

- 3.06 No officer, employee or consultant of the City shall perform or cause to be performed any work upon any streets or in any addition or subdivision of the City unless all requirements of these regulations have been complied with by the Owner of the addition or subdivision.
- 3.07 The City hereby defines its policy to be that the City will withhold improvements of any nature whatsoever, including the maintenance of streets, issuance of building permits or furnishing of sewage and water service, until the subdivision final plat has been approved by the City Council. No improvements shall be initiated nor any contracts executed until written approval has been obtained by the subdivider, from the City Council, as provided herein.

SECTION 4 - PLATTING PROCEDURE

4.01 Pre-Application Conference

Prior to the filing of a land study or preliminary plat, the Subdivider shall consult with the Administrative Officer or his duly authorized representative concerning the ultimate land-use of the proposed Development, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, alleys and lots, drainage and the layout of utility lines and availability of municipal facilities. A written record of the meeting shall be kept by the City and a copy provided to the Developer.

4.02 Application Procedure

- A. All property that is to be subdivided and is subject to, and shall be platted in accordance with, these regulations. Prior to the filing of any site plan or plat for consideration and action as provided herein, the Administrative Officer, the Director and/or his duly authorized representative shall review the site plan or plat and to ensure compliance with these regulations.
- B. The preliminary review of the submittal, if substantially complete, shall include a site visit by the Director to make recommendations concerning the development of subject land, including whether to recommend approval or disapproval of the submitted the land study or preliminary plat.
- C. If the Director determines that the land study or preliminary plat as submitted is substantially incomplete and requires a significant amount of work by the Developer's engineer, the incomplete plat will be returned to the Developer's engineer, requesting that it be completed before re-submission. The Developer, upon re-submittal, shall return all original sheets marked by the City in the preliminary review. A letter shall accompany the re-submittal which explains how each comment by the City has been addressed.
- D. Any Owner or Developer of any lot, tract or parcel of land located within the corporate limits of the City or within its ETJ who may wish to effect a subdivision of land shall conform to the procedures prescribed herein relative to the above and intended to be dedicated.

4.03 Subdivision Classifications

"Minor" Subdivisions shall meet the following requirements:

1. The subdivision or addition shall consist of four (4) or fewer lots fronting on an existing street.
2. The development of the lots shall not require the extension of municipal facilities including, but not limited to streets, drainage, water and sewer.
3. No land study shall be required with the submission of the preliminary plat.

Conveyance plats may omit the land study requirements if they conform to the above requirements for Minor subdivisions.

"Major" subdivisions consist of any subdivision which does not meet the Minor subdivision requirements. Conveyance plats which do not meet the requirements of Minor subdivisions shall also be considered Major subdivisions. A land study shall be required to be submitted for all Major subdivisions simultaneously with the preliminary plat as provided herein.

4.04 Land Study or Site Plan

A. Purpose

The purpose of the land study is to provide sufficient information to allow the City staff to review a general plan for the development of a property and make recommendations. The land study shall be required for all development which does not meet the definition of a "Minor" subdivision, unless the development is a replat of an existing approved subdivision with no significant changes.

B. Special Conditions

Phased development shall be indicated on the land study. If the Development is to proceed in phases, the land study may be divided into two or more phases, and is subject to approval by the Commission with certain conditions as deemed necessary to assure the orderly development of the land being considered for development. Said conditions must be approved by City Council.

C. Pre-Application Conference

Before preparing the land study, the applicant shall schedule an appointment and meet with the Director to discuss the procedures for approval and requirements as to the general layout of streets and/or reservations of land, street, drainage, sewerage and water improvements, and similar considerations including the availability of existing municipal services.

D. General Application Requirements

If a land study is required, the Developer shall file the land study, simultaneously with the preliminary plat, which shall meet the following minimum requirements:

1. The application and prints of all the required supporting documents and drawings shall be provided in twenty (20) complete sets.
2. The study shall include all contiguous holdings of the Property Owner with an indication of the portion proposed for development, for sale, or lease. An affidavit of ownership shall be attached which includes the name, address and telephone number of an agent for the Developer who shall be authorized to receive all notices required by these regulations.
3. The study shall be drawn to a scale of 1" = 200' or larger, to provide more detail.
4. The lower right hand corner shall contain a title block clearly showing the following information:
 - a) Proposed name of subdivision or addition.
 - b) Name and address of the Owner and the Engineer or Surveyor who prepared the study.
 - c) Scale of the drawing and an indication of true north, to the top or left.
 - d) Date the drawing was prepared, and the date of revisions.
 - e) The location of the tract according to the abstract and survey records of the county in which the tract is situated.

5. All limits of the tract with scale distances.
6. The names of all adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.
7. The existing zoning classification of the subject property and adjoining land.
8. The location, width and names of all existing or platted streets or other public ways within or adjacent to the tract, along with existing buildings, railroad rights-of-way, and existing topography including creeks, drainage channels and other important topographical features.
9. Political subdivisions or corporate limits and school district boundaries.
10. Preliminary layout with names and width of proposed thoroughfares, collector streets, and intersections along with a general configuration of proposed streets and alleys.
11. A general arrangement of all types of land uses considered, including but not limited to existing easements and indication of conformance with the thoroughfare plan including right-of-ways, park and school sites, municipal facilities, private open space, floodplains and drainage ways, phasing plans, and proposed non-residential and residential densities.
12. Layout, numbers and approximate dimensions of proposed lots and all building lines.
13. Screening and/or Landscaping Plan, and tree preservation or mitigation standards which comply with the City's landscaping or screening standards and/or tree preservation ordinance.
14. Existing sewer lines, water mains, culverts or other underground structures within the tract and immediately adjacent thereto with sizes and locations indicated.

In the event the Director determines that insufficient information or incorrect information prevents submission of the land study, one (1) copy shall be returned to the Developer or his agent noting the missing or incorrect information. The original sheets marked by the City and a letter explaining how each comment has been addressed shall accompany the re-submittal of the land study.

E. Approval Standards

No land study shall be approved by the City Council for a tract intended for Development unless it conforms to the City of Princeton Comprehensive Plan and the development ordinances of the City.

No land study shall be submitted for consideration and action by the Commission or City Council unless the Director has indicated that all necessary information has been submitted.

F. Effect of Approval/Disapproval

Approval of the land study shall be made simultaneously with the preliminary plat subject to compliance with any conditions attached to approval of the land study.

4.05 Preliminary Plat Requirements

An application in writing for the approval of the preliminary plat, together with twenty (20) sets of prints shall be submitted for review. No plat will be considered by the City until the prescribed filing fees have been paid and all prerequisites to filing have been satisfied.

The preliminary plat sheets shall be drawn in ink on mylar and submitted for review by the City. These sheets shall not be greater than twenty-four inches (24") by thirty-six inches (36"). Two or more sheets may be used providing self explanatory matching lines are used to connect the subdivision parts.

The Developer shall submit with the preliminary plat a copy of the boundary traverse calculations of the subdivision. The error of closure of the boundary shall not be greater than one in ten thousand (1 : 10,000).

Subdivision plats prepared using AutoCAD or other computer aided design techniques shall also provide a copy of all drawings on diskette to the City.

The plat shall be drawn to a scale not to exceed one hundred feet to the inch (1" = 100'). A graphic scale shall be provided and all figures and letters shall be of such a size that if reduced to 1/2 scale the information is readable and distinct. The information to be included and the procedure for submittals are as follows:

A. Existing Features

1. The boundary line (accurate in scale and orientation) of the tract to be subdivided.
2. The location, widths and names of all existing or platted streets or other public ways within and adjacent to the tract, existing permanent buildings, railroads, rights-of-way and other important features, such as abstract lines, political subdivision or corporation lines and school district boundaries.
3. Existing sewer mains, water mains, drainage culverts or other underground structures and utilities within the tract and immediately adjacent thereto with pipe sizes, grades and locations indicated.
4. Contours with intervals of two feet (2') or less, referred to mean sea level datum, by actual field survey.
5. The names of adjacent subdivisions and/or the names of record owners of adjoining parcels of unsubdivided land.

B. New Features

1. The proposed name of the subdivision.
2. North arrow, scale, date and approximate acreage of the proposed subdivision.
3. The names, addresses and telephone numbers of the subdivider and of the engineer, surveyor or planner, responsible for preparation of the plat.
4. The tract designation, zoning classification and other description according to the real estate records of the City or proper county authority; also, designation of the proposed uses of land within the subdivision, including the number of lots of each classification.
5. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitation of such reservations.
6. The layout, names and widths of proposed streets, alleys and easements, such as drainage easements, access easements, electrical easements and maintenance easements.
7. The layout, numbers, set-back lines and approximate dimensions of proposed lots, blocks, parks, school sites, reserved space, and other areas as determined by the City Engineer.
8. Provision for the connection of streets with other streets adjacent to the subdivision and for extension of streets to undeveloped property. Also a circulation plan indicating how continuous ingress and egress from existing residences will be maintained.
9. The proposed base flood floodplain limits and elevations on a one-foot contour interval for all open channels.

C. Utilities

A plan of the proposed water and sanitary sewer mains and proposed drainage facilities, including drainage areas, location of lines, inlets, culverts, bridges, provisions for discharging onto and crossing adjacent properties and calculated runoff and points of concentration.

D. Location Map

A location map of the proposed subdivision on a scale of one inch to one thousand feet (1" = 1,000') showing existing and proposed streets and thoroughfares covering an area at least one (1) mile outside the proposed subdivision.

E. Cross-Sections

Typical cross-sections of proposed streets showing the width and cross slope of pavement, type of pavement and location, width and cross slope of sidewalks.

