

SUBDIVISION ORDINANCE

ORDINANCE #09-001

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE PLATTING OF LAND INTO SUBDIVISIONS WITHIN THE AREA OF JURISDICTION OF THE CITY OF GRAPELAND, HOUSTON COUNTY, TEXAS; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH RULES AND REGULATIONS; FIXING PENALTIES FOR VIOLATIONS; AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GRAPELAND, TEXAS:

SECTION 1 - Authority.

This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapters 231, Acts of the 40th Legislature, Regular Session, 1927, as heretofore or hereafter amended, and the provisions of Section 4 of the Municipal Annexation Act as heretofore or hereafter amended.

SECTION 2 - Purpose.

The purpose of this Ordinance is to provide for the orderly, safe and healthful development of the area within the City and within the area surrounding the City and to promote the health, safety, morals and general welfare of the community.

SECTION 3 - Definitions.

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section:

A. **Building Line:** A line within a lot, beyond which a building shall not extend, except as specifically provided hereinafter.

B. **City:** The City of Grapeland, Houston County, Texas.

C. **Commission:** Commission of the City.

D. **Cul-de-sac:** A street having but one outlet to another street and terminated on the opposite end by a vehicular turn-around.

E. **Dead-end Street:** A street, other than a cul-de-sac, and having only one outlet to another street.

F. **Engineer:** A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

G. **Surveyor:** A Registered Professional Land Surveyor, as authorized by the State statutes to practice the profession of surveying. The surveyor shall adhere to the Professional and Technical Land Surveying Standards by the Texas Board of Professional Land Surveying, effective September 1, 1992, or hereinafter amended.

H. **Lot:** An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, sold, conveyed, transferred or improved, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

I. **Person:** Any individual, association, firm, corporation, governmental agency or political subdivision.

J. **Shall, May:** The word "shall" is always mandatory. The word "may" is merely discretionary.

K. **Street:** A public right-of-way, however designated, which provides primary vehicular access to adjacent land.

1. An "arterial street" primarily provides vehicular circulation to various sections of the City.

2. A "collector street" primarily provides circulation within neighborhoods, to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.

3. A "minor street" is one used primarily for access to abutting residential property.

L. **Subdivider:** Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equity owner or authorized agent of such owner or equity owner, of land sought to be subdivided.

M. **Subdivision:** A division of any tract of land situated within the corporate limits, or within the extra territorial jurisdiction of the City of Grapeland, in two or more parts for the purpose of laying out any subdivision of any tract of land or any addition of any town or city or for laying out suburban lots or building lots, or any lots, and streets, alleys, parts or other portions intended for public use or the use of purchasers or owners

of lots fronting thereon or adjacent thereto. Subdivision includes re-subdivision, but it does not include the division of land for agricultural purposes in parcels or tracts of five acres or more and not involving any new street, alley or access easement, not does it include divisions of land by testamentary or intestate provisions or divisions by court order.

N. **Utility Easement:** An interest in land granted to the City, the general public, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

O. Any office referred to by title in this Ordinance means the person employed or appointed by the City in that position, or his or her duly authorized representative.

P. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

Q. **Extra territorial Jurisdiction:** That certain area extending one half (1/2) mile perpendicular from the existing City limits as defined in Article 970a, Vernon's Texas Civil Statutes.

SECTION 4 - Special Provisions.

A. No permit shall be issued by the City for the installation of septic tanks upon any lot in a subdivision for which a final plat has not been approved and filed for record or upon any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

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

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

D. The City shall not sell or supply any water, gas, electricity or sewage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein have not been complied with in full.

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

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

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

SECTION 5 - Variances.

The Commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Commission shall prescribe only conditions that it deems necessary to, or desirable in, the public interest. In marking the findings hereinbelow required, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the Commission finds:

A. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land; and

B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

C. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and

D. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the Ordinance. Such findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance, so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

SECTION 6 - Subdivider's Responsibility.

It shall be the responsibility of the subdivider to familiarize himself with the procedures, specifications, and standards required by this Ordinance for the subdivision of land.

SECTION 7 - Preliminary Plat.

