

ORDINANCE No. 2020-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS AMENDING CHAPTER 10, ZONING ORDINANCE, TO RENAME THE ZONING COMMISSION AND ESTABLISH A PLANNING AND ZONING COMMISSION WITH ASSOCIATED AUTHORITIES, RULES, AND PROCEDURES; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 10, Subdivision Ordinance, of the City of Leon Valley Code of Ordinances establishes the Zoning Commission pursuant to Chapter 212 of the Local Government Code; and

WHEREAS, the City Council resolves to establish a Planning Commission as provided by for by Chapter 212 of the Local Government Code, and further resolves to combine this Commission with the City's existing Zoning Commission to establish a Planning and Zoning Commission; and

WHEREAS, pursuant to Section 212.006, City Council resolves to authorize the Planning and Zoning Commission to consider the approval of plat applications; except when the plat application includes a variance request; and

WHEREAS, pursuant to Section 212.006, City Council resolves that Council consider the approval variance request and the plat application under which the variance was requested, on recommendation by the Planning and Zoning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

SECTION 1. The City of Leon Valley's Code of Municipal Ordinance, Article 10.02 (entitled "Subdivision Ordinance") is hereby amended by revising Section 10.02.051 (entitled "Words and phrases, rules of construction") to add the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as shown in the italicized (*italicized*) text that follows:

Sec. 10.02.051 Words and phrases, rules of construction

Final approval. The official action of the ~~city council~~ Planning and Zoning Commission, or City Council when applicable, taken on a preliminarily approved subdivision or site plan, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantee.

Preliminary acceptance (approval). The action taken by the ~~city council~~ Planning and Zoning Commission prior to final approval (acceptance) of a subdivision plat or the public improvements therein which confer certain privileges and responsibility to the subdivider regarding property to be developed or public improvements which have been constructed.

Variance. A waiver from compliance with a specific provision of the subdivision ordinance granted to a particular property owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the ordinance. ~~The granting of variances is the responsibility of the city council.~~

SECTION 2. The City of Leon Valley's Code of Municipal Ordinance, Article 10.02 (entitled "Subdivision Ordinance") is hereby amended by revising Section 10.02.101 (entitled "Authority of city engineer") to add the language that is underlined (underlined) as shown in the italicized (*italicized*) text that follows:

Sec. 10.02.101 Authority of city engineer

The city engineer is hereby authorized and directed to promulgate rules, regulations, standards and specifications for the construction, installation, design, location and arrangement of streets, curbs, streetlights, street signs, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, drainage facilities, and crosswalk ways. All public improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications as established herein. The City Engineer shall also review subdivision plats for conformance with these regulations and make recommendations regarding subdivision plat approval to the ~~council~~ Commission.

SECTION 3. The City of Leon Valley's Code of Municipal Ordinance, Article 10.02 (entitled "Subdivision Ordinance") is hereby amended by revising Section 10.02.201 (entitled "Preliminary subdivision plat and accompanying data") to add to subsection (f) the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as shown in the italicized (*italicized*) text that follows:

(f) *Processing of preliminary subdivision plat.*

(1) *The development department and other city staff shall check the preliminary subdivision plat as to its conformity with the master plan, major street plan, land use plan, zoning district(s) and the standards and specifications set forth herein or referred to herein.*

(2) *Within sixty (60) days after the preliminary subdivision plat is formally submitted and is determined to be a complete submittal, staff shall conditionally approve or disapprove such subdivision plat or conditionally approve it with modifications. If appropriate, staff will solicit the recommendations of the ~~council~~Commission. If the ~~council~~Commission or staff conditionally disapproves or conditionally approves with modifications, staff shall inform the subdivider, in writing, of the reasons at the time such action is taken:*

(A) Conditional approval of a preliminary subdivision plat by ~~council~~the Commission or staff shall be deemed an expression of approval of the layout submitted on the preliminary subdivision plat as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final, or record subdivision plat. Conditional approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat, automatic or otherwise; and

(B) Conditional approval of a preliminary subdivision plat shall be effective for one (1) year unless further reviewed by the city engineer at the request of the City in light of new or significant information which would necessitate a revision of the preliminary subdivision plat. If the City engineer should deem changes in a preliminary subdivision plat to be necessary, he shall so inform city staff, who shall inform the subdivider, in writing; and

(C) If, during the review process and prior to preliminary approval, subdivider fails to come into substantial conformance as determined by the city within six (6) months, the subdivision plat shall be considered withdrawn and all applicable filing fees shall be retained by the City.

SECTION 4. The City of Leon Valley's Code of Municipal Ordinance, Article 10.02 (entitled "Subdivision Ordinance") is hereby amended by revising Section 10.02.203 (entitled "Final subdivision plat and accompanying data") to add the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as shown in the italicized (*italicized*) text that follows:

(a) General. The final subdivision plat and the accompanying data shall be submitted to the ~~city council~~Commission for approval. Within thirty (30) days after the final subdivision plat is formally filed and has been determined by city staff as being in substantial conformance with this article, the Commission shall approve or disapprove such subdivision plat.

(b) *Copies required. The subdivider shall submit seven (7) copies of the final subdivision plat, together with two (2) mylar reproducibles, one (1) of which is an original.*

(c) *Form and content.*

(1) *The final subdivision plat shall conform to the preliminary subdivision plat as conditionally approved by the City incorporating any and all changes, modifications, alterations, corrections and conditions recommended by the City.*

(2) *The final subdivision plat shall be drawn in India ink on linen tracing cloth or mylar sheets at a scale of 100 feet to one (1) inch on sheets eighteen (18) inches wide and twenty-four (24) inches long with a binding margin of not less than 2-1/2 inches on the left side of the sheet and margins of not less than 3/8 inches on the other three (3) sides.*

(A) *Where more than one (1) sheet is necessary to accommodate the entire computed area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the subdivision plat.*

(B) *The final subdivision plat shall contain all of the features required for preliminary subdivision plats in [section 10.02.202](#) above and shall also include the following:*

(i) *The exact location, dimension, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, computed area, and central angle, tangent distance and length of all curves, where appropriate;*

(ii) *The exact location, dimension, name and description of all proposed streets, alleys, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots, monuments, and other sites within the subdivision with accurate dimensions, bearing or deflecting angles and radii, area, and central angles, tangent distance and length of all curves, where appropriate. All lot corners shall be marked with monuments in accordance with the requirements of the Texas Board of Professional Land Surveying but not less than with one-half inch diameter by two (2) feet long iron pins;*

(3) *Flood insurance regulations.*

(A) *All subdivision plats must conform to federal flood insurance program regulations. All subdivision plats shall reflect the 100-year base flood elevations as determined by the Federal Emergency Management Agency "FEMA," where applicable;*

(B) *Where the 100-year floodplain elevations have not been established by FEMA, the applicant's engineer shall provide hydraulic studies for City's approval and thereafter reflect limits of the floodplain on subdivision plat;*

(C) *For developments containing more than fifty (50) lots or more than five (5) acres, or when requested by the City and after verification by the applicant's engineer, the following certificate will be annotated on the subdivision plat: "No part of the property contained within this subdivision plat is within the 100-year floodplain as shown on the City's flood insurance rate map"; and*

(D) *Drainage improvements which reduce the base flood elevations will require the developer to process revisions to FEMA maps through FEMA at the developer's sole cost, such FEMA map revision (C.L.O.M.R.) must be completed prior to ~~council~~ Commission consideration of the plat.*

(4) *Subdivision plat certificates. Subdivision plats will be annotated with the certificates set out in exhibits attached hereto in addition to any other required annotations indicated by this article.*

(d) *Accompanying data. When filed, the final subdivision plat shall be accompanied by the following site improvement data: (All plans and calculations shall bear the live seal of the engineer.)*

(1) *Streets, alleys, and sidewalks.*

(A) *Five (5) copies of plans and profiles of all streets, alleys and plans for sidewalks.*

(B) *Five (5) copies of construction specifications and detailed cost estimates which shall include provisions for fifteen percent (15%) engineering and contingency calculations. Plans are to be drawn at a scale of no larger than one (1) inch equals fifty (50) feet, longitudinal, and one (1) inch equals five (5) feet, vertical; with benchmarks using United States Geological Survey (U.S.G.S.) data.*

(C) *All streets with a pavement width larger than 30 feet shall be provided with a geotechnical soil evaluation and pavement design analysis. The recommendation of the pavement design shall be incorporated into the final plans.*

(2) *Sanitary sewers.*

(A) Five (5) copies of plans and profiles of proposed sanitary sewer lines indicating type, sizes, depths, and grades of lines. Plans shall be to a scale of no larger than one (1) inch equals fifty (50) feet, longitudinal, and one (1) inch equals five (5) feet, vertical and shall show existing as well as proposed sewers.

