

ORDINANCE NUMBER: 2018-02

SUBDIVISION ORDINANCE

AMENDED AND RESTATED ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS AND SUBDIVISIONS OF LAND WITHIN THE CORPORATE LIMITS AND ONE-HALF MILE THEREOF OF THE CITY OF RIESEL, CONTAINING CERTAIN DEFINITIONS, PROVIDING FOR FEES TO BE CHARGED, PRESCRIBING REGULATIONS FOR STREETS, ALLEYS, SANITARY SEWERS, WATER MAINS, STREET LIGHTS, AND OTHER INFRASTRUCTURE; ADDRESSING MINOR PLATS AND AMENDING PLATS; PROHIBITING THE EXPENDITURE OF PUBLIC FUNDS IN SUBDIVISIONS NOT APPROVED BY THE CITY COUNCIL OF THE CITY OF RIESEL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, ESTABLISHING A PENALTY FOR VIOLATION, AND PROVIDING A SAVINGS CLAUSE.

WHEREAS, under the laws of the State of Texas, every owner of a tract of land situated within the corporate limits and/or within one-half (1/2) mile of the corporate limits of the City of Riesel who may subdivide, plat, or replat such tract of land is required to submit plats of said subdivision to the City Council of the City of Riesel for approval; and

WHEREAS, the City Council of the City of Riesel is empowered by Chapter 212 of the *Local Government Code* to adopt and promulgate rules and regulations governing plats and subdivisions of land within said area; therefore; and

WHEREAS, arriving at effective and fair development regulations often requires amendments and modifications to clarify, add, or adjust regulations; and

WHEREAS, ORDINANCE NO. 2017-03 was previously amended by Ordinance No. 2017-03-A-1 which is incorporated herein, but is modified by the amendments made hereby (“Existing Ordinance”); and

WHEREAS, the City Council finds that it is in the best interest of its citizens and the orderly growth and development of the City to provide amended and additional guidance by this Amended and Restated Ordinance, which shall supersede and replace the Existing Ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIESEL, McLENNAN COUNTY, TEXAS:

Section 1. Platting Required.

1.1 Conformity Required. From and after the passage of this Ordinance, all plats, subdivisions, re-subdivisions and re-plats of land within the corporate limits of the City of Riesel, and all plats, subdivisions, re-subdivisions and re-plats of land outside the corporate limits of the City of Riesel that the City Council may include within the corporate limits of the City by an extension of said corporate limits, and all tracts within one-half (1/2) mile of the corporate limits, being the City's extraterritorial jurisdiction, shall conform to the following rules and regulations.

1.2 Plat Required. It shall hereafter be unlawful for any person or agent of any person to layout, subdivide, or plat any land within the City of Riesel or its extra territorial jurisdiction into lots, blocks, or other parcels (including by field notes), or to sell or otherwise transfer property therein which has not been laid out, subdivided, and platted according to these regulations.

Any owner or subdivider of land within the jurisdiction of this Ordinance wishing to subdivide said land shall submit to the Council a plat of the proposed subdivision which shall conform to the minimum requirements set forth in this Ordinance. No plat of a subdivision lying within the jurisdiction of this Ordinance shall be filed or recorded in the office of the County Clerk until such subdivision plat shall have been approved by the Council and such approval entered in writing on the final plat in accordance with the provisions of this Ordinance. No subdivider shall proceed with the improvements in any proposed subdivision until the final plat and construction plans thereof shall receive approval by the Council.

No owner or agent of the owner of any land located within a subdivision shall sell, convey, or lease any land by reference to, exhibition of or by the use of a plan or plat of a subdivision before such plan or plat has been finally approved as set out in this Ordinance. The conveyance by metes and bounds description is prohibited.

1.3 Equal Application to Residential and Commercial Development.

Except as otherwise expressly stated herein, the regulations of this Ordinance apply equally to residential and commercial development.

1.4 Exemptions.

- a. Division of land for agricultural purposes, in parcels of five (5) acres or more shall not be included within this definition of subdivision, unless any such division of five (5) acres or more includes the planning of building development or a new street or access easement;
- b. testamentary division of property; or
- c. division of property between two (2) or more owners of an undivided interest by court order.

Section 2. Definitions.

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

- (1) *Alley.* A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular services access to the back or sides of property otherwise abutting on a public street.
- (2) *Amending Plat* has the meaning given in §212.016 of the Texas Local Government Code, and is intended to correct errors or add clarification.
- (3) *Arterial Street.* A continuous moderate to high volume facility designed to carry major travel. Arterials should surround neighborhoods, but not penetrate them.
- (4) *Building Line.* A line beyond which buildings must be set back from the street
- (5) *City.* The City of Riesel, McLennan County, Texas.
- (6) *City Engineer.* A duly qualified and licensed engineer hired by or under contract with the City.
- (7) *Collector Street.* Collector streets are low to moderate volume facilities, which collect traffic from local streets and carry it to an arterial or another collector street.
- (8) *Combined Plat* means a Final Plat submitted in lieu of going through the preliminary plat process.
- (9) *Construction plans.* Maps or drawings prepared by a Registered Professional Engineer, showing the specific location and design of public improvements to be installed in accordance with the requirements of this ordinance, the City Engineer or City staff, and/or the City Council.
- (10) *Council.* The City Council of the City of Riesel, Texas.
- (11) *Cul-De-Sac.* A cul-de-sac is a short, minor street having but one vehicular access to another street and terminated by a vehicular turnaround.
- (12) *Dead-End Street.* A dead-end street is a street, other than a cul-de-sac, with only one outlet.
- (13) *Driveway.* An approved access from a public street that allows vehicular access to a lot.
- (14) *Easement.* A utility or drainage easement is an interest in land granted to the City for

