

COPY

ORDINANCE NO. 2003 - 6

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BEASLEY BY REPEALING THE PRESENT PROVISIONS OF ORDINANCE NO. 63, DATED AUGUST 16, 1983, ENTITLED "LAND SUBDIVISIONS," IN THEIR ENTIRETY AND ADOPTING A NEW ORDINANCE NO. 2003-6, ENTITLED "LAND SUBDIVISIONS," IN PLACE THEREOF.

**WHEREAS**, the City Council of the City of Beasley has continuously studied the present provisions of the Code of Ordinances of the City of Beasley; and

**WHEREAS**, the City Council finds and determines that it is necessary, proper and in the best interest of the citizens of the City to repeal, delete and rescind for all purposes Ordinance No. 63, dated August 16, 1983, "Land Subdivisions," in its entirety and adopt a new Ordinance No. 2003-6 entitled "Land Subdivisions," in place thereof; and

**WHEREAS**, a public hearing was held in accordance with the requirements of the Texas Local Government Code;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEASLEY, TEXAS AS FOLLOWS:**

Section 1. That the current provisions of Ordinance No. 63, dated August 16, 1983 of the Code of Ordinances of the City of Beasley, Texas, entitled, "Land Subdivisions," are hereby repealed in their entirety and that the Code of Ordinances is hereby amended by adding thereto a new Ordinance No. 2003-6 entitled "Land Subdivisions," as follows:

**ARTICLE I. IN GENERAL**

**Sec. 21-1. Definitions.**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word "shall" is always mandatory, while the word "may" is merely directory. The city council reserves to itself the power, duty and responsibility to interpret, define and/or provide such modification to this ordinance or any provision thereof that the city council shall be called upon from time to time to provide. Such interpretation, definition and/or modification as shall be provided by action of the city council shall constitute an amendment to this ordinance.

*Access easement* shall mean an easement designated on the final plat, whether or not so named, which provides access to platted tracts excepting single family and duplex residential. The easement shall meet all of the requirements as set forth for a dedicated street, including but not limited to construction standards, width, building lines, and function, but shall be privately maintained.

*Administrative officer* shall mean the person who is designated by the city council to administer this ordinance and is responsible for coordinating the review of all plats and construction documents.

*Alley* shall mean a minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

*Amending plat* shall mean a plat which is controlling over the preceding plat without vacation of that plat, which is submitted for approval of certain dimensional and notational corrections and lot line adjustments under the provisions of the Texas Local Government Code. An amending plat is a final plat.

*Block* shall mean a tract or parcel of land designated as such on a duly recorded plat and may be entirely surrounded by public streets or by a combination of public streets and public parks, cemeteries, railroad rights-of-way, or natural or manmade physical features that disrupt what would otherwise be an unbroken landscape (for example, ditches, gullies, ridges, etc.).

*Building* shall mean any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, machinery, equipment, or movable property of any kind.

*Building line or building setback* shall mean the line within the property defining the minimum horizontal distance between a building or other structure and the adjacent street line and other property lot lines, including side or rear property lines.

*City Engineer* shall mean the registered professional engineer or firm of registered professional consulting engineers that has been specifically designated as such by the city.

*Collector Street* shall mean street routes that have short travel distances and collect traffic from intracity streets and funnel it into major thoroughfares and other collector streets.

*Commission* shall mean the planning commission of the city. The commission is appointed by the city council to act on subdivision plats, planning issues, and such other matters as shall be from time to time referred to the planning commission by the city council.

*Comprehensive/Master plan* shall mean the comprehensive plan, including all its revisions, of the city and adjoining areas as adopted by the city council and the commission as a guide to future development. This plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water, sewer, and other private developments and improvements. The comprehensive plan may also be defined as a series of plans such as the thoroughfare plan, water and sewer plan, and annexation plan, among others.

*Condominium* shall mean joint ownership and control, as distinguished from sole ownership and control of specified horizontal layers of air space; each condominium unit is individually owned, while the common elements of the condominium building, structure or development are jointly owned; may be commercial, industrial, recreational, or residential.

*County Commission* shall mean the duly and constitutionally elected governing body of Fort Bend County.

*Crosswalk* shall mean a public right-of-way not more than six (6) feet in width between property lines which provides pedestrian circulation.

*Cul-de-sac* shall mean a street having but one (1) outlet to another street and terminated on the opposite end by a vehicular turnaround.

*Dead end street* shall mean a street, other than a cul-de-sac, with only one (1) outlet.

*Design standards* shall mean such general requirements as shall be from time to time promulgated by the building official and the city for the design of public improvements and private improvements that connect to or affect the public infrastructure.

*Developer* shall mean any person subdividing a tract or parcel of land to be sold or otherwise handled for their own personal gain or use.

*Development* shall mean a planning or construction project involving substantial property involvement and usually including the subdivision of land and change in land use character.

*Double front lot* shall mean a building lot, not a corner lot, which has frontage on two (2) streets that are parallel or within forty-five (45) degrees of being parallel to each other.

*Easement* shall mean an area for restricted use on private property upon which a public utility shall have the right to remove and keep removed all or part of any building, fences, trees, shrubs, or other improvements or growths which in any way endanger, tend to endanger, or interfere with the construction or maintenance, or efficiency of its respective systems on any of these easements. The public utility shall at all times have the right of ingress and egress to, from and upon the said easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity of procuring the permission of anyone. The ownership or title to the land encompassed by the easement is retained by the owner.

*Engineer* shall mean a person duly authorized under the provisions of the Texas Engineering Registration Act, as amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans, specifications and documents for subdivision development.

*Extraterritorial jurisdiction*, within the terms of the Texas Municipal Annexation Act, shall mean the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the city, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated city, in which area, within the terms of the act, the city may enjoin the violation of its Code.

*Filing date (commission)* shall mean the date when all necessary forms, fees, and copies are submitted for review, recommendation and approval by the commission, and such forms, fees and requirements are acknowledged as being complete by letter or certificate issued by the city to or in favor of the developer or applicant.

*Filing date (city council)* shall mean the date the commission recommends approval of the plat to the city council.

*Filing fee* shall mean the prescribed plat and lot fee rates, as shall be from time to time established and promulgated by the city council, to accompany the filing with the commission for preliminary and final subdivision plats.

*Final plat* shall mean a map or drawing of a proposed subdivision prepared to meet all of the requirements for approval by the commission and city council. Distances shall be accurate to the nearest hundredth of a foot. The final plat of any lot, tract, or parcel of land shall be recorded in the records of the county. An amended plat is also a final plat.

*Fire lane* shall mean a required access for emergency vehicles to be shown on the plat as a privately maintained easement providing public access.

*Front or frontage* shall mean that portion of a tract of land, which abuts on a public street to which it has direct access.

*Land plan* shall mean a general, conceptual or master plan for an area proposed for partial or complete subdivision. The land plan shall show the proposed locations of land uses, streets, phasing of development, important physical features, and other applicable information for the entire area to be subdivided.

