

## CHAPTER 10

### SUBDIVISION REGULATION

#### ARTICLE 10.100 SUBDIVISION REGULATION

##### **Sec. 10.101 Title**

The following regulations shall be and the same are adopted and approved and shall be known as and may be cited as the "City of Brownfield Subdivision Regulation."

##### **Sec. 10.102 Scope**

This article shall govern every person, firm, partnership, association, corporation or other legal entity owning any tract of land within the corporate limits of the City of Brownfield, Terry County, Texas, and within the extraterritorial jurisdiction of the city pursuant to Texas Local Government Code in Chapters 211 and 212, as from time to time amended, who may hereafter divide any tract into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said city, or for laying out suburban lots or building lots, or any lots and streets, alleys or parks or other portions indicated for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

##### **Sec. 10.103 Definitions**

For the purpose of this article, certain terms and words are hereby defined. Terms not defined herein shall be construed in accordance with other ordinances of the city, other codes, Texas state statutes, or their customary usage and meaning.

City. Shall mean the City of Brownfield, Terry County, Texas.

Subdivision. Shall mean any land division regulated as authorized by the Texas Local Government Code and further described herein. The provisions contained herein shall apply to any of the following forms or types of land subdivision and development activity within the city limits or extraterritorial jurisdiction.

- (1) The following conditions constitute a subdivision and require subdivision approval:

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- (A) The division of any lot, tract or parcel of land into two 2 or more lots or sites for the purpose of sale or building development or transfer of ownership, whether immediately or in the future.
  - (B) The re-subdivision of land or lots previously divided or platted whether the approval was by Terry County, the City of Brownfield, or was legally recorded in Terry County with no documented approval.
  - (C) The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one legal lot for development, sale or for the purpose of construction of a structure or structures.
  - (D) Division of land into parcels of any size which requires the creation of streets or public access or rights-of-way.
- (2) The following conditions shall be exempt from subdivision approval:
- (A) Land legally platted and filed for record and provided with public streets, rights-of-way and utility service prior to the date of this article.
  - (B) Inheritance, or testamentary division of property through wills, trusts, estates or gifts of land by metes and bounds of tracts on which no improvements or alterations are occurring.
  - (C) Division of land created by court orders on lands on which no improvements are made, no change in utility service is required and no access by additional public streets or rights-of-way are required.

Shall or May. The word "shall" is mandatory; the word "may" is permissive.

Plat. Shall mean a map or chart of the subdivision. It shall include the terms plan, plat or replat, both singular and plural.

Major Street. Shall mean a principal traffic thoroughfare which continues, or is intended to continue, across the city and which serves to connect remote parts of the city. It may also be a principal connecting street with state or federal highways.

Secondary or Collector Street. Shall mean a continuous street through several residential districts intended as a connecting street between residential districts and major streets or business districts.

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Minor or Residential Streets. Shall mean all streets not otherwise indicated.

Building Inspector. Shall mean that person designated by the city council or his designee.

Extraterritorial Jurisdiction. Shall mean that area adjacent to the corporate limits of the city over which the city is authorized to control among other things, subdivisions, building codes, public utilities or as prescribed or defined by Texas State Law.

General Plan. Shall mean a map or plat designed to illustrate the overall general design features and street layout of a proposed subdivision which is proposed to be developed and platted in sections.

Revised Plat. Shall mean a plat which has been previously submitted and is being resubmitted with changes.

Utility Commitment. Shall be a letter from the city documenting that a proposed plat can be adequately served with water and sewer according to historical events on record, regulations of the Texas Natural Resources Conservation Commission (TNRCC) or enforcement actions thereof and any utility planning documents approved by the city council.

City Engineer. Shall mean a State of Texas licensed engineer(s) retained by the city.

Planning Documents. Shall mean a written report, map or other document developed by the city, the city's consultants or staff.

City Planning and Zoning Commission. The city council shall appoint a planning and zoning commission which shall review subdivision submittals, all planning and zoning matters and recommend action to be taken to the council.

Legal Lot. Shall mean any singular lot, platted, surveyed, legally divided by metes and bounds and recorded for legal title with the Terry County Clerk's office.

Planning and Zoning Commission Meeting Schedule. The planning and zoning commission chairman, the planning and zoning commission or the city manager shall have the authority to call meetings as deemed necessary.

Building Code. The term "Building Code" means the latest revision of the building code identified in other City of Brownfield Ordinances as "being adopted."