(B) Five (5) copies of construction specifications and detailed cost estimates which shall include a fifteen percent (15%) engineering and contingency calculations.

(3) Water lines.

(A) Five (5) copies of plans of all proposed water lines and fire hydrants, showing type and sizes of the lines. The plan shall be prepared at a scale of no larger than one (1) inch equals fifty (50) feet, longitudinal, and one (1) inch equals five (5) feet, vertical; with benchmarks using U.S.G.S. datum.

(B) Five (5) copies of construction specifications and detailed cost estimates and which shall include fifteen percent (15%) engineering and contingency calculations.

(4) Storm drainage (see exhibit "w").

(A) Five (5) copies of the storm drainage plan, prepared to a scale of no larger than one (1) inch equals fifty (50) feet, longitudinal, and one (1) inch equals five (5) feet, vertical; with benchmarks using U.S.G.S. datum. Plans shall indicate:

(i) All street widths and grades;

(ii) Runoff figures on the outlet and inlet side of all drainage ditches and storm sewers;

(iii) Runoff figures at all points in the street at changes of grade or where the water enters another street, storm sewer, or drainage ditch, if requested by the city engineer; and

(iv) Drainage easements.

(B) A general location map of the subdivision showing the entire watershed (United States Geological Survey Quadrangle is satisfactory).

(C) Calculations showing the anticipated stormwater flow, including watershed area, percent runoff, time of concentration, base flood elevations, and limits of flooding. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing the basis for the design.

(D) Where required by the City Engineer or by site considerations, the storm drainage plan shall include

provisions for stormwater retention and/or pollution control elements.

(E) Five (5) copies of complete plans, profiles, and specifications (when a drainage channel or storm sewer is proposed) showing complete construction details.

(5) Tax certificates from the City, School District and County, which indicate that all ad valorem taxes have been paid, up to and including the current year, on all land included within the final subdivision plat.

(6) A utility layout sheet or other document signed by all affected utility companies indicating their approval of the subdivision plat and provision for service. The utility layout sheet will show the location of each proposed utility and the type of backfill, which shall conform to the requirements of the City's right-of-way management manual. Streetlights will be provided for the subdivision. The location of streetlights will be shown on the layout sheet.

(7) A letter of review approval from the Texas Department of Transportation if the subdivision plat abuts a state highway system.

(8) A performance bond, site trust agreement, cash, cashier's check or letter of credit, in a format as described in this article and which is sufficient to guarantee that the subdivider will complete any and all required public improvements shall be submitted prior to filing of plat.

(9) The developer will provide the City with evidence that the design and construction phase of the proposed work is under the control and supervision of an engineer familiar with the work. This evidence will consist of a submittal to the City of an executed and funded professional services agreement.

(e) Processing of final subdivision plat.

(1) If desired by the subdivider and approved by ~~council~~ the Commission after recommendation from the city engineer, the final subdivision plat may constitute only that portion of the approved preliminary subdivision plat which he proposes to record and develop; however, such portion shall conform to all requirements of this article.

(2) Except for subdivision replats or amending subdivision plats, no final subdivision plat will be considered unless a preliminary subdivision plat has been submitted.

(3) A final subdivision plat of an approved preliminary subdivision plat or a portion thereof shall be submitted to the ~~council~~ Commission within twelve (12) months of the date of approval of preliminary subdivision plat; otherwise, the approval of the city shall become null and void, unless a one-year extension of time is

applied for and granted by the Commission. If, during the review process and prior to final approval, subdivider fails to come into substantial conformance as determined by the City within six (6) months, the subdivision plat shall be considered withdrawn and all applicable filing fees shall be retained by the City.

(4) If the final subdivision plat is disapproved, the city shall inform the subdivider, in writing, of the reason(s) at the time such action was taken.

(5) After the final subdivision plat has been approved and the subdivider has filed the guarantee of performance and maintenance bond as hereinafter provided and after all fees and charges have been paid and all conditions required by the ~~council~~Commission have been satisfied, the City shall cause the final subdivision plat to be recorded with the County Clerk.

SECTION 5. The City of Leon Valley's Code of Municipal Ordinance, Article 10.02 (entitled "Subdivision Ordinance") is hereby amended by revising Section 10.02.204 (entitled "vacating a subdivision plat") to add the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as shown in the italicized (*italicized*) text that follows:

Sec. 10.02.204 Vacating a subdivision plat

(a) The force and effect of a recorded subdivision plat may be destroyed by properly executing and recording an instrument declaring such subdivision plat to be vacated. The instrument shall be substantially in the same form as the applicable vacating declaration, Form "A" or Form "B", set out in exhibits attached hereto. The executed vacating declaration shall be filed with the City together with five (5) copies of the subdivision plat to be vacated, and, following approval by ~~council~~Commission, the declaration shall be recorded in the plat and deed records of Bexar County.

(b) If the vacating declaration is filed with the City prior to the sale of any lot on the subdivision plat being vacated, a declaration in substantially the same form as the declaration "Form A" herein (exhibit (i.1)) must be signed and acknowledged by the owners of the land covered by the subdivision plat being vacated.

(c) In cases where lots have been sold, the subdivision plat or any part thereof may be vacated upon the execution and recordation of a declaration in substantially the same form as the declaration "Form B" herein (exhibit (i.2)). Such declaration requires the signature and acknowledgment of all the owners of lots in the subdivision plat being vacated.

(d) Upon filing the vacating declaration form, a filing fee equal to the

Bexar County recordation fee shall be paid to the City, along with all other City charges prescribed by ordinance.

(e) The resubdivision of the land covered by a subdivision plat that is vacated shall be platted in the same manner as is prescribed by these regulations for an original subdivision plat.

(1) A copy of the applicable vacating declaration form shall be submitted with the resubdivision plat.

(2) When processed simultaneously, the resubdivision plat shall be annotated generally as follows:

“The area being resubdivided in this subdivision plat had been previously platted on a subdivision plat which is recorded in Volume _____, Page _____, Bexar County Plat and Deed Records, and was vacated through a vacating declaration being recorded on the same date as this resubdivision plat.”

(3) When processed separately (vacating filed in advance), the resubdivision plat shall be annotated generally as follows:

“The area being resubdivided in this subdivision plat had been previously platted on a subdivision plat which is recorded in Volume _____, Page _____, Bexar County Plat and Deed Records, and was vacated through a vacating declaration being recorded on _____ (date) as this resubdivision plat.”

