Amended

ORDINANCE NO. 960601
#19960601

AN ORDINANCE AMENDING ORDINANCE NO. 950902, THE SUBDIVISION REGULATION FOR THE CITY OF WEIR; AMENDING THE SUBDIVISION ORDINANCE TO REDEFINE THE TERM "SUBDIVISION"; TO AMEND THE PROCEDURE REQUIRED FOR PLATTING SUBDIVISIONS WITHIN THE CITY OF WEIR; TO DELETE INAPPLICABLE PROVISIONS; AND TO RESTATE THE SUBDIVISION ORDINANCE IN ITS ENTIRETY WHICH RESTATEMENT INCLUDES THE AMENDED PROVISIONS; PROVIDING A PENALTY FOR VIOLATIONS; INCLUDING A REPEALING CLAUSE, A SAVINGS CLAUSE AND THE EFFECTIVE DATE.

WHEREAS, the City Council of the City of Weir, Texas, desires to amend its existing Subdivision Ordinance No. 950902, which Subdivision Ordinance protects the City of Weir in providing standards for uniform and consistent growth within the City of Weir and providing for the safety and welfare of its citizens; and

WHEREAS, the City Council deems the following amendments to Ordinance No. 950902 are in the best interest of the public welfare of the City of Weir and deems the amendments necessary to Ordinance 950902; and

WHEREAS, the amendments hereinafter set forth are the amendments to Ordinance No. 950902 and Ordinance No. 950902 is amended by the changes contained within this Ordinance only insofar as the amendments set out herein; and

WHEREAS, the City Council deems it to be in the best interest that Ordinance No. 950902 be restated and attached to this Ordinance as Exhibit "A" restating Ordinance No. 950902 as amended by this Ordinance in order to consolidate the original Ordinance with the amendments set forth herein into one instrument.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEIR, TEXAS, that:

SECTION I.

The City Council of the City of Weir, Texas, hereby finds the recitals set forth above to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

SECTION II.

The following paragraphs in Ordinance No. 950902, Subdivision Regulation of the City of Weir, are amended as follows:

A. Article 1.0 PURPOSE is amended to read as follows:

These regulations have been prepared in general to aid in the orderly development of the City of Weir, Williamson County, Texas, and provide standards which will lead to a desirable environment. Specifically they have been prepared for the following purposes:

B. Paragraph 1.1 is amended to read as follows:

1.1 To furnish the developer with guidance and assistance in the expedient preparation and approval of a plat.

C. Article 2.1 Subdivision is amended to read as follows:

2.1 Subdivision

The division of a tract of land located within the City limits or in the extraterritorial jurisdiction of Weir into two or more parts to lay out a subdivision of the tract including an addition to the municipality, to lay out suburban, building or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchaser's or owner's of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts. A division of a tract of land into two or more parts occurs regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed, or by using a contract of sale or other executory contract to convey or by using any other method. Division of a tract of land for any of the purposes above stated does not require a transfer of title of all or any part of the tract and a conveyance of legal or equitable title of real estate or the rental or lease or participation by residents for spaces for HUD-Code Manufactured Homes is a division and is included as a subdivision and subject to these platting requirements.

D. Article 3.0 PROCEDURE is amended to read as follows:

An owner of a tract of land located within the City limits or extraterritorial jurisdiction of the City of Weir who divides a tract of land into two or more parts in a manner defined as a "subdivision" as hereinabove set

forth in Article 2.1., must comply with this Subdivision Ordinance and must follow the procedure set forth in this Ordinance, and the Engineering Guidelines set forth in Appendix A, and shall submit the Health Department approval set forth in Appendix B and shall be required to secure an approval of a plat by the City of Weir, Williamson County, Texas, hereinafter set forth."

E. Paragraph 3.1 is amended to read as follows:

3.1 In order to protect the public interest in such matters, the City Council, City of Weir, Williamson County, Texas, hereby decrees under the provisions of Local Government Code, Section 212.004(a), that the owner or owners of any tract of land that desire to obtain approval of a subdivision plat for recording in the Williamson County records, shall submit to the City Secretary, City of Weir, the original plat and one identical copy, size not to exceed 18" x 24", at least one week prior to the regular scheduled City Council Meeting. Preliminary subdivision plats are to be presented to the City Council for review and study. Six additional copies of the plat shall be furnished to the City of Weir before final approval. Final plats will not be considered for approval until the next scheduled meeting of the Council. Copy must be permanent blue on white print on linen cloth blue line or rag paper blue line. The plat must be platted on a scale large enough so that all writing and printing is legible and can be easily read. Xerox copies are not acceptable. No approval in the form of the Mayors signature, verbal Council action or otherwise shall be given on any subdivision, until each and every subdivision regulation has been met.