**Sec 10.104 Purpose and Jurisdiction**

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(a) Regulations to Control Subdivision of Land. The city council of the City of Brownfield does hereby adopt the following regulations to control the subdivision of land within the corporate limits of the City of Brownfield and within the extraterritorial jurisdiction thereof, in order to provide for the safe, orderly and healthful development of the community and to secure adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewage, public safety and other public facilities.

(b) Territorial Limits of Regulations. The jurisdiction of this article shall include all land located within the corporate limits of the city and all land lying within the city's extraterritorial jurisdiction. The city's extraterritorial jurisdiction as established by state law currently extends one (1) mile beyond its city limits.

**Sec. 10.105 Application**

(a) City Planning and Zoning Commission Approval Required. It shall be unlawful for any landowner or the agent of any landowner, to lay out, identify, divide by metes and bounds, subdivide, plat or replat any land into lots, blocks or streets within the jurisdictional limits of the city without the approval of the planning and zoning commission and the city council. It shall also be unlawful for any owner or agent to offer for sale or to sell, or to otherwise transfer ownership of any such property which has not been laid out, subdivided, platted or re-platted in accordance with this article.

(b) City Improvements Withheld. The city shall make no improvements nor will the city maintain any streets or furnish any public utility service in any addition or subdivision for which an approved final plat is not on file with the city secretary and legally recorded at the county clerk's office.

(c) Building Permits Withheld. No street number or building permit shall be issued for the construction of any building on any piece of property subdivided after the date hereof, unless said property has been subdivided or re-subdivided in accordance with this article.

(d) Penalties to be Assessed. Any owner, person, or entity of any type may be assessed penalties for the sale or otherwise transfer of ownership of land in violation of this article, or other violations, up to the amount provided for in Section 10.108 (Penalties) until the violation is remedied or otherwise ceases.

**Sec. 10.106 Plats**

(a) Preliminary Plat.

(1) Required Copies; Filing Deadline. The subdivider shall submit a preliminary plan of

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the entire area being subdivided. Ten legible copies shall be submitted to the city secretary for review by the planning and zoning commission.

- (2) Plat Requirements. The plat shall be drawn to a scale of one inch to one hundred feet (1"=100') and shall show and be accompanied by the following information:
- (A) Name of subdivision;
  - (B) Complete legal description by metes and bounds;
  - (C) Total acreage and numbers of lots and blocks;
  - (D) Name and address of the owner and the owner's agent;
  - (E) Name and seal number of registered engineers or surveyors responsible for the project;
  - (F) Scale 1"=100' unless otherwise approved in writing;
  - (G) North point;
  - (H) Date and date of each revision;
  - (I) Boundary dimensions and bearings;
  - (J) A survey tie to the original survey of which said land is a part;
  - (K) Name and location of adjacent subdivisions, streets, easements, pipelines, watercourses, etc., and the property lines of adjoining property owners in unsubdivided tracts;
  - (L) Existing and proposed topographic and planimetric features within the subdivision, including watercourses and ravines, high banks, width of existing or proposed easements, contour lines at one (1) foot intervals and any other physical features pertinent to the subdivision;
  - (M) Existing transportation features within the subdivision including the location and width of rights-of-way, streets, alleys and easements;
  - (N) Proposed features including location, width, surfacing and names of streets; approximate width and depth of all lots, location of building lines, alleys and

easements; and schematic plans and outline specifications for drainage, sanitary facilities and utilities.

- (O) Designation of any sites for special uses including churches, sewage disposal plants, water plants, business, industry or other special land uses. If proposed use is unknown, show as undesignated. Where a proposed site in the area taken in by a proposed addition or subdivision is planned for a school, park or public building, such site shall be reserved on the preliminary plat for the proposed facility.
  - (P) Limits of the 25 year and 100 year flood plan for all drainage ways draining into or away from a ten (10.0) acre or more subdivision before and after the development. If the subject subdivision is proposed to be located on a tract contributing to downstream drainage ways where damage to structures is known to occur, the aforementioned requirement shall pertain to subdivision tracts of one (1.0) acre or more.
  - (Q) A written request for all variances, stating the justifications; and
  - (R) Statement outlining the estimated average single family lot size; and the estimated range of lot sizes by groupings of less than 7,000 square feet, 7,001-8,000 square feet, 8,001-10,000 square feet, 10,001-20,000 square feet, 20,000+ square feet.
- (3) Utility Commitment Letters. The subdivider shall submit copies of utility commitment letters from all the utilities including the City of Brownfield that will provide utilities for the subdivision.
  - (4) Building Inspector to Check for Complete Information. The building inspector or other staff so designated is to check that the above information has been included in the submittal. If the submittal is not complete, it will be returned prior to further review.
  - (5) Planning and Zoning Commission to Review Within Forty-Five 45 Days. The planning and zoning commission shall review the preliminary plat, and within forty-five (45) days, act upon said plat as submitted or as modified and if approved, shall express its approval as "conditional approval" and state the conditions of such approval if any, or if disapproved, shall express its disapproval and the reasons therefore. At the meeting during which the preliminary plat is reviewed, the party submitting such plat shall appear in person or by agent or by attorney.