SECTION 6. The City of Leon Valley’s Code of Municipal Ordinance, Article 10.02 (entitled “Subdivision Ordinance”) is hereby amended by revising Section 10.02.205 (entitled “Replating without vacating preceding subdivision plat”) to add the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as shown in the italicized (*italicized*) text that follows:

Sec. 10.02.205 *Replating without vacating preceding subdivision plat*

(a) Conditions. A subdivision or a portion thereof may be replatted without vacating the preceding subdivision plat of such subdivision under the following conditions:

(1) Replat must be signed and acknowledged by only the owners of the particular properties being replatted;

(2) Replat does not attempt to amend or remove any covenants or restrictions;

(3) Replat must be approved by the ~~council~~ Commission after a public hearing in relation thereto at which interested parties and citizens shall have had an opportunity to be heard;

(4) If any of the area to be replatted was, during the preceding five (5) years, limited by an interim or permanent zoning classification to residential use for not more than two (2) residential

units per lot, or if any lot in the preceding subdivision plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot, the procedures outlined in section 10.02.205(b)(3), below shall be followed before the approval of the ~~council~~ Commission can be given; and

(5) If all of the area to be replatted was designated or reserved for use other than for single- or two-family use by notation on the last legally recorded subdivision plat or in the legally recorded deed restrictions applicable to such subdivision plat, the procedures outlined in section 10.02.205(b)(2), below, shall apply.

(b) Procedures.

(1) The procedures and specifications pertaining to subdivision plats contained within this article shall also apply to a replat.

(2) Additional requirements for certain replats: The following procedures and specifications shall apply to a replat to which the conditions stated in section 10.02.205(a)(4), above, do not apply:

(A) A certificate in the same form as the applicable certificates as shown in exhibits attached hereto as Form "C," "D," or "E" (exhibits (j), (k), (l)) shall be affixed to the replat.

(B) The replat shall be annotated generally as follows:

"The area being replatted had been previously platted on a subdivision plat which is recorded in Volume _____, Page _____, Bexar County Deed and Plat Records."

(C) When the replat is filed with the city, the ~~council~~ Commission will, at its next regular meeting, set a date on which to hold a public hearing pertaining to the replat; such date not to be sooner than seven (7) days nor more than thirty (30) days from the date on which the ~~council~~ Commission takes such action. The Commission will cause due notice of such public hearing to be given.

(D) At the time the replat is filed with the City for processing, the subdivider shall pay to the City all applicable fees as defined by ordinance.

(3) If the conditions stated in section 10.02.205(a)(4), above, do apply to a proposed replat, the following procedures and specifications (in addition to those contained elsewhere in this article) shall apply:

(A) The subdivider shall provide to the City written notice of intention to file with the ~~council~~ Commission a replat to which the conditions stated in section 10.02.205(a)(4) apply. The notice shall be accompanied by a certified list of the

owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested.

(B) The City shall set a date for a public hearing in relation to the proposed replat and shall cause a notice of such public hearing to be published at least fifteen (15) days prior to the scheduled date of the proposed public hearing in an official paper or a paper of general circulation in Bexar County.

(C) The City shall provide notice of the public hearing to the owners of lots contained on the list submitted by the subdivider by depositing such notice properly addressed and postage paid in a post office or postal depository within the city limits of the city at least fifteen (15) days prior to the scheduled date of the public hearing. A copy of the Local Government Code, chapter 212, section 212.015(c), shall be included with the notice.

(D) If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Council. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Council prior to the close of the public hearing.

(E) In computing the percentage of land area under section 10.02.205(b)(3)(D), above, the area of streets and alleys shall be included.

(F) The proposed replat itself shall not be considered to be filed with the City prior to the date on which the public hearing referred to in section 10.02.205(b)(3)(B), above, is held.

(G) The replat will be annotated:

(i) By a certificate substantially in the same form as the applicable certificate, Form "C," "D," or "E," attached herein; and

(ii) Generally, as follows: "The area being replatted had been previously platted on a subdivision plat

which is recorded in Volume _____, Page _____,
Bexar County Plat and Deed Records.”

(H) At the time the notice referred to in section 10.02.205(b)(3)(A), above, is provided to the city, the subdivider shall pay to the city a fee for public hearing as described by ordinance.

SECTION 7. The City of Leon Valley’s Code of Municipal Ordinance, Article 10.02 (entitled “Subdivision Ordinance”) is hereby amended by revising Section 10.02.251 (entitled “Applicable standards and specifications”) to add the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as shown in the italicized (*italicized*) text that follows:

Sec. 10.02.251 Applicable standards and specifications

No preliminary or final subdivision plat shall be approved by the ~~council~~ ~~Commission~~ and no completed improvements shall be accepted by the City unless and until the following standards and specifications have been met:

(1) *General.*

(A) *The master plan shall be considered by the subdivider and ~~city~~ ~~council~~ commission for subdivision conformity.*

(B) *Provision for future subdivisions. If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.*

(C) *Reserve strips are prohibited and will not be used for controlling access to land dedicated or intended to be dedicated to public use.*

(D) *Residential R-1, R-2 and R-6 lots shall not have driveway access to collector or larger streets.*

(E) *Buildings shall not be constructed across lot lines.*

(F) *As applicable, the subdivider shall be fully responsible for compliance with all City, state and federal regulations and shall bear all costs thereof expended toward the development, including the cost of any City professional staff efforts and approvals as needed from all other regulatory agencies.*

(2) *Streets.*

(A) *Street layout (also see exhibits “s” and “dd”).*

(i) *Adequate streets shall be provided by the subdivider, and the arrangement, character, extent, width, grade and location of each shall be considered in their relation to existing and planned streets, topographical conditions, public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets and to the city master plan.*

(ii) *The street layout shall be devised for the most advantageous*

development of the entire neighborhood.

(B) *Relation to adjoining street system.* Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets and in alignment therewith.

(C) *Projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.

(D) *Street jogs.* Whenever possible, streets with centerline offsets of less than 150 feet will be avoided.

(E) *Half or adjacent streets.* In the case of collector, minor, or marginal access streets, no new half-streets shall be platted unless approved by the City.

(F) *Street intersections.* Intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography.

(G) *Dead-end streets.* Dead-end streets shall be prohibited except as short stubs to permit future expansion.

(H) *Cul-de-sacs.*

(i) *Except with the prior written approval of the city engineer, cul-de-sacs shall not exceed 500 feet in length, and shall have a turnaround of not less than 100 feet in diameter in residential areas, and not less than 200 feet in diameter in commercial and industrial areas.*

(ii) *Where cul-de-sac ended streets are proposed which are longer than 500 feet in length in residential areas, the cul-de-sac shall have a property line diameter of at least 140 feet and a pavement diameter of 120 feet.*

(I) *Marginal access streets.*

(i) *The creation of marginal access streets is prohibited except where allowed by the city engineer after review of the access and intersection control measures being proposed and of the general traffic safety and circulation plan for the area.*

(ii) *~~Council~~The Commission may determine that such marginal access streets are not desirable under the facts of a particular case for adequate protection of the lots and separation of through and local traffic.*

(J) *Streets on master plan.* Where a subdivision embraces a street as shown on the master plan of the City, the location and width as indicated by the master plan, shall be considered in the planning of such subdivision.

(K) *Minor streets.* Minor streets shall be laid out so as to discourage their use by through traffic.

(L) *Pavement widths and rights-of-way.* Pavement widths and rights-

of-way shall be as follows:

(i) Primary streets shall have a right-of-way of at least 110 feet, pavement width of at least seventy-two (72) feet, and a fourteen-foot curbed divider in the center.

(ii) Secondary streets shall have a right-of-way of at least eighty-six (86) feet and a pavement width of at least sixty (60) feet.

(iii) Collector streets shall have a right-of-way of at least sixty (60) feet and a pavement width of at least forty-four (44) feet.