*Lot* shall mean a divided or undivided parcel of land having frontage on at least one public street which is or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as distinct and separate; and which is identified by lot number and block number or symbol in a duly approved subdivision plat which has been properly filed for record.

*Lot area* shall mean the total area, measured on a horizontal plane, included within the lot or property line.

*Lot depth* shall mean the length of a straight line connecting the midpoint of the front and rear lot lines.

*Lot width* shall mean width of the lot at the front building setback line.

*Major Thoroughfare Plan* shall mean the comprehensive plan of highways, major thoroughfares, and collector streets as a part of the city's comprehensive plan and adaptations, amendments, or supplements thereto as adopted by the commission and city council.

*Major thoroughfare* shall mean a public street which is designed for and used for fast or heavy traffic, or is intended to serve as a major traffic way of considerable continuity, and is designated as such upon the most recent plan for major thoroughfares of the city, as adopted by the commission and city council.

*Minor street* shall mean any public street which is not classified as a major thoroughfare or collector street.

*Multi-family dwelling* shall mean a structure designed to contain three or more complete separate living facilities for single-family occupancy. Multi-family dwellings shall include apartments and condominiums and shall be platted accordingly.

*One-foot reserve* shall mean a buffer strip established within the public street right-of-way and adjacent un-subdivided acreage to prevent access to the public street right-of-way for a street on or parallel to the plat boundary. When the adjacent property is platted the one-foot (1') reserve becomes vested in the public for street right-of-way purposes.

*Patio home or zero lot line home* shall mean a single family detached dwelling unit that requires a zero building line on one side and a minimum ten-foot (10') side yard on the other. There shall be right to access from the side yard adjoining the zero lot line for maintenance purposes, and there shall be only one detached dwelling unit per platted lot, which shall be individually owned.

*Pavement width* shall mean the portion of a street available for vehicular traffic. Where curbs are laid it shall be from back of curb to back of curb.

*Person* shall mean any individual, association, firm, corporation, governmental agency, or political subdivision.

*Planned unit development* shall mean a form of development which promotes the development of a tract of land in a unified manner and which may allow for certain variances from the established development standards for lot sizes, lot width and building lines, as established in this ordinance. Town homes, patio homes, cluster homes, condominiums and multi-family developments may be considered a planned unit development.

*Plat* shall mean a map, drawing, chart, or plan showing the layout of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainage ways, building lots, easements, alleys, or any similar type of plat, which a developer submits for approval and a copy of which he intends to record in final form.

*Plat certificate* shall mean a certificate issued upon approval and recordation of the subdivision certifying that the subdivision has met all the requirements for a plat.

*Preliminary plat* shall mean a map or drawing of a proposed subdivision illustrating the features of the development for review and recommendation by the commission, but not suitable for recordation in the county records.

*Principal building* shall mean the building in which the principal use of the lot which it is located on is conducted. All residential uses are principal uses.

*Public easement* shall mean a right granted or dedicated to the public or governmental agency in, on, across, over, or under property for a specified use by an instrument or map duly recorded in the records of the county.

*Public street* shall mean a right-of-way dedicated to public use for pedestrian and vehicular traffic and public utility purposes.

*Record plat* shall mean a plat of any lot, tract or parcel of land that is recorded with the county clerk following final approval by the city council.

*Replat* shall mean the resubdivision of all or any part of any block or lots of a previously platted subdivision.

*Reserve* shall mean a tract, parcel, or unit of land not physically divided, which may have frontage on a public street, and which is, or in the future may be, offered for sale, conveyance, transfer, lease, or improvement which is designated as a distinct separate tract and which is identified by a reserve symbol on a duly approved subdivision plat that has been properly recorded with the county.

*Sidewalk* shall mean a paved pedestrian walkway parallel to a street right-of-way line or street pavement edge, which walkway shall be constructed within the right-of-way of any public street.

*Single-family dwelling unit* shall mean a building containing one (1) dwelling unit that is designed to be occupied by one family, and there shall be only one (1) such dwelling unit per platted lot.

*Street* shall mean a public right-of-way, however designated, which provides vehicular circulation and access to adjacent property.

- (1) A major thoroughfare means a principal traffic artery or trafficway, usually of more or less continuous routing over long distances, whose function is to serve as a principal connecting street with state and federal highways, and shall include each street designated as a major thoroughfare on the major thoroughfare plan of the city or so designated by the commission and city council. Minimum width of right-of-way shall be eighty feet (80').
- (2) A collector street means a street whose function is to collect and distribute traffic between major thoroughfares and minor streets. It is not necessarily of continuous routing for long distances, has intersections at grades, provides direct access to abutting property, and shall include each street designated as a collector street on the thoroughfare plan or so designated by the commission and city council. Minimum width of right-of-way shall be seventy feet (70').

- (3) A minor street means a street whose function is to provide access to abutting residential property within neighborhoods, with all intersections at grade, and not of continuous routing for any great distance so as to discourage heavy, through traffic. Minimum width of right-of-way shall be sixty feet (60').

*Subdivision* shall mean any division of property for which a plat is required to be approved and recorded under the provisions of Chapter 42 and Chapter 212 of the Texas Local Government Code and under this ordinance. The word subdivision shall mean any division of any tract of land situated within the corporate limits of the city or within the city's extraterritorial area of such limits, into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition of the city or for laying out suburban lots or building lots, or any lots, streets, alleys, or parts or other portions intended for public use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision shall include resubdivision and, when in context, shall relate to the process of subdividing or to the land or area subdivided. Resubdivision shall mean the division of any existing subdivision, together with any change of lot size therein, or with the relocation of any street lines. A subdivision, subject to the regulations of this ordinance, shall not include a division of land into parts greater than five (5) acres, where each part has access and no public improvement is being dedicated. Such larger divisions of land where no tract is created greater than five (5) acres shall not be subject to the regulations of this ordinance and may occur only subject to such minimum regulations as may be from time to time provided and required by the city or such other legal authority.

*Surveyor* shall mean a registered professional land surveyor, as authorized by statutes, to practice the profession of surveying.

*Townhouse* shall mean a single-family residential unit that shares at least one (1) common or party wall with another unit. There shall be only one (1) such dwelling unit per platted lot. Each unit and the platted lot upon which it stands shall be individually owned, subject to a party wall agreement with the adjacent owner. In addition to individually owned lots as described herein, townhouse developments generally are cluster developments or planned unit developments in which there is land, and in some cases, facilities that are owned in common by all of the townhouse owners within the same subdivision.

*Tract* shall mean the same as a lot and shall be subject to the same platting requirements.

#### **Sec. 21-2. Authority; scope of provisions.**

The commission of the city, under such requirements, limitations and/or restrictions as are provided in this article, shall have the power and authority to recommend to the city council approval of plats for subdivisions within the corporate limits of the city and for a distance surrounding the corporate limits of the city within the extraterritorial jurisdiction of the city as authorized by Chapter 212, Texas Local Government Code.