Title Block shall indicate the date of the current submittal and the revision number.

F. Approval Block

The following notice shall be placed on the face of each preliminary plat by the Subdivider.

"Preliminary Plat for Review Purposes Only"

The following certificate shall be placed on the preliminary plat by the Subdivider.

"Not Approved"

Chairman, Planning & Zoning Commission

Date: _____

"Recommended for Approval"

Chairman, Planning & Zoning Commission

Date: _____

"Approved for Preparation of Final Plat"

Mayor, City of Princeton, Texas

Date: _____

G. Approval Procedure

After administrative review of the preliminary plat and a determination that all prerequisites to filing have been satisfied, the Director shall place the preliminary plat for consideration and action on the agenda of a public meeting by the Commission. Minor plats may be approved by the Director or referred to the Commission in accordance with Section 1.04(B). Major plats can only be approved by the City Council, after review by the Director and consideration and action by the Commission. In the event of disapproval, reasons for disapproval shall be stated.

The approval of the preliminary plat by the City Council shall be effective for a period of one hundred eighty (180) days after the approval date, unless reviewed by the Commission and City Council in the light of new or significant information, which would necessitate the revision of the preliminary plat, such revision being subject to the same procedures as the original preliminary plat.

If a final plat for the subdivision, or a portion thereof, has not been submitted, or if a change in requirements has not occurred which would affect the preliminary plat, at the end of the one hundred eighty (180) days after approval by the City Council, the preliminary plat shall be null and void, with no further action by City staff, the Commission, or City Council, unless the subdivider has, in writing, requested and received an extension of time recommended by the Commission and approved by the City Council.

The preliminary plat is not subject to the thirty (30) day statutory rule for decisions relative to plats to be filed of record, which for the City, constitutes the final plat. A preliminary plat shall not be deemed approved if no action is taken by the Commission or the City Council within thirty (30) days of filing.

4.06 Final Plat

A. General

After approval of the preliminary plat by the City Council, a final plat, prepared by a registered public surveyor bearing his seal and signature and the construction plans prepared by a registered professional civil engineer bearing his seal and signature and conforming to the minimum requirements defined herein, meeting all the prerequisites for filing, shall be filed for consideration and action by the Commission.

Twenty (20) sets of direct prints and three (3) mylar sepias of all originals which shall be no greater than twenty-four inch by thirty-six inch (24" x 36") with original signatures shall be submitted to the City at least fifteen (15) consecutive calendar days prior to the meeting of the Commission at which action is requested. One of the final plats shall be submitted in ink and on mylar and shall be drawn on sheets measuring seventeen and one-half (17-1/2) inches by twenty-three and three quarters (23-3/4) inches. Two or more sheets may be used providing self explanatory matching lines are used to connect the subdivision parts. A graphical scale shall be provided and all figures and lettering shall be such a size that if reduced to 1/2 size all information is readable and distinct. No plat will be considered by the City as being filed until the prescribed filing fees have been paid and all prerequisites to filing have been satisfied.

The Commission shall act on the final plat within thirty (30) days from the date such plat was filed with the Commission for its consideration and action; the City Council shall act on the plat within 30 days after the date the plat is approved by the Commission or is considered approved by the inaction of the Commission. The final plat may constitute all or only a portion of the approved preliminary plat, but any portion thereof shall conform to all the requirements of these regulations.

If final plats are submitted for approval for portions or sections of the proposed subdivision, or in phases, each portion or section or phase shall carry the name of the entire subdivision but shall bear a distinguishing letter, number, or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivision might be finally approved in sections.

The Commission will either recommend approval or disapproval of the final plat and forward it to the City Council. Any action taken by the City Council shall be final, regardless of the previous action by the Commission.

The final plat shall bear all of the information specified for Section 4.04 Preliminary Plats and the following:

1. Formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the City Attorney. The plat shall be marked with a notation indicating the formal offers of dedication.
2. The Development Agreement and security, if required, in a form satisfactory to the City Attorney and in an amount established by the City Council (based upon recommendation of the City Engineer).
3. A recording fee in an amount as set by the County Clerk.
4. As-built construction plans, where applicable.
5. A description of the subdivision by metes and bounds;
6. Locate the subdivision with respect to a corner or the survey or tract or an original corner of the original survey of which it is a part; and
7. State the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park or other part.

B. Standards for Approval

No final plat shall be approved by the Director, the Commission or the Council unless the following standards have been met:

1. The plat substantially conforms to the preliminary plat.
2. Required public improvements have been constructed and accepted or a Development Agreement has been accepted by the City Council providing for the subsequent completion of improvements.
3. The plat conforms to applicable zoning and other regulations.
4. Provision has been made for adequate public facilities under the terms of this Ordinance.
5. The plat meets all other requirements of this Ordinance.

The Commission shall recommend, and the City Council shall approve a plat if:

1. It conforms to the general plan of the City and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
2. It conforms to the general plan for the extension of the City and its roads, streets, and public highways within the City and its ETJ, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;
3. A bond required under section 212.0106 of the Texas Local Government Code, as amended, if applicable, is filed with the City; and
4. It conforms to these regulations.

C. Approval Procedure

After administrative review of the final plat, and a determination made that all technical requirements of these regulations are satisfied, the Director shall file the final plat, and place the final plat for consideration and action on the agenda of a public meeting of the Commission. Minor plats may be approved by the Director or referred to the Commission in accordance with Section 1.04(B). In the event of disapproval, reasons for disapproval shall be stated. Major plats can only be approved by the City Council, after review by the Director and consideration and action (or inaction) by the Commission. One copy of the final subdivision plat shall be returned to the applicant with the date of approval or disapproval noted on the final plat, and, if the final plat is disapproved, the reasons for disapproval accompanying the final plat.

The final plat shall be approved if it satisfies the requisites set forth in subsection B above.

D. Certificate of Compliance

Upon final approval of a final plat required by these regulations, the City shall issue to the person applying for approval a certificate stating that the final plat has been approved by the City Council. For purposes of this section, final approval shall not occur until all conditions of approval have been met as stated herein.

E. Signing and Recording of Final Plat

1. For subdivisions which do not require a Development Agreement security or installation of public dedicated facilities, the Mayor, shall endorse approval on the final plat after all the conditions pertaining to the final plat have been satisfied.
2. When a Development Agreement and/or security are required, the Mayor, shall endorse approval on the final plat after the Development Agreement and security have been approved by the City Council, and all the conditions pertaining to the final plat have been satisfied.
3. When installation of public dedicated facilities are required prior to recordation of the final plat, the Mayor shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements satisfactorily completed as provided herein. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the City as shown by a certificate signed by the City Engineer stating that the necessary dedication of public lands and installation of public improvements has been accomplished.
4. After signatures are in place, the City shall return one mylar to the Developer or applicant. The applicant shall obtain aperture cards and an original Tax Certificate from the City/County Tax Assessor and the Princeton Independent School District. Upon submission of the requisite information to the City, the mylars will be filed with the County and one original returned to the applicant. The applicant shall be responsible for all filing fees which shall have been tendered prior to filing of the final plat for consideration and action by the Commission.
5. It shall be the responsibility of the City to file the final plat with the County Clerk. Simultaneously with the filing of the final plat, the City Engineer shall record such other agreements of dedication and legal documents as shall be required to be recorded by the City Attorney. One (1) copy of the recorded final plat, with street addresses assigned, will be forwarded to the Property Owner by the City.

The above prerequisites to signature and recordation shall generally have occurred prior to filing with the City for consideration and action by the Commission and City Council, unless other provisions have been made consistent and in accordance with these regulations.

F. Effect of Approval

Approval of a final plat shall indicate compliance with these and other regulations of the City of Princeton pertaining to the subdivision of land. An approved and signed final plat as filed with the County as a record of the subdivision of land shall be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.

G. Signature Blocks

The following notice and certificate shall be placed on the plat, in a manner that will allow the filing of the certificate by the proper party.

NOTICE

Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law and is subject to fines and withholding of utilities and building permits."

"Recommended for Approval"

Chairman, Planning & Zoning Commission
City of Princeton, Texas
Date: _____

"Approved"

Mayor, City of Princeton, Texas
Date: _____

CERTIFICATE OF COMPLETION

"Accepted"

Mayor, City of Princeton, Texas
Date: _____

The undersigned, the City Secretary of the City of Princeton, Texas, hereby certifies that the foregoing final plat of the _____ subdivision or addition to the City of Princeton was submitted to the City Council on the _____ day of _____ 19____, and the Council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this _____ day of _____, A.D., 19_____.

City Secretary
City of Princeton, Texas

4.07 Construction Plans

The City Engineer shall require the submission of construction plans and profiles drawn on sheets measuring twenty-two inches (22") or twenty-four inches (24") by thirty-six inches (36"), the same size as the final plat, and including the following information.

- A. A plan and profile of each street with top of curb grades shown. Each sheet shall include north point, scale, date and bench mark description to sea level datum. Unless otherwise approved by the City, scales shall be one inch equals forty feet (1" = 40') horizontally and one inch equals five feet or six feet (1" = 5' or 6') vertically. Each plan shall show the seal and signature of the registered professional civil engineer who prepared the plans.
- B. The cross-sections of proposed streets showing the width of roadways and type of pavement and location and width of sidewalk.

