

CHAPTER 4-6 PLATTING AND SUBDIVISION IMPROVEMENT AND MAINTENANCE*

***Cross references:** Platting in special flood hazard areas, Ch. 4-6; zoning. Ch. 4-10.

State law references: Municipal regulation of subdivisions and property development, V.T.C.A., Local Government Code § 212.001 et seq.

ARTICLE I. IN GENERAL*

***Editor's note:** Ord. No. 6505, adopted 11-7-2000, amended §§ 4-6-1--4-6-175 to read as set forth in Arts. I--III. Formerly such provisions pertained to similar subject matter and were derived from the 1960 Code, §§ 21-1--21-44, as subsequently amended. See the Code Comparative Table at the back of this volume for additional derivation of such articles.

Sec. 4-6-1. Citation.

This chapter shall be known and may be cited as the platting and subdivision improvements and maintenance chapter of the City.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-2. Definitions.

For the purposes of the chapter, the following terms, phrases, words and their derivatives shall have the meaning ascribed to them in this section. Definitions not expressly described in this section are to be determined in accordance with customary usage in municipal planning and engineering practices.

Alley: A minor way which is used primarily for installation of public Utilities, solid waste collection, and for vehicular services access to the back or the side of properties otherwise abutting on a Street.

Block: An area enclosed by Streets and occupied by or intended for buildings. As a term of measurement, Block shall mean the distance along a side of a Street lying between and adjoining two (2) intersecting Streets.

Building Line: A line parallel to the Street Right-of-Way line designating the minimum distance from

the Street Right-of-Way line that a Structure may be erected.

Comprehensive Plan: A periodically updated series of documents that unifies all elements and aspects of City planning. This Plan reflects the best judgment of the staff, Planning and Zoning Commission, and the City Commission and sets a policy for Zoning and Subdivision decisions. This Plan indicates the general locations recommended for various land uses, transportation routes, public buildings, Streets, parks and other public and private developments and improvements.

Conceptual Development Plan: An overall conceptual plan showing the intentions of the Developer to improve or subdivide land in accordance with this chapter.

Developer: Any person, entity, or corporation who improves land, to effect a Subdivision of land, or submits a Conceptual Development Plan for City consideration.

Easement: A right held by the City or its franchised Utility companies to be used for access, drainage or the placement of Utilities such as water, sewer, gas, telephone, cable television and electrical lines or other facilities.

Engineer: A person licensed to practice engineering under the provision of the Texas Engineering Practice Act.

Extraterritorial Jurisdiction: The contiguous unincorporated area not incorporated in any other city, within five (5) miles of the corporate limits of the City of Amarillo.

Front/Frontage, Lot: The length of a Lot adjacent to a Street between two (2) adjacent property lines of Lots.

Front/Frontage, Street: The length of all property on one (1) side of a Street lying between two (2) intersecting Streets measured along the Right-of-Way line, or if the Street is a Dead-end or Cul-de-sac, then the length of all property abutting on one (1) side between an intersecting Street and the end of the Dead-end Street or Cul-de-sac Street.

Lot: Land occupied or to be occupied by a Building and its Accessory Buildings.

Main: A water or wastewater line designed and installed to collect sewage from or distribute water to lateral or service lines.

Officers: Any Officers referred to in this chapter by title, i.e., Building Official, City Attorney, City Secretary, City Engineer, Traffic Engineer, City Street Superintendent, Director of Environmental Health, Director of Utilities, Assistant Director of Utilities, Director of Public Works or Director of Community Services shall be the person so retained in this position by the City or his duly authorized representative.

Official Filing Date: The date upon which a Conceptual Development Plan or Final Plat is submitted to the Planning Department for review and the associated filing fee is paid.

Parcel: Same as Lot .

Permittee: Any person to whom a permit is issued.

Planning and Zoning Commission: The City Planning and Zoning Commission, as established in this Code.

Plat: Shall refer to Final Plats meeting the requirements of this chapter.

Plat, Final: A Plat which complies with the requirements of V.T.C.A., Local Government Code Ch. 212 (§ 212.001 et seq.) and this chapter.

Replat: The resubdivision of any part or all of any Block or Blocks of a previously platted Subdivision.

Right-of-Way, Public: Any strip or area of land including surface, overhead or underground space which is used or intended to be used wholly or in part as a public Street or Alley, or as the location of public walkways and Utility or drainage facilities or installations.

Service Tap: A water or wastewater pipe of a design capacity to serve a single Lot extended from the Main to the property line of the Lot served by the Service Tap.

Shall, should, may: The word "shall" is always mandatory. The word "should" is considered to be advisable usage, recommended but not mandatory. The word "may" is merely permissive.

Sidewalk: The Portland cement concrete, asphaltic concrete, or other permanent hard-surfaced material approved by the City Engineer that is located in the Street Right-of-Way intended for pedestrian use.

Storm Water Management Criteria Manual: A periodically updated document that sets out the minimum requirements and standards for planning, design, construction, operation and maintenance of storm water drainage facilities.

Street: The entire width between the boundary lines of every way, other than an Alley, publicly maintained when any part of it is opened to the use of the public for vehicular travel.

Street, Arterial: A principal traffic artery, more or less continuous across the City, which connects remote parts of the City or areas adjacent thereto and acts as a principal connecting Street with State and federal highways, and includes each Street designated as a primary or secondary Arterial Street in the Amarillo Transportation Plan.

Street, Collector: A Street which carries traffic from Local Streets to Arterial Streets or highways, including the principal entrance Streets of a Residential development and Streets for circulation in such a development.

Street, Cul-de-sac or Court: A Dead-end Street providing a turnaround for vehicles.

Street, Dead-end: A Street, other than a Cul-de-sac, with only one (1) outlet.

Street, Industrial: A Street intended primarily to serve traffic within an area of industrial development or proposed industrial development.

Street, Local: A Street which is intended primarily to serve traffic within a neighborhood or limited Residential District and which is not necessarily continuous through several Residential Districts.

Street, Marginal Access: A Local Street which is parallel and adjacent to an Arterial Street or highway and which provides access to abutting property and protection from through traffic.

Street Width: The shortest horizontal distance between the lines which delineate the Right-of-Way of a Street.

Subdivision: The division of an area of land into two (2) or more areas of land.

Subdivision, Suburban: A Subdivision located outside the City limits and within the Extraterritorial Jurisdiction having a proposed Lot density of less than two (2) Lots per acre.

Subdivision, Urban: Any Subdivision other than a Suburban Subdivision.

Surveyor: A licensed State land Surveyor or a registered professional land Surveyor as authorized by the State statutes to practice the profession of surveying in Texas.

Thoroughfare: Same as *Street* .

Tract: Same as *Lot* .

Transportation Plan: The master Street development and Thoroughfare plan for the City.

Utility: City and/or franchised Utility company above or below ground equipment and lines including, but not limited to, water, wastewater (sewer), gas, electricity, telephone, and cable television.

Zoning: Regulations governing the use of land and buildings and development standards as set forth in Chapters 4-7, 4-9 and 4-10.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-3. Purpose.

This chapter is adopted for the following purposes:

- (1) To encourage and provide for orderly, safe and healthful development of areas within the City and within the Extraterritorial Jurisdiction of the City in accordance with the Comprehensive Plan and other Utility, traffic and Planning studies related to the development of the City;
- (2) To protect the character and the economic stability of the City;
- (3) To provide adequate and efficient transportation, drainage, water, sewage, schools, parks, playgrounds, recreation and other public requirements and facilities;
- (4) To provide for efficient design of Subdivisions, in conformance with the Zoning Ordinance, development codes and construction codes of the City.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-4. Authority.

This chapter is adopted under the authority of the constitution and laws of the State of Texas, including but not limited to V.T.C.A., Local Government Code Ch. 212 [§ 212.001 et seq.], as amended and section 3 of the Charter of the City.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-5. Applicability.

The requirements of this chapter shall apply within the Extraterritorial Jurisdiction as well as within the corporate limits of the City, except:

- (1) A violation of any provision of this chapter within the City's Extraterritorial Jurisdiction shall not constitute a misdemeanor under this chapter, but it is nonetheless a violation of this chapter.
- (2) If any provision of this chapter is violated within the Extraterritorial Jurisdiction of the City, the City may initiate appropriate action or proceedings in the District Court for civil penalties or to enjoin the violation of this chapter, or both. The City shall not be required to prove irreparable harm in order to obtain injunctive relief.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-6. Enforcement.

