including all its revisions. The plan indicates the general location recommended for various land used, transportation routes, public and private buildings, streets, parks, water, sewer, and other public and private developments and improvements. The plan may also be defined as the series of plans such as the Thoroughfare Plan, Water and Sewer Plan, Zoning District Plan, and Park Master Plan, among others.

Planning and Zoning Commission abbr. P & Z Commission - The Planning and Zoning commission is appointed by the City Council under the provisions of the City Charter to review and make recommendations on subdivision plats and other planning issues.

Planned Unit Development (abbr. P.U.D.) - A form of development which promotes the development of a tract of land in a unified manner and which may allow for certain variances from the established development standards for lot sizes, lot widths, building lines, as established by ordinance. Town homes, patio homes, cluster homes, condominiums and multi-family developments may be considered as a P.U.D.

Plat - A map or drawing of a proposed subdivision to be filed for record in the County.

Platted - Recorded with the County in an official plat record.

Platting - The act of preparing for approval and processing, pursuant to these regulations, the plat for the subdivision to be filed for record in the county.

Political subdivision - A County, Municipality or District.

Pre-Application Conference/Meeting - An initial meeting between the developer and municipal representative, which affords the developer the opportunity to present their proposal informally with the staff for guidance, prior to the official review and approval process.

Preliminary approval- The official action of the Planning and Zoning Commission and/or City Council taken on a major subdivision or site plan, which is a review of the basic layout of the development, its relationship with surrounding developments and the compliance with any ordinances and standards.

Preliminary Plat - A preliminary map or drawing of a subdivision, illustrating the proposed manner or layout of the development for review and approval by the Planning and Zoning Commission and City Council, but not necessarily suitable for recordation in the county records.

Principle building - The building in which the principle use of the lot in which it is located, is conducted. All buildings inhabited are principle use buildings.

Property owner - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land comprising the

subdivision. The property owner may or may not be the developer or the applicant of the subdivision plat.

Public improvements - Any drainage way, roadway, parkway, sidewalk, utility, pedestrian way, off street parking area, lot improvement, open space, or other facility for which the City or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public water system - A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

Purchaser - Shall include purchasers under executory contracts for conveyance of real property .

Record plat or Recordation - A plat of any lot, tract or parcel of land that is recorded with the Hidalgo County Clerk following final approval by the City Council.

Re-plat - The re-subdivision of all or any part or all of any block or lots of a previously platted subdivision.

Reserve- Those individual tracts of land created within a subdivision plat which are not divided into lots, but are established to accommodate some specific purpose such as a commercial center, industrial site, a golf course or other type of private recreational facility, school or church site or site for facilities such as water wells and storage areas, wastewater treatment plants, electrical power stations, or other activities and land uses for which a division into lots is not suitable or appropriate. Since the use of reserve tracts may not be completely determined by the subdivider or developer at the time the plat is recorded, these reserve tracts may be established as "Unrestricted reserves".

Re-subdivision - The re-platting of a recorded subdivision plat.

Retail public utility - Any entity meeting the definition of a retail public utility as defined in Water Code. §13.002.

Right-of-way (abbr. R.O.W.) - A parcel of land occupied or intended to be occupied by a street or alley. Where appropriate the right-of-way may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil, gas, water or sanitary sewer storm sewer facilities or for other special uses. The use of right-of-way shall also include parkways and medians outside of pavement. The usage of the term "right-of-way" for platting purposes shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots and reserves adjoining such right-of-way and not included within the dimensions or areas of such lots or reserves.

Sanitarian - A person registered as a Professional Sanitarian by the Texas Department of Health under the authority of Texas Civil Statutes, Article 4477-3

Sewerage facilities - The devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these rules.

Shall or May - The word "shall" is always mandatory, while the word "may" is merely directory.

Short Form Final Plat - This is an abbreviated review process allowed in the cases of minor subdivision plat, which eliminates the need for a Preliminary Plat review and approval.

Sidewalk - Paved pathway provided for pedestrian use typically located parallel with and inside the street right-of-way.

Specifications - These will include but not be limited to descriptive, performance, reference and proprietary specifications approved by the City Engineer and City Council.

Street (R.O.W.) - A public right-of-way, however designated, which provides vehicular access to adjacent land.

Arterial street provide vehicular movement from one neighborhood to another, to distant points within the urban area or to freeways or highways leading to other communities.

Collector street provide vehicular circulation within neighborhoods and from Minor streets to Arterial streets. Due to similarity to traffic volume and wheel loadings, streets through commercial and industrial areas are considered Collector streets.

Minor street are primarily for providing direct vehicular access to abutting residential property.

Street Dedication Plat - A plat prepared for the purpose of dedicating land or easements for right-of-way to the City.

Street Dedication Plat - A plat prepared for the purpose of dedicating land or easements for right-of-way to the City.

Street hierarchy - The conceptual arrangement of streets based upon function. A hierarchal approach to street design classifies streets according to function, from high-traffic arterial roads down to streets whose function is for residential access. Systemizing street design into a road hierarchy promotes safety, efficient land use and residential quality.

Street name - The name assigned to a street that is unique to itself within the City limits and ETJ.

Street width (R.O.W.) - The shortest distance between the lines which delineate the rights-of-way of a street.

Stub street - A public street not terminated by a cul-de-sac, ending adjacent to undeveloped property or acreage and intended to be extended at such time as the adjacent undeveloped property or acreage is subdivided and platted.

Sub-divider - Any owner of land or authorized agent thereof proposing to subdivide or dividing land so as to constitute a subdivision.

Subdivision - Any tract of land divided into two or more parts that results in the creation of two or more lots for residential, commercial, industrial or other use. A subdivision includes re-subdivision (re-plat) of land which was previously divided.

Submittal date - The cut-off date established by the City when all necessary forms, fees and copies are required for the Planning & Zoning Commission and/or City Council.

Surveyor - A registered professional land surveyor, as authorized by statutes, to practice the profession of surveying in the State of Texas.

Swing lot - This is a zero lot without a designated zero lot line, which is used to separate lots when switching direction of the zero lot side, within a block or run of lots. The required building setback lines must be indicated along both side lot lines.

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

Title Certificate or City Planning letter - A certificate prepared and executed by a title company authorized to do business in the State of Texas or an attorney licensed in the State of Texas certifying the true and current owner or owners of the property and describing all encumbrances of record which affect the property being platted. Such certificate shall include all property included within the platted area, and such certificate shall not have been executed more than thirty (30) days prior to the submission of same to the Department.

Thoroughfare Plan - A plan adopted by the City Council which identifies the general routing and classification of proposed streets. The plan may also establish the function and capacity of the various streets as they relate to the land uses they are proposed to serve.

Total cost - The total costs that are to be incurred by the Developer for the completed system, including but not limited to, the cost of all construction, development, fees, engineering, inspection and contingencies that are required for complete compliance with the terms and conditions of these regulations and any other requirements for approval of the development.

Townhouse - A residential unit that shares at least one common or party wall with another unit. Each unit and the land upon which it stands is individually owned, subject to a party wall agreement with the adjacent owner. Townhouse developments generally are cluster developments or planned unit developments or planned unit developments in which the land surrounding the house units is owned in common by the townhouse owners.

Utility Easement (abbr. U.E.) - An area for restricted use on private property upon which a public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements. The public utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, 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.

Variance - Is an approved deviation from the rules and requirements of these regulations.

Vicinity Map - The map that indicates the general location of the development as it relates to the Arterial and Collector streets, political subdivisions, railroads, watercourses and ditches. Typically drawn a scale of 1"=1200')

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

Zoning Ordinance - The ordinance which sets forth land use regulations and standards within the corporate limits of the City of Donna.

1.5 AUTHORITY AND SCOPE OF RULES

These rules are adopted by the City of Donna, Hidalgo County, Texas, under the authority of the Local Government Code, Chapter 212 and Water Code, §16.350. Notwithstanding any provision to the contrary, these rules apply to all subdivision which creates two or more lots. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.

1.6 INTERPRETATION

In the interpretation and application of the provisions of these regulations, it is the intention of the City Council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City of Donna and its extraterritorial jurisdiction, providing amendments of certain other ordinances of the City and superseding the previous subdivision regulations (Ordinance No.293).

1.7 POLICY

- A. The subdivision or platting of land and the subsequent development of the land is subject to the control of the City pursuant to the City's Plan of Development for the orderly, planned, efficient, and economical development of the City.
- B. Land to be subdivided or platted shall be of a character that can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be developed until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and streets.
- C. Proposed public improvements shall conform to and be properly related to the proposals shown in the City's Plan of Development and the capital improvement program of the City. These regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the building and housing codes, design standards, zoning ordinances, the City's Plan of Development and the capital improvements program of the City.
- D. Land that has been platted prior to the effective date of this ordinance shall, whenever possible, be brought within the scope of these regulations to further the purposes identified in Section 1.1.

1.8 PLAT REQUIRED

- (a) The owner of a tract of land located within the corporate limits of a municipality that divides the tract in any manner that creates two or more lots of five acres or less

must have a plat of the subdivision prepared. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.

- (b) No subdivided land shall be sold or conveyed until the subdivider:
 - (1) has received approval of a final plat of the tract; and
 - (2) has filed and recorded with the county clerk of the county in which the tract is located a legally approved plat.
- (c) A division of a tract is defined as including a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property.
- (d) A non-residential subdivision shall be exempt from complying with any of the State of Texas Model Subdivision Rules but must comply with all other requirements and subdivision regulations of the City of Donna.

1.9 CONFLICT WITH OTHER LAWS

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law, except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by other provision of these regulations, or other provisions of law, the provision which is more restrictive or imposes higher standards shall control.

1.10 SEVERABILITY

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

1.11 SAVING PROVISION

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

1.12 REPEALER

Provisions of Ordinance Number 676, adopted on the 7th day of May, 1996, and the subsequent ordinances amending it are hereby repealed.

1.13 SUPERSESSION

These rules supersede any conflicting regulations of the City.

1.14 AMENDMENTS

For the purpose of protecting the public health, safety, and general welfare, the Planning and Zoning Commission and City Council may from time to time propose amendments to these regulations which shall be approved or disapproved by City Council at a public meeting.

1.15 VARIANCES

A. The City Council may authorize a variance from these regulations when in its opinion undue hardship will result from requiring strict compliance. The applicant shall have the responsibility of proving the variance is a hardship. In granting a variance, the Council shall prescribe conditions that it deems necessary or desirable to the public interest and making the findings herein below required to eliminate the hardship. The Council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance will be granted unless the City Council finds that an undue hardship exists. The following conditions must be present for consideration:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provision of these regulations would deprive the applicant of the reasonable use of his land.
2. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.
3. The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of these regulations.
4. A more appropriate design solution exists which is not currently allowed in these regulations.

B. Such findings of the City Council, together with the specific facts on which such findings are based, shall be incorporated in the official minutes of the City Council meetings at which such variance is recommended or granted. Variances may be granted only when in harmony with the general purpose and intent of these regulations, so that the public health, safety and welfare may be secured and substantial justice done. Economic hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardships. The City Council may reach a conclusion that a hardship exists if it finds that:

1. The hardship prevents the applicant from making reasonable use of his property, if the provisions of these regulations are strictly complied with.

2. The hardship of which the applicant complains is suffered by the applicant rather than by neighbors or the general public.

3. The hardship relates to the applicant's land, rather than personal circumstances.

4. The hardship is unique to the property, rather than one shared by many surrounding properties.

5. The hardship is not the result of the applicant's own actions.

E. In granting variances, the City may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

F. A variance may be issued for either an indefinite or specified duration.

G. The nature of the variance and any conditions attached to it, shall be indicated on the application and plat, and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of these regulations.

H. The City Council shall not authorize a variance that would constitute a violation of any other valid ordinance of the City.

1. The request for a variance shall be made in writing and accompanied by a fee as set forth in the City's fee schedule for Variance Requests.

1.16 SPECIAL PROVISIONS

A. No permit shall be issued for the installation of septic tanks upon any lot in a subdivision within the city limits of the City of Donna. All lots within the city limits shall be connected to public utility services as provided by the City or authorized, provider. Public utility services shall not be provided, if a Final Plat containing said lots has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

B. No building, repair, plumbing or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a Final Plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

C. The City shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a Final Plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

D. The City shall not sell or supply any water, gas, electricity, drainage, or sewerage service within a subdivision for which a Final Plat has not been approved and tiled for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

E. On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of these regulations or the standards referred to herein with respect to any, violation thereof which occurs within the City, or within the extraterritorial jurisdiction of the City as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or part of the provisions of these regulations.

F. If any subdivision exists for which a Final Plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the City Council shall pass a resolution reciting the fact of such noncompliance or failure to secure Final Plat approval, and reciting the fact that the provisions of Paragraphs A, B, C, and D of this section will apply to the subdivision and the lots therein, the City Secretary shall, when directed by the City Council, cause a certified copy of such resolution under the corporate seal of the City to file in the Deed Records of the county .If full compliance and Final Plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument in the Deed Records of the county stating that Paragraphs A, B, C, and D no longer apply.

G. Provided, however, that the provisions of this section shall not be construed to prohibit the issuance of permits for any lots upon which residence building exists and was in existence prior to passage of these subdivision regulations, not to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of these, regulations was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of these regulations.

1.17 ENFORCEMENT

Any subdivision of land developed in violation to the terms and provisions of these regulations is hereby declared to be a public nuisance and the Administrative Officer of the City are hereby authorized to institute any action which may be necessary to restrain or abate such violations.

1.18 PENALTY FOR VIOLATORS

A. Except as provided in subsection B. of this section, any person violating any provision of these regulations within the jurisdiction of the City of Donna shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not less than fifty dollars (\$50.00) nor more than two-hundred dollars (\$200.00). Each day that such violation continues, shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of these regulations.

B. Any person violating any provision of these regulations within the extraterritorial jurisdiction of the City of Donna, but outside the corporate limits of the City, shall not be guilty of a misdemeanor within the meaning of subsection A in this section, nor shall be fined in relation thereto. However, the City of Donna may institute an action in the district court to enjoin the violation of any provision of these regulations in such extraterritorial jurisdiction, the district court having been empowered to grant any and all types of injunctive relief in such cases under Section 4 of Article 970a, Vernon's Revised Civil Statutes. Ord. No.83-49, § 2.74,8-2-83)

1.19 AUTHORITY OF THE CITY ATTORNEY

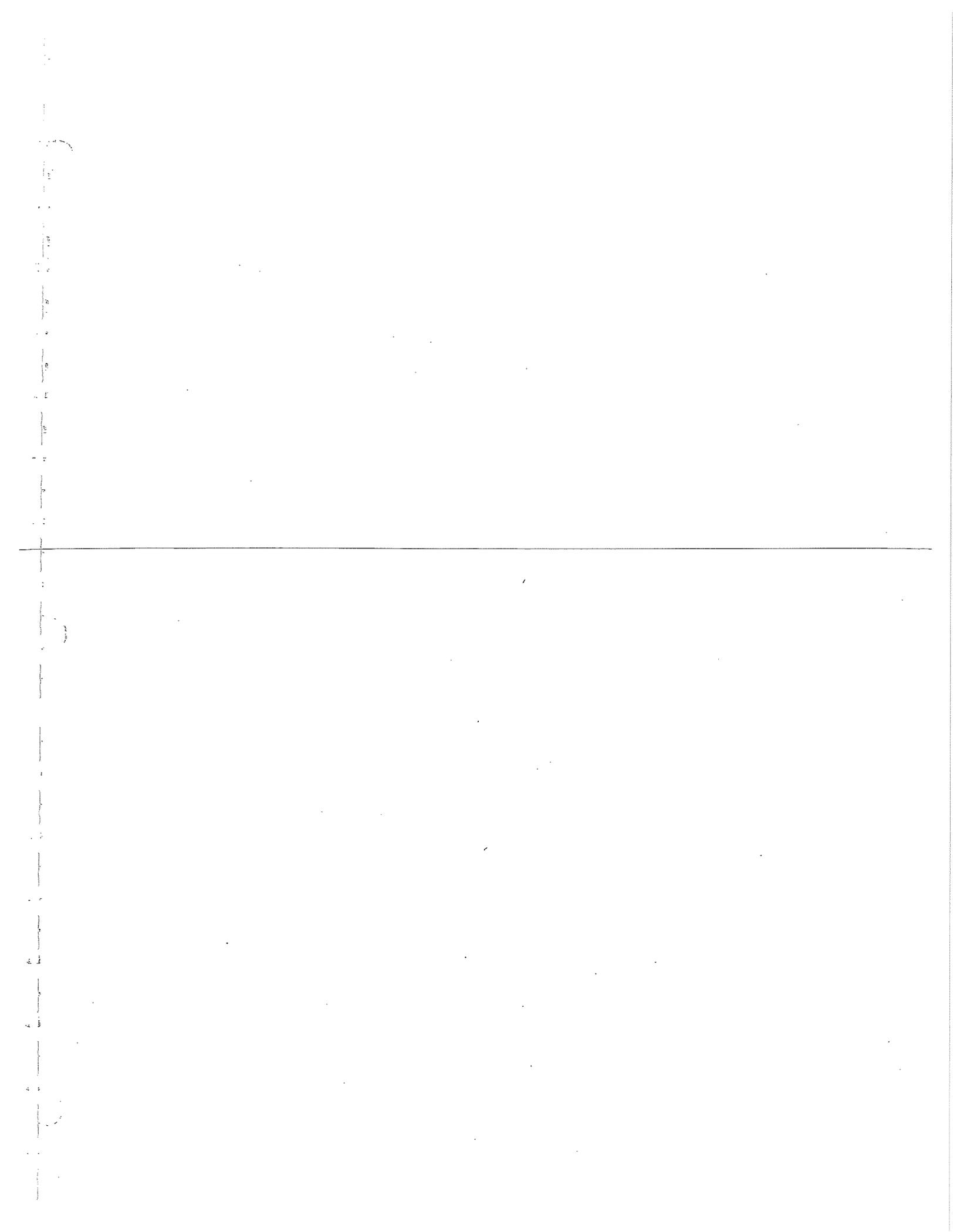
On behalf of the City of Donna, the City Attorney, when directed by the City Council, shall institute appropriate action in a court of competent jurisdiction to enforce the provisions of these regulations or the standards referred to herein with respect to any violations thereof which occurs within the city limits or within the extraterritorial jurisdiction of the city as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this regulations.

1.20 AUTHORITY OF THE CITY ENGINEER

The City Engineer is hereby authorized to promulgate or to have promulgated and to file for public record and use, rules, regulations, standards and specifications for construction, installation, design, location and arrangement of streets, curbs, street lights, street signs, alleys, utility layouts, utility easements, sidewalks, crosswalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, and criteria for drainage easements and facilities, and such rules, regulations, standards and specifications shall be applicable for all subdivisions thereafter developed within the city and its extraterritorial jurisdiction. The City Engineer may amend the same, from time to time, provided that the amendment is appropriately approved by the City Council at a public meeting. No such rules, regulations, standards or specifications shall conflict with these regulations or any other ordinances of the City of Donna. All such improvements shall be designed and constructed in accordance with such rules, regulations, standards and specifications.

1.21 EFFECTIVE DATE

These rules become effective on the ____ day of October, 2005.



ARTICLE II - MINIMUM STANDARDS

2.1. SCOPE OF STANDARDS.

The establishment of a residential development with two or more lots of five acres or less where the water supply and sewer services do not meet the minimum standards of this article is prohibited. A subdivision with lots of five acres or less is presumed to be a residential development unless the land is restricted to nonresidential use on the final plat and all deeds and contracts for deeds.

2.2. WATER FACILITIES DEVELOPMENT.

(a) Public water systems.

(1) Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility and execute the form attached in Appendix 1A. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is immediately available to each lot.

(2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the Commission. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC, §§290.38- 290.51 and §§290.101-290.120. If groundwater is to be the source of the water supply, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC 230.1 through 230.11 for water availability for new public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(b) Non-public water systems. Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC 230.1 through 230.11 for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC 290.104, 290.106, 290.108 and 290.109, either: (1) without any treatment to the water; or (2) with treatment by identified and commercially available water treatment system.

waters sampled and submitted to a private laboratory for a complete chemical and bacteriological analysis of the parameters on which there are drinking water standards. The subdivider shall have prepared and provide a copy of a groundwater availability study which shall include an analysis of the long term (30 years) quantity of the available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC, §§290.103, 290.105, 290.106 and 290.110, either:

- (1) without any treatment to the water; or
 - (2) with treatment by an identified and commercially available water treatment system.
- (c) Transportation of potable water. The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the sub-divider does not constitute an emergency.

2.3. WASTEWATER DISPOSAL.

- (a) Organized sewerage facilities.
- (1) Sub-dividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the Commission in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the Commission.
 - (2) Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement and execute the form attached in Appendix 1B with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is immediately available to each lot. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317. Figure: 31 TAC, §364.33(a)(2)
- (b) On-site sewerage facilities.
- (1) On-site facilities which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC chapter 285.
 - (2) Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.
 - (3) The Commission or its authorized agent shall review proposals for sewage disposal systems and make inspections of such systems as necessary to assure that

the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular §§285.4, 285.5 and 285.30-285.39. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC, §285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

2.4. GREYWATER SYSTEMS FOR REUSE OF TREATED WASTEWATER

- (a) Organized or municipal sewerage systems. Any proposal for sewage collection, treatment and disposal which includes grey water reuse shall meet minimum criteria of 30 TAC Chapter 210 and Chapter 285, Subchapter H promulgated and administered by the Commission.
- (b) On-site sewerage facilities. Any proposal for on-site sewage disposal which includes provisions for grey water use shall meet the minimum criteria of 30 TAC Chapter 285.

2.5. SLUDGE DISPOSAL.

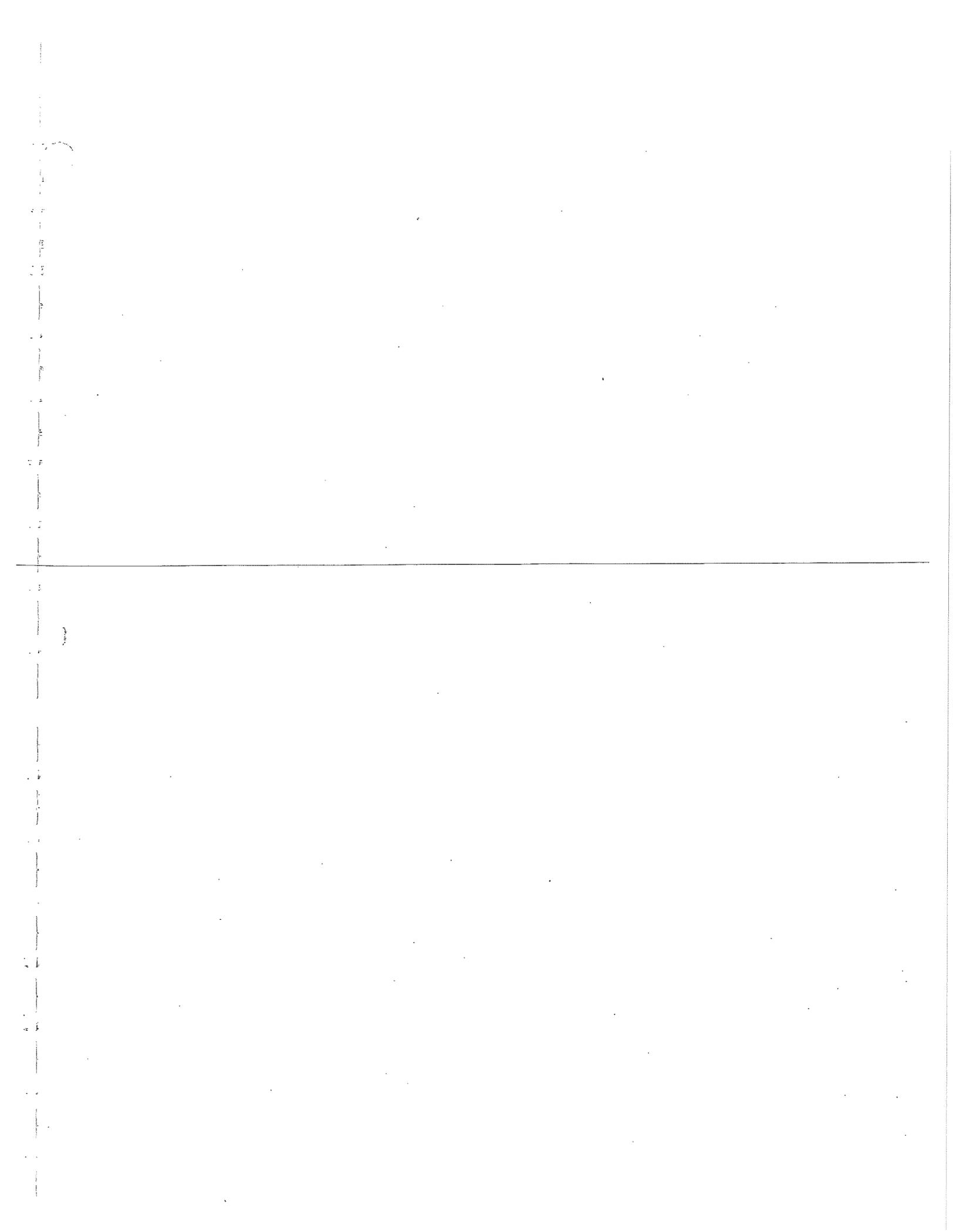
The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.

2.6. SETBACKS.

See Section 8.8

2.7 NUMBER OF DWELLINGS PER LOT.

No more than one single family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals which include multi-family residential structures shall include adequate, detailed planning materials required by the City for determination of proper water and wastewater utility type and design.



