

## Chapter 23

### SUBDIVISION REGULATIONS

#### ARTICLE 1

##### SHORT TITLE, PURPOSE, AND LEGAL PROVISIONS

**Short Title:** This Chapter 23 of the Code of Ordinances shall be known and may be cited as the "Subdivision Regulations of the City of South Padre Island, Texas," and may be referred to hereinafter as "these subdivision regulations" or "these regulations." (Ordinance NO. 01-01, adopted January 2001)

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## SUBDIVISION REGULATIONS

**Sec. 23.01 Authority.** This chapter is adopted under the authority of the constitution and laws of the State of Texas, including , but not limited to, Chapter 212 and Chapter 43 of the Texas Local Government Code, as amended.

**Sec. 23.02 Purpose.** The purpose of this chapter is to provide for the orderly, safe and healthful development of the area within the City and its Extraterritorial Jurisdiction and to promote the health, safety, morals and general welfare of the community.

**Sec. 23.03 Jurisdiction.** These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the municipal boundaries of the City of South Padre Island, Texas, and its Extraterritorial Jurisdiction, as now or hereafter established. Therefore, every subdivision of land within the City of South Padre Island and its Extraterritorial Jurisdiction shall be upon a plat and submitted to the Planning and Zoning Commission for their approval or disapproval as respectively required by this Ordinance.

**Sec. 23.04 Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Those definitions not expressly defined herein are to be construed in accordance with the definitions in the Zoning Code for the City of South Padre Island, or other applicable ordinances of the City, or in the absence of such definitions, then in accordance with customary usage in municipal planning and engineering practices.

**ALLEY.** A narrow, paved, public or private way primarily designed to provide a secondary means of vehicular and/or pedestrian access to the side or rear of any property whose principal frontage is on a street. An alley shall have a lower engineering design standard than a street.

**ACCESS DRIVE.** A private way located within an access easement that affords the principal means of vehicular access to abutting property. An access drive shall: 1) connect to an existing public street or highway; 2) not exceed 150 ft in length; 3) serve five (5) lots or less; **and** 4) not be extended. The abutting lots shall be located on only one side of the access drive. Access drives are exempt from the requirement of cul-de-sac turnarounds and the standard of design for the vehicular passageway(s) shall have similar construction standards as alleys or driveways. Use of the term Access Drive will be prohibited when a submission does not first comply with the four restrictions stated above.

**ACCESS EASEMENT.** Authorization granted by a property owner for the use by another to use a designated area of the property for vehicular passage.

**COMMISSION.** The Planning and Zoning Commission of the City of South Padre Island, Texas.

**CUL-DE-SAC.** A street having but one outlet to another street and terminated on the opposite end by a vehicular turnaround.

**DEAD-END STREET.** A street, other than a cul-de-sac, with only one outlet.

**EASEMENT.** Authorization granted by the property owner for the use by another of any designated part of his property for a clearly specified purpose.

**ENGINEER.** A person duly authorized under the provisions of the Texas Engineering Registration Act, as amended, to practice the profession of engineering.

**EXTRATERRITORIAL JURISDICTION (ETJ).** That area surrounding the City limits and extending there from as defined by the Texas Local Government Code Sec. 212.001, as amended.

**FILING DATE.** The date which the Public Works Department determines that they have received all correct and required information, plats, and fees to process the plat application or the date after the expiration of the time period for notice to third parties as required by state law, whichever is greater. Public Works Staff shall have ten (10) calendar days from receipt of the application to determine if the plat application is complete.

**INFRASTRUCTURE.** The basic facilities, services, and installations necessary in a community, such as sewers, water systems, utilities, drainage systems, streets, and sidewalks.

**LOT.** A tract, plot, parcel, or portion of a subdivision or other parcel of land, intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.

**MAY.** A word denoting action that is discretionary.

**NET AREA.** The area of a lot excluding all easements greater than 15 feet in width, dedications and rights-of-way; except for private developments, which may include the areas of the access easements within the calculations for the net lot area.

**PERSON.** Any individual, agency, corporation, partnership, unincorporated association of persons, organization, trust or trustee, receiver, assignee, administrator, executor, guardian, firm, joint stock association, company or body politic.

**RIGHT-OF-WAY.** A strip of land intended to be occupied by a street, pedestrian way, crosswalk, utilities, landscaping, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that the right-of-way hereafter established and shown on a record plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-ways intended for any use involving maintenance by a public or quasi-public agency shall be dedicated by the subdivider on whose plat such right-of-way is established.

**RESUBDIVISION (REPLAT).** A change in a map of an approved and recorded subdivision plat, or any map or plan legally recorded prior to the effective date of these regulations.

**SHALL.** A word denoting action that is always mandatory.

**STREET.** A general term denoting a public or private way that affords the principal means of vehicular access to abutting property.

**SUBDIVIDER.** Any person who (1), has a proprietary interest in land, and causes it, directly or indirectly, to be divided into a subdivision; or who (2), directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision; or who (3), engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot, parcel, site, unit, or plat in a subdivision; and who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

**SUBDIVISION.** The assembly of lots, parcels, sites, units plats, or interests or the division of a single parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions. "Subdivision" includes the division, assembly, or development of land for both residential and non-residential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. "Subdivision" includes the act of re-subdivision as defined herein.

**SURVEYOR.** A licensed state land surveyor or a registered professional land surveyor, as authorized by state law to practice the profession of surveying.

**CITY.** The City of South Padre Island, Texas.

**UTILITIES.** Installations for transmission of water, sewage, electricity, telecommunications, cable television, storm water, and similar facilities providing service to and used by the public.

**UTILITY EASEMENT.** Authorization granted by a property owner to use a designated area of the property for the purpose of installation, improvement, and maintenance of utilities.

**Sec. 23.05     Policies And Special Provisions.**

(A) *Approval.* The Planning and Zoning Commission shall approve all plats within the City and the City's extraterritorial jurisdiction.

(B) *Permitting.* The City shall not issue building, repair, plumbing or electrical permits for any structure on a lot in a subdivision until a record plat has been approved by the City and filed for record; provided, however, that this provision shall not prevent a subdivider from installing infrastructure in accordance with plans and specifications approved by the Director of Public Works on the subject property of an approved preliminary plat.