- (a) The Building Official shall not issue a Certificate of Occupancy for any Structures on any Lot within the jurisdiction of the City until the requirements of this chapter have been met.
- (b) The City and Utility companies shall withhold the maintenance of Streets, curb and gutter, and Alleys, and the furnishing of water, sewer, electricity, gas or other Utility service for any Lot or Plat until it complies with the requirements of this article.
- (c) In addition to any other remedy provided by law, the City and its Officers shall have the right to enjoin any violation of this chapter by application to a court of competent jurisdiction for injunctive relief.

(Ord. No. 6505, § 1, 11-7-2000)

Secs. 4-6-7--4-6-20. Reserved.

ARTICLE II. PLATTING AND SUBDIVIDING

DIVISION 1. GENERALLY

Sec. 4-6-21. Citation.

This article shall be known and may be cited as the Platting and Subdivision Ordinance of the City.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-22. Administrative body.

In accordance with V.T.C.A., Local Government Code, Ch. 212, Subch. A[§ 212.001 et seq.] the provisions of this article shall be administered by the Planning and Zoning Commission which is the approving authority for Plats.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-23. Plat recording and selling.

(a) No Plat of any Urban or Suburban Subdivision will be entitled to be recorded in the County Clerk's Office or have any validity until it has been approved in the manner prescribed herein. In the event any such unapproved Plat is recorded, it shall be considered invalid and the Planning and Zoning Commission may institute proceedings to have the Plat stricken from the records.

(b) No owner or agent of the owner of any land located within an Urban or Suburban Subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, exhibition of, or by the use of a plan or metes and bounds description before such Subdivision has been approved and recorded in the manner prescribed herein.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-24. Permits.

(a) The Building Official shall not issue building permits for any Structure on a Lot in a Subdivision for which a Plat has not been approved and recorded in the manner prescribed in this article. A Subdivision Plat is required prior to a building permit being issued for one (1) Lot for:

- (1) Low-density residential development if Right-of-Way or Easement(s) are required to be dedicated to the public and are not dedicated by separate instrument. If Right-of-Way or Easement(s) are to be dedicated by separate instrument, it shall be dedicated at no cost to the City of Amarillo.
- (2) Developments that are part of a series of single Lot developments or developments related to one another.

(b) Director of Environmental Health shall not issue a permit for the installation of a septic tank upon any Lot in a Subdivision for which a Plat has not been approved and recorded in the manner prescribed in this article.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-25. Public improvements.

The City shall withhold all public improvements from all Subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted by the City Commission.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-26. Revision of Plat after approval.

No changes, erasures, modifications or revisions shall be made on any Plat of a Subdivision after approval has been given and endorsed in writing on the Plat by the Planning and Zoning Commission or the Director of Community Services.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-27. Plan and Plat application fees.

(a) *Conceptual Development Plan.* The Developer shall pay a fee of two hundred dollars (\$200.00) for each conceptual development filed for consideration.

(b) *Final Plat.* The Developer shall pay a filing fee of three hundred fifty dollars (\$350.00) plus ten dollars (\$10.00) per acre platted in the Final Plat, rounded to the nearest half dollar, for each Final Plat filed for consideration.

(Ord. No. 6505, § 1, 11-7-2000; Ord. No. 6847, § 3, 9-20-2005; Ord. No. 6882, § 3, 12-20-2005)

Sec. 4-6-28. Private restrictions.

This chapter does not affect restrictions placed upon property by deed, covenant or other agreement, nor do such restrictions affect the application of this chapter.

(Ord. No. 6505, § 1, 11-7-2000)

Secs. 4-6-29--4-6-40. Reserved.

Division 2. Platting Procedure**Sec. 4-6-41. Preapplication conference.**

(a) Prior to any Subdivision of land occurring, the Developer or his authorized agent should meet with the Director of Community Services or his representative who will determine if it is

necessary for the proposed Subdivision to meet the following requirements. Should Plat approval be required, the relationship of the proposed Subdivision to the City's Comprehensive Plan, the Storm Water Management Criteria Manual, density standards, Zoning, Street requirements, Utility service and the general character of the development may be discussed to acquaint the Developer with City platting requirements and procedures.

(b) Upon written request, the Planning and Zoning Commission shall determine whether a Plat for a Subdivision is required or if one has been prepared and approved for the area identified in the request. The Commission shall make its determination within twenty (20) days of receipt of the request and provide a written certification of that determination to the requesting party within ten (10) days after the date the determination is made.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-42. Procedure for Conceptual Development Plan approval.

(a) The Developer may prepare a Conceptual Development Plan of the proposed Subdivision for submission to the Planning and Zoning Commission. If the Developer chooses to submit a Conceptual Development Plan for review by the Planning and Zoning Commission, the procedures set forth in this chapter shall be followed.

(b) Sixteen (16) copies of the Conceptual Development Plan shall be submitted to the Director of Community Services twenty-one (21) calendar days prior to the Planning and Zoning Commission meeting at which consideration is desired.

(c) A written report shall be prepared and submitted to the Planning and Zoning Commission at the next regular meeting stating the comments of the Conceptual Development Plan review. Such report should include comments relative to the proposed Conceptual Development Plan's compliance to this chapter, the Comprehensive Plan or other plans such as Utility plans. The report may include comments from other municipal departments, franchised Utilities or county agencies concerned with development.

(d) The Planning and Zoning Commission shall act on the Conceptual Development Plan within thirty (30) days after the Official Filing Date. If no action is taken by the Planning and Zoning Commission within thirty (30) days after filing, the Conceptual Development Plan, as filed, shall be deemed approved and the Director of Community Services shall comply with the requirements set out in subsection (e) of this section.

(e) The Planning and Zoning Commission shall determine whether the Conceptual Development Plan shall be approved, or disapproved, and shall give notice to the Developer in the following manner:

(1) Approved: If approved, the Director of Community Services shall affix his signature to the Conceptual Development Plan and attach thereto a notation that it has received approval by the Planning and Zoning Commission and return it to the Developer for compliance with Final Plat approval requirements.

(2) Disapproved: If disapproved, the Director of Community Services shall attach to

the Conceptual Development Plan a statement of the reasons for such action and return it to the Developer.

(f) Whenever a Conceptual Development Plan involving land in the City's Extraterritorial Jurisdiction is submitted to the Planning and Zoning Commission, two (2) copies shall be forwarded for comment and recommendation to the Commissioner's Court of the county in which the Subdivision is located.

(g) The transmittal to the Commissioner's Court shall specify the date at which the Planning and Zoning Commission will act on the Conceptual Development Plan and request a reply setting forth the improvement standards and other requirements essential to the acceptance of the Conceptual Development Plan.

(h) The Planning and Zoning Commission shall, in its action on the Conceptual Development Plan, consider the physical arrangement of the Subdivision, and determine the adequacy of Streets and Thoroughfare Rights-of-Way and alignment and the compliance of the Streets and Thoroughfares with the Amarillo Transportation Plan, the existing Street pattern in the area and with any other applicable provisions of the Comprehensive Plan. The Planning and Zoning Commission shall also determine the adequacy of Easements and Right-of-Ways and compliance of the drainage system with the Storm Water Management Criteria Manual. The Planning and Zoning Commission shall also ascertain that adequate Easements for proposed or future Utility service are provided, and that the Lot size and area are adequate to comply with the minimum requirements for the type of sanitary sewage disposal proposed. Where connection to an approved on-site sanitary sewage collection and treatment system is proposed, all Lots and Building sites shall contain a minimum area sufficient to meet the requirements of the Director of Environmental Health, who may also certify the Lots as being adequate for septic tank operation after tests of the soil.

(i) The information shown on a Conceptual Development Plan of land located outside the corporate limits of the City, and the procedure for approval, modification or disapproval, shall be the same as required for Conceptual Development Plans within the City except herein indicated.

(j) Record of action: In any case, a notation of taken, and requisite reasons therefor, shall be entered in the records of the Planning and Zoning Commission.

(k) Approval of a Conceptual Development Plan shall not constitute approval of the Final Plat; rather it shall be deemed an expression of approval to the Conceptual Development Plan as a guide to the preparation of the Final Plat which shall be submitted for consideration by the Planning and Zoning Commission.

(l) Existing Conceptual Development Plans approved by the Planning and Zoning Commission prior to January 1, 2001, shall expire on May 11, 2004. For Conceptual Development Plans approved on or after January 1, 2001, the Conceptual Development Plan shall expire on the third anniversary of the date it was approved by the Planning and Zoning Commission.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-43. Procedure for Final Plat approval.