ARTICLE III PLAT APPROVAL

3.1 APPLICATIONS FOR RESIDENTIAL PLAT APPROVAL

- (a) Owner representation. An application for approval of a plat shall be filed by the record owner of the property to be subdivided or the duly authorized agent of the record owner.
- (b) Standards. Every plat creating two or more lots of five acres or less for residential use shall comply with the standards of Article II and the requirements of Article III of this Ordinance.
- (c) This section only applies to residential subdivisions.

3.2. FINAL ENGINEERING REPORT.

The final plat shall be accompanied by an engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment service to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the City shall be provided for those un-constructed water supply and distribution facilities and for wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under Section 3.4 of this Ordinance, the schedule shall include the start dates and completion dates.

(a) Public water systems.

- (1) Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement in substantially the form attached in Appendix 1A between the subdivider and the retail public utility to the effect that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years and that the subdivider has provided for the payment of costs or fees for the connection of each individual lot to the public water system, including water meters, water acquisition fees, or other necessary expenses required by the retail public utility. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project, which may include the Commission and the county health department in addition to the responsible departments of the City. If ground water is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supply to the ultimate needs of the subdivision.

(2) Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the Commission and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study which shall include an analysis of the long term (30 years) quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(b) Non-public water systems. Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with Section 2.2(b) of this Ordinance. The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to Section 2.2(b) of this Ordinance does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC 230.1 through 230.11 for water availability for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement shall be included.

(c) Organized sewerage facilities:

(1) Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement in the form attached in Appendix IB between the subdivider and must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is immediately available to each lot. Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the Commission and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.

(2) Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the Commission. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the Commission and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

(d) On-site sewerage facilities - Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC, §285.4(c), including the site evaluation described by 30 TAC, §285.30 and all other information required by applicable OSSF regulations.

3.3. ADDITIONAL INFORMATION.

The Subdivider will be required to provide the following information. Such information may include, but not be limited to:

- (1) layout of proposed street and drainage work;
- (2) legal description of the property;
- (3) existing area features;
- (4) topography;
- (5) flood plains;
- (6) description of existing easements;
- (7) layout of other utilities;
- (8) notation of deed restrictions;
- (9) public use areas; or
- (10) proposed area features.
- (11) See Appendix 3A & 3B

3.4. FINANCIAL GUARANTEES FOR IMPROVEMENTS.

- (a) Applicability. If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not constructed by the subdivider, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the City shall require the owner of the subdivided tract to execute an agreement with the City in the form attached in Appendix 2A secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements set forth below.
- (b) Bonds. A bond that is submitted in compliance with paragraph (a) of this section shall meet the following requirements.
 - (1) The bond or financial guarantee shall be payable to the mayor of the City, in his official capacity, or the mayor's successor in office.
 - (2) The bond or financial guarantee shall in an amount determined by the City to be adequate to ensure proper construction or installation of the public or nonpublic water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.
 - (3) The bond shall be executed with sureties as may be approved by the City. The City shall establish criteria for acceptability of the surety companies issuing bonds that include but are not limited to:
 - (A) registration with the Secretary of State and be authorized to do business in Texas;

(B) authorization to issue bonds in the amount required by the City; and
(C) rating of at least B from Best's Key Rating Guide; or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety company must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

(4) The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting the criteria established by Article II of this Ordinance and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the City.

(C) Letter of credit. A letter of credit that is submitted in compliance with paragraph (a) of this section shall meet the following requirements.

(1) Any letter of credit submitted as a financial guarantee for combined amounts greater than \$10,000 and less than \$250,000 must be from financial institutions which meet the following qualifications.

(A) Bank qualifications:

(i) must be federally insured;

(ii) Sheshunoff rating must be 10 or better and primary capital must be at least 6.0% of total assets; and

(iii) total assets must be at least \$25 million.

(B) Savings and loan association qualifications:

(i) must be federally insured;

(ii) tangible capital must be at least 1.5% of total assets and total assets must be greater than \$25 million or tangible capital must be at least 3.0% of total assets if total assets are less than \$25 million; and

(iii) Sheshunoff rating must be 30 or better.

(C) Other financial institutions qualifications:

(i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a City investment; and

(ii) the investment instrument must be registered in the City's name and the City must receive safekeeping receipts for all collateral before the letter of credit is accepted.

(2) Any letter of credit submitted as a financial guarantee for combined amounts greater than \$250,000 must be from financial institutions which meet the following qualifications.

(A) Bank qualifications:

(i) must be federally insured;

(ii) Sheshunoff rating must be thirty or better and primary capital must be at least 7.0% of total assets; and

(iii) total assets must be at least \$75 million.

(B) Savings and loan association qualifications:

(i) must be federally insured;

- (ii) tangible capital must be at least 3.0% of total assets and total assets must be greater than \$75 million, or tangible capital must be at least 5.0% of total assets if total assets are less than \$75 million; and
- (iii) Sheshunoff rating must be 30 or better.
- (C) Other financial institutions qualifications:
 - (i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a City investment; and
 - (ii) the investment instrument must be registered in the City's name and the City must receive safekeeping receipts for all collateral before the letter of credit is accepted.
- (3) The letter of credit shall list as sole beneficiary the mayor of the City, in his official capacity, or the mayor's successor in office, and must be approved by the City. The form of the letter of credit shall be modeled after the form attached in Appendix 2B.
- (4) The letter of credit shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under Article II of this ordinance and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the City.
- (d) Financial guarantee. The City will determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of adequate water and wastewater facilities in the subdivision.
- (e) Alternative to City accepting a financial guarantee. The City may approve a final plat under this section without receiving a financial guarantee in the name of the City if:
 - (1) the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and
 - (2) the City has executed an interlocal agreement with the County that imposes the obligation on the County to:
 - (A) accept the bonds, letters of credit, or other financial guarantees, that meet the requirements of this section;
 - (B) execute the construction agreement with the subdivider; and
 - (C) assume the obligations to enforce the terms of the financial guarantee under the conditions set forth therein and complete construction of the facilities identified in the construction agreement.

3.5. REVIEW AND APPROVAL OF FINAL RESIDENTIAL PLATS.

- (a) Scope of review. The City will review a final residential plat to determine whether it meets the standards of Article II and the requirements of Article III of this Ordinance.
- (b) Disapproval authority. The City shall refuse to approve a final residential plat if it does not meet the requirements prescribed by or under these rules.
- (c) Prerequisites to approval. Final residential plat approval shall not be granted unless the subdivider has accomplished the following:
 - (1) dedicated the sites for the adequate water and sewerage facilities identified in the

- final plat to the appropriate retail public utility responsible for operation and maintenance of the facilities; and
- (2) provided evidence that the water facilities and sewerage facilities have been constructed and installed in accordance with the criteria established within these rules and the approvals from the Commission of the plans and specifications for such construction, including any change orders filed with these agencies; or
 - (3) obtained all necessary permits for the proposed water facilities and sewerage facilities (other than for OSSF permits on individual lots within the proposed subdivision) and has entered into a financial agreement with the City secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit for the provision of water and sewerage facilities with the bond or financial guarantee meeting the criteria established in Article III of this Ordinance.

3.6. TIME EXTENSIONS FOR PROVIDING FACILITIES.

- (a) Reasonableness. ~~The City may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer service facilities must be fully operable if:~~
 - (1) any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that comply with Section 3.4 are submitted which will be effective for the period of the extension; and
 - (2) the City finds the extension is reasonable and not contrary to the public interest.
- (b) Timeliness. If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.
- (c) Unreasonableness. An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards of Article II of this ordinance.

3.7. CRITERIA FOR SUBDIVISIONS THAT OCCURRED PRIOR TO SEPTEMBER 1, 1989.

- (a) Authority and scope. This section shall apply only to tracts of land that were divided into two or more parts to layout a subdivision before September 1, 1989 and have not been platted or recorded.
- (b) Purpose. It is the purpose of this section to promote the public health of the City's residents, to ensure that adequate water and sewerage facilities are provided in subdivisions within the City and its extraterritorial jurisdiction, and to establish the minimum standards for pre-1989 subdivisions for which no plat has been tiled or recorded in the records of the County.
- (c) Required plat. In the event that the owner of a tract of land located within the City or its extraterritorial jurisdiction who subdivided the tract into two or more parts to layout a subdivision of the tract prior to September 1, 1989, including an addition, or to layout suburban lots or building lots, and to layout streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or

owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, was legally obligated to, but has failed to have a plat of the subdivision prepared, approved by the City, and filed with the County, the owner of a residential lot which was created by the subdivision may have a plat of the individual lot prepared and approved by the commissioners court as provided in this section in lieu of the filing of a plat of the subdivision.

(d) Special criteria. The City may approve the plat of a residential lot which does not comply with the provisions of § 1.8(b) of this Ordinance (sale restrictions), § 2.6 of this Ordinance (Setbacks), § 2.7 of this Ordinance (Number of Dwellings per Lot), § 3.2 of this Ordinance (Final Engineering Report), and § 3.4 of this Ordinance (Financial Guarantees for Improvements) as applied to an individual subdivided lot if such approval is in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured and substantial justice done.

(1) Owners of individual lots in a single unplatted subdivision may file a joint request for approval of their respective individual residential lots.

(2) An application for approval of the plat of an individual lot shall be made in writing. The application shall state specifically the division, section, or subsection with which the plat does not comply and from which a waiver is being requested. The application shall contain available information and documentation which supports the requested approval. The applicant shall also provide such additional documentation as the City may request to support the application, including:

(A) a copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September 1, 1989;

(B) the name and address of the original subdivider or the subdivider's authorized agent, if known;

(C) a survey and plat of the lot for which approval is requested, showing existing residences, roads, and utilities; and

(D) a deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.

(3) Approval of plats of individual lots shall be granted subject to the limitations of state law, and based on written findings by the City that:

(A) the lot for which approval is requested is within a tract that was subdivided prior to September 1, 1989, and is not owned by the original subdivider;

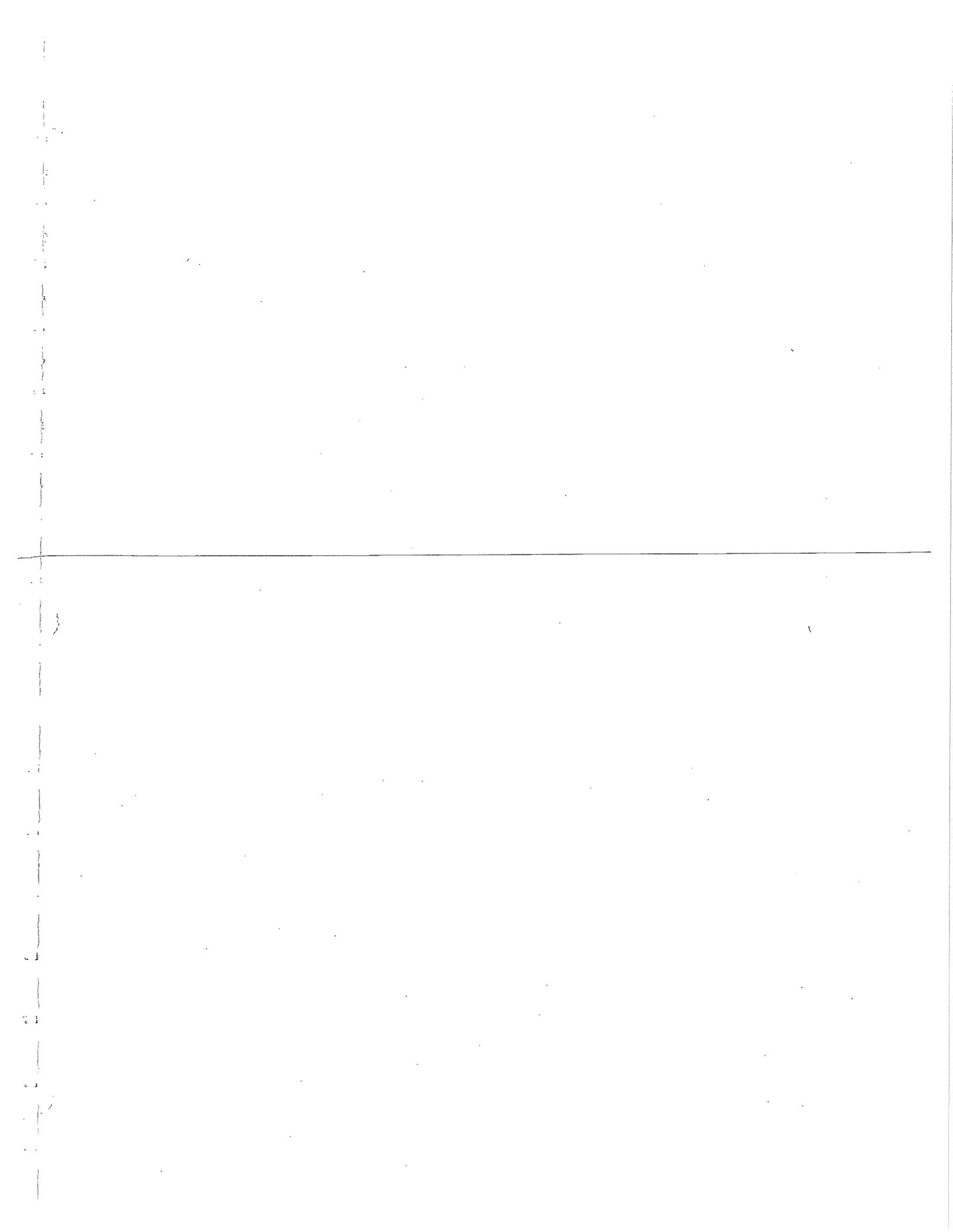
(B) a plat was required for the subdivision, but has not been filed with the county by the subdivider legally obligated to file it;

(C) an existing, currently occupied residential dwelling is located on the lot;

(D) existing water and sewer services which comply with the minimum standards set forth in this Ordinance are available to the lot; and

(E) the request is reasonable, compliance with specified sections of these rules is impractical, and a waiver is not contrary to the public health and safety.

(e) Final determination. The City shall make the final decision on an application for a waiver. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved, the City shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.



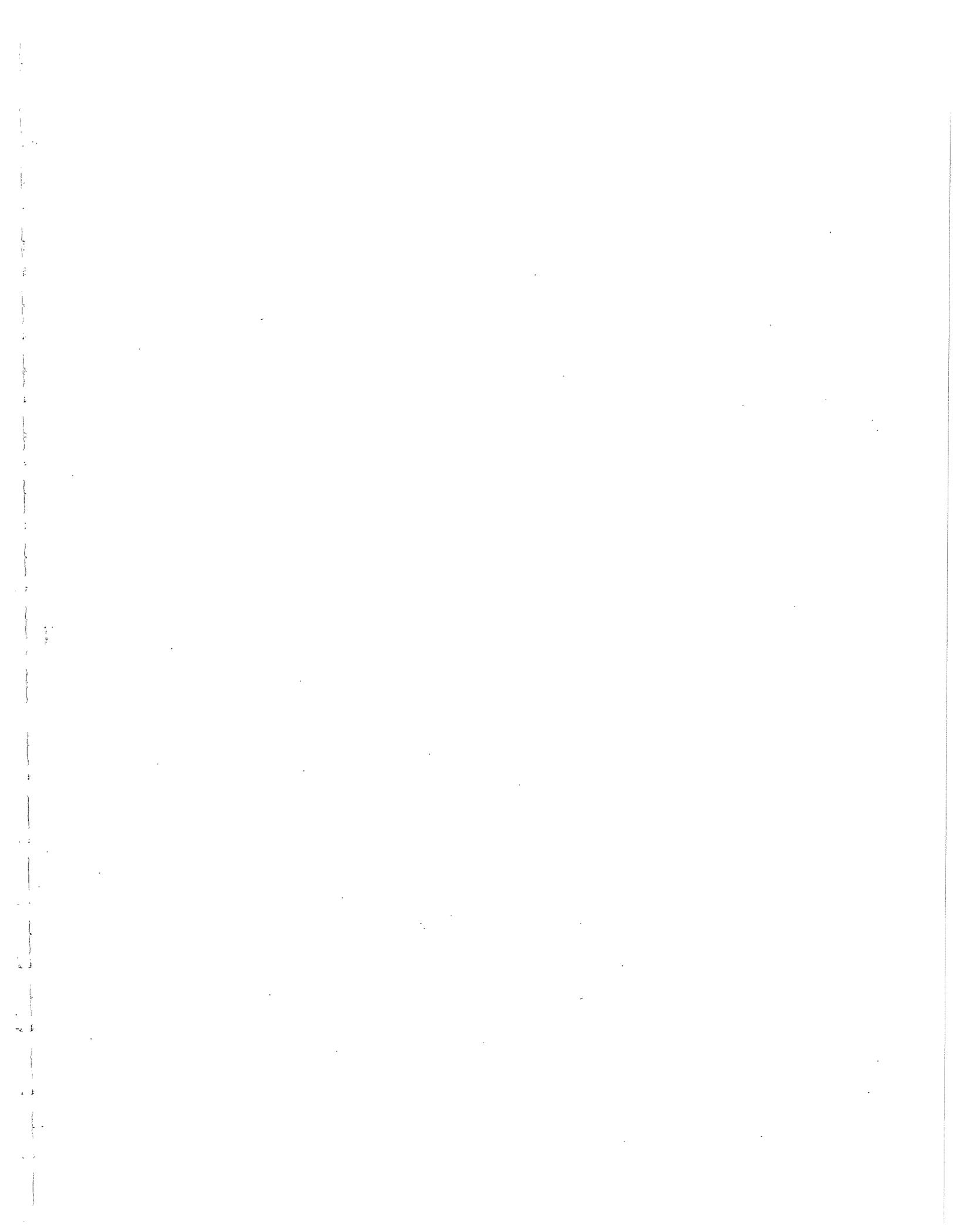
ARTICLE IV. ENFORCEMENT.

4.1. OVERSIGHT.

The owner, by submitting a plat, acknowledges the authority of the City and state agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of this ordinance.

4.2. GENERAL ENFORCEMENT AUTHORITY.

The provisions of this chapter are enforceable pursuant to the specific provisions hereof related to enforcement and state law including Water Code, Chapter 7 and §§16.352, 16.353, 16.3535, 16.354, and 16.3545, and Local Government Code, §232.037 and §232.080.



ARTICLE V PLATTING PROCESS

5.1 PURPOSE

The purpose of this article is to establish the process for the orderly execution of subdivision plats in the City of Donna and its ETJ. Before any land may be developed, the subdivider shall apply for and secure approval of the proposed subdivision plat in accordance with the following process, unless otherwise provided by these regulations.

(See Article I, II, & III or applicability of Model Subdivision Rules.)

5.2 PRE-APPLICATION CONFERENCE/MEETING

A pre-application conference or meeting allows the applicant and/or the applicant's land planner, engineer or representative an opportunity to become acquainted with the process, procedures and requirements for submission and consideration of a subdivision plat, while at the same time, provides the staff with notice of the applicant's intentions. Pre-application meetings also provide the opportunity to iron-out issues on the project with the planning or other staff before the developer has prepared extensive engineering and other submission materials. A subdivision process and checklist provided to the applicant establishes a record of the application requirements and ensures that the applicant has been informed of the various requirements that need completion before the application may be accepted for consideration. The applicant or applicant's representative shall provide two (2) copies of the proposed Preliminary Plat for review and discussion at the pre-application conference/meeting.

5.3 PLAT CLASSIFICATIONS

Subdivision plats are classified as either Major or Minor plats, depending on the number of lots proposed and the extent of public improvements required.

A. Minor subdivision plats create no more than four new lots or reserves do not require creation of any new streets or the extension of any municipal facilities meets all requirements of the existing zoning district. Is consistent with the City's Plan of Development and requires no variances. Minor subdivision plats may be approved for residential and non-residential properties. Minor subdivision plat approval requires only the submission of a Short Form Final as described under Section 5.10.

B. Major subdivision plats involve the creation of new streets, the extension of municipal facilities, the creation of more than four new lots or reserves, a change in the zoning district requirements or a variance request. Major subdivision plats may be approved for residential and non-residential properties. The procedure for approving a major subdivision plat typically requires three steps: a Development Plan, Preliminary Plat, and Final Plat.

5.4 FILING AND SUBMITTAL DATES

The filing date is the date when all necessary forms, fees, and copies submitted by the applicant for consideration of a subdivision plat by the Planning and Zoning Commission, is certified as complete and marked "Filed" by the City. The certification that the plat has been marked "Filed" by the City or determined incomplete and rejected, shall be made by the Administrative Officer within five (5) working days proceeding the first submittal date in which the application was received. The filing date is the date to be considered as the initial date, after which the statutory thirty (30) day time period begins, for which the Planning and Zoning Commission is required to act upon a plat submitted to it under provisions of Article 974e, Texas Revised Civil Statutes, as amended.

The City Council shall act on the plat within thirty (30) days after the date the plat was approved by the Planning and Zoning Commission or the plat is considered approved by the inaction of the Planning and Zoning Commission. However, if the Planning and Zoning Commission recommends approval with contingencies, the plat will not be considered as "Filed" for purposes of City Council approval, until all contingencies have been met by the applicant. The Administrative Officer shall certify when all contingencies have been addressed. The statutory thirty (30) day time period shall begin when all contingencies and all submittal requirements have been completed as certified by the Administrative Officer. The plat is considered approved by the City Council within that thirty (30) day period, unless it is disapproved within that period. If the City Council fails to act on a plat within the prescribed period, the City, upon written request from the applicant, shall issue a certificate stating the date the plat was "Filed" and that the City Council failed to act on the plat within the prescribed period, the certificate is effective in place of the City Council's endorsement,

The City shall establish a calendar, which specifies the Submittal Dates for the consideration of subdivision plats within the City of Donna and its E. T. J. Submittal application packages may be received at any time, and early submittals are encouraged, since plats are reviewed in the order of receipt. However, any applications delivered to the City on a date other than a specified Submittal Date, shall be processed based on the next scheduled Submittal Date and all Filing Dates are based on the scheduled Submittal Dates.

5.5 APPROVAL CRITERIA

Applications for plat approval shall be evaluated for compliance with these regulations and with the requirements contained in the City's Design Standards and Specifications manual, which are incorporated herein by reference, and with any other criteria, policies, rules and plans which are referenced elsewhere in these regulations.

Statutory Compliance Procedure. The Administrative Officer shall place the application on a scheduled meeting of the Planning and Zoning Commission prior to the expiration of thirty (30) days following the "File" date. The Planning and Zoning Commission shall approve or disapprove such application, or grant conditional approval by identifying contingency items, which must be satisfied for approval of such application. If the Planning and Zoning Commission fails to act on (i.e.: approve or disapprove) an application within thirty (30) days of the "File" date, the application shall be deemed approved by the Planning and Zoning Commission and may proceed to City Council for action. However for purposes of statutory compliance only, the identification of

contingency items by the Planning and Zoning Commission, which remain to be satisfied prior to the Planning and Zoning Commission's action, shall postpone the "Filing" date for City Council action of the application, until such contingencies have been addressed by the applicant. Unless the Planning and Zoning Commission unconditionally disapproves the plat application within such period, the City shall continue to process the application for compliance with these regulations. The Planning and Zoning Commission may also authorize a Deferral on action, and request further review of said application until the next scheduled Planning and Zoning Commission meeting (not to exceed the statutory thirty (30) days).

5.6 FEES, APPLICATION FORMS AND PROCEDURES

City Council shall establish a fee schedule to offset the costs related to administering these, regulations. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. Such fee shall be paid by the applicant and shall not be designed for restricting an applicant's ability to seek a hearing and/or to generate revenue or other than recovery of the actual administrative cost incurred by the City. These regulations also establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an application for a Development Plan, Preliminary Plat, Amending Plat, Replat, Vacation of plat or Final Plat. (See Appendix 3A & 3B)

5.7 DEVELOPMENT PLAN

The purpose of the Development Plan is to allow the City the opportunity to review the proposed development, with conformance to the City's Plan of Development, as it relates to the Arterial and Collector street patterns, land use, environmental issues, and the property's relationship to adjoining subdivisions or properties. The Development Plan requires approval by both the Planning and Zoning Commission and City Council. The Development Plan requirement may be omitted if the proposed development shall be submitted and platted as one phase and the Administrative Officer determines that sufficient information exist to begin preparation of a Preliminary Plat. Development Plan for non-residential property may be omitted where the Administrative Officer determines that a Preliminary Plat for the property contains sufficient information to provide for the proper coordination of the development. Where a phased or partial development is proposed, the Development Plan shall include the entire property from which the phase is being subdivided. Where the subdivider can demonstrate that natural or manmade features, such as Arterial streets and creeks, make unnecessary the inclusion of the entire property in the Development Plan, the subdivider may request approval as determined by the Administrative Officer, of a smaller Development Plan area.

5.8 PRELIMINARY PLAT

The purpose of the Preliminary Plat is to allow the City the opportunity to evaluate the proposed plat for conformity with the requirements and conditions identified at the time of Development Plan approval, as required per section 5.7. The Preliminary Plat is also reviewed as to its general

conformance to the platting standards contained within these regulations, as they relate but not limited to circulation, access, block length and lot configuration. The Preliminary Plat requires both Planning & Zoning Commission and City Council approval. The Preliminary Plat requirement may be omitted if the subdivision is classified as a Minor subdivision plat, as determined by these regulations and approved by the Administrative Officer. Major subdivision plats require the submission of a Preliminary Plat for review and approval. All Preliminary Plat comments must be addressed all improvements must be constructed, all agreements must be executed and all development fees paid prior to submission of the Final Plat. (See Appendix 3A & 3B) The Preliminary Plat approval does not automatically constitute Final Plat approval. Preliminary Plat approval requires the submittal of a one-line utility layout, as per the Design Standards. (See Article I, II, & III for applicability of Model Subdivision Rules.)