(C) *Enforcement.* On behalf of the City, the City Attorney may institute appropriate action in a court of competent jurisdiction to enforce the provisions of this chapter or the standards referred to herein with respect to any violation thereof which occurs within the City and within the extraterritorial jurisdiction of the City.

(D) *Postponement.* At any point during the platting process, for both preliminary and record plats, the applicant may voluntarily postpone further action on the application by the City by submitting a request for postponement, in writing, addressed to the City Planner. The postponement request should specifically identify the time period for which the postponement is requested, but may not exceed six (6) months. If the applicant fails to present a plat to the City

for review and approval by the date stated in the postponement letter, the plat will be automatically considered withdrawn. The filing of a request for a postponement constitutes an agreement by the owner and the applicant, their successors and assigns, that the statutory time period within which the City must act shall become null and void.

*(E) Appeal Process.* Any person aggrieved by the decision of the Planning and Zoning Commission in granting approval or disapproval of a record plat may appeal such decision to the City Council, requesting a determination by that body. A "Notice of Appeal" must be filed in the Office of the City Secretary within ten (10) calendar days following the decision of plat approval or denial. The appeal shall specifically state how the application, as filed or subsequently modified, meets, or fails to meet, the applicable criteria set forth in these regulations. No appeals will be accepted after the tenth calendar day following the decision of plat approval or denial. However, if an appeal is submitted, the aggrieved party shall be placed on the agenda for the next regular meeting of the City Council for a final decision.

#### **Sec. 23.06 Variances.**

(A) General: Where unnecessary hardships may result from strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, the City Council may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured.

(B) Conditions: In approving variances, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of these regulations.

(C) Procedure: A petition for any such variance shall be submitted in writing by the subdivider at the time the preliminary plat is filed for consideration by the City Planner or Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

**Sec. 23.07 Preliminary Conference.** Prior to the official filing of a preliminary plat, the subdivider, and/or the subdivider's representative should consult with and present a proposed plan of subdivision to the City Planner for comments and advice on the procedures, specifications and standards required by the City for the subdivision of land.

#### **Sec. 23.08 Preserving Public Beach Use and Access.**

- (1) No plat or re-plat will be approved that does not preserve or enhance existing public right to use and have access to and from the beach. [**Authority:** 31 TAC, §15.7]
- (2) The City of South Padre Island shall presume that any beach fronting the Gulf of Mexico within its jurisdiction and within its ETJ is a public beach as defined by Chapter 61 of the Texas Natural Resources Code.
- (3) The City of South Padre Island shall regulate pedestrian and vehicular access, traffic and parking on the public beach in a manner that is consistent with 31 TAC, §15.7(h) (which reads as follows):

*(h) Preservation and enhancement of public beach use and access. A local government shall regulate pedestrian or vehicular beach access, traffic, and parking on the beach only in a manner that preserves or enhances existing public right to use and have access to and from the beach. A local government shall not impair or close an existing access point or close a public beach to pedestrian or vehicular traffic without prior approval from the General Land Office.*

*(1) For the purposes of this subchapter, beach access and use is presumed to be preserved if the following criteria are met.*

*(A) Parking on or adjacent to the beach is adequate to accommodate one car for each 15 linear feet of beach.*

*(B) Where vehicles are prohibited from driving on and along the beach, ingress/egress access ways are no farther apart than 1/2 mile.*

*(C) Signs are conspicuously posted which explain the nature and extent of vehicular controls, parking areas, and access points. Local governments may establish their own beach access and use standards for General Land Office approval and certification based upon the General Land Office's affirmative finding that such standards preserve and enhance the public's right to use and access the public beach.*

**Sec. 23.09 Preliminary Plat And Accompanying Data.**

*(A) Generally.* The subdivider shall cause preliminary plats to be prepared by a surveyor in accordance with this chapter.

*(B) Time for filing and copies required.* The subdivider shall file ten (10) complete blue- or black-line copies of the plat to the Planning Department at least 15 working days prior to the regularly scheduled meeting date of the Planning and Zoning Commission.

*(C) Formal Application.* A complete plat application shall consist of:

- (1) A completed application form.
- (2) The appropriate filing fee per plat. This fee is non-refundable.
- (3) A current title letter (written by a Title Company or an attorney licensed to practice in the State of Texas) or title insurance policy, both or either of which must be dated no more than sixty (60) calendar days from the application date and must detail the ownership, legal description, any and all liens, and all easements on the property.
- (4) If the applicant is other than the record owner of the property depicted on the plat, a power of attorney or other satisfactory evidence of the applicant's authority to make such application on behalf of or with the permission of the record owner.
- (5) Separate Survey of Existing Conditions. In the event that the subject property has any existing structures, the plat shall be accompanied by three (3) copies of a survey of the property, separate and distinct from the submitted plat. This survey is for staff review and will not be recorded. The survey shall be drawn to a scale

of 100 feet to 1 inch or other appropriate scale; signed and sealed by the land surveyor; and show the existing conditions as follows:

- (a) The exact locations, dimensions, area(s) of the lot(s), names and dimensions of all existing or recorded streets, alleys, easements or other public rights-of-way within the subdivision, and/or intersecting or contiguous with its boundaries.
  - (b) The exact locations of existing submerged areas, water-courses, and drainage structures within the boundaries of the subdivision.
  - (c) Locations and dimensions of existing buildings and structures on the site.
  - (d) F.E.M.A. flood elevation for the property, and the location of the flood zone boundary(ies) if more than one flood zone impacts the subject property.
  - (e) Locations of building setback lines.
- (6) Preliminary Plat form and content. The preliminary plat shall be drawn to a scale of 100 feet to 1 inch or other appropriate scale, and signed and sealed by the land surveyor. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The plat shall show the following:
- (a) Names and addresses of: owner(s) of record of the land to be subdivided, the subdivider(s) – if different than the owner(s), and the surveyor preparing the plat.
  - (b) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision currently located within the corporate limits or the ETJ of the City.
  - (c) Description, by metes and bounds, of the subdivision boundaries.
  - (d) Existing conditions as follows:
    - 1. The exact locations, dimensions, areas of the lot(s), names and dimensions of all existing or recorded streets, alleys, easements or other public rights-of-way within the subdivision, and/or intersecting or contiguous with its boundaries.
    - 2. The exact locations of existing water-courses within the boundaries of the subdivision.
  - (e) Proposed subdivision conditions, indicated by heavy/dark lines and printing, as follows:
    - 1. Boundary lines with distances and bearings.
    - 2. The acreage (square feet if less than an acre) of each separate and discrete lot depicted on the plat.

