

ORDINANCE NUMBER: 2023-04

SUBDIVISION ORDINANCE

AMENDED AND RESTATED ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING SUBDIVISIONS OF LAND WITHIN THE CORPORATE LIMITS AND 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, 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; 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, AND PROVIDING A SAVINGS CLAUSE.

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

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

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

WHEREAS, the Texas Legislature has made major, unprecedented changes to the platting process that must be addressed by this Ordinance;

WHEREAS, ORDINANCE NO. 2019-01 as amended is modified by the amendments made hereby ("Existing Ordinance"); and

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

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

Section 1. Platting Required.

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

1.2 Plat Required. 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.

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

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

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.

1.3 Equal Application to Residential and Commercial Development.

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

1.4 Exemptions.

- a. Division of land for agricultural purposes, in parcels of five (5) acres or more shall not be included within this definition of subdivision, unless any such division of five (5) acres or more 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.

Section 2. Definitions.

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

- (1) *Alley.* A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular services access to the back or sides of property otherwise abutting on a public street.
- (2) *Amending Plat* has the meaning given in § 212.016 of the Texas Local Government Code, and is intended to correct errors or add clarification.
- (3) *Applicant* The person submitting the plat at issue (preliminary, final, minor, 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 Engineer.* A duly qualified and licensed engineer hired by or under contract with the City.
- (8) *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.
- (9) *Combined Plat.* A Final Plat submitted in lieu of going through the Preliminary Plat process.

- (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) *Council.* The City Council of the City of Riesel, Texas.
- (12) *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.
- (13) *Dead-End Street.* A dead-end street is a street, other than a cul-de-sac, with only one outlet.
- (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 or the extension of municipal facilities.
- (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 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, the Final 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.
- (30) *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.
- (31) *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.
- (32) *Re-platting*. Re-platting is the re-subdivision of any part of a previously platted subdivision, or addition.
- (33) *Resubdivision*. The division of an existing subdivision together with any change of lot size therein, or with relocation of street lines.
- (34) *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.
- (35) *Shall*. The word "shall" wherever used in this Ordinance will be interpreted in its mandatory sense.

- (36) *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.
- (37) *Street Width*. Street width is the shortest distance between the lines which delineate the right- of-way of a street.
- (38) *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.
- (39) *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 3. Timing of Submission of Plats.

A Preliminary Plat or Final Plat must be submitted at least 29 days before the next regular meeting of the City Council.

Section 4. Preliminary Plat Submission and Approval.

Except for Minor Plats, Amending Plats, or Combined Plats, a Preliminary Plat of any proposed subdivision shall be submitted to the Council for review and approval before the preparation of the final plat for record. 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 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.
 - 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.

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.

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

Section 5. Preliminary Plat Submission and Approval Process.

5.1 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.
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.

5.2 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 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 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.
5. A finding of administrative completeness is not an approval of the Preliminary Plat.

5.3 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, and the extension will be deemed granted if the Mayor agrees to it in writing not more than 20 days after the Preliminary Plat is received;
- the time is extended for delays caused by required decisions that are not within the City's control;
- 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. The Mayor or his/her designee must decide within 15 days of receipt of the response whether, in light of the response the Applicant has met the conditions for approval or resolved the reasons for disapproval. 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. The Mayor or his/her designee is delegated the authority by the City Council to make this determination on its behalf.

4. Notification/City's Reply

The Applicant must be given notice of the City's determination on his/her Response within 5 business days of said decision. If the Response does not meet the conditions on approval or resolve the reasons for disapproval the Mayor or his/her designee must send the Applicant a Reply as part of the notification. The Reply must state that the Preliminary Plat is approved with conditions or disapproved and identify the conditions or reasons with the same specificity as the initial notification of the City Council's decision, except that it cannot 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].

The period during which a plat approved with conditions or disapproved can be responded to by the Applicant is not clearly stated by the law, but in no circumstance may such period exceed two (2) years.

If 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 approve the Preliminary Plat, and to execute a certificate approving the Preliminary Plat as the act and deed of the City Council.

If the Mayor or his/her designee 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.

If a Preliminary Plat is deemed approved by operation of law, the Mayor shall obtain the Certificate(s) from City Officials showing the Preliminary Plat is approved.

Section 6. Final Plat Requirements.

The plat shall be appended to the Plat Application attached hereto as Exhibit "A".