5.9 FINAL PLAT

The purpose of the Final Plat is to allow the City the opportunity to evaluate the proposed plat for conformity with all requirements and conditions, changes, directions and additions placed on the conditional approval of the Preliminary Plat by the Planning and Zoning Commission and City Council. The Final Plat is also reviewed as to its conformance to the platting standards contained within these regulations. (See Appendix 3A & 3B) The Final Plat requires City Council approval prior to recording. If the Final Plat is in the City's ETJ, it shall also be approved by the Hidalgo County Commissioners Court prior to recordation. The Final Plat shall not be approved until all required engineering plans are submitted, construction of improvements completed, development fees are paid, and if required a water service agreement is executed (see Appendix 1A), Sewer Service agreement is executed (See Appendix 1B), and as-built plans have been submitted for review and approved by the City Engineer (See Appendix 3A & 3B for other requirements). The Final Plat shall constitute only that portion of the Preliminary Plat which the subdivider proposes to record and such portion conforms to all requirements of these regulations as a stand-alone section. See Articles I, II, & III for applicability of Model Subdivision Rules.

5.10 SHORT FORM FINAL

The Short Form Final Plat submittal may be utilized on any Minor subdivision plat, which eliminates the necessity for a Development Plan and/or Preliminary Plat submittal, therefore only requiring Final Plat approval. All requirements of a Final Plat submittal are required as stated in section 5.9 above. Application fees for a Short Form Final Plat are the same as required for the Final Plat.

5.11 STREET DEDICATION PLAT

A Street Dedication plat is a subdivision plat which only dedicates public street right-of-way, along with any required easements and/or building setback lines. A Short Form Final approval process may be used when the Street Dedication plat is in conformance with the City's Plan of Development. All requirements of a Final Plat submittal are required with a Street Dedication plat submittal, including all required engineering construction plans. Application fees for a Street Dedication plat are the same as required for the Final Plat.

5.12 REPLAT or PARTIAL REPLAT

A Replat or Partial Replat is the redesign of all or part of an already recorded subdivision plat. The same process and procedure shall be followed as for Preliminary and Final and/or a Short Form Final Plat. The Replat must be in accordance with the Texas Local Government Code. A public hearing shall be required on all residential subdivision replats. The applicant's request for a public hearing shall include specific notification to all property owners within two-hundred feet (200') of the area being Replat, within the boundaries of the original plat. The request shall be made at least thirty-five (35) days prior to a regularly scheduled City Council meeting. A recorded Replat is controlling over any preceding plat.

5.13 AMENDING PLAT

A plat which is controlling over the preceding plat, which is submitted for approval of certain dimensional or notational corrections and lot line adjustments under the provisions of the Texas Local Government Code. An Amending Plat is a Final Plat and therefore requires approval of the Planning and Zoning Commission and City Council. An Amending Plat does not require a scheduled public hearing.

5.14 VACATION OF PLAT

The property owner of the tract covered by a plat may vacate, upon the approval of the Planning and Zoning Commission and City Council, the plat at any time prior to any lots in the plat being 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 subdivision plat. Lots in the plat have been sold, the plat, or any part of the plat, may be vacated with the approval of all the owners of the lots in the original subdivision plat. The Planning and Zoning Commission and Council shall approve the application for vacation on such terms and conditions as reasonable to protect public health, safety and welfare. As a condition of a Partial Vacation of a plat, the City may direct the applicant to prepare a Partial Replat in accordance with these regulations. Upon the recording of a Vacation of Plat, the vacated plat shall have no effect.

5.15 REVISIONS TO APPROVED PLANS OR PLATS

At any time following the approval of a Development Plan or Preliminary Plat, and before the lapse of such approval, the subdivider may request an amendment. The rerouting of streets, addition or deletion of alleys, or addition or deletion of more than ten percent (10%) of the approved number of lots shall be considered a major amendment. The adjustment of street and alley alignments, lengths, and paving details; the addition or deletion of lots within ten percent (10%) of the approved number or the adjustment of lot lines shall be considered minor amendments. All minor amendment considerations are based on the original state of the first approval and can not accumulate to exceed that of a single minor amendment. Adjustments caused by conditions and requirement of conditional approval by the Planning and Zoning Commission and/or City Council shall be considered minor amendments.

The Administrative Officer may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning and Zoning Commission for approval. Major amendments shall be approved by the Planning and Zoning Commission and City Council at the regular public meetings in accordance with the same requirements for the approval of a Development Plan or Preliminary Plat. The applicant shall indicate on the application that the submittal is a Revised submittal.

The Planning and Zoning Commission and City Council shall approve, conditionally approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of Development Plan or Preliminary Plat approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the Planning and Zoning Commission, the applicant may withdraw the proposed major amendment or appeal the action of the Planning and Zoning Commission to the City Council in accordance with Section 5.17.

Any substantial change to the Final Plat (including; Short Form Finals and Street Dedications), once approved by City Council shall require resubmission to the Planning and Zoning Commission and Council for approval. With the approval of the Administrative Officer, minor changes including addition of easements, corrections of clerical errors or omissions and corrections required to meet any conditional approval items or requirement to meet these regulations and/or the county's regulation for plats in the ETJ, may be made prior to recordation of the plat without the resubmission for approval. A copy of the plat indicating the requested changes shall be submitted for approval by the Administrative Officer prior to making any such changes.

5.16 EXTENSION AND REINSTATEMENT PROCEDURE

All plat approvals granted by the Planning and Zoning Commission and/or Council and the conditions therein, if any, are valid for a period of one (1) year from the date on which the approval was granted. Prior to the lapse of any approval, the applicant may submit an application with the Planning and Zoning Commission or City Council, for which the approval is with, to extend or reinstate said approval. Such application shall be considered at a public meeting of the Planning and Zoning Commission or Council. In determining whether to grant such request, the City shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted subdivision regulations or new conditions shall apply to the plat or land plan. The Planning and Zoning Commission, and/or Council may extend the plat approval with no new conditions placed on said approval, or reinstate the plat with new conditions placed on the plat, or deny the request for which the Subdivider must submit a new application for approval. The City may reinstate the approval subject to new conditions based upon newly enacted regulations or new conditions as are necessary to assure compliance with the original approval. Extension of approval or reinstatement is valid for an additional one (1) year, not to exceed a total of two (2) years from the date on which approval was originally granted. Only one extension of approval or reinstatement is allowed, after which a new application is required.

5.17 APPEALS TO CITY COUNCIL

The Applicant may appeal the decision of the Planning and Zoning Commission with regard to a Development Plan, Preliminary Plat, Final Plat, Replat, Amending Plat, Vacation Plat or variance request by filing a Notice of Appeal in the Office of the Director, no later than ten (10) days after the date on which the Planning and Zoning Commission notifies the applicant of its decision. Such notification may take place by means of an oral ruling by the Planning and Zoning Commission at a public meeting. Written notice of any appeal shall be sent to the property owner. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Council shall consider the appeal at the public meeting no later than forty-five (45) days after the date on which the Notice of Appeal is filed. The Council may affirm, modify or reverse the decision of the Planning and Zoning Commission and may, where appropriate, redirect the Plat, Development Plan, or variance request back to the Planning and Zoning Commission for further proceedings consistent with Council's decision.

5.18 RECORDATION

Following approval by City Council of the Final Plat and having met all conditions as per sections 5.9 and 6.4 requirements of such approval and these regulations, the subdivider shall cause such Final Plat to be recorded in the county plat records. For subdivision plats within the City's ETJ, the plat shall also be reviewed by the Hidalgo County Engineer and approved by the Hidalgo County Commissioners Court prior to recordation. A mylar film copy of the recorded plat shall be furnished to the City of Donna by the applicant prior to issuance of any building permits.

5.19 EXEPTIONS TO THE PLATTING REQUIREMENTS IN THE EXTRA-TERRITORIAL JURISDICTION

A. No formal plat shall be required by these Regulations on any property conveyed or otherwise divided for agricultural purposes within the 5-mile extraterritorial jurisdiction provided that either of the following criteria is satisfied:

1. No resulting tract of land is five (5) acres in area or smaller.
2. Persons dividing property by gift to family members to the third degree by consanguinity or affinity .

B. Each tract created by the division of the property by gift to a family member shall have a minimum of sixty (60) feet fronting a roadway which has been previously dedicated to the public for the public's use and benefit. Such roadway must provide the principal access to the Tract. No new streets, alleys or easements of access may be allowed.

C. Each tract created by gift to a family member shall have a minimum area of 7,200 square feet if connected to a sanitary sewer system. If the resulting tract is not connected to a sanitary sewer system, the minimum area shall be one-half (1/2) of an acre.

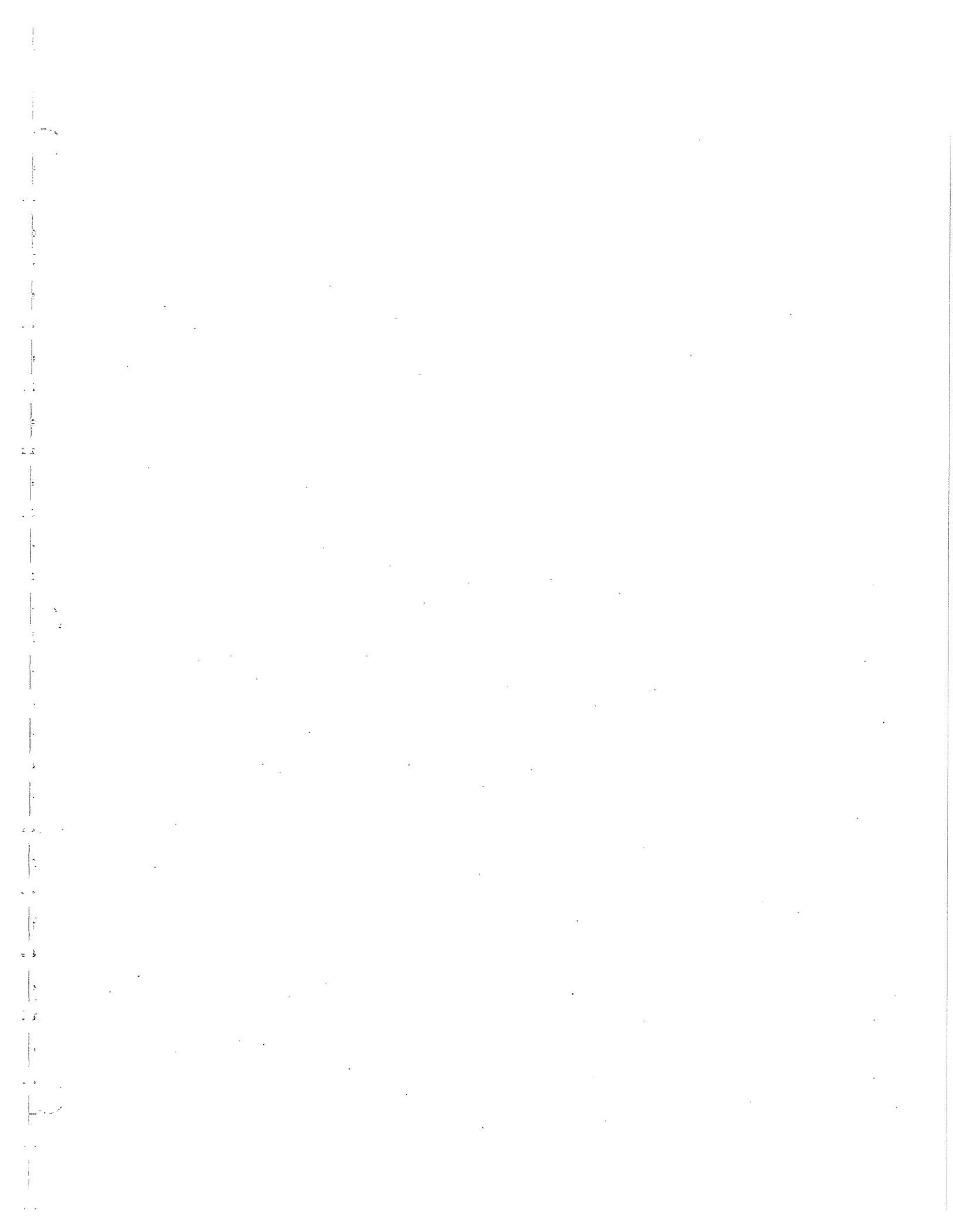
D. No resulting tract may contain more than one single-family residential unit.

E. A person obtaining an exemption to the platting requirement under the provisions stated above has to comply with the right-of-way dedication requirements as identified in the latest City adopted "Hidalgo County Thoroughfare Plan."

F. All certificates of compliance approving an exemption to the platting requirements under the provisions stated above must be signed by both the City's Planning Director and the Fire Chief or the person assigned by the City Manager to perform those duties.

G. This ordinance gives the City's Fire Chief the authority to impose any requirements he/she feels necessary before signing the certificate of compliance in order to ensure that the person needing the certificate provides the proper fire protection to the resulting tract of land.

H. Compliance with the regulations of Article VIII Subsection J is required.



ARTICLE VI -PLATTING PROCEDURE

6.1 PURPOSE

The purpose of this article is to establish the procedure for the orderly execution of subdivision plats in the City of Donna and its ETJ. Before any land may be developed, the subdivider shall apply for and secure approval of the proposed subdivision plat in accordance with the following procedures, unless otherwise provided by these regulations. (See Article I, II, & III for applicability of Model Subdivision Rules.)

6.2 DEVELOPMENT PLAN

Application Procedure and Requirements.

A. Pre-Application and Conference/Meeting. Prior to submission of the Development Plan, the subdivider, or his representative shall consult with the Administrative Officer as prescribed in Section 5.2.

B. A Development Plan of any proposed development shall be submitted for both, Planning & Zoning Commission and City Council review and approval in compliance with the schedule and requirements as set forth in these regulations.

C. The Development Plan application package shall be submitted on or before the scheduled Submittal date for plat consideration at the Planning and Zoning Commission meeting. The package shall consist of the following items:

1. The required number of copies of the completed applications, as provided for in these regulations.
2. The applicable submittal fees, as established by City Council.
3. The required number of blue line or black line prints of the proposed plan at the prescribed drawing scale and sheet size, folded to (8 1/2" x 14").
4. The required number of reduced (11" x 17") copies of said plan, folded to (8 1/2" x 11 ").
5. An owner's affidavit of ownership, which includes the name, address and telephone number of the agent, authorized to submit on the owner's behalf.

D. The Development Plan shall be in accordance all approved City's water, sewer, drainage and thoroughfare plans.

E. The Development Plan may be prepared by an engineer or surveyor.

F. General Drawing Content. The Development Plan shall meet the following minimum requirements (See Section 7.2 for exact graphic requirements):

1. The plan shall include all contiguous holdings of the property owner with an indication as to that portion which is proposed to be developed or to be offered for sale or lease. The plan shall clearly show the limits of the tract with scale distances.
2. The Development Plan shall be drawn to scale of 1" = 200' or larger.
3. The plan shall contain a title block stating required information.
4. True north along with a bar scale shall be indicated on the plan.
5. The plan shall indicate the record names and recording information of adjacent recorded subdivision plats or identify the unplatted land as " Acreage" , for all property within two-hundred feet (200') of the proposed subdivision plat.
6. The plan shall contain the existing zoning of the site and all property within two-hundred feet (200'), the location, width, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, irrigation facilities and topography with existing drainage channels or creeks, and other important features such as political subdivision or corporate limits and school district boundaries.
7. The plan shall show the layout, names and widths of all proposed streets, including the general configuration of any proposed Minor streets and alleys.
8. The plan shall show a general arrangement of land uses for the site, including but not limited to park and school sites, municipal facilities, private open space, flood plains and drainage ways, phasing plan, and proposed non- residential and residential uses and densities.
9. The plan shall contain a vicinity map, with a separate north arrow, depicting the proposed development in relation to Arterial and Collector streets, political subdivisions, railroads, watercourses and ditches.

G. Standards for Approval. No Development Plan shall be approved by the Commission or Council for a subdivision plan which is intended for development, unless it conforms to the City's Plan of Development and the Development Ordinances of the City.

H. Approval Procedure. After review of the Development Plan, the Administrative Officer shall place on the agenda (within thirty (30) days of the "File" date) for the next regularly scheduled meeting of the Planning & Zoning Commission, the Staff's review and recommendations, by way of a report and exhibit. The Planning and Zoning Commission shall approve, conditionally approve or disapprove, the Development Plan, based on the information presented. The subdivider or his designated representative shall be available at the meeting to answer any questions pertaining to the discussion of said submittal. The Commission's action shall be forwarded to City Council for their consideration and action at the next scheduled Council meeting. One (1) copy of the proposed Development Plan shall be returned to the owner with the date of approval or disapproval and the reason therefore accompanying the copy. If

the Planning and Zoning Commission disapproves the proposed Development Plan, the applicant may request an appeal in the manner prescribed in Section 5.17.

I. Effect of Approval. Approval of the Development Plan by the Planning and Commission and Council, constitutes authorization by the City, for the subdivider to proceed with submittal of a Preliminary Plat application, subject to compliance with any conditions attached to approval of the Development Plan.

J. Lapse of Approval. The approval of any phase or phases of a Development Plan, which is intended for development, shall automatically expire unless such phase or phases have been submitted and approved by the Planning and Zoning Commission as a Preliminary Plat within one (1) year from the date of approval of such Development Plan. (See Section 5.16 concerning extension and reinstatement procedure.) Any subsequent approval of a plat within the approved Development Plan automatically extends the approval life of said Development Plan to said approval date. The City may require a revised submittal of an already approved Development Plan, if it is determined that substantial changes have occurred to the original plan. The revised Development Plan can usually be included as part of the submittal package for subsequent consideration of Preliminary or Final Plat approval.

K. The approval in concept of a Development Plan by the Planning and Zoning Commission and City Council does not constitute approval of any subsequent plats within the Development Plan boundaries.

L. The graphic requirements for a Development Plan are contained in these regulations in Section 7.2.

6.3 PRELIMINARY PLAT

Application Procedure and requirements

A. Prior to submission of the Preliminary Plat, the subdivider, or representative shall obtain Development Plan approval, if determined necessary during the Pre-Application Meeting as prescribed in Sections 5.2 and 5.3 for Major or Minor subdivisions. If the plat is determined to be a minor subdivision, only a Short Form Final Plat submittal is required.

B. A Preliminary Plat of any proposed Major subdivision shall be submitted for both Planning & Zoning Commission and City Council review and approval in compliance with the schedule and requirements as set forth in these regulations.

C. The Preliminary Plat application package shall be submitted on or before the scheduled Submittal date for plat consideration at the Planning and Zoning Commission meeting. The package shall consist of the following items:

1. The required number of copies of the completed applications, as provided for in these regulations.

2. The applicable submittal fees, as established by City Council. (See Appendix 3A & 3B)

3. The required number of blue line or black line prints of the proposed plan at the prescribed drawing scale and sheet size, folded to (8 1/2" x 14").
4. The required number of reduced (11" x 17") copies of said plan, folded to (8 1/2" x 11").
5. Copies of letters verifying contact with the affected agencies, districts and utility companies with jurisdiction over the proposed subdivision plat. Including but not limited to: the school district, irrigation district, utility companies including; electrical power, gas, telephone, and cable, any applicable districts or entities with jurisdiction in the area to verify availability and establish any easement requirements, for plats in the City's ETJ; the County Engineer and any water and sewer providers. The verification request letter shall include a print of the proposed plat.

Response letters from the appropriate agencies, utility companies or districts must have been received by the City prior to the Planning and Zoning Commission meeting. It is the responsibility of the Administrative Officer to obtain these verification letters. Copies of said letters shall be required to be on file as part of the review requirement.

D. The Preliminary Plat shall be prepared in accordance with the approved Development Plan, and all approved City comprehensive, water, sewer, drainage and thoroughfare plans.

E. The Preliminary Plat shall be prepared by an engineer.

F. General Drawing Content. The Preliminary Plat shall meet the following minimum requirements and meet the requirements set forth in Appendix 3A and Appendix 3B Steps I-III.

1. The Preliminary Plat shall include all that portion of the development which is proposed to be platted and developed. The plan shall clearly show the boundary lines with accurate distances and bearings. A Preliminary Plat may be submitted for an entire development, with separate Final Plats submittals for phases within the approved Preliminary Plat boundaries.
2. The Preliminary Plat shall be drawn to scale of 1" = 100' for large developments a scale of 1" = 200' or larger may be used with specific approval of the Administrative Officer.
3. The Preliminary Plat shall contain a title block stating all required information. A true north along with a bar scale shall be indicated on the plan.
5. The Preliminary Plat shall show the names of adjacent subdivisions or the name of record owners of adjoining parcels of unplatted land.
6. The Preliminary Plat shall show the existing zoning on adjoining land, the location, width, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, irrigation facilities, and topography with existing drainage channels or creeks, and other important features such as political subdivision or corporate limits and school district boundaries.

7. The Preliminary Plat shall show the layout, street names and widths of all proposed streets. and shall show the general configuration of any proposed alleys. The center-line data including tangent lengths and radii shall be shown on all streets and alleys.

8. The Preliminary Plat shall show a general arrangement of land uses for the site, including but not limited to park and school sites, municipal facilities, private open space, flood plains, drainage ways, phasing plan, and proposed non- residential and residential uses and densities. The acreage of these tracts and basic dimensions shall be shown. All lot and reserve lines shall be shown, along with basic dimensions, at a minimum, to the nearest foot.

9. All lot and block numbers.

10. True bearings and distances to the nearest established official monument, which shall be accurately described on the plat.

11. Horizontal and vertical control data shall be established to a minimum of one (1) corner of the subdivision. The accurate location, material, and size of existing monuments ties shall be indicated.

12. All easements for rights-of-way provided for public services or utilities and any limitations of the easements.

13. The plan shall contain a vicinity map with its own north arrow, depicting the proposed development in relation to Arterial and Collector streets, political subdivisions, railroads, watercourses and ditches.

14. "Building setback lines must either be shown or indicated by note.

15. All special restrictions including, but not limited to, drainage, floodway, fire lanes, screening, etc.

16. Certification by a Registered Public Land Surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown. The survey should correctly show the location of all visible easements, rights-of-ways and other matters of record affecting the property being platted. This statement may be placed on the face of the plat or included as a separate document.

G. No Preliminary Plat shall be approved by the Planning and Zoning Commission or City Council, unless it substantially conforms with the approved Development Plan the City's Plan of Development, these regulations, applicable zoning regulations and all other regulations.

H. The Administrative Officer shall make a study of the Preliminary Plat and other related materials submitted. A written report and marked-up copy of the plat stating the City staff's review comments and recommendations shall be compiled for presentation to the Planning and Zoning Commission. The subdivider or his designated representative shall be provided with a copy of this report prior to the Planning and Zoning Commission meeting. The Administrative Officer should discuss

with the subdivider any comments and changes deemed advisable prior to him making his final comments and recommendations to the Planning and Zoning Commission. The Administrative Officer shall place the Preliminary Plat on the agenda (within thirty (30) days of the "File" date) for the next regularly scheduled meeting of the Planning & Zoning Commission. The Planning and Zoning Commission shall act on the plat thereon as submitted or modified. The Planning and Zoning Commission shall either approve, conditionally approve or disapprove the Preliminary Plat, based on the report presented along with any comments heard at the meeting. The subdivider or his designated representative shall be at the meeting to answer any questions pertaining to the discussion of said submittal. The Planning and Zoning Commission may elect to defer action on the plat, if questions arise and no representative is present to address said questions. The Planning and Zoning Commission's action shall be forwarded to the City Council for their consideration and action at the next scheduled City Council meeting. One (1) copy of the report and a marked-up copy of the Preliminary Plat, including any additional conditions made by the Planning and Zoning Commission, shall be returned to the applicant with the date of approval or disapproval and the reason therefore. If the Planning and Zoning Commission disapproves the proposed Preliminary Plat, the applicant may execute an appeal in the manner prescribed in Section 5.17.

- I. Approval of the Preliminary Plat by the Planning and Zoning Commission and City Council, constitutes authorization by the City, for the subdivider to proceed with construction of all improvements and then submittal of a Final Plat application.
- J. Lapse of approval of the Preliminary Plat, shall automatically expire unless such phase or phases have been submitted and approved by the Planning and Zoning Commission and City Council as a Final Plat within one (1) year from the date of approval of such Preliminary Plat. (See Section 5.16 concerning extension and reinstatement procedure.) The revised Preliminary Plat can usually be combined with a subsequent Final Plat submittals, as a Preliminary/Final Plat.
- K. The approval of the Preliminary Plat by the Planning and Zoning Commission and City Council does not constitute approval of the subsequent Final Plats within the Preliminary Plat.
- L. The graphic requirements for a Preliminary Plat are contained in these regulations in Section 7.3.

6.4 FINAL PLAT

Application Procedure and Requirements.

- A. Preliminary Plat approval. Prior to submission of the Final Plat, the subdivider, or representative shall obtain Preliminary Plat approval if determined necessary during the Pre-Application Conference as prescribed in Sections 5.2 and 5.3 for Major or Minor

subdivisions. If the plat is determined to be a minor subdivision, only a Short Form Final Plat submittal is required.

B. Prior to a Final Plat of any proposed subdivision being submitted to the and City Council for review and approval the plat must comply with the schedule and requirements as set forth in these regulations. A Final Residential Plat must comply with the requirements set forth in Appendix 3A and Appendix 3B Steps I-IX.

