

ORDINANCE NO. 134

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS, RE-PLATS AND SUBDIVISION OF LAND WITHIN THE CORPORATE LIMITS AND WITHIN THE AREA OF EXTRA-TERRITORIAL JURISDICTION LIMITS OF THE CITY OF WHEELER, PROVIDING FOR CERTAIN DEFINITIONS AND PROCEDURES; PROVIDING FOR REQUIREMENTS AND REGULATIONS FOR THE PREPARATION OF PRELIMINARY AND FINAL PLATS; PROVIDING FOR ACCEPTANCE OF SECTIONS AND REQUIREMENTS PRIOR TO ACCEPTANCE OF THE FINAL PLAT; PROVIDING FOR INDUSTRIAL OR COMMERCIAL SUBDIVISIONS; PROVIDING FOR IMPROVEMENTS FOR ALL SUBDIVISIONS; PROVIDING FOR FILING FEES; PROVIDING FOR APPEAL TO THE CITY COMMISSION; AND ESTABLISHING VARIANCES AND PRESCRIBING PENALTIES FOR VIOLATION OF THIS PROVISION; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY AND A SAVING CLAUSE AND EFFECTIVE DATE.

WHEREAS, the City Council has determined that the ordinance set forth below would be in the best interest of the citizens of the City of Wheeler, and;

WHEREAS, under the laws of the State of Texas, hereafter any owner of any tract of land situated within the corporate limits of the City of Wheeler, or within the extra-territorial limits of such City of Wheeler, who may hereafter may divide the same in two (2) or more tracts for the purpose of laying out any subdivision of such tract of land or any addition to said City of Wheeler, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parks any other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, are required to submit a plat of such subdivision or addition for approval by the City Planning and Zoning Commission of the City of Wheeler; and

WHEREAS, the City Commission of the City of Wheeler is empowered by law to promulgate and establish the general plan of said City, and its streets, alleys, parks, public utility facilities, including those which have been or may be laid out, together with the general plan for the extension of such City and of its roads, streets and public highways within such City and within the extra-territorial limits established from the corporate limits thereof;

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

On and after the passage of this ordinance, any person, firm or corporation seeking approval of any plat, plan, or re-plat of any subdivision of land within the corporate limits or within the extra-territorial limits from the corporate limits of the City of Wheeler shall be required to comply with the requirements of this ordinance before such approval may be granted, to-wit:

GENERAL

SECTION 1 DEFINITIONS

For the purpose of interpreting this Ordinance, certain words used herein are defined as follows:

1. Any office referred to in this Ordinance by title, i.e., City Attorney, City Secretary, City Engineer, shall be the person so retained in this position by the City or his duly authorized representative.
2. Alleys: A minor public right-of-way which is used primarily for installation of public utilities and vehicular service access to the back or the side or properties otherwise abutting on a street.
3. Building Line: The word "building line" shall be a line beyond which buildings must be set back from the street or road right-of-way line on which the property fronts.
4. City: The word "City" shall be the City of Wheeler, Texas, together with all its governing and operating bodies.
5. Collector or Secondary Street. The phrase "collector or secondary street" shall be a street which is continuous through several residential districts and is intended as a connecting street between residential districts and arteries or business districts.

6. Commission: The word "Commission" or "City Commission" shall be the duly elected governing body of the City of Wheeler.
7. Cul-de-sac: A street having only one outlet or connection to another street and having a turn-around at the end.
8. Definitions: Definitions not expressly described herein are to be determined in accordance with customary usage' in municipal planning and engineering practices.
9. 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.
10. Final Plat: The phrase "Final Plat" shall be any Plat of any lot, tract or parcel of land requested to be recorded of record in the (Plat) records of Wheeler County.
11. Industrial Street: A street intended primarily to serve traffic within an area of industrial development or proposed industrial development.