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- (6) Planning and Zoning Commission to Note its Action. The planning and zoning commission shall note its action and conditions, if any, on four (4) copies of the preliminary plat.
- (7) Distribution of Plat Copies. Of the four (4) copies, one (1) shall be returned to the subdivider, one (1) shall be filed with the city secretary, one (1) shall be furnished to the building official, and one (1) shall be retained by the planning and zoning commission.
- (8) Authority to Proceed. Approval of the preliminary plat does not constitute acceptance of the subdivision, but is authority to proceed with the preparation of the final plat. Any work done on the subdivision before a final plat is accepted and recorded is done at the subdivider's risk and is discouraged. All approved preliminary plats expire at the end of one (1) year. The planning and zoning commission may, if written request from the subdivider is received prior to the end of the one year period, grant an extension for up to one (1) additional year. If any major changes are required by the planning and zoning commission, the commission may require submission of a revised preliminary plat for approval.

(b) Final Plat.

- (1) Required Copies; Filing Deadline. Subdivider shall provide one (1) reproducible double matte mylar copy and ten (10) legible white print copies of the final plat to the planning and zoning commission after the preliminary plat has been approved and all required changes and alterations thereto have been made.
  - (A) No final plat will be considered unless a preliminary plat has first been submitted and approved, except:
    - (i) that the requirement of a preliminary plat may be waived in writing by the planning and zoning commission if in the commission's opinion, the proposed subdivision requires no new streets or utilities and has an established land use by either existing zoning or existing development; and
    - (ii) when the requirement for a preliminary plat is waived in accordance with (i) above, the applicant shall provide a list of adjacent property owners and a public hearing shall be held by the planning and zoning commission in conjunction with consideration of the final plat.
    - (iii) The final plat shall be filed with the city secretary at least fifteen (15) days

prior to the meeting at which approval is requested.

(B) Plat Requirements. The final plat shall be drawn on substrate of the type, size and configuration as currently required for filing at the county clerk's office of Terry County and to a scale of one inch to one hundred feet (1"=100'). Where more than one (1) sheet is required, an index sheet of similar size shall be filed showing the entire subdivision.. All restrictive covenants are to be shown on the Index sheet or separate sheet. The currently accepted size is 18 inches by 24 inches and the material is double matte mylar. The following information will be shown on or will accompany the plat:

- (i) A title including the name of the subdivision, the name of the landowners or owners, the name of the registered public land surveyor responsible for the preparation of the plat, the scale and location of the subdivision with reference to an original corner of the original survey of which said land is a part; the date, north point and total acres in the subdivision.
- (ii) The certificate of the registered public land surveyor who surveyed, mapped and monumented the land shall be placed on the face of the plat as follows:

"THE STATE OF TEXAS §  
COUNTY OF TERRY §

KNOW ALL BY THESE PRESENTS

That, I, \_\_\_\_\_ R.P.L.S. do hereby certify that I prepared this plat from an actual and accurate on the ground survey of the land and that the corner monuments shown thereon were properly placed, under my personal supervision, in accordance with current "Minimum Standards for Professional Land Surveyors" as adopted by the Texas Board Of Professional Land Surveying and in accordance with the Subdivision Regulation of the City of Brownfield, Texas.

Original Signature and Seal of Registered Professional Land Surveyor  
Registration Number"

- (iii) A certificate of ownership and dedication to the public of all streets, easements, alleys, parks, playgrounds or other dedicated public uses, signed and acknowledged before a notary public by the owners and any holders of liens against the land.