(iv) Minor streets shall have a right-of-way of at least fifty (50) feet and a pavement width of at least thirty (30) feet.

(M) Pavement width and rights-of-way of streets forming part of the boundary of the subdivision (adjacent) shall be as follows:

(i) The subdivider shall dedicate a right-of-way of forty-three (43) feet in width for new adjacent secondary streets, and twenty-two (22) feet of such right-of-way shall be paved and curbed.

(ii) New adjacent collector, minor or marginal access streets shall conform to paragraph (2)(L) of this section.

(iii) Where the proposed subdivision abuts upon an existing street or half-street that does not conform to paragraph (2)(L) of this section, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to such paragraph, and there shall be paved and curbed so much of such right-of-way as to make the full pavement width comply with such paragraph. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back two (2) feet to assure an adequate subbase and pavement joint.

(N) Medians.

(i) Center island median. Streets which have center island medians shall be curbed and provide for a minimum lane width adjacent to the median of twenty (20) feet on each side.

(ii) Openings. Medians shall be continuous. Openings in the median may be provided at all public streets if the centerline spacing of said public street is at least 400 feet. If said spacing is less than 400 feet, the median shall be open for the street with the higher functional classification. All other openings shall be made in accordance with current standards set by the city engineer. When medians are open, safety bays and median radii shall be provided and curbed unless approved otherwise by the city engineer.

(iii) Special purpose medians. Dividers constructed for aesthetic purposes (i.e. entrances for subdivisions) shall be permitted and such dividers shall normally be fourteen (14) feet in width. The divider shall maintain the full width for a minimum of twenty-five (25) feet after which an appropriate transition shall be provided.

The nose or rounded portion of the divider shall be placed at least fifteen (15) feet off the edge of the traveled roadway of the intersecting street and the turning radius of vehicular traffic shall be at least thirty-five (35) feet.

(iv) Landscaping and signing. No signs, walls, or fences shall be placed in the median area other than approved traffic-control devices unless approved by city staff. No trees, shrubs or other ground cover shall be placed in the median which will obstruct the driver's sight distance. With the approval of the City, trees, shrubs, and ground cover may be planted in the median and divider area provided the full-grown tree or shrub trunk diameter does not exceed four (4) inches in diameter. In addition, appropriate maintenance agreements shall be made with the City.

(v) Crosswalk area. Where a median or traffic divider projects across a crosswalk, the median shall be opened for six (6) feet at the projection of the crosswalk. This six-foot opening shall be paved to the grade of the existing surface to permit wheelchair and mobility impaired persons utilization of the crosswalk.

(O) Curbs and sidewalks (see exhibits "t" and "u"). Curbs and sidewalks shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the subdivision. The street frontage on all sides of all lots must be provided with concrete sidewalks of at least four (4) feet in width and four (4) inches in thickness. All sidewalks and driveways shall be designed and constructed in accordance with the requirements of the City and the Americans with Disabilities Act. Utility meter boxes or fire hydrants shall not be incorporated into the sidewalk area.

(i) Sidewalk deferred construction. A developer may petition the City to defer construction of sidewalk along the frontage of lots in residential developments and if approved, sidewalks would be constructed as a building permit requirement (developer remains responsible for construction of the rear sidewalks on lots having double street frontage and over drainageways).

(ii) Sidewalks shall, in general, be placed near the property line. Where the City permits the sidewalk to abut the curb on collector streets, the sidewalk width will be six (6) feet.

(P) Fire lanes. Fire lanes shall be installed where required by City and shall thereafter be maintained by the property owner.

(Q) Ramps. Where the development abuts existing curbed streets, with or without sidewalks, the developer shall install ramps as required to conform with the Americans with Disabilities Act and/or as directed by the City.

(R) *Street names. Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are continuation of or in alignment with existing streets; in which case names of existing streets shall be used.*

(S) *Street signs. Reflective street name signs shall be installed by the subdivider in a uniform manner throughout the subdivision at all intersections within or abutting the subdivision and will be of the size and type specified by the City. (Subdivider shall consult with a designated City official as to the plan of placement thereof prior to the installation of such street signs and all street signage will conform to the size and type specified by the City.) Stop signs and other traffic-control signs will be furnished and installed by the City.*

(T) *Electronic signalization. If the City determines the traffic volume generated by the proposed subdivision will create safety problems or hazardous driving conditions, the developer may be required to install or modify existing appropriate electronic signalization devices in the locations specified.*

(U) *Traffic impact analysis. As the City determines appropriate, developer shall provide a traffic study prepared by a qualified traffic engineer which addresses specific traffic impacts caused by the development.*

(V) *Specifications. The City of San Antonio Standard Specifications for Public Works Construction are adopted for reference, except as modified by the city engineer.*

(3) *Alleys. Alleys will not be allowed in the City except under special circumstances. When permitted, alleys shall have a minimum right-of-way width of sixteen (16) feet with ten (10) feet of concrete pavement in residential areas and eighteen (18) feet of right-of-way and pavement in commercial areas, as shown in exhibit "C" [exhibit (s)], attached hereto.*

(A) *Intersecting alleys. Where two (2) alleys intersect or turn at right angles, a cutoff of not less than fifteen (15) feet from the normal intersection of the property or easement line shall be provided along each property or easement line.*

(B) *Dead-end alleys. Dead-end alleys shall not be permitted.*

(C) *Overhang easements along alleys. Along all alleys and where otherwise requested by the City, overhang easements allowing for aerial encroachments, as required by any public or private utility, shall be provided.*

(D) *Alleys which do not connect on a straight course. An easement shall be provided for alleys which do not connect on a straight course for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way or alleys (i.e. alleys are not straight within each block or the same do not connect a straight*

course with the alleys of adjoining blocks).

(E) *Cutbacks. Where alleys intersect a street right-of-way, a fifteen-foot right-of-way cutoff shall be provided.*

(4) *Easements. When required, drainage easements will be allowed for proper drainage or topographic requirements. Gas, electric and telephone easements may be provided within each lot with no increase in the standard lot size unless deemed necessary by the City. Water and sanitary sewer easements will not be located at the rear of lots except with prior City approval. All easements for City use will have a minimum width of ten (10) feet, except sanitary sewer easements which shall be a minimum of sixteen (16) feet in width.*

(5) *Water installation.*

(A) *Water supply and distribution (see exhibit "bb").*

(i) *All subdivisions shall be provided with water supply, water distribution, and fire protection systems as approved by the city engineer and in compliance with other parts of this code and the building code (see [article 3.02, division 2](#) of this code).*

(ii) *Minimum construction and design standards of the San Antonio Water System shall be used except as modified by the city, to include:*

a. *Valves shall open left;*

b. *C-900 class 150/200 PVC pipe may be used in lieu of ductile iron;*

c. *Use of asbestos cement pipe is prohibited; and*

d. *In all construction plans, the developer will incorporate City provided special conditions in the form of general notes set out in exhibits attached hereto.*

(iii) *All subdivisions containing more than sixteen (16) lots or housing units and as otherwise required by the City shall be provided with looped water mains. The loop shall be sufficient to create fire flows required by the fire marshal.*

(iv) *Apartment (multiple-family) or commercial areas will be metered in accordance with City requirements and dual or sub-metering (internal city meters beyond the City's master meter) will not be allowed.*

(B) *Backflow protection. Metering will include backflow prevention devices in accordance with city code requirements.*

(C) *Fire hydrants.*

(i) *Fire hydrants shall be of the Mueller Improved type or approved equal compatible with the City's firefighting equipment and installed with a separate gate valve as follows:*

a. *Single-family, two-family, and townhouse dwelling areas.*

1. Fire hydrants in a single- or two-family dwelling area shall be located throughout the distribution system so that every building site is within 500 feet of a fire hydrant; except in the townhouse areas, which shall be within 400 feet.