F. Paragraph 8.2 is amended to read as follows:

8.2 Any person who wishes to receive a variance should apply in writing, to any Alderman of the City of Weir, who will place it on the next scheduled agenda of the City Council Meeting and present it with a recommendation whether the variance should be granted.

G. Paragraph 9.2 is amended to read as follows:

9.2 A person commits an offense if the person knowingly or intentionally violates a requirement of these regulations, including the Platting and Engineering

Guidelines incorporated. Any person, firm, partnership, association, corporation or other legal entity violating this Ordinance or any portion hereof shall upon conviction, be guilty of a misdemeanor and shall be fined not less than $1.00 and no more than $500.00 and each day that such violation continues shall be considered a separate offense and punishable accordingly. In the event a corporation is the alleged violator of any provision of this Ordinance, each officer, agent and/or employee of such corporation committing or assisting in the commission or acting as the accomplice in the commission of such violation shall be individually liable for the penalties herein prescribed.

H. Paragraph 9.4 is amended to read as follows:

9.4 A tract that has been subdivided without compliance with these regulations will be ineligible to obtain a permit for the construction or modification of a private sewage facility located on the tract or to receive any certificate of occupancy.

I. Appendix A as it appears in the original Ordinance No. 950902 is deleted in its entirety and Appendix B is relabeled Appendix A and Appendix C is relabeled Appendix B.

SECTION III.

The amended restated Ordinance No. 950902 is attached hereto as Exhibit "A" and incorporated by reference herein as if written in its entirety.

SECTION IV.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION V.

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 effect the validity of the remaining provisions of this ordinance of their application to other persons or set of circumstances and to this end, all provisions of this ordinance are to be severable.

SECTION VI.

This ordinance shall take effect Immediately from and after the passage hereof. The City secretary is hereby directed to give notice hereof by causing the caption of this ordinance to be published in The Williamson County Sun within ten (10) days after the passage of this ordinance.

SECTION VII.

Any violation of any provision of this Ordinance shall constitute a misdemeanor and upon conviction thereof and be subject to a fine up to $500.00. Each and every day a violation continues shall constitute a separate offense.

SECTION VIII.

Any amendments not specifically set forth in this Ordinance but included in the amended restated Ordinance attached hereto as Exhibit "A" shall be considered effective as if included specifically in this amended Ordinance.

PASSED, APPROVED AND ADOPTED this the 20th day of June, 1996, A.D.

Mervin Walker
MERVIN WALKER
Mayor, City of Weir

ATTEST:

Frances Richmond
FRANCES RICHMOND
City Secretary

CITY OF WEIR
WILLIAMSON COUNTY, TEXAS

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Ordinance # 19960601 - Exhibit "A"

EXHIBIT "A"

CITY OF WEIR SUBDIVISION ORDINANCE

INDEX

SECTION	TITLE	PAGE NUMBER
1.0	PURPOSE	1
2.0	DEFINITION OF TERMS	2
3.0	PROCEDURE	7
4.0	DRAINAGE AND FLOOD CONTROL	15
5.0	LOT SIZE	17
6.0	STREET NAMES AND MARKERS	18
7.0	ROAD MAINTENANCE	19
8.0	VARIANCES	22
9.0	PENALTIES	22
10.0	REPEALING CLAUSE	24
11.0	SAVINGS CLAUSE	24
12.0	EFFECTIVE DATE	25
APPENDIX A	ENGINEERING GUIDELINES	27
APPENDIX B	HEALTH DEPARTMENT APPROVAL	40

CITY OF WEIR SUBDIVISION ORDINANCE

AN ORDINANCE PROVIDING RULES AND REGULATIONS GOVERNING THE PLATTING OR REPLATTING OF LAND INTO SUBDIVISIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF WEIR, TEXAS AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THIS CITY; REQUIRING PLATS AND REPLATS TO CONFORM WITH SUCH RULES AND REGULATIONS IN ORDER TO PROCURE THE APPROVAL OF THE CITY COUNCIL; PROVIDING A PENALTY FOR VIOLATION OF NOT LESS THAN $1.00 AND NOT MORE THAN $500.00 UPON CONVICTION AND THAT EACH DAY SHALL CONSTITUTE A SEPARATE OFFENSE; REPEALING ORDINANCES INCONSISTENT HEREWITH; PROVIDING A SAVINGS CLAUSE AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE HEREOF:

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

1.0 PURPOSE

These regulations have been prepared in general to aid in the orderly development of the City of Weir, Williamson County, Texas, and provide standards which will lead to a desirable environment. Specifically they have been prepared for the following purposes:

1.1 To furnish the developer with guidance and assistance in

the expedient preparation and approval of a plat.

1.2 To protect the citizens of the City of Weir and the potential buyer by insuring minimum standards in the subdivision where they may want a home.

1.3 To provide for the welfare of the general public by controlling the location and design of intersections and other features which promote safety.