installing and maintaining utilities and drainage across, over or under private land, together with the right to enter thereon with machinery and other vehicles necessary for the maintenance of said utilities and drainage.

- (15) *Easement (vehicular or ingress/egress)*. An authorization to cross a piece of property, granted by the property owner to a specified person or persons or the public.
- (16) *Extraterritorial Jurisdiction*. Area adjacent to the City's corporate limits over which the City is authorized to control, among other things, subdivisions as prescribed or defined by law. For a City of the class or size of the City of Riesel, the extra-territorial jurisdiction extends ½ mile beyond the corporate limits of the City.
- (17) *Final Plat*. The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor with the subdivision location referenced to a survey corner and all boundaries, corners, and curves of the land division sufficiently described so that they can be reproduced without additional references. The final plat of any lot, tract, or parcel of land shall be recorded in the records of McLennan County, Texas. An amended plat is also a final plat.
- (18) *Flag lot*. A lot meeting the minimum frontage requirements and where access to a public road is by a narrow strip of land. Flag lots may be permitted in rural and developing areas to allow development of back land areas while still maintaining their rural character.
- (19) *Frontage*. Any side of a lot abutting on a street.
- (20) *Local Street*. A low volume, low-speed, street designed primarily to provide access to abutting residential land.
- (21) *Lot*. A lot is an undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot or symbol in a duly approved subdivision plat which has been properly filed of record.
- (22) *Main Street*. A highway, Farm-to-Market Road or other road designed for continuous major traffic.
- (23) *Minor plats*. Plats involving four or fewer lots fronting on an existing street not requiring the creation of any new street or the extension of municipal facilities.
- (24) *Person*. Any individual, association, firm, corporation, partnership, governmental agency, or political subdivision.
- (25) *Plat*. A complete and exact subdivision plan submitted to the Council for approval

and which, if approved, will be submitted to the County Clerk for recording.

- (26) *Preliminary Plat.* A preliminary plat is a graphic expression of the proposed subdivision plan for a lot, tract or parcel of land showing the layout of lots, streets, utility easements, building setback lines, drainage flows, and other pertinent features with notations sufficient to substantially identify the general scope and detail of a proposed subdivision. The preliminary plat is not required to be presented in a format suitable for recording.
- (27) *Public Right-of-Way.* A public right-of-way is a strip of land used or intended to be used, wholly or in part, as a public street, alley, walkway or drain.
- (28) *Re-platting.* Re-platting is the re-subdivision of any part of a block of a previously platted subdivision, or addition.
- (29) *Resubdivision.* The division of an existing subdivision together with any change of lot size therein, or with relocation of street lines.
- (30) *Roadway, Paving Width.* The roadway or paving width is the portion of a street available for vehicular traffic; where curbs are laid, the portion of a street between the face of curbs.
- (31) *Shall.* The word “shall” wherever used in this Ordinance will be interpreted in its mandatory sense.
- (32) *Street.* A street is a public right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or however otherwise designated.
- (33) *Street Width.* Street width is the shortest distance between the lines which delineate the right-of-way of a street.
- (34) *Subdivider.* A subdivider is any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term “subdivider” shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner of the land sought to be divided.
- (35) *Subdivision (also Addition).* A subdivision is the division of any lot, tract or parcel of land into two (2) or more parts for the purpose, whether immediate or future, of sale or building development, or if a new street is involved, any division of a lot, tract or parcel of land. It also includes re-subdivision or re-platting of lands or lots and, when appropriate to the context, relates to the process of subdivision or to the land or area subdivided.

Section 3. Preliminary Plat Submission and Approval.

Except for Minor Plats, Amending Plats, or Combined Plats, a preliminary plat of any proposed subdivision shall be submitted to the Council for review and approval before the preparation of the final plat for record. The preliminary plat must be filed with the City Secretary at least thirty (30) days prior to the regular monthly meeting of the Council at which approval is requested. Three (3) prints of the preliminary plat shall be submitted to the City Secretary, who shall immediately forward one copy to the City Engineer. This preliminary plat shall show, or be accompanied by the following information:

- (1) Preliminary Plats shall be prepared by a Registered Professional Land Surveyor showing:
 - A) the subdivision boundary as determined by a boundary survey;
 - B) the street and lot layout, proposed street cross-section, and the proposed use of the property;
 - C) proposed and existing easements, sewers, water lines, gas mains, water courses, ravines, bridges, culverts, existing structures, drainage areas in acreage, and other features pertinent to subdivision;
 - D) proposed and dedicated right-of-way;
 - E) the proposed legal description of the subdivision;
 - F) the proposed name of the subdivision;
 - G) the date of the plat;
 - H) the scale to which the plat was drawn, (1"=100' typical);
 - I) computed total acreage;
 - J) a north arrow;
 - K) the name and address of the owner of the property [preliminary plat can be signed by surveyor only, or owners can join surveyor in signing];
 - L) the words shown on the plat "PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY";
 - M) the source of water service to the subdivision. For a subdivision to be served by a private water supplier, the Texas Commission on Environmental Quality (TCEQ) water certification of convenience and necessity file number.
 - N) the electric service company or cooperative that serves the area.
 - O) utility layout plan. The developer shall submit at least three (3) copies of a plat of the

development showing the proposed location of all utilities and their relation to all other utilities.

- P) an additional 10 ft. wide utility easement to be located in the front of all lots along public right-of-way or in a paved alley.
 - Q) the location of the approximate 100 year flood plain boundary.
 - R) preliminary drainage plan.
 - S) preliminary drainage area map with drainage calculations.
- 2) a topographical map of the entire subdivision, and of a one hundred (100) foot wide strip surrounding the subdivision, showing contours at two (2) foot intervals with all elevations referenced to city approved datum. Topographic information may be included on the plat or placed on a separate map drawn to the same scale as the above plat. The topographic map shall be an actual on-the-ground survey, or an aerial survey. A note shall be placed on the plat stating which method was used to provide the topographical map.
- 3) a location map showing:
- A) the proposed subdivision in relation to existing streets and/or other easily recognizable geographic features,
 - B) a north arrow, and
 - C) the proposed name of the subdivision.
- 4) For sites not served by public sanitary sewer, the subdivider shall submit a report by an independent Registered Professional Engineer indicating sufficient soil tests have been conducted and that the said Engineer has determined the environmental suitability of each lot for safe operation of an on-site sewage facility (OSSF). The report shall determine a minimum lot size, density, and type of proposed disposal system. This report is to be submitted to the City Engineer for approval and shall comply with all applicable Texas Commission on Environmental Quality (TCEQ) and Waco-McLennan County Health District regulations.

The Preliminary Plat will be reviewed by the City Engineer and City Staff. The purpose of this process is to provide the subdivider and the City with the opportunity to identify potential issues and changes needed before submission of a final plat. If changes are needed, and the subdivider agrees to make the changes, the preliminary plat approval will be conditioned on those changes.

The Council shall approve, approve with conditions, or disapprove any preliminary plat within thirty (30) days from the date it is filed with the City Secretary. The approval of the preliminary plat as such shall not constitute final acceptance or approval of the subdivision.

When a preliminary plat has been approved by the Council, the final plat shall be submitted within 12 months thereafter; otherwise approval of the preliminary plat shall terminate unless the time for filing of the plat is extended by the Council at the request of the subdivider.

Section 4. Final Plat Submission and Approval.

Except with regard to Minor Plats, Amending Plats, or Combined Plats, the submission and tentative approval of a preliminary plat by the Council shall be a condition precedent to the preparation of a final plat in the form of a record plat which shall be submitted to the Council for their review. A reproducible copy of the original and three (3) copies of the final or record plat shall be submitted to the City Secretary at least thirty (30) days prior to the regular monthly meeting of the Council at which approval is requested. The City Secretary shall immediately forward one copy to the City Engineer. The plat shall show or be accompanied by the following information:

(1) a legible, accurately scaled plat of the parent tract and proposed subdivision thereof. Plats shall be prepared by a Registered Professional Land Surveyor licensed in the state of Texas in compliance with the minimum standards of the State Board of Professional Land Surveyors showing:

A) the boundaries of the parent tract and the boundaries of the proposed subdivision, all as determined by a boundary survey done on the ground by a Registered Professional Land Surveyor;

B) the street and lot layout with consideration of public right-of-way needs for traffic calming, and showing the means of access to and from a public street;

C) proposed and existing alleys and easements;

D) proposed and dedicated right-of-way with consideration of public right-of-way needs for traffic calming;

E) all dimensions and other surveying information necessary to produce the plat on the ground including:

i) linear and curvilinear dimensions shall be shown in feet and decimals of a foot;

ii) bearings reference shall be shown by the current standards as prescribed by the State of Texas Land Surveyors Board;

iii) the radii, tangents, central angles, chords, and arcs of all curves;

iv) the lengths and bearings of all straight lines;

v) the dimensions from all angle points and points of curve of lot lines;

vi) the long chord distance and bearings for all curves and curved lot lines;

vii) existing lot lines (shown by dashed lines) for property being re-subdivided; and

viii) all lot lines shall be identified and have the bearing shown;