C. The Final Plat application package shall be submitted on or before the scheduled Submittal date for plat consideration at the City Council meeting. The package shall consist of the following items:

1. The required number of copies of the completed applications, as provided for in these regulations.

2. The applicable submittal fees, as established by City Council.

3. The required number of blue line or black line prints of the proposed plan at the prescribed drawing scale and sheet size, folded to (8 1/2" x 14").

4. The required number of reduced (11 "x 17") copies of said plat, folded to (8 1/2" x 11").

5. Copies of letters verifying contact with the affected agencies, districts and utility companies with jurisdiction over the proposed subdivision plat. Including but not limited to: the school district, irrigation district, utility companies including; electrical power, gas, telephone, and cable, any applicable districts or entities with jurisdiction in the area to verify availability and establish any easement requirements, for plats in the City's ETJ; the County Engineer and any water and sewer providers. The verification request letter shall include a print of the proposed plat. If the Final Plat does not represent any change from the Preliminary Plat approval, additional verification requests are not required. However, if the Final Plat represents a phase of the Preliminary Plat or the Final Plat sustained Major amendments as prescribed in Section 5.15, new verification request are required.

Response letters from the appropriate agencies, utility companies or districts must have been received by the City prior to Final Plat approval by the Commission. It is the responsibility of the Administrative Officer to obtain these verification letters.

Copies of said letters shall be required to be on file as part of the recordation requirement.

6. An executed 30-year water service agreement shall be required for residential subdivisions only. (See Appendix 1A)

7. An executed 30-year sewer service agreement shall be required for residential subdivisions only. (See Appendix 1B)

D. The Final Plat shall be prepared in accordance with the approved Preliminary Plat, if required, and all approved City water, sewer and thoroughfare plans.

E. The Final Plat shall be signed and sealed by a registered public land surveyor and engineer.

F. General Drawing Content. The Final Plat shall meet the following minimum requirements (See Section 7.3 and 7.4 for exact graphic requirements):

1. The Final Plat shall include *only* that portion of the Preliminary Plat which the subdivider proposes to record. Such portion shall conform to all regulations, requirements and conditions as a stand alone section. The plat shall clearly show the boundary lines with accurate bearings, distances, and all required curve data.
2. The Final Plat shall be drawn to a minimum scale of 1" = 100'. For small tracts alternative scale of 1" = 50' or 1" = 20' may be used with specific approval of the Administrative Officer.
3. The plat shall contain a title block stating all required information.
4. True north along with a bar scale shall be indicated on the plan.
5. The plat shall show the names of adjacent subdivisions or the name of record owners of adjoining parcels of unplatted land.
6. The plat shall show the existing zoning on adjoining land, the location, width, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, irrigation facilities, and topography with existing drainage channels or creeks, and other important features such as political subdivision or corporate limits and school district boundaries.
7. The plat shall show the layout, street names and widths of all proposed streets and alleys. Center line data shall be shown on all proposed streets and alleys, including bearings, distances and all curve data comprised of the; tangent lengths, delta, arc length and radii.
8. The plat shall show a general arrangement of land uses of the site, including but not limited to park and school sites, municipal facilities, private open space, floodplains, drainage ways, phasing plan, non-residential, residential uses and densities. The acreage of these tracts and basic dimensions shall be shown. All lot and reserve lines shall be shown along with basic dimensions, at a minimum, to the nearest one tenth (1/10) of one (1) foot.
9. All lot and block numbers.
10. True bearings and distances to the nearest established official monument, which shall be accurately described on the plat.
11. Horizontal and vertical control data shall be established to a minimum of one (1) corner of the subdivision. The accurate location, material, and size of existing monuments ties shall be indicated.
12. An approximate ties, shall be indicated, to the abstract & survey corners. If the survey line(s) intersect with the plat boundary, then ties to the plat boundary shall also be indicated. All surveys and abstracts that the plat is contained within, shall be called for in the title block.

13. All easements for rights-of-way provided for public services or utilities and any limitations of the easements.

14. The plan shall contain a vicinity map with its own north arrow, depicting the proposed development with respect to Arterial and Collector streets, political subdivisions, railroads, watercourses and ditches.

15. All front, rear and corner lot building setback lines, must be shown on the face of the plat.

16. All special restrictions including, but not limited to, drainage, floodway, fire lanes, and screening.

17. Certification by a Registered Public Land Surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown. The survey should correctly show the location of all visible easements, rights-of-way and other matters of record affecting the property being platted. This statement shall be placed on the face of the plat as part of the dedication language.

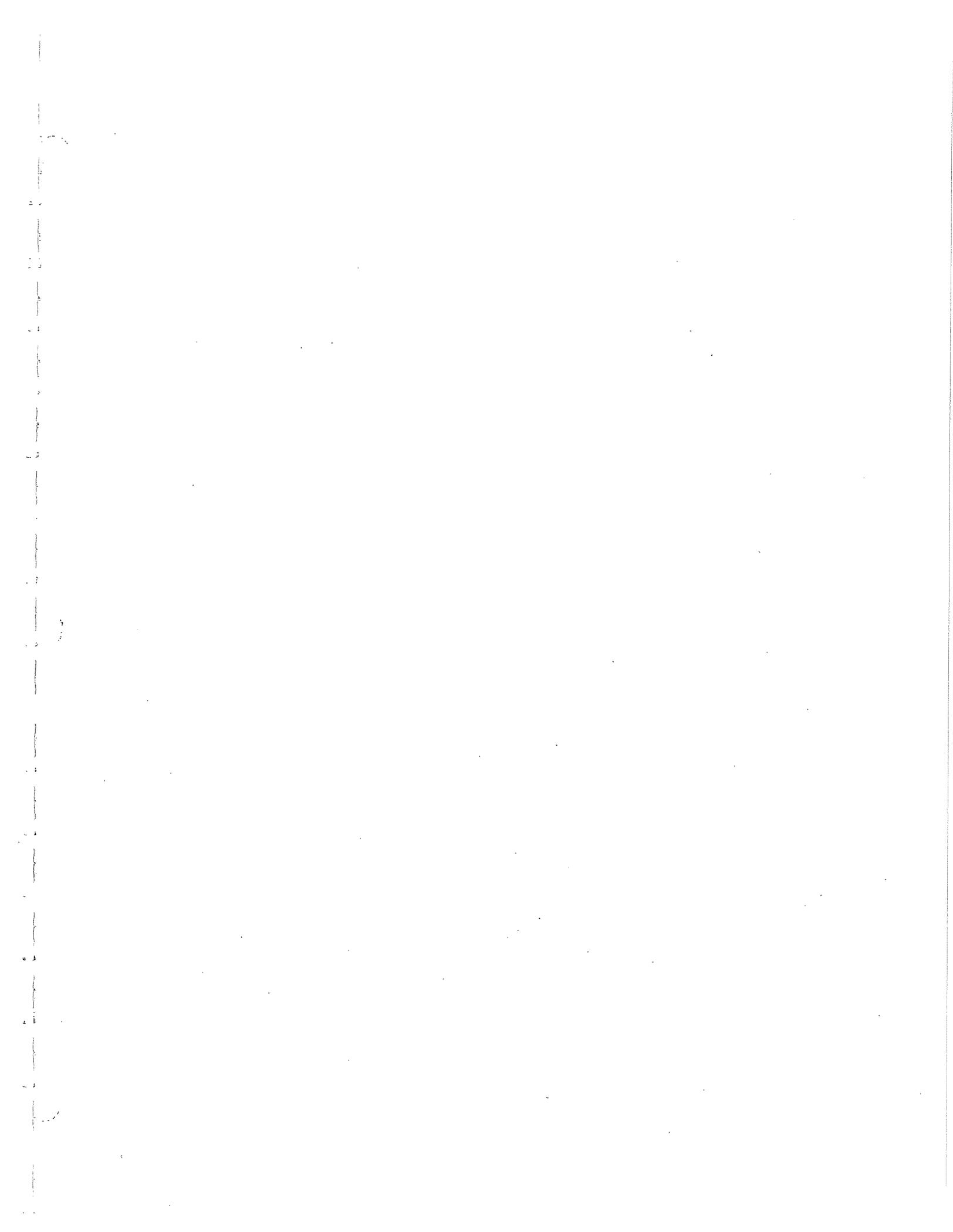
G. No Final Plat shall be approved by the City Council, unless it conforms with the approved Preliminary Plat, the City's Plan of Development and all applicable zoning and other regulations. Submittal and approved Engineering construction as built drawings, as per the City's Design and Standard manual is required for any Final Plat approval within the City limits or its E.T.J. The Final Plat must comply to the requirements of Appendix 3A & 3B.

H. The Administrative Officer shall make a study of the Final Plat and other related materials submitted. A written report and marked-up copy of the plat representing the City staff's review comments and recommendations shall be compiled for presentation to the City Council. The subdivider or his designated representative shall be provided with a copy of this report prior to the City Council meeting. The Administrative Office may feel it necessary to discuss with the applicant any comments and changes deemed advisable prior to him making his final comments and recommendations to the City Council. The Administrative Officer shall place the Final Plat on the agenda for the next regularly scheduled meeting of the City Council. The City Council shall act on the plat thereon as submitted or modified. The City Council shall either approve or disapprove the Final Plat, based on the report presented along with any comments heard at the meeting. The subdivider or his designated representative shall be at the meeting to answer any questions pertaining to the discussion of said submittal. The City Council may elect to defer action on the plat, if questions arise and no representative is present to address said questions. One (1) copy of the report and a marked-up copy of the Proposed Final Plat, including any additional conditions made by the City Council, shall be returned to the applicant with the date of disapproval and the reason therefore. If the City Council disapproves the proposed Final Plat, the applicant may execute an appeal in the manner prescribed in Section 5.17.

Prior to the submission of the Final Plat for City Council approval, all engineering construction as built drawings showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details of the proposed subdivision shall be submitted and approved by the City Engineer. Two (2) copies of the approved engineering as built construction plans shall be submitted with the Final Plat for approval by the City Council. Such plans shall be signed and sealed by a registered professional engineer, licensed in the State of Texas, and shall conform to the current Design Standards, City's Plan of Development, planning criteria and all applicable ordinances adopted by the City of Donna.

Following approval by the City Council, the specified number of originals may be submitted for signature and the placement of the City seal. If the Final Plat is within the City limits the plat shall be filed for record at the County clerk's office. If the Final Plat is in the City's ETJ, the plat originals along with the associated tax certificates and title report, shall be forwarded to the office of the County Engineer for review and action by the County Commissioners Court and recordation.

- I. Approval of the Final Plat by the City Council, constitutes authorization for the Administrative Officer to proceed with submittal of the plat for recordation.
- J. The approval of any Final Plat, automatically expire unless such plat has been submitted for recordation to the county within one (1) year from the date of approval of such Final Plat (See Section 5.16 concerning extension and reinstatement procedure.).
- K. The graphic requirements for a Final Plat are contained in these regulations in, Section 7.3.



ARTICLE VII -GRAPHIC REOUIREMENTS

7.1 PURPOSE

The purpose of this article is to establish the graphic requirements for the drawing of Development Plans, Preliminary and Final Plats in the City of Donna and its ETJ. All plans or plats submitted for review and approval shall meet these minimum graphic requirements in order to receive approval. (See Article I, II, & III for applicability for Model Subdivision Rules.)

7.2 DEVELOPMENT PLAN

The following are the graphic requirements for a Development Plan:

A. Draw Plan at a scale of 1"=200' or larger. Smaller scales may be approved upon specific approval of the Administrative Officer.

B. A title block located in the lower right hand corner of the drawing, containing:

1. Name and acreage of the proposed subdivision or development, along with the legal description of the tract including the county, the state, and the survey and abstract number.
2. Name, address and phone number of the owner, subdivider, engineer and surveyor responsible for the application, preparation and submission of the plan.
3. Indicate the scale of the drawing (i.e.: Scale: 1"=200').
4. Indicate the date the plan was prepared.
5. Within the City limits indicate the existing zoning district of the proposed development.

C. A vicinity map located in the upper right hand corner of the drawing, containing:

1. The location of the proposed development with respect to Arterial and Collector streets, political subdivisions, railroads, watercourses and ditches.
2. The preferred scale of the vicinity map is 1"=1200' and shall be oriented with north in the same direction as the plan. A north arrow shall be shown within the vicinity map. Vicinity map coverage area should encompass approximately one (1) square mile with the Project Site located close to the center of the vicinity map (i.e. vicinity map size = 5" x 5" at 1"= 1200').

D. The plan should be oriented with north at the top of the drawing, a north arrow and graphic bar scale shall be provided, located in the upper right corner of the drawing, preferably to the left of the vicinity map.

E. The plan must be drawn on twenty-two by thirty-four inch (22" x 34") sheet, unless otherwise approved by the Administrative Officer. The prints shall be folded to eight and one-half by fourteen inches (8 1/2" x 14") with title block showing on the front.

F. The boundary of the entire proposed development shall be drawn as a bold solid line.

G. The record names and recording information for all adjacent recorded subdivision plats or indicate all unplatted parcels of land as " Acreage" , for all property within two-hundred feet (200') of the proposed subdivision plat. The adjacent information shall be drawn to the same scale as the plat and shown as dotted or dashed line work. Sufficient enough detail shall be shown to accurately illustrate the existing streets, alleys, easements and other features that may influence the layout of the subdivision.

H. The existing zoning classification of adjoining property within two-hundred feet (200').

1. The location, width and names of all existing streets, railroad, drainage ditches and channels, creeks, pipelines and easements within and/or adjacent to the development.

1. Topography with contours at a maximum of five foot (5') intervals, or a minimum of two (2) different contour elevations shown within the boundaries of the development.

K. Applicable district boundaries and corporate limits.

L. The proposed layout and width of all streets.

M. The general arrangement of land uses, including residential areas, multifamily tracts, commercial development, parks, school sites, public facilities, private open space, irrigation facilities, floodplains and drainage ways. A table summarizing all of the different land uses along with approximate acreage totally the overall acreage of the Development Plan shall be shown on the plan.

N. The proposed phasing of development or the order of platting for planning purposes.

7.3 PRELIMINARY & FINAL PLAT

The following are the graphic requirements for a Preliminary & Final Plat:

A. In cases of large developments, which would exceed the dimensions of the 22" x 34" sheet for a 1"= 100' scale, Preliminary Plats may be drawn at 1"=200' or larger, if specifically approved by the Administrative Officer.

B. A title block located in the lower right hand corner of the drawing, containing:

1. Name and acreage of the proposed subdivision plat, along with the legal description of the tract including the county, the state, and the survey and abstract number.
2. Total number of lots, blocks and reserves within the proposed subdivision.
3. Name, address and phone number of the owner, subdivider, engineer and surveyor responsible for the application, preparation and submission of the plat.
4. Indicate the scale of the drawing (i.e.: Scale: 1"=100').
5. Indicate the date the plat was prepared.
6. Within the City limits, indicate the existing zoning district of the proposed plat.
7. Engineers Report with cost estimates, construction dates, signature, seal and date.
(English & Spanish)

C. A vicinity map located in the upper right hand corner of the drawing, containing:

1. The location of the proposed development with respect to Arterial and Collector, political subdivisions, railroads, watercourses and ditches.
2. The preferred scale of the vicinity map is 1"= 1200' and shall be oriented with north in the same direction as the plan. A north arrow shall be shown within the vicinity map. Vicinity map coverage area should encompass approximately one (1) square mile with the Project Site located close to the center of the vicinity map (i.e. vicinity map size = 5" x 5" at 1"=1200').

D. The plat should whenever possible be oriented with north at the top of the drawing, graphic bar scale shall be located in the upper right corner of the drawing, preferably to the left of the vicinity map.

E. The boundary of the subdivision shall be drawn as a bold solid line and along with sufficient dimensions to describe the tract.

F. The record names and recording information for all adjacent recorded subdivision plats or indicate all unplatted parcels of land as "Acreage", for all property within two-hundred feet (200') of the proposed subdivision plat. The adjacent information shall be drawn to the same scale as the plat and shown as dotted or dashed line work. Sufficient detail shall be shown to accurately illustrate the existing streets, alleys, easements and other features that may influence the layout of the subdivision.

G. The existing zoning classification of adjoining land, if applicable.

H. The location, width and names of all existing streets, railroad, drainage ditches, channels, creeks, pipelines and easements within and/or adjacent to the development.

I. Topography with contours at a maximum of two foot (2') intervals, or a minimum of two (2) different contour elevations shown within the boundaries of the development.

J. Applicable district boundaries and corporate limits.

K. The proposed layout and width of streets, alleys and easements within the proposed subdivision. Proposed street names are suggested, but are not required until Final Plat approval.

L. The proposed arrangement of lots, including lot and block numbers, and any non- residential reserves and their restricted uses.

M. The proposed building setback lines and utility easements may either be shown on the face of the plat, as required for Final Plat approval or called for in a general note as to the typical requirements.

7.4 FINAL PLAT (Additional Requirements)

The following are the graphic requirements for a Final Plat:

A. All Final Plats shall be submitted on a twenty-two by thirty-four inch drawing sheet size and shall be drawn to a scale of 1=100'. In cases where the Subdivision plat is for a small tract, larger alternative scales may be allowed with specific approval of the Administrative Officer.

E. The plat must be drawn on a twenty-two by thirty-four inch (22" x 34") sheet. The prints shall be folded to eight and one-half by fourteen inch (8 ½" x 14 ") with title block showing on the front.

F. The boundary of the subdivision plat shall be drawn with a distinct bold solid line with all corners indicated by individual symbols.

G. The bearings and distances of all straight lines and the radii, arc length, cord length and chord bearing, tangent length and delta of all curves shall be indicated along all lines or curves. Where such data will not fit, the information may be placed in a curve or line table and labeled on the face of the plat with a C for curve notes and an L or N for line notes.

H. Reference ties to courses and distances of at least one recognized survey corner shall be shown along with a Point of Beginning (POB) of the Metes & Bounds description. The metes & bounds description of the subdivision plat boundary shall be shown on the face of the plat.

I. Street names shall be shown on all proposed and existing streets. No duplication of existing street names is allowed within the City or the ETJ. Extension of existing streets shall have the same name as the existing street name. Name changes shall be required whenever a street changes direction. No street with the same name will be allowed to intersect on itself similar spelling or pronunciations shall be avoided to prevent confusion.

J. The location and dimension of any utility easements adjoining the subdivision or proposed within the subdivision. It shall be the applicant's responsibility to coordinate with all appropriate utility companies for placement of utility easements.

K. On all reserves, the perimeter dimensions and use restrictions shall be labeled on the plat. If the use is unknown at the time of platting, the reserve may be designated as "Unrestricted".

L. The required Dedication statements and certificates are as follows (See Appendix A for the general form and content):

1. Owners' acknowledgment. (See APPENDIX A)
2. Notary public acknowledgment of Owners' signature. (See APPENDIX B)
3. Lienholder's acknowledgment and subordination statement, if applicable. (See APPENDIX C)
4. Notary public acknowledgment of Lienholders signature, if applicable. (See APPENDIX B)
4. Certification for the Registered Public...Land Surveyor. (See APPENDIX D)
5. Certification for the Donna Irrigation District. (See APPENDIX E)
6. Certification for the Planning and Zoning Commission. (See APPENDIX F)
7. Certification for the City Council. (See APPENDIX G)

M. General notes shall be included on the Final Plat and shall include, but are not limited to the following:

I. Standard abbreviations:

A.E. indicates Aerial Easement.

B.L. indicates Building Line.

D.E. indicates Drainage Easement

ESMT indicates Easement

S.S.E. indicates Sanitary Sewer Easement

SSUE. indicates Storm Sewer Easement

UE. indicates Utility Easement

WL.E. indicates Water Line Easement

.denotes $\frac{1}{2}$ " Iron Rod Set, unless otherwise noted

0 denotes Zero Lot Line side.

2. Minimum finish slab elevation: ""The top of all finished slab elevations shall be a minimum of 2 feet.

above mean sea level. In addition to *this* minimum elevation, no floor slab shall be less than ~~eighteen~~ inches 18 inches above natural ground:

3. Zoning District, if applicable.

"The property within the boundaries of this plat are Zoned (classification) - (type) (example: Zoned RI-Single Family Residential).

4. Elevation data: *"Elevations used to delineate contour lines on the plat are based upon _____ Datum, _____ Adjustment"*

"In accordance with the Federal Emergency Management Agency (FEMA) Community Panel No. (S)_____. Dated , _____ this plat lies (inside or outside) of the 100 year flood plain within Zone_____.

6. Political subdivision the plat lies within:

"This plat lies within and meeting all requirements of Hidalgo County, the City of Donna (or ETJ) and Donna Irrigation District.

7. Any special restrictions to be noted on the plat and referenced accordingly, such as, but not limited to single family dwellings, driveway culverts, water wells, plat approval, and lot drainage:

"Only one single family dwelling unit per single family lot"

"Culverts shall be provided on all driveways that cross an open ditch, and shall meet all City (and County (if applicable)) requirements."

"There are no water wells within the boundaries of this plat.

"This plat approval expires one 10 year from City Council approval, if not recorded or extended "

"Blockage of any side or rear lot drainage is hereby prohibited "

8. Building permit notes, if applicable. (See Section 9.7)

9. One-foot (1') reserve note, if applicable. (See Section 8.4.M)

10. If any pipeline exist within the subdivision, along with ownership information on said pipeline:

*"There are no pipelines nor pipeline easements within the boundaries of this plat, " or
"All pipelines and pipeline easements within the boundaries of this plat are shown and labeled hereon. "*

11. Sidewalk note, if applicable. (See Section 8.10. C)

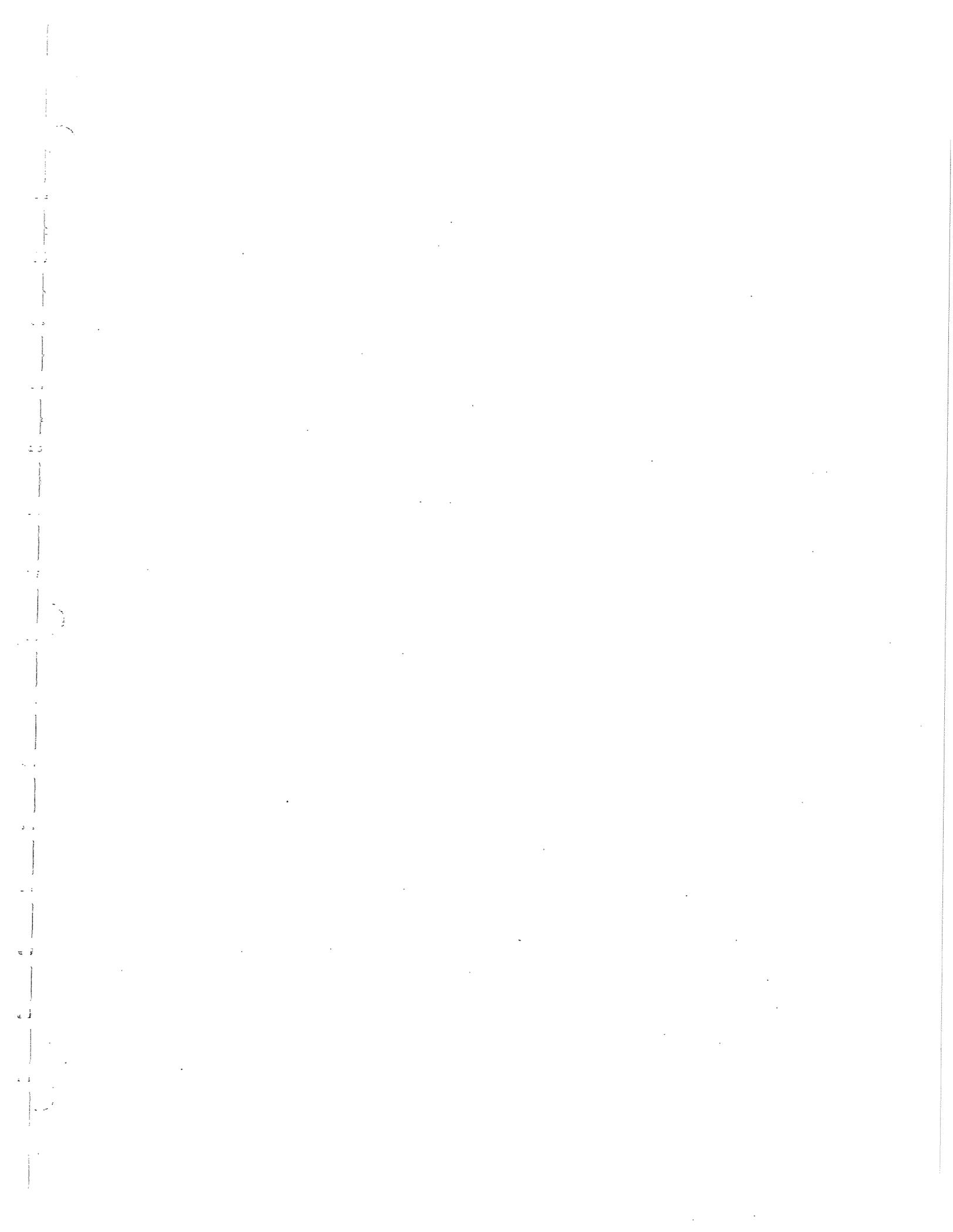
N. Show the existing zoning classification of adjoining land, if applicable.

O. The location, width and names of all existing streets, railroad, drainage ditches, channels, creeks, pipelines, and easements within and/or adjacent to the development.