1.4 To prevent the City of Weir from being burdened with substandard streets and/or roads in the future.

2.0 DEFINITION OF TERMS

2.1 Subdivision

The division of a tract of land located within the City limits or in the extraterritorial jurisdiction of Weir into two or more parts to lay out a subdivision of the tract including an addition to the municipality, to lay out suburban, building or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchaser's or owner's of lots fronting

on or adjacent to the streets, alleys, squares, parks or other parts. A division of a tract of land into two or more parts occurs regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed, or by using a contract of sale or other executory contract to convey or by using any other method. Division of a tract of land for any of the purposes above stated does not require a transfer of title of all or any part of the tract and a conveyance of legal or equitable title of real estate or the rental or lease or participation by residents for spaces for HUD-Code Manufactured Homes is a division and is included as a subdivision and subject to these platting requirements.

2.2 Street or Road

The terms "street or road" are interchangeable and mean a vehicular way or a way for vehicular traffic and are used to describe all vehicular ways regardless of any other designation they may have. Streets and Roads shall be dedicated to the public. The landowner may dedicate either the fee ownership in the land or an easement for street, drainage and utility purposes, at the landowner's option.

2.3 Arterial Streets and/or Roads

Arterial streets and/or roads are those that are principally regional in nature and are used for through or heavy traffic and shall be divided into two classifications:

2.3.1 Streets or roads which will serve vehicular traffic beyond the limits of the subdivision; and/or connect one collector or arterial with one or more collectors or arterial.

2.3.2 Streets or roads which are existing county roads or city streets and are named or numbered.

2.4 Collector Streets or Roads

Collector streets or roads are those which connect arterial streets or roads with local streets and/or roads.

2.5 Local Streets or Roads

Local streets or roads are those which principally provide direct access to lots within a subdivision.

2.6 Urban Street

For the purpose of this ordinance, an urban street is any street situated such that the spacing of driveways is less than 100 feet apart for a distance of 1/4 of a mile. This distance does not apply to a subdivision using curb and gutter. Any curb and gutter street will be considered an urban street.

2.7 Rural Street

For the purpose of this ordinance, a rural street is any street situated such that the spacing of driveways is greater than 100 feet apart.

2.8 Minimum Requirements

Requirements when defined as minimum shall be the minimum acceptable requirements. Such requirements may be increased by the City of Weir due to issues pertaining to each unique subdivision.

2.9 Owner

All references in these regulations to an "Owner" shall be construed to refer to the person or persons possessing title and/or lien to the property to be subdivided. Owner shall also include the owner's surveyor, engineer, lawyer or planner who has been granted authority by the person possessing title or a bona fide interest in the property to represent such ownership or interest in the property.

2.10 Preliminary Plat

A map or drawing of a proposed subdivision. This map is to show the proposed improvements to all the owners adjacent property.

2.11 Final Plat

A map or drawing of a proposed subdivision prepared in a manner suitable for recording in the Williamson County's records.

2.12 Developer

Any owner of property ,who wishes to divide it into two or more smaller tracts.

2.13 Parent Tract

The original tract owned by the developer prior to any division.

2.14 Daughter Tract

Any of the tracts created by division of the parent tract, including the remainder of the parent tract itself.

2.15 Texas Local Government Code

References to the Texas Local Government Code shall Include the code as now written or as amended subsequent to the adoption of this Ordinance.

3.0 PROCEDURE

An owner of a tract of land located within the City limits or extraterritorial jurisdiction of the City of Weir who divides

a tract of land into two or more parts in a manner defined as a "subdivision" as hereinabove set forth in Article 2.1., must comply with this Subdivision Ordinance and must follow the procedure set forth in this Ordinance, and the Engineering Guidelines set forth in Appendix A, and shall submit the Health Department approval set forth in Appendix B and shall be required to secure an approval of a plat by the City of Weir, Williamson County, Texas, hereinafter set forth."

3.1 In order to protect the public interest in such matters, the City Council, City of Weir, Williamson County, Texas, hereby decrees under the provisions of Local Government Code, Section 212.004(a), that the owner or owners of any tract of land that desire to obtain approval of a subdivision plat for recording in the Williamson County records, shall submit to the City Secretary, City of Weir, the original plat and one identical copy, size not to exceed 18" x 24", at least one week prior to the regular scheduled City Council Meeting. Preliminary subdivision plats are to be presented to the City Council for review and study. Six additional copies of the plat shall be furnished to the City of Weir before final approval. Final plats will not be considered for approval until the next scheduled meeting of the Council.

Copy must be permanent blue on white print on linen cloth blue line or rag paper blue line. The plat must be platted on a scale large enough so that all writing and printing is legible and can be easily read. Xerox copies are not acceptable. No approval in the form of the Mayors signature, verbal Council action or otherwise shall be given on any subdivision, until each and every subdivision regulation has been met.