- ix) building setback lines shall be shown on all lots.
- F) recording data for all property adjacent to the subdivision-including owner name and acreage;
- G) names and dimensions of proposed and existing streets within and adjacent to the subdivision;
- H) the proposed name of the subdivision;
- I) the date of the plat;
- J) the scale to which the plat was drawn, (1"=100') unless otherwise approved by the City Engineer and the plat shall include a north arrow;
- K) the name, address and signature of the owner(s) of the property and any lienholders;
- L) the name, address, signature, and seal of the Registered Professional Land Surveyor responsible for the survey of the properties being subdivided;
- M) abandoned streets, alley and easements with Ordinance Number and date or other official identifier;
- N) a monument legend;
- O) certification by the surveyor that the plat represents work done on the ground under said supervision;
- P) certification by the Surveyor that all survey monuments are shown on the plat and set in accordance with the minimum standards of the Texas Board of Professional Land Surveyors;
- Q) if a lot or lots is/are not to be served by sanitary sewer, a certification shall be included with the plat from the Waco-McLennan County Health District that certifies that planning materials and a suitability report have been submitted to the Waco-McLennan County Health District and accepted by the Waco-McLennan County Health District for the subdivision plat;
- R) a survey showing all existing structures;
- S) identification of the source of water service to the subdivision. For subdivisions served by a private water utility, the Texas Public Utility Commission certificate number, date of certification, and name of water utility serving the subdivision shall be shown on the plat.
- T) The location of the approximate 100 year flood plain boundary or certification that the property is not in a Special Flood Hazard Area.

- 2) complete set of fieldnotes of the boundary survey, signed by the surveyor, and having a closure error no greater than 1/10,000.
- 3) an instrument of dedication for all street and highway right-of-way, alleys, easements, parks, and/or property improvements intended for public use. The dedication shall be signed by the owner or his/her legally designated agent and acknowledged by a Notary Public and will be filed for record. The following certificate shall be placed below the dedication:

STATE OF TEXAS:

COUNTY OF MCLENNAN:

"I hereby certify that the above and foregoing plat and fieldnotes of the (subdivision name) Addition to the City of Riesel, Texas, was approved by the City Council on the ____ day of _____, 20 ____."

City Secretary

- 4) one copy of any requirements or deed restrictions imposed upon the subdivision by an individual or agency other than city staff or the city council.
- 5) The following documents shall be required for final plat approval:
 - a) *Drainage Maps.* Maps showing existing and proposed topography for the watershed affecting the project. These maps must show drainage areas, waterways, proposed streets, proposed storm sewer improvements, and any other improvements which might affect drainage. Appropriate calculations showing runoff and capacity quantities shall be provided for all drainage areas and storm drainage facilities.
 - b) *Construction Plans.* Construction Plans where required below.

Note on County filing requirements. To be filed with the County, the filing copy of the plat must be on standard sheets measuring 18" x 24". In addition to the 18" x 24" sheet size requirement, the copy to be filed with the County must comply with the following:

- a) the plat and all supporting documents must be on original mylar sepias (plastic)(rolled);
- b) must include the original signature, stamp and seal of the surveyor;
- c) must include the field notes of the survey;
- d) must include the dedication by owners (notarized);
- e) must contain the approval and signature of the City Secretary;
- f) all stamp seals and signatures must be original;
- g) blank areas of at least 3/4" high and 4-1/2" inches wide someplace at top of plat and 2-1/2" high and 4-1/2" wide somewhere at the bottom of the plat are provided for County recording information;
- h) Tax certificate from McLennan County Tax Office must be presented with the Plat;
- i) If sewer service is to be provided by OSSF, room must be provided for the certification of the Waco-McLennan County Public Health Department.

Prior to the Council's consideration of the final plat, the City Engineer and City staff shall review same and make its recommendations in writing to the Council. The Council shall render a decision on the final plat within thirty (30) days after submission to the Council.

In those cases where a final plat is disapproved by the Council, the subdivider shall be informed in writing by the Council of the action. The subdivider may re-submit the corrected final plat within ninety (90) days of the disapproval date without the preliminary plat becoming null and void.

Section 4A Recordation of Approved Plat.

a) Before a final plat is filed with the county clerk, the developer shall be required either to complete all required improvements or to submit a performance guarantee in an amount sufficient to pay for the construction and installation of required improvements.

b) *Completion of Improvements without Performance Guarantee.* If the developer chooses to complete improvements without submitting a performance guarantee the following requirements must be met before the plat is filed for record:

1) All required improvements shall be completed to City of Riesel's standards and specifications.

2) A final inspection of completed improvements shall be performed by the City Engineer and the work must be approved and/or accepted. The developer shall maintain all improvements until improvements have been accepted by the City of Riesel.

3) The developer or general contractor shall submit a letter to the City Secretary certifying that all construction bills have been paid, and materials and workmanship are guaranteed for one (1) year.