A. The subdivider shall cause to be prepared a preliminary plat in accordance with the provisions of this Ordinance.

B. The preliminary plat shall be drawn to a maximum scale of one hundred (100) feet to one (1) inch and shall show the following:

1. Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the City or within the extra territorial jurisdiction of said City.
2. Description of metes and bounds of the subdivision.
3. Acreage and number of lots within the subdivision.
4. Names and addresses of the subdivider and record owner.
5. Date of preparation, scale of plat and North arrow.

6. Vicinity sketch or map at a scale of not more than one (1) mile to an inch which shall show the relation of the subdivision to well-known streets, railroads and water courses in all directions to a distance of at least one (1) mile.
7. Subdivision boundary lines, indicated by heavy lines.
8. Names of contiguous subdivisions and the owners of contiguous parcels of unsubdivided land and an indication of whether or not contiguous properties are platted.
9. Primary control points or descriptions and ties to such control points to which all dimensions, angles, bearing, block numbers and similar data shall be referred.
10. Location of city limits line, the outer border of the City's extra territorial jurisdiction and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision or are contiguous to such boundary.
11. Topographical information shall include contour lines on a basis of five (5) vertical feet in terrain with a slope of two (2) percent or more and on a basis of two (2) vertical feet in terrain with a slope of less than two (2) percent.
12. Existing sites as follows:
 - a. The location, dimensions, name and descriptions of all existing or recorded streets, alley, reservations, easement or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.
 - b. The location, dimensions, description and name of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision.
 - c. The location, dimensions, description and flow line of existing water courses and drainage structures within the subdivision or on contiguous tracts.

13. The approximate location, dimensions and description of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the proposed subdivision.

14. A number or letter to identify each lot or site and each block.

15. Designate any sites for churches, sewage disposal plants, water plants, business, industry, or other special land uses. If proposed use is unknown, designate as unrestricted.

16. Location of all building lines on all lots and sites within the subdivision.

17. Names of all proposed streets, which shall not have the same spelling or be pronounced similar to the name of any other street located within the city or within the extra territorial jurisdiction of the City unless such proposed street is an extension of an existing street, in which case it shall be named the same as the existing street.

SECTION 8 - Processing of Preliminary Plat.

A. Formal application for preliminary plat approval shall be made by the subdivider in writing to the Commission at a regularly scheduled meeting.

B. The subdivider shall submit six (6) copies of the preliminary plat to the Commission at least ten (10) days prior to the date at which formal application for preliminary plat approval is made to the Commission.

C. Each plat submitted for preliminary and/or final plat approval shall be accompanied by a filing fee of one hundred dollars (\$100.00). No action shall be taken by the Commission until the filing fee has been paid. The filing fee shall not be refunded should the subdivider fail to make formal application for preliminary and/or final plat approval or should the plat be disapproved.

D. Each plat submitted for preliminary plat approval shall be accompanied by a certificate or letter from a title guaranty company or title attorney indicating a current search and certifying to at least the following concerning title to the land:

1. A statement of records examined and date of examination.

2. Description of the property in question, including a metes and bounds description of the tract.

3. Name of the fee owner as of the date of examination and the date, file number, volume and page of the recording of the deed involved.

4. The name, file number, date of filing and volume and page of any lienholders.

5. A general description of any easements of fee strips granted, along with the file number, date of filing and volume and page of recording.

E. The Commission shall review the preliminary plat as to its conformity with the standards and specifications set forth herein or referred to herein.

F. Pertinent copies of the preliminary plat data shall be submitted to the City Engineer, and he shall check the same for conformity with the standards and specifications contained or referred to herein.

G. The City Engineer shall return the preliminary plat data to the Commission with his suggestions as to modifications, additions or alterations of such plat data.

H. Within thirty (30) days after the preliminary plat is formally filed, the Commission shall conditionally approve or disapprove such plat or conditionally approve it with modifications. If it is conditionally disapproved or conditionally approved with modification, the Commission shall inform the subdivider, in writing, of the reasons at the time such action is taken.

I. Conditional approval of a preliminary plat by the Commission shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final or record plat. Conditional approval of a preliminary plat shall not constitute automatic approval of the final plat.

J. Conditional approval of a preliminary plat will expire six (6) months from the date of approval by the Commission, except that if the subdivider shall apply in writing prior to the end of such six (6) months period, stating the reasons for needing an extension, this period may be extended for another six (6) months, but not beyond a total of one (1) year.

