

ORDINANCE NUMBER: 2026-05
SUBDIVISION ORDINANCE

AMENDED AND RESTATED ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING SUBDIVISIONS OF LAND WITHIN THE CORPORATE LIMITS AND THE EXTRATERRITORIAL JURISDICTION BEING ONE-HALF MILE THEREOF OF THE CITY OF RIESEL, REQUIRING PLATTING; PROVIDING FOR EXEMPTIONS; ADDRESSING PLATS, RE-PLATS, REVISIONS TO PLATS, AMENDING PLATS, MINOR PLATS, DEVELOPMENT PLATS AND CANCELLATION OF PLATS; PROVIDING FOR SUBMISSION OF PRELIMINARY PLAT; PROVIDING FOR SUBMISSION OF FINAL PLAT PACKAGE; ACTION ON PRELIMINARY PLAT; ACTION ON FINAL PLAT PACKAGE; STATUTORY PROCEDURES FOR CONSIDERATION AND ACTION ON PLATS; PROVIDING FOR NOTICES TO APPLICANT; PROVIDING FOR DELEGATION OF AUTHORITY IN CERTAIN INSTANCES; CONTAINING CERTAIN DEFINITIONS, PROVIDING FOR FEES TO BE CHARGED, PRESCRIBING REGULATIONS FOR STREETS, ALLEYS, SANITARY SEWERS, WATER MAINS, STREET LIGHTS, AND OTHER INFRASTRUCTURE; REQUIRING SERVICE BY ADEQUATE PUBLIC FACILITIES INCLUDING WATER, WASTEWATER, DRAINAGE, AND STREET FACILITIES; PROVIDING FOR PERFORMANCE BONDS OR OTHER FINANCIAL GUARANTEES; PROVIDING FOR WARRANTY PERIOD AND MAINTENANCE BOND; 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, MAKING VIOLATION A CRIMINAL OFFENSE (MISDEMEANOR), MAKING EACH DAY OF VIOLATION A SEPARATE OFFENSE; ESTABLISHING A PENALTY FOR VIOLATION NOT TO EXCEED \$500 PER DAY; PROVIDING FOR PUBLICATION AND PROVIDING A SAVINGS CLAUSE.

WHEREAS, the City Council (“City Council”) of the City of Riesel (“City”) 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;

WHEREAS, under sections 212.002 and 212.003 of the Local Government Code, the City may require 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, develop without subdivision, 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;

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

WHEREAS, Ordinance Nos. 2023-04 and 2024-08 as amended is modified by the amendments made hereby (“Existing Ordinance”);

WHEREAS, the City Council finds that it is in and 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;

WHEREAS, notice was published on June 11, 2026, in the Waco Tribune-Herald, a newspaper of general circulation within the City, notifying the public that the City Council would consider an ordinance adopting subdivision regulations containing reasonable specifications relating to the construction of each street or road and reasonable specifications to provide adequate drainage for each street or road in accordance with Local Government Code section 212.0021; the same notice was also posted to the City's website; and

WHEREAS, the City Council conducted the two public hearings required by Local Government Code sections 212.002 and 212.045 on June 16, 2026;

WHEREAS, at its June 16, 2026 meeting, the City Council, after holding two public hearings and considering all comments and recommendations of city staff and consultants, did determine and find that adoption of this Ordinance establishes requisite processes and procedures necessary to provide for orderly development of land with sufficient infrastructure necessary to support development within the City, and that this Ordinance accurately reflects current policies and design goals; and

WHEREAS, the City Council has determined that all procedural requirements for the adoption of this Ordinance have been met, and that adoption serves the best interest of the public health, safety, and welfare, and should be adopted.

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

Section 1. Findings Incorporated. The recitals set forth above are true and correct legislative findings of the City Council and are incorporated into the body of this Ordinance as fully set forth herein.

Section 2. Platting Required.

2.1 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.

2.2 Plat Required. The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than

five acres, where each part has access and no public improvement is being dedicated. Additionally, if combining two or more contiguous tracts, lots, sites, or parcels for the purpose of creating one or more legal lots, a plat is required. Tracts, lots, sites or parcels must be combined by plat if the development proposes to construct a building or other structure across tract, lot, site or parcel lines. No building or structure may be constructed across property lines of a tract, lot, site or parcel lines. A plat is also required when a building permit or other permit is required on unplatted land. If the property is not required to file a plat under this Ordinance, a Development Plat is required.

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. In addition, the Comprehensive Plan (including the Future Land Use Plan and other related plans, and amendments) contains policies designed to achieve an optimum quality of development in Riesel and its extraterritorial jurisdiction. 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.

No utility provider may connect utilities to a property that is required to be platted under this Ordinance, but has not complied. This includes water, sewer, electricity, and gas.

2.3 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.

2.4 Exemptions. If a property is not required to file a subdivision plat, a Development Plat is required.

- 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 has access and no public improvement is being dedicated;
- b. testamentary division of property;
- c. division of property between two (2) or more owners of an undivided interest by court order;
- d. A conveyance that is a gift from grantor(s) related to the grantee(s) by marriage, blood or adoption and within two degrees of the grantor. The conveyance is for the use of the grantee(s) and their devisees and assigns for residential and related purposes. The conveyance shall be by a metes and bounds description and shall meet all minimum requirements as outlined in this Ordinance. The conveyance will not involve the construction of streets (as opposed to a driveway), will not involve the

- construction of other than a customer service line on the customer side of the water meter, and will not have more than one residential structure thereon. The grantor shall be limited to a maximum of three conveyances. If the grantee wishes to subdivide the received property at any future date, the entirety of the received property must be platted in accordance with the requirements of this Ordinance; or
- e. a conveyance of Right-of-Way to a governmental entity.

2.4 Purpose

- a. The subdivision, development and platting of land is one of the first steps in the process of development. The distribution and relationship of residential, nonresidential and agricultural uses throughout the community, along with the system of improvements for streets, utilities, public facilities and community amenities, determine, in large measure, the quality of life enjoyed by the residents of the City.
- b. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life and overall character. A community's quality of life is of the public interest. Consequently, the subdivision and development of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government.
- c. The regulations contained herein are intended to encourage the development of a quality municipal environment by establishing standards for the provision of adequate light, air, open space, storm water drainage, transportation, public utilities and facilities, and other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources.
- d. Through the application of these regulations and procedures, the interests of the public, as well as those of public and private parties, both present and future, having interest in property affected by this Ordinance, are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, this Ordinance provides for stability in the regulatory system governing development of land for its most beneficial and safest use in accordance with existing social, economic and environmental conditions and in furtherance of the public health, safety and welfare.

2.5 Compliance with City Ordinances and Comprehensive Plan

Compliance with the Comprehensive Plan and all City ordinances pertaining to the subdivision and development of land shall be required prior to approval of any development application governed by this Ordinance. It is the developer's responsibility to be familiar with, and to comply with, City ordinances and the Comprehensive Plan. Applicable ordinances and other requirements include, but are not limited to, the following:

- a. the Comprehensive Plan, which includes the Future Land Use Plan, and all other associated maps and plans;
- b. the City building regulations;
- c. all applicable construction technical specifications and standard details; and
- d. other applicable ordinances or state law.