#### **Sec. 21-3. Penalties.**

The penalty upon conviction for violation of this ordinance shall be by fine.

#### **Sec. 21-4. Interpretation and purpose.**

(a) In the interpretation and application of the provisions of these regulations, it is the intention of the city council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the city and its extraterritorial jurisdiction. It is the purpose of this ordinance to provide for the orderly, safe, and healthful development of the area within the city and its extraterritorial jurisdiction and to promote the health, safety, morals and welfare of the community.

(b) The city council at all times reserves to itself the power, duty and responsibility to provide such interpretation, meaning and understanding as shall be from time to time deemed desirable as to the intent, understanding and/or application of this ordinance or any provision hereof, and the decision of the city council

as may be expressed in any ordinance adopted from time to time shall be deemed controlling on all parties hereto as if the same had been repeated verbatim herein.

**Sec. 21-5. Application of regulations.**

(a) No plat of a subdivision within the corporate limits or extraterritorial jurisdiction necessary for recording with the county clerk shall be approved by the city or any city official unless the same has been recommended by the commission and approved by the city council. It shall accurately describe the property to be conveyed or developed and be prepared in accordance with the subdivision regulations of this Ordinance, current design standards and other applicable ordinances notwithstanding any other provisions in this Ordinance to the contrary.

(b) No building permit, certificate of occupancy, plumbing permit, electrical permit, utility tap, or any other permit or authority required or permitted under this Ordinance may be issued or granted, nor shall acceptance of required public improvements within the corporate limits be permitted, without a recorded plat as provided herein.

(c) Any subdivision within the city and its extraterritorial jurisdiction shall conform to the subdivision regulations, current design standards of the city, and other applicable ordinances and standards that may be existing at the date of final enactment of this ordinance or any amendments thereto that may be from time to time adopted.

(d) The following procedures shall be followed before any utility service connection, including but not limited to water, gas, sewer and electricity, may be made or any such utility service provided:

(1) Upon written request of an owner of land or a public utility, the city shall make the following determinations regarding the owner's land or the land in which the public utility is interested and that is located within the platting jurisdiction of the city:

a. Whether a plan, plat or replat is required by law; and

b. if a plan, plat or replat is required, whether it has been prepared as required and approved by the city council.

Such request must identify the land by a metes and bounds legal description prepared by a registered professional land surveyor, and the physical, common or street address of the property which is the subject of the request.

(2) If the city determines that a plan, plat or replat is not required, the city shall issue to the requesting party notice of that determination. If the city determines that a plan, plat or replat is required and that such a document has been prepared, reviewed and approved by the city council, the city shall issue to the requesting party notice of that determination.

(3) For purposes of this subsection only, the following definitions shall apply:

a. *City* shall mean the or other appropriate city official, as designated from time to time.

b. *Public utility* shall mean any entity, other than a municipality, that provides water, sewer, electricity, gas or other utility services.

(e) No plat shall be approved and/or signed by any municipal official as a prerequisite for filing with the county clerk or building permit or other legal authority for development or any part thereof unless all improvements have been approved in accordance with the subdivision regulations as set out in this ordinance,

the current design standards as may be from time to time prepared and promulgated by the city, or other legal authority.

**Sec. 21-6. Subject developments.**

(a) The provisions of the subdivision regulations of this ordinance and the current design standards shall apply to the following forms of land subdivision and development activity:

- (1) The division of land into two or more lots, tracts, reserves, sites or parcels;
- (2) All subdivision of land which was outside the jurisdiction of the subdivision regulations of the city and which subsequently came within the jurisdiction of the subdivision regulations of the city through annexation or extension of the extraterritorial jurisdiction of the city;
- (3) The division of land previously subdivided or platted into tracts, sites or parcels and not recorded that were subject to and not in accordance with adopted city subdivision regulations in effect at the time of such subdividing or platting;
- (4) The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots;
- (5) The dedication or vacation, when no appropriation by use, entry or improvement has been made, of streets, fire lanes and alleys through any tract of land regardless of the area involved;
- (6) The vacation of a previously recorded subdivision plat;
- (7) Permanent public or semi-public spaces such as golf courses, recreational uses, institutional uses, schools, open spaces or park areas, and similar uses; and
- (8) Any other development on an undeveloped or semi-developed site within the corporate limits or extraterritorial jurisdiction of the city.

(b) In the event a reasonable question shall exist at any time as to whether a proposed division of land is subject to the provisions of this article, the city council is hereby vested with full power and authority to make such determination and the decision thereon shall be on the property owner thereof.

**Sec. 21-7. Exemptions.**

(a) The provisions of the subdivision regulations of this ordinance shall not apply to:

- (1) Land legally platted and approved prior to the effective date of the subdivision regulations of this ordinance except as otherwise provided herein (construction of facilities shall conform to the current design standards in effect at the time of construction);
- (2) Existing cemeteries complying with all state and local laws and regulations (exemptions do not apply to new cemeteries or expansion of existing cemeteries);
- (3) Divisions of land created by order of a court of competent jurisdiction;
- (4) Divisions of land into parts greater than five (5) acres where each part has access and no public improvement is being dedicated (see Section 212.004(a) of the Texas Local Government Code); and
- (5) Subdivision development that is exempt by other law.



(b) If platting is not required, the city may, upon proper application and the submission of such information as shall be deemed necessary authorize the issuing of building permits or site plan approval.

#### **Sec. 21-8. Variances.**

(a) The commission shall review the variance request and make a recommendation to the city council. The city council may then authorize a variance from these regulations when in its opinion undue hardship will result from requiring strict compliance. The applicant shall have the responsibility of proving that compliance would create a hardship. In granting a variance, the city council may prescribe conditions that it deems necessary or desirable to the public interest. Any conditions that are prescribed shall be deemed continuing and shall be placed of record in the office of the county clerk either on the face of the subdivision plat or as an attachment thereto. The city council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon public health, safety, convenience, and welfare in the vicinity. No variance will be granted unless the city council finds that an undue hardship exists. The following conditions must be present for consideration:

- (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;
- (2) The granting of the variance will not be detrimental to the public safety or welfare, or injurious to other property in the area;
- (3) The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this ordinance; and
- (4) A more appropriate design solution exists which is not currently allowed in this ordinance.

(b) A variance may not be granted in such cases where the only evidence for the granting of the variance is the loss of a potential profit at the time of the lot development and build out. Economic hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

(c) Such recommendations of the commission and findings of the city council, together with the specific facts on which such findings are based, shall be incorporated in the official minutes of the commission and the city council meetings at which such variance is recommended or granted. Variances may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety and welfare may be secured and substantial justice done. The city council may reach a conclusion that a hardship exists if it finds that:

- (1) The applicant complies strictly with the provisions of this ordinance, and no other reasonable use of the property may be made except for the use that is proposed and recommended;
- (2) The hardship to which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
- (3) The hardship relates to the applicant's land, rather than personal circumstances;
- (4) The hardship is unique to the property, rather than one shared by many surrounding properties; and
- (5) The hardship is not the result of the applicant's own actions or neglectful conduct.