3.2 Every plat must be accompanied with the following:

3.2.1 Owners dedication and restrictions, if any, duly acknowledged in the manner required for acknowledgement of deeds. For road widening and drainage purposes the landowner may dedicate either the fee interest in the property or a right-of-way easement for road widening or drainage improvements at the City's option. Plat note, stating that dedication of all public roadways and easements shall be accomplished free of liens. Any required release of liens shall be provided, by the developer, to The City of Weir. Right-of-way easements for widening

roadways or improving drainage must be accompanied by a plat note placing the burden of maintaining the property upon the landowner until a road or drainage improvements are actually constructed on the property. This plat note must state that the City, of Weir has the right at any time to take possession of any easement for construction, improvement or maintenance within the dedicated easement. Compensation to any landowner for any easements that may be required is limited to road and drainage improvements and reconstruction of fences at the option of the City of Weir. The plat must also contain a note to the effect that all easement dedications shall be created by a notarized statement executed by all property owners and any lien holders or their legal representatives.

3.2.2 Surveyor's certified perimeter field notes. (Beginning point to be an original corner of the original survey of which the plat is a part.) The plat shall show the portion of the

subdivision, if any, that falls within the 100 year flood plane, as shown on the most current copy of the Williamson County Flood Hazard Boundary Map (FHBM), published by the Federal Emergency Management Agency. The plats shall show the location of all underground utilities, including water power lines, sewage lines, telephone lines, cable television lines, gas lines and storm sewers. All underground nonferrous utility lines must be accompanied by a ferrous metal line to aid in the location of said utilities through the use of a metal detector. Easements shall be provided for any existing or planned utilities, and shall be identified on the face of the plat.

3.2.3 Provision that all dwellings, trailers or mobil homes placed on subdivision lots must be connected to septic tanks or disposal facilities meeting the current specifications and conditions of the Texas State Health Department and the septic tank regulations approved by Williamson County Health

Department, a copy of which may be obtained from the Williamson County Health Department, Georgetown, Texas.

3.2.4 Authorization for the City Secretary to file the plat for record should also be incorporated with the plat for the City Council's approval. (Original plat will be returned to the developer with approval and recording information. A copy will be retained by the City Secretary as a file copy.

3.2.5 A statement of the length of each street in the proposed subdivision.

3.2.6 In approving this plat by the City of Weir, Williamson County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares and any bridges or culverts necessary to be constructed or placed is the sole responsibility of the owners of the tract of land covered by this plat in accordance with the plans and specifications as presented to the City Council, City of

Weir, Texas. The City of Weir assumes no obligation to build or cause to be built any streets, roads or other public thoroughfares shown on this plat or to construct or cause to be constructed any of the bridges or culverts in connection therewith. It is further understood that upon completion of the aforesaid obligations of the developer and 60% occupancy of the lots along the roadways and streets in the subdivision has been achieved, and all driveways drainpipes have been installed, on written permission from the City of Weir, The City of Weir will assume full responsibility for the maintenance of said streets and roads.

3.2.7 It is further understood that the enforcement of the plat restrictions is the responsibility of the developer/owner; however the City of Weir shall have the right and authority to enforce the plat restrictions through appropriate legal procedure to prohibit the construction, connection of utilities or issuing of permits unless or until the

requirements of the plat have been achieved.

3.2.8 A copy of the tax certificates showing payment of all due taxes and assessments pertinent to the subdivision.

3.2.9 A letter from the owner acknowledging that it is the responsibility of the owner, not the City of Weir, to assure compliance with the provisions of all applicable state, federal and local laws and regulations relating to the environment, including (but not limited to) the Endangered Species Act, State Aquifer Regulations and Municipal Watershed Ordinances.

3.2.10 Certification of a Registered Professional Engineer under his or her professional seal that all engineering for roads and drainage within the subdivision have been completed in compliance with these regulations and with all generally accepted engineering standards.

3.2.11 A signature block on the plat for approval by

the Williamson County Health Department, showing that they have examined the plat and that it is in compliance with the Williamson County Private Sewage Facility Regulations, Construction Standards for an On Site Sewage Facility Regulations (TNRCC), Floodplain Management Regulations for Williamson County, Regulations of the Edwards Aquifer Chapter 313 subchapter A SS313.1-313.15.

This signature block must be signed by a representative of the department prior to final plat approval.

4.0 DRAINAGE AND FLOOD CONTROL

4.1 Drainage calculations shall be made using Talbot's Formula or other generally accepted methods acceptable to the City of Weir. All date and calculations must be presented to the said City of Weir for checking upon request. All drains and drainage must be inspected and approved by the City of Weir, in writing prior to the application of any base material.