- (iv) An accurate on-the-ground boundary survey of the property with bearings and distances showing the lines of all adjacent land, streets, easements and alleys with their names and width. (Streets, alleys, and lot lines in adjacent subdivisions shall be shown dashed.) All necessary data to reproduce the plat on the ground must be shown on the plat.
- (v) A certificate of approval to be signed by the chairman of the planning and zoning commission and the city secretary shall be placed on the face of the plat. The plat shall show all existing features within the area being subdivided, such as existing watercourses, railroads, width of streets, alleys and easements to be retained and other physical features deemed pertinent to the subdivision.
- (vi) Streets, alleys and easements that are to be dedicated shall be shown with the following engineering data: complete curve data (delta, length of curve, point of tangency) shown on the centerline of on each side of the street; length and bearing of all tangents; dimensions from all angle points of curve to an adjacent side lot line shall be provided. The number of feet of roadway shall also be shown on the plat.
- (vii) Lot and block lines and numbers of all proposed lots and blocks with complete dimensions for front, rear and side lot lines.
- (viii) Building setback lines shall be shown on all lots.
- (ix) Two (2) sets of plans and specifications prepared by a State of Texas licensed engineer shall be provided for the installation of water, sewer, paving and drainage, and said plans and specifications must be approved by the city engineer or designated city official prior to the beginning of any construction of the subdivision.
- (x) A receipt showing that all taxes have been paid shall be submitted with the final plat.
- (xi) The planning and zoning commission shall be satisfied that the subdivider will be in a financial position to install or cause to be installed at his own cost, risk and expense all of the improvements herein required. The planning and zoning commission may require such security as it, in its sole and absolute discretion, may deem best in order to insure the orderly development within any subdivision.



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City Secretary

- (xix) Disapproval of the Final Plat. Should the final plat as submitted, fail to meet the conditions and requirements of the article, the planning and zoning commission shall disapprove the plat and note its disapproval thereon, and attach thereto a statement of the reasons for disapproval. In the event of disapproval, the city may withhold all city improvements of whatsoever nature including furnishing of sewer facilities and water service from all additions which have not been approved as provided by law and further permits may not be issued by the building inspector or designated public official of the city on any piece of property other than an original or a re-subdivided lot in a duly approved and recorded subdivision.
- (xx) Time of Approval. Approval or disapproval of the final plat shall be voted by the city planning and zoning commission within forty-five (45) days after submission of said final plat. Failure to act within forty-five (45) days of the regularly scheduled meeting at which the plat would have been presented, shall constitute approval by the planning and zoning commission unless additional time is requested by the developer.

(c) Only One (1) Plat Required. If the preliminary plat of a subdivision meets with the hereinbefore set forth requirements for a final plat, the planning and zoning commission may on request of the subdivider, consider such plat as a final plat and approve or disapprove the same as such. If the preliminary plat is approved only as such, a final plat shall be filed in accordance with the other provisions of this subdivision article. If the subdivider elects to use this alternative, then he shall provide one (1) reproducible tracing and ten (10) white print copies of the plat to the planning and zoning commission.

(d) Utilities. If a subdivider or developer wishes to obtain city water, sewerage or other services for his proposed or revised subdivision, he shall be required to obtain approval in writing for the number of proposed or revised lots prior to submitting a final plat or revised plat to the planning and zoning commission for its approval pursuant to the terms and provisions of this subdivision article.

- (1) After a proposed final or revised plat has been issued, approved for utilities and has received final approval by the planning and zoning commission, no additional approval shall be required for the final issuance of building permits for lots located within the approved subdivision.

(2) Application for Utilities.

- (A) With respect to an application for utilities, the city engineer will be primarily guided by the most current planning documents approved by the city council.
- (B) The city engineer shall issue an opinion to the planning and zoning commission and city council based on his interpretations of regulations by the TNRCC, historical performance of the utility and sound engineering practice. The planning and zoning commission shall issue a utility commitment letter in accordance with action taken by the commission.
- (C) Any participation in off-site utilities by the City of Brownfield shall be approved by the city council.