SECTION 9 - Final Plat.

A. The final plat and accompanying data shall conform to the preliminary plat as conditionally approved by the Commission

incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the Commission.

B. The final plat shall be drawn in a permanent ink on film sheets eighteen (18) inches wide and twenty-four (24) inches long, with a binding margin of not less than two (2) inches on the left side of the sheet, and margins of not less than one (1) inch on the other three (3) sides. The plat shall be drawn at a normal scale of fifty (50) feet to one (1) inch, with a maximum scale of two hundred (200) feet to one (1) inch. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

C. The final plat shall contain all of the features required for preliminary plats in Section 7.

D. In addition to the various requirements for the preliminary plat, the final plat shall also include the following:

1. The exact location, dimensions, name and descriptions of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance and length of all curves where appropriate.

2. The exact location, dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision with accurate dimensions, bearing or deflecting angles and radii, area and central angles, degree of curvature, tangent distance and length of all curves where appropriate.

E. The final plat shall also include the following:

1. A certificate of ownership and dedication. See "Exhibit A."

2. The certificate of the Registered Professional Land Surveyor who surveyed and monumented the subdivision. See "Exhibit B."

SECTION 10 - Processing of Final Plat.

A. If desired by the subdivider and approved by the Commission, the final plat may constitute only that portion of the

approved preliminary plat which he/she proposes to record and develop. However, such portion shall conform to all the requirements of this Ordinance.

B. After the subdivider is notified of the approval of the preliminary plat, he/she may submit to the Commission, at a regularly scheduled meeting, the final plat of the subdivision or portion thereof. Formal application for final plat approval shall be made by the subdivider in writing to the Commission at a regularly scheduled meeting.

C. No final plat will be considered unless a preliminary plat has been submitted. However, if an approved plat has been duly recorded and the subdivider wishes to increase the size of the lots by combining two or more lots or by combining one lot with a portion of the adjacent lot in such a manner that no portion of a lot remains smaller than the original lots, no preliminary plat will be necessary, but final replat must be approved by the Commission and recorded.

D. A final plat of an approved preliminary plat or a portion thereof shall be submitted to the Commission within six (6) months from the date of approval of the preliminary plat, otherwise the approval of the Commission shall become null and void, unless an extension of time is applied for and granted by the Commission.

E. The subdivider shall submit three (3) reproducible copies on film quality material and formal application for final plat when application is made to the Commission.

F. Each plat submitted for final approval shall be accompanied by a supplemental report from a title guaranty company or title opinion from an attorney in which the report or title certificate is brought to current date.

G. Prior to approval of the final plat, the subdivider of any subdivision wherein public streets or easements are shown crossing private easements or fee strips shall, by letter to the Commission, assume responsibility for seeing that any adjustments and protection of existing pipelines, electrical transmission lines, or other facilities shall be planned and provided for to the satisfaction of the holder of the private easements or fee strips and the Department of Public Works prior to the filing of the plat for record.

H. The Commission shall review the final plat as to its conformity with the standards and specifications set forth herein or referred to herein.

I. The Commission shall approve the final plat if it conforms to the standards and specifications set forth herein or referred to

herein and if all changes, modifications, alterations, corrections and conditions imposed by the Commission have been satisfied.

J. The Commission shall disapprove the final plat if it does not conform to the standards and specifications set forth herein or referred to herein, or if all changes, modifications, alterations, corrections and conditions imposed by the Commission have not been satisfied. If the final plat is disapproved, the Commission shall inform the subdivider in writing of the reasons at the time such action is taken.

K. If the Commission fails to either approve or disapprove the final plat within thirty (30) days from the date of formal application for final plat approval, the plat shall be automatically approved.

SECTION 11 - Recording of Final Plats.

A. After the final plat has been approved, the Commission shall cause the final plat to be recorded with the Houston County Clerk. No plat shall be filed for record without written consent of the subdivider. If the subdivider fails to give such written consent within thirty (30) days of the date of final approval of the plat, the Commission may at any time thereafter cancel such approval.