12. Local Street: The phrase "local street" shall be a street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts.
 13. Lot: An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement as a building site; which is designated as a distinct and separate tract.
 14. Major Street: The phrase "major street" shall be principal traffic thoroughfares more or less continuous across the City, which are intended to connect remote parts of the City or areas adjacent thereto, and act as principal connecting streets with State and Federal Highways.
 15. Planning and Zoning Commission: The word "Planning Commission" shall be the official City Planning and Zoning Commission of the City of Wheeler, Texas, as appointed by the City Commission.
 16. Preliminary Plat: The phrase "Preliminary Plat" shall be any Plat of any lot, tract or parcel of land that is not to be recorded of record, but is only a proposed division of land for review and study by the City Planning and Zoning Commission.
 17. Replatting: The word "replatting" shall be the re-subdivision of any part of all of any block or blocks of a previously platted subdivision, addition, lot or tract.
 18. Shall: The word "shall" wherever used in this Ordinance will be interpreted in its mandatory sense.
 19. Street Width: The word "street width" shall be the shortest distance between the lines which delineate the rights-of-way of a street.
-

20. Subdivider: An individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this Ordinance to effect a subdivision of land hereunder for himself or for another.
21. Subdivision: The word "subdivision" shall be any division of any lot, tract or parcel of land into two (2) or more lots or sites for the purpose, whether immediate or future for building development. It also includes re-subdivision or replatting of land, lots or tracts. Division of land for agricultural purposes, in parcel of five (5) acres or more includes this definition, unless any such division of five (5) acres or more includes the planning or development of a new street or access easement or the creation of a building lot or tract.
22. Surveyor: A licensed State Land Surveyor or a Registered Public Surveyor as authorized by the State Statutes to practice the profession of surveying.

PLATTING PROCEDURE

SECTION 2 PRE-APPLICATION CONFERENCE

Prior to the filing of a Preliminary Plat, the subdivider shall meet with the Chairman of the Zoning and Planning Commission or City Engineer, if any, or the Mayor of the City to discuss the proposed subdivision and acquaint himself with the City platting requirements and procedures. At such meetings, the relationship of the proposed subdivision to the City's comprehensive requirements, density standards, zoning street requirements, utility service and the general development may be discussed. At the pre-application conference, the subdivider may be represented by his land planner, engineer or surveyor.

SECTION 3 PROCEDURE FOR PRELIMINARY PLAT APPROVAL

1. On the basis of the Pre-Application Conference, the subdivider shall have prepared a preliminary plat of the proposed subdivision for submission to the City Planning and Zoning Commission.
2. Four copies of the Preliminary Plat as described in Section 6 shall be submitted to the Chairman of the Zoning and Planning Commission, or City Engineer, if any, ten (10) days prior to the Planning and Zoning Commission meeting at which consideration is desired.
3. The preliminary plat shall be considered officially filed after it is examined and found to be in compliance with the general provisions of these regulations.
4. At the Planning and Zoning Commission meeting the subdivision will be reviewed and a determination made as to whether the proposed subdivision is in compliance with these regulations or other plans such as utility plans. The meeting may entertain comments and information from other municipal departments or county agencies concerned with urban development and services.
5. The Planning and Zoning Commission shall act on the preliminary plat within thirty days after filing unless the time is extended by agreement with the subdivider or his agent. If no action is taken by the Planning and Zoning Commission within the thirty days after filing or a longer period as may have been agreed upon, the preliminary plat as filed shall be deemed approved and the Chairman of the Planning and Zoning Commission or City Engineer, if any, shall comply with the requirements set out in paragraph 6. of this section.

6. The Planning and Zoning Commission shall determine whether the Preliminary Plat shall be approved, approved with modifications or disapproved and shall give notice to the subdivider in the following manner:
- a. Approved: If approved, the Chairman of the Planning and Zoning Commission or City Engineer, if any, shall affix his signature to the plat and attach thereto a notation that it has received preliminary approval by the Planning and Zoning Commission and return it to the subdivider for compliance with final approval requirements.
 - b. Modified; disapproved: If approved with modifications, disapproved for further study, the Chairman of the Planning and Zoning Commission or City Engineer, if any, shall attach to the plat a statement of the reasons for such action and return it to the subdivider.