(d) In granting variances, the city may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. All conditions as are imposed shall be placed of record on the face of the subdivision plat or may, as an alternative thereof, be placed of record by separate instrument duly filed for record with the subdivision plat in the office of the county clerk.

(e) A variance may, at the sole discretion of the city council, be issued for an indefinite duration or for a specified period of time.

(f) All conditions imposed by the city council are enforceable in the same manner as any other applicable requirement of this ordinance.

**Sec. 21-9. Duty of owner, subdivider.**

It is the responsibility of the applicant for a subdivision plat to obtain such information and/or documentation as shall be necessary to ensure that the application is in accord with the provisions of this ordinance and all other law. In this regard, it is suggested that the applicant for a subdivision plat first confer with the city and obtain such written information as may be available from the city prior to making an application for subdivision plat approval and/or submitting any documents to the city for approval. The applicant shall be solely responsible for knowledge of all applicable law, policies and/or procedures as may be then promulgated by the city.

**Sec. 21-10. Application for approval.**

Before a subdivision of any tract of land shall occur where the same is divided into two (2) or more tracts to sell or develop the same into separate parcels, or before any permit for the erection or placement of a structure, or for any other reason as may be required by this ordinance, the subdivider, owner, or proper agent thereof shall apply in writing to the city for initial consideration by the commission for approval of a land subdivision. The application of the subdivider, owner or agent shall conform to requirements of this ordinance.

**Secs. 21-11–21-30. Reserved.**

**ARTICLE II. PROCEDURES AND REQUIREMENTS**

**Sec. 21-31. Purpose.**

The purpose of this article is to establish the procedures and requirements for the submittal, review, recommendation, consideration and action by the commission and the city council on a request for subdivision plat approval and to provide the procedures necessary to ensure the orderly processing of the application for subdivision plat approval in the city and its extraterritorial jurisdiction.

**Sec. 21-32. Pre-application.**

Prior to submitting an application for subdivision plat approval, the applicant or subdivider may contact the city to obtain information and assistance in land subdivisions before preparing a land plan or the preliminary plat and filing a formal application for approval with the city.

**Sec. 21-33. Land plan approval.**

(a) *General requirements.* A land plan consisting of a general plan, master plan, and/or concept plan shall be submitted to the administrative officer for review by the commission prior to or in conjunction with the submittal of any preliminary plat, except as noted below, for any tract of land over fifty (50) acres in size. If the administrative officer determines that an area less than fifty (50) acres contains unique features or is surrounded by existing or proposed subdivisions with potential limited access, a land plan may be required to be

reviewed prior to the preliminary or final plat submittal. The decision of the administrative officer to require a land plan shall be deemed final and binding as a condition prerequisite to further review of the proposed subdivision plan.

(b) *Purpose.* The purpose of the land plan is to allow the commission to review the proposed major thoroughfare and collector street patterns, land use, environmental issues, conformance to the comprehensive master plan, the property's relationship to adjoining subdivisions or properties, as well as such additional developmental or infrastructure review as deemed necessary by the city.

(c) *Partial development.* Where a phased or partial development is proposed, the land plan area shall include the entire property from which the initial or any subsequent phase is being subdivided. Where the applicant can demonstrate that natural or manmade features, such as creeks and thoroughfares, make unnecessary the inclusion of the entire property in the land plan to adequately review the proposed subdivision for compliance with all of the terms and provisions of this ordinance, the subdivider may request approval from the commission for a submittal of a smaller land plan area. Boundaries such as thoroughfares (existing or proposed), creeks, political subdivisions, or other such natural or man-made features may be used to delineate the smaller land plan area.

(d) *Not required.* A land plan shall not be required if the preliminary plat(s) contains sufficient information to provide for the proper coordination of development.

(e) *Application and fees.* The submittal of the land plan shall be accompanied by the completed application and submittal fees as from time to time are specified and required by the city.

(f) *Traffic impact analysis.* Any land plan or subdivision plat involving a change to a proposed thoroughfare plan must be preceded by submission for approval of a traffic impact analysis if required by the administrative officer and in such format and under such procedures as the administrative officer may from time to time require or specify. Failure to provide a traffic impact analysis and/or traffic study or to meet any other requirements that may be imposed by the administrative officer shall be grounds to deny the filing of any subdivision plat tendered or offered for filing.

(g) *Effect of approval.* The approval of the land plan by the commission shall not be deemed to grant or vest in the applicant any approvals or grants other than as specifically provided in this ordinance and does not constitute approval of the subsequent plats within the plan boundaries.

(h) *Graphic requirements.* The following are the graphic requirements of a land plan:

- (1) A scale of 1" = 200' or 1" = 400'.
- (2) A title block within the lower right corner of the land plan.
- (3) A vicinity or location map that delineates the location of the proposed subdivision with respect to major thoroughfares, freeways, water courses and ditches. The vicinity map shall be located in the upper right corner of the drawing or map.
- (4) Proposed name of the development.
- (5) The name and address of the subdivider and the land planner, engineer, or surveyor responsible for the design or survey.
- (6) A graphic scale indicating the scale at which the drawing is prepared.
- (7) Date of the drawing.

- (8) The legal description of the tract according to the abstract and survey records of the county.
- (9) North clearly indicated to the top or left of the plan.
- (10) The perimeter of the boundary drawn in a bold solid line.
- (11) The names of adjacent additions or subdivisions with respective recording information and/or owners of adjoining parcels of unplatted land with respective recording information.
- (12) The existing zoning on adjoining land, where applicable.
- (13) The recommended land use on adjoining land, as determined in the comprehensive master plan of the city.
- (14) The location, width and names of all existing or platted streets or other public rights-of-way within and/or adjacent to the tract.
- (15) Existing permanent buildings.
- (16) Railroad rights-of-way.
- (17) Topography with contours at five-foot (5') intervals.
- (18) Existing drainage channels or creeks and other important natural features.
- (19) Existing pipelines, fee strips and easements.
- (20) Adjacent political subdivisions and corporate limits.
- (21) Applicable district boundaries.
- (22) The proposed layout and width of proposed thoroughfares, collector streets and minor streets.
- (23) Designation of tracts as lots or reserves in accordance with anticipated usage.

**Sec. 21-34. Preliminary plat.**

(a) *General requirements.* A preliminary plat of any proposed subdivision shall be submitted for commission review and recommendation for approval in compliance with the schedule and requirements set forth in this ordinance and as set forth below.