4) Complete record drawings of required improvements have been submitted to and approved by the City Engineer.

c) *Performance Guarantee.* If the developer wishes to have a subdivision plat filed for record before required improvements are completed and accepted for maintenance by the City of Riesel, the developer shall submit to the city a guarantee of performance to be approved by the City Attorney, Mayor, and the City Engineer. **HOWEVER, THE ROADWAY BASE AND WATER IMPROVEMENTS MUST BE INSTALLED, INSPECTED, AND APPROVED BEFORE ANY OTHER DEVELOPMENT TAKES PLACE IN THE SUBDIVISION.**

d) *Types of Performance Guarantee.* The developer may choose to provide the funds to guarantee construction (Cash, Cashiers Check, Cash Bond, Surety Bond or other type of Depositary Agreement), or to contract with an approved financial institution to guarantee satisfactory completion of improvements (Letter of Credit or Subdivision Performance Bond). A personal bond

is not acceptable.

e) *Duration of Performance Guarantee.* The duration of the performance guarantee shall equal the length of time estimated to be necessary for the completion of all required improvements. If required improvements are not complete by the expiration date of the guarantee, the city may require cash payment by the developer or surety company or under the letter of credit, or may require an extension of the guarantee for a specific period of time.

f) *Amount of Performance Guarantee*

1) When required improvements are to be constructed by the developer, the amount of the performance guarantee shall be based on an estimate of construction costs provided by a Professional Engineer registered in the State of Texas. The amount shall be sufficient to insure satisfactory construction and installation of required improvements and shall be approved by the City Engineer.

2) Where required improvements are to be made by the City, the City Engineer shall determine the construction cost and the amount of the performance guarantee.

g) *Release of Performance Guarantee.* The performance guarantee shall be unconditionally released by the City of Riesel when:

1) an inspection fee in the amount of 1% (one percent) of the estimated cost of construction has been paid to the City of Riesel, and

2) all improvements have been completed, and

3) a final inspection of completed improvements has been performed by the City Engineer and the work has been approved and/or accepted for maintenance by the City of Riesel, and

4) a letter has been submitted to the City Secretary by the developer's general contractor stating that all construction bills have been paid and all improvements are free of all liens and encumbrances, and

5) complete record drawings of required improvements have been submitted to and approved by the City Engineer.

h) The city council may waive or defer improvements which are not deemed necessary for the protection of public health, orderly growth, safety, and general welfare. When provision of any improvement is deferred, the subdivider shall pay for or post a bond for the developer's share of the cost of the deferred improvements. Payment shall be made or bond posted before the plat is filed for record in the Official Public Records of McLennan County.

i) For streets that are to be privately maintained, the same completion or security requirement applies; and inspection is required. In addition, proof of arrangement for future maintenance is required (homeowners' association, etc.).

Section 4B Special Situations

a) *Vacation of Plat.* A recorded subdivision plat may be vacated (nullified) at the request of the owner or owners of the tract covered by the plat at any time before any lot in the plat is sold. The owner or owners shall submit to the City Council a signed notarized statement requesting the vacation of the plat. The city council must approve the vacating of the plat before the plat is vacated. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is recorded with the County Clerk of McLennan County, Texas.

If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all owners of the lots in the plat. The city council must approve the vacating of the plat before the plat is vacated.

b) *Resubdivision/Re-Plat.* A resubdivision plat of a subdivision or a part of subdivision shall be recorded and is controlling over the preceding subdivision without vacation of that plat if:

1) The resubdivision plat is signed and acknowledged by only the owner(s) of the property being re-platted; and

2) the resubdivision is approved, after a public hearing (noticed in the official city newspaper) on the matter at which parties in interest and citizens have an opportunity to be heard, by the city council; and

3) the resubdivision plat does not attempt to remove any covenants or restrictions.

c) *Additional Requirements for Certain Residential Subdivisions.* In addition to compliance with the foregoing, a resubdivision without vacation of the preceding plat must conform to the requirements of this section if: 1) during the preceding five (5) years, any of the area to be platted was limited by zoning classification to residential use for not more than two (2) residential units per lot; or 2) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot. If either of these circumstances exist, the notice of public hearing shall be given before the fifteenth (15th) day of the hearing by:

- publication in the official newspaper or a newspaper of general circulation in McLennan County; and

- by written notice to the owner(s) 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, the most recently approved county tax roll of the property upon which the resubdivision is requested.

If the proposed resubdivision requires a variance and is protested in accordance with applicable law, the proposed resubdivision must receive, in order to be approved, the affirmative vote of at least three-fourths (3/4) of the members present and voting at the city council meeting. For a legal protest,

a written instrument signed by the owner(s) of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed resubdivision and extending two-hundred (200) feet from that area, but within the original subdivision, must be filed with the City Secretary prior to the close of the public hearing.

Section 5. Combined Plats.

A Combined Plat refers to a situation where the subdivider elects to submit a Final Plat initially, rather than going through the Preliminary Plat process. A Combined Plat is required to show, provide, and be accompanied by all of the required information for Final Plats, and Sect. 4 shall govern the submission, requirements of, and approval process for a Combined Plat, and is incorporated herein.

The downside of proceeding directly to Final Plat submission is the loss of the opportunity to obtain feedback from the City and City Engineer of initial concepts and plans before proceeding to preparing more detailed and expensive information.

Section 6. Minor and Amending Plats.

