

1733

460314-A
AN ORDINANCESubdivision
Ordinance

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS AND SUBDIVISIONS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING A SAVING CLAUSE, AND DECLARING AN EMERGENCY.

WHEREAS, under the laws of the State of Texas every owner of a tract of land situated within the corporate limits of the City of Austin who may subdivide such tract of land is required to submit a plat of said subdivision to the City Planning Commission of the City of Austin for approval; and

WHEREAS, the City Council of the City of Austin is empowered to adopt and promulgate rules and regulations governing plats and subdivisions of land within said area; therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. From and after the passage of this Ordinance, all plats and subdivisions of land within the corporate limits of the City of Austin shall conform to the following rules and regulations:

(1) Definitions. For the purpose of interpreting this Ordinance, certain words used herein are defined as follows:

(a) Building Line - A line beyond which buildings must be set back from the street line.

(b) Commission - The City Planning Commission appointed by the City Council of the City of Austin.

(c) Local Residential Street - A local residential street is one which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts.

(d) "Through" Residential Street - A "through" residential street is one which is continuous through several residential districts, and is intended as a connecting street between residential districts and main thoroughfares or business districts.

(e) Main Thoroughfare - Main thoroughfares are principal traffic arteries more or less continuous across the City which are intended to connect remote parts of the City or area adjacent thereto, and act as principal connecting streets with state and federal highways.

(f) Master Plan - The comprehensive plan of the City and adjoining area made by the City Planning Commission which indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks and other public and private developments and improvements.

(g) Official Map - The map on which the planned locations, particularly of streets, are indicated with detail and exactness so as to furnish the basis for property acquisition or building control.

(h) Plat - The map, drawing or chart on which a subdivider's plan of a subdivision is presented and which he submits for approval and intends to record in final form.

(i) Street Width - Street width is the shortest distance between the lines which delineate the right-of-way of a street.

(j) Subdivision - A subdivision is the division of any lot, tract or parcel of land into two or more lots or sites for the purpose, whether immediate or future, of sale or of building development. It also includes re-subdivision of land or lots. Divisions of land for agricultural purposes, in parcels of three (3) acres or more shall not be included within this definition of subdivision, unless any such division of three (3) acres or more includes the planning or development of a new street or access easement.

(2) Preliminary Plat. - A preliminary plat of any proposed subdivision shall be submitted to the City Planning Commission for approval before the preparation of the final plat for record. This plat shall be drawn to a scale not smaller than 200 feet to one (1) inch, and shall show the following information:

- (a) The date, scale, and north point; the title under which the plat is to be recorded with the name of the owner.
- (b) The existing boundary lines of the land to be subdivided; the property lines of adjoining property owners and adjoining street lines.
- (c) The location of existing water courses, railroads and other similar drainage and transportation features; locations and sizes of streets, alleys, easements, lots and recreational areas.
- (d) Topographical information approximately equivalent to five (5) foot contour lines where such information is essential to the proper planning of a subdivision.

The Commission shall be furnished ten legible blueprints of the preliminary plat two weeks or more before regular Commission meetings.

The Commission shall approve or disapprove within sixty-five (65) days any preliminary plat submitted to it. Approval of the preliminary plat shall not constitute final acceptance of the plat.

(3) Final. Plat. After approval of a preliminary plat by the Commission a final plat shall be submitted to the Commission. Three copies of the final plat must be submitted two weeks or more before a regular Commission meeting. Such plat shall be drawn in black ink upon permanent tracing material to a scale not smaller than 100 feet to one (1) inch and shall show the following information:

- (a) Date, subdivision title, scale, north point and declination.
- (b) The names of the adjoining subdivisions or the names of the adjoining property owners, together with the respective plat or deed references.
- (c) The lines and names of all proposed streets or other ways or easements and other open spaces to be dedicated for public use or granted for use of inhabitants of the subdivision.
- (d) The length of all straight lines, deflection angles, radii, arcs, tangents, long chords and central angles of all curves, along the property lines of each street. All dimensions along the lines of each lot, with the true bearings, and any other data necessary for the location of any lot line in the field.
- (e) The location of all permanent monuments and control points.
- (f) Suitable primary control points to which all dimensions, bearings and similar data shall be referred. Dimensions shall be shown in feet and decimals of a foot.
- (g) Where restrictions of use of land, other than those given in these regulations, are to be imposed by the subdivider, such restrictions maybe placed on the final plat or on a separate instrument filed with the plat.
- (h) The final plat shall have the signature and seal of the surveyor or engineer who made the survey, and the dedication thereon shall be signed by the property owners and shall carry the signature and seal of an authorized notary public. Such plat shall bear the signature of the Chairman and Secretary of the City Planning Commission and the signature of the City Engineer.