Section 3. Adequate Services for Areas Proposed for Development.

3.1 Adequate Service for Areas Proposed for Development, Generally.

- a. Land proposed for development in the City and in the City's extraterritorial jurisdiction must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, streets facilities, and drainage consistent with the requirements of this Ordinance. Where the development of land requires the submission and approval of a plat, such land shall not be approved for recording unless and until adequate public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or offsite.
- b. New development must be supported by adequate levels of public facilities and services.
- c. It is necessary and desirable to provide for dedication of rights-of-way and easements for public improvements to support new development at the earliest stage of the development process.
- d. Requirements for dedication and construction of public infrastructure improvements to serve a proposed new development should be attached as conditions of approval of any development application that contains a specific layout of the development.
- e. There is an essential nexus between the demand on public facilities systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct public improvements to offset such impacts.
- f. The City desires to assure both that development impacts are mitigated through contributions of rights-of-way and easements.

3.2 Conformance to Plans. Proposed public improvements serving new development shall conform to and be properly related to the public facilities elements of the City's adopted Comprehensive Plan and any other adopted plans for public facilities and services.

3.3 Adequacy of Facilities, Generally.

- a. Water. Unless the development will be served solely by groundwater, all lots, tracts or parcels shown on a plat and on which development is proposed shall be connected to a public water system which has capacity to provide water for domestic use and emergency purposes, including adequate fire protection for the intended property use. The City may require the phasing of development and/or improvements in order to maintain adequate water system capacity.
- b. Wastewater. All lots, tracts or parcels shown on a plat and on which development is proposed shall be served by an approved means of wastewater collection and treatment. The City may require the phasing of development and/or improvements in order to maintain adequate wastewater system capacity.
- c. Streets. Proposed streets serving new development shall provide a safe, convenient and functional system for vehicular circulation and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. New developments shall be supported by public streets having adequate capacity, and safe

and efficient traffic circulation. Each development shall have adequate access to the public streets.

- d. Drainage. Drainage improvements serving new developments shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent overloading the capacity of the downstream drainage system. The City may require the phasing of development, the use of control methods such as retention or detention, or the construction of off-site drainage improvements in order to mitigate the impacts of the proposed development.

3.4 City Options. In order to maintain prescribed levels of public facilities and services for the health, safety and general welfare of its citizens, and in accordance with this Ordinance, the City may require the dedication of easements and rights-of-way for or construction of on-site or off-site public infrastructure improvements for water, wastewater, street, or drainage facilities to serve a proposed development. If adequate levels of public facilities and services cannot be provided concurrently with the schedule of development proposed, the City may deny the development until the public facilities and services can be provided, or require that the development be phased so that the delivery of facilities and services coincides with the demands for the facilities created by the development. The City may impose any conditions relating to the provision of public improvements specified by an ordinance or regulation establishing or amending the zoning for the property.

3.5 Property Owner's Obligation.

- a. Dedication and Construction of Improvements. In accordance with this Ordinance, and other applicable ordinances and regulations, the property owner shall dedicate all rights-of-way and easements for, and shall construct, public improvements within the rights-of-way or easements for those water, wastewater, street or drainage improvements needed to adequately serve a proposed development consistent with the applicable facilities plans, whether the facilities are located on, adjacent to or outside the boundaries of the property being developed.
 1. Adjacent Road Improvements. In the case of adjacent or abutting streets, the City may require that the entire right-of-way be dedicated and improved to city standards, depending on factors such as the impact of the development on the street, the timing of development in relation to need for the street, and the likelihood that adjoining property will develop in a timely manner.
 2. Substandard Road Improvements. Where an existing street that does not meet the City's right-of-way or other standards abuts a proposed development, the City may require the property owner to dedicate the right-of-way for a standard width, and to improve the street according to the applicable dimensions and specifications, depending on factors such as the impact of the development on streets and traffic, the timing of development in relation to the need for the street, and the likelihood that adjoining property will develop in a timely manner.
- b. Acquisition. Where acquisition of any real property for right-of-way or easement purposes (or other public purposes) is necessary to serve the development and the real property is not owned or controlled by the developer, the developer must make a reasonable effort to negotiate the acquisition or purchase of the property, right-of-way or easement on behalf of the City.

1. A reasonable effort must at a minimum include an offer to secure the property, right-of-way or easement where the offer amount is equal to or greater than the appraised value of the property, right-of-way or easement to be acquired as determined in a written appraisal performed by a Texas Certified General Real Estate Appraiser.
 2. If the owner of the property sought to be acquired does not accept the developer's offer within 30 days, the developer may request in writing, on a form prepared by the City Attorney, that the City Council exercise available legal remedies to acquire the property. The City Council may take any action it deems appropriate in accordance with federal and state law.
 3. The developer must pay for any necessary appraisal, all acquisition costs, and all legal fees necessary to acquire the property, and any eminent domain procedures shall be prosecuted by the City Attorney or the City Attorney's designee.
- c. Facilities Impact Studies. The City may require that a property owner prepare a comprehensive traffic impact study, water availability or impact study, drainage study, emergency services impact study or other public facilities study in order to assist the City in determining whether a proposed development will be supported with levels of public facilities and services necessary to meet the demand and offset the impact created by the development. The study shall identify at a minimum the adequacy of existing facilities and the nature and extent of any deficiencies, and the public improvements needed to meet the adopted level of service assuming development at the intensity or use proposed. The study shall be subject to approval by the City Engineer. The City also may require, at the time of consideration of the approval of any subsequent permit that is part of the series of permits that is required for completion of a project, as defined by Local Government Code Chapter 245, an update of a public facilities study approved.

3.6 Timing of Dedication and Construction.

- a. Initial Provision for Dedication or Construction. The City shall require an initial demonstration that a proposed development shall be adequately served by public facilities and services at the time for approval of the first application that portrays a specific plan of development, including but not limited to a petition for establishing a planned development zoning district, or other overlay zoning district, a petition for an annexation agreement, a Subdivision Development Agreement, or an application for a plat. As a condition of approval of the application, the City may require provision for dedication of property, rights-of-way or easements for, and construction of, public improvements to serve the proposed development in a manner consistent with federal and state law.
- b. Deferral of Obligation. The obligation to dedicate rights-of-way for or to construct one or more public improvements to serve a new development may be deferred until approval of a subsequent phase of the Subdivision, at the sole discretion of the City Council, upon written request of the Property owner, or at the City's own initiative. As a condition of deferring the obligation, the City may require that the developer enter into an agreement, specifying the time for dedication of property, rights-of-way, easement or construction of public improvements serving the development.

Section 4. Definitions.

For the purpose of interpreting this Ordinance, certain words used herein are defined as below. Each term may be used in the singular or plural and carry the same meaning. Each definition applies

regardless of whether the defined term is capitalized or uncapitalized.