7. Record of action: In any case, a notation of the action taken, and requisite reasons therefore, shall be entered in the records of the Planning and Zoning Commission.
8. Preliminary approval of the subdivision is valid for a period of six months from the date of approval and the general terms and conditions under which the preliminary approval was granted will not be changed. The Planning and Zoning Commission shall withdraw its preliminary approval of a subdivision unless the final plat is submitted to it within this six-month period or unless the six-month period is extended by the Planning and Zoning Commission at the request of the subdivider.
9. Conditional approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather it shall be deemed an expression of approval to the Preliminary Plat as a guide to the preparation of the Final Plat which will be submitted for approval to the Planning and Zoning Commission.

SECTION 4 PROCEDURE FOR FINAL PLAT APPROVAL

1. After approval of the Preliminary Plat by the Planning and Zoning Commission and within six (6) months of this approval date unless extended by action of the Planning and Zoning Commission, the subdivider may submit for approval the Final Plat as described in Section 7. The original and two (2) copies of the Final Plat shall be submitted to the Chairman of the Planning and Zoning Commission or the City Engineer, if any, at least ten (10) days prior to the meeting at which consideration is desired.
2. The Final Plat shall conform substantially to the Preliminary Plat as approved and, if desired by the subdivider, it may constitute only that portion of the approved Preliminary Plat which he proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these regulations.
3. The official filing date of the final plat shall be that date upon which the plat is found to be in full compliance with the provisions of Section 7 after examination by the Chairman of the Planning and Zoning Commission or the City Engineer, if any.

4. The Final Plat shall be presented to the Planning Commission at the next regular meeting with any appropriate recommendation by the Chairman of the Planning and Zoning Commission or City Engineer, or any engineer in the service of the City. The Planning and Zoning Commission shall act on the Final Plat within thirty (30) days after the official filing date, unless such time is extended by agreement with the subdivider or his agent. If no action is taken by the Planning and Zoning Commission within thirty (30) days after filing or such longer period as may have been agreed upon, the Final Plat shall be deemed approved. A certificate showing the filing date and failure to take action thereon within thirty (30) days of the filing date, shall on demand be issued by the Planning and Zoning Commission and this certificate shall be sufficient in lieu of a written endorsement or other evidence of approval.

5. After the Planning and Zoning Commission has determined that the plat is in proper form, that the uses proposed for the property being subdivided are consistent with zoning regulations and that the subdivision complies with the provisions of this Ordinance, it shall enter an order approving the plan, subject to action by the City Commission in respect to completion of utility contracts, if any, and such other matters, including street and drainage construction and other matters to be considered by the City Commission.
6. The Planning and Zoning Commission's approval of the Final Plat shall authorize the chairman to execute the certificate of approval on the original copy of the Final Plat.
7. The Final Plat shall be sent to the City Secretary who shall cause the approved plat to be recorded in the plat records of Wheeler County only after the City Commission has officially acted upon all utility contracts or other such matters pertaining to the improvements within the proposed subdivision.
8. Should the Final Plat be located outside the City's Corporate Limits, then such plat shall be submitted to the Wheeler County Commissioner's Court for approval prior to the filing of record by the City Secretary.
9. Final plats which are disapproved by the Planning and Zoning Commission shall be returned to the subdivider by the Chairman of the Planning and Zoning Commission or City Engineer, if any, with an attached statement of the reasons for such action.

SECTION 5 PLANNING AND ZONING COMMISSION ACCEPTANCE OF FINAL
 PLAT BY SECTIONS

An owner or subdivider, at his option, may obtain approval of a portion or a section of a subdivision provided he meets all the requirements of this Ordinance with reference to such portion or section in the same manner as is required for a complete subdivision. In the event a subdivision and the Final Plat thereof is approved by the Planning and Zoning Commission in sections, each Final Plat of each section is to carry the name of the entire subdivision, but is to bear a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.