- a) Minor Plats and Amending Plats do not require a Preliminary Plat submission and may be treated as a Final Plat.
- b) The following do not require a Preliminary Plat:
 1. Amending plats as defined herein; and
 2. Minor plats involving four (4) or fewer lots fronting on an existing street or public road and not requiring the creation of any new street or road (other than a driveway) or the extension of municipal facilities. A Minor Plat generally does not require detailed plans and submissions required of Final Plats, especially not the detailed submissions required for Final Plats requiring construction of streets and municipal facilities.
- c) However, a Minor Plat may require submission of drainage and other submissions based on the topography, size, and nature of proposed use of the Property. The need for such information is determined by the City Engineer in the exercise of professional judgment.
- d) After review and approval by the City Engineer, a minor plat or amending plat may be approved by the City Council. However, if the City Engineer has required drainage or other surveys or plans, those must be provided, and be satisfactory to the City Engineer before the Council may approve the plat.

Section 7. Construction Plans.

- a) Construction Plans are only required where public improvements are proposed as part of the development (streets, municipal utility extensions, storm sewers, drainage improvements, etc.)
- b) Three (3) sets of construction plans shall be submitted to the City Engineer and the Council for review at least thirty (30) days prior to the meeting of the Council at which the final plat is to be considered. Construction plans which may be required to be submitted to the City depending on the public improvements proposed, or the effects of the proposed development, shall include, but not necessarily be limited to, the following:

- (1) A plan of the proposed water system. Where applicable, this plan shall show the sizes and types of all lines, fittings, valve boxes and the location of fire hydrants. The plan shall also show the existing water mains to which the system will be connected;
- (2) A plan of the proposed sanitary sewer system, showing the sizes, types and flow line grades of all lines and their locations within the system. The plan shall also show the existing mains to which the system will be connected (if any) and the location and flow line elevations of all manholes and cleanouts (spaced no more than four hundred fifty (450) feet apart). A demand flow study is required to be provided by the developer so that the engineer can estimate the increased volume to be introduced into the system.

If the subdivision is not to be served by the Riesel public sewer system, then the plan shall include specifications for the installation of a sewage collecting system to serve each lot.

- (3) A final drainage plan must be submitted showing the volume, flow, flow rates, and directions of flows. A plan of the proposed storm sewer system, if any, and/or any other drainage infrastructure must be provided [This is discussed further in Section 7 A below]; and
- (4) A plan of the proposed streets, showing the right-of-way and paved width of all streets and their centerline grades and distances with the elevations indicated at all centerline intersections and grade breaks. It shall also show the location of any curbs and gutters, if included. A cross-section drawing and specifications for proposed street construction shall also be provided. **Existing local streets may not be used or extended as the public street providing access to the subdivision absent approval of a variance from the City Council.**

If any part of the proposed construction is considered unsatisfactory by the City Engineer and Council, and below the standard required under the circumstances, construction operations shall not be started on the affected portion until alterations are made such that the completed work shall conform to the standards required by the City of Riesel, as verified by the City Engineer.

Upon the completion of construction of any such public improvements, the subdivider shall furnish a final set of reproducible prints and two (2) copies in detail to the Council. These plans shall be certified by the professional registered engineer preparing them to be complete and correct “as built” plans of the improvements.

Section 7A. Additional Drainage Regulations.

The City’s stormwater drainage system is at or above its maximum ability to handle drainage. Enlarging and improving the system as one project is a fiscally impossible task. The City is undertaking and will continue to undertake projects to improve drainage in the City, but this process will be slow in relieving many of the drainage issues. This situation makes it VERY IMPORTANT that new development does not create flow rates into the system that exceed the flow rates into the system of the undeveloped property. In addition, state law prohibits a developer from increasing the flow rate of storm water onto the land of another.

Therefore, the City Engineer will require detailed drainage studies as part of the approval process and will require the developer to provide construction plans showing how drainage from the property will be handled, and the steps to be taken to assure that the flow rates from the property are not increased, or that water is not diverted onto another’s land upon which the property did not previously drain. There are several methods used by engineers to provide drainage infrastructure that slows the flow of stormwater. One such process is the construction of a retention pond where drainage is backed up and held—and then released at the appropriate flow rate.

If a retention or detention pond is proposed for the development, the City Council’s approval of the plat shall not constitute acceptance of such facilities for City maintenance. For ten (10) years after approval of the plat, such facilities must be maintained by either the applicable homeowners’ association or the developer. A maintenance or performance bond must be provided to the City to secure the maintenance of the facility. After 10 years, the homeowners’ association or the developer may petition the City Council for the City to accept the facility for maintenance. The City shall accept the facility for maintenance, subject to any repair and improvement work required by the City Engineer as a condition of recommending acceptance by the City for maintenance, and subject to conveyance of an easement.

The City Engineer’s approval of the drainage plan is necessary for plat approval.

Section 8. Lot and Block Size and Arrangement; Set-Backs.