- (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) *Applicant* The person submitting the plat at issue (preliminary, final, minor, development etc.)
- (4) *Arterial Street*. A continuous moderate to high volume facility designed to carry major travel. Arterials should surround neighborhoods, but not penetrate them.
- (5) *Building Line*. A line beyond which buildings must be set back from the street.
- (6) *City*. The City of Riesel, McLennan County, Texas.
- (7) *City Council or Council*. The City Council of the City of Riesel, Texas.
- (8) *City Engineer*. A duly qualified and licensed engineer hired by or under contract with the City.
- (9) *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.
- (10) *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.
- (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) *Development Plat*. The map, drawings, or chart pursuant to section 212.045 of the Texas Local Government Code, as may be amended, where a plat under chapter 212, subchapter A of the Texas Local Government Code may not be required.
- (14) *Driveway*. An approved access from a public street that allows vehicular access to a lot.
- (15) *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.
- (16) *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.
- (17) *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.

- (18) *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.
- (19) *Financial Guarantee in Lieu of Bond.* In lieu of a performance bond the Applicant may deposit cash with the City or an eligible letter of credit on which the City is the named beneficiary. The amount of security or the amount of the letter of credit shall be the estimated cost of construction of the Water, Sewer, Road and Drainage Infrastructure Improvements. A letter of credit must comply in all respects with Chapter 212 of the Texas Local Government Code. Any Letter of Credit must be payable on the demand of the City, and the City shall not be required to make any showing of entitlement to payment except for presentation of the Letter of Credit or a copy thereof.
- (20) *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.
- (21) *Frontage.* Any side of a lot abutting on a street.
- (22) *Local Street.* A low volume, low-speed, street designed primarily to provide access to abutting residential land.
- (23) *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.
- (24) *Main Street.* A highway, Farm-to-Market Road or other road designed for continuous major traffic.
- (25) *Maintenance Bond.* A surety bond that protects against defects in materials or workmanship, and damage to or deterioration of the street and drainage improvements, that occur before and during the Maintenance Period due to any cause and to ensure that the subdivision improvements remain serviceable and maintained during the Maintenance Period.
- (26) *Minor plats.* Plats involving four or fewer lots fronting on an existing street not requiring the creation of any new street, the extension of municipal facilities or the combining of lots.
- (27) *Performance Bond.* A performance bond to ensure the proper construction of the Water, Sewer, Road and Drainage Infrastructure Improvements in the amount of the estimated cost of construction. Whether the Bond is provided by an Owner or Developer or by a contractor on the Owner or Developer's behalf, it must be made payable to the City. The Bond must comply in all respects with Chapter 212 of the Texas Local Government Code.
- (28) *Person.* Any individual, association, firm, corporation, partnership, governmental agency, or political subdivision.

- (29) *Plat.* For any reference to a “plat” without further specificity, “plat” shall include all plats considered by the City including Preliminary plats, Final Plats, Development Plats, Minor Plats and Amending Plats, unless it is clear from the text that “plat” refers to a specific type of plat within that section or subsection.
- (30) *Plat Package.* The application required by the City (attached as Exhibit “A” hereto), drainage studies/plans, flood studies, traffic impact analysis, study/evaluation for On Site Sewage Facilities, or other facilities impact studies required by the City, the Final Plat or Development Plat containing all of the requirements of these Regulations, and any other item specifically required by these Regulations to be part of the Plat Package submittal.
- (31) *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.
- (32) *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.
- (33) *Re-platting.* Re-platting is the re-subdivision of any part of a previously platted subdivision, or addition.
- (34) *Resubdivision.* The division of an existing subdivision together with any change of lot size therein, or with relocation of street lines.
- (35) *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.
- (36) *Shall.* The word “shall” wherever used in this Ordinance will be interpreted in its mandatory sense.
- (37) *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.
- (38) *Street Width.* Street width is the shortest distance between the lines which delineate the right- of-way of a street.
- (39) *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.
- (40) *Subdivision (also Addition).* Division of a tract into two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or

by using any other method. A division of land does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

Section 5. Timing of Submission of Plats.

The Applicant shall file a plat application in advance of any required public hearing or public meeting where the application is considered. Each calendar year the City Secretary shall establish a schedule for filing and reviewing any application that requires action by the City Council. The schedule shall provide adequate time for review, notice and/or publication consistent with the applicable state statutes and this Ordinance. Completed applications shall be filed according to any published schedule. Applications, supporting documents and other digital files submitted by the developer or Applicant prior to a designated submittal date shall not be considered filed with the City until the next designated submittal date and shall not initiate the deadlines established in Tex. Local Gov't. Code Ch. 212, as amended, until the next designated submittal date.

Section 6. Preliminary Plat Requirements.

Except for Minor Plats or Amending 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. Three (3) prints of the Preliminary Plat shall be submitted to the City Secretary, who shall immediately forward one copy to the City Engineer.

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 with reasons any Preliminary Plat within thirty (30) days from the date an administratively complete Preliminary Plat is filed with the City Secretary. The approval of the Preliminary Plat as such shall not constitute final acceptance or approval of the subdivision.

The Preliminary Plat shall show, or be accompanied by the following information:

- (1) Preliminary Plats shall be prepared by a Registered Professional Land Survey or 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. If the property intends a source of water supply to be groundwater, the Applicant must submit a groundwater certificate in accordance with Local Government Code section 212.0101. The Applicant must show proof that the information required by Local Government Code section 212.010(c) has been submitted to the Texas Water Development Board.
 - 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.
 - T) Tax certificate.
 - U) Preliminary Construction Plans for infrastructure (if applicable).
- 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.

Section 7. Preliminary Plat Submission and Approval Process.

7.1 Process Overview

1. Pre-submittal meeting (optional). Applicants will generally benefit from pre-submittal meetings, as once the Preliminary Plat is filed staff will be concentrating on review and recommendation to the City Council. Matters discussed and worked-out in the pre-submission process may eliminate deficiencies that would otherwise be identified during the review and possibly become reasons for disapproval or conditions on approval by the City Council. Information provided for review as part of a pre-submission meeting does not constitute the filing of a Preliminary Plat. One or more pre-submission meetings may be held.
2. Submittal of Preliminary Plat as defined in these Regulations is made by the Applicant, along with the Application Fee.
3. Administrative completeness review by the City to determine the administrative completeness of the Preliminary Plat submitted. It is recommended that City staff or City Council consult with the City Attorney prior to determining a Preliminary Plat is incomplete.
4. Within 30 days of receiving an administratively complete Preliminary Plat, the Preliminary Plat is brought before the City Council at a regular or special-called meeting for action.

7.2 Administrative Completeness

1. In order for a Preliminary Plat submittal to be administratively complete, all information required for a Preliminary Plat under these Regulations must be submitted to the City.
2. If the City Engineer, in consultation with the City Attorney, determines that the Preliminary Plat submittal is incomplete with reference to the requirements of these Regulations, the Applicant shall be notified within ten (10) business days of the date the Preliminary Plat submittal was received with a written explanation of missing or required information or documents.
3. The Applicant shall be given a reasonable time to submit the missing information. However, if the missing information is not received within 60 days of the notification to the Applicant of the missing information, the Preliminary Plat may be administratively denied by the City Engineer as incomplete, with notice in writing to the Applicant that the Preliminary Plat has been administratively denied for the stated reasons and return of the Preliminary Plat to the Applicant. The Applicant may within

- (6) months thereafter file a Preliminary Plat containing the missing information without having to pay a new fee. Thereafter, a new fee will be required.
4. The 30-day period for the City Council to act on the Preliminary Plat does not begin until the City has received an administratively complete Preliminary Plat in accordance with the submittal schedule.
 5. A finding of administrative completeness is not an approval of the Preliminary Plat.