P. Topography with contours at a maximum of two-foot (2') intervals, or a minimum of two (2) different contour elevations shown within the boundaries of the development.

Q. Show all applicable district boundaries and corporate limits.

R. For residential subdivision an Engineering report in English and Spanish which describes the water and waste water utilities, proposed service to each lot, cost per lot and a statement the cost for the water and waste water system has been paid and ready for the lot purchaser to connect.



ARTICLE VIII -SUBDIVISION PLANNING CRITERIA

8.1 PURPOSE

The purpose of this article is to establish the subdivision planning criteria for the proper and adequate development of land in the City of Donna and its ETJ. Before any land may be developed, the subdivider shall apply for and secure approval of the proposed subdivision plat in accordance with the following subdivision planning criteria, unless otherwise provided by these regulations. Residential subdivisions shall comply with the State Model Subdivision and all other rules and regulations of the City. If there is any conflict between the State of Texas Model Subdivision Rules and the City regulations, the more restrictive rule shall govern.

8.2 CONFORMITY

No Preliminary or Final Plat shall be approved by the Planning and Zoning Commission or City Council, no permits shall be issued for construction of any improvements intended for public use or for the use of purchasers or owners of lots or tracts within the subdivision, and no improvements intended for public use shall be accepted by the City, unless such subdivision and public improvements comply with the following subdivision planning criteria.

8.3 PLAN OF DEVELOPMENT

All subdivision plats shall conform to the Plan of Development of the City of Donna and parts thereof and as called for in Section 5.7 of these regulations.

8.4 STREETS

A. *Street Layout.*

The arrangement, character, extent, width, grade, and location of all streets shall conform to the City of Donna's Thoroughfare Plan, Planning criteria and the current Design Standards manual. The Street layout shall be reviewed as to its relationship to existing and proposed streets, alleys and driveways, to the existing topographical conditions, for public safety and its appropriate relationship to the proposed land uses to which said streets are to serve. Unless required by the City of Donna, no strips of land which control access to and from other property, streets or alleys, thereby restricting adjoining property for subdivision purposes, shall be permitted in any subdivision plat. All streets shall be paved in accordance with the current Design Standards. All lots, tracts, and reserves shall have frontage on an approved public right-of-way or access easement(s).

B. *Private Streets.*

Private streets or any similar privately maintained access ways are prohibited in single family residential developments.

C. Primary Access

Primary access through an access easement in a commercial townhomes or condominium development shall conform to all design and construction standards stated herein and in the current Design Standards. The easement shall meet all of the requirements set forth for a public street including but not limited to construction standards, width, curves, building lines, sight distance visibility, landscape maintenance, and function, but privately maintained. An access agreement between the property owners and leasers shall be placed on the plat defining the accessibility to the access easement by police, fire, emergency vehicles, utility operations and maintenance personnel.

D. Relation to Adjoining Street Systems.

Provide for the continuation or appropriate extension of existing streets to and from surrounding areas; or conform to an approved Development Plan, which authorizes discontinuance of a street due to situations where topographical or other conditions make continuance or conformity to existing streets impracticable. The width of said streets shall be at least as wide as such existing street and in alignment therewith.

E. Projection of Streets.

Provide for future access to adjacent undeveloped land, by providing for the projection of streets into areas likely to develop in the future.

F. Street Jogs.

Streets with jogs in their centerline alignment, shall have a minimum one-hundred-twenty-five feet (125') centerline offset. This requirement applies to all streets, both existing and proposed.

G. Street Intersections

All streets shall intersect at right angles (90°) whenever practical, given due regard to terrain, topography, site distances and safety. A twenty-five foot (25') radius or twenty foot (20') corner clip or cutback for Arterial and Collector streets and a fifteen foot (15') radius or ten foot (10') corner clip or cutback for Minor streets, is required at all intersecting street right-of-ways. No street intersection with an angle greater or less than ten degrees (10°) from a right angle (i.e. $\pm 80^\circ$ or $\pm 100^\circ$), shall be approved without the specific approval of a variance by the Planning and Zoning Commission and City Council. When an acute angle intersection is necessary and approved, a minimum thirty-five foot (35') radius or thirty foot (30') corner clip or cutback is required for any street intersecting with a Arterial street and thirty foot (30') radius or twenty-five foot (25') corner clip or cutback for all other street intersections, shall be provided on the right-of-way of the acute angle intersection.

H. Dead-end or Stub Streets.

Dead end or stub streets are temporary in nature and are not allowed except to provide for access to adjacent land areas. If the stub street is longer than two-hundred-fifty feet (250') in length, a temporary turnaround is necessary, and shall be provided and indicated on the plat and built in accordance with the Design Standards. A note shall be placed on the plat as follows:

"The Crosshatched area is a temporary turnaround easement, which shall terminate upon the extension of such street by a recorded subdivision plat. "

I. Streets on the Thoroughfare Plan.

Where a subdivision includes a street as shown on the Thoroughfare Plan of the City, that street shall be platted in the approximate location as shown on the plan. The right-of-way shall be equal to or greater than that indicated on the Thorough Plan for that classification of street. Proposals, which constitute major change in the location or alignment of any Arterial street, must be approved by the Planning and Zoning Commission and City Council after holding a public hearing.

J. Half Streets.

Half streets shall be prohibited, except when essential to allow the reasonable development of the subdivision, so long as it conforms with the other requirements of these regulations and the Thoroughfare Plan. The Planning and Zoning Commission and City Council may find it practical to *only* require the dedication of one-half of the street right-of-way, when said street is split on the property line, thereby requiring the remaining half to be dedicated when the adjoining property is subdivided. Whenever, a previously dedicated half street has been platted along a common property line, the remaining half of the street shall be dedicated. Construction of half streets and improvements made to all on-site facilities are defined in the Design Standards.

Half streets dedications shall only be considered on Arterial streets or divided pavement section Collector streets. A one-foot (1') reserve shall be established along any half street adjacent to acreage tracts, until such time as the acreage tract is subdivided in a recorded plat, (See Section 8.4 M). If a half street construction method is approved within a single development, the entire street right-of way shall be dedication along with the establishment of a City / Developer agreement to set forth the timing for the construction of the remaining half of the street's pavement.

K. Street Names.

No new street names shall be used which will duplicate or be confused with the names of existing streets. All street names shall demonstrate good judgment and character on behalf of the subdivider based upon commonly accepted use of names and places. Street names shall be subject to the approval of the City Council at the time of Final Plat approval. New streets, which are an extension of existing streets, shall bear the names of existing streets.

L. Construction of Streets.

All streets dedicated within a subdivision plat in the City and its ETJ shall be constructed in accordance with paving widths and specifications as set forth in the current Design Standards of the City of Donna at the time at which the Final Plat is recorded.

M. *One-foot (1') Reserves*

A one-foot (1') reserve shall be established along the sides or the end of any street dedicated adjacent to acreage tracts. The one-foot (1') reserve shall be established within the right-of-way of the dedicated street, to form a buffer strip, dedicated to the public, between the public street right-of-way and the adjacent unplatted acreage tract, to prevent access to this public street from the adjacent acreage, until such time as the adjacent acreage is subdivided in a recorded plat. A note shall be placed on the plat to defining the conditions associated with the establishment of a one-foot (1') reserve as follows:

"One-foot (1') reserve dedicated to the public in fee for buffer separation purposes between the side(s) or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot (1') reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revest in the dedicator, his heirs, assigns or successors. "

N. *Street Widening.*

In those instances, where insufficient street right-of-way width exists, the additional right-of-way widening must be dedicated to bring the street right-of-way width in conformance to these regulations. If the existing street is split or forms a common property line with an adjacent tract, only one-half of the total widening is required to be dedicated on each side of the existing street right-of-way.

o. *Arterial streets*

The location and alignment of any designated Arterial streets, shall be in conformance with the Thoroughfare Plan for the City of Donna.

1. *Centerline of Curves*

The centerline curves for designated Arterial streets must have a minimum radius of two-thousand feet (2000'). Reverse curves shall be separated by a tangent distance not less than one-hundred feet (100').

2. *Right-of-way width and transitions*

The width of the right-of-way to be dedicated for any designated Arterial street shall be in conformance with the City's Thoroughfare Plan, and shall in no case be less than eighty feet (80') in width, except as provided by half street dedications. (See Section 8.4.J) In all cases the minimum right-of-way width required for the development of a designated Arterial street must be of sufficient width to accommodate the approved roadway pavement section and intended drainage and utility facilities. Additional right-of-way width is normally needed for open ditch drainage facilities and divided pavement sections. The minimum pavement section is sixty feet (60') wide from back of curb to back of curb. In no case a the back of

curb be closer than ten feet (10') from the right-of-way. In those instances where a right-of-way width does not match the existing right-of-way width being tied to, a transitional taper, with a ten to one (10 to 1) transition length, shall be dedicated.

P. Collector streets

The location and alignment of any designated Collector streets, shall be in conformance with the Thoroughfare Plan for the City of Donna.

1. Centerline of Curves.

The centerline curves for designated Collector street must have a minimum radius of eight-hundred feet (800'). Reverse curves shall be separated by a tangent distance not less than one-hundred feet (100').

2. Right-of-way width and transitions.

The width of the right-of-way to be dedicated for any designated Collector street in no case shall be less than sixty feet (60') in width, except as provided by half street dedications. (See Section 8.4 J) In those instances where an existing right-of-way for a designated Collector street is less than sixty feet (60'), sufficient additional right-of-way shall be dedicated to bring that right-of-way width into conformance with these regulation, for split widening. (See Section 8.4. J) In all cases the minimum right-of-way width required for the development of a designated Collector street must be of sufficient width to accommodate the approved roadway pavement section and intended drainage and utility facilities. Additional right-of-way width is normally needed for open ditch drainage facilities or divided pavement sections. The minimum pavement section is forty feet (40') wide from back of to back of curb. In no case may the back of curb be closer than ten feet (10') from the right-of-way. In those instances where a right-of-way width does not match the existing right-of-way width being tied to, a transitional taper, with a ten to one (10 to 1) transition length, shall be dedicated.

Roadway

Q. Minor streets.

Minor streets shall be designed so as to discourage their use for through traffic. The location and alignment of Minor streets shall be in conformance with the approved Development Plan for the development and shall provide access to the Arterial and Collector street system.

1. Centerline of Curves.

The centerline curves for Minor streets may have any center line radius, except for center line radii on reverse curves, which shall not be less than three-hundred feet (300'). Reverse curves shall be separated by a tangent distance not less than fifty feet (50').

2. Right-of-way width and transitions

The width of the right-of-way to be dedicated for any Minor street shall in no case be less than fifty feet (50') in width for single-family residential streets and sixty feet (60') in width for multi-family, commercial or mixed use streets. No half street dedications are allowed for Minor streets. (See Section 8.4 J) In those instances where an existing right-of-way for a Minor street is less than required above, sufficient additional right-of-way shall be dedicated to bring that right-of-way width into conformance with this regulation. No split widening is allowed on Minor streets. In all cases the

minimum right-of-way width required for the development of a Minor street must be of sufficient width to accommodate the approved roadway pavement section and intended drainage and utility facilities. Additional right-of-way width is normally needed for open ditch drainage facilities and divided pavement sections. The minimum pavement section is thirty feet (30') wide from back of curb to back of curb for single-family residential streets and forty feet (40') wide for multi-family, commercial and mixed use streets. In no case may the back of curb be closer than ten feet (10') from the right-of-way. In those instances where a right-of-way width does not match the existing right-of-way width being tied to, a transitional taper, with a ten to one (10 to 1) transition length, shall be dedicated.

R. Cul-de-sac streets.

A cul-de-sac is a street having but one outlet and terminated on the opposite end by a vehicular turnaround. A cul-de-sac is a Minor street and shall conform to Section 8.4.Q for all center line and right-of-way requirements.

1. Length.

The length of cul-de-sac streets for single-family, multi-family, commercial or mixed uses shall not exceed six-hundred feet (600'). The cul-de-sac length is measured from the intersection of the cul-de-sac center line with the intersecting street center line along the center line alignment to the center of the turnaround.

2. Right-of-way Turnaround Radius.

A right-of-way turnaround of not less than one-hundred feet (100') in diameter, with a pavement diameter of not less than eighty feet (80') is required for all single-family residential cul-de-sacs. If a landscape island is to be constructed within the center of single-family residential cul-de-sac, the minimum, pavement width shall be thirty-five feet (35') from back of curb to back of curb, and in no case may the back of curb be closer than ten feet (10') from the street right-of-way.

A turnaround of not less than two-hundred feet (200') in diameter right-of-way, with a pavement diameter of not less than one-hundred-eighty feet (180') for all commercial, industrial or mixed use cul-de-sacs. Landscape islands are not permitted in cul-de-sacs for commercial or mixed use. In no case may the back of curb be closer than ten feet (10') from the street right-of-way.

8.5 ALLEYS :

A. Width and Paving.

Alleys shall be provided at the rear of all reserves intended to be used for commercial, industrial or for mixed use purposes and may be provided in residential developments with an existing alley system. Alleys shall be generally parallel to the streets, and shall not be less than twenty feet (20') wide. After the effective date of these regulations, all alleys in both residential and commercial subdivisions shall be paved in accordance with the Design Standards. If alleys are not provided in commercial, industrial or mixed use areas, the City Council will require that definite and assured provisions are made for service access, such as off-street loading, unloading and parking consistent

with and adequate for the proposed use. Service alleys in commercial, industrial and mixed use areas, shall have a minimum pavement width of sixteen feet (16'). An access easement may be substituted for an alley, with specific approval of the Administrative Officer, if the access easement also provides for a fire lane easement. Residential alleys are not allowed, except for the purpose of providing continuity when connecting with existing alleys of adjacent subdivisions, to providing continuing parallel Collector access. All new alleys shall be constructed to meet the requirements of the Design Standards. All right-of-way for alleys shall be dedicated to the public.

B. Intersecting Alleys.

Where two (2) alleys intersect, or where an alley turns as a right angle, a cutback of not less than ten feet (10') from the normal intersection of the property lines shall be provided along each property line.

C. Dead-end alleys.

Dead-end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end as determined by the City Council. A variance request, demonstrating adequate justification for the request, is required for any dead-end alleys.

D. Alley Length.

The maximum allowable length for any alley is fourteen-hundred feet (1400'), except where the block is adjacent to a Arterial street, the block length may increase to eighteen-hundred feet (1800'). Any alley over the maximum block length must be approved through a variance request, by demonstrating adequate justification for the request.

E. Overhead Utility Service.

If an alley contains overhead *utility* service, then all necessary aerial easements and guy wire easements required to contain said utilities, shall previously be provided or dedicated by the plat. A utility easement may be dedicated within the same area as an alley. However, the location of most new public utilities shall be installed within the street right-of-way, as required by the Design Standards.

8.6 BLOCKS

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

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
2. Requirements as to lot sizes, setbacks, and dimensions.
3. Needs for convenient access, circulation. control, and safety of street traffic.
4. The limitations or opportunities of the topography of the subdivision.

B. In general, intersecting streets determine the blocks length and width. Intersecting streets should be designed at such intervals to provide adequate cross-traffic circulation and should tie into existing streets. Block length is measured center line intersection to center line intersection

1. The Minimum block length is three-hundred feet (300'); however, in cases where physical barriers or property ownership creates conditions where a shorter block length would be appropriate, than a variance may be requested for consideration.
2. Maximum block length fourteen-hundred feet (1400'), except where the block is adjacent to a Arterial street, the block length may increase to eighteen- hundred feet (1800'). Loop streets may have an internal block length of not more than one-thousand feet (1000').
3. The block width or depth shall typically allow for two tiers of lots back -to- back, except when backing up to an Arterial or Collector street. Double fronting lots shall not be allowed to take access onto the rear street and shall be restricted by note on the plat. (See Section 8.7 F)

C. Blocks shall be numbered consecutively within the overall plat and be identified with a circle around the block number. Block numbers shall not continue between and adjacent sections, but shall always begin with one (1). Blocks are formed by any bisecting streets; acreage tracts or large reserves and are measured center line to center line.

8.7 LOTS & RESERVES

Lots and reserves within the City limits of Donna shall conform to the minimum requirements of the established zoning district. All other lots and reserves shall conform to the minimum requirements established herein.

A. Each residential lot, tract or reserve shall front on a dedicated public street.

~~B. The width of the lot shall be measured at the property line along the right of way. The width of~~
cul-de-sacs and radial lots shall be measured at the front building setback line using the chord or straight line.

C. The depth of the lot shall be determined by the average of the two (2) side lot lines, measured between the street right-of-way and the rear property line.

D. Lot areas shall be computed, inclusive of all easements and building setback lines.

E. No residential lot may be split by jurisdictional boundary lines.

F. Residential lots shall conform to the following requirements:

1. Lot widths -minimum standards (at R. O. W.)

a. Single Family -Sixty feet (60').

- b. Cul-de-sac/ radial- Forty feet (40'), with a minimum width of sixty feet (60') at the front building line
 - c. Patio home/zero lot line -Forty feet (40').
 - d. Townhomes -Thirty-five feet (40').
2. Lot depths -minimum standards (average of the two (2) side lot lines)
- a. Single Family -One-hundred-twenty feet (120').
 - b. Cul-de-sac/radial-One-hundred-ten feet (110').
 - c. Patio home/zero lot line -One-hundred feet (100').
 - d. Townhomes -One-hundred feet (100').
3. Lot areas -minimum area
- a. Single Family -Seventy-two-hundred square feet (7,200 sq. ft.).
 - b. Cul-de-sac- Seventy-two-hundred square feet (7,200 sq. ft.).
 - c. Patio home/zero lot line -Four-thousand square feet (4,000 sq. ft.).
 - d. Townhomes -Thirty-five-hundred square feet (~~4,000~~^{3,500} sq. ft.).
4. Side lot lines should be generally at right angles or radial to the street right-of-way lines.
5. Corner lots shall be ten feet (10') wider when adjacent to the Minor streets, twenty feet (20') wider when adjacent to Collector streets and ~~(thirty feet (30') wider when adjacent to Arterial streets~~
-
6. Where residential lots are backing or siding a railroad, a high-pressure, gasoline, oil or gas lines, Arterial streets, a commercial or industrial area, or other land use which has depreciating effect on the residential use of property, and where no alley or marginal access street is provided at the rear or side of such lots, additional depth or width may be required by the City.
7. Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries according to the City's Thoroughfare Plan or to overcome specific disadvantage to topography and orientation. Where lots have double frontage, a rear building line shall be established in accordance to the rear street's classification, see Section 8.8, along the backs or all lots with double frontage. A note denying access shall place on the plat as follows:

"All lots adjacent to and backing to (street name(s)) street shall hereby be denied direct driveway access to said street. "

8. In subdivisions where lots are to be serviced by septic tanks, the lot size of all lots shall be of sufficient size to accommodate adequate drainage fields and to meet the standards set forth by the county, the Texas State Department of Health, and the health standards as established by the City. The minimum lot size for lots serviced by a septic tank is twenty-one-thousand-seven-hundred-eighty square feet (21,780) or more.

G. There shall be a maximum of seventy-five (75) lots per single point of access into a subdivision or subdivision phase from a Arterial or Collector street. There shall be a minimum of two (2) points of access for subdivisions in excess of seventy-five (75) lots, with an additional point of access for each additional seventy-five 75 lots or traction thereof. In the case of phased construction, each phase should meet this requirement, unless otherwise granted through approval of a Development Plan, which indicated such phasing.

H. Reserves are those individual tracts of land created within a subdivision plat which are not divided into lots, but are established to accommodate some specific purpose such as a commercial center, industrial site, a golf course or other type of private recreational facility, school or church site or site for facilities such as water wells and storage areas, wastewater treatment plants, electrical power stations, or other activities and land uses for which a division into lots is not suitable or appropriate. All reserves shall be labeled with their proposed use (i.e.: "Restricted Reserve for Park Site, Church Site, School Site, Private Recreational Facility, Commercial, Water Well, etc.). Landscape and detention reserves may also be designated as utility easements. When in the determination of the Council the proposed use is essential to the signage of public facilities, the Council may require the intended use of the reserve to be specified.

Since the use of reserve tracts may not be completely determined by the subdivider or developer at the time the plat is recorded, these reserve tracts may be established as "Unrestricted" Reserves. A platted "Unrestricted" Reserve allows the developer the ability to subdivide his property into tracts for future sale without being required to specify the use or provide site plans at the time of original platting.

Public utilities may only be require to be extended up to the reserve, as determined by the City Engineer. The "Unrestricted" reserve must however be submittal as a Replat, once the specific use is

determined. If the specific use is all that is being revised and public utility services have been provided to the tract, the plat may be classified as a minor subdivision plat, therefore a Short Form Final plat

may be submitted. However, if the reserve is being subdivided into more than four lots or reserve or the creation of any new streets, the plat shall be classified as a major subdivision plat, which requires the submission of both Preliminary and Final Plat.

I. All nonresidential and multi-family reserves shall front on a dedicated public street or dedicated access/fire lane easement. The design of all driveways, access easements and fire lanes shall be in conformance with the current Design Standards.

J. Due to safety concerns, no residential lots shall have vehicular access to a roadway classified higher than a collector as identified in the latest City adopted "Hidalgo County Thoroughfare Plan." (Ordinance 725)

8.8 BUILDING SETBACK LINES

Building setbacks are required along all existing and proposed streets, between adjacent lots or reserves and when abutting pipelines and other right-of-ways. All front and corner side lot building setback lines shall be physically shown on any Final Plat containing lots or reserves within the City of Donna and its ETJ, and shall be as follows.

A. Residential development minimums:

1. Front building setback lines.

a. Single Family

-Twenty-five feet (25') on Minor or Collector streets.

b. Cul-de-sac

-Twenty feet (20') on lots with frontages greater than fifty feet (50') * -
Twenty-five feet (25') on lots with frontages less than fifty feet (50') *

* (Note: Frontages are measured along the street right-of-way.)

c. Patio/zero lot line

-Twenty feet (20') on Minor streets
- Twenty-five feet (25') on Collector streets

d. Townhomes

-Twenty feet (20') on Minor streets
- Twenty-five feet (25') on Collector streets.

2. Side Building Line

a. Single Family

-Interior lots -Six feet (6') (May be handled by note, see Section 8.8 - A.5)

-Corner lots -Fifteen feet (15') when siding any Minor street, with twenty foot (20') setback for side loading garage on Minor streets; or twenty-five feet (25') when siding any Collector street, with twenty-five feet (25') setback for side loading garage on Collector streets; or thirty-five feet (35') when siding any Arterial street, with no side loading garage allowed on Arterial streets without approval of a variance request.

b. Patio/zero lot line

-Interior lots -Zero (0) on one side and twelve feet (12') on opposite side.
-Corner lots -Fifteen feet (15') when siding any Minor street, with twenty foot (20') setback for side loading garage on Minor street; of twenty-five feet (25') when siding any Collector street, with twenty-five foot (25') setback for side loading garage on Collector streets; or thirty-five feet (35') when siding any Arterial street, with no side loading garages allowed on

Arterial streets, without approval of a variance request. Lots may be zeroed on the street side of corner lots, with the appropriate corner lot side setback.

(Note: A Swing Lot is a zero lot without a designated zero lot line, which is use to separate lots when switching direction of the zero lot side, within a block or run of lots. The required twelve-foot (12') building setback lines must be indicated along both side lot lines of any swing lots. Generally, only one (1) swing lot is allowed within any block or run of lots, unless specifically approved by the Administrative Officer.)

c. Townhomes

-Interior lot -Zero (0) on common wall side and six feet (6') on exterior wall side.

-Corner lots -Fifteen feet (15') when siding any Minor street, with twenty foot (20') setback for side loading garage on Minor street; or twenty-five feet (25') when siding any Collector street, with twenty-five foot (25') setback for side loading garage on Collector streets; or thirty-five feet (35') when siding any Arterial street, with no side loading garages allowed on Arterial street, without approval of a variance request.

d. On corner lots with side loading garages facing the side street, the garage shall be set back a minimum of twenty feet (20') from Local streets and twenty-five feet (25') from Collector streets, with no side loading garages are allowed onto Arterial streets, without approval of a variance request. If the following note is used in conjunction with Collector street situations. the Collector streets must be labeled as such on the face of the plat or else the individual side loading garage setback lines must be shown on the plat. A note shall be placed on the plat as follows:

"All side loading garages lots, shall be setback a minimum of twenty feet (20') from the street right-of-way line on Minor streets, and twenty-five (25') from the side right-of-way on collector streets, unless otherwise noted by a larger building setback line."

3. A twenty-five foot (25') rear building setback line is required for all principle buildings when the lot backs onto a Arterial and Collector streets. A twenty-five foot (25') rear building setback line is recommended on property adjacent to lakes or waterways. A fifteen-foot (15') building setback is required along all pipeline easements or fee strips. Accessory buildings may be setback within ten feet (10') of the rear property line.

4. A building setback transition shall be established between any two building setback lines with differ more than five feet (5'). The transition angle shall be a forty-five degrees (45°) angle and is measured off of the straight side lot line. The transition shall begin at the intersection of the lot line and the greater of the two (2) building setback lines. All transition building lines shall graphically be shown on the plat. The transition building line may either be labeled at each occurrence or may be covered by the placement of the following note on the plat:

"All building line transitions are at 45° angles to the straight side lot line where transitions occur. "

5. Side building setbacks are required along all interior lot lines. On single-family lots a six foot (6') side building setback line is required and may be indicated by note on the plat rather than on each lot as follows:

"A six foot (6') building setback line is hereby dedicated along all interior side lot lines, unless otherwise indicated."