PRELIMINARY AND FINAL PLAT REQUIREMENTS

SECTION 6 PRELIMINARY PLAT

The Preliminary Plat of the subdivision of any lot, tract or parcel of land shall be filed in the office of the Chairman of the Planning and Zoning Commission or the City Engineer, if any, of the City of Wheeler, Texas, at least ten (10) days prior to the meeting of the Planning and Zoning Commission at which time it is to be considered. The subdivider or owner shall file four (4) copies of the Preliminary Plat and each copy shall show or be accompanied by the following information:

1. The name of the owner and subdivider.
2. The name and address of the Licensed Land Surveyor or Registered Professional Engineer effecting the survey or the Land Planner or other person responsible for the design of the Plat.

3. The title or name of the subdivision (which must not be so similar to that of an existing subdivision as to cause confusions).
4. North point, date, scale (not to exceed one (1) inch to two hundred (200) feet), the approximate acreage of the proposed subdivision with an accurate boundary survey of the land to be subdivided and the location by section, block and survey. Preferably scale should be 1" = 100'.
5. The location and width of all existing and dedicated streets, alleys, and easements within or adjacent to the proposed subdivision for a distance of two hundred (200) feet from the proposed subdivision. If there are no adjacent existing or dedicated streets and alleys within two hundred (200) feet of the proposed subdivision on any side, then a map on a smaller scale must accompany the Preliminary Plat showing the outline and ownership of adjacent properties, locations of the nearest subdivisions and existing or dedicated streets and alleys.
6. All physical features of the property to be subdivided, including location and size of all water courses, ravines, bridges, culverts, existing structures, drainage areas in acres, and other features pertinent to the subdivision.
7. The location, size and approximate depth of all existing utilities shall be shown.
8. Plats or subdivisions exceeding three (3) acres in gross area shall have contour maps on the same scale as the Preliminary Plat accompanying said Plat. All elevations on the contour map shall be referenced to the City datum. The contours shall be shown at a minimum interval of not more than five (5) feet. The contour interval between these limits shall be determined by the topography of the land to be subdivided.

9. The proposed plan for the subdivision shall be shown, including all proposed streets and alleys, easements, blocks, lots, building lines, parks, etc., with principal dimensions.
10. A designation of the proposed uses of land within the subdivision and any zoning amendments requested.
11. If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plat of the entire subdivision shall be submitted with the Preliminary Plat of the portion first to be subdivided. The master plat shall conform in all respects to the requirements of the Preliminary Plat; except, it may be on a scale of not more than one (1) inch to four hundred (400) feet.
12. The following certificate shall be placed on the Preliminary Plat:

"Approved for Preparation of Final Plat

Date: _____

Chairman of the Planning and Zoning
Commission (or City Engineer, if any)

13. A copy of any protective and restrictive covenants whereby the subdivider proposes to regulate land use in the subdivision shall be attached to the Preliminary Plat.
14. The conditional approval of the Preliminary Plat by the Planning and Zoning Commission does not constitute in any manner the acceptance of the subdivision, but is merely an authorization to proceed with the preparation of the Final Plat. The action of the Planning and Zoning Commission shall be noted on two (2) copies of the Preliminary Plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the developer.
15. The tentative approval of the Preliminary Plat by the Planning and Zoning Commission shall expire and become null and void six (6) months after said tentative approval was made. If such be the case, then a new Preliminary Plat must be submitted as if no prior Preliminary Plat had been submitted.

SECTION 7 FINAL PLAT

The submission to and conditional approval of a Preliminary Plat by the Planning and Zoning Commission shall be a condition precedent to the preparation of a Final Plat. The Final Plat shall have all changes and alterations, if any, shown on the Preliminary Plat incorporated therein and shall be filed with the Chairman of the Planning and Zoning Commission or City Engineer, if any, at least ten (10) days prior to the meeting of the Planning and Zoning Commission at which time it is to be considered. This Plat shall be a reproducible transparent drawing to scale from an accurate survey on the ground and shall be neat and in all respects, proper for filing for record in the map records in the Office of the County Clerk. Patching and pasting of paper attachments is not acceptable. All figures and lettering shall be neat and legible. The Plat shall show or be accompanied by the following information:

1. The name or names of the owner or subdivider.
2. The name of the Licensed Land Surveyor or Registered Professional Engineer preparing the Final Plat.
3. The name of the proposed subdivision and adjacent subdivisions.
4. The name of streets (to conform whenever possible to existing street names).
5. The numbers of lots and blocks, in accordance with a systematic arrangement.