7.3 Decisions on the Preliminary Plat.

Submission To The City Council And Post-Submission Process

1. City Council Action

Once a complete Preliminary Plat and Preliminary Plat Fee is received, action must be taken on the Preliminary Plat within 30 days by the City Council. The City Secretary must assure that the matter is included as an agenda item on a City Council meeting held within the 30-day period. The City Engineer or his/her designee shall give a recommendation to the City Council. The City Council may either approve the Preliminary Plat, approve it with conditions, or disapprove it with reasons. Failure of the City Council to act on a Preliminary Plat within the 30-day deadline results in the Preliminary Plat being approved by operation of law. The Final Plat still must be submitted and be acted on by the City Council. Approval of the Preliminary Plat by operation of law has no effect on the Final Plat requirements or process.

Notes on 30 day period:

- if a groundwater availability certification is required, the 30 days does not begin to run until an otherwise complete Preliminary Plat is on file AND the groundwater availability certification is received by the City;
- the Applicant (not the City) can request one 30 day extension in writing. The written extension request must be approved by the City Council during the 30 day time period. An extension period may not exceed 30 days, however the Applicant may request and the City Council may grant multiple extensions;
- if the City is required to undertake a takings impact assessment the period for decision may be extended by an additional 30 days.

It is within the City Engineer's sole discretion as to whether to accept any corrections or updates to the Preliminary Plat after the 30 day review period begins.

2. Notification to the Applicant of the Decision

No later than 10 days after the City Council's decision, the Mayor or his/her designee shall notify the Applicant of the decision in writing. If the decision was conditional approval the writing must specifically identify each of the conditions. If the decision was disapproval, the writing must specifically identify each of the reasons for disapproval.

For each condition or reason identified the writing, the writing must:

- a. state how it is directly related to the requirements of Subchapter A of Chapter 212 of the Texas Local Government Code; and
- b. cite the law, statute or order/ordinance provision that is the basis for the condition or

reason.

The conditions or reasons must not be arbitrary.

3. Applicant's Response

Chapter 212 of the Texas Local Government Code gives a disappointed Applicant the right to file a response to the conditions on approval or reasons for disapproval. The Applicant must file this response with the City Secretary, who will then forward the response to the City Engineer. The City may not set a deadline for the response. The purpose of the response is for the Applicant to show the City that he/she has corrected or met the conditions on approval or resolved the reasons for disapproval.

4. City Council's Action on the Applicant's Response

In consultation with the City Engineer, the City Council must approve, approve with conditions or disapprove with reasons the Applicant's Response to a previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted. If City Council does not make the decision within 15 days of receipt of the Response, and the Response meets the conditions on approval or resolves the reasons for disapproval, the Preliminary Plat is deemed approved by law. City Council's determination in light of the response, is whether the Applicant has met the conditions for approval or resolved the reasons for disapproval. Based on whether has met the conditions for approval or resolved the reasons for disapproval, the City Council must act on the plat by approval, approval with conditions or disapproval with reasons. If the Response adequately addresses each condition of the conditional approval or each reason for the disapproval, the City Council must approve the plat. The City Council may not raise new conditions/reasons that were not part of the original notice. However, if the Applicant interjects new information in his/her response, that information may be addressed. [Note: more than one Response may be received over time, and each time this procedure must be followed].

5. Notification of City Council's Action on the Applicant's Response

No later than 10 business days after the City Council's decision, the Mayor or his/her designee shall provide written notice of the City Council's determination on the Applicant's response with the same specificity as the initial notification of the City Council's decision.

6. Certification of an Approved Preliminary Plat

If a Preliminary Plat is approved by the City Council, deemed approved by operation of law or the Response meets the conditions on approval or resolves the reasons for disapproval, the Mayor or his/her designee is hereby expressly delegated the authority by the City Council to execute a certificate approving the Preliminary Plat as the act and deed of the City Council.

Section 8. Final Plat and Development Plat Requirements.

The plat shall be appended to the Plat Application attached hereto as Exhibit "A". A Final Plat may not be approved unless a Preliminary Plat was approved by Council, and any conditions of approval have been satisfied. A Development Plat shall conform to the requirements in this Ordinance for Final Plats.

The Final Plat or Development 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;

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

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) 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. If the property intends for a source of water supply to be groundwater, the Applicant must submit a groundwater certificate in accordance with Local Government Code section 212.0101 with the Final Plat or Development Plat. The Applicant must show proof that the information required by Local Government Code section 212.010(c) has been submitted to the Texas Water Development Board. The groundwater certificate is not required if the groundwater certificate was submitted with the Preliminary Plat;
 - S) The location of the approximate 100 year flood plain boundary or certification that the property is not in a Special Flood Hazard Area;
 - T) “Will serve” letters from the applicable utilities;
 - U) Tax Certificate dated within 30 days of submission of the Tax Certificate;
 - V) Final Construction Plans for Infrastructure; and
 - W) Final Drainage Plan.
- 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 or Development 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) *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 ¾” 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; and
- 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 or Development Plat, the City Engineer and City staff shall review same and make its recommendations in writing to the Council.

6) Construction Plans.

a) Construction Plans are only required as part of the Final Plat or Development Plat Packet where public improvements are proposed as part of the development (streets, municipal utility extensions, storm sewers, drainage improvements, etc.)

b) 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; 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.

Construction on infrastructure cannot begin until the construction plans have been approved by the City Engineer. Non-infrastructure construction cannot begin until the infrastructure is constructed and accepted as complete unless approved for completed portions of the development, or otherwise provided for in this Ordinance.

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.

REQUIRED PLAT NOTE. Construction may not begin on Lots until the streets, water improvements, sewer improvements, and drainage infrastructure is

complete unless the City Council approves construction in an area of the Subdivision where the infrastructure is already complete or otherwise provides for such in these regulations.

- 7) If required by the City or this Ordinance, the traffic impact study, water availability or impact study, drainage study, emergency services impact study or other facilities impact study as set forth in Section 3.5 of this Ordinance.

Section 9. Final Plat and Development Plat Submission and Approval Process.

9.1 Process Overview

1. Pre-submittal meeting (optional). Applicants will generally benefit from pre-submittal meetings, as once the Plat Package is filed staff will be concentrating on review and recommendation to the City Council. Matters discussed and worked-out in the pre-submission process may eliminate deficiencies that would otherwise be identified during the review and possibly become reasons for disapproval or conditions on approval by the City Council. Information provided for review as part of a pre-submission meeting does not constitute the filing of a Plat Application. One or more pre-submission meetings may be held.
2. Submittal of Plat Package as defined in these Regulations is made by the Applicant, along with the Application Fee.
3. Administrative completeness review by the City to determine the administrative completeness of the Plat Package submitted. It is recommended that City staff or City Council consult with the City Attorney prior to determining a Plat Package is incomplete.
4. Within 30 days of receiving an administratively complete Plat Package, the Plat Package is brought before the City Council at a regular or special-called meeting for action.