- (a) The original and sixteen (16) copies of the Final Plat shall be submitted to the Director of Community Services at least twenty-one (21) calendar days prior to the meeting at which consideration is desired.
- (b) The Final Plat shall conform substantially to the active Conceptual Development Plan as approved. The Developer may plat only a portion of the approved Conceptual Development Plan which he proposes to record and develop at the time; provided, however, such portion shall conform to all requirements of this chapter.
- (c) The Final Plat shall be presented to the Planning and Zoning Commission at its next regular meeting with any recommendation by the Director of Community Services. The Planning and Zoning Commission shall act on the Final Plat within thirty (30) days after the Official Filing Date.
- (d) After the Planning and Zoning Commission has determined that the Final Plat is in proper form, that the arrangement of the development proposed for the property being subdivided is consistent with Zoning regulations and that the Subdivision complies with the provisions of this chapter, it may enter an order approving the Final Plat.
- (e) The Planning and Zoning Commission's approval of the Final Plat shall authorize the chairman to execute the certificate of approval on the original copy of the Final Plat.
- (f) If no action is taken by the Planning and Zoning Commission within thirty (30) days after filing, the Final Plat shall be deemed approved. A certificate showing the Official Filing Date, and failure to take action thereon within thirty (30) days of the Official Filing Date, shall, on demand by the Developer, be issued by the Planning and Zoning Commission, and this certificate shall be placed on the original copy of the Final Plat and all be sufficient in lieu of a written endorsement or other evidence of approval.
- (g) The Final Plat shall then be caused to be filed of record by the Director of Community Services in the Plat records of the county in which the Plat is located and the original shall then be returned to the Developer.
- (h) The Final Plat for any Subdivision located within the Extraterritorial Jurisdiction of the City shall be sent to the appropriate County Commissioner's Court to attain their comments during the subdivision review process. After approval by the City, the Director of Community Services will then transmit the Plat to the County Clerk of the appropriate county for filing of record.
- (i) Final Plats which are disapproved shall be returned to the Developer by the Director of Community Services with an attached statement of the reasons for such action.

(Ord. No. 6505, § 1, 11-7-2000; Ord. No. 6599, § 1, 6-11-2002)

Sec. 4-6-44. Planning and Zoning Commission or Director of Community Services acceptance of Final Plat by units.

An owner or Developer, at his option, may obtain approval of a portion or a section of a Subdivision, provided he meets all the requirements of this chapter with reference to portion or section as is required for a complete Subdivision. If a Subdivision and the Final Plat thereof is approved by the Planning and Zoning Commission or the Director of Community Services in units, each Final Plat of each unit will carry the name of the entire Subdivision and will bear a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire Subdivision, even though such Subdivision may be finally approved in units.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-45. Procedure for Final Plat approval by delegated City of Amarillo employee.

(a) In lieu of the requirements set forth in section 4-6-43(c), (d), and (e), the Director of Community Services, without consideration by the Planning and Zoning Commission, may approve minor Final Plats involving four (4) or fewer Lots fronting on an existing Street and not requiring the creation of any new Street(s) or Alley(s) or the extension of municipal facilities, or for amending a Final Plat which may be recorded and is controlling over the preceding Plat without vacation of that Plat, if the amending Plat is solely for one or more of the following purposes:

- (1) To correct an error in a course or distance that was shown on or add a course or distance that was omitted from the preceding Plat, or to correct an error in property description shown on the preceding Plat, or to correct an error in property description shown on the preceding Plat;
- (2) To indicate monuments set after the death, disability, or retirement from practice of the Engineer or Surveyor responsible for setting the monuments;
- (3) To show the location or character monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding Plat;
- (4) To correct any other type of scrivener or clerical error or omission in a Plat previously approved by the Planning and Zoning Commission or Director of Community Services, including Lot numbers, acreage, Street names, and identification of adjacent recorded Plats;
- (5) To correct errors in the courses or distances of Lot lines between two (2) adjacent Lots if both Lot owners join in the application for amending the Plat, if neither Lot is abolished, and if the amendment does not attempt to remove recorded covenants or restrictions;
- (6) To relocate a Lot line to eliminate an inadvertent encroachment of a building or other improvement on a Lot line or Easement; or to relocate one (1) or more Lot lines between one (1) or more adjacent Lots if the owners of all those Lots join in the application amending the Plat, if the amendment does not attempt to remove

recorded covenants or restrictions, and if the amendment does not increase the number of Lots;

(7) To make necessary changes to a preceding Plat to create four (4) or fewer Lots in the Subdivision or a part of the Subdivision covered by the preceding Plat if the changes do not affect the applicable Zoning and other regulations of the City of Amarillo, if the changes do not attempt to amend or remove any covenants or restrictions, or if the area covered by the changes is located in an area that the City Commission has approved as a residential improvement area; or

(8) To Replat one (1) or more Lots fronting on an existing Street if the owners of all those Lots join in the application for amending the Plat, if the amendment does not attempt to remove recorded covenants or restrictions or if the amendment does not create or require the creation of a new Street or make necessary the extension of municipal facilities.

(b) The Director of Community Services shall not approve a variance to these regulations.

(c) Submittal requirements and approval standards shall be the same as for other Final Plats. The Director of Community Services shall submit any minor Plat or amending Plat which he disapproves to the Planning and Zoning Commission for consideration within sufficient time to enable action to be taken within thirty (30) days after the application is filed.

(d) The Director of Community Services may, for any reason, elect to present a minor Plat or amending Plat to the Planning and Zoning Commission for consideration.

(Ord. No. 6505, § 1, 11-7-2000)

Secs. 4-6-46--4-6-55. Reserved.

DIVISION 3. CONCEPTUAL DEVELOPMENT PLAN AND FINAL PLAT REQUIREMENTS

Sec. 4-6-56. Conceptual Development Plan content.

(a) The Conceptual Development Plan shall contain at least the following information:

(1) *Proposed name of Development.* The Development name shall not duplicate, be the same in spelling, or alike in pronunciation with any other previously recorded Subdivision.

(2) *Developer information.* The names and addresses of the Developer, and person (s) responsible for preparing the Conceptual Development Plan.

(3) *Date, scale, north arrow.* The date of the Conceptual Development Plan preparation, scale of the Plan and north arrow.

(4) *Topography.* Topographical information, equivalent to two-foot contour lines,

shall be shown with the contour lines, shall be shown with the contour lines to be not more than one hundred (100) horizontal feet apart. Contour lines shall be based on North American Vertical Datum 1988 and specified on the Conceptual Development Plan. Significant planimetric features should be shown.

(5) *Existing Streets, Easements, public areas and buildings.* The location, and names of existing or Platted Streets, Alleys, public and private Easements, railroad Right-of-Way, parks, permanent buildings and other public areas on or adjacent to any part of the land.

(6) *Proposed Streets, Easements, Lots, Blocks and sites for public use.* The location, and proposed names of Streets, along with all proposed Alleys, Easements, Lots, Blocks, parks and other public spaces.

(7) *Zoning and land use.* The existing Zoning classifications for the property, along with all proposed Zoning classifications or reclassifications. In addition, all proposed land uses designated by type and size either in acreage or number of Lots.

(b) In an effort to maintain continuity and to establish an overall comprehensive system of storm water management, wastewater collection, and potable water distribution, as well as a logical system of Streets and Alleys, the following must occur prior to approval of the Conceptual Development Plan.

(1) *Storm Water Management.* A preliminary report prepared by Developer's engineer identifying proposed drainage facilities. The report should include basic and general analysis and solutions.

(2) *Wastewater Collection System.* A preliminary layout of the proposed wastewater collection system.

(3) *Potable Water Distribution System.* A preliminary layout of the proposed potable water distribution system.

(4) *Street and Alley System.* A preliminary layout of the proposed Street and Alley system.

(5) The Developer, the Developer's engineer, the Director of Public Works, the Director of Utilities and the Director of Community Services, or designated representatives, shall meet to discuss the Conceptual Development Plan and establish a general plan of development. The preliminary plans mentioned in 1, 2, 3, and 4 above shall be reviewed for overall workability but do not need to be specific in design. This meeting will serve merely as a means to provide general information to establish a plan for future development.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-57. Final Plat content.

(a) The boundary survey and the Final Plat shall comply with the Texas Board of

Professional Land Surveying Rules.