6. North point, date, acreage being subdivided and scale. All Plats shall be on a scale of not less than one (1) inch equals two hundred (200) feet, and on sheets measuring 24" x 36".
7. An accurate boundary survey of the property, with bearings and distances referenced to established street lines, section corners or other established and recognized monuments and established subdivisions, with complete and accurate field notes of said boundaries. The lines with dimensions of all adjacent lands and the lines with dimensions of adjacent streets, alleys, and easements in adjacent subdivisions shall be shown in dashed lines.

8. Location of proposed lots, streets, alleys, easements, building setback lines (both front and side streets) and other features shall be shown.
9. All necessary dimensions, including linear, angular and curvilinear and other surveying information necessary to reproduce the Plat on the ground shall be shown. The linear and curvilinear dimensions shall be shown in feet and hundredths of a foot.

The angular dimensions shall be shown by true bearings. The length of all straight lines, deflection angles, radii, tangents, central angle of curves and the chords and arcs of curves shall be shown. All curve information shall be shown for the centerline of the street. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with the long chord distance and true bearings.

10. All survey monuments and control points shall be shown on the Plat.
11. All deed restrictions that are to be filed with the Plat shall be shown or filed separately with the Plat.
12. Certification by a surveyor, licensed by the State of Texas, or a professional engineer, registered in the State of Texas, placed on the Plat as follows:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, do hereby certify that I prepared this Plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Wheeler, Texas.

_____ (SEAL)

13. Certificate of Approval by the City Planning and Zoning Commission: (To be placed on Plat).

Approved this _____ day of _____, 19____, by
the City Planning and Zoning Commission of the City of Wheeler, Texas.

Chairman

Secretary

14. Tax certificates indicating that all taxes on the land being subdivided have been paid to the current year.
15. Owner's Certificate of Dedication: The Certificate of Dedication shall be executed by all persons, firms, or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws of the State of Texas for conveyances of real property. The wives of all married men executing such Certificate of Dedication shall join their husbands therein unless satisfactory proof be provided showing that the property to be subdivided does not constitute any portion of such party's homestead in which case the instrument of dedication shall state the

fact that the property subdivided and platted does not constitute a part of such party's homestead. In the case of lienholders, they may execute a subordination agreement, subordinating their liens to all public streets, alleys, and public areas shown on the Plat of such subdivision as being set aside for public uses and purposes. The Certificate of Dedication shall, in addition to the above requirements, contain the following:

- a. An accurate description of the tract of land subdivided.
 - b. A statement and express representation that the parties joining in such Certificate of Dedication are the sole owners of such tract of land.
 - c. An express dedication to the public for public use forever the streets, alleys, rights-of-way and other public places shown on the attached Plat.
16. Authorization by City Commission for filing of record:
(To be placed on Plat).

Authorization for filing this 18 day of August, 1986, by the City Commission of Wheeler, Texas.

Wanda Heed
Mayor

ATTEST:

City Secretary

17. Certificate of approval by Commissioner's Court when subdivision is outside corporate limits.

Approved this _____ day of _____, 19____, by the Commissioner's Court of Wheeler County, Texas.