9.2 Administrative Completeness

1. In order for a Plat Package submittal to be administratively complete, all information required for a Plat Package under these Regulations must be submitted to the City.
2. If the City Engineer, in consultation with the City Attorney, determines that the plat submittal is incomplete with reference to the requirements of these Regulations, the Applicant shall be notified within ten (10) business days of the date the plat submittal was received with a written explanation of missing or required information or documents.
3. The Applicant shall be given a reasonable time to submit the missing information. However, if the missing information is not received within 60 days of the notification to the Applicant of the missing information, the application may be administratively denied by the City Engineer as incomplete, with notice in writing to the Applicant that the Application has been administratively denied for the stated reasons and return of the Plat Packet to the Applicant. The Applicant may within (6) months thereafter file a Plat Packet containing the missing information without having to pay a new application fee. Thereafter, a new application fee will be required.

4. The 30-day period for the City Council to act on the Plat Package does not begin until the City has received an administratively complete Plat Package in accordance with the submittal schedule.
5. A finding of administrative completeness is not an approval of the Plat Package.

9.3 Decisions on the Plat Package.

Submission To The City Council And Post-Submission Process

1. City Council Action

Once a complete Plat Package and Application Fee is received, action must be taken on the Plat Package within 30 days by the City Council. The City Secretary must assure that the matter is included as an agenda item on a City Council meeting held within the 30-day period. The City Engineer or his/her designee shall give a recommendation to the City Council. The City Council may either approve the Plat Package, approve it with conditions, or disapprove it with reasons. Failure of the City Council to act on a Plat Package within the 30-day deadline results in the Plat being approved by operation of law.

Notes on 30 day period:

- if a groundwater availability certification is required, the 30 days does not begin to run until an otherwise complete Plat Package is on file AND the groundwater availability certification is received by the City;
- the Applicant (not the City) can request one 30 day extension in writing. The written extension request must be approved by the City Council during the 30 day time period. An extension period may not exceed 30 days, however the Applicant may request and the City Council may grant multiple extensions;
- if the City is required to undertake a takings impact assessment the period for decision may be extended by an additional 30 days.

It is within the City Engineer's sole discretion as to whether to accept any corrections or updates to the Plat Package after the 30 day review period begins.

2. Notification to the Applicant of the Decision

No later than 10 days after the City Council's decision, the Mayor or his/her designee shall notify the Applicant of the decision in writing. If the decision was conditional approval the writing must specifically identify each of the conditions. If the decision was disapproval, the writing must specifically identify each of the reasons for disapproval.

For each condition or reason identified the writing, the writing must:

- a. state how it is directly related to the requirements of Subchapter A of Chapter 212 of the Texas Local Government Code; and
- b. cite the law, statute or order/ordinance provision that is the basis for the condition or reason. The conditions or reasons must not be arbitrary.

3. Applicant's Response

Chapter 212 of the Texas Local Government Code gives a disappointed Applicant the right to file a response to the conditions on approval or reasons for disapproval. The

Applicant must file this response with the City Secretary, who will then forward the response to the City Engineer. The City may not set a deadline for the response. The purpose of the response is for the Applicant to show the City that he/she has corrected or met the conditions on approval or resolved the reasons for disapproval.

4. City Council's Action on the Applicant's Response

In consultation with the City Engineer, the City Council must approve, approve with conditions or disapprove with reasons the Applicant's Response to a previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted. If City Council does not make the decision within 15 days of receipt of the Response, and the Response meets the conditions on approval or resolves the reasons for disapproval, the Plat Package is deemed approved by law. City Council's determination in light of the response, is whether the Applicant has met the conditions for approval or resolved the reasons for disapproval. Based on whether has met the conditions for approval or resolved the reasons for disapproval, the City Council must act on the plat by approval, approval with conditions or disapproval with reasons. If the Response adequately addresses each condition of the conditional approval or each reason for the disapproval, the City Council must approve the plat. The City Council may not raise new conditions/reasons that were not part of the original notice. However, if the Applicant interjects new information in his/her response, that information may be addressed. [Note: more than one Response may be received over time, and each time this procedure must be followed].

5. Notification of City Council's Action on the Applicant's Response

No later than 10 business days after the City Council's decision, the Mayor or his/her designee shall provide written notice of the City Council's determination on the Applicant's response with the same specificity as the initial notification of the City Council's decision.

6. Certification of an Approved Final Plat or Development Plat

If a Plat Package is approved by the City Council, deemed approved by operation of law or the Response meets the conditions on approval or resolves the reasons for disapproval, the Mayor or his/her designee is hereby expressly delegated the authority by the City Council to execute a certificate approving the Final Plat or Development Plat as the act and deed of the City Council.

9.4 Effect of Approval

1. Final Plat approval does not constitute approval or acceptance of infrastructure.
2. Regardless of whether the Plat is approved by the City Council, by action of the City Council on an Applicant Response, or deemed approved by operation of law, the Applicant must comply with the hereinafter stated regulations governing Subdivisions.
3. Approval of a Final Plat does not authorize any site grading, construction or development activities, but merely authorizes the Applicant to proceed with civil construction plan approval. Such approval does not constitute any acceptance by the City of maintenance of any roadways. Acceptance for maintenance shall require a separate order of the City Council entered at a date after the warranty period, as described in these Regulations, has expired.

4. No construction of the Infrastructure may commence until the following have been completed:

- a. civil construction plans for Water, Sewer, Street and Drainage Infrastructure Improvements have been approved by the City Engineer;
- b. a preconstruction meeting is held between the City Engineer, the Applicant, and the Contractor; and
- c. a performance bond or other authorized financial guarantee has been provided as required by these regulations.

Section 10. 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 for maintenance.
- 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.
- 5) No lots may be sold until the improvements are completed and the Plat is recorded where there is no performance guarantee.

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.

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 or surety 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 infrastructure 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 \$500 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, approval of the completion of the infrastructure is not an acceptance of maintenance by the city, 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; and
- 6) a warranty and Maintenance Bond is given.

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.).

j) Except as otherwise specifically authorized in this Ordinance, no building permit shall be issued by the City for any parcel of land inside City limits until a Final Plat, or Development Plat as applicable, of the land has been recorded.

Section 11. 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;
- 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 12. Expiration of Permits, Generally, Dormant Projects, and Exemptions from Vesting.

- a) Definitions. In this section, “project” and “permit” shall have the same definition as defined in Local Government Code Chapter 245, as amended.
- b) Expiration of Individual Permits. If, after approval of any individual permit, no progress has been made towards completion of the project within two years of the approval of the permit, the permit shall expire and become null and void except to the extent otherwise expressly provided for in this Ordinance.
- c) Dormant Project. A project shall become dormant and expire and all permits previously

issued in connection with the project shall be null and void if, on the fifth anniversary of the date the first permit application was filed, no progress has been made towards completion of the project. The phrase “progress towards completion of the project” or similar phrase as used in this section includes the activities constituting such progress as set forth in Texas Local Government Code section 245.005.