Minimum Lot Size, Set-Backs, and Arrangement

- a) Single Family Dwelling
 - Width 55' at building line
 - Area 8800 sq. ft.
 - Front yard set-back 25'
 - Side yard set-back 10'
 - Back yard set-back 25'
 - Minimum Frontage 55' (70' if corner lot)

- b) Duplex
 - Width 100' at building line
 - Area 12000 sq. ft.
 - Front yard set-back 25'
 - Side yard set-back 10'
 - Back yard set-back 25'
 - Minimum Frontage 100' (115' if corner lot)

- c) Other Multi-Family
 - Width 100' at building line
 - Area 43560 sq. ft.
 - Front yard set-back 25'
 - Side yard set-back 15'
 - Back yard set-back 25'
 - Minimum Frontage 100'

- d) Commercial
 - Width 80' at building line
 - Area 10000 sq. ft.
 - Front yard set-back 25'
 - Side yard set-back 15'
 - Back yard set-back 25'
 - Minimum Frontage 80' except if on major thoroughfare 100'

- e) Block Length.

Block length shall not exceed 1,000'.

- f) Access.

All lots must have access to a public street or road by frontage or by connection through a dedicated street to an existing street. If ingress/egress is to be provided through a private easement, the street must be constructed to at least the City's standards and a homeowner's association or other method of assuring future maintenance must be established. This shall include articles of incorporation or association, or other proof of existence file-stamped by the Office of the Texas

Secretary of State. A proposed schedule of dues and projected maintenance costs shall also be provided.

g) Arrangement.

In general, the side lines of lots shall be approximately at right angles to the street line. If possible, the placing of adjacent lots at right angles to each other shall be avoided.

Section 9. Streets.

(a) Standards. If the development includes or is required to include the construction of one or more streets, the street(s) must comply with the minimum standards set forth below:

Construction/Materials

The following minimum pavement standards shall be required for all new streets constructed within the City of Riesel:

Street Classification	Surface Course	Base Course	Subgrade Treatment
Local	2" Type D HMAC	8" Cement Treated Pugmill Base	6" Lime Stabilization
	6" Reinforced Concrete		6" Lime Stabilization
Collector	3" Type D HMAC	10" Cement Treated Pugmill Base	8" Lime Stabilization
	8" Reinforced Concrete		8" Lime Stabilization
Arterial	4" Type D HMAC	12" Cement Treated Pugmill Base	8" Lime Stabilization
	10" Reinforced Concrete		8" Lime Stabilization

All Main Streets shall have the minimum pavement standards as required by the agency or governmental entity constructing said improvement.

A geotechnical report shall be presented to confirm the adequacy of the proposed section. If geotechnical conditions require, different, more substantial standards, may be required. However, in no instance shall a street section less than the above accepted minimums be installed.

Drainage

Drainage for the street must meet acceptable engineering standards, and all drainage features, ditches, and culverts must be approved by the City Engineer. The developer may be required to provide a drainage study specifically relating to the street(s) as proposed.

Right of Way and Travel Surface Width

The following right of way and travel surface widths shall be required for all subdivisions platted within the City of Riesel:

Street Classification	Curb & Gutter Required	Travel Width (Face of Curb to Face of Curb) (FT)	Right of Way Dedication (FT)
Local	YES	30	50
Local	NO	30	60
Residential Collector	YES	39	60
Commercial Collector	YES	51	68
Arterial	YES	67	84

All Main Streets shall have the right of way and minimum travel surface width as required by the agency or governmental entity constructing said improvement.

Cul-de-sacs

All streets that dead end must have a cul-de-sac of sufficient size and radius to allow for school buses or trash trucks to turn around. The types of cul-de-sac styles may be hammerhead, knuckle, L-shaped or standard. The style and dimension of the cul-de-sac must be approved by the City Engineer. The City’s preference is the standard/circular style with a sufficient radius to allow for school buses or trash trucks to turn around.

(b) Dedication and Maintenance of Streets.

Disapproval of a plat by the Council shall be deemed a refusal by the City to accept the offered dedications shown thereon. Approval of a plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the City concerning the maintenance or improvement of any such dedicated parts until the City Council has formally accepted the streets for maintenance, or until the City accepts maintenance of the streets by its actual maintenance, repair or improvements thereof (other than repairs associated with the installation, repair or replacement of water or sewer lines located within a street or its right of way).

(c) Costs. The subdivider is responsible, at his/her own cost and expense, for the construction of all streets and alleys within the subdivision.

(d) Driveways. Driveways must not interfere with drainage, and the size of driveway culverts must be approved by the City Engineer.

(e) Private Streets. Private streets must be built to the same standards as streets intended to be dedicated for City Maintenance. If private streets are part of a subdivision, a homeowners' association which charges dues for maintenance of the streets is required to assure continued maintenance. Proof of the creation of the association will be required as part of the platting process.

Important Note. Public street access must be to a main street, collector street, or arterial street except as where otherwise approved as part of a variance by the City Council;

If the proposed access to the subdivision is through a local street, a traffic study must be provided. Generally, unless the existing local street is built to standards and is of a width that will handle significantly greater volumes of traffic without creating maintenance issues, safety issues, and/or deleterious effects upon residents living on the street; a subdivider will not be allowed to use an existing local street or an extension thereof for the subdivision's ingress and egress. Use of a local street as the public street access requires a variance to be approved by the City Council.