County Judge

MINIMUM DESIGN STANDARDS

SECTION 8 The physical design of the proposed subdivision shall conform to the planning policies of the City and the following minimum standards:

1. Street Standards: Unless otherwise approved by the Planning and Zoning Commission, provisions shall be made for the extension of arterial streets in accordance with the general plan of the City of Wheeler.
2. Where there is no general plan for major thoroughfares, the arrangement of the streets in a subdivision shall either:
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

- b. Conform to a plan for a neighborhood approved or adopted by the Planning and Zoning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
3. Minor streets shall be so laid out that their use by through traffic will be discouraged.
4. Where a subdivision abuts or contains an existing proposed major street or highway, the Planning and Zoning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
5. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on each side of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
6. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.
7. Street Intersections: More than two (2) streets intersecting at a point shall be avoided, except where it is impractical to secure a proper street system otherwise.

Where several streets converge at one point, or acute intersection angles are present, setback lines, special rounding or cutoff corners may be required to insure safety and facilitation of orderly traffic movements.

No major street shall intersect any other major street at an angle of less than sixty (60) degrees.

No collector street shall intersect a major street at an angle of less than sixty (60) degrees, or another collector street at an angle of less than sixty (60) degrees.

No local street shall intersect any major street at an angle of less than sixty (60) degrees, or any collector or secondary street at an angle of less than forty-five (45) degrees.

Major street intersections shall have property line corner radii with a minimum tangent distance of thirty (30) feet. Local and collector streets shall have as the property line corner, the point of intersection of intersecting streets right-of-way lines.

8. Dead End Streets, Cul-De-Sacs and Courts: Courts or places may be permitted where the form or contour of the land or the shape of the property of the design concept of the neighborhood makes such street design appropriate. Such cul-de-sacs, courts or places shall provide proper access to all lots and shall generally not exceed four hundred (400) feet in length and a turn around shall be provided at the closed end which has a

minimum right-of-way radius of fifty (50) feet except that if an equally safe and convenient form of paved space is approved by the Planning and Zoning Commission in place of a turning circle, such approved space may be improved as agreed upon.

9. Relation of Adjoining Streets and Land: The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions, and where adjacent connections are not platted, must, in general, be the reasonable projection of streets in the nearest subdivided tracts, and must continue to the boundaries of the tract subdivided, so that other subdividers may connect therewith. Reserve strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision.
10. Block length and width shall be such as to accommodate the size of lots required by zoning regulations for the area of the subdivision and to provide for convenient access, circulation control and safety of vehicular and pedestrian traffic. The length of residential blocks shall be approximately one thousand and two hundred (1,200) feet and may be varied to meet the requirements of circulation and topography.
11. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision and these regulations; and wherever a half street is within a tract to be subdivided and is essential within the meaning of this paragraph, the other half of the street shall be required to be dedicated along with the dedication of the half street within the proposed subdivision.
12. Street right-of-way widths shall have a minimum dedicated width as prescribed by the general plan. Pavement widths shall be in accordance with the appropriate street standard. However, in no event shall rights-of-way widths be less than as follows:

<u>Street Type</u>	<u>Width</u>
Major	80-120 feet
Industrial	80 feet
Collector	60 feet
Local	60 feet

13. Street Names: New streets shall be so named as to provide continuity of names with existing streets. Similar or identical street names to streets already existing in other parts of the City shall be avoided.
14. Pedestrian walk rights-of-way not less than ten (10) feet wide shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

SECTION 9 ALLEYS

1. Alleys shall be provided in commercial districts, except that the Planning and Zoning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the use proposed.

2. In residential districts, alleys shall be provided parallel, or approximately parallel, to the frontage of the street. The decision as to the requirement of residential alleys shall be left to the Planning and Zoning Commission.
3. The minimum right-of-way width of a residential alley shall be twenty (20) feet. The minimum width of a commercial alley shall be thirty (30) feet.
4. Where two (2) alleys intersect, a cut-off of not less than twenty (20) feet along each property line from the normal intersection of the property lines shall be provided.

SECTION 10 EASEMENTS

1. Utility easements shall be provided with the proposed subdivision as may be necessary to assure the proper design, installation and maintenance of either underground or aerial utilities. Easement widths shall be determined by the type of utility; however, an easement shall not be required along the rear of lots served by a dedicated alley.
2. When a proposed subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the line for such watercourse. The easement or right-of-way width for such watercourse shall be determined by good engineering practice and may require improvement or re-alignment to assure proper drainage of storm water.
3. Where the Chairman of the Planning and Zoning Commission or any Engineer in the employ of the City finds that easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the subdivider shall obtain such easements.