- d) Effect of Expiration or Dormant Project. Following the expiration of a permit or a project, any new application shall be a wholly new and separate permit or project as compared with the dormant project that expired, and shall be subject to the regulations, rules, ordinances, and other laws in effect at the time of filing of the new application and shall further be subject to the assessment of new fees to the fullest extent permitted by law.
- e) Projects, Permits and Other Activities that Never Vest Rights. Notwithstanding any other provision of this Ordinance or other City rules, regulations or ordinances, the following are exempt from and not affected by any claim to vested rights:
 - 1) a permit that is at least two years old, is issued for the construction of a building or structure intended for human occupancy or habitation, and is issued under laws, ordinances, procedures, rules, or regulations adopting only: (A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; or (B) local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons;
 - 2) the City’s zoning regulations that do not affect landscaping or tree preservation, open space or park dedication, property classification, lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by a restrictive covenant required by the City;
 - 3) regulations for sexually oriented businesses;
 - 4) fees imposed in conjunction with development permits, including but not limited to impact fees;
 - 5) regulations for annexation that do not affect landscaping or tree preservation or open space or park dedication;
 - 6) regulations for utility connections;
 - 7) regulations to prevent imminent destruction of property or injury to persons from flooding that are effective only within a flood plain established by a federal flood control program and enacted to prevent the flooding of buildings intended for public occupancy;
 - 8) construction standards for public works located on public lands or easements; or
 - 9) regulations to prevent the imminent destruction of property or injury to persons if the regulations do not: (A) affect landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage, building size, residential or commercial density, or the timing of a project; or (B) change development permitted by a restrictive covenant required by a municipality.

Section 13. Minor and Amending Plats.

- a) This Section applies to:

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.
- b) 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.
- c) After review and approval by the City Engineer, a Minor Plat or Amending Plat may be approved by the Mayor on recommendation of the City Engineer. However, for a minor plat, 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. The Mayor may, for any reason, elect to present the Minor or Amending Plat to the City Council for approval, approval with conditions or denial with reasons. If the minor or Amending Plat is presented to City Council, the procedures for the submission of Final Plats shall apply.

Section 14. Development Plats.

Any person who proposes the development of a tract of land located within the City limits or in the extraterritorial jurisdiction of the City must have a Development Plat of the tract prepared in accordance with this Ordinance. The purpose of the Development Plat is to assure the adequacy of public facilities needed to serve the intended development and the overall compliance of such development with applicable requirements of this Ordinance where the land to be developed is not intended to be subdivided. If a subdivision plat is filed, then a Development Plat is not required. The Development Plat must be prepared by a registered professional land surveyor, and comply with the requirements of Local Government Code section 212.045. New development may not begin, and building permits will not be issued to properties within the City limits, on property requiring a Development Plat until the Development Plat is filed with and approved by the city. Development Plats shall be recorded in the records of McLennan County, Texas only after approval by the City Council. Development Plats are subject to all the same requirements as a Final Plat and to plats generally as stated in this Ordinance, including review of construction plans for public facilities and acceptance thereof.

A Development Plat shall be submitted for approval along with any information required to accompany a Final Plat. Development Plats shall be processed in accordance with the procedures established for Final Plat approval, except for Development Plats are not subject to the 30 day timeframe for City Council action nor the timeframe applicable to an Applicant's response. If City Council denies a Development Plat or conditionally approves a Development Plat, it is recommended that the Mayor or his/her designee notify the Applicant of the decision in writing along with the specific reasons and legal citations for the conditions or the denial.

Section 15. 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 construction plan 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 approval of the infrastructure work to begin. Additionally, cross lot drainage within a subdivision is prohibited. Property Owners are required to drain surface runoff from an individual lot to a public right-of-way, a public easement or a private easement and will not be allowed to surface drain onto another lot. The City Engineer shall have the discretion to allow modifications to the lot-to-lot drainage requirements where adherence to these requirements would conflict with other City ordinances and/or regulations.

Section 16. Warranty and Securing Maintenance Obligations for Streets and Drainage.

A. Required For Acceptance As Complete

The Warranty and the Maintenance Bond described herein must be provided to the Mayor or his/her designee as a condition of the issuance of a notice of acceptance of the street and drainage infrastructure improvements as complete. No determination of completion will be provided to the Applicant until the Warranty and Maintenance Bond are in place.

B. Nature Of Warranty

The Applicant shall provide or cause to be provided a warranty in favor of the City securing the completed infrastructure work against defects in materials, workmanship, and including damage to or deterioration of the drainage infrastructure and street infrastructure, that occur before and during the Warranty Period due to any cause and to ensure that the street and drainage infrastructure improvements remain serviceable and maintained during such period.

C. Warranty Period

The warranty must begin when the civil construction is accepted as complete by the City and shall run for one (1) year thereafter ("Warranty Period"). If a street is intended to be submitted to the City for acceptance of maintenance, no such acceptance by the City for

maintenance shall take place until after the Warranty Period has expired.

D. Bond For Maintenance During Warranty Period

The Applicant must provide a bond to secure the Applicant's obligation to provide or cause to be provided repairs and maintenance on the street and drainage infrastructure improvements during the Warranty Period. The Maintenance Bond must protect the City against defects in materials or workmanship, and including damage to or deterioration of the street and drainage infrastructure improvements, that occur before and during the Warranty Period due to any cause and to ensure that the street and drainage infrastructure improvements remain serviceable and maintained during such period. If the performance Bond in effect extends to cover such matters during the Warranty Period or is extended by the surety to provide such coverage, a new bond is not required. If not, the Applicant must provide or cause to be provided a Maintenance Bond with the City being the named payee and beneficiary. The Maintenance Bond amount shall be equal to one hundred percent (100%) of the cost of streets, signs, stormwater control improvements, drainage structures and all other construction of street and drainage infrastructure improvements.

The surety must be authorized to make surety bonds in Texas and must be acceptable to the City.

In some cases, as determined by the City Engineer, it may be necessary to allow the maintenance obligation to be secured by a Letter of Credit or other acceptable Financial Guarantee.

E. Maintenance During The Warranty Period

1. Preventative Maintenance

The best way for the Applicant and/or contractor to avoid liability under the warranty and to avoid bond claims is for the street and drainage infrastructure improvements to be kept maintained during the Warranty Period. FURTHERMORE, if acceptance for City maintenance is desired, the City will not accept a defective or unmaintained Street.

2. Street Repairs

All pavement repairs shall be in accordance with the City's standards. If repairs have been extensive, the City Engineer may require that before the Warranty Period expires the Applicant provide or cause to be provided a one-course surface treatment for the full length and width of the street to seal joints created by pavement repair and restore uniform appearance of the street depending on the extensiveness of the repairs and the appearance of the street.