Section 10. Municipal Water and Sewer.

(a) The cost of extending City water or sewer service to a development, including easement acquisition costs shall be borne solely by the subdivider except to the extent otherwise provided herein. If the City requires the oversizing of a line for its own purposes, it will pay for the difference in cost.

(b) Connection to the City's water or sewer system must be made in strict compliance with City regulations.

(c) All non-customer lines to be accepted by the City for maintenance must be located within a dedicated easement of at least ten (10') feet in width which must be shown on the plat.

Section 11. Required Off-Site Improvements and Moratoriums

Off Site Improvements

The city schedules street, water, wastewater and other public improvements as funding allows. Developments often require improvements to public infrastructure in order for the development to be properly served. If the proposed or necessary improvement, upsizing, or upgrade to an item of infrastructure is not already scheduled and funded by the City, and the developer desires the upgrade, upsize, or improvement, or the needs of the development require the upgrade, upsize, or improvement for the development to be served; the developer will be required to participate in the cost of such improvement, if the city approves the improvement, upsize, or upgrade to be pursued. If the required upgrade, upsize, improvement is solely due to the service needs of the development, the developer may be required to pay all or most of the cost. If the need for the upgrade, upsize, or improvement is mixed between city needs and requirements of the development, a fair and equitable participation by the developer in the cost will be negotiated. The participation in the cost of the developer must be committed to in an approved agreement in writing before the upgrade, upsize, or improvement will be approved by the Council.

Moratorium

Nothing in any part of this Ordinance requires the City to approve a subdivision that would cause the City to exceed its water treatment and delivery, or sewage treatment or disposal capacities.

Further, the City reserves the right to impose a moratorium on development under Chapter 212, Subchapter E of the *Local Government Code* if necessary, but will only do so in strict compliance with the rules and procedures set forth therein.

Section 12. Fees.

The following schedule of fees and charges shall be collected by the City when any preliminary, minor, amending, and/or final map or plat is tendered to the City. Each of the fees and charges provided for herein shall be paid in advance, and no action of the City Council shall be valid until the fee herein provided has been paid.

- (a) Amending plats: \$250
- (b) Minor Plats: \$350
- (c) Preliminary Plats: \$400, plus \$5.00 per lot
- (d) Re-Plats: \$350, plus \$5.00 per lot (10 or fewer lots); \$450, plus \$10.00 per lot (over 10 lots)
- (e) Final Plats (including Combined Plats): \$500 per plat, plus \$10.00 per lot

A certificate or receipt shall be made by the City Secretary showing that the fees provided for herein have been paid prior to the submission of the preliminary or final plat to the Council. In the event the preliminary plat is rejected and a new plat must be submitted or a preliminary plat is not carried to completion, the original fees will not be refunded.

Section 13. Variances.

When, because of topographical or other conditions peculiar to the site, a subdivider can show that a provision of this Ordinance would cause an unnecessary and extraordinary hardship if strictly adhered to, a variance may be recommended by the Council. The City Council may authorize variances if it deems such action proper. Any variance thus authorized is required to be entered in writing in the minutes of the Council and the reason which justified the departure shall be set forth, and such variance must be authorized by affirmative vote of not less than four (4) members of the Council.

Hardship does not exist merely due to not being able to realize a greater economic benefit. Furthermore, a hardship caused by the developer's own actions generally cannot support a variance. In all variance determinations, paramount consideration should be given to the effect on other landowners and municipal infrastructure. Consideration must also be given to the regulations of the City, and the extent to which a variance would undermine the underlying purposes of the regulation from which a variance is sought.

Section 14. Repealing Clause.

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

Section 15. Violation an Offense/Penalty.

Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00); and each day of violation shall constitute a separate offense.

No violation of any provision of this Ordinance outside the corporate limits of the City, but within such City's area of extraterritorial jurisdiction, shall constitute a misdemeanor under such Ordinance, nor shall any fine provided for in such Ordinance be applicable to a violation within such area of extraterritorial jurisdiction.

In the event any provision of this Ordinance is violated within the area of extraterritorial jurisdiction of the City of Riesel, and outside its corporate limits, the City may institute any appropriate action or proceedings in a State District Court to enjoin the violation of such Ordinance.

Section 16. Severability Clause.

appropriate action or proceedings in a State District Court to enjoin the violation of such Ordinance.

Section 16. Severability Clause.

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

Section 17. Effective Date.

Adoption of this Ordinance shall take effect immediately from and after its passage and the publication of same or the caption thereof as the law in such cases provides (§52.011, Local Government Code).

PASSED AND APPROVED by the City Council of the City of Riesel, Texas this 10th day of July, 2018.

CITY OF RIESEL, TEXAS



Mayor

Attest:



City Secretary
City of Riesel, Texas

Approved as to form:



City Attorney
City of Riesel, Texas