3. The exact locations, dimensions, descriptions and names of all proposed streets, alleys, parks, other public areas, easements or other rights-of-way, blocks, lots and other sites within the subdivision.
  - (f) Date of preparation, scale of plat and north arrow.
  - (g) Appropriate lot, block, and subdivision identification for each lot on the plat.
  - (h) Vicinity map, at some appropriate scale, which shall locate the subject property in proximity to nearby subdivisions, and streets (with names).
  - (i) All subdivision monuments and markers shall be located and described. The subdivision must be located with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part.

*(D) Processing of Preliminary Plat.*

- (1) The Planning Department shall check the preliminary plat as to its conformity with this ordinance, the City of South Padre Island Zoning Ordinance, as amended, and the standards and specifications set forth herein or referred to herein.
- (2) Pertinent copies of the preliminary plat data may be submitted to the Director of Public Works, and he or she shall check the same for conformity with the standards and specifications contained or referred to herein.
- (3) The Planning Department shall forward the preliminary plat to the Planning and Zoning Commission with a recommendation as to modifications, additions or alterations of such plat data.
- (4) Within 30 calendar days of the filing date of a plat application, the Planning and Zoning Commission shall approve, conditionally approve with modifications, or disapprove the preliminary plat. If the plat is denied, the Commission shall inform the subdivider, in writing, of the specific reasons for the denial. If the plat is conditionally approved with modifications, the Commission shall inform the subdivider, in writing, of any required modifications and the reasons for those modifications. The subdivider, in turn, will have up to sixty (60) calendar days to amend a conditionally approved plat and submit that plat to the Commission for its full preliminary plat approval. If the applicant fails to present the Commission a corrected plat within the sixty (60) calendar days, the plat shall be deemed to be disapproved by the Commission effective the date of the Commission's original grant of conditional approval. The effective date of a conditionally approved plat shall be that date the Commission granted full preliminary plat approval and not the date of conditional approval.
- (5) Approval of a preliminary plat by the Planning and Zoning Commission shall be deemed an expression of approval of the layout submitted on the preliminary plat,



which shall then be used as a guide for the installation of streets, water, sewer and other required improvements and utilities and for the preparation of the record plat.

- (6) Approval of a preliminary plat shall be effective for only one year. If, after one year, no development has occurred which would affect the proposed plat, the City shall revoke the preliminary approval. The Planning and Zoning Commission may, upon the application of the subdivider, extend the approval for an additional six months. If, at the end of the six-month extension, development still has not occurred that would affect the proposed plat, the City shall revoke the preliminary approval.

**Sec. 23.10 Fast Track Process.** Approval of the preliminary plat may be considered as approval of the record plat if neither City staff nor the Planning and Zoning Commission requires any changes in the preliminary plat as submitted and approved, and all requirements herein are included on the plat (see **Sec. 23.09** & **Sec. 23.12**). This Fast Tract Process shall not be applicable to any subdivision requiring street, access drive, and/or utility installation.

**Sec. 23.11 Engineering Plan Requirements.** In those instances in which street, access drive, and/or utility installation is required by these regulations or desired by the subdivider, engineering plans shall be submitted to the Director of Public Works for review and approval in accordance with the Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island, Texas. Where access drives are utilized, the engineering plan requirements can be met by a letter from the subdivider stating that the access drive will meet City standards, and by a letter from the Laguna Madre Water District stating that water and sewer services will be installed to meet their standards. No work shall commence, and the Record Plat shall not be approved, until the Director of Public Works has approved the required letters and /or the engineering plans.

**Sec. 23.12 Record Plat.**

*(A) Generally.*

- (1) The subdivider shall cause a record plat to be prepared by a surveyor in accordance with this chapter.
- (2) For those subdivisions of land requiring the installation of streets, access drives, and/or utilities, the Director of Public Works' final engineering plan approval is required prior to plat approval. Also for record plat approval, the subdivider must have installed all improvements to the Director of Public Works' satisfaction, or have posted a Performance Guarantee, approved by both the Director of Public Works and the City Manager, for 110% of the estimated cost of the proposed improvements.

*(B) Time for filing and copies required.* The subdivider shall file ten (10) complete blue- or black-line copies of the plat to the Planning Department at least 15 working calendar days prior to the regularly scheduled meeting date of the Planning and Zoning Commission.

*(C) Form and content.*

- (1) The record plat and the submitted engineering plans shall conform to the preliminary plat as approved or conditionally approved by the Planning and Zoning Commission incorporating any and all changes, modifications, alterations, corrections and conditions recommended by the Planning and Zoning Commission and the Director of Public Works.
- (2) The record plat shall be submitted in an original and ten (10) copies, drawn at a scale of 100 feet to 1 inch or other appropriate scale, and shall be signed and sealed by the surveyor. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.
- (3) In addition to the requirements for the preliminary plat, the record plat shall also include the following:
  - (a) The exact locations, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way, blocks, lots and other sites within the subdivision with accurate dimensions, bearing or deflection angles and radii, area, central angles, degree of curvature, tangent distance and length of all curves where appropriate.
  - (b) The exact locations, dimensions, descriptions and names of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision with accurate dimensions, bearing or deflection angles and radii, area, central angles, degree of curvature, tangent distance and length of all curves where appropriate.
  - (c) The plat shall show the vacating plat, if appropriate.
  - (d) The plat must have included upon it, or must be accompanied by a document containing, the description of the water and sewer service facilities that will be constructed or installed to serve a subdivision with a statement of the date by which the facilities will be fully operable. This statement must be prepared by an engineer and must certify that the water and sewer facilities described by the plat and/or document attached to the plat are in compliance with Texas Water Code **Sec. 16.343**, as amended.
  - (e) Restrictive covenants. If the subdivider places restrictions on any of the land contained in the subdivision, such restrictions shall be printed upon the record plat to be recorded, or, if space prohibits, upon a separate document recorded in the office of the County Clerk. Reference to the restrictions shall be indicated on the subdivision plat submitted to the City for approval. A copy of such restrictions and all amendments shall be filed with the Planning Department.