2. Sufficient fire hydrants shall be provided so that not more than 550 feet of hose laid along public rights-of-way will be required to reach from a fire hydrant to any building site within the area served.

b. All other land use areas.

1. Fire hydrants in all areas other than single-family, two-family or townhouse dwelling areas shall have a maximum spacing of 300 feet.

2. Sufficient fire hydrants shall be provided so that not more than 500 feet of hose will be required to reach from a fire hydrant to cover all portions of the first floor of all structures.

3. Hose lay is measured along public streets, fire lanes, and access roadways for fire department vehicles; plus, not over 150 feet of pulling hose by hand shall be required.

(ii) No fire flow credit is allowed for hydrants which are obstructed as to make their use impractical (i.e., including but not limited to hydrants across limited access highway, expressways, primary thoroughfares, or hydrants blocked by walls/buildings).

(iii) Fire hydrants shall be located along the public right-of-way or along fire access roadways; preferably at intersections or on islands separating parking areas which cannot be obstructed by parked vehicles.

(iv) Fire hydrants shall be located as directed by the city engineer and the city fire marshal. In general, hydrants shall be located a minimum of eight (8) inches and a maximum of seven (7) feet from the back of the curb. The steamer connection shall be a minimum of 1-1/2 feet and a maximum of two (2) feet above grade.

(v) The area around fire hydrants shall be kept unobstructed for a distance of two (2) feet and six-inch steel guard posts shall be provided around the hydrant where curbs are not provided and where otherwise required by the city engineer.

(vi) Fire hydrants shall face the curb except as otherwise directed by the City.

(6) Sewers (see exhibit "cc").

(A) All subdivision lots will be provided with connections to the City's organized sanitary sewage disposal system. Where necessary, the

developer will extend the City's collection system mains to the subdivision at his cost. Where existing on-site sewage disposal systems are in place, these will be closed down in accordance with procedures prescribed by regulatory authorities. New on-site sewage disposal facilities will not be permitted (see [article 14.05](#) (sewers) of this code). Where the sewer main will serve other properties beyond the proposed plat, the sewer will be extended across the developer's property at his cost.

(B) The design and construction of sewage collection systems will be in accordance with the City's regulations. The San Antonio Water System standards for design and construction are adopted for reference except as modified by the city engineer. The subdivider will incorporate the City's special conditions in the design in the form of general notes set out in exhibits attached hereto and the requirements of the state's regulatory agencies will also be adhered to.

(C) Television videotape. In addition to other prescribed tests, the subdivider will videotape sewage collection mains after the facilities have been installed for thirty (30) days and before preliminary acceptance by the City.

(D) Sewage lift station. Lift stations are prohibited. All developments will provide gravity service sewage systems.

(7) Utility lines.

(A) All utility lines that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point of at least four (4) feet beyond the edge of the pavement and all telephone, cable, or underground electric lines under paved streets or alleys shall be installed in conduit. Sanitary sewer services shall extend to the property line.

(B) All utilities installed within the street right-of-way shall be properly backfilled with trench compaction approved by the City. Utility construction permits must be obtained for this work.

(C) Where new subdivisions are being created, all new utility services including telecommunications, cable service and electrical services shall be installed underground. Additionally, where replats of existing lots occur, underground utility service shall be provided if feasible as determined by the city engineer.

(8) Drainage.

(A) Drainage easement/right-of-way. Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, there shall be provided an easement or drainage right-of-way conforming substantially to the limit of such watercourse, plus additional width to accommodate future needs and maintenance.

(B) *Drainage facilities.* Drainage facilities shall be provided and constructed by the developer in accordance with approved plans as submitted under [section 10.02.203](#). The subdivider will design and construct improvements in these drainageways which facilitate maintenance, prevent flooding and eliminate nuisance. All such designs and improvements will conform to the City's regulations and federal and state requirements. The City of San Antonio regulations regarding design and construction are adopted for reference, except as modified by the city engineer, depending upon particular circumstances regarding the proposed development.

(C) *Detention facilities.* Water detention facilities shall be provided where, in the opinion of the city engineer, the subdivision stormwater runoff will adversely affect sensitive downstream properties. Detention facilities shall be designed so as to allow stormwater runoff at a rate equal to pre-construction conditions of the land. The design of such detention ponds or other detention facilities shall meet with city engineer approval and shall be constructed along with all other required drainage facilities prior to issuance of any building permits for the project.

(9) Requirements for park land dedication or payment of fees in lieu thereof.

(A) Purpose.

(i) The Council has determined that recreational areas in the form of neighborhood parks are necessary and in the public's welfare, and that the only adequate procedure to provide for the same is by integrating such a requirement into the procedure for planning and developing properties and subdivisions in the City when such development consists of unplatted residential property.

(ii) It is also declared that [section 10.02.201](#) of this article be administered in conjunction with the Leon Valley Parks and Recreation Plan. The park zones established by the Leon Valley Parks and Recreation Plan shall be prima facie proof that any park located therein is within a convenient distance from any residence located therein and the following subsection, "General requirements," are adopted to affect the purposes stated.

(B) General requirements.

(i) Where a final subdivision plat is submitted for approval of any residential subdivision, such subdivision plat shall contain a clear, fee simple dedication of an area to the City for park purposes.

a. The area to be dedicated shall be one (1) acre of park land for each 133 allowed dwelling units. The number of allowed dwelling units shall be determined according to minimum lot size and maximum density standards set forth

in [article 15.02](#) (zoning ordinance) of this code, except that, in those cases where the zoning code restricts the number of dwelling units allowed per lot, the actual number of lots can be used to determine the number of allowed dwelling units. Where phased development occurs; the first unit shall include the full park dedication required of the entire development and/or all of the developer's land.

1. At the discretion of the ~~council~~ Commission, after receiving recommendations from the city manager, the required park land dedication can be reduced when the subdivider demonstrates that the actual density of the proposed subdivision will be significantly less than the allowed density in the respective zoning district.

2. In cases where a subdivision plat contains land in more than one (1) zoning district, park land dedication shall be determined according to the acreage in each zoning district wholly or partially contained within the subdivision.

b. The required dedication of this subsection may be satisfied by a payment of money in lieu of land, when permitted or required by other provisions of this section.

(ii) All subdivisions of land which create dwelling units shall provide for park land improvements. Where existing subdivisions are being replatted or vacated and are recreated as residential units which increase the potential number of dwelling units, then the provisions of this section shall apply. Where land is being developed in the R-5 (manufactured homes) and R-3A (multiple-family retirement community) areas, the ratio of one acre for each 133 allowed dwelling units shall be applied to the cottage or manufactured homes anticipated.

(iii) Where the completed development or subdivision has less than 133 allowed dwelling units the developer will at the discretion of the City, either:

a. Dedicate not less than one-half acre of park land (with the smallest dimension being 140 feet) or;

b. Pay the City the amount required as per ordinance, as amended, for each dwelling unit being created.

(iv) Where the dwelling units being created are R-3 (multiple-family dwelling), R-5 (manufactured home) and R-3A (multiple-family retirement community) development areas, the developer may elect to satisfy the park land dedication by providing a one-acre reserved area within his development at a location approved

by the City. otherwise provided. [sic] Such areas shall be owned and maintained by the owner of the development. Developers not making this election must otherwise satisfy the parkland dedication requirements. Such reserve area will be annotated on the subdivision plat "Area reserved for park purposes." These areas will be in addition to the required landscaping, green spaces, pool and recreation building area otherwise provided. Such areas shall be owned and maintained by the owner of the development. Developers not making this election must otherwise satisfy the parkland dedication requirements.