(b) The Final Plat shall contain the following information:

- (1) *Proposed name of Subdivision and applicable unit or addition.* Any Plat in a previously platted section or addition should utilize the Subdivision name previously accepted by the City. In those areas where a definite Plat name cannot be determined, the Planning Department shall be responsible for the official Plat name designation.
- (2) *Names of adjacent Subdivisions.* Names of adjacent developed and recorded Subdivisions should be included.
- (3) *Location or vicinity sketch.* A general location or vicinity sketch of the general area of Development.
- (4) *Areas dedicated and reserved for public use.* The accurate delineation of dimensions and bearings of any area to be dedicated or temporarily reserved for public use or for the private use of inhabitants of the Subdivision.
- (5) *Owner's acknowledgment.* An acknowledgment by the owner of adoption of the Plat and dedication of Streets, Alleys, Easements and other areas of public concern.
- (6) *Notary certificate and seal.* An acknowledgment of the owner's signature on the Plat by a notary public.
- (7) *Coordinates.* Two (2) permanent monuments shall have the Texas State Plane Coordinates determined and labeled on the Plat.
- (8) *Adjacent property Platting information.* An indication of all existing Platting information for adjacent property with county deed records volume and page numbers.
- (9) *Date, scale, north arrow.* The date of the Final Plat preparation, scale of the map and north arrow.
- (10) *Boundary description and location or vicinity sketch.* The complete boundary description of the property by metes and bounds, section, Block, survey, county, and State.
- (11) *Perimeter boundary.* The perimeter boundary of the Subdivision shown by a heavy line with dimensions, bearings, and overall computed acreage for the development.

(c) A Storm Water Management.

- (1) A drainage plan must be submitted for review with the Final Plat identifying existing and proposed hydrology and hydraulics of the development and the proposed storm water drainage system. The plan, prepared and sealed by a licensed professional Engineer, shall provide specific solutions, detailed analysis of the drainage basin, and the capacity of the existing and proposed facilities within the Development and adjacent property. The plan shall describe the treatment of

drainageways for safety, maintenance and protection of both public and private property. The storm drainage system and all proposed facilities shall comply with the Storm Water Management Criteria Manual.

(d) For Final Plats located within the Extraterritorial Jurisdiction, the following information must be submitted for review with the Final Plat:

(1) Wastewater Collection System (where necessary to serve the development). A plan and profile, prepared and sealed by a licensed professional Engineer, identifying the wastewater collection system including existing and proposed contours, proposed Main sizing, manhole invert elevations, and associated analyses.

(2) Potable Water Distribution System (where necessary to serve the development). A plan, prepared and sealed by a licensed professional Engineer, identifying the potable water distribution system including proposed Main sizing, locations of valves and fire hydrants and associated analyses.

(3) Street and Alley System, Street and Alley plans; prepared and sealed by a licensed professional Engineer, shall include geometric layout, longitudinal grades, typical paving sections and widths.

(4) Drainage Facilities System, Drainage facilities plans prepared and sealed by a licensed professional engineer shall include geometric layout, longitudinal grades, pipe type and size, inlets, channels and typical section as determined from the Drainage Plan Street and Alley System. Street and Alley plans prepared and sealed by a licensed professional Engineer, shall include geometric layout, longitudinal grades, typical paving sections and widths.

(Ord. No. 6505, § 1, 11-7-2000; Ord. No. 6599, § 2, 6-11-2002)

Sec. 4-6-58. Final Plat preparation and form.

(a) *Surveyor*. The Final Plat shall be prepared by a registered professional land Surveyor or licensed state land Surveyor.

(b) *Permanent material and scale*. The Final Plat shall be clearly and legibly drawn in permanent and reproducible black ink upon tracing medium to a scale of not less than two hundred (200) feet to one (1) inch.

(c) *Signatures*. Signatures placed on a Final Plat shall be affixed in permanent and reproducible black ink.

(d) *Electronic copy*. An electronic copy of the Final Plat shall be provided.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-59. Taxes and liens.

The Planning and Zoning Commission or the Director of Community services shall not approve a Final Plat until such time as all delinquent taxes and liens in favor of the City have been paid on the land being subdivided.

(Ord. No. 6505, § 1, 11-7-2000)

Secs. 4-6-60--4-6-70. Reserved.

DIVISION 4. MINIMUM DESIGN STANDARDS

Sec. 4-6-71. Streets.

(a) Unless otherwise approved by the Planning and Zoning Commission, provisions shall be made for the extension of Arterial Streets in accordance with the Transportation Plan of the City. Collector Streets shall be provided for the circulation of traffic through a Subdivision and the connection thereof to Arterial Streets. Adequate Local Streets shall be provided to accommodate access within the Subdivision.

(b) Where such is not shown in the Transportation Plan, the arrangement of Streets in a Subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing Arterial Streets in surrounding areas; or

(2) Conform to a Conceptual Development Plan approved or adopted by the Planning and Zoning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing Street alignment impractical.

(c) Residential Streets shall be so laid out that their use by through traffic will be discouraged.

(d) Where a Subdivision abuts or contains an existing or proposed major Street or highway, the Planning and Zoning Commission may require Marginal Access Streets, or such access design as may be necessary for adequate protection of Residential properties and to afford separation of through and local traffic.

(e) Where a Subdivision borders on or contains a Railroad Right-of-Way or Marginal Access Street Right-of-Way, the Planning and Zoning Commission may require a Street approximately parallel to and on each side of the intervening Right-of-Way. Such Streets shall be determined with consideration for the requirements of approach grades and future grade separations.

(f) Street alignments with centerline offsets of less than the following should be avoided:

(1) Local-Local, one hundred twenty-five (125) feet;

- (2) Local-Collector, one hundred fifty (150) feet;
- (3) Collector-Collector, one hundred fifty (150) feet.

(g) Street intersections:

- (1) More than two (2) Streets intersecting at a point should be avoided.
- (2) Where two (2) or more Streets converge at one (1) point, or acute intersection angles occur, setback lines or special rounded or cutoff corners, or both, may be required to ensure public safety and to facilitate orderly traffic movements.
- (3) Streets should intersect at a ninety-degree angle, and in no case should the angle be less than seventy-five (75) degrees.
- (4) Streets should have at least a fifty-foot tangent section of roadway approaching an intersection.

(h) Dead-end Streets, Cul-de-sacs and Courts may be allowed where the form or contour of the land or the shape of the property makes such Street design appropriate. Such Dead-end Streets, Cul-de-sacs or Courts shall provide frontage access to all Lots, shall not exceed one thousand (1,000) feet in length and shall provide a turnaround at the closed end which has a minimum Right-of-Way radius of fifty (50) feet. A turnaround with less than a fifty-foot Right-of-Way radius may be approved by the Planning and Zoning Commission if topographic or other site conditions make the normal design impractical.

(i) The system of Streets designated for the Subdivision, except in unusual cases, must connect with Streets already dedicated in adjacent Subdivisions. Where adjacent connections are not platted, the Streets must be the reasonable projections of Streets in the nearest subdivided Tracts, and must continue to the boundaries of the Tract subdivided, so that other Developers may connect therewith. Reserve strips of land controlling ingress to or egress from other property, or to or from any Street or Alley, or restricting access of the adjoining property shall not be permitted.

(j) Block length and width shall be such as to accommodate the size of Lots required by Zoning regulations for the location of the Subdivision and to provide for convenient access, circulation control and safety of vehicular and pedestrian traffic. The length of Residential Blocks should be approximately one thousand (1,000) feet and may be varied to meet the requirements of circulation and topography.

(k) Half Streets shall be prohibited, except where essential to the reasonable development of the Subdivision and these regulations; and wherever a half Street is within a Tract to be subdivided and is essential, the other half of the Street shall be dedicated along with the dedication of the half Street within the proposed Subdivision.

(l) Street Right-of-Way shall have a minimum dedicated width as prescribed by the Transportation Plan standards and shall be in accordance with the following Streets standards:

TABLE INSET:

Street Type	Width (feet)
Arterial.....	120
Industrial.....	60 to 80
Collector.....	50 to 70
Local.....	50 to 70
Marginal Access.....	45

(m) Where special conditions warrant, a Street of lesser width may be approved by the Planning and Zoning Commission.

(n) Street names: New Streets shall be named as to provide continuity of names with existing Streets. Similar or identical names to previously names Streets shall not be approved unless they are to be extensions of existing Streets of the same name.

(o) Pedestrian walk Rights-of-Way not less than ten (10) feet wide shall be required where deemed necessary to provide access to schools, playgrounds, shopping centers, transportation and other community facilities.

(p) For Lots platted in the Extraterritorial Jurisdiction that do not have Alley access, Street Right-of-Way shall have a minimum width of sixty (60) feet.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-72. Alleys.

(a) Alleys shall be provided in all Plats, except that the Planning and Zoning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-Street loading, solid waste collection, Utility services, unloading and parking consistent with and adequate for the use proposed.

(b) In Residential Zoning Districts, Alleys shall be provided parallel or approximately parallel to the Streets.

(c) The Planning and Zoning Commission shall decide if Alleys are required for Final Plats other than minor Final Plats that are approved by the Director of Community Services.

(d) The minimum Right-of-Way width of an Alley shall be twenty (20) feet.