(e) Minor Amendments. The building inspector shall have the authority to approve the following plat amendments which may be recorded and shall be controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants and is solely for one or more of the following purposes:

- (1) to correct an error in a course or distance shown on the preceding plat;
- (2) to add a course or distance that was omitted on the preceding plat;
- (3) to correct an error in a real property description shown on the preceding plat;
- (4) to indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (5) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (6) to correct any other type of scrivener or clerical error or omission previously approved by the planning and zoning commission, including lot numbers, acreage, street names and identification of adjacent recorded plats;
- (7) to correct an error in courses and distances of lot lines between two adjacent lots if:
  - (A) both lot owners join in the application for amending the plat;
  - (B) neither lot is abolished;

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- (C) the amendment does not attempt to remove recorded covenants or restrictions;  
and
- (D) the amendment does not have a material adverse effect on the property rights of  
the other owners in the plat;
- (8) to relocate a lot line to eliminate an inadvertent encroachment of a building or other  
improvement on a lot line or easement;
- (9) to relocate one or more lot lines between one or more adjacent lots if:
  - (A) the owners of all those lots join in the application for amending the plat;
  - (B) the amendment does not attempt to remove recorded covenants or restrictions;  
and
  - (C) the amendment does not increase the number of lots;

Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amended plat under this subsection.

**Sec. 10.107 Requirements and Standards**

- (a) The subdivider shall retain the service of a qualified State of Texas licensed professional engineer. The engineer shall design the items as follows:
  - (1) Utilities
  - (2) Streets, pavement design
  - (3) Drainage
  - (4) Calculation of floodplains
  - (5) Set slab elevations in relationship to floodplains
- (b) The engineer's utility plans shall meet the minimum requirements for submittal to TNRCC and shall be on 24" by 36" paper. It shall be signed and sealed by the engineer and include all information for the construction of the project. Specifications are to be in bound sets or on the face of the plans to assure that all city requirements are followed.

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(c) The licensed engineer responsible for the project is to perform periodic inspections to determine if the work is performed in substantial conformance with the approved plans and specifications.

(d) When the project is complete and tested, the engineer is to certify to the City of Brownfield that the work both on an off site, if any, has been performed in substantial conformance with the approved plans, specifications and change orders. Engineer is to deliver to the city a reproducible copy of record plans for the project and three sets of blue lines. The plans are to be clearly marked as "RECORD" drawings with all record changes signed by the responsible engineer.

(e) The subdivider shall provide a one year warranty on all work located in dedicated city rights-of-way or easements including all utilities, streets, drainage, street lights or other improvements. The warranty is to begin at final acceptance by the city.

(f) The subdivider shall be responsible for constructing paved streets, curbs and gutters within the subdivision, subject to the conditions contained herein.

- (1) Arrangement. Unless otherwise approved by the planning and zoning commission, provision shall be made for the extension of major streets through any new subdivision. Collector streets shall be provided as required by the planning and zoning commission for the circulation of traffic through the subdivision and the connection thereof to the major streets. Adequate minor streets shall be provided to accommodate the subdivision, and off center street intersections with streets in an adjacent subdivision should be avoided. All major and collector streets shall be continuous or in alignment with existing streets unless variations are deemed advisable by the Commission due to topography and requirements of traffic circulation. A minimum of one future access, by street, to all adjacent tracts is to be maintained through stub-out streets as approved by the planning and zoning commission.

Residential developments which introduce new street systems shall be encouraged within the framework of applicable ordinances to plan street systems that offer curvilinear design while facilitating safe and adequate traffic circulation and drainage compatible with existing patterns.

- (2) Street Design Criteria.

(A) Soils Investigation. The subdivider shall, at his own expense, cause to be made a soils investigation by a qualified and independent State of Texas licensed geotechnical engineer. The field investigation shall include test borings or

profile holes within the right-of-ways of all proposed streets. The number of locations of such borings or holes shall be submitted to the city engineer for review. Acceptance of the boring plan by the city engineer does not constitute approval of the plan. The geotechnical engineer of record is the responsible engineer for this work. A minimum depth of holes is to be ten (10) feet. For each individual soil layer identified in each boring, the atterberg limits, Plasticity Index (PI), moisture content, and other required data and information to quantify the bearing capacity, shrink-swell potential, and other characteristics necessary for a pavement design shall be determined. The method used for these determinations shall be the same as those used by the Texas Department of Transportation (TxDOT) using their latest Manual of Testing Procedures, 100-E Series test methods. The results of the soils investigation shall be presented to the subdivider and to the city engineer in written report form.