(v) Park land dedication requirements shall be based on the contiguous acreage of land owned by the developer. All park area dedications shall be completed in conjunction with or prior to final subdivision plat approval of the first unit of development. Parkland dedications shall [be] at distance and location specified and approved by the city engineer.

(vi) In instances where an area of less than five (5) acres is required to be dedicated, the City shall have the right to accept the dedication for approval on the final subdivision plat, or to refuse the same, and to require payment of cash in lieu of land in the amount provided by [section 10.02.251](#)(9)(B).

a. The refusal by the City of a dedication of one (1) acre or more, but less than five (5) acres, shall be based on one (1) or more of the following factors:

1. City determines that sufficient park area is already in the public domain in the area of the proposed subdivision;
2. City determines the recreational potential for a particular park zone would be better served by expanding or improving existing parks;
3. City determines that a combination of factors, related to the status and condition of the overall City park system, make a payment in lieu of park land dedication more desirable for the overall park needs of the citizens of the City;
4. The land proposed for dedication is undesirable for use as a public park; and/or
5. The proposed dedication is not in conformance with the city parks and recreation plan.

(vii) The dedication required by this section shall be made by submitting a final subdivision plat for ~~council~~ Commission approval, and subsequent recordation with the Bexar County clerk, unless additional dedication is required subsequent to the filing of the final

subdivision plat.

(viii) If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, additional dedication shall be made by payment of the cash in lieu of land amount provided in [section 10.02.251\(9\)\(B\)](#), or by the conveyance of an entire numbered lot to the City in conformance with the standards set forth herein.

(C) Money in lieu of land.

(i) Subject to veto of the Commission council, a land owner responsible for dedication under this section may elect to meet the requirements of section 10.02.251(2) [[10.02.251\(9\)\(B\)](#)] in whole or in part by a cash payment in lieu of land, in the amount set forth herein. An applicant may appeal the Commission's veto to Council. A written application for appeal shall be placed on the first available Council agenda for final determination. Such payment in lieu of land shall be made at or prior to the time of final subdivision plat approval of the first unit of development.

(ii) The City may, from time to time, decide to purchase land for parks in or near the area of actual or potential development. If the City does purchase park land in a particular park zone, subsequent park land dedications for that zone could be required in cash only.

(iii) The amount of money accepted in lieu of land shall be determined by obtaining a fair market appraised value of lands in the immediate area of the development. The real estate appraisal shall be initiated by an appointee, acceptable to the City.

(D) Dedicated funds; transfer of funds; right of refund. residential fences [sic]

(i) There are four (4) neighborhood park zones and one (1) community park zone established in the parks and recreation plan for the City.

(ii) When a fee in lieu of park land dedication is collected by the City, relative to the filing of a subdivision plat, said monies shall be placed in a dedicated fund to be used to serve the park zone(s) in which the subdivision is located.

(iii) If the City is not able to purchase suitable land or otherwise spend the collected monies in a manner it deems appropriate to provide park services for the respective park zone(s), then the monies may be used for any park within the City.

(iv) The City shall account for all sums paid in lieu of park land dedication under this section with reference to the individual subdivision plats involved. Such funds shall be considered to be spent on a first in, first out accounting basis.

(v) If the funds are not spent within three (3) years detailed

above, the owners of the property on the last day of such period may be entitled to a prorated refund of such sum, computed on a square foot basis. The owners of such property must request such a refund within one (1) year of entitlement, in writing, or such right shall be barred.

(vi) The funds may be used for improvements to the City's community parks; acquisition of park; or to improve access to the community park by construction of pedestrian access improvements such as sidewalks, pedestrian bridges, crosswalk ways and crosswalk traffic control or other such park improvements.

(E) Additional requirements.

(i) Any land dedicated to the City under this section must be suitable for park and recreational uses. The City alone shall make this determination of suitability using the following and other guides as may be needed:

a. Any area primarily located in the 100-year floodplain, as shown on FEMA maps or other generally accepted flood area maps will generally not be suitable. In some cases, the City may accept an area located in the 100-year floodplain for park land dedication if said land was dedicated at a ratio of two (2) acres of floodprone park land dedication to each one (1) acre of park land dedication as required by this section; or

b. Any areas of unusual topography or slope which renders land unusable for organized recreational activities may be excluded from consideration.

(ii) Drainage areas may be accepted as part of a park if the channel is constructed in accordance with city engineering standards, and if a significant area (ten percent or more of the park) is not cut off from access by such channel and if the park user is not thereby exposed to dangerous conditions.

(iii) Each park must have frontage on a public street and be properly shown as a lot on a subdivision plat with the appropriate plat certificate designating the dedication. All such property shall conform to the city subdivision regulations.

(10) Blocks. Block lengths shall not exceed 1,800 feet, nor be less than 220 feet.

(11) Crosswalk ways. Crosswalk ways six (6) to ten (10) feet in width, as determined by the City, shall be dedicated where deemed necessary by the City to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities, or to provide pedestrian circulation.

(12) *Fire lanes. Fire lanes shall be required as deemed necessary by the City and shall be at least twenty (20) feet in width with the road edge closest to the structure at least ten (10) feet from the structure, being designed and constructed to accommodate the City's firefighting equipment. Fire lanes connecting to public streets, roadways, or private streets shall be provided with curb cuts extending at least two (2) feet beyond each edge of the fire lane and fire lane area is to remain free and unobstructed of parked vehicles or other obstacles at all times.*

(13) *Lots.*

(A) *Corner lots. Corner lots shall be at least seventy (70) feet wide and when said lot(s) abut on crosswalk ways, shall be treated as corner lots.*

(B) *Frontage. Each lot shall front upon a public street. Lots of irregular shape shall not be allowed unless a street curb frontage of at least forty (40) feet is provided.*

(C) *Front and side setbacks. The front and side setbacks required by [article 15.02](#) (Zoning Ordinance) of this code, shall be shown on the subdivision plat. Where garages are installed on the side or rear of lots, the garage shall be set back a minimum of twenty (20) feet (but not less than the required setback) from the access street property line.*

(D) *Side lot lines. Side lot lines shall be substantially at right angles to straight street lines and radial to curved street lines.*

(E) *Extra depth and width in certain cases. Where a lot in a residential area backs up to a railroad right-of-way, high-pressure gasoline, oil or gas line, arterial street, industrial area, or other land use which has a depreciating effect on the residential use of property, and where no marginal access street or other street is provided at the rear of such lot, additional depth shall be required by the City. In no case shall a depth in excess of 150 feet be required. Where a lot sides to any of the above, additional width shall be required, but in no event shall a width in excess of 100 feet be required.*

(F) *Flag lots. Flag lots will not be allowed, except where in the opinion of the City, this is the only possible layout. Normal City services, including fire and police protection and garbage collection, must be facilitated. Flag lots must have a minimum street frontage of forty (40) feet.*

SECTION 8. The City of Leon Valley's Code of Municipal Ordinance, Article 10.02 (entitled "Subdivision Ordinance") is hereby amended by revising Section 10.02.253 (entitled "Where subdivision part of larger tract") to add the language that is underlined and deleting the language that is ~~stricken~~ as shown in the italicized (*italicized*) text that follows:

Sec. 10.02.253 Where subdivision part of larger tract

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final subdivision plats shall be accompanied by a layout of the entire area at a scale of not more than 400 feet to one (1) inch, showing the tentative proposed layout of streets, blocks, lots, drainage, and other improvements for such areas. The overall layout, if approved by the City engineer, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the City. Thereafter, subdivision plats of subsequent units of such subdivision shall conform to such approved overall layout, unless changed by the city engineer. The ~~council~~Commission may change such approved overall layout only when the ~~council~~Commission finds:

- (1) That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with provisions of this article; or
- (2) That adherence to the previously approved overall layout will be detrimental to the public health, safety or welfare, or will be injurious to other property in area.