On patio/zero lot line lots, each lot will contain one lot line with a zero (0) setback and one lot line with a twelve foot (12') setback side. In all cases the minimum separation between adjacent building is twelve feet (12'). Swing lots shall require a twelve foot (12') building setbacks on both lot lines, these building lines must be indicated on the plat. The zero side of each lot line shall be indicated by the symbol <, therefore the twelve foot (12') building line is located on the adjacent lot line. A lot without a < symbol, indicates it as a swing lot. The following note may be added to the plat if all building line are not shown:

" < denotes the zero lot line side of the lot. A twelve foot (12') building line is hereby dedicated along the side lot line, opposite the zero lot line side of all lot, as indicated on the plat. Swing lots are those lots specifically denoted with side building lines along both side lot lines."

6. Every part of a required side yard shall be open and unobstructed except for fencing and the ordinary projections of window sills, and other architectural features which shall not exceed twelve inches (12") into the required side yard, and roof eaves projecting not more than eighteen inches (18 ") into the required side yard.

7. All garages and accessory buildings shall be located completely within the building setback lines.

B. Nonresidential and Multi-family.

1. Front Building Line -The front building line on nonresidential or multi-family reserves shall not be less than twenty-five feet (25') from the front property line on a street right-of-way, except that where the reserve faces on a Arterial street. The front building line shall not be less than thirty-five feet (35') from the front property line.

2. Side Building Line -The side building line on a nonresidential or multi- family reserve shall not be less than five feet (5'), except where the side property line abuts or is across a street from residential lots. the side building shall not be less than twenty-five feet (25') from the side property line.

3. Rear Building Line -No minimum rear building line on nonresidential or multi-family reserves are required except where the rear property line abuts or is across the street from residential lots these rear building line shall not be less than twenty-five feet (25') from the rear property line. However, minimum separation between structures and provisions for utility easements shall be considered.

4. No building exceeding thirty feet (30') in height shall be located closer than twenty-five feet (25') from any residential area; buildings exceeding thirty feet (30') in height shall be set

back from the minimum 25' building line not less than one (1) additional foot for every one-foot (1') in height in excess of thirty feet (30') and one (1) additional foot for every two feet (2') in height in excess of forty-five feet (45'), provided, however, no building shall be required to be setback a distance greater than one-hundred-twenty-five feet (125') from the building setback line of an adjacent residential area.

8.9 EASEMENTS

A. All public utility easements, may be used for, but not limited to, facilities necessary to provide water, sanitary sewer, electrical power, natural gas, telephone, and cable television, and shall be shown on the Final Plat. Storm sewers or open drainage ways shall not be constructed within public utility easements, unless specifically approved by the City and where additional easement width is provided in conformance with the Design Standards. Public utility shall generally be designed and constructed within the fronts of all lots and reserves, as specified by the Design Standards. However, public utilities and appropriate easements may be provided along the rear of lots or reserves and in such other locations as permitted or required by the City. Public utility easements of at least twenty feet (20') in width shall be provided whenever established along the rear lot lines. Where lots are backing adjacent lots, reserves or acreage tracts, which is owned by the same subdivider, the easements may be centered on the property lines. No half or partial width easement dedications are allowed, unless the first portion or half of the easement was previously dedicated by separate instrument. Easements must either be centered or entirely inside a lot or reserve. Public utility easements shall not dead-end, however with an approved Development Plan, easements may be allowed to continue into future sections. A note on the plat may be used to indicate that easements are centered and parallel to lot lines, as follows:

"All utility easements are centered and parallel to the lot lines, unless otherwise indicated "

B. Where a subdivision is traversed by a watercourse, ditch, drainage way, or channel, there shall be provided a storm sewer easement or drainage right-of-way conforming, substantially with such course and of such additional width as may be designated by the City, subject to determination using proper engineering considerations. Maintenance easements shall also be specified. Approved utilities are permitted within the drainage easement if specified as a drainage and utility easement.

~~C. Fire lane easements shall be specified on all multi-family and nonresidential plats and shall~~
conform to the Design Standards. The design and paving material in the fire lane shall conform to the Design Standards.

8.10 SIDEWALKS

Sidewalks in subdivisions shall be installed at the expense of the developer in the manner described in this section.

A. No sidewalk is required until a lot is improved (upon completion of house construction), but at the time such improvements are constructed, a sidewalk complying with the provisions of this section shall be provided at the fronts of such lots, and also along the street sides of corner lots.

B. All residential sidewalks shall be constructed at least four feet (4') in width and four inches (4") in depth, with multi-family, public, commercial and industrial sidewalks at least six feet (6') in width and of concrete, stone or masonry material.

C. Sidewalks shall be constructed as nearly parallel to the streets as possible, when located within the street right-of-way. When landscaped, open space and other such reserve tracts are adjacent to the street right-of-way, the sidewalks may be designed and constructed in a more random or curve a linear pattern. If sidewalks extend outside the street right-of-way the following note must be added to the plat:

"Sidewalks built outside the public street right-of-way, are hereby dedicated as public sidewalk. The public nature of the sidewalk, and the right of the City to enter the reserve containing the sidewalk is hereby established. The plans and specifications, including the location of the public sidewalks outside the public street right-of-way, shall be approved by the City. "

D. Sidewalks shall be placed so that they are at least one-foot (1 ') from the right- of -way line or in line with existing sidewalks in the area.

E. Sidewalks shall be installed along both sides of all residential streets and along both sides of Collector streets which serve residential areas as approaches to schools, playgrounds, shopping centers and other focal points of the community, or in areas where densities exceed six families per net acre.

F. In lieu of construction, cash or its equivalent may be deposited with the City in a sum equal to one hundred and ten percent (110%) of the actual cost of construction, plus any engineering that might be required, as an alternative to the mandatory construction of sidewalks. Such funds will be set aside by the City for the installation of the sidewalks as the need arises.

G. Additional sidewalks may be provided as deemed necessary and in the interest of the City in commercial, industrial, public and multi-family areas; and such additional sidewalks as the developer may desire shall be permitted.

H. A note shall be provided on the plat as follows:

"All sidewalks shall be built or cause to be built, not less than four feet (4') in width as required in the Design Standards."

8.11 UTILITY SERVICES

A Whenever possible, utility service lines for residential distribution for electricity telephone, gas, cable television and any other such service shall be constructed as underground utilities with the exception of major electrical transmission or feeder lines. These lines are identified as three phase lines and should be located along the perimeter of a subdivision, if possible. The location of overhead line should be design to minimize running along street right-of-ways. It is recommended that commercial developments have an underground feed from the nearest power line for individual

service. The standards for easement requirements for utility service lines are stated in the Design Standards.

B. All lots and reserves shall be served by public utilities, water, wastewater and storm drainage designed, constructed, inspected and accepted in accordance with the requirements set forth in the current Design Standards.

C. All public utilities and improvements shall be designed according to the latest edition of the Design Standards, City's Plan of Development, Water and Wastewater Phasing Plan, and any other applicable plans approved for the area by the City, or the specific utility district, whichever is applicable.

8.12 CHANGES OR AMENDMENTS TO DESIGN STANDARDS

The current Design Standards will, from time to time, require revisions and updates to allow for changing construction technology. The Design Standards referenced herein shall mean, the then current standards, as they may be revised from time to time.

8.13 ACCESS LIMITATIONS TO MAJOR ROADWAYS

In order to avoid potential vehicular conflicts at major roadways, the minimum clear spacing of vehicular access locations on roadways classified higher than a collector as identified in the latest City adopted "Hidalgo County Thoroughfare Plan" shall be as follows*:

- Inside the city limits -200 feet
- Inside the 1-mile ETJ -300 feet
- Between the 1-mile and the 5 -mile ETJ -400 feet

The appropriate ETJ location will be measured from the nearest point of the City limits to the nearest point of the property line of the development. Those developments whose property is located in a combination of the city limits, 1 mile ETJ, or 5 mile ETJ will be required to follow the more stringent spacing for the entire development. The clear spacing will be measured as the clear distance between the normal rights-of-way of the vehicle access roadways, or between the vehicle access roadway and an existing street, as applicable. In the event, an existing street or access roadway does not have a delineated right-of-way, as in the case of an existing lot or property driveway, the clear distance measurement shall be made from its edge of pavement or back of curb.

* These regulations do not apply to gas stations at affected intersections..

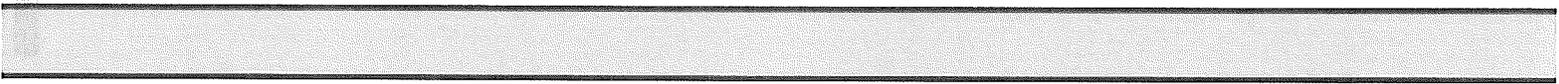
8.14 DEDICATION OF LAND FOR PARKS REQUIREMENTS

Neighborhood parks are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from a majority of the residences to be served thereby. The ultimate

residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. Therefore, the following requirements are adopted to effect the purposes stated.

A. General Requirements.

1. Whenever a final plat is filed for approval under Subsection A7 in accordance with the zoning and subdivision regulations of the City, such plat shall contain a clear fee simple dedication of an area of land to the City for park purposes, which area shall equal to one (1) lot for every twenty (20) lots of development. The lot(s) dedicated for parks shall be of an area being the average of the twenty (20) lots out of which is dedicated. Any proposed plat submitted to the City for approval shall show the area proposed to be dedicated under this Subsection.
2. The City Council declares that development of an area resulting in a land dedication smaller than one lot for public parks purposes is impractical. Therefore, if fewer than twenty (20) lots are proposed by a plat filed for approval, the developer shall not be required to dedicate land for those purposes.
3. Fractional spaces shall not constitute the dedication of an additional lot for parks (e.g. a subdivision with 21 lots will require the equivalent of one lot dedicated for parks).
4. If the developer is proposes to file a plat for approval as a master plan and develop the subdivision in phases, a land dedication area could be derived out of the master plan development and the dedication of land be performed at the time the corresponding phase is constructed, approved and recorded.
5. If a developer proposes to file a nineteen (19) lot or less subdivision plat for approval and if 10 years have not lapsed and the same developer submits another plat adjacent to the previously recorded plat, the nineteen (19) or fewer lots from the previously recorded subdivision shall be added to the proposed lots in order to determine the land dedication requirement for parks under subsection A1.
6. These requirements shall apply to residential subdivisions within the city limits or subdivisions outside the city limits that propose to connect to the city's water or wastewater systems that would be annexed into the city the same year the subdivision gets recorded.
7. The City is responsible for the installation/construction of park facilities within five (5) years of the recording of the subdivision plat. If not accomplished the land shall revert back to the original developer.
8. If the developer chooses to build the park him/herself, he/she will only be required to dedicate property equal to two-thirds (2/3) of the original requirement. The park would have to be approved by the City Manager before the plat can get recorded and it would become property of the city at that time for a public park.



ARTICLE IX- IMPROVEMENTS AND ACCEPTANCE

9.1 PURPOSE

The purpose of these Regulations as set forth below are designed and intended to insure that all improvements as required herein are installed in a timely manner for all subdivision plats within the City or its ETJ, in order that:

- A. The City can provide for the orderly and economical extension of public facilities and services; and
- B. All purchasers of property within the subdivision shall have a usable buildable parcel of land; and
- C. All required improvements are constructed in accordance with city standards.

9.2 REQUIRED PUBLIC IMPROVEMENTS

The public improvements required by the City of Donna for the acceptance of the subdivision by the City shall include, but are not limited" to the following:

(See Article I, II, & III for applicability of Model Subdivision Rules.)

A. Water and Wastewater facilities;

B. Drainage facilities;

C. Streets;

D. Street lights;

E. Street signs;

F. Sidewalks;

G. Traffic control devices required as part of the project and any required traffic studies;

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

All aspects of the design and implementation of public improvements shall comply with the current Design Standards and any other applicable City codes and ordinances, including preparation and submittal of construction plans and construction inspection. The final

Approval of construction and acceptance of the improvements in a subdivision shall be in accordance with the guidelines established in the current Design Standards.

All subdivisions in the extraterritorial jurisdiction shall be reviewed and approved by all required Hidalgo County Departments and the County's Commissioner Court.

9.3 MONUMENTATION

Prior to the final approval of construction of the streets and utilities, monumentation for the subdivision shall be in place for the perimeter, right-of-way corners, angle points, and points of curvature using an iron rod of not less than three-quarter inch (3/4") in diameter and twenty-four inches (24 ") long with the top set flush with the finished grade. (For plats within the City's ETJ, follow Hidalgo County's monumentation requirements.) Acceptance by the City shall be contingent upon proper documentation. All lot corner monuments shall be set prior to the issuance of a building permit or the beginning of principle building construction. The lot corner monuments shall be iron rods not less than one-half inch (1/2 ") in diameter and twenty-four inches (24") in length with the top set flush with the finished grade. All monumentation shall be tied to the nearest available Bench Mark. The City will determine if a Bench Mark is available and provide the location and data on said Bench Marks.

9.4 CONSTRUCTION GUARANTEE OF IMPROVEMENTS

Before considering the Final Plat of a subdivision located all or partially within the City or the City's extraterritorial jurisdiction, the City Council must be satisfied that all public improvements required will be constructed in accordance with the Design Standards requirements. The subdivider shall, unless the City Council has determined otherwise, guaranteed these public improvements will be constructed in one of the following ways:

A. Furnish the City with a performance bond, executed by a surety company authorized to do business in the State of Texas in an amount equal to one-hundred-and-ten percent (110%) of the total cost to complete such public improvements, including all engineering and inspection costs. The performance bond shall be subject to the approval of the City Attorney and must be executed by a corporate surety; or

B. The subdivider shall furnish the City with a letter of credit payable by an acceptable financial institution to the City in a form approved by the City Attorney, guaranteeing the payment of an amount equal to one-hundred-and-ten percent (110%) of the total cost to complete such public improvements, including all engineering and inspection costs. The letter of credit shall be irrevocable and shall be for a term sufficient to cover the twelve (12) month period plus an additional thirty (30) calendar days and require only that the City present the

issuer a letter signed by an authorized representative of the City certifying to the City's right to draw or collect funds under the specific terms of the letter of credit; or

C. As an alternative to providing one of the above financial securities, the following may occur:

1. Prior to approval of the Final Plat by the City Council and prior to it being signed by the appropriate City officials of the City of Donna, and before said Final Plat shall be allowed to be recorded in the plat records of Hidalgo County, Texas, the subdivider requesting Final Plat approval shall, construct all improvements as required by these Subdivision Regulations and provide a surety instrument guaranteeing their maintenance as required herein. In the event that all public improvements have not been constructed at the time the subdivider requests plat recordation, the subdivider shall provide a financial security as described in paragraphs A or B, above in the amount of the improvements not previously constructed plus ten percent (+ 10%). The original mylar, executed by the subdivider and his engineer, must be provided to the City for holding prior to the commencement of any construction. The Final Plat shall be held until such time as all construction has been completed and the plat is ready for recording with the County . Once the signed original mylar has been deposited with the City , the City shall not release said plat to anyone other than a County official, without specific approval of the Administrative Officer. Any amendments, corrections or additions of any nature to the Final Plat must be approved and witnessed by the City. (See Section 5.15 for Revisions to Approved Plats). Residential subdivisions must comply with Article 3.4.

2. Upon satisfying the requirements of this section, the Final Plat shall be considered fully approved, except as otherwise provided for in these regulations, the original mylar of the Final Plat shall then be executed by the appropriate City officials. The Administrative Officer shall forward the original mylar of the Final Plat along with the recordation package, to Hidalgo County for final approval and recording. Any additional changes to the Final Plat, once the plat has been transmitted to the County must be completed either in the presents of a County official or returned directly to the City, to allow approval before any changes are made. Any changes required by the County shall be noted to the Administrative Officer of the City of Donna.

In the event that a performance bond or a letter of credit is the method selected by the subdivider for guaranteeing such improvements, such document shall be subject to the condition that the public improvements will be completed within (12) months after approval of the Final Plat by the City Council, unless a longer time shall be approved by the City Council, upon the determination that such longer time period would not be unreasonable. In the event that the required public improvements guaranteed by such performance and/or such letter of credit are not or will not be completed within the time specified by the City Council, the City Council shall have the authority to extend the time period within which the

subdivider shall complete the public improvements, subject to the extension of the expiration date of the approval of the plat, performance bond or letter of credit.

9.5 SECURITY

A. *Waiver of Security*

The City Council may waive all or a portion of the security requirements of this section if it finds that the public health, safety and general welfare will not be harmed by such waiver. The City Council shall take into consideration the extent of public improvements to be installed, and the likelihood that such improvement will be installed by the subdivider within the twelve (12) month period, the impact, that may result, if such improvements are not timely installed, and the hardship to the subdivider if the security requirements are imposed. This section is not applicable to residential subdivisions.

B. *Release of Security*

As portions of the public improvements are completed in accordance with the Design Standards, the subdivider may make application to the Administrative Officer to reduce the amount of the original letter of credit or performance bond. If the City Council is satisfied that such portion of the public improvements has been completed in accordance with City standards, said City Council may cause the amount of the letter of credit or performance bond to be reduced by such amount that the City Council deems appropriate, so that the remaining amount of the letter of credit or performance bond adequately insures the completion of the remaining public improvements.

C. *Determination of Amount*

A professional engineer licensed to practice in the State of Texas shall furnish estimates of the costs of engineering and construction of all required improvements to the Administrative Officer, who shall review the estimates in order to determine the adequacy of the guarantee instrument for insuring the construction of the required facilities. The amount shall be established based on the approved engineers estimate plus ten percent (10%), which allows for a reasonable increase in cost for said improvements.

D. *Coordination with Hidalgo County*

If the subdivision plat is located in the extraterritorial jurisdiction and is subject to the county bonding requirements, the subdivider may provide the financial security conforming to the above requirements in the name of Hidalgo County, provided that the current county regulations stipulate that the security will not be reduced or released without written approval by the Administrative Officer of the City of Donna, and provided that the instrument is transferable from the county to the City upon annexation.

E. *Default of Surety*

Approval of Final Plats shall be deemed to have expired in subdivisions for which no assurances for completion have been posted or the improvements have not been completed within the period of one year. In those cases where a surety instrument has been required and improvements have not been completed within the terms of said surety instrument, the City shall declare the surety to be in default and require that all the improvements be installed, unless extended under the provisions of this section.

F. *Inspection of Public Improvements*

The City shall inspect all required improvements to insure compliance with City requirements and approved construction plans. When all required improvements have been satisfactorily completed, the City shall either accept in writing, the improvements as having been satisfactorily completed, or shall issue a punch list to the developer denoting items remaining to be completed or corrected. The City shall not accept dedications of required improvements nor release or reduce a performance bond or other assurance, until such time as it determines that:

1. All improvements have been satisfactorily completed; and
2. The required number of "as built" plans have been submitted to and accepted by the City as required by the Design Standards, this shall include the invert elevations of all manholes constructed within the City; and
3. The required maintenance guarantee has been provided; and
4. Any and all other requirements identified in this ordinance or other city codes and ordinances have been satisfied.

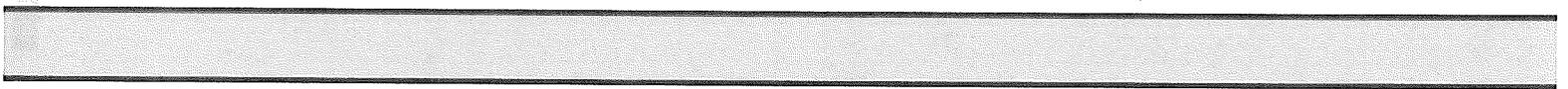
9.6 MAINTENANCE GUARANTEE OF IMPROVEMENTS

Before the release of any surety instrument guaranteeing the construction of required subdivision improvements or the signing of the Final Plat where subdivision improvements were made prior to the filing of the Final Plat for recordation the subdivider shall furnish the City, if in the City limits, or Hidalgo County, if in the extraterritorial jurisdiction with a maintenance bond or other surety instrument to assure the quality of materials and workmanship, and maintenance of all required improvements. The maintenance bond or other surety instrument shall be satisfactory to the City Attorney as to form sufficiency, and manner of execution. Said bond shall be in compliance with the Design Standards.

Whenever a defect or failure of any required improvement occurs within the one-year period of coverage, the City may require that new maintenance bond or surety instrument be posted for a period of one (1) full calendar year sufficient to cover the corrected defect or failure.

9.7 **ISSUANCE REQUIREMENTS FOR BUILDING PERMIT**

"The City of Donna shall not issue any building permits for construction within a subdivision, which lies within the corporate limits, except permits to construct public improvements until such time as all public improvements of the subdivision have been constructed and accepted by the City or a performance bond or letter of credit is provided to, and accepted by the City. " A notation stating the above shall appear on each Final Plat.



ARTICLE X - MISCELLANEOUS

10.1 SITE PLANS

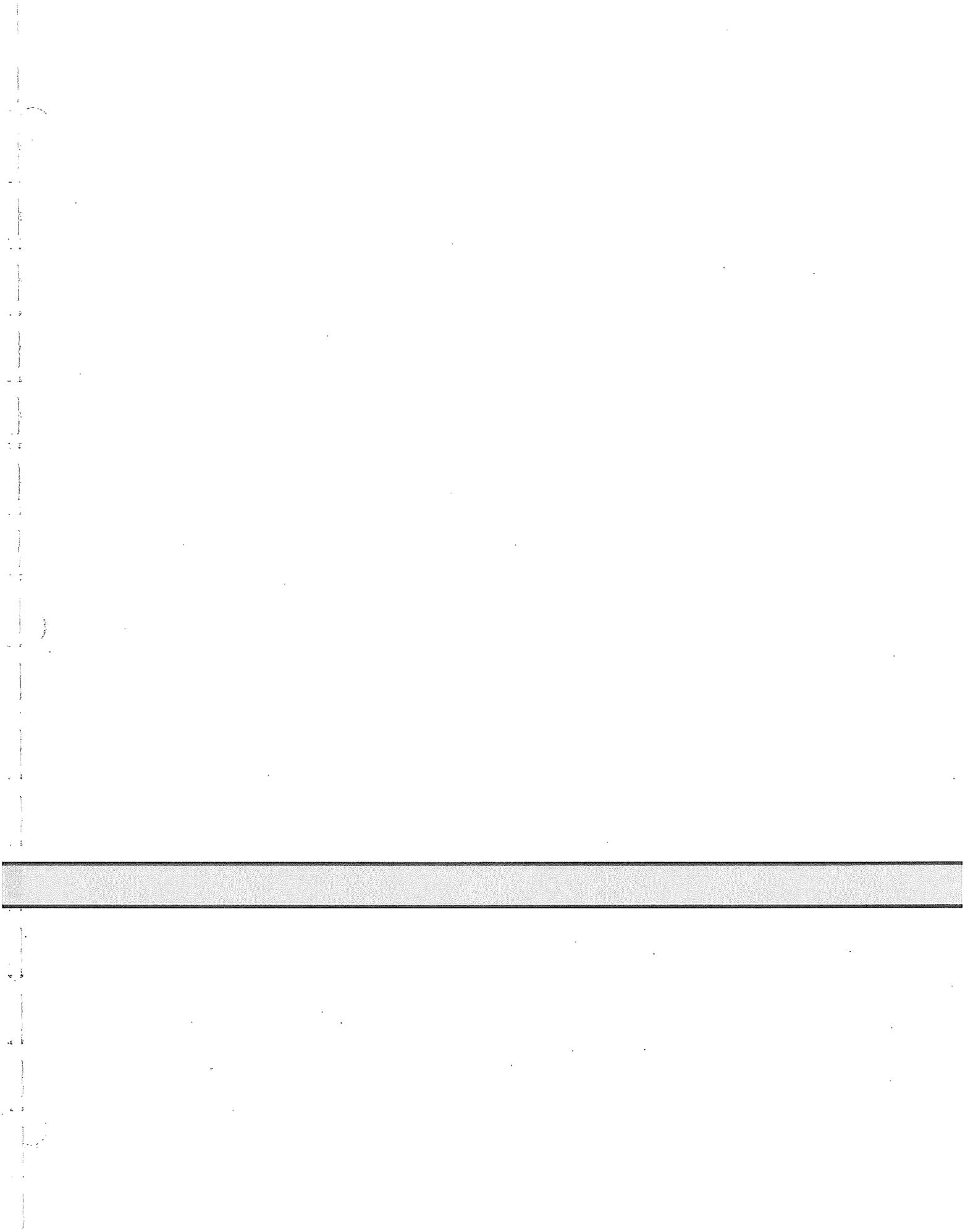
Site plans for all development in the City, shall be submitted for review and approved prior to the issuance of applicable building or slab permits. The review shall include, but is not limited to all linear dimensions, building lines, easements, parking, driveway locations and connection to existing utilities and drainage. The site plans shall comply with the Design Standards and current City subdivision requirements contained therein.

10.2 RECORDED PLAT REPRODUCTION AND BASE MAP UPDATE

Once the plat is recorded in the plat records of Hidalgo County, the County shall return the recorded original mylar directly to the City of Donna. At the developer expense, the City shall obtain a reproducible and several copies of the recorded plat for City records. Once the reproduction is complete the City shall notify the applicant that the recorded original plat mylar is available for pickup at the City. The developer will be required to provide an electronic computer file of the entire subdivision for use in updating the City's Base Map.

10.3 SCHEDULE OF FEES

Fees and charges for the filing of Preliminary Plats, Final Plats, Replats shall be as established by separate ordinance approved by City Council. Such fees and charges shall be imposed on all Preliminary Plats, Final Plats and Replats, etc. regardless of the action taken by the Planning and Zoning Commission and City Council thereon. Such fees shall be collected for the purpose of defraying the costs of administrative, clerical and inspection services necessary to properly investigate plats, replats, and subdivisions. Any required fees, unless specifically stated otherwise, shall be paid prior to certification of a complete submittal package. (See Appendix 3A & 3B.