- (f) The record plat shall also include the following acknowledgments. Any proposed modifications to these acknowledgments will be referred to the City Attorney for review and approval:

*1. Owner's acknowledgment.*

State of Texas  
County of Cameron

I (we), the undersigned, owner(s) of the land shown on this plat, and designated herein as (legal description of property) within the City of South Padre Island or its ETJ, and whose name is subscribed hereto, hereby dedicate to the appropriate public or private entity for the benefit of the public or private land owners, all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose or consideration therein expressed.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

State of Texas  
County of \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared, \_\_\_\_\_ known to me to be the person whose name is subscribed to this plat, and acknowledged to me that he/she executed the same for purposes and considerations therein stated.

Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

\_\_\_\_\_  
County

*2. Notarized lien holder's acknowledgment:*

State of Texas  
County of \_\_\_\_\_

I (We), the undersigned, holder(s) (or duly authorized officers of the holder(s)) of a security interest in the above described property, being the land shown on this plat and designated herein as (legal description) within the City of South Padre Island, Texas or its ETJ, do hereby consent to the subdivision of the property as provided for under the plat and do hereby provide that any foreclosure relating to the security interest on the above described property shall be subject to the platting of the property as provided for herein.

\_\_\_\_\_  
(Signature(s) of Security Interest Holder(s))

State of Texas  
County of \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared, \_\_\_\_\_ known to me to be the person whose name is subscribed to this plat, and acknowledged to me that he/she executed the same for purposes and considerations therein stated.

Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public Date  
\_\_\_\_\_  
County

3. Certification by the City Authority:

Approved by the Planning and Zoning Commission of the City of South Padre island, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairman, Planning & Zoning Commission Public Works Director

4. Certification of the surveyor responsible for surveying the subdivision area, attesting to its accuracy:

State of Texas  
County of Cameron

I, the undersigned, a registered professional land surveyor in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Surveyor seal)

\_\_\_\_\_  
Registered Professional Land Surveyor Date

5. Certification by taxing authorities that all taxes have been paid in full:

State of Texas  
County of Cameron

The undersigned hereby certifies that all ad valorem taxes owned to all of the taxing units, represented by the undersigned are currently paid in full for the area inside the boundaries of (the legal description of property), depicted hereon.

Approved: \_\_\_\_\_  
Name Date  
Assessor and Collector of Taxes, Cameron County

Approved: \_\_\_\_\_  
Name Date  
Assessor and Collector of Taxes  
Point Isabel Independent School District Tax Office

(D) *Processing of record plat.*

- (1) The Planning Department shall check the record plat as to its conformity with the approved preliminary plat, this ordinance, the City of South Padre Island Zoning Ordinance, as amended, and the standards and specifications set forth herein or referred to herein.
- (2) The Planning Department shall forward the record plat to the Planning and Zoning Commission with a recommendation as to modifications, additions or alterations of such plat data.
- (3) Within 30 calendar days of the filing date of a plat application, the Planning and Zoning Commission shall approve, or disapprove the record plat. If the plat is denied, the Commission shall inform the subdivider, in writing, of the specific reasons for the denial.
- (4) Appeals. Any person aggrieved by the decision of the Commission in granting approval or denial of the record plat may appeal such decision to the City Council in accordance with Section **Sec. 23.05 E**.
- (5) Period of Validity. Approval of the record plat shall be effective for a period of sixty (60) calendar days following the date of Commission approval, at the end of which time, recording of the record plat with the County Clerk's Office must have been completed. If any record plat is not filed within this time period, the record plat shall be null and void and the applicant shall be required to resubmit a new plat for approval subject to all zoning and subdivision regulations in effect at the time of resubmission. At the request of the applicant, and upon cause shown, the Planning and Zoning Commission may extend the approval of the record plat not to exceed one (1) year beyond this expiration date.
- (6) Office Copy. No building permits will be issued on or for the subject property until the applicant can provide the Public Works Department a blue or black-lined copy of the recorded plat bearing the Cameron County Clerk's signature, seal, and notation as to the plat book and page; a reproducible copy of the plat bearing the Cameron County Clerk's seal, and notation as to the plat book and page; and any similarly recorded deed restrictions accompanying the plat.

**Sec. 23.13 Design Standards.**

- (A) *Lot area, width, & depth.* The area, width, and depth of lots in all subdivisions shall comply with the minimum requirements within the zoning district the property is located. No part of the minimum area of a lot required under the Zoning Ordinance shall be satisfied by land that is under water. Where a watercourse separates the buildable area of

a lot from the street from which it receives access, provisions shall be made for access to such lot as approved by the Director of Public Works.