- (1) The preliminary plat shall be accompanied by the completed application as provided and appropriate fees at least fourteen (14) days prior to the commission meeting at which it is to be considered.
- (2) Four (4) copies of prints of the proposed subdivision on sheets at a size of twenty-four inches by thirty-six inches (24" X 36") and drawn to a minimum scale of one hundred feet to the inch (1" = 100') and four (4) copies of the print reduced to a size of eleven inches by seventeen inches (11" X 17") shall be submitted.

(3) The preliminary plat shall show all designated land uses, lots or reserves, on the face of the plat in accordance with the approved land plan and all approved comprehensive, water, sewer, and thoroughfare plans.

(4) The preliminary plat shall be prepared by a licensed professional engineer or a licensed professional land surveyor.

(5) The preliminary plat shall include preliminary plans for the following:

- a. Water distribution system;
- b. Sewerage collection system; and
- c. On-site and off-site drainage system.

(6) The commission shall be furnished with copies of letters from the officers and individuals named herein verifying contact and specifying that review has occurred and the activity as herein specified has been successfully completed:

- a. The engineer stating that the proposed subdivision is in compliance with the drainage requirements of the city.
- b. All applicable utility companies including gas, electrical and telephone, stating that these companies have knowledge of the proposed subdivision and are currently negotiating the necessary service easements and acknowledging receipt of the preliminary plat for the purpose of establishing easements.
- c. Any other applicable district or entity with jurisdiction in the area verifying adequate capacities and applicable fees.

These verification letters must be received prior to final plat approval by the commission or at such other time as may be specified by the commission.

(b) *Study and report.* The administrative officer shall initiate a study of the preliminary plat and give a written report to the commission before its consideration for recommendation. The subdivider or his designated representative shall be provided, upon request, with a copy of this report prior to the commission meeting.

(c) *Action by commission.* Following review of the preliminary plat and other material submitted, as well as discussions with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the commission may act thereon as submitted, or modified, if found by the commission to be in full compliance with the terms and provisions of this ordinance and in the best interest of the city in accordance with the requirements of law.

(1) If recommended, the commission shall so state its recommendation or state the conditions for such recommendation, if any, or if not recommended, its reasons therefor.

(2) The subdivider or developer is responsible for the resolution of the review conditions and any additional requirements of this ordinance and other applicable ordinances.

(3) Failure of the applicant and/or developer to resolve or remedy any question or issue raised by the commission and/or provide additional documents to complete the review process as shall be required by the commission for a period of 30 days after the date the conditions have been imposed shall be deemed automatic withdrawal of the application for subdivision

plat approval previously submitted by the subdivider/applicant and no fees or cost previously paid shall be refunded by the city.

(d) *Effect of approval.* Recommendation of a preliminary plat by the commission shall be deemed an expression of conditional approval to the layouts submitted on the preliminary plat as a guide for the preparation of the final plat and the future installation of streets, water, sewer, and other required improvements and utilities and to the preparation of construction plans.

(e) *Duration of approval.* Approval of a preliminary plat shall be effective for one hundred-eighty (180) days.

(f) *Commencement of work.* No construction work shall begin on the proposed improvements in the proposed subdivision prior to the approval by the commission and the city council and recordation of the final plat. The subdivider may at his own risk undertake certain ground excavations for clearing, grading and drainage purposes. Any required permits shall be issued prior to commencement of work.

(g) *Not required.* A preliminary plat shall not be required if the proposed subdivision meets the criteria as set forth for short form final plats.

(h) *Additional requirements.* Any plat within the extraterritorial jurisdiction of the city shall also be subject to county platting requirements and the more restrictive requirements shall govern.

(i) *Variations.* A variance request, if applicable and there is justification for same, shall be provided on the application form provided by the city.

(j) *Graphic requirements.* Preliminary plats which do not include the following data and information will be considered incomplete and may not be accepted for submission by the city. The required copies or prints of the proposed subdivision shall include the following:

(1) In cases of large developments which would exceed the dimensions of the sheet of one hundred feet to the inch (1" = 100') scale, preliminary plats may be two hundred feet to the inch (1" = 200') or a scale approved by the administrative officer. A graphic scale shall be shown on the plat.

(2) A vicinity or location map that delineates the location of the proposed subdivision with respect to major thoroughfares, freeways, water courses and ditches. The vicinity map shall be located in the upper right corner of the drawing.

(3) The boundary lines, abstract lines, survey lines, corporate boundaries, district boundaries, existing or proposed highways and streets.

(4) The name and location of all adjoining subdivisions or property owners shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, easements and alleys and other features that may influence the layout of development of the proposed subdivision. Adjacent unplatted land shall show property lines and owners of record.

(5) The location and widths of all streets, alleys, railroads and easements existing or proposed within the subdivision limits, and the manner in which such streets, alleys and easements may eventually connect with those of the nearest existing subdivision. A copy of the proposed subdivision restrictions and/or covenants that are anticipated to be filed for record and will constitute encumbrances on the subject property.

(6) Proposed street names are suggested but not required. Street names are required at the time the final plat is approved.

- (7) The location of all existing property lines, existing lot and block numbers and date recorded; existing buildings; existing drainage facilities, utilities, and pipelines showing pipe sizes and capacities of sewer or water mains, gas mains, or other underground structures, whether public or private, easements of record; or other existing features within the area proposed for subdivision.
- (8) Proposed arrangement of lots (including lot and block numbers in accordance with a systematic, consecutive numbering arrangement) and proposed use of same and their relationship to streets, alleys and easements in adjacent subdivisions. Any nonresidential reserves shall also be shown.
- (9) The title under which the proposed subdivision is to be recorded; the name of the city, county, and state in which the subdivision is located; the name and complete address of the owner; and the name and complete address of the land planner, engineer, or registered professional land surveyor preparing the drawing shall be located in the lower right corner. The subdivision name shall not be duplicated, but phasing identification is allowed. The administrative officer shall determine if the proposed subdivision identification will be in conflict with existing plats. The description of the property shall include the approximate acreage.
- (10) Sites, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public use.
- (11) North arrow, date, scale, and other pertinent data oriented to the top of the sheet.
- (12) All physical features of the property to be subdivided including location and size of all natural and artificial water courses, ditches, ravines, culverts, and bridges; 100 year flood plain according to Federal Emergency Management Agency information; the outline of major wooded areas or the location, species and sizes of major specimen trees of thirty inches (30") or greater in diameter; and other structures or features pertinent to subdivision.
- (13) All preliminary plats shall be submitted in legible format on a good grade blue line or black line paper.
- (14) Proposed or existing boundaries, including but not limited to zoning districts, municipal utility districts and/or other districts or authorities created under the provisions of law.