B. Prior to the recording of the final plat the subdivider shall meet the following requirements:

1. The subdivider shall submit to the Commission a check in the amount of the Houston County recordation fee.
2. The subdivider shall obtain from the holder of any private easement or fee strip within the subdivision, crossed by proposed streets or other public easements, an instrument granting to the public the use of said public streets or easements over and across said private easements or fee strips for construction, operation, and maintenance of those public facilities normally using the type of public streets and easements indicated. This instrument shall be delivered to the Commission to be filed for record along with the plat.
3. The subdivider shall furnish the Commission with a letter from the holder of the private easements or fee strips in questions stating that arrangements for any required adjustments in pipelines, electric transmission lines or other similar facilities have been made to the satisfaction of the holder of the easement.
4. The subdivider shall provide the Commission with a letter from the City Engineer stating that arrangements

for all matters pertaining to any necessary adjustments have been made to the satisfaction of that Department.

SECTION 12 - Subdivision of Large Tracts.

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final plats shall be accompanied by a layout of the entire area showing the tentative proposed layout of streets and land usage. The overall layout, if approved by the Commission, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the Commission. Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout, unless subsequently changed and approved by the Commission.

SECTION 13 - Standards and Specifications.

A. Streets.

1. Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade and location of each shall conform to the comprehensive plan of the City and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood.

2. Existing streets in adjoining areas shall be continued, and such extensions shall be at least as wide as such existing streets and in alignment therewith.

3. Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas owned by subdivider.

B. Arterial Streets.

1. Arterial streets shall have a right-of-way width of at least eighty (80) feet; however, arterial streets having a right-of-way width of less than one hundred (100) feet shall be increased to a width of one hundred (100) feet for a distance of one hundred fifty (150) feet at the approach to a major street intersection, with a transition back to normal right-of-way over a distance of an additional one hundred fifty (150) feet.

2. Curves in arterial streets shall have a centerline radius of two thousand (2000) feet or more. Reverse curves shall be separated by a minimum tangent of one hundred (100) feet.

C. Collector Streets.

1. Collector streets shall have the right-of-way width shown below.

Curb & gutter pavement	Sixty (60) feet
Non-curb & gutter pavement	Eighty (80) feet

2. Curves in collector streets shall have a center line radius of eight hundred (800) feet or more.

D. Minor Streets.

1. Minor streets shall have the minimum right-of-way width shown below.

Curb & gutter pavement	Fifty (50) feet
Non-curb & gutter pavement	Sixty (60) feet

2. Reverse curves in minor streets shall have a center line radius of three hundred (300) feet or more.

3. Minor street offsets, when approved by the Commission, must offset a minimum distance of 125 feet on center line.

E. Street Intersections.

1. All streets shall intersect at a 90 degree angle, however, variations may be approved by the Commission.

2. Acute angle intersections approved by the Commission are to have twenty-five (25) foot radii at acute corners.

3. Street intersections with or extending to meet an existing street will be tied to the existing street on center line with dimensions and bearings to show relationship.

F. Cul-de-sacs.

1. Cul-de-sacs shall not exceed six hundred (600) feet in length and shall have a right-of-way diameter of not less than one hundred (100) feet in residential areas and not less than one hundred forty (140) feet right-of-way in diameter in commercial and industrial areas.

2. Temporary turn-arounds shall be provided at the end of a street that will be extended in the future, where such street exceeds four hundred (400) feet in length. The following note shall be placed on the final plat when a temporary turn-around is provided.

"Cross-hatched area is temporary easement for turn-around until street is extended (direction) in a recorded plat."

G. Dead-end streets shall be prohibited except where such street is required in accordance with Section 13.A (3). In such cases the dead-end street shall not exceed four hundred (400) feet in length.

H. Partial or half-streets shall be prohibited.

I. The block length in residential areas shall not exceed eight hundred (800) feet nor be less than four hundred (400) feet. The block length along an arterial street shall not exceed fifteen hundred (1500) feet.

J. Alleys shall be prohibited, unless allowed by variance.

K. Lots.

1. All lots shown on the plat will be for residential purposes unless otherwise noted.

2. Side lot lines should be perpendicular or radial to street frontage and the following note may be in lieu of bearings:

"All side lot lines are either perpendicular or radial to street frontage unless otherwise noted."