- C. A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated and showing locations of manholes, cleanouts, etc., and a plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings, etc., in conformance with the City's Design Standards. Unless otherwise approved by the City, scales shall be one inch equals one hundred feet (1" = 100') horizontally and one inch equals five or six feet (1" = 5' or 6') vertically. Each shall show the seal and signature of the registered professional civil engineer who prepared the plans. Each sheet shall include north point, scale, date, and bench mark description to the mean sea level datum.
- D. A plan and profile of the proposed storm sewers, showing hydraulic data and gradients, pipe grades and sizes, manholes, inlets, pipe connections, outlet structures, etc., in conformance with the applicable criteria as shown in the City's Design Standards. Unless otherwise approved by the City, scales shall be one inch equals forty feet (1" = 40') horizontally and one inch equals five feet or six feet (1" = 5' or 6') vertically. Each shall show the seal and signature of the registered professional civil engineer who prepared the plans. Each sheet shall include north point, scale, date, and bench mark description to sea level datum.

**SECTION 5 - REQUIREMENTS FOR PUBLIC IMPROVEMENTS,
RESERVATION AND DESIGN**

5.01 General Requirements

- A. **Plats Straddling Municipal Boundaries.** Whenever access to the subdivision or addition is required across land in another municipality, the City shall require evidence through legal documentation, such as an access easement, that access is legally established, and from its Engineer that the access road is adequately improved, or that a bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal, county or school district boundary lines.
- B. **Character of the Land.** Land that the City finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or addition and/or its surrounding areas shall not be subdivided or platted unless adequate methods are formulated by the owner and approved by the City, to solve the problems created by the unsuitable land conditions.
- C. **Adequate Public Facilities Policy.** The policy of the City of Princeton is that all land proposed for subdivision must be adequately served by essential public facilities and services. These services include (1) street access, (2) water, (3) wastewater disposal, and (4) drainage as contained in this Ordinance and in the design manuals. No plat or replat may be approved unless it conforms to this policy and its standards. This policy may be further defined and supplemented by other ordinances adopted by the City of Princeton. This policy does not apply to the approval of conveyance plats. All materials and practices shall be as specified in the North Central Texas Council of Governments Standard Specifications for Public Works Construction (with most recent amendments) and the City of Princeton Design Standards. The following are general requirements for public facilities:
 - I. **Street Access** - All platted lots must have safe and reliable street access for daily use and emergency purposes, including but not limited to the following:
 - a) All platted lots must have direct access from an approved public street or an approved public way, and connected by improved public streets to an improved public thoroughfare.

- b) Except for lots which are provided access from an approved cul-de-sac, all subdivisions must have two means of access or approach. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the City may accept a temporary street connection, or a median divided street or divided entry to satisfy this requirement.
 2. **Water** - All platted lots must be connected to a public water system which is capable of providing water for health and emergency purposes, including but not limited to the following:
 - a) Water lines shall be designed in accordance with the City Design Standards, and shall be in compliance with State and Federal regulations.
 - b) Except for lots along an approved cul-de-sac, all lots must be provided service connections from a looped water main providing water flow from two directions or sources.
 - c) Water service must be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved in writing by the City.
 - d) The City may accept development phasing, development restrictions, and/or the construction of improvements to maintain adequate fire protection.
 3. **Waste Water** - All platted lots must be served by an approved means of waste water collection and treatment, including but not limited to the following:
 - a) Sanitary sewer lines shall be designed in accordance with the City Design Standards, and shall be in compliance with State and Federal regulations.
 - b) On-site waste water treatment systems will not be permitted, except for the pretreatment of industrial waste.
 - c) The projected waste water discharge of a proposed development shall not exceed the capacity of the waste water system.
 - d) The City may accept the phasing of development and/or improvements to the systems so as to maintain adequate waste water capacity.
 4. **Drainage** - Increased stormwater runoff attributable to new development must not exceed the capacity of the downstream drainage system or adversely affect adjoining property. Where the projected runoff would exceed capacity, the City may accept the phasing of development, the use of control methods such as retention or detention, and or the construction of off-site drainage improvements as means of mitigation. Drainage facilities shall be designed in accordance with the City Design Standards, and shall be in compliance with State and Federal regulations.
- D. Subdivision or Addition Name.** The proposed name of the subdivision or addition shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or addition in the area covered by these regulations and shall, where possible correspond to named subdivisions or additions in the immediate vicinity. The Commission shall recommend approval or denial of the proposed name of the subdivision or addition. The City Council shall have final authority to approve the name of the subdivision or addition.
- E. Corner and Reference Markers**
 1. All lot corners shall be located and marked with one half (1/2) inch reinforcing bar, eighteen (18) inches in length, and shall be placed flush with the ground or preferably counter sunk, in order to avoid being disturbed.
 2. Iron rods, one inch in diameter and twenty-four (24) inches long, shall be placed on all boundary corners, block corners, curve points, and angle points in public rights-of-way. Monuments shall be

located as required by the City Engineer and shall be located along all drainage/floodway boundaries at all curve points, angle points and at least one monument at lot corners. One monument may serve two lots if located at a common corner.

5.02 Lot Design and Improvements

- A. Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance, Building Code and other applicable ordinances, laws and regulations. Driveway access shall be provided to buildings on the lots from an approved street, alley or public way.
- B. Lot Dimensions.** Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking, landscaping, and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.
- C. Double Frontage Residential Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to separate residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
- D. Blocks**
1. Blocks shall generally have sufficient width to provide for two (2) tiers of lots of appropriate depths.
 2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed twelve hundred (1,200) feet, and should not exceed six hundred (600) feet in business districts.
- E. Non-residential Plats**
1. **General.** A non-residential plat shall be subject to all the requirements of these regulations, except those that clearly pertain only to residential properties, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance. Site plan approval and preliminary plat approval shall proceed simultaneously.
 2. **Design Principles.** In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles shall be observed:
 - a) Proposed non-residential parcels shall be suitable in area and dimensions to the types of non-residential development anticipated.
 - b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - c) Residential areas shall be protected from potential nuisance from a proposed non-residential plat.
 - d) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or future residential areas.
 3. **Frontage and Access Standards.** All non-residential lots established following the effective date of this Ordinance shall meet the following frontage and access criteria:

- a) Frontage - All non-residential lots abutting a Secondary (M4U) or higher thoroughfare shall have a minimum 175 linear feet of frontage. All non-residential lots abutting a Collector (C2U) or lower thoroughfare shall have a minimum of 100 feet of frontage.
 - b) Curb Cuts - All non-residential lots shall have, at a minimum, direct access to one curb cut per street front, except where prohibited.
 - c) When adjacent to a median divided street, all lots shall have access to a median opening. Direct access should be provided where possible. If direct access is not available, a corner lot shall have indirect access through a shared access easement between it and adjacent properties. The Owner is solely responsible for obtaining a shared access easement. All off-corner lots shall have direct access, or indirect access by platting a minimum of one half of the intersecting drive as a shared access easement.
4. **Frontage Exception.** Non-residential lots may be platted to a public way instead of a dedicated street upon approval by the City Council under the following conditions:
- a) Within a regional mall development requiring an internal circulation system;
 - b) For a public utility facility which precedes street extensions;
 - c) Where access to a public street will be removed by construction of an overpass or other required facility.
- A public way must be constructed to minimum fire lane standards. Access and/or utilities must be provided within the required frontage on a dedicated street or public way.
- F. Soil Preservation and Final Grading.** Top soil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and parkways. Permanent erosion control measures, such as grassed parkways, shall be provided throughout the development prior to final acceptance of the improvements.
- G. Lot Drainage.** Drainage for lots shall be designed in accordance with the City's Design Standards. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. The land shall be platted with appropriate regard for all topographical features. Contours shall be provided at an interval of two feet or less.
- H. Debris and Waste.** No cut trees, timber, debris, large rocks or stones, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of final acceptance by the City Engineer, and removal of those items and materials shall be required prior to such acceptance. No items and materials as herein described shall be left or deposited in any area of the subdivision or addition at the time of expiration of any improvement agreement or acceptance of dedication of public improvements, whichever is sooner
- I. Development Agreement and Security to Include Lot Improvements for Residential Subdivisions.** The subdivider shall enter into a Development Agreement secured by suitable surety to guarantee completion of all lot improvement requirements including, but not limited to, soil preservation, removal of debris and waste, and all other lot improvements required by the City Engineer. Whether a building permit or certificate of occupancy has been issued, the City may enforce the provisions of the improvement agreement where the provisions of this section or any other applicable law, ordinance, or regulation have not been met.

5.03 Thoroughfare Screening

Where subdivisions or additions are platted so that the rear yards of residential lots are adjacent to a dedicated roadway or separated from a roadway by an alley or service road, the owner shall provide screening at his sole expense. A screening plan, including elevations and materials, shall be submitted with the preliminary plat. All forms of screening shall conform to the requirements of the ordinances of the City governing the sight distance for traffic safety and other City ordinances.

5.04 Streets and Thoroughfares

A. Adequacy of Streets and Thoroughfares. All streets and alleys shall be designed and platted in conformance with these regulations, the Comprehensive Plan, the Thoroughfare (or street) Plan, the Thoroughfare Standards Ordinance, and other valid development plans and policies approved pursuant to these regulations. Access to all lots must be suitably improved or secured as required by provisions contained in these regulations.