APPENDIX A OWNERS'S ACKNOWLEDGMENT

(NOTE: This is a sample format for a standard subdivision plat. Select the proper tense and fill in all blanks.)

(NOTE: The State and County required in the Owner's Acknowledgment is the State and County in which the Subdivision Plat is located)

EXAMPLE FORMAT

STATE OF TEXAS §

§

COUNTY OF HIDALGO §

I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE _____ SUBDIVISION TO THE CITY OF DONNA, TEXAS, AND WHOSE NAME(S) IS(ARE) SUBSCRIBED HERETO. HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS. EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

CORPORATION'S NAME (if applicable)

ATTEST: _____
ATTESTOR, TITLE: _____
PRINT NAME: _____
DATE: _____

By: _____
PRINT NAME: _____
DATE: _____

(NOTE: All Owner's signatures shall be acknowledged by a Notary Public.)

(NOTE: With Corporations, either affix a Corporate seal or have an Attestor sign.)

APPENDIX C LIENHOLDER'S SUBORDINATION

(NOTE: The holder(s) of all liens against the property being platted must subordinate on the final plat.)

EXAMPLE FORMAT

I (WE), MORTGAGEE(S), OWNER(S) AND HOLDER(S) OF A LIEN (LIENS) AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS (NAME OF PLAT), SAID LIEN (LIENS) BEING EVIDENCED BY INSTRUMENT OF RECORD IN VOLUME _____, PAGE _____ (OR FILM CODE NO. _____) OF THE MORTGAGE RECORDS OF (NAME OF COUNTY IN WHICH THE PLAT IS LOCATED), TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAME PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID PLAT AND I (WE) HEREBY CONFIRM THAT I AM (WE ARE) THE PRESENT OWNER(S) OF SAID LIEN (LIENS) AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

ATTEST: _____
ATTESTOR, TITLE: _____
PRINT NAME: _____
DATE: _____

BY: _____
PRINT NAME: _____
DATE: _____

(NOTE: All Lienholder's signatures shall be acknowledged by a Notary Public.)

(NOTE: With Corporations, either affix a Corporate seal or have an Attestor sign.)

APPENDIX D -REGISTERED PROFESSIONAL LAND SURVEYOR'S CERTIFICATION

EXAMPLE FORMAT

STATE OF TEXAS §

COUNTY OF HIDALGO §
§

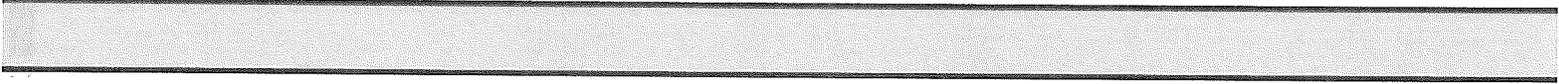
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

SIGNATURE: _____
PRINT NAME: _____
DATE: _____

REGISTERED PROFESSIONAL LAND SURVEYOR

TEXAS REGISTRATION NO. _____

(Affix Surveyor's Seal)



APPENDIX E

DONNA IRRIGATION DISTRICT'S CERTIFICATION

EXAMPLE FORMAT

THIS PLAT APPROVED BY THE DONNA IRRIGATION DISTRICT ON
THIS DAY OF _____, OF _____, 200__.

ATTESTED: _____
PRINT NAME: _____
DATE: _____

BY: _____
PRINT NAME: _____
DATE: _____



APPENDIX F

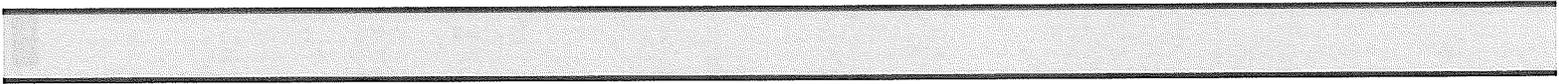
PLANNING AND ZONING COMMISSION'S CERTIFICATION

EXAMPLE FORMAT

THE PLAT OF _____ HAS BEEN SUBMITTED TO AND
CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DONNA,
TEXAS, AND IS HEREBY APPROVED THIS _____ DAY ____ 200__ BY SUCH
COMMISSION.

ATTESTED: _____
PRINT NAME: _____
DATE: _____

BY: _____
PRINT NAME: _____
DATE: _____



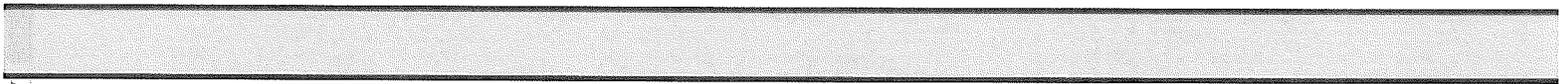
APPENDIX G - CITY COUNCIL'S CERTIFICATION

EXAMPLE FORMAT

THE PLAT OF _____ HAS BEEN
SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF DONNA,
TEXAS, AND IS HEREBY APPROVED THIS _____ DAY OF _____ 200_____.

ATTESTED: _____
PRINT NAME: _____
DATE: _____

BY: _____
PRINT NAME: _____
DATE: _____



APPENDIX H ENCUMBRANCE CERTIFICATION

(NOTE: The following Encumbrance Certification may be used on Preliminary Plats ONLY; in lieu of a Title Report. The Certification may either be placed on the face of the plat or filed separately along with all other materials required for the submission.)

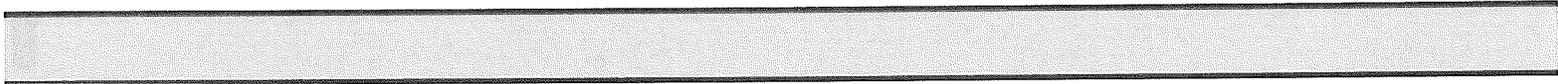
EXAMPLE FORMAT

I, NAME OF REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT ALL EXISTING ENCUMBRANCES, SUCH AS VARIOUS TYPES OF EASEMENTS, BOTH PUBLIC AND PRIVATE, FEE STRIPS AND ALL SIGNIFICANT TOPOGRAPHICAL FEATURES WHICH EFFECT THE PHYSICAL DEVELOPMENT THE PROPERTY ILLUSTRATED ON THIS PLAT ARE ACCURATELY IDENTIFIED AND LOCATED AND DO FURTHER CERTIFY THAT THIS PLAT REPRESENTS ALL OF THE CONTIGUOUS LAND WHICH THE (OWNER OR SUBDIVIDER) OWNS OR HAS A LEGAL INTEREST IN.

SIGNATURE: _____ REGISTERED PROFESSIONAL LAND SURVEYOR
PRINT NAME: _____
DATE: _____

TEXAS REGISTRATION NO.
(Affix Surveyor's Seal)

(NOTE: This certification must be signed and sealed on any submissions.)



APPENDIX 1A. SAMPLE FORM FOR WATER SERVICE AGREEMENT

AGREEMENT REGARDING WATER SERVICE FOR THE PROPOSED
_____ SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit:
The Utility is the governing board or owner of a retail public utility which supplies of drinking water known as _____

The Subdivider is _____,
who is the owner, or the authorized agent of the owner, of a tract of land in Donna, Hidalgo County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known as _____

TERMS: This Agreement is entered into in partial satisfaction of requirements under the Texas Water Development Board's Economically Distressed Areas Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to the City of Donna, Texas for its approval. The Subdivider plans to construct for the Subdivision a drinking water distribution system to be connected to the Utility's public water system. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the drinking water flow anticipated to be needed by the Subdivision under fully built-out conditions (the anticipated water flow) to be approximately _____ gallons daily.

The Utility covenants that it has or will have the ability to provide the anticipated water flow for at least thirty years, and that it will provide that water flow. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision's water distribution system has been connected to the Utility's water supply system.

The Subdivider covenants that the water distribution system will be constructed as shown in the Plans and as provided for through the plat-approval process so that the residents of the lots of the Subdivision may receive drinking water service from the Utility. Upon completion of the water distribution system and upon its approval and acceptance by the Utility, the Subdivider will convey to the Utility all right and title to the water distribution system.

The Subdivider has paid the Utility the sum of \$ _____ which sum represents the total costs of water meters, water rights acquisition fees, and all membership or other fees associated with connecting the individual lots in the Subdivision to the Utility's water supply system.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by the City of Donna or by a municipality whose approval is required.

By affixing his or her signature to this Agreement, the person signing for the Utility warrants that he or she is authorized to sign this Agreement on behalf of the Utility. By affixing his or her signature to this Agreement, the person signing for the Subdivider warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

APPENDIX 1B. SAMPLE FORM FOR WASTEWATER SERVICE AGREEMENT

AGREEMENT REGARDING WASTEWATER SERVICE FOR THE PROPOSED
_____ SUBDIVISION

PARTIES: This Agreement is by and between the Utility and the Subdivider, to wit:
The Utility is the governing board or owner of a retail public utility which provides wastewater treatment and is known as _____

The Subdivider is _____,
who is the owner, or the authorized agent of the owner, of a tract of land in _____
County, Texas, that has been proposed to be divided into a subdivision (the Subdivision) known
as _____

TERMS: This Agreement is entered into in partial satisfaction of requirements under the Texas Water Development Board's Economically Distressed Areas Program Model Subdivision Rules. The Subdivider has prepared a plat of the Subdivision for submission to the City of Donna for its approval. The Subdivider plans to construct for the Subdivision a wastewater collection system to be connected to the Utility's wastewater treatment system. Such wastewater will consist of domestic sewage, i.e., waterborne human waste and waste from domestic activities such as bathing, washing, and food preparation. The Utility has reviewed the plans for the Subdivision (the Plans) and has estimated the wastewater flow projected from the Subdivision under fully built-out conditions (the projected wastewater flow) to be approximately _____ gallons daily.

The Utility covenants that it has or will have the capacity to treat the projected wastewater flow, and that it will treat that wastewater flow for at least thirty years. These covenants will be in effect until thirty years after the plat of the Subdivision has been recorded and the Subdivision's wastewater collection system has been connected to the Utility's wastewater treatment plant.

The Subdivider covenants that the wastewater collection system will be constructed as shown in the Plans and as provided for through the plat approval process so that the residents of the lots of the Subdivision may receive wastewater treatment service from the Utility. Upon completion of the wastewater collection system and upon its approval and acceptance by the Utility, the Subdivider will convey to the Utility all right and title to the wastewater collection system.

Insert the following paragraph if the Utility imposes any fees for connection of individual lots to the Utility's wastewater collection and treatment system:

The Subdivider has paid the Utility the sum of \$ _____ which sum represents the total costs of tap fees, capital recovery charges, and other fees associated with connecting the individual lots in the Subdivision to the Utility's wastewater collection and treatment system.

The above provisions notwithstanding, this Agreement shall no longer be in effect if the plat of the Subdivision is not approved by the City of Donna or by the County whose approval is required.

By affixing his or her signature to this Agreement, the person signing for the Utility warrants that he or she is authorized to sign this Agreement on behalf of the Utility. By affixing his or her signature to this Agreement, the person signing for the Subdivider warrants that he or she is authorized to sign this Agreement on behalf of the Subdivider.

This Agreement is effective on _____, 20____.

The Utility

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

The Subdivider

By: _____
Printed Name: _____
Office or Position: _____
Date: _____

APPENDIX 2A: SUBDIVISION CONSTRUCTION AGREEMENT SAMPLE FORM

1. Parties. This Subdivision Construction Agreement (the Agreement) is by and between the City of Donna and the Subdivider. The Subdivider is _____, who is the owner, or the authorized agent of owner, of a tract of land located within the geographic area and jurisdiction of the City.

2. Effective Date. This Agreement is effective on the date the City approves the final plat for the subdivision described in Paragraph 3 of this agreement (the Effective Date).

Recitals

3. Subdivider is the owner of the land included in the proposed final subdivision plat of the _____ subdivision, as shown in City's File Number (the Subdivision) and more particularly described by the metes and bounds description attached and incorporated into this Agreement as Exhibit A (the Property); and

4. Subdivider seeks authorization from the City to subdivide the Property in accordance with the requirements imposed by Texas statute and the City's ordinances, regulations, and other requirements; and

5. City ordinances require the completion of various improvements in connection with the development of the Subdivision to protect the health, safety, and general welfare of the community and to limit the harmful effects of substandard subdivisions; and

6. The purpose of this Agreement is to protect the City from the expense of completing subdivision improvements required to be installed by the Subdivider; and

7. This agreement is authorized by and consistent with state law and the City's ordinances, regulations, and other requirements governing development of a subdivision.

IN CONSIDERATION of the foregoing recitals and the mutual covenants, promises, and obligations by the parties set forth in this Agreement, the parties agree as follows:

Subdivider's Obligations

8. Improvements. The Subdivider agrees to construct and install, at Subdivider's expense, all subdivision improvements required to comply with City orders, ordinances, regulations, and policies governing subdivision approval, specifically including without limitation those improvements listed on Exhibit B attached and incorporated by reference into this Agreement (collectively, the Improvements, any one of which is an Improvement). All Improvements shall be constructed in conformity to the City's requirements, procedures, and specifications, pursuant to construction plans, permits, and specifications approved by the City prior to commencement of construction, and subject to inspection, certification, and acceptance by the City.

9. Completion. Unless a different time period is specified for a particular Improvement in Exhibit B, construction of all the Improvements shall be completed no later than three (3) years

after the Effective Date (the Completion Date); provided, however, that if the Subdivider or the Issuer delivers to the City no later than the Completion Date a substitute Letter of Credit satisfying the criteria established by Paragraph 11 and which has an expiration date no earlier than one year from the Completion Date, then the Completion Date shall be extended to the expiration date of that substitute Letter of Credit or any subsequent substitute Letter of Credit provided in accordance with this Paragraph. Upon completion of each of the Improvements, the Subdivider agrees to provide to the City a complete set of construction plans for the Improvements, certified "as built" by the engineer responsible for preparing the approved construction plans and specifications.

10. **Warranty.** The Subdivider warrants the Improvements constructed by Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees will be free from defects for a period of one (1) year from the date the City accepts the dedication of a completed Improvement or group of Improvements (the Warranty Period), as such Improvement or group of Improvements is separately identified and listed on Exhibit B, except the Subdivider does not warrant the Improvements for defects caused by events outside the control of the Subdivider or the Subdividers's agents, contractors, employees, tenants, or licensees. The Subdivider agrees to repair any damage to the Improvements before and during the Warranty Period due to private construction-related activities. As a condition of the City's acceptance of dedication of any of the Improvements, the City may require the Subdivider to post a maintenance bond or other financial security acceptable to the City to secure the warranty established by this Agreement. If the Improvements have been completed but not accepted, and neither the Subdivider nor Issuer is then in default under this Agreement or the Letter of Credit, at the written request of the Subdivider or the Issuer the City shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced to an amount equal to the face amount of the maintenance bond or other financial security acceptable to the City.

11. **Security.** To secure the performance of Subdivider's obligations under this Agreement, Subdivider agrees to provide adequate financial guarantees of performance in the form of a surety bond acceptable to the City, a cash deposit to be held by the City in escrow, or an irrevocable letter of credit in the amount of _____ Dollars (\$_____) (the Stated Amount), which amount is the estimated total cost of constructing each of the Improvements as shown on Exhibit B. If a letter of credit is provided pursuant to this Agreement, it shall be in a standard form acceptable to the City, shall have an expiration date no earlier than one year from the date of its issuance, and shall be issued by a financial institution having a rating equivalent to the minimum acceptable rating established under the City's financial institution rating system in effect at the time the initial letter of credit is issued pursuant to this Agreement (the Issuer). During the term of this Agreement and subject to the terms of Paragraph 22 of this Agreement, the City may revise the standard form letter of credit it reasonably considers acceptable and necessary to secure the performance of Subdivider's obligations under this agreement. A letter of credit satisfying the criteria of this Paragraph (and any substitute or confirming letter of credit) is referenced to in this agreement as the "Letter of Credit."

12. Reduction In Letter of Credit. After the acceptance of any Improvement, the amount which the City is entitled to draw on the Letter of Credit shall be reduced by an amount equal to ninety percent (90%) of the Quoted cost of the accepted Improvement, as shown on Exhibit B. Upon completion of an Improvement, at the written request of Subdivider or Issuer, and if neither the Subdivider nor Issuer is then in default under this agreement or the Letter of Credit, the City shall complete, execute, and deliver to the Issuer a reduction letter verifying the acceptance of the Improvement and documenting that the Stated Amount has been reduced by stating the balance of the Stated Amount remaining after the reduction required by the first sentence of this Paragraph. No later than sixty (60) days after its receipt of a written request to reduce the Stated Amount submitted by the Subdivider or the Issuer, the City shall determine the Estimated Remaining Cost and shall complete, execute, and deliver to the Issuer a reduction letter documenting that the Stated Amount has been reduced to the Estimated Remaining Cost if the City determines the Stated Amount exceeds the Estimated Remaining Cost. Notwithstanding the preceding sentence, the City shall not be required to authorize reductions in the Stated Amount more frequently than every ninety (90) days. As used in this Paragraph, "Estimated Remaining Cost" means the amount the City estimates to be the cost of completing all improvements which are incomplete as of the time of such estimate.

City's Obligations

13. Inspections and Certificate. The City agrees to inspect Improvements during and at the completion of construction and, if completed in accordance with the standards and specifications for such Improvements, to certify the Improvements as being in compliance with City standards and specifications. The inspections and certifications will be conducted in accordance with standard City policies and requirements. The Subdivider grants the City, its agents, employees, officers, and contractors an easement and license to enter the Property to perform such inspections as it deems appropriate.

14. Notice of Defect. The City will provide timely notice to the Subdivider whenever inspection reveals that an Improvement is not constructed or completed in accordance with the standards and specifications for health or safety, and if the notice of defect includes a statement explaining why the defect creates such immediate and substantial harm, the cure period may be shortened to no less than five (5) days and the City may declare a default under this Agreement if not satisfied that the defect is cured after the cure period. Any cure period should be reasonable in relation to the nature of the default.

15. Use of Proceeds. The City will disburse funds drawn under the Letter of Credit only for the purposes of completing the Improvements in conformance with the City's requirements and specifications for the Improvements, or to correct defects in or failures of the Improvements. The Subdivider has no claim or rights under this Agreement to funds drawn under the Letter of Credit or any accrued interest earned on the funds. All funds obtained by the City pursuant to one or more draws under the Letter of Credit shall be maintained by the City in an interest bearing account or accounts until such funds, together with accrued interest thereon (the Escrowed Funds), are disbursed by the City. The City may disburse all or portions of the Escrowed Funds as Improvements are completed and accepted by the City, or in accordance with the terms of a written construction contract between the City and a third party for the construction of Improvements. Escrowed Funds not used or held by the City for the purpose of

completing an Improvement or correcting defects in or failures of an Improvement, together with interest accrued thereon, shall be paid by the City to the Issuer of the Letter of Credit no later than sixty (60) days following the City's acceptance of the Improvement or its decision not to complete the Improvement using Escrowed Funds, whichever date is earlier.

16. Return of Excess Escrowed Funds. No later than sixty (60) days after its receipt of a written request from the Subdivider or the Issuer to return Excess Escrowed Funds to the Issuer, the City shall disburse to the Issuer from the Escrowed Funds all Excess Escrowed Funds. For purposes of this Paragraph, "Excess Escrowed Funds" means the amount of Escrowed Funds exceeding one hundred ten percent (110%) of the estimated cost of constructing Improvements the City intends to construct but which have not been accepted, as such cost is shown on Exhibit B. Notwithstanding the first sentence in this Paragraph, the City shall not be required to disburse Excess Escrowed Funds more frequently than every ninety (90) days.

17. Cost Participation by City. If the City and Subdivider agree the City will participate in the expense of installing any of the Improvements, the respective benefits and obligations of the parties shall be governed by the terms of a Community Facilities Construction Agreement executed by the parties thereto, and the terms of that agreement shall control to the extent of any inconsistency with this Agreement.

18. Conditions of Draw on Security The City may draw upon any financial guarantee posted in accordance with Paragraph 11 upon the occurrence of one or more of the following events:

- (a) Subdivider's failure to construct the Improvements in accordance with Paragraph 8 of this Agreement;
- (b) Subdivider's failure to renew or replace the Letter of Credit at least forty-five (45) days prior to the expiration date of the Letter of Credit;
- (c) Subdivider's failure to replace or confirm the Letter of Credit if the Issuer fails to maintain the minimum rating acceptable to the City, in accordance with Paragraph 11 of this Agreement; or
- (d) Issuer's acquisition of the Property or a portion of the Property, through foreclosure or an assignment or conveyance in lieu of foreclosure.

The City shall provide written notice of the occurrence of one or more of the above events to the Subdivider, with a copy provided to the Issuer. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraph (a), the City shall provide notice to the Subdivider and the Issuer of the specific default and the notice shall include a statement that the City intends to perform some or all of Subdivider's obligations under Paragraph 8 for specified Improvements if the failure is not cured. The notice with respect to a default under subparagraph (a) shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit, unless, in the reasonable opinion of the City, the failure creates an immediate and substantial harm to the public health or safety, in which case the notice shall state why the failure creates an immediate and substantial harm to the public health or safety, and shall be given no less than five (5) days before presentation of a draft on the Letter of Credit. In the event of a draw based on subparagraph (a), the City shall be entitled to draw in the amount it considers necessary to perform Subdivider's obligations under Paragraph 8, up to the amount allocated according to Exhibit B for any Improvement it states its intent to construct or complete

in accordance with the standards and specifications for such improvement. The subdivider hereby grants to the City, its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property for the purposes of constructing, maintaining, and repairing such Improvements. Where a Letter of Credit has been provided as the financial guarantee, with respect to an event described by subparagraphs (b), (c), or (d), the notice shall be given no less than twenty (20) days before presentation of a draft on the Letter of Credit. In lieu of honoring a draft based on an event described in subparagraphs (b) or (c), the Issuer or the Subdivider may deliver to the City a substitute Letter of Credit if the event is described by subparagraph (b) or a substitute or confirming Letter of Credit if the event is described by subparagraph (c). If the Issuer has acquired all or a portion of the Property through foreclosure or an assignment or conveyance in lieu of foreclosure, in lieu of honoring a draft based on an event described in subparagraph (d), the Issuer may deliver to the City a substitute or confirming Letter of Credit.

19. Procedures for Drawing on the Letter of Credit. The City may draw upon the Letter of Credit in accordance with Paragraph 18 by submitting a draft to the Issuer in compliance with the terms of the Letter of Credit governing such draft. The Letter of Credit must be surrendered upon presentation of any draft which exhausts the Stated Amount of such Letter of Credit. The City may not draft under a Letter of Credit unless it has substantially complied with all its obligations to the Issuer under this Agreement and has properly completed and executed the draft in strict accordance with the terms of the Letter of Credit.

20. Measure of Damages. The measure of damages for breach of this Agreement by the Subdivider is the reasonable cost of completing the Improvements in conformance with the City's requirements, procedures, and specifications. For Improvements upon which construction has not begun, the estimated cost of the Improvements shown on Exhibit B will be prima facie evidence of the minimum cost of completion; however, neither that amount or the amount of the Letter of Credit establishes the maximum amount of the Subdivider's liability.

21. Remedies. The remedies available to the City, the Subdivider, and Issuer under this Agreement and the laws of Texas are cumulative in nature.

22. Provisions for the Benefit of Issuer. The provisions of Paragraphs 9, 10, 11, 12, 15, 16, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, and 36 of this Agreement for the benefit of the Issuer may not be modified, released, diminished, or impaired by the parties without the prior written consent of the Issuer.

23. Third Party Rights. No person or entity who or which is not a party to this Agreement shall have any right of action under this Agreement, nor shall any such person or entity other than the City (including without limitation a trustee in bankruptcy) have any interest in or claim to funds drawn on the Letter of Credit and held in escrow by the City in accordance with this Agreement. Notwithstanding the preceding sentence, the Issuer shall have a right of action to enforce any provision of this Agreement where the Issuer is specifically named as a beneficiary of such provision pursuant to Paragraph 22.

24. Indemnification. The Subdivider hereby expressly agrees to indemnify and hold the City harmless from and against all claims, demands, costs, and liability of every kind and nature, including reasonable attorney's fees for the defense of such claims and demands, arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act or negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements. The Subdivider further agrees to aid and defend the City if the City is named as a defendant in an action arising from any breach on the part of Subdivider of any provision in this Agreement, or from any act of negligence of Subdivider or Subdivider's agents, contractors, employees, tenants, or licensees in the construction of the Improvements, except where such suit is brought by the Subdivider. The Subdivider is not an employee or agent of the City. Notwithstanding anything to the contrary contained in this agreement, the Subdivider does not agree to indemnify and hold the City harmless from any claims, demands, costs, or liabilities arising from any act or negligence of the City, its agents, contractors, employees, tenants, or licensees.

25. No Waiver. No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provision, nor will it be deemed or constitute continuing waiver unless expressly provided for by a written amendment to this Agreement; nor will the waiver of any default under this agreement be deemed a waiver of any subsequent defaults of the same type. The failure at any time to enforce this Agreement or covenant by the City, the Subdivider, or the Issuer, their heirs, successors or assigns, whether any violations thereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

26. Attorney's Fees. Should either party or the Issuer, to the extent Issuer is named as specific beneficiary, be required to resort to litigation to enforce the terms of this agreement, the prevailing party, plaintiff or defendant, shall be entitled to recover its costs, including reasonable attorney's fees, court costs, and expert witness fees, from the other party. If the court awards relief to both parties, each will bear its own costs in their entirety.