SECTION 11 LOTS

1. The lot size, width, shape, depth and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall conform to the minimum standards set forth in the Zoning Ordinance of the City of Wheeler.
2. Each lot shall front upon a public street or other approved place.
3. Double frontage, and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topgraphy and orientation. A planting screen reservation of at lease ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
4. Side lot lines shall be substantially at right angles or radial to street lines.

5. Where the area is divided into larger lots than for normal urban building sites and, in the opinion of the Planning and Zoning Commission, any or all of the tracts are susceptible of being re-subdivided, the original subdivision shall be such that the alignment of future street dedication may conform to the general street layout in the surrounding area.

SECTION 12 BUILDING LINES

Front building lines and side building lines of corner lots shall be shown on all lots intended for business and residential use.

SECTION 13 MONUMENTS AND PROPERTY MARKERS

1. Concrete monuments shall be placed at all corners of boundary lines of a subdivision and at other points, along the boundary lines of a subdivision at intervals not exceeding thirteen hundred (1,300) feet.
 2. The monuments shall be eight (8) inches in diameter, and shall be eighteen (18) inches deep, except where rock is encountered at fourteen (14) inches of the surface in which case such monument shall be countersunk four (4) inches into such rock.
 3. 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.
 4. The top of the monument shall be placed flush with the natural ground except as specified in (2) above.
 5. Intermediate property corners, curve points and angle points shall be marked by iron stakes, not less than twelve (12) inches in length, driven flush with the ground or countersunk, if necessary to avoid being disturbed.
 6. Alternate methods of marking and monumenting streets and blocks within the subdivision which are authorized by the Chairman of the Zoning and Planning Commission or City Engineer, if any, may be used.
-

SECTION 14 INDUSTRIAL OR COMMERCIAL SUBDIVISIONS

An industrial or commercial subdivision shall be processed for approval in the same manner as provided for a residential subdivision, except that no individual lots need be shown on such plat and only streets, blocks, easements and minimum building lines need be indicated. The minimum right-of-way width of a minor street in an industrial or commercial subdivision shall be eight (80) feet and all other streets shall conform to the standards for major and secondary streets prescribed by the general plan of the City.

IMPROVEMENTS

SECTION 15

All public improvements shall be constructed in accordance with applicable standard specifications established by the City of Wheeler.

SECTION 16

All public improvements as set forth in Section 17 shall be constructed or contracted to be constructed by the developer or property owner.

SECTION 17

Improvements required:

1. Street surface with curb and gutter shall be paved to standards appropriate to designated street use as defined in Section 8.
2. Streets; surfacing: The street on which the proposed building site fronts and the side streets at each end of the platted block in which the building site is located shall be paved according to the following specifications:
 - a. Front street; length: The street on which the building site fronts shall be paved through the intersections on each end of the platted block in which the building site is located.
 - b. Side street; length: The side street shall be paved from its intersection with the street on which the building site fronts to the center line of the alley.
 - c. Width: The width of such paving shall be governed by the requirements of the master street development plan.
3. Sidewalks: Concrete sidewalks shall be constructed in front of any structure to be built unless the elimination of such sidewalks is authorized by resolution of the City Commission.

4. Water and sewer mains shall be installed for the platted block in which the building site is located.
 - a. Developers of property shall pay all costs for engineering, contracting, materials and other direct expense of serving the property with water and sewer.
 - b. Plans and specifications shall meet City of Wheeler requirements, and shall be approved by the Chairman of the Zoning and Planning Commission or City Engineer, if any, before work is started.
 - c. That manholes in sewer laterals and fire hydrants within the City Limits shall be installed by developer.
 - d. Water and sewer lines constructed by the developer after being accepted by the City of Wheeler, within the corporate limits, shall become the property of the City without charge.
 - e. Water and sewer lines constructed by the developer after being accepted by the City of Wheeler, outside of corporate City Limits shall be maintained by the developer.