B. Design Standards

1. **General.** In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and street-maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, an adequate street and thoroughfare system shall be designed in accordance with the standards set forth in these regulations, the Geometric Design Guidelines established by the American Association of State Highway and Transportation officials (AASHTO), and the Texas Manual of Uniform Traffic Control Devices (TMUTCD) latest editions. In the event of a conflict between these or other regulations and those contained in such documents, the more specific and/or restrictive provisions between these or other regulations and those contained in such documents, the more specific and/or restrictive provisions shall be applied. Other street or alley sections may be used if approved by the City Council.
2. **Street Paving and Improvements.** After sewer and water utilities have been installed by the Owner, the Owner shall construct roadways to the widths prescribed in these regulations. Adequate provision shall be made for culverts, drains, and bridges. All street pavement, drainage improvements and structures, turnarounds, and sidewalks shall conform to all construction standards and specifications contained or referenced in these regulations and shall be incorporated into the construction plans required for plat approval.
3. **Alleys.** Alleys for front entry lots shall be constructed a minimum of 10 feet in width within a minimum 15-foot right-of-way. Alleys for rear entry lots shall be constructed a minimum 12 feet in width within a minimum 20-foot right-of-way. Wider alleys, required for drainage or other purposes, shall be constructed in right-of-ways approved by the City Engineer. Alley turnouts shall be a minimum of 12 feet in width at the street right-of-way line or the width of the alley, whichever is greater. Paving in alleys adjacent to masonry screening walls shall be constructed a minimum of 12.5 feet in width and shall abut the screening wall. Alleys for other than residential uses shall be dedicated and paved a minimum of 20 feet in width. The owner shall construct the full width of the alley at his own cost.
4. **Median Openings.** Median openings, median pavers and left-turn lanes, including channelizing buttons, constructed to serve dedicated streets in a development, or to serve private drives, shall be installed and paved to City standards by the Owner. There shall be a minimum of two hundred (200) feet between median openings.
5. **Acceleration and Deceleration Lanes.** Acceleration or deceleration lanes shall be installed by the Owner when required by the Thoroughfare Standards Ordinance and constructed to the same standards as the adjoining street.

6. **Gradient.** Streets and alleys shall be designed with a minimum gradient of 0.5% and a maximum gradient of 5.0% unless otherwise approved by the City Engineer.
7. **Intersections.** The intersections of streets, alleys and officially approved places shall be laid out and constructed in accordance with the specifications in the Thoroughfare Standards Ordinance.
8. **Traffic Buttons.** The Owner shall be responsible for the installation of traffic buttons which are necessary for the safe transition or channelization of traffic. When required by the City Engineer, such as on a Collector (C2U) or wider thoroughfares, the Owner shall install traffic buttons for lane dividers. All traffic buttons shall be installed per City standards.
9. **Reserve Strips.** The creation of reserve strips shall not be permitted in such a manner as to deny access from adjacent property to any street, alley or officially approved place.
10. **Grading and Improvement Plan.** Streets shall be graded and improved in conformance with the City's construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.
11. **Topography and Arrangement.**
 - a) Streets shall be related appropriately to the topography. Local streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain building sites when possible at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
 - b) All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established on the City's Thoroughfare Plan. Collector and Local streets shall be designed to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
 - c) Proposed streets shall be extended to the boundary lines of the tract to be platted, unless prevented by topography or other physical conditions, or unless in the opinion of the Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision or addition with the existing layout or the most advantageous future development of adjacent tracts.
12. **Continuation of Streets and Cul-de-sacs.**
 - a) **Continuation of Streets.** The arrangement of streets shall provide for the continuation of principal streets between adjacent developed properties by aligning the principal streets to avoid offsets.
 - b) If the adjacent property is undeveloped and the street must temporarily be a dead end street the right-of-way shall be extended to the property line.
 - c) **Cul-de-sacs.** For greater convenience to traffic and more effective police and fire protection, permanent dead end streets shall, in general, be prohibited. However, the City may require the reservation or dedication of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead end street in accordance with City construction standards and specifications.
 - d) **Temporary dead end streets.** The City may require the construction of temporary dead end streets in order to provide for the future connection of subdivisions and to ensure reasonable access and avoid excessive street length.
13. **Street and Alley Length.**
 - a) Local streets and alleys shall not exceed 1,200 feet in length between intersections (outlets).
 - b) No cul-de-sac shall exceed 600 feet in length, which is to be measured from the centerline of the street with which it intersects to the center point of the cul-de-sac, unless otherwise authorized.

- c) Street and alley lengths longer than those specified in this section shall require approval of a variance. In reviewing a variance, the Commission shall consider the following:
- Alternative designs which would reduce street or alley length;
 - The effect of overlength streets or alleys on access, congestion and delivery of municipal services; and
 - Means of mitigation, including but not limited to increased street width, mid-block turnarounds, limitation on the number of lots to be created and served, temporary points of access, and additional fire protection measures.

14. Street Names and Signs.

- a) Street names must be submitted to the Engineering Department for approval in accordance with the City's guidelines for the naming of streets. The Engineering Department will maintain an index of street names which will contain these guidelines.
- b) The property Owner shall provide payment for street and traffic control signs for the development. The price of each street sign installation shall include cost of the sign assembly, pole, and installation. Payment by the Property Owner will be due prior to approval of the engineering plans by the City Engineer and/or filing for consideration and action on the final plat as stated herein.
- c) Street name signs shall be installed in accordance with the City's guidelines before issuance of building permit for any structure on the streets approved.

15. Street Lights. Street lighting shall conform to the latest edition of the Illumination Engineering Society Handbook. Round tapered standards with bracket arms shall be used. Lighting levels, as recommended, shall be provided for very light traffic in residential areas, medium traffic on collector streets and heavy traffic on thoroughfares. Initial cost of installation of street lighting and conduit for street lights and traffic signals shall be borne by the subdivider. Also, the City shall assess the subdivider, in advance, for the first twenty-four (24) months of electrical expenses.

C. Street Dedications and Reservations

1. Dedication of Right-of-Way. The property Owner shall provide all right-of-way required for existing or future streets, including perimeter streets, as shown in the Thoroughfare Plan or other valid development plans approved by City Council. A minimum parkway width of ten feet shall be provided along existing constructed thoroughfares. In such cases, no additional right-of-way will be required, except at intersections or other locations when deemed necessary by the City Engineer. Standard right-of-way widths for City streets are specifically set forth as follows:

	Type of Street	Minimum R.O.W.	Paving Width
Major	P4D Urban Divided	100'	2-24'
Secondary	M4U Urban Undivided	100'	44'
Collector	C2U Urban Undivided	60'	36'
Local	Residential	50'	26'

- 2. Perimeter Streets.** Where an existing half-street is adjacent to a new subdivision or addition, the other half of the street shall be dedicated and improved by the Developer of the addition. However, in some instances more than half shall be required depending on the actual or proposed alignment of the street.
- 3. Slope Easements.** The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three feet horizontal to one foot vertical.

D. Street Construction. The Owner shall construct all streets or thoroughfares to City standards in rights-of-way as required by the Thoroughfare Plan, subject to participation policies stated in these

regulations. Streets (including sidewalks) which dead end at power lines, railroad, or similar rights-of-way, and are intended for future extension shall be constructed in the full right-of-way as required by the Thoroughfare Plan for half the distance across such right-of-way for each side. Developers of property abutting only one side of a street are responsible for the minimum paving widths shown below. The minimum paving widths for the various types of streets shall be as shown in paragraph C., 1., above.

E. Improvement, Widening and Realignment of Existing and Proposed Streets. Where a subdivision or addition borders a substandard street or when the Thoroughfare Plan indicates plans for realignment, widening or constructing a street that would require use of some of the land in the subdivision or addition, the applicant shall be required to improve and dedicate those areas for widening or realignment of those streets, as follows:

1. When a proposed subdivision or addition abuts or will abut both sides of a substandard street or a proposed street in the major thoroughfare plan, the Owner shall be required to improve the substandard street or proposed street so that it will be a standard street, including sidewalks.
2. If the proposed subdivision or addition is located along only one side of a substandard street or a proposed street in the major thoroughfare plan, the Owner shall be required to improve his side of the substandard street or proposed street, including sidewalks, so that it will be a standard street. The Owner may, however, petition the City Council to construct the improvements herein required, subject, upon approval, to the City's escrow policies.
3. When a Major or Secondary street (Type C or greater) is to be extended through a property to intersect with another Major or Secondary street, the full four lanes shall be constructed for a minimum distance of 350 feet from the point of intersection. From that point the pavement width may be decreased, with provision of an appropriate transition in paving width. If property abutting only one side of the proposed thoroughfare is to be developed, then three full lanes will be constructed, including left turn lane and transition. This provision will not require widening an existing intersection that already provides four through lanes.

F. Access from Residential Subdivisions or Additions. Residential lots must have a minimum frontage of 24 feet on a dedicated street, except where varied through approval of a Planned Residential Development. Where subdivisions or additions are platted so that the front yards of single-family residential lots are adjacent to a dedicated roadway, the Owner shall provide at his sole expense one of the following types of treatment:

1. For thoroughfares designated as Major (P4D), no residential lot shall have direct access to the thoroughfare unless a service road is provided adjacent to the thoroughfare.
2. For thoroughfares designated as Secondary (M4U), lots may have direct driveway access to the street provided that the following development standards are complied with:
 - a) A minimum lot width of 100 feet.
 - b) A minimum front yard setback of 50 feet.
 - c) A circular driveway shall be provided with a minimum of six off-street paved parking spaces.
3. For lesser streets, lots may have direct access to the street if other requirements of the Thoroughfare Plan are met.

5.05 Sidewalks and Bikeways

A. Sidewalks. Sidewalks shall be constructed in accordance with the Thoroughfare Plan of the City of Princeton for all lots adjoining dedicated streets, along major thoroughfares where lots do not

adjoin the street, along power line easements and in other areas where pedestrian walkways are necessary. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the subdivision or addition. Sidewalks adjacent to screening walls shall generally be placed against the screening walls to the subdivision or addition. Routing to clear poles, trees or other obstacles shall be subject to approval by the City Engineer.