SECTION 9. The City of Leon Valley's Code of Municipal Ordinance, Article 10.02 (entitled "Subdivision Ordinance") is hereby amended by revising Section 10.02.305 (entitled "Variances") to add the language that is underlined (underlined) and deleting the language that is stricken (stricken) as shown in the italicized (*italicized*) text that follows:

Sec. 10.02.305 Variances by council

- (a) ~~The council may authorize a variance from these regulations. A variance to this Chapter may only be authorized pursuant to this section. Any request for variance shall be submitted to the Commission with a plat application. The Commission shall make separate recommendation to the City Council for the variance request and the plat approval request. After receiving the Commission's recommendation Council shall consider and take action on the variance request and the plat approval request separately. Council may grant variances from these regulations, when in its opinion, undue hardship will result from requiring strict compliance. In granting a variances, the council shall prescribe only conditions that it deems necessary to or desirable in the public interest.~~
A variance to this Chapter may only be authorized pursuant to this section. Any request for variance shall be submitted to the Commission with a plat application. The Commission shall make separate recommendation to the City Council for the variance request and the plat approval request. After receiving the Commission's recommendation Council shall consider and take action on the variance request and the plat approval request separately. Council may grant variances from these regulations, when in its opinion, undue hardship will result from requiring strict compliance. In granting a variances, the council shall prescribe only conditions that it deems necessary to or desirable in the public interest.
- (b) ~~In making its recommendation and taking final action the Commission and Council may, respectively, consider the following guidelines in making their decision to authorize or not authorize a variance~~
In making its recommendation and taking final action the Commission and Council may, respectively, consider the following guidelines in making their decision to authorize or not authorize a variance

from these regulations:

- (1) *That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of reasonable use of this land;*
 - (2) *That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;*
 - (3) *That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and*
 - (4) *That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this article.*
- (c) *Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.*
- (d) *Persons requesting variances to these regulations shall do so using the City-prescribed form set out in exhibits attached hereto. Person shall provide information, to include the nature of the proposed use of the land involved; existing uses of land in the vicinity; number of persons who will reside or work in the proposed subdivision; and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.*

SECTION 10. The City of Leon Valley’s Code of Municipal Ordinance, Article 10.02 (entitled “Subdivision Ordinance”) is hereby amended by revising Division 9 (entitled “Figures, Tables, and Exhibits”) to add the language that is underlined (underlined) and deleting the language that is stricken (stricken) to Exhibits shown in the italicized (*italicized*) text that follows:

Exhibit (E). Approval of ~~City Council~~ Planning and Zoning Commission

Exhibit (E). Approval of the ~~city council~~ Planning and Zoning Commission of the city is as follows:

This subdivision plat of _____ has been submitted to and considered by the ~~City Council~~ Planning and Zoning Commission of the City of Leon Valley, Texas, and is hereby approved by such City Council.

Dated this _____ day of _____, A.D. 20____.

By:	
	<u>Mayor Chair</u>

By:	
	City Secretary

Exhibit (G). Letter of Authorization

Exhibit (G). Letter of authorization is as follows:

TO: THE CITY OF LEON VALLEY
~~COMMUNITY DEVELOPMENT PLANNING AND ZONING~~
DEPARTMENT

RE: Lot/Block/CB/Subdivision

I am the owner/agent acting on behalf of the owner** (choose one) of the above referenced property and I hereby authorize and request that the City of Leon Valley file with the ~~Clerk~~ of Bexar County Clerk the subdivision plat of the above referenced property being submitted by me.

I have coordinated with a member of the City staff the date of _____ to have the approval of the subdivision plat considered by the ~~City Council~~ Planning and Zoning Commission. I respectfully request that:

1. A variance be granted to the following required actions (write "NONE" if no variances are requested).

- a. _____
- b. _____
- c. _____
- d. _____

2. The subdivision plat be approved subject to the condition that [the owner] provide the following items, in the form required by the City, no later than thirty (30) days from the date of the ~~Council's~~ Commission's conditional approval (write "NONE" if conditional approval is not requested).

- a. _____
- b. _____
- c. _____
- d. _____

I understand that if the variance(s) requested are not granted by Council, the subdivision plat may be denied or conditionally approved subject to satisfaction of those items by me or my agents, in the form required by the City.

I understand that this request for conditional Council approval is a courtesy extended to subdividers for the purpose of expediting subdivision plats which have minor deficiencies. I recognize the courtesy may not be extended in cases where major objections exist.

Furthermore, I understand that if the items listed in Section 2 above are not provided within the required 30-day time period, that my subdivision

plat is disapproved and subsequently must be resubmitted to the City for approval at such time as all pending deficiencies are resolved.

I understand and agree that should the Commission, and City Council if necessary, approve the plat, the original plat drawings shall remain in the custody of the City until recorded. If the plat is withdrawn for correction by the surveyor or engineer the approved plat will be voided if not returned within ten (10) days.

Sincerely,

NAME

DATE

MAILING ADDRESS

SWORN TO AND SUBSCRIBED before me this _____ day of _____, A.D. 20____.

(Seal)

Notary Public in and for the State of Texas

My Commission Expires: _____

(**If an individual or agency is acting on behalf of the property owner(s), then a signed, notarized letter authorizing such individual or agency to act on his behalf must accompany this letter.)

Exhibit (I). Vacating and Amending Forms

Exhibit (I). Vacating and amending forms are as follows:

- 1. Form "A" (used prior to property sale):

VACATING DECLARATION

STATE OF TEXAS X
COUNTY OF BEXAR X

VACATING DECLARATION FOR _____ SUBDIVISION PLAT.

Know all men by these presents that I (we) the undersigned hereby acknowledge that I am (we are) the proprietor(s) of all the land embraced by the subdivision plat known as _____, (a copy of which is attached hereto), approved by the ~~City Council~~ Planning and Zoning Commission of the City of Leon Valley on _____, and recorded in Volume _____, Page _____, Bexar County Deed and Plat Records.

In accordance with Chapter 212.013 of the Texas Local Government Code and Section 10.02.204(b) of the City of Leon Valley Subdivision Regulations, the undersigned hereby declare such subdivision plat known as _____ Subdivision to be vacated. It is the intent of the undersigned to nullify the force and effect of the recordation of the above referenced subdivision plat by filing this vacation instrument in the Bexar County Deed and Plat Records. It is understood by the undersigned that the filing of this instrument in the Bexar County Deed and Plat Records shall cause the Bexar County Clerk to write the word "Vacated" in plain, legible letters across the

subdivision plat so vacated.

Executed this _____ day of _____, A.D. 20____.

BY:	
	Signature of Owner's Duly Authorized Agent
	Printed Name of Owner's Duly Authorized Agent
	Title

STATE OF X
 TEXAS
 COUNTY OF X
 BEXAR

BEFORE ME, the undersigned authority, a Notary Public for the State of Texas, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, A.D. 20____.

(Seal)

Notary Public in and for the State of Texas

My Commission expires:

(There shall be a signature space for each proprietor and an acknowledgment for each signature; if there is more than one (1) page, the pages shall be numbered Page _____ of _____, Vacating Declaration for Subdivision Plat.)

This Vacating Declaration for _____ Subdivision Plat has been submitted to and considered by the ~~Council~~ Planning and Zoning Commission of the City of Leon Valley, Texas, and is hereby approved by such ~~Council~~ Commission.

Dated this _____ day of _____, A.D. 20____.