3. Geotechnical Review of Problem Areas

Cracking can be a sign of defective surfacing or a defective road base. If significant cracking is occurring beyond that which would be expected under the facts and circumstances the City Engineer, at the Applicant's cost, shall have core samples taken and a geotechnical report prepared to determine whether the street was built to specifications and/or whether there are other factors at work, such as underground water. The City Engineer shall provide a copy of the report to the Applicant and contractor. A reasonable timeline shall be set for the Applicant to provide a plan for addressing the street's deficiencies with the plan to be provided to the City Engineer. An additional

warranty and warranty period shall be required for the remedial work upon completion of such work to resolve the street's defects. The Applicant will reimburse the City for the cost of the geotechnical services within 30 days after receiving an invoice from the City for such costs. The geotechnical consultant's suggestions for repairing the street shall be given due consideration.

4. Inspections

The City Engineer or his/her designee will conduct periodic inspections of the street and drainage improvements and will notify the Applicant and contractor regarding any defects identified. If the defects are not cured within 30 days of the notice (or such longer period that has been granted in writing by the City Engineer), the City will resort to a claim on the Performance or Maintenance Bond, payment under the letter of credit, or application of monies on deposit to perform the corrective work or have it performed.

F. Provision For Maintenance Of Drainage Improvements

Except for ditches that are adjacent to streets and/or culverts and other improvements that are a part of a street accepted for maintenance by the City, the City generally **will not** accept drainage improvements for maintenance, including retention and detention ponds, except as otherwise provided in this Ordinance. Therefore, the Applicant must provide for this work to be done either by way of an HOA with a maintenance fund or by providing in the Deed Restrictions that each lot owner is responsible for maintaining the portions of the drainage improvements on or adjacent to their lot.

Section 17. City of Riesel Technical Specifications and Construction Details.

The technical specifications and construction details set forth in the latest edition of the *City of Waco Standard Specifications for Construction (2013)* and *City of Waco Manual of Standard Details (2024)* and approved updates shall govern all public improvements within the City and ETJ except as modified by the City.

Section 18. Lot and Block Size and Arrangement; Set-Backs.

18.1 Minimum Lot Size, Set-Backs, and Arrangement. This subsection only applies to properties within the City's extraterritorial jurisdiction. For properties within the city limits, the City's zoning ordinance will control.

a) Single Family Dwelling

Width	55' at building line
Minimum Lot Area	8,800 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
Minimum Lot Area	12,000 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
Minimum Lot Area	43,560 sq. ft.
Front yard set-back	25'
Side yard set-back	15'
Back yard set-back	25'
Minimum Frontage	100'

d) Commercial Uses

Width	80' at building line
Minimum Lot Area	10,000 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) Industrial Uses and All Other Land Uses Not Specified Herein

Width	80' at Building Line
Minimum Lot Area	10,000 sq. ft.
Front yard set-back*	25'
Side yard set-back*	25'
Back yard set-back*	25'
Minimum Frontage	80' except if on major thoroughfare 100'

*Minimum set-back of 1,000 feet from any residential dwelling, platted residential subdivision, or property zoned for residential use. A minimum setback of 500 feet from any public right-of-way.

18.2 Block Length.

Block length shall not exceed 1,000'.

18.3 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.

18.4 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 19. 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). Acceptance will not take place until the Warranty Period has been completed.

(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 or other means of assuming future maintenance is required.

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.

(f) The right-of-way is for the paramount and primary use of the City and utilities. No lot owner may place a fence, wall, or other encumbrance in the right-of-way. The lot owner is responsible for removal of the encumbrance. If an encumbrance exists that interferes with road or utility work, it will be removed with no liability or cost to the City or utility for doing so; and will not be replaced by the lot owner.

Section 20. Sidewalks

- (a) Sidewalks are not required by the City.
- (b) If sidewalks are installed they shall not be the maintenance responsibility of the City. Rather, they shall be the maintenance responsibility of the Homeowner's Association, if applicable, or the adjoining lot owners. The paramount and primary purpose of the right-of-way is for road and utility improvements and work. If a sidewalk interferes with road or utility work, it will be removed at the cost of the H.O.A. if applicable, or the lot owner. If the sidewalk is to be reinstalled it shall be at the sole cost of the H.O.A., if applicable, or the lot owner.
- (c) Every Final Plat containing sidewalks must conspicuously include the following plat note:

The City of Riesel, Texas has not and will not accept the sidewalks shown on this plat for maintenance. Maintenance of the sidewalks shall be the responsibility of the Homeowners' Association ("H.O.A."), or if there is no H.O.A., or the H.O.A. ceases to exist, maintenance shall be the responsibility of each lot owner for the portion of any sidewalk running along the lot owner's lot. By accepting a deed referencing this Plat the grantee agrees to the foregoing and binds the grantee's successors and assigns thereto.
- (d) Any sidewalk installed must comply with the City Engineer's details and specifications available at City Hall.
- (e) Any sidewalk installed must comply in all respects with the Americans with Disabilities Act and the regulations thereunder.

Section 21. 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 22. 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 23. Fees.

The following schedule of fees and charges shall be collected by the City when any preliminary, minor, amending, Development Plat 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. Ordinance No. 2023-01 requires payment of the actual costs for professional fees that exceed the deposit. See Ordinance No. 2023-01 for further information.

- (a) Amending plats: \$350, plus \$5.00 per lot (10 or fewer lots); \$450, plus \$10.00 per lot (over 10 lots) + \$1,000 deposit
- (b) Minor Plats: \$350 + \$1,000 Deposit 6 lots or less \$2,500 deposit for 7 lots or more
- (c) Preliminary Plats: \$405 + \$5 per lot + \$1,000 deposit 6 lots or less \$2,500 deposit for 7 lots or more
- (d) Re-Plats: \$350, plus \$5.00 per lot (10 or fewer lots); \$450, plus \$10.00 per lot (over 10 lots) + \$1,000 deposit
- (e) Final Plats and Development Plats: \$500 per plat, plus \$10.00 per lot + \$1,000 deposit for 6 lots or less or \$2,500 for 7 lots or more
- (f) Review of commercial construction plans: \$2,500 deposit

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 a plat to the Council.

Section 24. Inspections, Inspection Fees and Material Testing.

A. Inspections.

“Inspection” as used herein includes plan and plat reviews. The construction of public infrastructure improvements shall be inspected at such reasonable intervals as deemed necessary by the City’s Engineer, or on the request of the Developer for additional inspections. When a Developer has reached a point in the construction of a public infrastructure improvement that an inspection is called for, the Developer shall make a request for inspection to the City’s Engineer. Work may not continue on the subject improvement or portion of improvement until the applicable inspection is completed.

B. Warranty/Maintenance Bond Period.

An Inspector designated by the City will inspect the public infrastructure improvements before the end of the warranty and maintenance bond period to determine if there are defects or condition issues that, if not corrected by the Developer, would require a claim on the maintenance bond.

C. Fees.

1. The total fee for inspections on the development is the cost to the City of the inspector or engineer. The Developer must also pay the cost of any materials testing or geotechnical reports.

2. A deposit in the amount of 4% of the estimated cost of the development infrastructure as determined by the Developer’s engineer and verified by the City Engineer is required. Fees will be applied against the deposit as incurred. If there is a remainder upon completion of all inspections, the balance will be returned to the Developer. If the inspection fees exceed the deposit, the Developer shall pay the outstanding balance prior to acceptance of the improvements by the City.

3. The deposit is payable to the City Secretary prior to a Preconstruction meeting being scheduled and the Contractor allowed to begin work.