**Sec. 21-35. Final plat.**

(a) *General requirements.* The final plat and engineering construction drawings and specifications are required for any area in the city or its extraterritorial jurisdiction and shall meet the following requirements:

- (1) The final plat shall be in general conformance with the preliminary plat as recommended and shall incorporate all conditions, changes, directions and additions recommended by the commission and if not directly incorporated, the terms or provisions thereof shall be inscribed on the face of the plat and/or set out on separate writing to be filed for record with the plat. The final approval of the plat shall be by the city council. If the subdivision is in the city's extraterritorial jurisdiction, it shall also be approved by the county commissioners court. The final plat shall not be submitted for city council approval until detailed engineering construction plans have been submitted for approval by the city.
- (2) The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and then develop. Such portion shall conform to all the requirements of the regulations of this ordinance.

(3) The final plat and construction plans shall be submitted for review and recommendation by the commission at least fourteen (14) calendar days prior to a regularly or specially scheduled meeting at which they are to be considered.

(4) Four (4) copies of prints of the proposed subdivision on sheets at a size of twenty-four inches by thirty-six inches (24" X 36") and drawn to a minimum scale of one hundred feet to the inch (1" = 100') and four (4) copies of the print reduced to a size of eleven inches by seventeen inches (11" X 17") shall be submitted. The submittal shall include the following:

- a. Completed application form;
- b. Copies and reductions of the plat;
- c. Transmittal letter;
- d. Fees;
- e. Tax certificates;
- f. Title commitment of specific tract of land; and
- g. Engineering construction plans.

(5) All public utility easements shall be included as required for utility companies by the city.

(6) The final plat (and any replats) shall be prepared by a registered professional land surveyor.

(b) *Action by commission.* The commission will consider the final plat and the written recommendation and may take one of the following actions:

- (1) Recommend approval;
- (2) Recommend approval contingent upon corrections or changes to be made to the plat; or
- (3) Recommend disapproval.

(d) *Effect of approval.* In the event the commission should grant approval of a plat contingent upon corrections, the subdivider or his designated representative shall then submit the final plat with the required changes to the city for review and approval at least seven (7) calendar days prior to a regularly or specially scheduled city council meeting. The submittal shall include the following:

- (1) Four (4) full size copies and reductions of the plat;
- (2) Resolution of any contingency items recommended by the commission;
- (3) Current title report for the specific tract;
- (4) Performance bonds, letter of credit for the cost of the public improvements, or assurance of completion of the public improvements.

(e) *Action by city council.* The city council shall take action on the plat within the time period specified by the filing date pursuant to subsection (g). The action shall consist of:



- (1) Approval;
- (2) Disapproval of the plat, or
- (3) Deferral or postponement.

(f) *Filing date.* The filing date of an application for final plat approval with the city council shall be the date the commission recommends approval of the plat. However, if the commission recommends approval with contingencies, the plat will not be considered as "filed" until all contingencies have been met by the applicant. The administrative officer shall certify when contingencies have been addressed. The statutory thirty-day (30) time period shall begin when all contingencies and all submittal requirements have been completed as certified by the city council.

(g) *Resubmittal.* A substantial change to the approved final plat prior to recordation shall require resubmittal to the city council. With the approval of the mayor, minor changes including addition of easements, correction of clerical errors or omissions may be made prior to submittal for signature and recordation.

(i) *Duration of approval.* Recommendation for approval of the final plat by the commission is valid for (1) year from the date of approval. Final approval by the city council shall expire if the plat is not recorded within such time. An extension of approval may be requested in writing at least thirty (30) days prior to the expiration date and submitted to the appropriate body for consideration and approval.

(j) *Construction plans.* Prior to the submittal of the final plat for city council approval, engineering construction plans showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details of the proposed subdivision shall be submitted to the administrative officer for review by the city engineer. Two (2) copies shall be submitted with the final plat. Such plans shall be prepared by a registered professional engineer and shall conform to the current design standards, this ordinance and applicable ordinances adopted by the city.

(k) *Signature and recordation.* Following approval by the city council, the specified number of originals may be submitted for signature and the placement of the city seal. If the final plat is within the city limits, the originals shall be accompanied by the filing fee and the city shall record the final plat at the county clerk's office. If the final plat is in the extraterritorial jurisdiction, the plat originals shall be forwarded by the city to the office of the county engineer for review and action by the county commissioners court and recordation.

(l) *Commencement of work.* No construction work shall begin on the proposed improvements in the proposed subdivision prior to the approval and recordation of the final plat except as provided herein. The subdivider may undertake certain ground excavations for grading and drainage purposes if required permits are issued. Any excavation prior to approval of the final plat shall be at the subdivider's risk and any work done is to facilitate the subdivider's schedule and does not imply approval of the work. Engineering and construction plans shall also be submitted according to the current design standards, in addition to the requirements set forth herein.

(m) *Graphic requirements.* In addition to the graphic requirements for a preliminary plat the final plat shall include the following:

- (1) All final plats shall be submitted on sheets no larger than twenty-four inches by thirty-six inches (24" X 36") and to a scale not greater than one hundred feet to the inch (1" = 100').
- (2) The exterior boundary of the subdivision shall be indicated by a distinct bold line and corner marked by individual symbols.
- (3) The length and bearing of all straight lines, and the radii, arc lengths, chord length, tangent length and central angles of all curves shall be indicated along the lines of each lot or

in a curve or line table. The curve data pertaining to block or lot boundaries may be placed in a curve table showing curve number, radius, delta, arc length, chord length, and chord bearing.

- (4) The names and recording information of all adjoining subdivisions, all abutting lots, lot and block numbers and other recorded information.
- (5) Course and distance.
- (6) The names, accurate location and widths of all adjacent streets, watercourses, railroads, alleys, easements, city and utility district boundaries.
- (7) Street names shall be shown and shall not duplicate existing street names in the city or the extraterritorial jurisdiction. Extensions of streets shall have the same name as the existing street. Similar spelling or pronunciations should be avoided to prevent confusion.
- (8) The location and dimension of any utility easement adjoining or abutting the subdivision or proposed within the subdivision shall be shown. It shall be applicant's responsibility to coordinate with appropriate utility companies for placement of utility easements.
- (9) In all subdivisions and additions, sufficient permanent monuments shall be established at points to represent or reference boundary corners, angle points, and points of curvature or tangency along all street rights-of-way in the subdivision. Survey monuments shall be an iron rod or pipe not less than five-eighth inches (5/8") in diameter and thirty-six inches (36") long. Monuments shall be set flush with the top of the ground or curb. Each monument set by the surveyor shall include a cap with the surveyor's identification attached to it.
- (10) The final plat shall show a title block in the lower right corner of the sheet. The name of the subdivision, the name, address, and telephone numbers of the subdivider and engineer or surveyor, the scale and location of the subdivision, and reference to original land grant or survey and abstract numbers shall be indicated. If more than one page is required for the plat, the title block may be reduced in size on the subsequent sheets. The vicinity map is required on only one sheet.
- (11) An owner's dedication block or acknowledgment shall be attached to and be a part of the final subdivision plat and shall contain a minimum of information as required by the city. Examples of the information required on the final plat which would meet the above requirements shall be provided by the city.
- (12) A statement signed by the owner and acknowledged before a notary public as to the authenticity of the signatures.
- (13) Lien holder's certification and notarization.
- (14) A signed registered professional land surveyor's certificate.
- (15) Plat approval block for the signature of the mayor and city council and a place for the city secretary to attest such signature. A plat approval block shall also be provided for the signatures of the planning and zoning commission.
- (16) Location(s) of any existing structures to be retained shall be shown on the plat.
- (17) Any proposed reserve uses and the property dimensions shall be shown on the plat. The use of the reserve shall be specific if required by the city council.