3. Rear and side driveway access to arterial streets shall be prohibited.

4. Double front lots are prohibited except when backing on arterial streets.

L. Minimum Lot Sizes.

1. Lots shall be shown as follows:

a. Residential small

Minimum street frontage - 75 feet

Minimum lot depth - 110 feet

Minimum area - 8,250 square feet

Maximum house area - 1,200 square feet

- b. Residential large
 - Minimum street frontage - 100 feet
 - Minimum lot depth - 125 feet
 - Minimum area - 12,500 square feet
 - Minimum house area - 1,200 square feet

c. Should a property owner possess two (2) or more adjoining lots, and said owner decides to build improvements on or access interior side yard lines of said property, owner shall maintain all required subdividor requirements on all exterior lines but should obtain written approval of the construction plot plan from the City Commission.

2. Radial lots fronting on the turn-around of a cul-de-sac may have a width of sixty (60) feet at the building line; provided, however, such lots shall contain not less than eight thousand (8000) square feet.

3. Corners lots shall have a length of not less than one hundred forty (140) feet of street frontage.

4. Corner lots siding on an arterial street shall have a length of not less than one hundred sixty (160) feet of street frontage.

5. Lots facing or backing on an arterial street shall have a depth of not less than one hundred (100) feet.

6. The minimum depth of lots backing on a natural drainage easement shall be eighty (80) feet, measured between the drainage easement and the front lot line. Lots fronting on a natural drainage easement shall have a depth of not less than eighty (80) feet, measured between the drainage easement and the rear lot line. Lots containing a natural drainage easement shall have a depth of not less than eighty (80) feet, measured between the drainage easement and the front or rear lot line. Where such natural drainage easements are not parallel to the front or rear lot lines the minimum depth shall be computed as the average of the sum of the distances as measured along the side lot lines.

M. Building Lines.

1. Residential Use:

a. A building line of not less than twenty-five (25) feet shall be provided on the front of all lots. A building line of not less than

fifteen (15) feet shall be provided on the side of a corner lot; provided however, if the side street has lots facing on the same side of the street as the side of the corner lot, a building line of not less than twenty-five (25) feet shall be provided on the side of the corner lot. A building line of not less than twenty (20) feet shall be provided on the rear of all lots. Such rear building line shall not prohibit the erection or construction of a detached accessory building closer than twenty (20) feet to the rear lot line. Detached accessory buildings include, but are not limited to, an automobile storage garage, laundry room, garden shelter, hobby room and mechanical room.

b. A building line of not less than thirty-five (35) feet shall be provided on the front of all lots facing an arterial street. A building line of not less than twenty (20) feet shall be provided on the rear of all lots backing on an arterial street. A building line of not less than twenty (20) feet shall be provided on the side of a lot siding an arterial street; provided, however, if the arterial street has lots facing on the same side of the street as the side of the corner lot, a building line of not less than thirty-five (35) feet shall be provided on the side of the corner lot.

2. Areas reserved for multi-family use shall provide a building line of at least thirty (30) feet on the front of all lots and thirty (30) feet on the side of all corner lots.

3. Other Uses.

a. Unless otherwise specified, a building line of not less than twenty (20) feet on the front of all lots and on the street side of corner lots shall be provided.

b. When the opposite property has residential lots facing the lot, a front building line of not less than twenty-five (25) feet shall be provided.

N. Easements.

1. Easements for drainage adjacent to lots, tracts or reserves shall be a strip of land fifteen (15) feet wide on each side of a centerline of any and all gullies, ravines, draws, sloughs, or other natural drainage courses located in said subdivision, as easements for drainage purposes, giving the City of Grapeland, Houston County, Texas and/or any other public agency the right to enter upon said easement at any and all times for the purpose of construction and/or for maintaining drainage work and/or structures.

The final subdivision shall include the following statement:

"This easement shall be kept clear of fences, buildings, planting, and other obstructions to the operations and maintenance of the drainage facility, and abutting property shall not be permitted to drain into this easement except by means of an approved drainage structure."

2. Utility easements shall be provided in accordance with the requirements of the public and private utility companies. The minimum easement widths shall be as follows:

a. Front Yard (adjacent street right of way) is ten (10) feet.

b. Rear Yard - five (5) feet on either side of interior rear lines and ten (10) feet along exterior dual lot lines.

c. Side Yard - utility easements shall be furnished if required by utility companies.