5. Drainage facilities: All parts of subdivisions or areas subject to flooding by rainfall, as determined by the Chairman of the Zoning and Planning Commission or City Engineer, if any, shall have drainage facilities adequate to prevent such flooding.
 - a. If the Chairman of the Zoning and Planning Commission or City Engineer, if any, shall determine that adequate drainage facilities cannot be built to prevent flooding, no building permits may be issued for construction in such areas.
6. Bond; certified check: When deemed necessary by a vote of the majority of the members of the Zoning and Planning Commission to secure the completion of all the public improvements required of the developer, the subdivider or landowner shall furnish the City with a bond executed by a surety company or deposit a certified check with and payable to the City Secretary, in an amount equal to the estimated costs of construction of the required public improvements.

SECTION 18 REPLATTING

Property shall not be replatted which has been previously platted by a common dedication, except with the consent of all directly affected property owners.

The replat of the subdivision shall meet all the requirements for a new subdivision that may be pertinent, as provided for herein. It shall show the existing property being re-subdivided.

MODIFICATION OF REQUIREMENTS, STANDARDS AND IMPROVEMENTS

SECTION 19

For specific types of land subdivision the Planning and Zoning Commission may modify the subdivision regulations for Requirements, Standards and Improvements as set forth in Sections 6 through 17. The purpose of any modification to these regulations will be to allow diversification and flexibility in the relationship of various land uses and between buildings, structures and open space in planned building groups, while insuring substantial compliance to the overall land use density and other zoning and platting regulations. Modification of the basic standards outlined herein may be made for subdivisions planned under the general plans and guidelines of the Wheeler Zoning Ordinance.

In granting variances and modifications, the Planning and Zoning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

SECTION 20 WITHHOLDING IMPROVEMENTS UNTIL APPROVED

1. The City hereby defines its policy to be that the City will withhold all city improvements of whatsoever nature, including the maintenance of streets and the furnishing of sewerage facilities and water service from all additions, the platting of which has not been approved by the City Planning and Zoning Commission.
2. Building permit, street number or other similar permit shall not be issued for the erection of any building in the City of Wheeler on any piece of property other than an original or a re-subdivided lot in a duly

approved and recorded subdivision without the written approval of the Planning and Zoning Commission and not until all public improvements as set forth in Section 17, Paragraphs 1 through 6 thereof, shall be constructed or contracted to be constructed by the developer or property owner.

SECTION 21 PLAT FILING FEES

A filing fee of \$ _____ for a Preliminary Plat and \$ _____ for a final plat will be submitted with each plat presented to the City Planning and Zoning Commission for approval.

SECTION 22

Any subdivider aggrieved by any finding or action of the Planning and Zoning Commission, which is lawfully subject to review by the City Commission, shall appeal to the City Commission within thirty (30) days from the date of such finding or action and not thereafter.

SECTION 23 PENALTY

1. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provision hereof within the corporate limits of the City of Wheeler shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not less than one dollar (\$1.00) and not to exceed two hundred dollars (\$200.00), and each day that such violations continues shall constitute a separate offense and shall be punishable accordingly.
2. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provisions hereof within the extra-territorial jurisdiction of the City and outside the corporate limits shall not be guilty of a misdemeanor, however the City may institute any appropriate action or proceeding in the District Court to enjoin the violation of this Ordinance.

SECTION 24 CONFLICTS

All Ordinances and part of Ordinances inconsistent or in conflict herewith are hereby repealed.

SECTION 25 SEVERABILITY

If any section or part of any section, paragraph or clause of this Ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force or effect of any other section or sections, part of section, paragraph or clause of the Ordinance.

AND IT IS SO ORDERED

Passed by the Council on first reading this 18 day of August, 1986
Passed by the Council on second reading this day of , 19

Wanda Herd
Mayor, City of Wheeler

ATTEST:

Mildred Ramsey
City Secretary, City of Wheeler