Concrete sidewalks shall have a width of not less than four feet (4') and a thickness of not less than four inches (4") and shall be constructed of two thousand (2,000) PSI concrete on both sides of all streets and thoroughfares within the subdivision. Sidewalks shall be constructed one foot (1') from the property line within the street or thoroughfare right-of-way and shall extend along the street frontage including the side of corner lots and block ends. Construction of sidewalks adjacent to curb in residential areas will be considered only where driveway entrances are constructed from the rear of lots on both sides of the street for the full length of the block. In these instances, the sidewalks shall be five feet (5') wide. The available one foot area between the property line and the rear edge of the sidewalk shall be the location of the required sewer cleanout. The area between the front edge of the sidewalk and the curb shall be the proper location for the water meter box.

Sidewalks in commercial areas shall be a minimum width of five feet (5') or extend from the back of the curb to the building line as required by the City.

Sidewalks in industrial areas and planned developments will be as required by the City.

All concrete for sidewalks shall be placed on two-inch (2") sand cushion and shall be reinforced with 6x6 No. 10 gauge welded wire fabric.

Longitudinal slope of sidewalks shall be that of the curb adjacent to the sidewalk. The transverse slope of the sidewalk shall be 1/4 inch per foot starting at the back of the curb. The maximum ground slope from the edge of the sidewalk on the property line side shall not exceed eleven percent (11%). Instead of exceeding a grade of eleven percent (11%) a retaining wall shall be provided on the property line that is acceptable to the City Engineer.

Sidewalks shall be constructed by the individual home builder and shall be in accordance with the City approved plans.

- B. **Pedestrian Accesses.** The City Council may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least fifteen (15) feet in width. Easements shall be indicated on the plat.
- C. **Bikeways.** Hike and bike sidewalks, designed and located according to City standards, shall be constructed along streets designated for hike and bike trails. Such sidewalks shall be built by the owner at the time of site development, or, the Owner may petition for the City Council to construct such facilities, subject to escrow policies stated in Section 6 of these regulations.

5.06 Drainage and Storm Sewers

A. General Requirements

All plats shall conform to the City's Adequate Public Facilities Policies as they exist or may exist in the future, for drainage facilities.

B. Design of Facilities

1. **Standards:** Design of storm sewer systems shall be in accordance with the City's Design Standards. Materials and construction shall conform to the Standard Specifications and Standard Construction Details of the City. Plans shall be submitted with the plat.
2. **Accommodation of Upstream Drainage Areas:** A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or addition. The Owner's engineer shall initially determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Comprehensive Land Use Plan, subject to approval by the City Engineer.
3. **Effect on Downstream Drainage Areas:** The Owner's engineer, subject to approval by the City Engineer, shall study the effect of each addition's storm runoff on the existing underground drainage facilities immediately downstream of the addition. Where it is determined that existing capacity is not available immediately downstream, the Owner's engineer shall design a drainage system, detention facility, or parallel system to mitigate the deficiency. If oversize improvements are required, then the City shall participate in the cost as prescribed by this Ordinance and subject to the availability of funds from current revenues.
4. **Location:** In general, drainage shall be provided in an underground system constructed in streets, alleys, or in easements. If approved by the City Engineer, the Owner may provide, at his own expense, a drainage easement of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The Subdivider shall complete all necessary excavation on the channel and shall sod or seed the channel and obtain a stand of grass to prevent erosion. Unless the excavation channel bottom is Austin Chalk, limestone, or other similar acceptable rock, a reinforced concrete pilot channel of sufficient width may be required by the City Engineer to prevent erosion and/or for access purposes.
5. **Construction of Underground Facilities:** A Subdivider shall install drainage facilities underground to save land space, unless an open channel has been approved by the City Engineer and subject to participation policies as prescribed by these regulations.
6. **Detention Facilities:** Lakes, detention ponds, and retention ponds may be constructed in all areas provided they are approved by the City Engineer. Easements shall be provided to ensure protection of these areas for maintenance purposes.
7. **Alternate Facilities:** Other innovative drainage concepts will be considered if approved by the City Engineer. Any City costs must be approved by the City Council subject to the availability of funds from current revenues.

C. Creeks and Flood Plains

1. **Flood Plain Restrictions:** The City Council shall, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, or where prohibited by Flood Plain Zoning, prohibit development of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste or material, or stumps.
2. **Creek Restrictions:** Major creeks have a drainage basin greater than 100 acres and shall remain in open natural condition; smaller creeks or drainage ways may be channelized provided they meet the criteria of the Design Standards. When a creek or excavated channel is to remain open, or in its natural condition, it shall meet one of the following requirements:
 - a) For abutting single-family residential lots, dedication of drainage and maintenance easements for the creek or drainage way to the City, pursuant to Subsection (c). The City Council may waive this dedication requirement only for the following exceptions:

- Replats which were originally platted prior to the dedication requirement, if allowed by the City Engineer.
 - Subdivisions of five (5) lots or less, as approved by the City Engineer.
- b) Creeks and drainage ways may be retained as a part of a non-residential lot, and it shall be the property owner's responsibility to maintain this area, except as otherwise provided. A maintenance easement shall be granted to the City and shall grant the right but not the obligation to maintain and construct drainage facilities if the creek or drainage way is not being properly maintained and shall provide that a lien may be filed against the property in favor of the City to secure payment of any expenses incurred by the City for maintenance. The maintenance easement together with its covenants shall run with the land and be binding upon subsequent owners of the real estate.
- c) Creek or drainage ways may be owned and maintained by an approved maintenance entity, other than individual residential lot owners provided the maintenance area is set forth by easement. A maintenance entity may include homeowner's associations, apartment complexes, or similar uses. The maintenance entity's by-laws and covenants filed of record, if any, shall provide for ongoing maintenance as provided by Section 9, herein. The easement shall authorize a lien against individual abutting lots in favor of the City to secure the payment to the City for any expenses incurred by the City for maintenance in the event of default by the maintenance entity. The maintenance easement together with its covenants shall run with the land and be binding upon subsequent owners of the real estate.
- d) Non-residential properties may create an entity to maintain creeks or drainage ways, provided the maintenance area is set forth by easement and the entity's by-laws, filed of record, provide for on-going maintenance, as provided by Section 9, herein. Such easements shall authorize a lien against individual abutting properties in favor of the City to secure payment for any expenses incurred if the maintenance entity is not properly maintaining the creek or drainage way. Adequate floodway easements and drainage easements shall be required that give the City the right but not the obligation to maintain and construct drainage facilities if, in the City's sole opinion, the maintenance entity is not properly maintaining the creek or drainage way.
- e) Where the City has designated a floodway or floodplain as part of the City Park system, one of the following shall be provided:
- Parallel streets fronting along the park.
 - Cul-de-sacs which provide public access fronting on the park.
 - Loop streets which provide public access fronting on the park.

In all cases, the City shall approve the proposed street alignment fronting on City parks.

D. Dedication of Drainage Easements

1. **General Requirements:** When a subdivision or addition is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water or drainage easement conforming substantially to the line of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the watercourse be maintained as an open channel with landscaped banks and of adequate width for maximum potential volume of flow.
2. **Access Easements:** The Property Owner must provide sufficient access on each side of and parallel to creeks or drainage ways for maintenance purposes. The access shall be above the base flood elevation and accessible to vehicles and equipment. Access must also be provided at a maximum 1200 foot spacing along streets or alleys. The location and size of the access easement shall be determined by the City Engineer. The minimum width of the access easement shall be fifteen (15) feet. Permanent monuments, the type and locations of which are to be determined by the City Engineer, shall be placed along the boundaries of the access

easement and private property. This access easement shall be included in the dedication requirements of this section.

3. **Drainage Easements On-Site:** Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual, unobstructed easements as wide as the drainage course or at least ten (10) to fifteen (15) feet in width, depending on slopes shall be provided for drainage facilities across property outside the street lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall extend from the street to a natural watercourse or to other drainage facilities. Drainage easements shall also be provided for the natural watercourse or other drainage facilities.
4. **Drainage Easements Off-Site:** When a proposed drainage system will carry water across private land outside the subdivision or addition, appropriate drainage easements allowing for such passage, must be secured in advance of approval of the final plat for the subdivision.

SECTION 6 - PARTICIPATION AND ESCROW POLICIES

6.01 Participation Policies

A. City's Share of Improvement Costs

The City shall participate in the costs of public improvements which are not for the primary benefit of the development and which have been oversized to serve developments other than for which the plan has been submitted for approval, only to the extent and according to the standards stated in this Ordinance, the City's Fee Ordinance and pursuant to the procedures herein set forth and only if an Development Agreement is entered into between the City and Owner as provided in these regulations which conforms to the requirements of Section 252.021, .041, .042, .043, .049, and 271.021 of the Local Government Code, as amended.

B. Owner's Responsibility

1. The Property Owner shall be responsible for the entire costs of designing and installing all public improvements which primarily serve the subdivision or addition. Facilities required by these regulations, unless listed in Section 6.02, or as otherwise determined by the City Council, shall be considered as primarily serving the subdivision or addition.
2. The Property Owner shall also be responsible for its share of the costs of oversized or off-site public improvements needed to assure adequacy of public facilities and services for the addition or subdivision, subject to participation and escrow policies contained in this section.
3. The Property Owner shall be responsible for extending streets, water, sewer or drainage facilities off-site to his property as required by the City Council and/or required to ensure adequacy of public facilities.
4. Should the subdivision or addition abut an existing water or sanitary sewer line installed by someone other than the City, the Owner shall pay to the City a "Developers Liability" charge to be refunded to the original installer of the line, as prescribed in the Pro-Rata provisions of the Fee Ordinance and/or Development Agreement with the City.
5. Should a lift station, either temporary or permanent, be necessary to provide a sanitary sewer service to the subdivision or addition, the Property Owner shall construct the station and all appurtenances, at his own expense. If and when the lift station is no longer needed, the installation will, unless other provisions are made, remain the property of the City of Princeton for reuse or disposal. A "Developers Liability" charge for such lift stations and appurtenances may be established as prescribed in the Pro-Rata provisions of the Fee Ordinance or Development Agreement.