After a plat has been recorded, the Commission shall be furnished seven blueprints of the final plat complete with all signatures. Where a preliminary plat has been approved by the Commission, the final plat shall be submitted within six months thereafter; otherwise, approval of the preliminary plat shall become null and void.

Where the subdivision is a portion of a tract later to be subdivided in its entirety, a tentative master plan of the entire subdivision shall be submitted with the final plat of the portion first to be subdivided.

(4) Conformity with Official Plan or Map. Subdivisions shall conform to the master plan and official map of the city.

(5) Relationship to Street System. In general, streets of the new subdivisions shall be in line with existing streets in adjoining subdivisions except insofar as the master plan topography, requirements of traffic circulation and other considerations make it desirable to depart from such alignment.

(6) Access to Lots. Each lot shall be provided with adequate access to an existing public street by frontage on such street or through connection by a new street or a permanent easement to an existing street.

(7) Street Widths. Street widths shall be in conformity with the requirements of the master plan or official map but shall in no case be less than fifty (50) feet wide for local residential streets, sixty (60) feet wide for "through" residential streets, and eighty (80) feet wide for main thoroughfares. Where topographical conditions, drainage channels, proposed limited development along one side of the street or other special condition warrants, a residential street of less than fifty (50) foot width, a lesser width may be approved by the Commission.

(8) Boundary Streets. In cases where the land proposed to be subdivided is partially or totally bounded on one or more sides by a street, way or thoroughfare having a width less than that specified in (7) above, such land shall be laid out so as to provide street widths specified in (7) above,

A half street along adjoining property which has not been subdivided may be approved, or the full width may be required by the Commission, on the first of the tracts to be subdivided.

(9) Street Names. New streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the City.

(10) Street Monuments and Property Markers. Concrete monuments, eight (8) inches in diameter by eighteen (18) inches long, shall be placed at all corners of boundary lines of a subdivision and in any case not more than 1300 feet apart. The exact intersection point on the monument shall be marked by a copper pin one-fourth (1/4) inch in diameter embedded at least three (3) inches in the monument. The top of the monument shall be placed flush with the natural ground.

Intermediate property corners, curve points and angle points shall be marked by iron stakes driven flush with the ground or counter sunk if necessary, in order to avoid being disturbed.

(11) Street Intersections. Acute angles between streets at their intersection are to be avoided. However, when intersecting angles sharper than eighty (80) degrees are deemed advisable, the property line in the small angle of the intersection shall be rounded so as to permit the construction of curbs having a radius of not less than twenty-five (25) feet, without decreasing the normal width of the sidewalk area.

(12) Easements. Except where alleys of not less than fifteen (15) feet in width are provided, easements not less than five (5) feet in width shall be retained on each side of rear lot lines. Where necessary, easements five (5) feet in width, on each side of side lot lines, shall be retained for poles,

wires, conduits, storm sewers, sanitary sewers, waterlines, open drains, gas lines, heat lines or other utilities. Such easements may be required across parts of lots other than as described above upon recommendation of the City Engineer:

(13) Dead End Streets. Where a street is designed with a dead end for topographical or any unusual condition or in order to develop a desirable residential plan, the street shall terminate in a cul-de-sac with a minimum turn around curb radius of thirty-five (35) feet.

(14) Block Lengths. Block lengths shall be determined primarily by the requirements of adequate vehicular and pedestrian circulation into, out of, and through new subdivision. In general, blocks shall be approximately 1000 feet long, but this length may be varied upward or downward according to requirements of circulation, topography and provisions of the master plan.

(15) Block Widths. In general, block widths shall be such as to allow for two tiers of lots back to back.

(16) Lot Arrangement. The side lines of lots shall be approximately at right angles to straight street lines or radial to curved street lines. In general, an arrangement placing adjacent lots at right angles to each other should be avoided.

(17) Lot Sizes. The minimum dimensions for interior residence lots shall be fifty (50) feet for width and one hundred and fifteen (115) feet for depth, provided that a decrease in depth may be made if the lot width is increased so as to provide a minimum lot area of 5750 square feet; provided, that the minimum width of corner lots shall be sixty (60) feet and the minimum area of corner lots shall be 6900 square feet.

(18) Land Drainage. Lots in any proposed subdivision subject to flooding during periods of normally heavy rainfall will not be approved.

Adequate storm sewers, bridges and culverts shall be installed by the subdivider throughout the entire length of the drainage area where (a) the run-off originates in the subdivision, (b) but, where the run-off originates outside the subdivision, the subdivider shall be required to pay that portion of the cost of such drainage system as would have been required under "(a)" of this section. The subdivider may construct in lieu of storm sewers, suitable drainage ditches which shall be dedicated to the public and which shall be of sufficient width to carry off the water and allow for maintenance operations in keeping such ditches open in accordance with the above provisions "(a)" and "(b)".