- (B) Pavement Design. Pavement design for collector and residential streets shall consist of surface pavement, flexible base, asphalt stabilized base (as applicable), and compacted subgrade shall be designed in accordance with accepted engineering practices for the conditions and expected traffic loads. In no case shall a hot mix asphaltic cement surface course be less than two (2) inches in thickness nor shall a flexible base course be less than six (6) inches in thickness even though an engineered pavement design demonstrates that a lesser thickness would be sufficient. Flexible base and asphalt stabilized base (as applicable) courses shall be carried at full thickness to a distance of one (1) foot outside of the back of the curb and gutter section. For major thoroughfare streets, a pavement design is require and shall be based on the TxDOT triaxial design criteria as follows:

Type of Street	Total Equivalent 18 Kip Single Axle	Load Frequency Design Factor Load Application	Wheel Design Load Kips ATDH
Major Thoroughfare	1,500,000	1.15	12

A written report containing pavement design data and recommendations based on the soils investigation shall be prepared at the subdivider's expense by a State of Texas licensed engineer and shall be presented to the subdivider and to the city engineer. The report shall state the load criteria and the soil classifications used.

- (C) Curb and Gutter. All streets shall have reinforced concrete curbs (minimum

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concrete strength of 3,500 psi) described as follows:

Height above pavement	6"
Thickness	6"
Concrete Gutter width	18"
Overall width	24"
Overall height above subgrade	12"
Valley Gutters (minimum concrete strength 4,000 psi)	
Thickness	6" min
Width	6'-0" min
Reinforcement	#4 rebar W 8" on-center each way
Minimum Radii	
Street Intersections	20"
Alleys	10"
Commercial Driveways	20"
Residential Driveways	10"

(3) Street Widths. Note all widths are back to back of curb unless otherwise noted.

- |  |                                 |              |
|--|---------------------------------|--------------|
| (A) Major Streets                          | R.O.W. 80'                      | Pavement 56' |
| (B) Collector Streets                      | R.O.W. 60'                      | Pavement 40' |
| (C) Minor or Residential Streets           | R.O.W. 50'                      | Pavement 36' |
| (D) 50' either side of major intersections | Widened per commission approval |              |

(4) Curve Centerline Radii

- |                   |   |
|-------------------|---|
| (A) Major Streets | Radius 2,000' or less based on design speed and good engineering practice as approved by the commission |
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- (B) Collector Streets            Radius 400'
- (C) Minor Streets                Max. 150'
- (D) Reverse Curves              Min. connecting tangent 100'

(5) Intersection Separation

Minimum            150' centerline to centerline

(6) Intersections

- (A) Intersecting angle            80 degrees without variance
- (B) Acute angles                  Curb radii min., 25'

(7) Cul-De-Sacs

- (A) Maximum length dead-end street 600'.
- (B) Dead-end streets at boundaries to adjacent tracts that are developable will be allowed with proper signage.
- (C) Minimum diameter 80' pavement.
- (D) Minimum diameter 100' R.O.W.
- (E) Temporary turn-a-round required on stubbed out future streets in excess of 400' long.

(8) Street Names. Similar street names are to be avoided. List to be submitted to city and U.S. Post Office prior to putting on plat.

(g) Sidewalks. Sidewalks are to be included in deed restrictions for residential subdivisions. All sidewalks shall be solely within the right-of-way and 48" wide unless the sidewalk is immediately adjacent to the back of curb at which it will be 60" in width with minimum building code reinforcement. Fibrous reinforcement is permitted. Minimum concrete strength shall be 3,500 psi. Sidewalks are required in deed restrictions for commercial/retail subdivisions, unless concrete paving is used in appropriate areas. Sidewalks and all handicap access ramps at all street intersections shall meet the requirements of the Texas Accessibility Standards of the Architectural Barriers Act as administered by the Texas Department of Licensing and Regulation.

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(h) Lots.

- (1) Area            7,000 square feet minimum
- (2) Sizes            Further described in zoning ordinance
- (3) Width            60 feet minimum
- (4) Facing            Minimum frontage 50' unless in cul-de-sacs

(i) Blocks.

(1) Block Length.

- (A) Through Streets            Minimum 1,350 feet
- (B) Major Streets            Minimum 1,500 feet

(j) Building Lines. Building lines shall be as established in the City of Brownfield Zoning Ordinance.

(k) Easements.

(1) Drainage and Public Utility Easements are to be:

- Front Lot            10'
- Rear Lot            10'
- Side Lot            5'

- (2) To contain 25 year design storms flows.
- (3) As otherwise necessary for maintenance.

(l) Drainage and Storm Sewers.