6.02 Facilities Eligible for City Participation

The City shall participate in the costs of installing public improvements according to the following schedule:

- A. The City shall reimburse the Property Owner or Developer for one hundred percent (100%) of the following costs if funds are available from current revenues or as otherwise provided herein:
1. Costs of paving streets and thoroughfares for the portion of the width of pavement exceeding thirty-seven (37) feet for internal streets and twenty-four (24) feet (per side) for divided thoroughfares. Costs include those for pavement, lime stabilization and excavation to a depth equal to the distance from the top of the curb to the top of stabilized subgrade for that width of street paving wider than thirty-seven (37) feet or twenty-four (24) feet on each side in the case of a divided thoroughfare.
 2. Paving costs for streets and thoroughfares for that portion of the required paving thickness exceeding eight (8) inches.
 3. The costs of left-turn lanes and median openings on Type "D" or wider thoroughfares intersecting Type "D" or wider thoroughfares.
 4. Costs of the portion of grade-separated intersections which require paving in excess of thirty-seven (37) feet in width (18.5 feet per side).
 5. Costs of installing conduit for street lights and traffic signals along Type "D" or wider thoroughfares.
 6. A portion of the costs of all water or sanitary sewer pipelines larger than twelve (12) inches, subject to the Pro-Rata provisions of the Fee Ordinance or Development Agreement with the City. City participation shall be based upon the difference in cost between a standard twelve (12) inch diameter pipeline and the size pipeline actually installed, including embedment, manholes, special fittings and other appurtenances necessary for complete sanitary sewer pipeline installation.
- B. The City shall reimburse the Property Owner or Developer twenty-five percent (25%) of the following costs if funds are available from current revenues or as otherwise provided herein:
1. Street crossings (bridges or culverts), for residential developments, with an opening larger than that of a double seventy-two (72) inch pipe culvert. The cost of the structure shall be based on a standard, basic culvert or bridge including rip-rap, if required by the City Engineer, for erosion control.
 2. That portion of storm sewers, for residential developments, exceeding seventy-two (72) inches in diameter.
 3. The costs of constructing a pilot channel lining, for residential developments, if approved by the City Engineer.
 4. Costs of constructing railroad crossings and signals, which are charged by the Railroad Company. The remaining seventy-five percent (75%) of the costs shall be borne equally by the owners of the four quadrants of the intersection of the street and the railroad.
- C. The City shall reimburse the property Owner or Developer ten percent (10%) of the following costs if funds are available from current revenues or as otherwise provided herein:
1. Street crossings (bridges or culverts), for non-residential developments, with an opening larger than that of a double seventy-two (72) inch pipe culvert. The cost of the structure shall be based on a standard, basic culvert or bridge including rip-rap, if needed, for erosion control.
 2. That portion of storm sewers, for non-residential developments, exceeding double seventy-two (72) inches in diameter.

6.03 Limitation and Exceptions

Notwithstanding Section 6.2, the City shall not participate in the following costs:

- A. Those portions of the costs of any public improvements not expressly described in Section 6.2.
- B. Costs of clearing and grubbing for streets and thoroughfares and preparation of right-of-way.
- C. Costs of constructing streets built wider than called for in the Thoroughfare Plan.
- D. Costs of lights, decorative finishes or other similar expenses, unless required by the City Engineer.
- E. Costs of pipe headwalls, regardless of pipe size, or the costs of retention/detention ponds or slope protection, except rip-rap under a bridge.

6.04 Procedures for City Participation

A. Definitions

For purposes of Section 6, the following terms shall have the following meanings:

- 1. **Contiguous:** The term "contiguous" shall mean that the reimbursable improvements are within the boundaries of, or abutting the perimeter of, a developed subdivision or addition.
- 2. **Developed Subdivision or Addition:** Property for which a final plat has been filed for record in the county in which the property is located, and the public improvements required by the City have been installed by the Property Owner and have been accepted by the City.

B. Application for Participation

In order to initiate a reimbursement request, the Owner must establish a front foot oversize cost for the reimbursable public improvements. Requests for reimbursement to the Subdivider of cost of oversized public dedicated facilities shall include the Subdivider's name and mailing address. The request must include as-built drawings showing the reimbursable items, a copy of the contractor's bid for construction, final payment with quantities and unit costs, oversize calculations for all reimbursement items, and a project location map.

C. Precondition to Processing Request

Participation requests will be processed after the public improvements are accepted by the City. Reimbursement requests for on-site oversizing will be processed in the order of their receipt and subject to City Council approval as appropriate and subject to the availability of funds from current revenues or as otherwise provided herein. Requests exceeding funds available shall be scheduled for payment as a part of the next year's Capital Improvements Program, subject to available funding. However, all oversize participation shall be refunded no later than five years following the date of final acceptance of the public infrastructure improvements. In the case of off-site public improvements, participation will be processed after a development is accepted which contains or abuts the off-site improvements. All participation will be determined in accordance with Paragraph (D) of this section.

D. City Engineer Determination

The City Engineer shall determine the City's participation in the cost of public improvements, in accordance with the criteria in Sections 6.1 through 6.3. Payments shall be allocated to a development on a front foot basis and shall be made as follows:

1. As property is platted and developed adjacent to the off-site public infrastructure improvements, the City will reimburse oversize costs for that portion contiguous to the property. Oversize costs will be reimbursed to the initial Developer after final acceptance by the City of the public improvements. Oversize reimbursement will not be made with filing of a conveyance plat.
2. Reimbursement funds for the City's share of the public infrastructure improvements will be as scheduled in the Annual Capital Improvements Program. However, all oversize participation shall be refunded no later than five years following the date of final acceptance of the public infrastructure improvements.

E. Funding

The City will annually prepare a Capital Improvement Program, a component of which will generally identify funds for payment of oversize participation. Funds will be designed individually from the appropriate source for both street and drainage and water and wastewater projects. Requests in excess of available funding will be deferred for future allocations.

6.05 Escrow Policies and Procedures

A. Deposit with City

Whenever the City agrees to accept escrow deposits in lieu of construction by the Owner of the property under these regulations, the Property Owner or Developer shall deposit an amount equal to his share of the cost of design and construction in escrow with the City. Such amount shall be paid prior to release of construction plans by the City Engineer. In lieu of such payment at such time, the City may permit the Property Owner to contract with the City and shall agree in such contract that no building permit shall be issued for any lot included within said plat, or increment thereof, until the full amount of the escrow is paid, or a pro-rata part thereof for the full increment if developed incrementally. The obligations and responsibilities of the Property Owner shall become those of Property Owner's transferees, successors and assigns; and the liability therefor shall be joint and several.

B. Determination of Escrow Amount

The amount of the escrow shall be determined by using the average of the comparable bids awarded by the City in the preceding six (6) months or, if none exist, then in the preceding year or, if none exists current market value of construction as determined by an estimate by the City Engineer. Such determination shall be made as of the time the escrow is due hereunder.

C. Termination of Escrow

Escrows which have been placed with the City under this section which have been held for a period of ten (10) years from the date of such payment or agreement, in the event that the City has not authorized the preparation of plans and specifications for construction of such roadway facilities for which the escrow was made, shall upon written request be returned to the Property Owner, with accrued interest. Such return does not remove any obligation of the Owner for construction of the required facilities if a building permit has not been issued on the subject lot or if a new building permit is applied for.

D. Refund

If any street or highway for which escrow is deposited for, is constructed, or is reconstructed by another governmental authority at no cost to the City, the escrowed funds and accrued interest shall be refunded to the Property Owner or Developer after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the City and the other portion of the cost by another governmental authority, the difference between the Owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.

E. Interest Limitation

If money is refunded within six months of deposit, only the principal will be refunded. Monies returned after this date will be refunded with interest accrued, calculated at 1% less than the rate of actual earnings.

6.06 Perimeter Street Fees

Special escrow policies for perimeter street fees are set out in Section 7.04 of this Ordinance and are subject to the general rules of this section except when said Section 7.04 provides otherwise.

6.07 Payment of Fees, Charges, and Assessments

As a condition of plat approval, the Property Owner shall pay all fees, charges and assessments required to assure adequacy of public facilities to the subdivision or addition, as may be imposed under these or other regulations of the City, including but not limited to the Fee Ordinance.

SECTION 7 - FILING FEES AND CHARGES

7.01 Fees Required to be Paid Before Action can be Taken

A Subdivider and/or Developer is hereby required to pay the current fees, as established by the City Council through a separate ordinance, when any plat is tendered to the City for filing for consideration and action in accordance with these regulations. Each of the required fees and charges shall be paid in advance and no plat shall be deemed filed for purposes of consideration and action until the fee or fees shall have been paid to the City Administrative Official designated to receive said fee or fees.

7.02 Fees are Non-Refundable

The fees shall be charged on all plats regardless of the action taken by the Commission or the City Council.