27. Assignability. The benefits and burdens of this Agreement are personal obligations of the Subdivider and also are binding on the heirs, successors, and assigns of the Subdivider. The Subdivider's obligations under this Agreement may not be assigned without the express written approval of the City. The City's written approval may not be withheld if the Subdivider's assignee explicitly assumes all obligations of the Subdivider under this Agreement and has posted the required security. The City agrees to release or reduce, as appropriate, the Letter of Credit provided by the Subdivider if it accepts substitute security for all or any portion of the Improvements. The City, in its sole discretion, may assign some or all of its rights under this Agreement, and any such assignment shall be effective upon notice to the Subdivider and the Issuer.

28. Expiration. This Agreement shall terminate upon the expiration of the approval of the proposed final plat of the Subdivision or if the Subdivision is vacated by the Subdivider.

29. Notice. Any notice required or permitted by this Agreement is effective when personally delivered in writing or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified with return receipt requested, and addressed as follows:

if to Subdivider:
Attn: _____
Printed Name: _____
Office or Position: _____
Address: _____

if to City:
Attn: _____
Printed Name: _____
Office or Position: _____
Address: _____

if to the Issuer: _____ at Issuer's address shown on the Letter of Credit.

The parties may, from time to time, change their respective addresses listed above to any other location in the United States for the purpose of notice under this Agreement. A party's change of address shall be effective when notice of the change is provided to the other party in accordance with the provisions of this Paragraph.

30. Severability. If any part, term, or provision of this Agreement is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or enforceability shall not affect the validity of any other part, term, or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of this Agreement.

31. Personal Jurisdiction and Venue. Personal jurisdiction and venue for any civil action commenced by either party to this Agreement or the Issuer, whether arising out of or relating to the Agreement or the Letter of Credit, will be deemed to be proper only if such action is commenced in District Court for Hidalgo County, Texas, or the United States District Court for the _____ District of Texas, _____ Division. The Subdivider expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal. The Issuer, by providing a Letter of Credit pursuant to the terms of this Agreement, expressly waives any right to bring such an action in or to remove such an action to any other court, whether state or federal.

32. Releases Upon Completion. Upon acceptance of all Improvements, the City agrees: (a) to complete, execute and deliver to the Subdivider and the Issuer a release in recordable form releasing the Subdivider and Subdivider's heirs, successors and assigns, and the Property from all provisions of this Agreement except those contained in Paragraph 10, and (b) to return to the Issuer the Letter of Credit and any Escrowed Funds not expended or obligated by the City for the completion of the Improvements.

33. Captions Immaterial. The numbering, order, and captions or headings of the paragraphs of this agreement are for convenience only and shall not be considered in construing this agreement.

34. Entire Agreement. This Agreement contains the entire agreement between the parties and correctly sets forth the rights, duties, and obligations of each to the other as of the Effective Date. Any oral representations or modifications concerning this Agreement shall be of no force or effect excepting a subsequent written modification executed by both parties.

35. Authorization to Complete Blanks. By signing and delivering this agreement to the appropriate official of the City, the Subdivider authorizes completion of this Agreement by filling in the Effective Date below.

36. Binding Agreement. The execution and delivery of this agreement and the performance of the transactions contemplated thereby have been duly authorized by all necessary corporate and governmental action of the City. This Agreement has been duly executed and delivered by each party, and constitutes a legal, valid, and binding obligation of each party enforceable in accordance with the terms as of the effective Date. These representations and agreements are for the benefit of the Issuer, and have been relied on by the Issuer in issuing the Letter of Credit.

EXECUTED by the parties to be effective as of the _____ day of _____, 20_____.

City Official

Subdivider

[SIGNATURES OF THE PARTIES TO BE ACKNOWLEDGED]

EXHIBIT A: METES AND BOUNDS DESCRIPTION OF PROPERTY

EXHIBIT B: SUBDIVISION IMPROVEMENTS

Subdivision Improvements. Subdivider and City agree the following improvements are required in connection with the approval and development of the Subdivision (collectively, the Subdivision Improvements). Subdivider agrees to deliver a financial guarantee acceptable in form and substance to the City in an amount equal to the Estimated Cost of Completion listed

below, as follows:

Description of Improvement(s)	Estimated Cost of Completion
-------------------------------	------------------------------

a)

b)

c)

APPENDIX 2B. IRREVOCABLE LETTER OF CREDIT SAMPLE FORM

IRREVOCABLE LETTER OF CREDIT NO.

TO: _____, Texas

DATE: _____, 20

We hereby authorize you to draw at sight on [NAME AND LOCATION OF BANK], for the account of [NAME OF CUSTOMER] (the Customer), up to the aggregate amount of _____ DOLLARS (\$_____) (the Stated Amount) available by our draft, accompanied by a certification by the City that the following condition exists:

“A Condition of Draw exists under Subdivision Construction Agreement dated _____, 20 __, by and between Subdivider and the City of Donna (the Agreement). City is in substantial compliance with the terms of said Agreement and has calculated the amount of this draft in accordance with the terms of the Agreement.”

Drafts must be drawn and presented by or on [EXPIRATION DATE] by the close of business of the Issuer of this credit and must specify the date and number of this credit. Drafts will be honored within five calendar days of presentment. We hereby engage all drawers that drafts drawn and presented in accordance with this credit shall be duly honored. Partial draws are permitted and the letter of credit shall be reduced by the amount of such partial draws as well as by any reduction letters authorized by the City. The sum of such partial draws shall on no account exceed the Stated Amount of this credit, and upon any draw or reduction letter which exhausts this credit, the original of this credit will be surrendered to us.

Except as expressly stated, this credit shall be subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce (Publication No. 500).

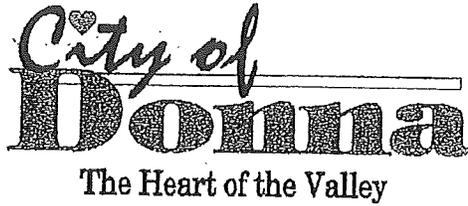
This credit is irrevocable prior to its expiration date unless both parties consent to revocation in writing.

Address of Issuer:

Signature of Issuer's Authorized Officer

Printed Name:

Title:



PLANNING DEPARTMENT
APPLICATION FOR SUBDIVISION PLAT APPROVAL

Date Submitted: _____

Subdivision Name: _____ Development: _____
(Please Type or Print)

Previous Submittal: _____
(Name Submitted As) (Type of Submittal) (Date approved)

Plat Classification: Minor Subdivision Plat Major Subdivision Plat

Type of Submittal: (Mark Box)

- General Land Plan Revised Preliminary Revised Final
 Short Form Final Street Dedication Vacation of Plat Re-plat Public Hearing
 Extension of Approval

Variance Request: (Mark Box)

- None Requested Yes Previously Approved

Reason for Variance:

Zoning Change Request: (Mark Box)

- None Requested Yes Previously Approved

Reason for Zone Change:

Type of Plat: (Mark Box)

- Single-Family Residential
 Multi-Family Residential
 Zero Lot Line/Patio Homes
 Planned Development
 Commercial/Industrial
 Business/Office

Plat Location: (Mark Box)

- Extraterritorial Jurisdiction
 City Zoning District: _____

Survey/Abstract No.: _____

Geographic Location: (List major streets, creeks and/or adjacent subdivisions)

North of: _____ South of: _____
 East of: _____ West of: _____

Plat Data:

Total Acreage of Subdivision Plat... _____
 Number of Streets in Plat..... _____
 Number of Lots/Blocks..... _____
 Typical Lot Size (i.e. 60 x 100)..... _____
 Number and Types of Reserves..... _____
 Total Acres in Reserves..... _____

Certification: (Developer, if company or corporation, name of officer and title)

Developer: _____ Officer: _____

Address: _____ City & State: _____ Zip: _____

Phone: _____ Fax: _____

Applicant:

Contact Person:

Address: _____ City & State: _____ Zip: _____

This is to certify that the information on this form is COMPLETE, TRUE and CORRECT and the undersigned is authorized to make this application.

Signature of Applicant



Platting Process
Adopted 11/22/05
Appendix 3A

The following steps are to be followed by the Planning Staff when processing a subdivision plat:

- a. The Applicant and Project Engineer are required to meet with the Planning Staff and the City Engineer to review the City's subdivision process and document checklist.
- b. The Applicant and Project Engineer are required to sign a transmittal letter accepting a copy of the City's platting process and subdivision document checklist.
- c. The Applicant must submit a pre-application plat for review. Planning Staff will review the subdivision plat for compliance with the city subdivision regulations and the State of Texas Model Subdivision Rules.
- d. The Planning Staff shall forward a copy of the pre-application plat to the applicant along with a checklist of items needed to be corrected and submitted prior to a preliminary plat being accepted by the City.
- e. The Applicant must submit an application and a processing fee as part of the preliminary application process. The preliminary plat will be reviewed for compliance with the City's Subdivision regulations and for compliance with the State of Texas Model Subdivision Rules. The applicant must also submit tax certificates, drainage report, water service agreement, sewer service agreement, engineering report, construction cost estimates and drainage statement.
- f. Staff will review the preliminary plat and forward a copy of the plat to other City Departments, County Agencies and City Engineer for their review.
- g. Upon receiving comments from the other agencies, staff will return a copy of the subdivision checklist along with a letter outlining all the deficiencies needing correction prior to the plat being considered for preliminary approval by the City Planning & Zoning Commission.
- h. Once the preliminary plat is received with corrections, staff will review the plat to verify all deficiencies have been corrected. The plat will then be placed on the Planning and Zoning Commission for consideration. The Planning & Zoning Commission shall be provided evidence that the plat complies with all of the City of Donna Subdivision regulations as well as the State of Texas Model Subdivision Rules.

If denied, the applicant must be sent a letter outlining the reasons for denial and the corrective action necessary prior to the subdivision being placed on the Planning & Zoning Commission agenda for re-considerations.

- i. If approved, the preliminary plat will then be forwarded to the City Commission for preliminary approval and construction. The City Commission must be provided evidence the plat complies with all the requirements of the City Subdivision Regulations and the State of Texas Model Subdivision Rules.
- j. If a developer requests for the City Commission to consider granting final plat approval, the applicant will be required to provide a letter of credit and meet all of the City of Donna Subdivision Regulations and State of Texas Model Subdivision Rules. If the applicant doesn't fully comply with the City's Subdivision Regulations and the State of Texas Model Subdivision Rules the City Commission will have no option but to deny the applicant's request for final plat approval. No conditional final plat approvals are allowed.
- k. Once the City Commission has provided a preliminary plat approval, the applicant will be notified of the City Commission's decision and the need to have a pre-construction meeting. The letter will also provide a detailed list of all the agreements and fees, which will need to be submitted or paid prior to a final inspection by the City Staff and City Engineer.
- l. If the City Commission grants a preliminary plat approval and final Inspection Certificate is issued, the plat will then be routed to the various County Agencies by the City Staff for approval.
- m. Once the Contractor is issued a final Inspection Certificate, all fees are paid, water and sewer agreements are executed, as-built drawings are submitted and county agencies have approved the plat, the plat will then be presented to the City Commission for final plat approval.
- n. Once final approval is given by the City Commission, the Planning City Staff will take the plat to the County Clerk's Office for recording.
- o. After the plat is recorded in the County records a copy of the plat will be sent to the other agencies along with a copy of the as-builts. The original plat will then be returned to the Project Engineer.



Subdivision Document Checklist
Appendix 3A
 Adopted 11/22/05

The following documentation should be submitted and made part of the file for each step prior to initiating the next step:

DATE RECEIVED

Step I: Initial Meeting

- | |
|--|
| 1. Copy of letter where Applicant & Engineer received City's Platting Process and Subdivision Document Checklist |
|--|

Step II: Pre-Application

- | |
|---|
| 2. Pre-Application Plat (2 Copies) |
| 3. Pre-Application Subdivision Plat Checklist |
| 4. Pre-Application Subdivision Plat Checklist Transmittal Letter to Applicant |

Step III: Preliminary Plat Review

- | |
|---|
| 5. Proof of Ownership (Warranty Deed) |
| 6. Preliminary Plat Application |
| 7. Platting Fees (Copy of Check \$625 plus \$25 per acre) |
| 8. Preliminary Plat (10 Copies) |
| 9. Tax Certificates (City, County, School, Irrigation District) |
| 10. Drainage Report (2) |
| 11. Engineering Report* |
| 12. Water Service Agreement (30 yrs)* |
| 13. Sewer Service Agreement (30 yrs)* |
| 14. Construction Cost Estimates (2) |
| 15. Drainage Statement (2) |
| 16. Transmittal Letters to Other Agencies |
| 17. Construction Plans (10 Sets) |
| 18. Preliminary Subdivision Plat Checklist |
| 19. Preliminary Plat Transmittal Letter to Applicant |

Step IV: Preliminary Plat Approval – P&Z Commission

- | |
|---|
| 20. Letter of Credit (if applicable) |
| 21. Original Plat (Signed by Owner & Project Engineer)* |
| 22. Planning & Zoning Commission Meeting Agenda |
| 23. Planning & Zoning Commission Meeting Packet |
| 24. Planning & Zoning Commission Meeting Minutes |
| 25. Transmittal Letter Notifying the Applicant of the Planning & Zoning Commission's Decision |

Step V: Preliminary Plat Approval – City Commission

- | |
|--|
| 26. City Commission Meeting Agenda |
| 27. City Commission Meeting Packet |
| 28. City Commission Meeting Minutes |
| 29. Transmittal Letter Notifying the Applicant of the City Commission's Decision |

DATE RECEIVED

Step VI: Construction

30. 2% Inspection Fee
31. Pre-Construction Meeting Sign-In Sheet
32. Construction Schedule
33. Contractor's Bond
34. Contact Information & Emergency Phone Numbers
35. Water Bacterial Test Approval
36. Final Inspection Clearance – City Engineer*
37. Final Inspection Clearance – Project Engineer*
38. Fire Hydrant Inspection Approval
39. Contractor's Warranty Letter
40. Contractor's Affidavit & Final Release*
41. Street Lights Fee
42. Street Signs Fees
43. Meter & Tapping Fees (\$500/Lot)*
44. Sewer Tapping Fees (\$300/Lot)*
45. Park Fees (\$50/Lot)
46. Utility Deposit Fees (\$75/Lot)*
47. Deed Restrictions & Covenants (if applicable)
48. HCID Processing Fee - \$500
49. HCID Buyout or Exclusion Fees - \$250
50. Homeowner's Association Documents (if applicable)
51. HCDD Review Fee - \$250
52. Hidalgo County Clerk's Office Plat Recording Fees - \$53.50 Small Single Sheet / \$96 Large Plat First Sheet / \$75 Large Plat Additional Sheet
53. Construction As-Builts (10 Sets)*
54. Transmittal Letter Notifying the Applicant of the City Inspection Approval or Denial*
55. Hidalgo County Irrigation District Approval
56. Hidalgo County Drainage District Approval

Step VII: City Commission Final Plat Approval

57. City Commission Meeting Agenda's Packet
58. Mayor's Signature and Date of Approval on Plat*
59. Transmittal Letter to the Applicant of the City Commission's Decision*

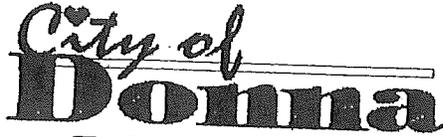
Step VIII: Recordation

60. Hidalgo County Clerk's Recording of Plat
--

Step IX: Filing

61. Copy of As-Builts and Recorded Plat Transmittal Letter in Other Departments and Agencies
62. Copy of Recorded Plat for File
63. Transmittal Letter to the Applicant Advising Subdivision Plat is Recorded

*MSR Compliance Item



The Heart of the Valley

Appendix 3B

SUBDIVISION PLAT CHECKLIST

Adopted 11/22/05

DATE: _____
FILE # _____

- 1. SUBDIVISION NAME
2. LEGAL DESCRIPTION

3. PLAT SIZE (18" x 24" W/ 1 1/2" LEFT MARGIN AND 3/4" ON OTHER 3 SIDES)

4. CHECKED FOR DUPLICATION: SUBDIVISION STREETS

5. DATE

6. SCALE

7. NORTH ARROW

8. BENCHMARK

9. TOPOGRAPHY MAP CONTOURS ON PLAT

10. DRAINAGE LAYOUT

11. 100 YEAR FLOOD PLAIN STATEMENT

12. MINIMUM PERMISSIBLE ELEVATION FOR EACH LOT

13. LOCATION MAP

14. ENGINEER'S SIGNATURE, SEAL AND DATE

15. SURVEYOR'S SIGNATURE, SEAL AND DATE

16. OWNERS ACKNOWLEDGMENT & CERTIFICATE OF DEDICATION AND DATE

17. OWNER'S PRINTED NAME _____ SIGNATURE AND DATE _____
 18. NOTARIZED _____
 19. PLACE FOR MAYOR'S SIGNATURE AND DATE _____
 20. PLACE FOR CITY CLERK'S SIGNATURE AND DATE _____
 21. PLACE FOR P&Z CHAIRMAN'S SIGNATURE AND DATE _____
 22. PLACE FOR HIDALGO COUNTY IRRIGATION DIST. #2's SIGNATURE AND DATE _____
 23. PLACE FOR HIDALGO COUNTY DRAINAGE DIST. #1's SIGNATURE AND DATE _____
 24. METES AND BOUNDS DESCRIPTION _____
 25. LOCATION AND DESCRIPTION OF MONUMENTS _____
 26. CHARACTERISTICS OF THE SURROUNDING PROPERTIES _____
- (NAMES OF CONTIGUOUS SUBDIVISION AND THE OWNERS OF CONTIGUOUS PARCELS OF SUBDIVIDED LAND, CONTIGUOUS LOTS, BLOCKS, STREETS, EASEMENTS, R.O.W.'s PARKS AND PUBLIC FACILITIES)
27. IS THE PROPERTY IN THE CITY LIMITS (OR ETJ) _____
 28. WHAT IS THE PROPERTY ZONED _____
 29. WILL DEVELOPER NEED TO APPLY FOR CHANGE OF ZONE _____
 30. ALL LOTS SHOWN AND NUMBERED _____
 31. DO ALL LOTS HAVE ACCESS TO A PAVED PUBLIC STREET _____
 32. DO ALL LOTS MEET THE MINIMUM SIZE REQUIREMENTS _____
 33. DOES DEVELOPER SHOW THE SQUARE FOOTAGE OF ALL LOTS OTHER THAN RECTANGULAR LOTS _____

34. ARE ALL NECESSARY MEASUREMENTS AND CURVATURE READINGS ON THE PLAT

35. IF THE DEVELOPER IS PROPOSING SETBACKS, DO THEY COMPLY WITH ORDINANCE SETBACK REQUIREMENTS _____
36. MINIMUM SETBACK REQUIRED BY CITY ORDINANCE: _____
ZONING DISTRICT _____
FRONT _____
SIDE _____
REAR _____
CORNER _____
CUL-DE-SAC _____

37. DOES THE DEVELOPER PROPOSE ANY COMMON AREAS _____
IF SO, WHO WILL BE RESPONSIBLE FOR MAINTENANCE _____
38. COMMON AREAS DESIGNATED AS SUCH _____
39. ARE ALL NEW STREETS SHOWN AND NAMED _____
40. WILL PROPOSED STREETS BE PUBLIC OR PRIVATE _____
41. DO PROPOSED STREETS LINE UP WITH EXISTING STREETS _____
42. HAS THE DEVELOPER CONTINUED THE NAMES OF EXISTING STREETS

43. IS DEVELOPER PROPOSING RESIDENTIAL STREETS OR COMMERCIAL STREETS

44. DOES THE DEVELOPER NEED TO PROVIDE ADDITIONAL R.O.W. OR PAVING TO
IMPROVE AN EXISTING STREET IN OR ABUTTING THIS SUBDIVISION

45. DOES THE DEVELOPER PROPOSE ANY CUL-DE-SACS OVER 600' LONG

46. DO CUL-DE-SACS HAVE A 50' RADIUS FOR RESIDENTIAL OR 100' RADIUS FOR
COMMERCIAL/ INDUSTRIAL STREET _____
47. PAVING LAYOUT SHOWS INTERIOR STREETS WITH MINIMUM 32' PAVEMENT
AND 50' RIGHT-OF-WAY _____ OR 40' OF PAVEMENT
AND 60' OF RIGHT-OF-WAY FOR COMMERCIAL STREETS

48. LOCATION OF A.D.A. RAMPS _____
49. DOES THE DEVELOPER PROPOSE ANY ALLEYS _____
50. ARE THERE ANY DEAD-END STREETS OR ALLEYS _____
51. ARE ALL EXISTING EASEMENTS SHOWN ON PLAT _____
52. ARE ALL NECESSARY EASEMENTS, TO FACILITATE THE CITY'S FUTURE
UTILITY EXTENSIONS, ON PLAT _____
53. DOES THE DEVELOPER NEED TO PROVIDE ANY EASEMENTS FOR UTILITIES
BEYOND THE PROPOSED SUBDIVISION _____
54. DOES THE DEVELOPER HAVE TO OVERSIZE ANY OF THE WATER LINES

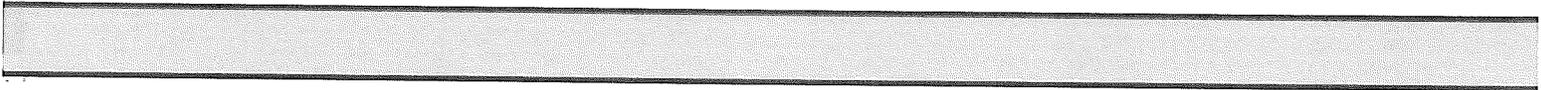
55. LOCATION OF VALVES AND HYDRANTS _____
56. DOES DEVELOPER SHOW ALL EXISTING AND PROPOSED WATER LINES IN THE
SUBDIVISION AND SURROUNDING AREA _____

57. ENGINEERING REPORT WITH COST ESTIMATES, CONSTRUCTION DATES, SIGNATURE, SEAL AND DATE

58. SPANISH VERSION

COMMENTS:

1. PRIOR TO COMMENCING CONSTRUCTION, CONSTRUCTION DRAWINGS MUST BE SUBMITTED AND APPROVED BY THE CITY ENGINEER. STAFF WILL THEN SCHEDULE A MEETING ONCE THE CONSTRUCTION DRAWINGS ARE 100% COMPLETE.
2. A PERFORMANCE BOND WILL BE REQUIRED FROM THE CONSTRUCTION BEFORE THE PRE-CONSTRUCTION MEETING, IN THE AMOUNT OF THE ACTUAL CONSTRUCTION COST FOR THE SUBDIVISION IMPROVEMENTS.
3. PRIOR TO COMMENCING CONSTRUCTION, THE DEVELOPER WILL NEED TO COMPLETE STEPS I-V OF THE ATTACHED SUBDIVISION DOCUMENT CHECKLIST.



MODEL SUBDIVISION RULES CHECKLIST FOR FINAL PLAT

The following is a suggested format to follow to help with MSR compliance. It is not intended to be all-inclusive as each subdivision is different. Users must verify with the Model Subdivision Rules to insure compliance.

1. ENGINEERS DETAILED DESCRIPTION OF WASTEWATER UTILITIES

30-YEAR WASTEWATER PROVIDER AGREEMENT YES / NO (CIRCLE ONE)

DESCRIPTION OF WASTEWATER SYSTEM TO EACH LOT YES / NO (CIRCLE ONE)

PER LOT COST OF WASTEWATER UTILITIES YES / NO (CIRCLE ONE)

STATEMENT TO THE EFFECT THAT THE COST OF WASTE WATER SYSTEM HAS BEEN PAID FOR, THAT THE SYSTEM IS IN PLACE, AND READY FOR THE LOT PURCHASER TO CONNECT TO. YES / NO (CIRCLE ONE)

2. ENGINEERS DETAILED DESCRIPTION OF WATER UTILITIES

30-YEAR WATER PROVIDER AGREEMENT YES / NO (CIRCLE ONE)

DESCRIPTION OF WATER UTILITY SYSTEM TO EACH LOT YES / NO (CIRCLE ONE)

PER LOT COST OF WATER UTILITIES YES / NO (CIRCLE ONE)

STATEMENT TO THE EFFECT THAT THE COST OF WATER METERS AND OTHER CONNECTION EQUIPMENT, MEMBERSHIP FEES, WATER RIGHTS ACQUISITION COSTS AND OTHER FEES HAVE BEEN PAID SO THAT WATER IS AVAILABLE TO EACH LOT. YES / NO (CIRCLE ONE)

3. ENGINEERS SIGNATURE AND SEAL YES / NO (CIRCLE ONE)

4. DATE SIGNED _____

5. DATE RECORDED _____

NOTE: IF EITHER WATER OR WASTEWATER UTILITIES ARE NOT CONSTRUCTED, THE FOLLOWING MUST BE DETAILED IN THE ENGINEERING DESCRIPTION.

1. THE ESTIMATED COMPLETION DATE (NOT MORE THAN 3 YEARS OUT)

2. THE FINANCIAL AGREEMENT (SEE MSR FOR EXAMPLE). THE EXPIRATION DATE OF THE FINANCIAL AGREEMENT MUST COINCIDE WITH THE ESTIMATED COMPLETION DATE STATED ON THE ENGINEERING REPORT AND ON THE CONSTRUCTION AGREEMENT.

3. CONSTRUCTION AGREEMENT (SEE MSR FOR EXAMPLE).