(e) Where two (2) Alleys intersect, a corner cut-off of not less than twenty (20) feet along each property line from the normal intersection of the property lines shall be provided.

(f) Dead-end Alleys shall not exceed four hundred (400) feet in length and shall provide a turnaround with a minimum radius of fifty (50) feet.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-73. Public Utility Easements.

(a) Public Utility Easements shall be provided within a Subdivision as may be necessary to ensure proper design, installation and maintenance of Utilities. Easement widths shall be determined by the type and number of utilities. In no case shall an Easement for water or sanitary sewer be narrower than fifteen (15) feet.

(b) The location of all dedicated public Utility Easements shall be determined by the City and shall be located so as to permit the installation of Utilities to other properties at a minimal cost.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-74. Drainage Easements.

When a Plat is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage Easement conforming substantially with the alignment of such watercourse. The Easement for such watercourse shall be of sufficient width to accommodate the design flow and to allow access for maintenance. Improvement or realignment may be required to ensure proper drainage of storm water. All such Easement and drainage facilities shall be in compliance with the Storm Water Management Criteria Manual.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-75. Aviation hazard Easements.

Plats located within an area designated by the City as being subject to aviation hazards shall dedicate an aviation hazard Easement to the City over and across that property so designated. This Easement shall establish a maximum height restriction on the use of property and to hold the public harmless for any damages caused by noise, vibration, fumes, dust, fuel, fuel particles or other effects that may be caused by the operation of aircraft taking off from, landing or operating on, or near public Airport facilities.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-76. Additional Easements.

(a) The Planning and Zoning Commission may require additional Easements across other parts of Lots is necessary for the installation of Utilities or drainageways.

(b) When the Engineering Department or the Director of Utilities finds that Easements in areas adjoining proposed Plats are necessary to provide adequate drainage thereof or to serve such Plat with Utilities, the Developer shall provide such Easements or shall make arrangements with the City to obtain them at no cost to the City.

(c) Any Plat which alters the configuration of an existing Lot containing a structure and reduces the distance from an existing building to a proposed Lot line less than required by

the Building Code for protection from fire exposure shall provide an Easement sufficient in width and depth to provide an adequate distance from the existing building to the proposed building as required by the Building Code.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-77. Lots.

(a) The Lot size, width, shape, depth, orientation, and the minimum Building Lines shall be appropriate for the location of the Plat and for the type of development and use contemplated.

(b) Lot dimensions shall conform to the minimum requirements established by the Zoning Ordinance.

(c) Residential Lots not served by a public wastewater system and located in a Plat which will not be served immediately by a central disposal unit shall not be less than one hundred (100) feet wide and not less than twenty thousand (20,000) square feet in area. In the City of Amarillo Extraterritorial Jurisdiction, Lots that will be served with a well and septic system shall meet the size requirements set forth by the Texas Natural Resource Conservation Commission.

(d) Each Lot shall front upon a public Street.

(e) Double frontage, and reverse frontage Lots should be avoided except where essential to provide separation of Residential Development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen of at least ten (10) feet in width, and across which there shall be no right of access, shall be provided along the line of Lots abutting such a traffic artery or other incompatible use.

(f) Side Lot lines shall be substantially at right angles or radial to Street lines.

(g) Where an area is divided into larger Lots than for normal urban building sites and, in the opinion of the Planning and Zoning Commission, any or all of the Tracts are of a size capable of being resubdivided, the original Plat shall be such that the alignment of future Street dedication may conform to the general Street layout in the surrounding area.

(h) Lots Platted in the Extraterritorial Jurisdiction of Amarillo which have Frontage on an Arterial Street or a Street designated as an Arterial shall have a minimum Lot width of one hundred fifty (150) feet.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-78. Reserved.

Sec. 4-6-79. Variances.

(a) In approving a Final Plat, the Planning and Zoning Commission may authorize a Variance to the design standards where topography, land ownership, adjacent development or other conditions are not provided for in these regulations. Also, the Planning and Zoning Commission may grant a Variance for a complete neighborhood which, in the judgment of the Planning and Zoning Commission, provides adequate public space including provisions for sufficient quantities of light, air and other needs.

(b) In considering a Variance to these requirements, the Planning and Zoning Commission should take into account the nature of the proposed use of the land, existing uses of the land in the vicinity, and the recommendations of the Planning Department and other departments involved in the Variance consideration.

(c) In granting a Variance to these requirements the Planning and Zoning Commission may make such additional requirements as deemed necessary to secure substantially the object or the standard of requirements for which the Variance was granted.

(d) Any Developer or landowner who is denied a Variance by the Planning and Zoning Commission may, within ten (10) business days from the date of denial, file an appeal with the City Secretary for the appeal to be heard and considered by the City Commission. The City Secretary shall schedule a time for a hearing before the City Commission and shall notify any person indicating an interest in the hearing.

(Ord. No. 6505, § 1, 7-11-2000)

Secs. 4-6-80--4-6-100. Reserved.

ARTICLE III. PUBLIC IMPROVEMENTS GENERALLY

Division 1. Generally

Sec. 4-6-101. Citation.

This article shall be known and may be cited as the public improvement ordinance of the City.

(Ord. No. 6505, § 1, 7-11-2000)

Sec. 4-6-102. Minimum standards.

(a) In the interpretation and application of this article, the provisions shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare and apply to all Urban Subdivisions approved by the City. Exceptions are:

- (1) Street paving, Sidewalks, curbs and gutters are not required on any residential

Lot or Tract platted prior to April 1, 1958, where the improvements would not tie into existing improvements.

(2) Alley paving is not required in a Residential Zoning district that is part of a Final Plat recorded prior to October 20, 1970.

(3) In a nonresidential Zoning district platted and recorded prior to October 20, 1970. Alley paving is not required when either one of the following conditions exist:

- a. Adjacent Lots have previous building permits that did not require Alley paving; or
- b. A structure will be adjacent to only a portion of an Alley and no effort is being made to develop the adjacent property. The building permit shall indicate no direct access to the Alley from the proposed Lots or drives will be allowed.

(b) Where a Subdivision has remained undeveloped regardless of the date it was platted in terms of buildings, Streets, Alleys, Sidewalks, and Utility lines, any new development in such Subdivision shall require the installation of all improvements.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-103. Standards of construction and approval.

(a) Public improvements required by this article, except Sidewalks, shall be constructed or contracted to be constructed by or through approval of the City.

(b) Public improvements, including Sidewalks, shall be constructed and maintained in accordance with applicable standard specifications prepared by the Engineering Department and Director of Utilities and policies of the City Commission.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-104. Listing of Streets.

The Planning Department shall maintain:

(1) A Street name base map of the City, which shall contain the official Street names of all publicly dedicated Street names of all publicly dedicated Streets, officially approved places and private Streets within the City limits.

(2) The official Street guide of the City, which shall contain the official Street name spelling, the location of publicly dedicated Streets, officially approved places and private Streets within the City limits and all approved Plats within the Extraterritorial Jurisdiction of the City.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-105. Construction procedures and security procedures for Street paving, paving tie-in, curb and gutter, Alley, Sidewalk and drainage projects.

(a) Construction procedures for completion of project. To secure the completion of the public improvements required in this article, the Developer, or landowner shall furnish the City one (1) of the following:

(1) Cash, or certified check, deposited with and payable to the City in an amount equal to the total estimated construction costs of the required improvements.

(2) A three (3) party agreement between the Developer, construction contractor hired by the Developer and City providing for the construction of the required improvements.

(b) *Delay of Improvements by City.* Should the City Engineer or the Director of Utilities determine that a delay of any public improvements required by Article III of the Chapter is necessary or advantageous to the City, the Developer, or landowner shall furnish the City with cash or a certified check in an amount equal to the estimated construction costs of the required public improvements.

(c) *Determination of amount.* The City Engineer or the Director of Utilities shall prepare or approve cost estimates for required public improvements.

(d) *Deposited funds.* If funds are deposited, the Department of Engineering shall retain such funds until such time as the project is constructed. Each project shall have its own account code with the interest earned applied to the project.

(Ord. No. 6505, § 1, 11-7-2000)

Secs. 4-6-106--4-6-120. Reserved.

Division 2. Specific Requirements for Improvements

Sec. 4-6-121. Improvements constructed or secured prior to building in Subdivision.

Before a building permit may be issued on a Lot inside the City Limits or before a Plat which is located in the Extraterritorial Jurisdiction may be approved by the Planning and Zoning Commission or the Director of Community Services, the following public improvements as provided in this division must be constructed or secured to be constructed.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-122. Waiver.