O. Numbering.

1. Blocks shall be numbered consecutively within the overall plat and/or sections of an overall plat as recorded.

2. All lots shall be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat.

3. All areas to be used for other than residential purposes shall be labeled as "Reserves" and shall be labeled alphabetically rather than numerically.

SECTION 14 - Exceptions.

A. **Townhouse Subdivisions.** The following exceptions to the standards and specifications as set forth in Section 13 are allowed so as to permit the development of townhouse subdivisions. Such exceptions shall apply only to those developments which fall within the definition of a townhouse subdivision.

1. A townhouse subdivision is a development in which it is proposed to partition land into individual lots and construct townhouses which may be individually owned and where the minimum lot sizes are to be less than required in Section 13.L.

2. A townhouse is one of a series of dwelling units, each designed for single-family occupancy, which dwelling units are structurally connected or immediately adjacent to each other without side yards between individual dwelling units, and whose walls between individual dwelling units are lot line walls. In either case, the wall between individual dwelling units shall be a firewall.

a. A lot line wall is a wall adjoining and parallel to the line lot used by the party upon whose lot the wall is located. Lot line walls may share common foundations.

b. A firewall is a wall of incombustible construction which divides individual dwelling units and is to restrict the spread of fire.

3. Open space is all private property under common ownership designated for recreation area, private park (for use of the property owners within the subdivision), play lot area, plaza area, building setbacks (other than those normally required), and ornamental areas open to general view and use within the subdivision. Open space does not include streets, utility easements and required building setbacks.

4. All townhouse subdivisions shall have direct access from at least one dedicated and accessible public street having a right-of-way of at least fifty (50) feet.

5. A building line of not less than twenty (20) feet shall be required on all lots fronting, backing or siding

on a street. A building line of not less than twenty (20) feet shall be required on all lots siding upon the subdivision boundary.

6. Lots:

a. No lot shall contain less than two thousand five hundred (2,500) square feet in area nor be less than twenty-five (25) feet in width except as hereinafter provided.

b. The minimum lot width and area may be reduced under the provision that open space, as herein defined, be dedicated in accordance with the following:

(i) For every one hundred (100) square feet of open space provided, the minimum lot area may be reduced by two hundred (200) square feet and the width of lot by two (2) feet. However, no lot shall be reduced so as to have a lot area of less than two thousand (2000) square feet or a width of less than twenty (20) feet.

(ii) The location and intended use of the open space shall, in all cases, be subject to the approval of the Commission. Such open space shall be dedicated to the City or conveyed as a private open space to the trustees of an association or similar organization under a permanent agreement for maintenance and responsibility which agreement is acceptable to the City Commission and approved by the City Attorney.

B. Townhouse subdivisions shall provide two (2) off-street parking spaces for each dwelling. Such off-street parking space shall be located on the same lot as the dwelling.

SECTION 15 - Authority of City Commission.

The City Commission may promulgate rules, regulations, standards and specifications for the construction, installation, design, location and arrangement of streets, curbs, street lights, street signs, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells,

monuments, criteria for drainage easement requirements and drainage facilities. Such rules, regulations, standards and specifications shall be filed with the City Clerk sixty (60) days before they become effective. No such rules, regulations, standards and specifications shall conflict with this or any other ordinances of the City of Grapeland, Texas. All such improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications.

SECTION 16 - Penalties for Violation.

Any person, firm or corporation violating any provision of this Ordinance or the Code hereby adopted, shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in any sum not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) for each violation.

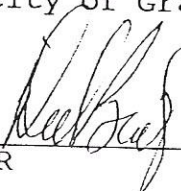
SECTION 17 - Savings Clause.

If any provision, section, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this Ordinance or their application to other persons or sets of circumstances and to this end, all provisions of this Ordinance are declared to be severable.

SECTION 18 - Publication and Effective Date.

This Ordinance shall take effect from and after ten (10) days from its passage by the City Commission. The City Secretary is hereby directed to give notice hereof by causing the caption of this Ordinance to be published in the official newspaper of the City of Grapeland at least twice within ten (10) days after the passage of this Ordinance.


INTRODUCED, READ and PASSED by the affirmative vote of a majority of the City Commission of the City of Grapeland, this the 13th day of September, 1994.



MAYOR

ATTEST:

APPROVED:



CITY SECRETARY

CITY ATTORNEY