By:	
	Mayor Chair
By:	
	City Secretary

2. Form "B" (used after property sale):

VACATING DECLARATION

STATE OF TEXAS X
 COUNTY OF BEXAR X

VACATING DECLARATION FOR _____ SUBDIVISION
PLAT

Know all men by these presents that I (we) the undersigned, acknowledge that I am (we are) the owner(s) of the lots embraced by the subdivision plat known as _____ (a copy of which is attached hereto) approved by the ~~City Council~~ Planning and Zoning Commission of the City of Leon Valley on _____, and recorded in Volume _____, Page _____, Bexar County Deed and Plat Records.

In accordance with [Section] 212.013 of the Texas Local Government Code and Section 10.02.204(c) of the City of Leon Valley Subdivision Regulations, the undersigned hereby declare such subdivision plat known as _____ to be vacated.

It is the intent of the undersigned to nullify the force and affect of the recordation of the above referenced subdivision plat by filing this vacation instrument in the Bexar County Deed and Plat Records.

It is understood by the undersigned that the filing of this instrument in the Bexar County Deed and Plat Records shall cause the Bexar County Clerk to write the word "Vacated" in plain, legible letters across the subdivision plat so vacated.

Executed this _____ day of _____, A.D. 20____.

BY:	
	Title

(Owner or owner's duly authorized representative)

LOT: _____

STATE OF TEXAS X
COUNTY OF BEXAR X

BEFORE ME, the undersigned authority, a Notary Public for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, A.D. 20____.

(Seal)

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

My Commission expires:

(There shall be a signature space for each owner and an acknowledgment for each signature if there is more than one (1) page, pages shall be

numbered Page _____ of _____, Vacating Declaration for _____ Subdivision Plat.)

This Vacating Declaration for _____ Subdivision Plat has been submitted to and considered by the ~~Council~~ Planning and Zoning Commission of the City of Leon Valley, Texas, and is hereby approved by such ~~Council~~ Commission.

Dated this _____ day of _____, A.D. 20____.

BY:	
	Mayor <u>Chair</u>
BY:	
	<u>City Secretary</u>

Exhibit (K). Form "D" (Owner's Certification)

Exhibit (K). Form "D" (owner's certification) is as follows:

STATE OF TEXAS X

COUNTY OF BEXAR X

I (we) the owner(s) of the land shown on this replat hereby certify that this replat does not attempt to amend or remove any covenants or restrictions; I (we) further certify that no portion of the proposed area to be replatted was limited within the preceding five (5) years by any interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; I (we) further certify that no lot covered by _____ subdivision plat, approved by the ~~City Council~~ Planning and Zoning Commission of the City of Leon Valley on _____, was limited by deed restriction to residential use for not more than two (2) residential units per lot.

Owner
Owner's Duly Authorized Agent

Sworn to and subscribed before me this _____ day of _____, A.D. 20____.

(Seal)

Notary Public in and for the State of Texas

My Commission expires: _____

Exhibit (M). Performance Bond

Exhibit (M). Performance bond, permitted by [section 10.02.351\(1\)](#) above, shall be in the following form:

STATE OF TEXAS X

COUNTY OF BEXAR X

KNOW ALL MEN BY THESE PRESENTS, that I (we) _____, the

undersigned subdivider, as Principal, and _____, as Surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of Leon Valley, a municipal corporation of the County of Bexar and the State of Texas, in the full and just sum of \$_____, for the payment of which will and truly to be made, I (we) hereby bind ourselves and our respective heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has petitioned the ~~City Council~~ Planning and Zoning Commission of the City of Leon Valley for permission to develop a subdivision within the jurisdiction of the City of Leon Valley, more particularly described as follows, to wit:

_____ which is shown on a subdivision plat, entitled "_____ Subdivision", heretofore conditionally approved by the City of Leon Valley on the _____ day of _____, A.D. 20__;

and WHEREAS, under the provisions of the City of Leon Valley subdivision ordinance, being Article 10.02 of the Leon Valley Code, the ~~City Council~~ Planning and Zoning Commission of the City of Leon Valley requires, as a condition precedent to the granting of such petition, that the Principal furnish a guarantee that he will construct, or cause to be constructed, according to the requirements of such subdivision ordinance, the following site improvements within twelve (12) months after final approval of the subdivision plat of said subdivision:

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall, on or before the _____ day of _____, A.D. 20__, construct, or cause to be constructed, the following site improvements: (list)

in accordance with the requirements of the City of Leon Valley Subdivision Ordinance, and the amendments thereto, if any, then this obligation shall be void; otherwise, the obligation made under this bond will remain in full force and effect.

IN TESTIMONY WHEREOF, WITNESS OUR HANDS and SEAL, this _____ day of _____, A.D. 20__.

SUBDIVIDER and PRINCIPAL	
SURETY	
By:	
	Attorney in Fact

APPROVED AND ACCEPTED, this _____ day of _____, A.D.

20__.

CITY OF LEON VALLEY

By: _____

Title: _____

Exhibit (P). Maintenance Bond

Exhibit (P). Maintenance bond, required by [section 10.02.352](#), above, shall be in the following form:

MAINTENANCE BOND

STATE OF TEXAS X

COUNTY OF BEXAR X

KNOW ALL MEN BY THESE PRESENTS, that I (we), _____, the undersigned subdivider, as Principal, and _____, as Surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of Leon Valley, a municipal corporation of the County of Bexar and State of Texas, in the full and just sum of \$_____ (being ten percent (10%) of the estimated cost of the hereinafter enumerated site improvements) for the payment of which will and truly to be made, I (we) hereby bind ourselves and our respective heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has petitioned the City Council-Planning and Zoning Commission of the City of Leon Valley for permission to develop a subdivision within the jurisdiction of the City of Leon Valley more particularly described as follows to wit:

_____ which is shown on a subdivision plat, entitled _____ Subdivision, heretofore conditionally approved by the City of Leon Valley on _____, A.D. 20__;

and
WHEREAS, under the provisions of the Leon Valley Code, Article 10.02, "Subdivision Ordinance," the City Council of the City of Leon Valley requires, as a condition precedent to the granting of such petition, that the Principal furnish a guarantee that he will maintain and cause to be maintained, according to the requirements of such subdivision ordinance, the following site improvements for a period of one (1) year after the approval of the construction thereof by the City: (list)

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall maintain, and cause to be maintained, the above mentioned improvements in accordance with the requirements of the City of Leon Valley Code, Article 10.02, and the amendments thereto, if any, for the

period of one (1) year after the approval of the construction thereof by the City of Leon Valley and until the final approval of the City of Leon Valley, and until the official acceptance thereof by the City Council, then this obligation shall be void; otherwise, the obligations made under this bond will remain in full force and effect.

IN TESTIMONY WHEREOF, WITNESS OUR HAND and seal, this _____ of _____, A.D. _____.

Subdivider and Principal

Surety: _____

By:

Attorney in Fact

APPROVED AND ACCEPTED, this the _____ day of _____, A.D. 20____.

CITY OF LEON VALLEY

By: _____

Title: _____

SECTION 11. The City Secretary is hereby authorized and directed to publish the amendments to the Code of Ordinances Zoning Code as provided herein, subject to the following: (i) definitions and subsections not expressly amended hereby shall remain in full force and effect; and (ii) capitalization of the terms Planning and Zoning Commission, and City Council is intended throughout the revisions irrespective of the absence of editorial underlining or strike though of characters; and (iii) titles of each definition amended hereby shall be underlined.

SECTION 12. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 13. That it is hereby declared to be the intention of the City Council of the City of Leon Valley that phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, and section.

SECTION 10. The ordinance shall be effective upon passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley
this the 3rd day of March 2020.

APPROVED



CHRIS RILEY
MAYOR

Attest:



SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Approved as to Form:



HABIB H. ERKAN, JR.
City Attorney