(a) The City Engineer or Assistant Director of Utilities may waive some or all of the requirements of sections 4-6-123 through 4-6-128 they administer when at least two (2) of the following conditions exist. The request for a waiver shall not be based upon self-imposed hardship or only the opportunity to make the property more profitable or reduce expense to the owner. Written application for waiver shall be submitted by the Developer or landowner. The waiver application shall state fully the grounds for the waiver and all facts related to such request:

- (1) Allocation of City funding for the project is not immediately available.
- (2) The Plat or Lot(s) to be developed contain(s) only partial or isolated improvements and the proposed improvements will not tie to existing improvements.
- (3) The adjacent Street(s), road or highway is under the Texas Department of Transportation's maintenance and the Texas Department of Transportation has no immediate plans for any improvements for construction.
- (4) Special conditions applicable to the property exist related to its location, public improvements, or the lack of improvements.
- (5) The waiver will not be materially detrimental to the public welfare, public safety, use, enjoyment and value of adjacent property.

(b) The waiver when granted will not preclude any future City funded or assessment funded project. The waiver will not prevent assessments when assessments are properly applied. A waiver will be considered as a delay of improvements.

(c) When the City Engineer and Assistant Director of Utilities does not grant a waiver as provided in subsection (a), the applicant may, within ten (10) business days from the date of notification, appeal the decision to a panel consisting of the Director of Public Works, the Director of Community Services, the Director of Utilities and the Traffic Engineer. The appeal must be in writing. If a majority of the panel concurs, such panel may waive some or all of the requirements of sections 4-6-123 through 4-6-128.

(d) Should the waiver denial of the City Engineer or Assistant Director of Utilities be appealed, the City Engineer or Assistant Director of Utilities shall transmit to the panel all the papers constituting the record by which the original waiver was denied.

(e) Any Developer or property owner who is dissatisfied with the findings of the panel may, within ten (10) business days from the date of notification of the ruling file an appeal with the City Secretary that the appeal be heard and considered by the City Commission. The City Secretary shall schedule a time for a hearing before the City Commission and shall notify any person indicating an interest in the hearing.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-123. Streets; surfacing.

The Street(s) on which the proposed building site(s) Fronts and the side Streets at each end of the

platted Block(s) in which the building site(s) is located shall be paved according to the following criteria:

- (1) *Front Street; length.* A Street on which the building site fronts shall be paved through the intersections on each end of the platted Block in which the building site is located.
- (2) *Side Street; length.* A side Street shall be paved from its intersection with a Street on which the building site fronts to the centerline of the Alley or rear property line.
- (3) *Width.* The paving width shall be determined by the Traffic Engineer.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-124. Curbs and gutters.

Curbs and gutters shall be installed in all paved Streets in Urban Subdivisions.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-125. Sidewalks.

(a) Sidewalks shall be constructed and maintained within the Street Right-of-Way either adjacent to the back of curb or adjacent to the property line provided that a continuous Sidewalk connection exists according to standards established by the Engineering Department and shall be required in the following areas:

- (1) *Residential.* Sidewalks constructed of Portland cement concrete or other permanent hard-surfaced material approved by the City Engineer of at least four (4) feet in width shall be provided across the entire width of the front, side, or rear of each Lot or Tract that is adjacent to Street Right-of-Way as it is developed for any residential use or purpose in any residential Zoning district as shown by the official Zoning map in the office of the Director of Community Services with the exception of schools, churches, and colleges which shall provide six (6) feet wide Sidewalks.
- (2) *Central Business District.* Sidewalks constructed of Portland cement concrete, asphaltic concrete or other permanent hard-surfaced material approved by the City Engineer of at least eight (8) feet in width shall be provided across the entire width of the front, side, or rear of each Lot abutting any public Street in the Central Business District as shown by the official Zoning map in the office of the Director of Community Services. Where special design considerations associated with beautification projects warrant, a width reduction to six (6) feet may be authorized by the Director of Public Works and the Director of Community Service.
- (3) *Commercial and industrial.* Sidewalks constructed of Portland cement concrete, asphaltic concrete or other permanent hard-surfaced material approved by the City

Engineer of at least six (6) feet in width shall be constructed across the entire width of the front, side, or rear of each Lot or Tract that is adjacent to Street Right-of-Way as it is developed for any use or purpose in any Office, Retail, Commercial or Industrial District as shown by the official Zoning map in the office of the Director of Community Services; provided, however, if asphaltic concrete is used, the area to be reserved for pedestrian use shall be clearly delineated on the asphaltic concrete by painted stripes, curb stops, or other approved delineation.

(b) All Sidewalks shall comply with the requirements of all applicable State of Texas and federal laws regarding accessibility to persons with disabilities.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-126. Alleys.

Alleys shall be paved according to the standard requirements and procedures established by the Engineering Department.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-127. Water and Sewer service.

(a) Water or wastewater Mains and Service Taps shall be installed by the Developer for the Tract of land which is being developed.

(1) Installations shall be designed and constructed according to the City of Amarillo Standard Specifications and the Development Policy Manual.

(2) Prior to installation of water or wastewater lines the Developer shall submit the installation plans to the Director of Utilities for review and release.

a. Upon release of the installation plans and payment by the Developer of all required frontage fees the Director of Utilities will issue a notice to proceed.

b. Before construction begins the Developer shall notify the Director of Utilities of the identity of the contractor and the date construction will begin.

c. Prior to any work being performed in a dedicated Public Right-of-Way (Street, Alley, public Utility Easement or other) the contractor shall have insurance which conforms to the City of Amarillo General Conditions of Agreement, and the Developer shall file the contractor's Certificate of Insurance with the Director of Utilities.

(3) Installation shall be inspected to assure conformance with the plans and specifications. The Director of Utilities will inspect the installations and shall not accept the same unless they conform to the plans and specifications. If the Director of Utilities or his agent finds deficiencies during construction, the Developer shall be notified of the deficiencies and the work shall stop until such deficiencies are

corrected.

(4) Prior to acceptance the Developer or the Developer's contractor shall post a maintenance bond with the Director of Utilities equal to one hundred (100) percent of the installation contract amount to guarantee repair of defects due to poor workmanship or faulty materials in the installations during the one (1) year warranty period.

(5) Following acceptance by the Director of Utilities the Developer or the Developer's contractor shall repair or replace all defects due to failures in materials or workmanship in the installations for one (1) year and will make any necessary adjustments for conformance with other installations.

(b) If the water or wastewater Mains and Services Taps have not been installed according to the City of Amarillo Standard Specifications they shall not be accepted by the City of Amarillo Water and Sewer systems, and water and sanitary sewer services shall not be provided to any part of the Subdivision.

(c) After installation and acceptance of the water or wastewater Mains the same shall become the property of the City of Amarillo which will, following one (1) year warranty and repair period, be maintained by the City of Amarillo. Prior to acceptance, the Developer shall deliver the installations to the City of Amarillo free and clear of liens and encumbrances and shall file with the Director of Utilities a copy of the contractor's certification that all bills related to the construction have been paid. The Developer shall be entitled to refunds specified by the City of Amarillo Development Policy Manual.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-128. Drainage.

(a) *Areas subject to Flooding.* Parts of Plats or areas subject to Flooding by storm water as determined by drainage plans prepared in accordance with the requirements of the Storm Water Management Criteria Manual and approved by the Engineering Department, shall have drainage facilities adequate to alleviate such Flooding.

(1) If the following conditions exist, a Plat will not require a drainage plan:

- a. All required public improvements have been installed or have been waived,
- b. The Plat must contain three (3) or fewer Lots.
- c. Foundation elevations, drainage gradients, and off-site disposal of surface waters from building sites comply with the most recently adopted building code.

(2) If the following three (3) conditions exist, a drainage plan will not be required for a Plat located within the City's Extraterritorial Jurisdiction:

- a. The initial Plat is for three (3) or fewer Lots. Any additional Lots platted

after the initial Plat shall require a drainage plan.

b. The platted Lots abut an existing public roadway; and

c. The area of the Plat is not within a flood hazard area designated on the most recent Federal Emergency Management Agency (FEMA) maps.

(3) If, in the opinion of the City Engineer, special conditions affect the proposed site that could adversely affect drainage or increase the risk of flooding to the site or any adjacent site, the City Engineer may require a drainage plan for a proposed Plat.

(b) *Conditions warranting refusal of building permit.* If the Engineering Department determines that drainage facilities cannot be built to adequately alleviate Flooding, no building permits shall be issued for construction in such areas.

(c) *Flood hazard ordinance and Storm Water Management Criteria Manual.* Improvements must comply with the adopted ordinances and policies regarding Flooding.

(d) *Drainage System.* The drainage system shall be constructed to the requirements and standards of the Storm Water Management Criteria Manual.