(18) Any special restrictions shall be noted on the plat or referenced accordingly or in the general notes.

(19) General notes shall be included on the final plat as specified by the city. These notes shall appear on the same page with the layout of the subdivision and shall include, but are not limited to the following:

- a. Standard abbreviations;
- b. Finished floor elevations;
- c. Reference to U.S.C. & G.S. benchmark and description and temporary benchmark within five hundred feet (500') of the subdivision;
- d. Elevation data;
- e. Flood zone information;
- f. District boundaries;
- g. Zoning district, if applicable;
- h. Location of aerial easements; and
- i. Building permit note (if applicable).

(n) *Additional requirements.* The final plat shall comply with the following additional requirements:

(1) The subdivision plat boundaries shall be tied to existing monuments with coordinates using Texas Plane Coordinate System, South Central Zone.

(2) The city shall be provided with an AutoCAD, Release 12, .DWG file or compatible .DXF file on a three and one-half inch computer disk.

**Sec. 21-36. Short form final plats (combination preliminary and final plat).**

(a) Approval of platting under the short form procedures eliminates the necessity for a preliminary plat as required in Section 21-34. Application fees for short form platting shall be paid at the time of application.

(b) A short form platting procedure may be requested if the final plat is authorized by the mayor and president of the planning commission and meets the following requirements:

- (1) No more than four (4) lots, tracts or reserves are included.
- (2) The area to be platted lies within an existing public street circulation system already approved by the city council.
- (3) The plat does not propose to vacate public street rights-of-way or easements.
- (4) The plat does not propose creation or extension of public rights-of-way.

(5) The proposed development does not require any significant drainage improvements and, if contained wholly or partially within the 100-year flood plain, conforms to Federal Emergency Management Agency flood plain management rules.

(6) The proposed development is consistent with the thoroughfare plan and creates no significant traffic congestion on the existing public street system.

(7) The short form plat shall meet all of the requirements for a final plat in Section 21-35.

**Sec. 21-37. Administrative (minor) plat.**

The administrative plat or minor plat, as specified in the Texas Local Government Code, may be used in a limited manner in order to create or adjust property lines and/or easements as defined in the plat for the purpose of development flexibility. The minor plat shall involve four or fewer lots on an existing street and shall not require the creation of any new street or extension of municipal facilities. The administrative plat shall meet all the requirements of a short form final plat with the exception of approval by the commission.

**Sec. 21-38. Vacating of plat.**

(a) A plat or any part of a plat may be vacated by request of the owners of all the lots in the plat. In addition to the procedure outlined in Chapter 212, Texas Local Government Code, as amended, the submittal requirements for the vacation to the commission and city council are the same as for approval of a final plat.

(b) A vacated plat shall be recommended by the commission and approved by the city council. The city council may reject any vacation instrument which abridges or destroys any public rights in improvements, easements, streets, alleys or similar public areas which are deemed by the city council necessary to serve the surrounding area.

(c) An approved vacated plat must be recorded and operates to destroy the effect of the recording of the vacated plat and to divert all public rights to the streets, alleys and other public areas laid out or described in the plat.

**Sec. 21-39. Replat.**

(a) A replat is a redesign of all or a part of a recorded plat or subdivision of land that substantially changes the elements of the plat. The same procedures shall be followed as for preliminary, final or short form plat. The replat must be in accordance with Chapter 212, Texas Local Government Code. A public hearing shall be required before the commission or the city council on all residential replats when the previous plat is not vacated in compliance with the Texas Local Government Code.

(b) All proposed replats which are governed by the provisions of Chapter 212 of the Texas Local Government Code must be submitted with the following items in addition to those required for a preliminary, final or short form plat.

(1) A written statement indicating intent to seek commission approval under the requirements of Chapter 212 of the Texas Local Government Code.

(2) A current (not more than thirty [30] days old) title report, statement, opinion, title policy, certificate or letter from a title company authorized to do business in the State of Texas or from an attorney licensed as such in the State of Texas which indicates the name of the record owner of fee simple title for every piece of property required to be given written notice of such replat under the provisions of Chapter 212 of the Texas Local Government Code.

(3) A certified list (not more than thirty [30] days old) of all owners of property as such ownership appears on the last approved ad valorem tax rolls of either the city or county in

which such property is located, which are required to be given written notice of such replat under the provisions of Chapter 212 of the Texas Local Government Code. Certification for the purpose of this subsection shall be made by a title company authorized to do business in the State of Texas or an attorney licensed as such in the State of Texas.

- (4) One (1) stamped envelope addressed to each landowner indicated on either the title report or the tax roll list as required above. Each envelope shall contain a copy of the required notice as set out in Chapter 212 of the Texas Local Government Code.
- (5) An affidavit in separate writing signed by all the owners of property within the proposed replat which attests that the proposed replat "does not attempt to alter, amend or remove covenants or restrictions."
- (6) The mayor will authorize the publication of the required notification of public hearing by the city secretary after the commission establishes a date for said public hearing.
- (c) If action on a residential replat application must be deferred because sufficient written protest has been submitted, the thirty-day (30) period in which action must be taken by the city council is extended by the period of time necessary to verify the written protest.
- (d) The replat of a subdivision shall meet all the requirements for a new subdivision that may be pertinent, as provided for herein. It shall show the existing property being re-subdivided. No preliminary plat shall be required on replats if waived by the commission.
- (e) The title shall identify the documents as "Lots \_\_\_\_\_, being a replat of Lots \_\_\_\_\_ of Block \_\_\_\_\_ of the \_\_\_\_\_ Subdivision." A reason for the replat shall also be stated on the plat.
- (f) A partial replat of only the affected lots will be accepted when the conditions and/or opinions allowed by the amending plat procedure are not applicable.

#### **Sec. 21-40. Amending plat.**

The amending plat procedure shall be in accordance with Chapter 212, Texas Local Government Code.

- (a) An amending plat shall meet all of the informational requirements set forth for a final plat.
- (b) The commission may recommend and the city council may approve an amending plat, which shall be recorded and is controlling over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and the purpose, in addition to the purposes listed in the Texas Local Government Code, of the amending plat shall be:
  - (1) To combine two or more lots for the creation of a more developable site when:
    - a. No change in the platted land use category is anticipated;
    - b. No increase in the density or intensity of use is anticipated as determined by estimated traffic generation or utility demands;
    - c. Off-site stormwater runoff is neither increased nor concentrated; and
    - d. Adequate public access and thoroughfare rights-of-way exist.