D. Material Testing.

The Contractor and/or Developer of the public infrastructure shall contract with a Third Party material testing approved by the City to conduct all material testing as required by the technical specifications and details as adopted by the City of Riesel. All costs incurred as a result of the testing requirements shall be the responsibility of the Contractor and/or Developer.

Section 25. Variances.

When, because of topographical or other conditions peculiar to the site, an Applicant can show that a provision of this Ordinance would cause an unnecessary and extraordinary hardship if strictly adhered to, a variance may be recommended to 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 26. 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 27. Violation and 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 28. 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.

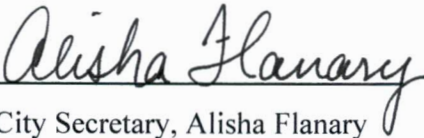
Section 29. Effective Date.

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).

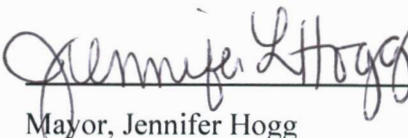
Remainder of page intentionally left blank

PASSED and APPROVED this 16th day of June, 2026.

ATTEST:


City Secretary, Alisha Flanary

SIGNED:


Mayor, Jennifer Hogg





CITY OF RIESEL

Subdivision Plat Application

Notice: if you would like a presubmittal meeting with the city, please email the city secretary (email below) and do not fill out this form.

City of Riesel · Development Services Department · (254) 896-6501
104 N. Hwy 6 · PO Box 249 · Riesel, Texas · 76682

☐ **Preliminary Plat**
(\$405 + \$5/Lot + \$1,000 Deposit 6 lots or less
\$2,500 deposit for 7 lots or more)

☐ **Minor Plat**
(\$350 + \$1,000 Deposit 6 lots or less \$2,500
deposit for 7 lots or more)

☐ **Final or Development Plat**
(\$500 + \$10/Lot + \$1,000 Deposit 6 lots or less
\$2,500 deposit for 7 lots or more))

☐ **Replat or Amended Plat**
<10 lots (\$350 + \$5/Lot + \$1,000 Deposit)
>10 lots (\$450 + \$10/Lot + \$1,000 Deposit)

Name of Applicant: _____

Current Address: _____

City: _____ State: _____ Zip Code: _____

Primary Phone: (_____) _____ - _____ Cell Phone: (_____) _____ - _____

Email: _____

Name(s) of Property Owner(s): _____

Current Address: _____

City: _____ State: _____ Zip Code: _____

Primary Phone: (_____) _____ - _____ Cell Phone: (_____) _____ - _____

Email: _____

Name of Proposed Plat: _____

Location of Property to be Platted: _____

Legal Description: _____

Total Acreage: _____ Number of Lots: _____

Applicant Signature: _____ Date: ____ / ____ / ____

Printed Name: _____

Property Owner Signature: _____ Date: ____ / ____ / ____

Printed Name: _____

NOTE: An application is not deemed filed pursuant to Texas Local Government Code Chapters 212 & 232 until all prerequisite authorizations and all documents required by and prepared in accordance with the requirements of the City of Riesel Subdivision Regulation Ordinance #2021-05 are complete and received by the City of Riesel.

SUBMIT DIGITAL PLAT APPLICATIONS TO: Alisha Flanary at citysecretary@cityofriesel.org

Intake Date: ____ / ____ / ____ Received by: _____

Amount Paid: \$_____ MO #: _____ Receipt #: _____

CITY OF RIESEL

Subdivision Plat Application CHECKLIST

City of Riesel · Development Services Department · (254) 896-6501
104 N. Hwy 6 · PO Box 249 · Riesel, Texas · 76682

Subdivision Plat requirements are outlined in City of Riesel Subdivision Ordinance #2026-05. A list of preliminary and final plat application requirements are attached to this form.

The following items are required for subdivision plat application submittals:

☐

Completed Subdivision Plat Application

- Application must be signed by the property owner, or in the case of a corporation or partnership, documentation must be provided authorizing a single party to sign on behalf of the corporation or partnership

☐

Application Fee – *varies based on type of plat*

- Cashier's check, money order, or credit card; payable to the City of Riesel
- Deposit for professional & engineering fees (See Ordinance #2023-01)

☐

Plat Drawing, containing all required information set forth in City of Riesel Subdivision Ordinance #2026-05. A list containing the City's requirements is attached to this form.

☐

Plat Application Documents set forth in City of Riesel Subdivision Ordinance #2026-05. A list containing the City's requirements is attached to this form.

☐

Additional information (attach additional pages if necessary):

Proposed Subdivision

Total No. of Lots: _____ Average Lot Size: _____

Total Linear feet of Any Road Improvements: _____

Type of Road (concrete, asphalt, etc.): _____

Sewer _____ or OSSF _____?

Water Source/Provider: _____

If groundwater please describe in detail: _____

Approximate Linear feet of Water _____ Sewer _____ lines to be constructed. Are any lift stations, pumps, or other facilities required? _____

The following items are required prior to recordation of the plat:

☐

Two (2) signed originals (18" x 24") of the plat (see City subdivision ordinance or contact McLennan County for detailed requirements)

☐

One (1) signed MYLAR original (18" x 24") of the plat (see City subdivision ordinance or contact McLennan County for detailed requirements)

☐

Tax Certificates from McLennan County Tax Office

- Tax certificate shall show a zero balance

☐

City Council Approval

Requirements for Preliminary Plat

- Preliminary Plat fee
- Preliminary Plat including:

The Preliminary Plat shall show, or be accompanied by the following information:

- (1) Preliminary Plats shall be prepared by a Registered Professional Land Survey or 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. If the property intends for a source of water supply to be groundwater, the Applicant must submit a groundwater certificate in accordance with Local Government Code section 212.0101 with the final plat. The Applicant must show proof that the information required by Local Government Code section 212.010(c) has been submitted to the Texas Water Development Board;
 - 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.
- T) Tax certificate.
- U) Preliminary Construction Plans for infrastructure (if applicable).

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.

Requirements for Final Plats and Development Plats

- Application
- Final Plat / Development Plat Fee
- Final Plat or Development Plat including:

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;
 - viii) all lot lines shall be identified and have the bearing shown; and
 - 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) 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. If the property intends for a source of water supply to be groundwater, the Applicant must submit a groundwater certificate in accordance with Local Government Code section 212.0101 with the final plat. The Applicant must show proof that the information required by Local Government Code section 212.010(c) has been submitted to the Texas Water Development Board. The groundwater certificate is not required if the groundwater certificate was submitted with the Preliminary Plat;

- S) The location of the approximate 100 year flood plain boundary or certification that the property is not in a Special Flood Hazard Area;
 - T) "Will serve" letters from the applicable utilities;
 - U) Tax Certificate dated within 30 days of submission of the Tax Certificate.
 - V) Final Construction Plans for Infrastructure.
 - W) Final Drainage Plan.
- 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) *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.
- 6) If required by the City, the traffic impact study, water availability or impact study, drainage study, emergency services impact study or other public facilities study as set forth in Section 3.5 of the Subdivision Ordinance.