(e) *Drainage outside of Plat.* Any public drainage Easement necessary to serve a Plat but outside the boundaries of the Plat shall be dedicated by the Developer of the Plat or arrangement made with the City to obtain such Easement at no cost to the City.

(f) *Drainage onto other property.* No storm water may be drained from a Lot, Tract or Plat onto an adjacent property without providing the necessary dedicated public or private drainageways.

(Ord. No. 6505, § 1, 11-7-2000)

Secs. 4-6-129--4-6-140. Reserved.

DIVISION 3. STREET ADDRESSES

Sec. 4-6-141. Official addressing system; Authority to assign addresses; records.

(a) The Building Official shall assign Street addresses to Structures or Lot and Block numbers according to the policies and procedures adopted by the City. The Building Official is authorized to assign an address to each structure or Lot situated on Streets within the City limits and to assign Block numbers to Arterial Streets both within the City limits and the City's Extraterritorial Jurisdiction.

(b) The Building Official shall maintain an accurate record of all addresses and Block number assigned according to subsection (a).

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-142. Multiple-family dwelling complexes.

All apartment and multiple-family housing unit projects shall provide on-site identification for individual housing units and housing complex building (structures consisting of multiple individual housing units). Such identification is for the purpose of providing for ease of emergency and public service access to the project or development. Identification shall be provided as follows:

- (1) Each individual housing unit shall be identified by letter or numbers, or both, on or immediately adjacent to each unit entry. The letters and numbers shall be of permanent, weatherproof materials no less than one and one-half (1 1/2) inches in height.
- (2) Each individual housing unit building or complex shall be identified by letters or numbers, or both, on or immediately adjacent to each building such that the identification is clearly visible from abutting Streets, Alleys, firelanes, vehicular accessways and parking areas. The letters and numbers shall be no less than six (6) inches in height and must be illuminated to be readily visible during hours of darkness.
- (3) Housing projects or developments having more than eight (8) individual housing units shall provide a permanent and weatherproof exterior site locator sign or map. The locator sign or map shall be illuminated to be readily visible during hours of darkness and located at or in the immediate vicinity of the primary public entrance to the project. Projects with more than one (1) public entrance point may be required to provide additional exterior site locator signs or maps. All exterior site locator signs or maps shall be of sufficient scale to allow identification from a vehicle and shall include the housing unit project layout and location and identification of individual housing unit buildings and individual housing units.
- (4) The Building Official or his designated agent shall review and approve all multiple-family housing unit project or development identification prior to installation.
- (5) All project or development identification required in this section, including such requiring illumination, shall be maintained in good repair and condition at all times by the project owner or management, or person in effective control.
- (6) Compliance with this section shall be mandatory for all existing and new construction of multiple-family housing unit projects or developments. New construction projects must have all required identification installed prior to receipt of a certificate of occupancy. Existing projects must have all required identification installed no later than one (1) year from the effective date of the ordinance from which this chapter is derived.

(Ord. No. 6505, § 1, 11-7-2000)

Sec. 4-6-143. Appeals.

Any owner who objects to the Street address number assigned to his property by the Building Official in accordance with this article may, within ten (10) business days from the date the number is assigned, appeal to a panel consisting of the Director of Community Service, the Director of Public Works and the Traffic Engineer by filing a written notice of appeal with the Building Official. Any notice of appeal shall be considered according to the following procedure:

- (1) The notice of appeal shall include the Street address number assigned by the Building Official and shall clearly and fully state the appellant's objections concerning the designated Street address.
- (2) Upon receiving the notice of appeal, the panel shall schedule a date for a hearing of the appeal at its earliest convenience.
- (3) Upon a hearing of the appeal, the panel shall determine whether the Structure or property is correctly addressed and shall advise the Building Official and appellant in writing of the decision and reasons pertaining to such.
- (4) If the appellant is dissatisfied with the findings of the panel, such person may, within ten (10) business days from the date of notification of the ruling, file an appeal request with the City Secretary that the appeal be heard and considered by the City Commission. The City Secretary shall schedule a time for a hearing before the City Commission and shall notify any person indicating an interest in the hearing.
- (5) Upon a hearing of the appeal, the City Commission shall determine whether the Structure or Lot is correctly numbered and shall enter an order by motion and vote in the minutes of the City Commission meeting declaring the correct Street address number for the Lot or Structure.(Ord. No. 6505, § 1, 11-7-2000)

Secs. 4-6-144--4-6-175. Reserved.

ARTICLE IV. PUBLIC IMPROVEMENT MAINTENANCE OR USE*

***Charter references:** General power over streets and sidewalks, art. II, § 15 et seq.

Sec. 4-6-176. Citation.

This article shall be known and may be cited as the public improvement maintenance ordinance of the City.

(Code 1960, § 21-45; Ord. No. 5627, § 2, 9-23-86)

Secs. 4-6-177, 4-6-178. Reserved.

Editor's note: Ord. No. 6560, § 1, adopted Oct. 9, 2001, deleted §§ 4-6-177, 4-6-178 which pertained to excavations and obstructions of public property and issuance of permit for excavations and obstructions and derived from 1960 Code, §§ 21-46, 21-47; Ord. No. 5627, § 2, adopted Sept. 23, 1986; Ord. No. 5843, § 1, adopted Dec. 19, 1989; Ord. No. 5999, § 1, adopted Feb. 18, 1993; Ord. No. 6123, § 1(AA), adopted Dec. 27, 1994.

Sec. 4-6-179. Excavation permit for driveways, approaches and public sidewalk curb ramps.

- (a) Curb removal permits must be obtained from the Traffic Engineer for all driveway, approach and public sidewalk curb ramp construction requiring the removal of curbs.
- (b) The person obtaining a curb removal permit shall pay a fee of twenty-five dollars (\$25.00) for each permit. If a curb removal is undertaken without a permit, the subsequent permit for that removal shall be fifty dollars (\$50.00), in addition to any fine, cost, or other penalty assessed for that violation.
- (c) Each person obtaining a curb removal permit shall comply with the Americans With Disabilities Act (ADA) guidelines for new and alteration construction.

(Code 1960, § 21-48; Ord. No. 5627, § 2, 9-23-86; Ord. No. 6123, § 1(BB), 12-27-94; Ord. No. 6688, § 1, 10-28-2003)

Sec. 4-6-180. Construction and reconstruction; sidewalks, driveways.

- (a) Construction and reconstruction of Sidewalks, driveways and driveway approach aprons shall be in accordance with standards and specifications set forth by the City Engineer.
- (b) The number, location, and width of driveway approach openings shall be in accordance with standards of the Driveway and Parking Manual as published alone or included in the Development Policy Manual.

(Code 1960, § 21-49; Ord. No. 5627, § 2, 9-23-86; Ord. No. 6123, § 1(CC), 12-27-94; Ord. No. 6688, § 2, 10-28-2003)

Sec. 4-6-181. Public safety; barricading.

- (a) Any person acquiring a permit in accordance with this division shall be fully responsible for safeguarding persons and property from damages or injury.
- (b) Any person acquiring a permit in accordance with this division shall place barricades and other traffic-control devices around all obstacles and impairments to the Public Right-of-Way as dictated in the Texas Manual on Uniform Traffic Control Devices for Streets and Highways (Texas Department of Transportation). Should the permittee fail to properly

barricade the excavation or obstruction, the City may place the necessary barricades at the expense of the permittee. Such expense may be chargeable against the bond required by section 4-6-177.

(c) No person shall place any kind of obstruction or barricade for any duration of time on any portion of the Public Right-of-Way without complying with subsections (a) and (b).

(d) Each day that an obstruction prohibited by subsection (c) remains on any Street, Alley or Sidewalk constitutes a separate offense.

(Code 1960, § 21-50; Ord. No. 5627, § 2, 9-23-86; Ord. No. 6123, § 1(DD), 12-27-94)

Sec. 4-6-182. Prohibited activities and uses on public right-of-way.

The following activities, uses, conditions or occurrences on the Public Right-of-Way shall be deemed unlawful:

- (1) The operation of any machinery having tracks, feet or pulling lugs over or along any paved Streets or Alleys;
- (2) The hauling of gravel, brick, sand, concrete, ready-mix concrete or mortar in such a manner to scatter or waste these substances onto any Streets, Alleys or Sidewalks;
- (3) To drop, spill or allow to leak out of any tank or vessel, whether connected with a motor vehicle or otherwise, any gasoline or other oil or petroleum base substance onto any Street, Alley or Sidewalk;
- (4) The discharging of any odorous water, sewage, wastewater, waste oils, kitchen grease, kitchen slop water, mop water or other offensive or hazardous substance onto any Public Right-of-Way;
- (5) To display and sell goods, wares or merchandise or to serve or permit to be served any kind of food or drinks in or upon any Street, Sidewalk or Alley;
- (6) To place, locate, store, construct, install or maintain any Structure, Building, object, vehicle, device, fence except as provided in Division 7. Fences and Walls, section 4-10-276(c), wall, or other material on or within any Public Right-of-Way; Trees and other living, domesticated vegetation located within the parkway area of a paved Street are exempt from this requirement;
- (7) To cast, place or store any animal, offal, garbage, trash, refuse or debris into or upon any Street, Alley, Sidewalk, Street gutter or other Public Right-of-Way.