- (B) *Lot frontage.* No subdivision shall be approved unless the lots to be subdivided shall have frontage on a street/highway/drive equal to the minimum lot width required for the zoning district in which the property is located as specified in the Zoning Ordinance. Such frontage shall be located upon:
- (1) an existing public street or highway; or
  - (2) a private street, which meets the standards within the current edition of Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island, Texas and which connects with an existing public street or highway; or
  - (3) an access drive, which meets the standards within the current edition of Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island, Texas, and which connects to an existing public street or highway.
- (C) *Frontage of Lots on Circular Turnarounds.* The minimum street frontage required for a lot fronting on a public or private street turnaround shall be equivalent to the minimum lot width required by the applicable zoning district, but shall be measured twenty-five (25) feet perpendicularly from the right-of-way line.
- (D) *Utility lines.* All lots shall have access to utilities. Where lots do not have access to utilities, the subdivider shall provide utility easements and have utilities installed. All utility lines shall be located underground throughout the subdivision. Whenever existing lines are relocated, they shall be placed underground. Pad-mounted transformers, and service pedestals may be installed above ground. 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 extended to a point at least three feet beyond the edge of the pavement.
- (E) *Monuments and Corner Markers.*
- (1) All block corners, angle points and points of curves, and all corners of boundary lines of subdivisions shall be marked with a one-half (1/2") inch steel rod, two (2') feet in length, set in the center of a concrete monument six (6") inches in diameter and thirty (30") inches deep, with the top flush with the finished ground surface.
  - (2) Where, due to topographic conditions, permanent structures or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments shall be so set as to assure a clear view between adjacent monuments.
  - (3) Corner markers, consisting of a one-half (1/2") inch steel rod or a three-quarter (3/4") inch pipe, two (2') feet in length, shall be driven flush with the ground surface to mark the corners of all lots.

- (4) Offsets. Should conditions prohibit the placing of any monument at the above locations, off-setting of the permanent marker is permitted, provided however, that the exact off-set courses and distances are shown on the letter of certification when monuments are set, as well as upon the record subdivision plat. If a monument would be in a driveway, a cross would be permitted in the concrete with a steel pin or iron pipe.

(F) *Blocks.* Block lengths shall not exceed 1000 feet.

**Sec. 23.14 Standards And Specifications For The Installation Of Improvements.**

The City shall not approve or accept any preliminary or record plats or completed improvements unless they conform to the following:

(A) *Streets.*

- (1) *Street layout.* The subdivider shall provide streets that conform to the Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island, Texas and shall be considered in their relation to existing and planned streets, to topographic conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood.
- (2) *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.
- (3) *Projection of public streets.* Where adjoining areas are not subdivided, the arrangement of public streets in the subdivision shall make provisions for the proper projection of public streets into such un-subdivided areas.
- (4) *Street Jogs.* Street jogs with centerline offsets of less than 125 feet shall not be permitted.
- (5) *Street intersections.* Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain, topography, site distances and safety.
- (6) *Dead-end Streets:* Dead-end streets shall be prohibited except as short stubs not to exceed the depth of one (1) lot to permit future expansion. Short stub dead end streets shall not require turnarounds.
- (7) *Cul-de-sacs.* In general, cul-de-sacs streets shall not exceed 500 feet in length, and shall have a turnaround of not less than 100 feet in diameter (right-of-way).
- (8) *Right-of-ways.* Right-of-ways shall be in accordance with the Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island, Texas
- (9) *Street names.* Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case, names of existing streets shall be used. Street signs that conform to City standards shall be installed at the expense of the subdivider.

- (10) *Traffic Regulatory Signs and Signals.* The subdivider shall bear all expense for the purchase and installation of all required traffic regulatory signs and signals as a result of the proposed development. The locations and type of traffic regulatory signs and/or signals required shall be determined by the Director of Public Works, the specifications of which shall conform to the current edition of the Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island, Texas.
- (B) *Alleys.* If the subdivider chooses to construct/install alleys, he shall do so according to the current edition of Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island, Texas.
- (C) *Water installation.*
- (1) *Water supply and distribution.* All lots shall have access to potable water service, provided by a public water supplier and approved by the Texas Department of Health. The public water supplier must submit a letter to the City stating it agrees to supply water to the subdivision and that water meters are immediately available to every lot upon application and installation by the subdivider or the public water supplier.
- (D) *Sewers.*
- (1) *Sewer lines.* All lots shall have access to sanitary sewer facilities, including individual sewer connections for each lot in the subdivision. The sanitary sewer facility provider must submit a letter to the City stating it agrees to supply the sanitary sewer facilities to the subdivision.
- (2) *Septic Tanks.* Installation of septic tanks is prohibited.
- (E) *Drainage Easements.* Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width to accommodate future needs. The minimum easement width for an enclosed system is fifteen (15) feet, and for an open drain is thirty (30) feet.
- (F) *Sidewalks.* A developer shall install a sidewalk on a public street right-of-way, which is one (1) foot from the front lot line. Sidewalks shall be a minimum of five (5) feet wide in residential areas and eight (8) feet wide in business areas. The construction shall conform to the current edition of Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island.
- (G) *Reserve strips prohibited.* There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use, EXCEPT for properties that need to provide for public beach access and/or public beach parking consistent with 31 TAC, §15.7. In such exceptions, the reserve strip shall be clearly marked and labeled for such use.
- (H) *Private Improvements; Private Streets.*
- (1) *Applicability.* Private streets are permitted and are subject to the design criteria and standards of Chapter 23 Subdivision Ordinance. Private streets are only allowed within an enclave subdivision subject to being designed and constructed to the standards of a public street.
- (2) *Design Standards.* Right-of-way for a private street is not dedicated to the public; however, it must be designated as a "private street, drainage, and public utility easement." The right-of-way required for private streets shall be based upon the same criteria as for public streets in similar developments. The design standards



and construction specifications of private streets shall be the same as for public streets except as noted below:

- (a) A right-of-way of fifty (50) feet for a Local Street (as defined by Institute Transportation Engineers Functional Classification System).
  - (b) A right-of-way of twenty-five (25) feet for Access Drive(s).
  - (c) The paved street width, exclusive of curb exposures, shall be a minimum of twenty-five (25) feet for Local Streets.
  - (d) Dead-end street shall be allowed on blocks with six or fewer lots and less than 150 feet in length, measured from the point of intersection between the private street and the public right-of-way.
- (3) Certification. Upon completion of construction, the Public Works Director shall be provided with a written certification signed by a licensed professional engineer certifying that the private streets and sidewalks (as applicable) were designed and installed as required by the provisions of this chapter.
- (4) Maintenance. Private streets and sidewalks shall be owned and maintained by a corporation, community association, or other legal entity established for this purpose.
- (5) Converting Private Streets into Public Streets. Upon the request of any person, the City may, in its discretion, accept a private street(s) into the City's street network subject to the following processes:
- The requesting person at their expense must provide an engineering report to the public works department for review. The engineering report shall include all of the following:
- (a) Request from any person that the city accept the private street(s);
  - (b) Document indicating one hundred (100) percent owners' participation;
  - (c) Subdivision plat;
  - (d) Subdivision construction plans to include plan and profile;
  - (e) Certification letter from the project engineer certifying the construction of the subdivision was done in accordance with the public works specifications;
  - (f) Photos showing the conditions of the existing roadway and right-of-way throughout the subdivision; and
  - (g) Site plan showing location of streetlights and traffic control devices (if applicable).