Drainage for arterial streets or roads shall be designed using a 50 year frequency. Drainage for lateral streets

or roads shall be designed using a 25 year frequency. All drainage easements and the 100 year Flood Plain must be shown on subdivision plats before approval.

4.2 All drainage structures and appurtenances shall be designed by a registered professional engineer. No subdivision streets and/or roads will be accepted for maintenance by the City of Weir until all driveway drain pipes have been installed to the existing improvements. Placement of said driveway pipes shall be made only upon written permission of the City of Weir. No driveway drainpipe will be accepted unless it has a minimum diameter of 18 inches or equal area and a minimum length of 22 feet. Larger or longer drain pipes shall be installed if necessary to handle drainage based on a 25 year flow frequency. All drain pipes and drain structures shall be approved in writing by the City of Weir. Certification by registered engineers as to the size of driveway drainage pipes for each lot in a subdivision shall be included in a map or list attached to each subdivision plat. The subdivision developer will be held responsible to notify builders and lot owners of this requirement. It shall be placed in all deed restrictions.

4.3 Prior to any construction, a site plan approved by a Registered Professional Engineer shall be submitted to the City of Weir for review. The plan when submitted shall include details of, the retention ponds (if needed) and the calculations of the rate of drainage. Retention ponds should be calculated according to the 25 year flow frequency to keep the runoff from the site as it would be in it's natural state.

4.4 Building slab elevation shall be a minimum of 12 inches above any point on the lot within 60 inches of the perimeter of the building. The first 120 inches of any driveway shall be the same or greater elevation as the edge of the street or road (if the street or road has a curb, then the elevation shall be the same or greater than the top of the curb).

5.0 LOT SIZE

5.1 Minimum lot size shall be one (1) acre for lots which have a private water system (private well) and a private septic system (drainage easements only to be excluded from the one acre calculations). There shall be a 150 foot minimum between the water well and the septic system

drainfield. One half (1/2) acre lots are permitted if the water service is supplied from an approved water source not located on the property. All lots shall have 100 foot frontage, as measured 25 foot back from the front property line.

5.2 All structures on the property shall be constructed to be a minimum of 25 feet between the front of the structure and the front property line. A minimum of 10 feet shall be maintained between all other building perimeter lines and any other property line.

6.0 STREET NAMES AND MARKERS

6.1 All street and roads, to be dedicated to the public with a subdivision, shall be named. Prior approval of the street name from the U.S. Postal authorities shall have been received. Said street names shall be displayed on each street intersection, using standard street markers, by the developer/owner of the subdivision. All lots shall have an address, as assigned by the 911 coordinator of Williamson County. All buildings (residential or commercial) shall have the correct address displayed, preferably using reflective numbers.

6.2 Traffic control signs, such as stop, yield and speed limit signs as approved by the City of Weir, shall be installed by the developer/owner(s) of said subdivision at all intersections. Other traffic control signs shall be installed to indicate any unusual traffic or road conditions that may exist. The streets or roads in any subdivision will not be accepted for maintenance by the City of Weir until all the aforesaid requirements and conditions have been complied with. Unless otherwise posted, a maximum thirty (30) mile per hour speed limit within all plated subdivisions is adopted. Where rural route mail boxes are in use, such boxes shall be set 3 foot from the edge of the pavement or behind curbs, when used.

6.3 When traffic signal lights are required for the entrance of traffic generated by subdivisions at principal thoroughfares, such signal lights shall be the responsibility of the developer/owner and the construction cost shall be borne by the developer/owner.

7.0 ROAD MAINTENANCE

7.1 By accepting a subdivision plat for filing, the City of

Weir does not thereby accept the streets in the subdivision for ownership or maintenance by the City. The owner(s) of the platted lots are responsible for maintenance of all streets or roads within a subdivision until such time as the roads have been accepted by the City.

7.2 The city will not accept a road for maintenance without the following preconditions:

7.2.1 A dedication to the public of an easement or fee interest in the entire roadway;

7.2.2 Written certification from a Registered Professional Engineer that the road was constructed in accordance with the engineering guidelines in effect when the subdivision was legally platted (or has been upgraded to those standards). If the subdivision where the road is located was never legally platted, it must meet the current guidelines.

7.2.3 Written certification from a Registered Professional Engineer that the road is

currently in compliance with the applicable guidelines. The cost of any improvements, maintenance or repairs required to reach that standard shall be borne by the developer or current landowners, not the City of Weir; and

7.2.4 Agreement by the governing body of the City of Weir after reviewing aforesaid documents.

7.3 Subject to the restrictions in paragraph 7.2, The City of Weir will, at its option, accept responsibility for maintenance of a road in a subdivision upon the earlier of the following events:

7.3.1 The construction and actual occupancy of homes or other permanent structures on 60 percent of the lots located adjacent to the road or roads to be accepted, provided that the road or roads directly connect to other accepted public roads;

OR

7.3.2 The expiration of two (2) years from the date

that all streets, drainage and other improvements in the subdivision have been completed.