(Code 1960, § 21-51; Ord. No. 5627, § 2, 9-23-86; Ord. No. 6389, § 1, 12-29-98)

Sec. 4-6-183. Maintenance of public right-of-way.

(a) It shall be unlawful for any owner, lessee, tenant or occupant of any Building or

Premises within the City to allow the gutters, Sidewalks, Alleys or Easements adjacent to such Building or Premises to become littered, clogged or filled with any substance, whether liquid or solid, or with weeds, trash or debris.

(b) Any owner, occupant or tenant of any Lot or Parcel of land located within the City shall maintain or cause to maintain the area of land located between the property line of the Lot, Tract or Parcel and the adjoining curb, or if no curb exists, then within ten (10) feet toward the Street from the property line.

(Code 1960, § 21-52; Ord. No. 5627, § 2, 9-23-86)

Sec. 4-6-184. Snow removal.

(a) Any person in charge or control of any Building or Lot, Tract or Parcel of land abutting a Sidewalk shall remove or cause to be removed snow and ice on the Sidewalk such that an unobstructed, clear and nonhazardous path of no less than thirty-six (36) inches in width is maintained.

(b) Except as provided in subsection (d), snow and ice shall be removed from Sidewalks in all business Districts within the City by two (2) business hours (the hours between 8:00 a.m. and 5:00 p.m., on any business day) after the cessation of any fall of snow, sleet or freezing rain or by the beginning of business hours of the next business day.

(c) Except as provided in subsection (d) hereof, snow and ice shall be so removed from all other Sidewalks within the City on the same day of the cessation of any fall of snow, sleet or freezing rain or within the first two (2) hours of daylight after the cessation of any such fall, whichever period is longer.

(d) Snow and ice will be removed from all other Sidewalks within twenty-four (24) hours of cessation of any fall of snow, sleet or freezing rain. However, if snow and ice on a Sidewalk has become so hard that it cannot be removed without likelihood of damage to the Sidewalk the owner will, within the time specified above, put enough sand or other abrasive on the Sidewalk to make travel reasonably safe. As soon thereafter as weather permits, the Sidewalk shall be thoroughly cleaned.

(Code 1960, § 21-53; Ord. No. 5627, § 2, 9-23-86)

Sec. 4-6-185. Obstruction of streets, alleys, sidewalks by trees and other vegetation.

It shall be unlawful for any owner, occupant or person in charge of any Premises to:

- (1) Allow the branches of any Tree to extend over or into a public Street or Alley at a height less than fourteen and one-half (14 1/2) feet;
- (2) Allow the branches of any Tree to extend over a public sidewalk at a height of less than seven (7) feet.
- (3) Allow any shrubbery or similar vegetation to extend into or over any public

Street, Alley or Sidewalk blocking or hindering pedestrian or vehicular access.

(4) The City may cut, trim, or remove any Tree, shrubbery or similar vegetation that encroaches upon a public Street, Alley or Sidewalk in violation of this section, to the extent needed to comply with this section. This remedy is in addition to any other remedy provided by section 1-1-5 or other law.

(Code 1960, § 21-54; Ord. No. 5627, § 2, 9-23-86; Ord. No. 6608, § 1, 8-13-2002)

Sec. 4-6-186. Painting and chalking.

It shall be unlawful for any person to paint or chalk any public Sidewalk, Street or Street-related Structures within the City limits.

(Code 1960, § 21-55; Ord. No. 5627, § 2, 9-23-86)

Sec. 4-6-187. Maintenance of sidewalks.

(a) Any owner of property abutting on a public Street and Sidewalk shall maintain in good repair the Sidewalk and any driveway approach apron crossing the Sidewalk. The Sidewalk or the driveway approach shall not be removed unless to immediately replace or repair said improvements to meet standards and specifications set forth by the City Engineer.

(b) The owner of property which abuts on any public Street, Sidewalk or driveway approach apron shall be liable for any injury or damage arising from a defect or defects caused by any act of omission, failure or negligence relative to the maintenance or repair of such Sidewalk or driveway approach aprons crossing such Sidewalk.

(Code 1960, § 21-56; Ord. No. 5627, § 2, 9-23-86; Ord. No. 5915, § 1, 5-9-91)

Sec. 4-6-188. Use, care of public utility and drainage easements.

It shall be unlawful to construct or place any temporary or permanent Structure within, on or over any public utility or drainage Easement except for utilities equipment or stormwater conveyance facilities. The property owner may place removable section-type fencing, asphaltic concrete or Portland cement concrete, or landscaping within any dedicated public utility Easement or drainage Easement or combination thereof if stormwater conveyance capability is not reduced. The City or franchise utility of the City shall not be required to replace anything that must be removed during the course of maintenance, construction or reconstruction within any public utility or drainage Easement.

(Code 1960, § 21-57; Ord. No. 5627, § 2, 9-23-86; Ord. No. 5915, § 1, 5-9-91)

Sec. 4-6-189. Private encumbrance of public right-of-way; license.

The following shall control the consideration of requests for encumbrances on, over, under or

through Public Rights-of-Way:

- (1) The right to encumber the Public Right-of-Way may be granted only by license and every grantee of a license shall agree to indemnify and hold the City harmless from any and all damages to persons or property, or both, arising in any way out of the use of the licensed Premises. Each person applying for a license shall pay an application fee of two hundred fifty dollars (\$250.00) to cover the expenses of the processing costs associated therewith.
- (2) No person shall be granted a license for an encumbrance of the Public Right-of-Way that would adversely affect the public health, safety or welfare of the citizens of the City.
- (3) A licensee shall pay a license fee depending upon the amount of Right-of-Way encumbered as set out below. In no event shall a license fee be less than two hundred fifty dollars (\$250.00) for a period of one (1) year.
 - a. For a private license authorizing a surface encroachment at the Sidewalk level, the annual license fee shall be seven (7) percent of the fair market value times the square footage of encumbrance.
 - b. For a private license authorizing an airspace encroachment above the Sidewalk level, the annual license fee shall be seven (7) percent of the fair market value times the square footage of encumbrance.
 - c. For a private license to encumber subsurface area, the annual license fee shall be two (2) percent of the fair market value times the square footage of encumbrance.
- (4) Any person wishing to encumber the Public Right-of-Way in any manner shall submit a license application to the Planning Department. Upon receipt of such application the Director of Community Services shall forward the request to the City Manager for approval.
- (5) Any license granted under this section shall be drafted or approved by the City Attorney.
- (6) If any person is denied a license, he shall have the right to appeal such denial to the City Commission by filing a written notice of appeal with the City Secretary no later than five (5) days from his receipt of notice of the denial of his request.
- (7) The City Commission shall hear the applicant's request and shall determine whether or not to uphold the denial or to grant the request as presented or to modify it.

(Code 1960, § 21-58; Ord. No. 5627, § 2, 9-23-86; Ord. No. 6123, § 1(E), 12-27-94; Ord. No. 6560, § 1, 10-9-2001; Ord. No. 6847, § 4, 9-20-2005)

Sec. 4-6-190. Abandonment of public right-of-way.

In addition to the requirements set forth in V.T.C.A., Local Government Code, Ch. 272, the following shall control the consideration of requests for abandonment of Public Rights-of-Way that are abandoned by separate legal instrument:

- (1) The applicant shall submit, along with an application to abandon Right-of-Way, an appraisal of fair market value prepared by a Texas licensed real estate appraiser that was prepared no more than three (3) months prior to the date the application is submitted for consideration. An appraised value less than the contributory value of the Right-of-Way to the adjoining private property will not be considered.
- (2) The applicant shall pay the following filing fees for Public Right-of-Way abandonment: Three hundred fifty dollars (\$350.00) for each alley, easement, or street abandonment request filed for consideration.
- (3) Notification signs shall be posted on the Street Right-of-Way proposed for abandonment according to written rules established by the Planning Department.

(Ord. No. 6417, § 1, 5-25-99; Ord. No. 6847, § 5, 9-20-2005)

Secs. 4-6-191--4-6-199. Reserved.