7.03 Development Inspection Fee

Before commencing construction, the Developer shall pay a development inspection fee as specified by the City of Princeton's Fee Ordinance. No construction or development work may commence until such fee has been paid in full for the entire development or for the phase which is under construction. Permits may be withheld for failure to pay the requisite fee. This fee is paid to cover the cost of inspections made during the construction of the public facilities which are anticipated to be dedicated to the City upon completion of final acceptance. Such fee does not cover any of the cost associated with the testing or laboratory work which may be required of the Developer in order to establish that such construction satisfies City specifications or standards, which fees shall be independently assessed by the City as provided herein or in the City's Fee Ordinance.

The City may employ the services of an Engineering Testing Laboratory to make inspections, perform services related to checking the quality of the work, and to sample and test the materials to be used in the work. The Owner or Developer shall furnish, at his own expense, all necessary specimens for testing of

the materials and when requested shall furnish a complete written statement of the origin, composition, and/or manufacturer of any or all materials that are used in the work. The inspections and quality control service does not relieve the Developer of his responsibility with regard to constructing the work in accordance with design standards. If the contractor fails to meet the specified conditions by the second test, further tests to demonstrate compliance with the design standards shall be at the sole expense of the Developer.

7.04 Street Improvement Fund

The Subdivider shall, at his own expense, pay for constructing all streets and alleys within the subdivision and one half (1/2) of all perimeter streets including the integral curb on the side adjacent to the subdivision, along with all required drainage facilities, utilities, and other improvements as determined by the City. If the City determines that such construction is not feasible or practical at the time of development of the subdivision, the Subdivider shall pay to the City a monetary amount equal to the cost of the required improvements. The amount shall be determined by the City Engineer and the cost calculations shall be available to the Subdivider. The funds shall be placed by the City into a fund labeled "Street Improvement Fund" and shall be specifically used for improvements related to paving, drainage and/or utilities required for the particular road or street. The payment of the funds for required improvements shall be prerequisite for the acceptance for filing of any plat for the subdivision.

On those occasions when the perimeter streets of a subdivision are also State or U.S. highways, the responsibility for perimeter street paving or payment in lieu of paving shall be calculated in the same manner mentioned in the preceding paragraph. However the responsibility shall be for only one traffic lane or twelve feet of street paving multiplied by the running front footage of the subject property.

If improvement to said road or street does not occur within a twenty (20) year period from the date the money is so placed on deposit with the City, said money including any earned interest thereon shall be returned to the property owners of record at that time. Should the City make said improvement within the period specified then the City is entitled to use all funds including earned interest in order to accomplish the required paving project. Said earned interest shall be considered to offset the cost of inflation to a project. In no case, except the twenty (20) year default provision made above, shall any Developer be entitled to a refund of any amount or portion thereof.

SECTION 8 - COMPLETION AND MAINTENANCE OF IMPROVEMENTS

8.01 Improvements and Subdivision Improvement Agreement

A. **Completion of Improvements.** Except as provided below, before building permits are issued, all applicants shall be required to complete, in accordance with the City Council's decision and to the satisfaction of the City Engineer, all the street, sanitary, and other public improvements, as well as lot improvements on the individual residential lots of the subdivision or addition as required in these regulations, specified in the final plat, and as approved by the City Council, and to dedicate those public improvements to the City. As used in this section, "lot improvements" refers to grading and installation of improvements required for proper drainage and prevention of soil erosion.

B. Improvement Agreement and Guarantee

1. **Agreement.** The City Council, upon recommendation of the Director, may waive the requirement that the applicant complete and dedicate all public improvements prior to issuance of a building permit, and may permit the Property Owner to enter into a Development Agreement by which the Property Owner covenants to complete all required public improvements no later than two (2) years following the date on which the final plat

is signed and approved. The City Council may also require the Property Owner to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a Development Agreement for completion of the remainder of the required improvements during such two-year period. The Owner shall covenant to maintain the required public improvements for a period of one (1) year following the acceptance by the City of all required public improvements and warrants that the public improvements will be free from defect for a period of one (1) year following such acceptance by the City. Nothing in this section shall nullify the City's obligation to participate in the construction of oversize facilities.

2. **Development Agreement Required for Oversize Reimbursement.** The City shall require a Development Agreement pertaining to any public improvement for which the Developer shall request reimbursement from the City for oversize costs as provided in Section 6. The City Council shall authorize the approval of such agreement as meeting the requirements of the City.
3. **Covenants to Run with the Land.** The Development Agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs and assignees of the Property Owner. The Development Agreement shall be recorded in the Land Records of the County. All existing lienholders shall be required to subordinate their liens to the covenants contained in the Development Agreement.
4. **Security.** Whenever the City Council permits a Property Owner to enter into a Development Agreement, it shall require the Owner to provide sufficient security, covering the completion of the public improvements. The security shall be in the form of cash escrow or, where authorized by the City Council, a letter of credit, as security for the promises contained in the Development Agreement. In addition to all other security, for completion of those public improvements where the City participates in the cost, the Owner shall provide a performance bond from the contractor, with the City as a co-obligee. Security shall be in an amount equal to one hundred fifteen percent (115%) of the estimated cost of completion of the required public improvements and lot improvements. The issuer of any surety bond and letter of credit shall be subject to the approval of the City Attorney.
5. **Letter of Credit.** If the City Council authorizes the Property Owner to post a letter of credit as security for its promises contained in the Development Agreement, the letter of credit shall:
 - a) Be irrevocable.
 - b) Be for a term sufficient to cover the completion, maintenance and warranty periods but in no event less than two (2) years.
 - c) Require only that the City present the issuer with a sight draft and a certificate signed by an authorized representative of the City certifying the City's right to draw funds under the letter of credit.
 - d) The letter of credit shall only be from a financial institution approved by City Attorney.
6. As portions of the public improvements are completed in accordance with the Standard Specifications and the engineering plans, the Developer may make application to the City Council to reduce the amount of the original letter of credit. If the City Engineer or his designee is satisfied that such portion of the improvements has been completed in accordance with City standards, he may recommend (but is not required to recommend) to the City Council that the amount of the letter of credit to be reduced by such amount that it

deems appropriate, so that the remaining amount of the letter of credit adequately insures the completion of the remaining public improvements.

- C. Temporary Improvements.** The Property Owner shall build and pay for all costs of temporary improvements required by the City Council and shall maintain those temporary improvements for the period specified by the City Council. Prior to construction of any temporary facility or improvement, the Owner shall file with the City Council a separate Development Agreement and escrow, or, where authorized, a letter of credit, in an appropriate amount for temporary facilities, which Development Agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained and removed.
- D. Government Units.** Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this section.
- E. Failure to Complete Improvements.** For plats for which no Development Agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the City, the land study or preliminary plat approval shall be deemed to have expired and/or the final plat will not be accepted for filing for purposes of consideration and action. In those cases where a Development Agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the Development Agreement, the City Council may:
1. Declare the Development Agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the Development at the time the Agreement is declared to be in default;
 2. Suspend the filing of the final plat for consideration and action until the public improvements are completed and record a document to that effect for the purpose of public notice;
 3. Obtain funds under the security and complete the public improvements itself or through a third party;
 4. Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision or addition for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the tract;
 5. Exercise any other rights available under the law.
- F. Acceptance of Dedication Offers.** Acceptance of formal offers of dedication of street, public areas, easements, and parks shall be by authorization of the City Engineer. The approval by the City Council of a plat, whether land study, conveyance, preliminary or final shall not in of itself be deemed to constitute or imply the acceptance by the City of any street, easement, or park shown on plat. The City Council may require the plat to be endorsed with appropriate notes to this effect.

8.02 Construction Procedures

- A. Preconstruction Conference.** The City Engineer may require that all contractors participating in the construction shall meet for a preconstruction conference to discuss the project prior to beginning work.
- B. Conditions Prior to Authorization.** Prior to authorizing construction, the City Engineer shall be satisfied that the following conditions have been met:
1. The preliminary plat shall be completed to the requirements of the City Council at the time of approval.
 2. All required contract documents shall be completed and filed with the City Engineer.
 3. All necessary off-site easements or dedications required for City maintained facilities, not shown on the final plat must be conveyed solely to the City, with proper signatures affixed. The original of the documents, and filing fees as determined by the Engineering Department, shall be returned to the Engineering Department prior to approval and release of the engineering plans.
 4. All contractors participating in the construction shall possess a set of approved plans bearing the stamp of release of the Engineering Department. These plans shall remain accessible on the job site at all times during construction.
 5. A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City Engineer.
 6. All applicable fees must be paid to the City.

8.03 Inspection of Public Improvements

- A. General Procedure.** Construction inspection shall be supervised by the City. Construction shall be in accordance with the approved plans and specifications and Design Standards of the City of Princeton. Any change in design required during construction should be made by the Engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans and if those revisions are noted on the plans or documents. All revisions shall be approved by the City Engineer. If the City Engineer finds upon inspection that any of the required public improvements have not been constructed in accordance with the City's construction standards and specifications, the Property Owner shall be responsible for completing and/or correcting the public improvements.
- B. Certificate of Satisfactory Completion.**

1. Subdivider's Certification of Satisfactory Completion

The City will not accept dedication of required public improvements until the Subdivider's engineer or surveyor has certified to the City Engineer, through submission of a detailed "as-built" survey plat of the property that the location, dimensions, materials, and other required public improvements have been completed as required. The "as-builts" shall also include a complete set of drawings of the paving, drainage, water, sanitary sewer, or other public improvements, showing that the layout of the line and grade of all public improvements is in

accordance with construction plans for the plat, and all changes made in the plans during construction and containing on each sheet an as-built stamp bearing the signature of the Subdivider's engineer and the date. One reproducible drawing of the utility plan sheets containing the as-built information shall be submitted. The Subdivider's engineer or surveyor shall also furnish a copy of the final plat and engineering plans, if prepared on a CADD system, in such a format that is compatible with the City's CADD system.