- (1) Storm sewers and drainage ways are to contain 25 year storms.
- (2) Storm flows into and out of a tract are to be controlled to prevent flooding of existing

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structures and facilities, and increasing 100 year storm elevations up or down grade of the tract resulting in damage.

(3) 100 year floodplains are to be shown on all site plans and plats.

(m) Existing or Major Streams. Major streams shall not be modified without consent of applicable state and federal agencies.

(n) Sedimentation Controls. Brush berms, hay bales, sedimentation basins and similar recognized techniques and materials shall be employed during construction to prevent point source sedimentation loading of downstream facilities.

(o) Water Systems. The subdivider shall provide all water lines necessary to properly serve each lot of the subdivision and ensure that existing and/or new water facilities can supply the required demand for domestic use and for fire protection at the desired pressure. The subdivider shall install all mains and shall extend the service to all lots terminating thereon with a curb stop and meter box. The subdivider shall submit a certificate to the city council certifying that the system has been designed in accordance with the requirements of the "TNRCC" and rules of the Texas Insurance Commission.

(1) Water Mains.

(A) Piping for water mains and connections shall be ductile iron Class 150, or PVC AWWA C-900 Class 150, either mechanical or single rubber gasket joint. Service piping shall be copper or plastic as approved by building code.

(B) Water mains used for fire protection shall not be smaller than six inches.

(C) All lateral lines through alleys shall be not smaller than four inches and should be looped to a six inch minimum main line.

(2) Fire Hydrants.

(A) Fire hydrants are to be compatible with the existing equipment in the city to assure availability of parts.

(B) Fire hydrant nozzles, threads and thread type to be compatible with fire department equipment and nozzles.

(3) Intersection Valves and Line Valves.

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- (A) All water system valves are to be AWWA gate valves with operator boxes as designed for buried service. A list of approved manufacturers are available at city hall.
  - (B) Three valves are required at four way intersections unless four direction feed is possible. A minimum of two valves are required at tees. Location of the valves shall be reviewed with the City of Brownfield water utilities staff.
- (p) Sanitary Sewer System. All subdivisions shall be provided with a sewage disposal system approved by the TNRCC.

- (1) Connection With Sanitary Sewer System Required Exception. Connection with the sanitary sewer system shall be required except where the planning and zoning commission determines that such connection would require unreasonable expenditure of funds when compared with other methods of sewage disposal. Where septic tanks are installed, the subdivider shall conduct percolation tests on each lot under the supervision of a State of Texas licensed engineer or sanitarian and determine the adequacy of the lots sizes proposed in accordance with septic tank regulations of the City of Brownfield and the TNRCC.
- (2) Materials of Construction. Gravity sewer in normal, buried service shall be a minimum diameter of 6" and shall be SDR 35 PVC pipe that complies with ASTM D-3034. The cell classification shall be 12454B as described in ASTM D-1784. Elevated crossing, bores, road crossings and conflicts with water lines, pipe may be ductile iron or other type pipe as required by other agencies, such as the TxDOT, or as approved in writing by the building official. Any sewer crossing a TxDOT roadway must have a permit issued by the TxDOT district office in Lubbock, Texas.

Sewers shall be constructed according to the TNRCC Regulations. Sewer lines will be properly bedded in a bedding material suitable for the depth and location of the sewer. All bedding designs will be included on the plans that are submitted to the city for review.

- (3) Piping Size. Six (6") inch diameter pipe shall be the minimum acceptable for sewer mains and lines. All sewer mains shall be graded to minimum acceptable grades as allowed by TNRCC.
- (4) Manholes. Manholes shall be spaced at all changes in direction and not more than 400 feet apart. Manholes shall be constructed of precast concrete sections with poured floors, or concrete precast complete manholes and shall comply with ASTM C-470. Neoprene gaskets are required in all penetrations. Minimum concrete strength

for all manhole components shall be 4,000 psi.

- (5) Force Mains. Force mains shall be ductile iron or pressure class 150 PVC pipe and fittings, pressure class pipe shall have either mechanical joints or rubber gasket joints, approved by the building official.
  
- (q) Street Lighting. Street lighting shall be provided by the developer and shall conform to the current edition of the Illuminating Engineering Society Handbook. Lighting levels shall be as recommended for very light traffic; lit residential areas; medium traffic on feeder streets; and heavy traffic on thoroughfares.
  