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;
 - 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) The following documents shall be required for final plat approval:

a) *Drainage Maps.* Maps showing existing and proposed topography for the watershed affecting the project. These maps must show drainage areas, waterways, proposed streets, proposed storm sewer improvements, and any other improvements which might affect drainage. Appropriate calculations showing runoff and capacity quantities shall be provided for all drainage areas and storm drainage facilities.

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

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

Section 7. 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 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.
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.

7.2 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 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 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.
5. A finding of administrative completeness is not an approval of the Plat Package.

7.3 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, and the extension will be deemed granted if the Mayor agrees to it in writing not more than 20 days after the Plat Package is received;
- the time is extended for delays caused by required decisions that are not within the City's control;
- 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. The Mayor or his/her designee must decide within 15 days of receipt of the response whether, in light of the response the Applicant has met the conditions for approval or resolved the reasons for disapproval. 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. The Mayor or his/her designee is delegated the authority by the City Council to make this determination on its behalf.

4. Notification/City's Reply

The Applicant must be given notice of the City's determination on his/her Response within 5 business days of said decision. If the Response does not meet the conditions on approval or resolve the reasons for disapproval the Mayor or his/her designee must send the Applicant a Reply as part of the notification. The Reply must state that the Application is approved with conditions or disapproved and identify the conditions or reasons with the same specificity as the initial notification of the City Council's decision, except that it cannot 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].

The period during which a plat approved with conditions or disapproved can be responded to by the Applicant is not clearly stated by the law, but in no circumstance may such period exceed two (2) years.

If 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 approve the Plat Package, and to execute a certificate approving the Plat as the act and deed of the City Council.

If the Mayor or his/her designee 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 application is deemed approved by law.

If a Plat is deemed approved by operation of law, the Mayor shall obtain the Certificate(s) from City Officials showing the Plat is approved.

7.4 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 Mayor or his/her designee 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 8A. 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 Depository 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.).

Section 8B. 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 9. 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.
- c) However, a Minor Plat may require submission of drainage and other submissions based on the topography, size, and nature of proposed use of the Property. The need for such information is determined by the City Engineer in the exercise of professional judgment.
- d) After review and approval by the City Engineer, a minor plat or amending plat may be approved by the 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.

Section 10A. 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.

Section 10B. 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 11. Lot and Block Size and Arrangement; Set-Backs.

Minimum Lot Size, Set-Backs, and Arrangement

a) Single Family Dwelling

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

b) Duplex

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

c) Other Multi-Family

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

d) Commercial

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

e) Block Length.

Block length shall not exceed 1,000'.

f) Access.

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

g) Arrangement.

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

Section 12. 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 tum 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 tum 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 12.5 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 reinstated 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 13. 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 14. 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 15. Fees.

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

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

A certificate or receipt shall be made by the City Secretary showing that the fees provided for herein have been paid prior to the submission of a plat to the Council.

Section 16. Variances.

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

Hardship does not exist merely due to not being able to realize a greater economic benefit.

Furthermore, a hardship caused by the developer's own actions generally cannot support a variance.

In all variance determinations, paramount consideration should be given to the effect on other landowners and municipal infrastructure. Consideration must also be given to the regulations of the City, and the extent to which a variance would undermine the underlying purposes of the regulation from which a variance is sought.

Section 17. 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 18. Violation an Offense/Penalty.

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

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

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

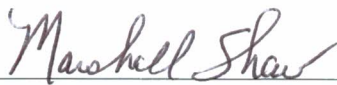
Section 19. Severability Clause.

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 20. Effective Date.

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

PASSED and APPROVED this 12th day of September, 2023.



Mayor
City of Riesel, Texas

Attest:



City Secretary



Exhibit A

CITY OF RIESEL, TEXAS PLAT APPLICATION

APPLICANT(S)

1. Owner: _____
Address: _____
City, State, ZIP: _____
Phone No. _____
EMAIL: _____

2. Applicant/Representative Name: _____
Title: _____
Phone No. _____
EMAIL: _____

This Application is submitted by:
Printed Name: _____
Signature: _____
Date: _____

Nature of Plat

_____ Final Plat _____ Replat _____ Minor Plat _____ Amending Plat
_____ Other: _____

Description of Property to be subdivided:

Common Address: _____
Property Description – Attach _____
Total Acres: _____

Proposed Subdivision

Total No. of Lots: _____
Average Lot Size: _____
Total Linear feet of Any Road Improvements: _____
Type of Road (concrete, asphalt, etc.): _____

Attach Plat and All Submissions Required by the City’s Subdivision Ordinance.

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? _____

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 Surveyor 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.
 - 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 Plat

- Application
- Final Plat Fee
- Final 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;
- 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.