2. City Engineer's Certification of Satisfactory Completion

If in the opinion of the City Engineer all requirements relating to public improvements have been fully met then the City Engineer, on behalf of the City, shall thereafter accept the public improvements for dedication in accordance with the established procedure. Acceptance of the Development shall mean that the Developer has transferred all rights to all the public improvements to the City for use and maintenance. Upon acceptance of the required public improvements, the City Engineer shall submit a certificate to the Developer stating that all required public improvements have been satisfactorily completed and filing a copy of same with the City.

3. Acceptance of Public Dedicated Facilities by City Engineer

The City Engineer may, at his discretion, accept dedication of a portion of the required public improvements, if the remaining public improvements are not required for health and safety reasons and the Owner has posted a performance bond, letter of credit or cash bond in the amount of one hundred and fifteen percent (115%) of the estimated cost of those remaining improvements. Provided, however, that the remaining public improvements be dedicated in the time determined by the City Council.

C. Final Warranty Inspection Procedure.

Not less than thirty (30) days prior to the end of a given warranty period for any publicly dedicated facilities which have been required by these subdivision regulations to be installed within a subdivision and subsequently dedicated and accepted by the City of Princeton, the City of Princeton shall inspect those facilities and call for any necessary repairs prior to the termination of the warranty period. The results of this inspection shall be kept by the City as a written record for a period not less than five (5) years. The results of this inspection, any repairs noted and the subsequent action of the Developer or contractor concerned shall be part of this record. Copies of this documentation will be delivered to the Developer and/or contractor concerned. This notification and inspection procedure shall extend the warranty period until all specified repairs and inspections are completed and accepted by the City Engineer.

8.04 Deferral of Required Improvements

- A. The City Council may, upon petition of the Property Owner and favorable recommendation of the Director and City Engineer, defer at the time of final approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not required in the interests of public health, safety, and general welfare.

- 11/1/10
- B. Whenever a petition to defer the construction of any public improvement required under these regulations is granted by the City Council, the Property Owner shall deposit in escrow his share of the costs (in accordance with Section 6 of this Ordinance) of the future public improvements with the City prior to filing of the final plat for consideration and action, or the Property Owner may execute a separate Development Agreement secured by a cash escrow or, where authorized, a letter of credit guaranteeing completion of the deferred public improvements upon demand of the City.

8.05. Issuance of Building Permits and Certificates of Occupancy

- A. No building permit shall be issued for a lot or building site within a subdivision unless the lot or site has been officially recorded by a final plat approved by the City Council and all public improvements as required for final plat approval have been completed, except as permitted below.
1. Building permits may be issued for non-residential and multi-family (apartments) development provided that a preliminary plat is approved by the City Council and construction plans have been released by the City Engineer. Building construction will not be allowed to surpass the construction of fire protection improvements.
 2. The City Engineer may authorize residential building permits for a portion of a subdivision, provided that a preliminary plat has been approved and all public improvements have been completed for that portion of the development, including but not limited to those required for fire and emergency protection. Notwithstanding, no lot may be sold or title conveyed until a final plat approved by the City Council has been recorded.
 3. Conditional building permits, conditional occupancy permits and temporary utility service may be permitted by the City Engineer for residential developments and the City Council for commercial development. Such conditional building permits shall only be granted in unique circumstances and upon the execution of a Development Agreement ensuring completion for all public improvements.
- B. No certificate of occupancy shall be issued for a building or the use of property unless all subdivision improvements have been completed and a final plat approved by the City Council has been recorded. Notwithstanding the above, City Engineer may authorize the occupancy of a structure provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved by the City for the completion of all remaining public improvements as provided herein.

8.06 Bonds and Insurance

- A. Any Developer shall furnish security in an amount equal to one hundred percent (100%) of the total cost of the public improvements (including, without limitation, streets, drainage, and water/sewer lines) for said development in order to indemnify the City against any repairs which may be necessary in connection with the construction of said improvements arising from defective workmanship or materials for a period of one full year from final acceptance of each phase of the Development. Said security shall be in one of the following forms:
1. a maintenance bond
 2. an irrevocable letter of credit

3. a cash escrow deposit

Final acceptance of a subdivision or a phase of a subdivision will be withheld until said maintenance bond or proof of establishment of escrow account has been furnished to the City.

- B. Prior to the project being approved for construction the Subdivider or Developer shall furnish a labor and materials payment bond equal to fifty percent (50%) of the cost of the public improvements.
- C. Prior to the project being approved for construction the Subdivider's or Developer's contractor shall submit proof of liability insurance according to NCTCOG Standards to cover any and all accidents that are attributable to the construction activity both onsite and offsite.

SECTION 9 - MANDATORY HOMEOWNERS' ASSOCIATION

9.01 Applicability

When a residential subdivision contains streets, sewers, sewage treatment facilities, water supply systems, drainage systems or structures, parks, landscaping systems or landscape elements or features (including fountains and statues), landscape irrigation systems, screening walls, living screens, buffering systems, subdivision entryway features (including monuments or other signage), or other physical facilities or grounds held in common and necessary or desirable for the welfare of the area or subdivision or that are of common use or benefit and that are not or cannot be satisfactorily maintained by the City or another public agency, the City shall require the establishment and creation of a mandatory homeowners' association to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities, structures, improvements, systems, areas or grounds.

9.02 Approval

If the establishment and creation of a mandatory homeowners' association is required by the City, a copy of the agreements, covenants and restrictions establishing and creating the association must be approved by the City Attorney and City Council prior to the approval of the record plat of the subdivision and must be filed of record with said record plat in the Map and Plat Records of the County. Said record plat shall clearly identify all facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by said association.

9.03 Responsibilities

Such mandatory homeowners' associations shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of landscape systems, features or elements located in parkways, common areas, between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainageways, or drainage structures, or at subdivision entryways. Subdivision entryway treatments or features shall not be allowed unless a mandatory homeowners' association as required herein is established and created. The City shall be responsible for all median maintenance and all paving maintenance (except for private streets or roads) and the repair of landscape systems, features or elements damaged by City-initiated utility work in dedicated easements. Other damage occurring during utility repairs will be the responsibility of the appropriate utility company.

9.04 Dedication to Association

All facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by a mandatory homeowners' association other than those located in public easements or right-of-ways, shall be dedicated by easement or deeded in fee simple ownership interest to said association. Such easements or ownership shall be clearly identified on the record plat of the applicable subdivision.

9.05 Contents of Agreement

At a minimum, the agreements, covenants and restrictions establishing and creating a mandatory homeowners' association required herein shall contain and/or provide for the following:

- A. Definitions of terms contained therein;
- B. Provisions acceptable to the City for the establishment and organization of the mandatory homeowners' association and the adoption of by-laws for said association, including provisions requiring that the owner(s) of any lot or lots within the applicable subdivision and any successive buyer(s) shall automatically and mandatorily become a member of the association;
- C. The initial term of the agreements, covenants and restrictions establishing and creating the association shall be for a twenty-five (25) year period and shall automatically renew for successive ten (10) year periods, and the association may not be dissolved without the prior written consent of the City;
- D. Provisions acceptable to the City to ensure the continuous and perpetual use, operation, maintenance, and/or supervision of all facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association and to establish a reserve fund for such purposes;
- E. Provisions prohibiting the amendment of any portion of the association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association without the prior written consent of the City;
- F. The right and ability of the City or its lawful agents, after due notice to the association, to remove any landscape systems, features or elements that cease to be maintained by the association; to perform the responsibilities of the association if the association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the association or of any applicable City codes or regulations; to assess the association for all costs incurred by the City in performing said responsibilities if the association fails to do so; and/or to avail itself of any other enforcement actions available to the City pursuant to state law or City codes or regulations; and

- G. Provisions indemnifying and holding the City harmless from any and all costs, expenses, suits, demands, liabilities or damages, including attorney's fees and costs of suit, incurred or resulting from the City's removal of any landscape systems, features or elements that cease to be maintained by the association or from the City's performance of the aforementioned operation, maintenance or supervision responsibilities of the association due to the association's failure to perform said responsibilities.

Any person violating the terms and provisions of this Ordinance shall, upon conviction, be punished by a fine of not more than Five Hundred Dollars (\$500.00) and each and every day this Ordinance is violated shall constitute a separate offense.

Section 7. *Providing an Effective Date.*

The Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PRINCETON,
TEXAS, ON THIS THE 18 DAY OF February 2003.

Harold Grounds

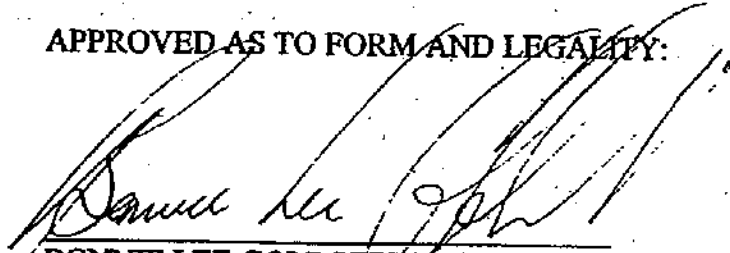
~~KATHY DAVIS, Mayor~~

Mayor Pro-Tempore

ATTEST AND
CORRECTLY ENROLLED:


LESIA THORNHILL, City Secretary

APPROVED AS TO FORM AND LEGALITY:


BONNIE LEE GOLDSTEIN, City Attorney