The engineering report must be completed before the public works department proceeds with all of the following procedures:

- (i) Public works department receives engineering report and distributes it to appropriate city departments.
- (ii) If the Development Department determines one hundred (100) percent of the legal property owners are represented as supporters of the request, this information is forwarded to the Public Works Director. If support for the ownership transfer is less than one hundred (100) percent, this information is submitted to the public works department who will notify the applicant of the denial of the request.
- (iii) The Public Works Director will evaluate street surface condition and appurtenances information. If a low score is given, then the Public Works Director will notify the applicant of the denial of the request.
- (iv) The Public Works Director may recommend to City Council that it is in the interest of the City to accept the street for ownership and maintenance, and

subsequently, the City Council's approval of acceptance is required before any street may become a public street.

(v) Process for removal of control access facilities (gate, rails, house, etc.).

(6) **Parking on Private Streets.** Parking shall be prohibited on any private street less than twenty-eight (28) feet in width and, if utilized on streets thirty (30) feet wide or wider, it must be clearly distinguishable from the movement lanes and not impede the lane(s) of travel.

(7) **Infrastructure Requirements.**

(a) **Streets and Sidewalks.** Vehicular circulation may also be provided by internal private Access Drives. Access Drives must meet the requirements for fire lanes as per the International Fire Code for width, lengths and parking requirements whether for a commercial or residential base zoning. A building permit must be obtained for Access Drives, and would include site plan review and inspection for flatwork/civil work within the public ROW.

(b) **Utilities.** All utility systems shall comply with the utilities standards of this chapter. Water and sanitary sewer systems may be publicly or privately owned; however, the maintenance of private systems shall be the responsibility of the community association. Public utility systems shall be approved by the applicable agency or city department.

(c) **Utility Easements.** Publicly owned and/or maintained utilities shall be placed in streets or easements, which are a minimum of sixteen (16) feet in width unless a narrower width is approved by the applicable utility.

The use of a utility easement may be permitted if it provides for each of the following:

(i) The easement shall be approved by the city (Development Director and the City Attorney) prior to recordation in the Cameron County Deed Records.

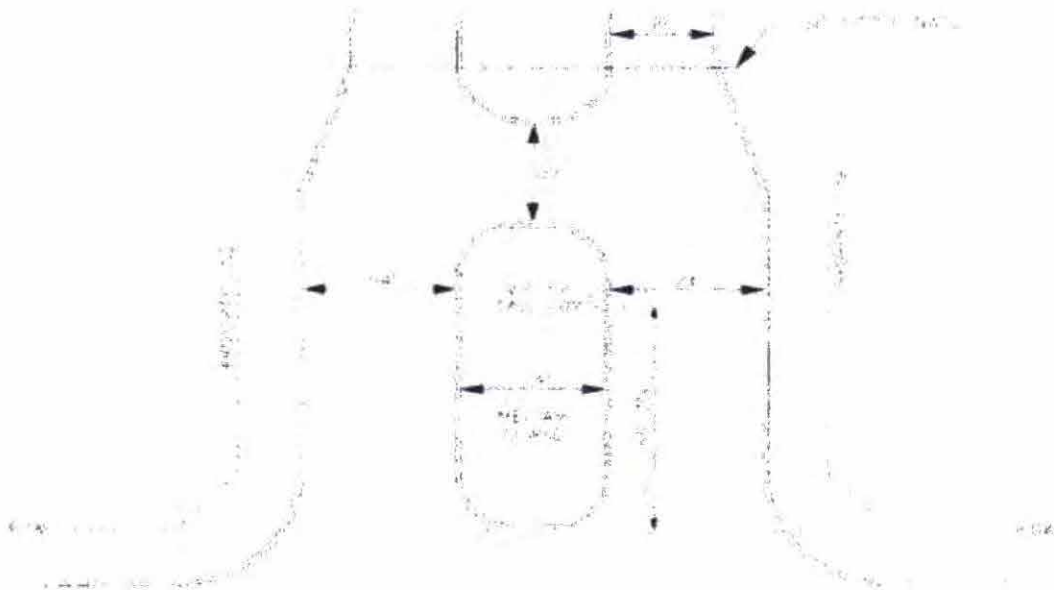
(ii) The document provides for an irrevocable access easement.

(iii) The easement shall be accompanied by a maintenance agreement that the owner of the property shall maintain the easement in a safe and operable condition and shall correct any safety hazards or eminent needs if such is determined to be required by the city in order to protect the use of the easement.

(8) **Private Streets, sidewalks, landscaping and lighting, and other common areas and facilities.** Provisions shall be made for a property owners' association that is designated as the representative of the owners of property in a residential subdivision. The property owners' association shall have the direct responsibility to provide for the operation and maintenance of all common areas and facilities, including private streets and sidewalks, which are a part of the subdivision. The applicant shall submit the dedicatory instrument(s) covering the establishment, maintenance, and operation of a residential subdivision. The dedicatory instrument(s) shall establish a plan for the use and permanent maintenance of the common areas/facilities and demonstrate that the property owners' association is self-perpetuating and adequately funded by regular assessment and/or special assessment to accomplish its purposes. The dedicatory instrument(s) shall include provisions that provide the city with permission for access at any time without liability when on official business, and further, to permit the city to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction. The dedicatory instrument(s) must be approved by the city attorney as to legal form prior to any plat recordation and shall be recorded at the same time as the plat.