8.0 VARIANCES

8.1 The City Council of the City of Weir shall have the authority to grant variances from these regulations when the public interest or the requirements of justice demands relaxation of the strict requirements of the rules.

8.2 Any person who wishes to receive a variance should apply in writing, to any Alderman of the City of Weir, who will place it on the next scheduled agenda of the City Council Meeting and present it with a recommendation whether the variance should be granted.

8.3 The decision of the City Council whether to grant or deny a variance is at its complete discretion, and will be final.

9.0 PENALTIES

9.1 Section 212.018 of the Texas Local Government Code Provides for the enforcement of the state subdivision laws and of these regulations.

9.2 A person commits an offense if the person knowingly or intentionally violates a requirement of these regulations, including the Engineering Guidelines incorporated. Any person, firm, partnership, association, corporation or other legal entity violating this Ordinance or any portion hereof shall upon conviction, be guilty of a misdemeanor and shall be fined not less than $1.00 and no more than $500.00 and each day that such violation continues shall be considered a separate offense and punishable accordingly. In the event a corporation is the alleged violator of any provision of this Ordinance, each officer, agent and/or employee of such corporation committing or assisting in the commission or acting as the accomplice in the commission of such violation shall be individually liable for the penalties herein prescribed.

9.3 In addition to prosecution of any criminal violations of this Ordinance, the City may proceed with and shall not be estopped from filing any civil action in a court of

competent jurisdiction to enjoin any violation or threatened violation of this Ordinance or to recover damages or to pursue any civil remedy afforded to this City as provided by law.

9.4 A tract that has been subdivided without compliance with these regulations will be ineligible to obtain a permit for the construction or modification of a private sewage facility located on the tract or to receive any certificate of occupancy.

10.0 REPEALING CLAUSE

10.1 All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

11.0 SAVINGS CLAUSE

11.1 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 effect the validity of the remaining provisions of this ordinance of their application to other persons or set of circumstances and to this end, all provisions of this ordinance are to be severable.

12.0 EFFECTIVE DATE

12.1 This ordinance shall take effect Immediately from and after the passage hereof. The City secretary is hereby directed to give notice hereof by causing the caption of this ordinance to be published in The Williamson County Sun within ten (10) days after the passage of this ordinance.

PASSED, APPROVED AND ADOPTED this the 20th day of June, 1996, A.D.

Mervin Walker
MERVIN WALKER,
Mayor, City of Weir

CITY OF WEIR
WILLIAMSON COUNTY, TEXAS

ATTEST:

Frances Richmond

FRANCES RICHMOND
City Secretary

CITY OF WEIR
WILLIAMSON COUNTY, TEXAS

Ordinance #19960601 - Appendix

CITY OF WEIR SUBDIVISION ORDINANCE

APPENDIX A - - - ENGINEERING GUIDELINES

A1. LOT SIZE

1.1 Minimum lot size shall be one acre for lots that have a private water well and septic system, drainage easements only to be excluded from the one acre calculation. There shall be a 150 foot radius between the well and any septic system drainfield. The Williamson County Private Sewage Facility Regulations or other Federal, state or local laws or regulations may impose further lot restrictions.

A2. ROAD ALIGNMENTS

2.1 Streets shall be laid out so as to align with existing streets in adjoining or nearby subdivisions, leaving the possibility of connecting such subdivisions with a minimum of road construction. No voids may be left within the subdivision with the intent of avoiding responsibility for constructing roads or bridges, nor along the subdivision boundary to avoid connection with adjacent subdivisions or roads. Arterials shall be placed and designed in accordance with the Austin Transportation Study Plan or any other arterial roadway plan that contains the subdivision. Collectors will be placed in

accordance with the desires of the City of Weir.

2.2 Cross streets at a maximum spacing of 1500 feet shall be provided to facilitate the movement of emergency vehicles such as fire trucks and ambulances. More frequent spacing for urban roads may be required, depending on traffic conditions and density.

2.3 Dead end streets which end at property which may be developed may remain dead end streets, but must be extended to the property lines. Dead end streets which shall remain dead end streets shall end on a cul-de-sac with a minimum radius of 50 foot right of way (minimum base 44 foot radius) with Dead End street signs placed on these streets.

2.4 The City of Weir may require an internal street system that minimizes road cuts into existing public roadways.

A3. MINIMUM ROAD REQUIREMENTS

3.1 Arterial streets shall be designed as follows:

3.1.1 If the arterial is included in a roadway or transportation plan, the right of way and pavement

cross section shall be as required in the plan.

3.1.2 The minimum right of way shall be 90 feet.

3.1.3 The pavement cross section in a rural subdivision shall be 24 feet travel way with paved 8 foot shoulders.

3.1.4 The pavement cross section in a urban subdivision shall be 24 feet travel ways (LOG-LOG) with a 19 foot median (LOG-LOG).