- (r) Traffic Control Signs, Street Signs and Water Meter Boxes. All traffic control signs shall be provided and installed by the developer and shall conform with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, Vols. 1 and 2. All street signs and water meter boxes shall be provided and installed by the developer, and said street signs and water meter boxes must meet the specifications set forth by the city of Brownfield.
  
- (s) Flood Regulation. All floodplain calculations, and the design of changes to the floodplain shall be in accordance with the Emergency Phase of the National Flood Insurance Program, Article 8280-13, V.A.C.S. The city shall review each proposed subdivision to assure the following:
  - (1) Proposals to Minimize Flood Damage. All such proposals shall be consistent with the need to minimize flood damage.
  
  - (2) Public Facilities to Minimize Flood Damage. All public utilities and facilities, such as sewage, gas, electrical and water systems shall be located, elevated and constructed to minimize or eliminate flood damage.
  
  - (3) Adequate Drainage to be Provided. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

#### **Sec. 10.108 Penalties**

- (a) Violation of any Provision of Article. Violation of any provision or provisions of this article by any person, or corporation shall constitute a misdemeanor and upon conviction of such violation in Municipal Court of the City of Brownfield shall be punishable by a fine in accordance with the general penalty provision set forth in Section 1.109 of this code, furthermore each violation shall constitute a separate offense and each day a violation continues shall constitute a separate offense.

*Brownfield Code of Ordinances*

(b) Other Legal Remedies. No conviction or convictions under the penal provision of this article, under the Texas Penal Code shall ever be considered as any bar to any injunctive or other legal remedy, relief, right or power existing in the City of Brownfield, Texas, to enforce the application and provisions of this article by virtue of the Constitution and laws of the State of Texas.

(c) Compliance With Other Laws, Rules, Regulations or Ordinances. Nothing in this article shall be deemed to relieve the obligation of the subdivider to comply with ordinances, rules and regulations, and laws of any other jurisdiction including Terry County, the State of Texas or the Federal Government.

**Sec. 10.109 Variances**

When a subdivider can show that a provision of these regulations would cause unnecessary hardship if strictly adhered to and where, because of some condition peculiar to the site, in the opinion of the planning and zoning commission and city council, a departure may be made without destroying the intent of such provisions and which does not establish undesirable precedence, the city council upon recommendation of the planning and zoning commission may authorize a variance. Variances shall not be detrimental to the public health, safety or welfare, and shall not be injurious to other property. All requested variances must be fully described in writing along with the full justification including citations from laws, policies, design manuals, regulations and other documentation, and submitted along with the plat submittals. Exhibits of data and documentation may be required. The planning and zoning commission shall have the authority to hold a public hearing if deemed necessary and formally notify adjacent or otherwise directly affected property owners and take the resulting testimony and any other data into consideration in their recommendation to the city council. A variance may be granted conditionally based on agreed to conditions that may be affected by future actions. Conditional variances granted during or before the preliminary plat may be denied during the final plat approval, if the conditions or future actions do not occur.

**Sec. 10.110 Record Drawings**

The engineer representing the subdivider shall present to the planning and zoning commission, reproducible complete "Record Drawings" for all paving, drainage structures, water lines and sewer lines within thirty (30) days after completion of each contract. All drawings shall be obviously marked as built or record drawings, and signed and dated by the licensed engineer of record.

**Sec. 10.111 Filing Fees**

The following schedule of fees and charges shall be paid into the general fund of the city of

*Franklin Legal Publishing, Inc.*

*Brownfield Code of Ordinances*

Brownfield when any map or plat is tendered to the planning department, and each of the fees and charges provided herein shall be paid in advance and no action of the city planning and zoning commission or any other board or any other agency shall be valid until the fee shall has been paid.

- |                       |   |
|-----------------------|---|
| (1) Preliminary Plat  | First submittal, fifty dollars (\$50.00) plus three dollars (\$3.00) per acre   |
| (2) Final Plat        | First submittal, fifty dollars (\$50.00), plus three dollars (\$3.00) per acre  |
| (3) All Re-Submittals | No charge for the first re-submittal; second and subsequent re-submittals - one half the cost of the original submittal |

**Sec. 10.112 Amendments**

The planning and zoning commission may at any time recommend amendments to any section of this article. The city council shall approve or disapprove any amendment at a public meeting. If an ordinance is disapproved, the city council shall advise the planning and zoning commission of the reasons for the disapproval. The city council and the planning and zoning commission may hold one or more public hearings to consider testimony regarding any amendments to this article.

(Ordinance adopting Code)