- (a) "Property owners' association" means an incorporated or unincorporated association that: (i) is designated as the representative of the owners of property in a residential subdivision; (ii) has a membership primarily consisting of the owners of property covered by the dedicatory instrument for the residential subdivision; and (iii) manages or regulates the residential subdivision for the benefit of the owners of property in the subdivision. "Property owners' association" also means the designated representative of the owners of property in a subdivision and may be referred to as a "homeowners association," "community association," "civic association," "civic club," "association," "committee," or similar term contained in the dedicatory instrument.
- (b) "Dedicatory instrument" means each governing instrument covering the establishment, maintenance, and operation of a residential subdivision. The term includes restrictions or other similar instruments that subject property to restrictive covenants, bylaws, or similar instruments governing the administration or operation of a property owners' association; allow for properly adopted rules and regulations of the property owners' association; and authorize enactment of lawful amendments to the covenants, bylaws, rules, or regulations.
- (c) "Regular assessment" means an assessment, a charge, a fee, or dues that each owner of property within a residential subdivision is required to pay to the property owners' association on a regular basis and that is designated for use by the property owners' association for the benefit of the residential subdivision as provided by the dedicatory instrument.
- (d) "Special assessment" means an assessment, a charge, a fee, or dues, other than a regular assessment, that each owner of property within a residential subdivision is required to pay to the property owners' association, according to the procedures required by the dedicatory instrument which must have provisions for:
  - (i) Defraying, in whole or part, the cost whether incurred before or after the assessment, of any construction or reconstruction, unexpected repair, or replacement of a capital improvement in common areas owned by the property owners' association, including the necessary fixtures and personal property related to the common areas;
  - (ii) Maintenance and improvement of common areas owned by the property owners' association; or
  - (iii) Other purposes of the property owners' association as stated in its articles of incorporation or the dedicatory instrument for the residential subdivision.
  - (iv) The entrance to private streets may provide control access by gates or other means permitted by this chapter.
- (9) Parking Requirements. Off-street parking and truck loading facilities shall be provided in accordance with parking standards of this chapter.
- (10) Gated Subdivision Streets.
  - (a) Pavement Management. The applicant shall include with the property owners' association (POA) documents a forecast and schedule of street maintenance costs prepared by a licensed professional engineer, licensed as such by the State of Texas. A maintenance account with seed money shall be established by the developer to enable the POA to meet the maintenance schedule until the POA is self-sufficient. Any POA requesting that the City acquire their private streets shall produce documentation that the maintenance schedule set forth in the POA's original pavement management plan as part of the POA documents has been followed.
  - (b) Fire Lanes. The POA documents shall require the POAs to identify and enforce a no parking restriction in fire lanes throughout the community.

- (c) **Master Key Security System.** A master key security system shall be provided on all gates. The security system shall include the following for the specified type of gate:
  - (i) Electric Operated Gates require either a gate override in case of power failure and a master key provided to the fire department and police department, or a Knox box.
  - (ii) Non-electric Operated Gates require a Knox box.
- (d) **Queuing.** At gated entrances where traffic can queue into public streets, the gate and entrance design must provide for sufficient storage capacity so that no vehicles will queue into the public street. Queuing at a gated entrance shall be designed as follows:
  - (1) That no vehicles will queue into the public street with a ninety-five (95) percent confidence level per engineering analysis. The minimum entryway vehicle storage length shall be forty (40) feet measured from the call box to the public right-of-way as shown in the figure below.
  - (2) The subdivide shall provide for vehicle turnaround capability based on the single unit design vehicle as provided in the 2004 AASHTO Green Book or latest revision thereof or be able to make a three-point turning movement.
  - (3) Should subdivision design conditions result in low traffic volume per engineering analysis (250 ADT or less) and speed controlled at or below 30 MPH, the minimum entryway vehicle storage length may be reduced to twenty (20) feet measured from the call box to the public right-of-way. This provision shall not apply to collector streets with Average Daily Traffic (ADT) greater than 250; or to arterial roadways as defined by ITE.



**Sec. 23.15 PERFORMANCE GUARANTEE.**

- (A) Generally. The performance guarantee shall:
  - (1) Be submitted to the City Attorney for review and approval as to form and legality.
  - (2) Insure or guarantee the construction and completion of the improvements, as set forth in the final engineering plans over a period not to exceed one (1) year.
  - (3) Be in an amount equivalent to one hundred and ten (110) percent of the estimated cost of completion of all the improvements. Such estimate shall be prepared by the applicant and reviewed and approved by the Director of Public Works, who shall recommend the amount of the performance guarantee to the City Manager.
  - (4) Provide for the release of all of the monies so obligated upon demand by the City Manager.
- (B) Types of Securities. Performance guarantees securing the proposed improvements shall be secured to the City by one of the following methods, or combination thereof:
  - (1) Cash, deposited with the City Secretary, or deposited in a local bank in an account assigned to the City.
  - (2) A surety bond, issued on a corporate surety licensed and authorized to do business in the State of Texas as a surety.
  - (3) Certificates of deposit assigned to the City.
  - (4) An escrow account, such funds to be held in a special account by the escrow holder, distributed only with the approval of the City, and subject to audit by the City.
  - (5) An irrevocable letter of credit from a bank and assigned to the City.
  - (6) Other financial guarantee that the City Council deems adequate to secure the proposed improvements. Any alternative performance guarantees submitted shall not include either "signature" or "property" bonds.

The City Council expressly reserves the right to reject any guarantee it considers to be inadequately secured.

- (C) Bonds, Escrow Agreements, Irrevocable Letters of Credit, Issued by Whom.
  - (1) A security issued by a surety company, title insurance company, escrow agent, or bank shall insure or guarantee, to the extent specified by the Director of Public Works in his estimate of cost thereof, the construction and completion of all of the improvements proposed by the final engineering plans.
  - (2) In no event shall the surety company, title insurance company, escrow agent, or bank, have any material or other property interest in the proposed subdivision to which the performance guarantee relates, nor have any other business relationship with the subdivider in any other subdivision, development, or project that would, from the standpoint of the City, be considered a conflict of interest. The surety company, title insurance company, escrow agent, or bank shall attach to the performance guarantee a notarized disclosure statement fully disclosing all current and impending business relationships with the subdivider.
  - (3) The City Attorney shall approve all surety companies, title insurance companies, escrow agents, and banks for eligibility. If the surety

company, title insurance company, escrow agent, or bank fails to comply with any of the provisions of the performance guarantee, or fails to release the obligated monies to the City upon demand, they shall not be allowed to act in that capacity for any project within the jurisdiction of the City for a period of five (5) years, and shall be subject to the penalties herein established. In addition, the City Attorney shall take such other actions in law or in equity as may be required to secure all obligated funds.