3.1.5 The minimum design speed shall be 50 miles per hour.

3.2 Collector streets shall be designed as follows:

3.2.1 If the collector is included in a roadway or transportation plan, the right of way and pavement cross section shall be as required in the plan.

3.2.2 The minimum right of way shall be 60 feet.

3.1.3 The pavement cross section in a rural subdivision

shall be 22 feet travel way with paved 4 foot shoulders whose average daily trip (ADT) is less than 2000, 22 feet of travel way with paved 6 foot shoulders whose ADT is less than 4000, 22 feet of travel way with paved 8 foot shoulders whose ADT is greater than 4000.

3.1.4 The pavement cross section in a urban subdivision shall be 37 feet travel ways (LOG-LOG) whose ADT is less than 2000, a 41 foot travel way (LOG-LOG) whose ADT is less than 4000 and a 45 foot travel way (LOG-LOG) whose ADT is greater than 4000.

3.1.5 The minimum design speed shall be 40 miles per hour.

3.3 Local streets shall be designed as follows:

3.3.1 The minimum right of way shall be 50 feet.

3.3.2 The pavement cross section in a rural subdivision shall be 20 feet travel way with paved 4 foot shoulders or an 18 inch ribbon curb whose average daily trip (ADT) is less than 1000.

3.3.3 The pavement cross section in a urban subdivision shall be 30 feet travel ways (LOG-LOG) whose ADT is less than 1000.

3.3.4 The minimum design speed shall be 30 miles per hour.

3.4 The following standards shall apply to all streets:

3.4.1 It will be assumed for planning purposes that land adjacent to a street will produce 32 ADT/acre unless there is a plat note prohibiting the resubdivision of the adjacent property in which case it will be assumed that each lot will produce 8 ADT.

3.4.2 The standard for curbs, where installed, shall be 18 inches, with 18 inches of base beyond the curb.

3.5 Additional right of way for existing roads

3.5.1 Where the subdivision affects a County road, the Williamson County Subdivision Ordinance will apply.

3.6 Unless otherwise stated in these regulations, all roads and streets shall be designed in accordance with the latest version of AASHTO's "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS". All references to "mountainous terrain" shall not apply to Williamson County.

A4. CONSTRUCTION: GENERAL

4.1 All streets and roads are to be constructed according to specifications found in the current version of the Texas Department of Transportation Manual Standard Specifications for Construction of Highways, Streets and Bridges unless otherwise stated in these guidelines.

4.2 All streets, roads and concrete structures shall be tested by an Independent Testing Laboratory. The subgrade will be tested for Plasticity Index, percent of lime if lime is added, and Proctor density. Each base course will be tested for Proctor density and depth. The two course surface treatment will have certification of distribution of AC-5 or HFRS-2 asphalt and of the cover stone. The HMAC course will be tested for Proctor density and depth. All Proctor density test reports will include a copy of the worksheet showing 100% Proctor. Concrete will be tested for compressive strength.

Testing will be done at intervals not to exceed 500 feet. The developer will pay for all testing and will furnish the City a certified copy of the test results.

4.3 All underground nonferrous utility lines must be accompanied by a ferrous metal line to aid in the location of said utilities through the use of a metal detector except for electrical lines.

4.4 All pavement to be designed by a Professional Engineer. The design is to be based upon a soils report of samples taken along the proposed roadways. Test holes shall not exceed 500 foot spacing.

4.5 Concrete monuments meeting TXDOT requirements shall be placed at all points of curvatures and tangencies for all rural streets. These monuments shall be placed at 500 foot intervals along tangent sections.

A5. SUBGRADE

5.1 The preparation of the subgrade shall follow good engineering practices. When the PI is greater than 20, then a sufficient amount of lime shall be added as described in TXDOT Item 260.4

"Construction Methods for Lime Treated Subgrade" until the PI is less than 20. If Item 260.4 is not feasible, an alternate stabilizing design will be required. The subgrade will be prepared and allowed to reach a Proctor Density of 95%.

5.2 The subgrade must be inspected and approved by an Independent Testing Laboratory and a certified copy given to the City of Weir.

A6. BASE MATERIAL

6.1 Base material shall conform to TXDOT Item 247 "Flexible Base". The base material shall be Type A Grade 2.

6.2 The base will be prepared and allowed to reach Proctor density of 98%. The base must be inspected and approved by an Independent Testing Laboratory and a certified copy given to the City of Weir.

A7. WEARING SURFACE

7.1 Urban streets require a minimum 1-1/2 inch layer of HMAC TYPE D. A Proctor density of 95% will be required. Aggregate used in the mix shall be on the TXDOT Quality Monitoring Schedule.

The City of Weir shall be provided a copy of the HMAC design.