(19) Neighborhood Unit. Where it is proposed to develop a mass housing project or similar neighborhood unit, the Commission may vary the specific requirements of this Ordinance, if there is a building development planned with adequate provisions for light and air, vehicular and pedestrian circulation, and recreational facilities, equal to or better than the detailed requirements of this Ordinance,

To come within the provisions of this section, any proposed housing project or neighborhood unit shall be planned and developed with adequate financial and legal status to assure the carrying out of the plan and the development of the project in its entirety.

(20) Street Construction. The subdivider shall construct all local residential streets, storm sewers, culverts, and bridges, within the subdivision along lines and grades established by the City Engineer. Streets shall have a gravel base course of not less than four (4) inches compacted gravel not less than thirty (30) feet in width. In the case of through residential streets and main thoroughfares, the subdivider shall provide streets, storm sewers, culverts, and bridges to the extent necessary to meet the normal local residential street requirements in accordance with Section 1 (1) and (7) above. The gravel used shall be of a quality suitable for street purposes, and a sample thereof shall be submitted to the City Engineer for approval before it is hauled to the street. Except with approval of the City Engineer, no streets shall be graveled until the underground utilities have been installed or provision made for installation in the sidewalk areas, so that the gravel base will not be damaged.

(21) Utilities. Utilities, including (but without limitation) sanitary sewers, water lines, electric lines, and gas lines shall be installed in accordance with the requirements of the Director of Utilities of the City of Austin. Such utility lines shall be so designed as to permit extensions thereof to serve any lot within the subdivision.

The subdivider shall arrange with the appropriate utility department and company for construction costs of utility lines and for any refunds of such costs; provided, such construction may also be done under supervision of the Director of Utilities by private contract.

(22) Guarantee for Construction of Streets and Utilities. Approval of any such plan, plat, or replat shall not be deemed an acceptance of the proposed dedication and shall not impose any duty upon the City concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the City shall have made actual appropriation of the same by entry, use or improvement.

Unless and until any such plan, plat or replat shall have been first approved in the manner and by the authorities provided for in this Ordinance, it shall be unlawful within the area covered by said plan, plat or replat for any officials of the City of Austin to serve or connect said land or any part thereof, or for the use of the owners or purchasers of said land or any part thereof, with any public utilities such as water, sewers, light, et cetera, which may be owned or controlled or distributed by the City of Austin.

The City Council shall adopt and accept a plat previously approved by the City Planning Commission, together with all dedications of streets, alleys, parks, easements, public places, et cetera, as shown on said plat, only upon report and recommendation of the City Engineer evidencing that the subdivider has made necessary arrangements for the construction and completion of all streets, alleys, drainage systems and utilities required, prior to the time when any utilities may be connected by the City of Austin or by any public utility company or other entity.

(23) Refusal of Dedication. If any such plan, plat or replat is disapproved by the City Planning Commission, or the City Council, as the case may be, such disapproval shall be deemed a refusal by the City of Austin to accept the offered dedication shown thereon.

(24) Independent Utility Districts. Whenever a proposed subdivision is located within an area served by a utility corporation independent of the City, such as a water control and improvement district, the subdivider shall furnish,

before submission of the final plat, a written statement from the authorized official of such utility corporation or district to the effect that necessary arrangements have been made by the subdivider and such utility entity for the financing and installation of the utilities.

(25) Subdivisions Where Water or Sewer Utilities are not Available. Before the Commission may approve a final plat for a subdivision located outside of or beyond areas served with water or sewer utilities, the subdivider shall be required to furnish the Commission satisfactory evidence, including (but without limitation) the results of soil tests and borings, and statements from local and state health authorities, water engineers, and other proper officials, that water satisfactory for human consumption may be obtained from surface or sub-surface water sources on the land and that soil conditions are such that satisfactory sewage disposal can be provided by the use of approved septic tanks or similar devices.

SECTION 2. Repealing Clause. Any ordinance inconsistent with the terms and provisions of this Ordinance is hereby repealed; such repeal, however, is only to the extent of such inconsistency, and in all other respects this Ordinance shall be cumulative of other ordinances regulating the subject matter covered herein.

SECTION 3. Severability Clause. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance, that no portion hereof, or provisions or regulation contained herein, shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, sub-section, sentence, clause, phrase or provisions of this Ordinance.

SECTION 4. Emergency Clause. Whereas, an emergency is apparent for the immediate preservation of the order, health, safety, and general welfare of the public that requires this Ordinance to become effective immediately, therefore, it shall be effective from and after the date of its passage as made and provided by the ordinances and Charter of the City of Austin.

PASSED: March 14, 1946

APPROVED: March 14, 1946

APPROVED:

TOM MILLER

Mayor

Trueman E. O'Quinn

ATTEST:

Kelen K. Busche

Acting City Clerk