(D) Release of Guarantee.

- (1) Term. The term of the performance guarantee shall not exceed one (1) year.
- (2) Inspection. Before the subdivider's obligation to the City of South Padre Island is terminated, all required improvements shall be constructed under the observation and inspection of the inspecting agency, and shall either be accepted for maintenance by the City Council (or respective agency) in the instance of public improvements, or given final approval by the City Council on recommendation by the Director of Public Works in the instance of private improvements.
- (3) Procedure for the Release of Performance Guarantee.
  - (a) The subdivider may, from time to time, request partial release of the obligated sum contained in the performance guarantee as work progresses. Such a request shall be in writing, addressed to the Director of Public Works, and shall specify the work that has been completed as well as the work remaining to be completed. The amount requested for release shall be determined by using current market values for materials and labor, and shall not exceed the ratio of work completed to the entire improvements secured.
  - (b) Upon receipt of such request, the Director of Public Works (or his appointed designee) will verify the actual level of completion and will prepare a recommendation on the requested release for presentation to the City Council. In preparing the recommendation, the Director of Public Works may:
    1. Recommend release of the amount requested; or,
    2. Recommend the release of some other amount which, based upon the investigation, more accurately reflects the actual level of completion in relation to the entire amount of improvements secured.
  - (c) Following receipt of the Director of Public Works' recommendation on the requested release, the City Council may:
    1. Approve the amount recommended by the Director of Public Works; or,
    2. Approve the release of an amount **less** than the amount recommended by the Director of Public Works; or,
    3. Deny the request.
  - (d) Following action by the City Council on the requested release, the City Secretary shall notify in writing the surety holding the performance guarantee authorizing the specific release. Until such time as the City Council shall, by such written authorization addressed to the surety, release the specified amount, the surety

shall continue to hold the obligated sum as established in the agreement.

- (e) In no case shall the City Council release more than eighty (80) percent of the total performance guarantee over the term of the guarantee. The final twenty (20) percent of the performance guarantee shall only be authorized for release by the City Council in its entirety after the Director of Public Works certifies that all improvements have been completed in their entirety, constructed in accordance with the approved final engineering plans, and meet all of the City's required standards and specifications.
- (f) If, at the end of the one (1) year period, all of the improvements reflected by the final engineering plans have not been completed:
  - 1. The subdivider may submit a one time renewal of the performance guarantee (a limit of one renewal only), which has been recalculated in order to allow for inflation, a period not to exceed one (1) additional year; or
  - 2. The surety shall perform on the guarantee and directly remit to the City the amount of the guarantee. It shall be the responsibility of the surety to perform on such guarantee regardless of the expiration of the guarantee and regardless of whether or not the City reminds the surety of such contract termination.

The City will contract the completion of the work reflected by the final engineering plans approved the by the City. Any amount not utilized to complete the outstanding work will be returned to the subdivider once the work has been accepted by the City.

All costs incurred by the City in contracting for completion of the work will come from the performance guarantee.

- 3. The subdivider may vacate the plat by replatting back to the original configuration prior to the plat in question.

If the subdivider elects to vacate the plat after the performance period has expired, they shall immediately remit 100% of the performance guarantee to the City. This will be returned to the subdivider only after the plat has been successfully vacated.

If the subdivider has not completed the vacation of the plat within six (6) months of the end of the last performance guarantee period, the total amount of the performance guarantee shall be forfeited to the City to allow completion of the work reflected by the final engineering plans approved by the City. Any amount not utilized to complete the outstanding work (including contracting expenses) will be returned to the subdivider once the work has been accepted by the City.

**Sec. 23.16 Authority Of The Public Works Director.**

(A) The Public Works Director is hereby authorized to promulgate, or to have promulgated, and to file for public record and use, rules, regulations, applications, standards and specifications for the construction, installation, design, location and arrangement of street, curbs, street lights, street signs, alleys, utility layouts, utility easements, gates for utility easements,

sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, water wells, monuments, criteria for drainage easement requirements, and drainage facilities and crosswalk ways, but all such rules, regulations, standards and specifications shall be subject to the approval of the Planning and Zoning Commission and the City City Council.

(B) The Public Works Director may amend the same from time to time, provided that an amendment must be appropriately reviewed by the Planning and Zoning Commission and approved by the City Council.

(C) No such rules, regulations, standards and specifications shall conflict with this or any other ordinances of the City.

(D) All such improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications.

**Sec. 23.17 Conflict With Other Ordinances.** Whenever the standards and specifications in this chapter conflict with those contained in another ordinance, the most stringent or restrictive provision shall govern.

**Sec. 23.18 Saving Provision**

(A) Pending Plats: Any prior approved plats or applications filed for plat approval or pending under any prior ordinance or regulation shall be regulated by the prior ordinance or regulation and said previous law is continued except as allowed in Section 23-18 (B) below.

(B) Exception: Notwithstanding anything to the contrary contained herein or otherwise, as to any element or feature of any matter which is pending under this Chapter on the date upon which this Ordinance is adopted, and which element or feature violates any pre-existing regulation(s) but would not violate the applicable provisions of this Chapter, the pertinent provision(s) of such prior regulation(s) shall be deemed wholly inapplicable to such pending matter(s) and the pertinent provision(s) of this Chapter shall apply.

**Sec. 23.19 – Sec. 23.98 RESERVED.**

**Sec. 23.99 Penalty.** Any person violating any provision of this chapter within the corporate limits of the City shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not exceeding \$500. Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this chapter. In addition to any other penalties or remedies which may be imposed or assessed, the person(s) responsible for any such violation(s) shall reimburse the City, upon written demand, for all out-of-pocket costs and expenses incurred by the City in addressing any such violation(s).