7.2 Rural streets may use the above or two course surface treatment. Aggregate used in the mix shall be on the TXDOT Quality Monitoring Schedule. Aggregate shall conform to TXDOT Item 302. Type B Grade 4 shall conform to TXDOT Item 302.4 except that 98.8 - 100 be retained on no. 10 sieve provided that the decantion test does not exceed 1.0%. Gradation tests will be required for each 300 cu. yards with a minimum of one test per each grade per each project.

7.3 Paving material shall be applied only as directed in the Texas Department of Transportation Manual as to temperature, etc.

A8. CONCRETE

8.1 Design engineer shall determine class of concrete for each structure. Aggregate used in the mix shall be on the TXDOT Quality Monitoring Schedule. Batch design will be required for each class of concrete. Test beams will be required for each 50 CY or a minimum of one beam for each class of concrete. A slump test will be required with each set of test beams. Air entraining and retarding agents used shall be from approved TXDOT list. Fly ash may be used if the batch design

is approved by the Design Engineer and the minimum compressive strength test is met.

A9. DRAINAGE AND FLOOD CONTROL

9.1 Each development is required to detain runoff water on each developed tract so that the peak discharge rate is equal or less than when the property was in it's natural state. Drainage is to be designed by a Registered Professional Engineer according to 100-year Flood Plain calculations. Exceptions may be allowed when the engineer can show that downstream property will not be adversely affected.

9.2 Drainage calculations shall be based on the assumption that all the property located in the subdivision, and all the property upstream from Dr above the subdivision, will be fully developed. Drainage shall be designed to carry the runoff from a 100-year rainfall event falling throughout the watershed in it's fully developed state.

9.3 Drainage calculation shall be made using the City of Austin's drainage criteria manual or other methods satisfactory to the City of Weir. All data and calculations must be presented to the City of Weir as part of the Construction plans.

9.4 Flood-Handling Requirements

9.4.1 Drainage for arterial streets or roads shall be designed using a 100-year frequency.

9.4.2 Drainage for local and collector streets or roads shall be designed using a 25-year frequency.

9.5 All drainage structures and appurtenances shall be designed by a registered professional civil engineer.

9.6 Driveway Drain Pipes

9.6.1 No driveway drain pipe will be accepted unless it has a minimum drain of 18" or equal in diameter and a minimum length of 22 ft. Larger or longer drain pipes shall be installed if necessary to handle drainage based upon a 25-year flow frequency. Use of "dip type" driveways are permitted as long as the grade breaks are less than 15%.

9.6.2 Certification of a Registered Professional Engineer as to the size of driveway drainage pipes for each lot in a subdivision shall be included in a map or

list attached to each subdivision plat. The Subdivision Developer will be held responsible to notify builders and lot owners of this requirement.

9.6.3 Notice of these drainpipe placement requirements shall be placed in all deed restrictions.

9.7 Detention ponds, when needed, shall be supplied with a view to restricting drainage from the platted area to rate of drainage of the land in it's natural state. When a development will have several sections, the ultimate detention area must be dedicated if not located in the first platted section.

9.8 Building slab elevation shall be 1 ft. above any point on the lot within 5 ft. of the perimeter of the building. Additional elevation requirements may be imposed by the Williamson County Flood Plain Regulations. Some point within the first 10 ft. of driveway shall have the same or greater elevation as the top of the curb across the entire width of the driveway.

9.9 Responsibility for drainage is not to be accepted by the City other than that accepted in connection with draining or protecting the road system and streets.

9.10 All road side ditches shall have a minimum depth equal to the diameter of the driveway culvert pipe plus six inches and a bottom width equal to the diameter of the driveway culvert pipe. The side slope of the ditches is to be 3:1 or flatter. The minimum longitududinal slope of ditches is to be 1.00%.

A10. DRIVEWAYS

10.1 The use of concrete "dip type" driveways is encouraged. The maximum grade break at each vertical point of intersection shall be 15%. Concrete will be 3000 PSI with a minimum thickness of four inches. Minimum reinforcement shall be #3 at 18" OCEW.

APPENDIX B - - - HEALTH DEPARTMENT APPROVAL

Based upon the representations of the engineer or surveyor whose seal is affixed hereto, and after review of the plat as represented by the said engineer or surveyor, I find that this plat complies with the requirements of Edwards Aquifer Regulations for Williamson County, the Williamson County Flood plain Regulations and Williamson County On-Site Sewerage Facility Regulations. This certification is made solely upon such representations and should not be relied upon for verifications of the facts alleged. The Williamson County and Cities Health District, Williamson County and the City of Weir disclaims any responsibility to any member of the public for independent verification of the representations, factual or otherwise, contained in this plat and the documents associated within it.

_____ _____

(CURRENT DIRECTOR) Date
Director environmental Services

weir (floppy)