- (2) To change a dedicated street name.
- (c) Notice, a public hearing, and the approval of other lot owners is not required for the approval and issuance of an amending plat.
- (d) When an amending plat is prepared, the surveyor shall be required to survey only those lots that are affected by the said changes. The surveyor shall sign the amended plat stating the lots that have changed, in addition to any other corrections that have been made.
- (e) The property owners for the lots that are changed shall be the only additional signatures necessary to the original signatures.

**Sec. 21-41. Recordation.**

Following the approval of the city council, a plat shall follow the following procedures for recordation:

- (1) Within one (1) year following the approval of the final plat by the city council, the subdivider shall submit the required number of originals to the city for signatures and recordation. The originals shall be on at least 4 mil camera positive matte finish (both sides) film. All signatures shall be clearly affixed in permanent black ink. All seals shall be affixed in permanent black ink or a raised seal.
- (2) A current title commitment for the specified tract and current tax certificate shall be submitted and verified prior to the city signatures and seals being affixed on the plat.
- (3) If the subdivision is within the city, the city shall record the plat in the county clerk's office. The subdivider shall forward a check for the appropriate amount with the submittal of the originals for signatures. If the plat is in the extraterritorial jurisdiction, the plat originals shall be forwarded by the city to the county for approval and recordation. One recorded original shall be returned to the city.
- (4) All requirements of applicable ordinances shall have been met.
- (5) The final plat shall not be submitted for recordation until detailed engineering plans have been approved by the city and/or the public improvements are complete. The approval of the plat and construction plans shall be valid for one (1) year, after which time they must be re-approved by the city, subject to current requirements before recordation.
- (6) The restrictive covenants shall be provided and the recording information shall be shown in a note on the plat.
- (7) An address map shall be provided. All addresses shall be coordinated with the appropriate utility company or the city.

**Secs. 21-42--21-50. Reserved.**

**ARTICLE III. SUBDIVISION DESIGN REQUIREMENTS (STANDARDS)**

**DIVISION 1. GENERALLY.**

**Sec. 21-51. Conformity to comprehensive master plan.**

The proposed subdivision shall conform to the projected future land use pattern as outlined by the comprehensive master plan that has been formulated and adopted by the city council.

**Sec. 21-52. City policy and general requirements.**

(a) *City policy.* The city council shall require that all land subdividers and developers shall, on all subdivisions of land in the city and within its extraterritorial jurisdiction, as that term is defined in the Texas Local Government Code, adhere to and be governed by the policies that have been established for the provision and construction of underground utilities, street improvements, alleys or easements.

(b) *General requirements.*

(1) *Water lines, sewer lines and storm sewers.*

a. The subdivider or developer shall be required to construct, at his own expense, all water lines, sewer lines, storm sewer lines, drainage ditches, detention facilities, if required, and structures in accordance with the current design standards in effect at the time of construction. This shall include all engineering costs for design, layout and construction supervision. Preliminary plans and layouts for all such utility lines shall be submitted by the subdivider or developer to the commission for study along with the submission of the preliminary plat of the subdivision. Final construction plans will be submitted by the subdivider at the time of filing his final plat with the commission in the same number of copies as required of the subdivision plat.

b. There will be no participation by the city in the cost of any of the underground utility lines or drainage facilities within the subdivision except in the event of the requirement for oversize lines to serve land areas and improvements beyond the subdivision in question, or to serve other subdivisions. Each installation of this character and the terms and extent of city participation will be considered individually upon the merits of each facility and the conditions involved.

c. Trunk lines of such systems to serve the subdivision under consideration will be considered upon each facility's individual merits for each subdivision.

(2) *Street improvements, curb and gutter, pavement.*

a. The subdivider shall be required to construct, at his own expense, streets in accordance with current design standards in effect at the time of construction. This shall include all engineering costs for design, layout and construction supervision. Preliminary plans for such improvements shall be submitted to the commission for study and for tentative approval before any work is started in the subdivision. Detailed construction plans, including plan and profile for each street, shall be filed with the submission of the final plat in the same number of copies as required of the final subdivision plat.

b. The city may participate in the cost of street surfacing and construction of arterial streets or thoroughfares in excess of the standard width and thickness of pavement for residential or service streets required to be constructed by the subdivider.

c. Each street installation project will be considered by the city upon the individual merits of each project prior to construction.

d. Sidewalks in subdivisions may be installed at the expense of the developer or owner in the manner described in this section.

- i. A sidewalk complying with the provisions of this section shall be provided at the fronts of lots, and also along the street sides of corner lots at the time of completing construction of building improvements on the lot. A sidewalk shall be provided by the developer or subdivider along perimeter streets of subdivisions at the time of completing perimeter street improvements.
  - ii. Sidewalks may be installed along both sides of all streets.
  - iii. Additional sidewalks may be provided as deemed necessary by the city; and such additional sidewalks as the developer may desire may be permitted.
  - iv. All sidewalks shall conform with current design standards in effect at the time of construction.
- e. Subdivisions abutting on main arterial shall have fences erected on the common property line with the public street right of way which shall be of wood or metal construction, not less than six feet in height, and shall be constructed of materials designed to prevent visual invasion by any person upon the public street right-of-way with any person or property located upon any part of the subdivision. The degree of visual blockage shall not be less than 90%.

(3) *Alleys and easements.*

- a. The city may require in a new subdivision twenty foot (20') wide easements in lieu of alleys except in certain cases as may be determined by the commission.
- b. If a subdivider desires to include alleys in a subdivision, the expense of development of the same shall be borne by the owner of the subdivision or the developer, and the same shall be constructed in accordance with current design standards for city streets in effect at the time of construction.
- c. Any construction plans related to this type of improvement shall be submitted to the commission along with the final plat of the subdivision.

(4) *Water and sewer facilities; land subject to flooding and otherwise inhabitable.*

- a. The planning commission may refuse to approve a plat when it is evident that adequate water and sewer facilities cannot be supplied within a reasonable time.
- b. Land subject to flooding and land deemed by the planning commission to be uninhabitable shall not be platted for residential occupancy nor shall it be platted for such other uses as may increase danger to health, safety, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation and shall not produce unsatisfactory living conditions.

**Sec. 21-53. Changes or amendments to the design standards.**

The current design standards will, from time to time require revisions and updates to allow for changing construction technology. The design standards referenced herein shall mean the current standards as of the date of adoption of this ordinance, or as they may be revised from time to time.



Secs. 21-54--21-60. Reserved.

## DIVISION 2. SPECIFIC REQUIREMENTS.

### Sec. 21-61. Streets.

(a) *General requirements.* The arrangement, character, extent, width, grade, and location of all streets shall conform to the city thoroughfare plan and the current design standards manual and shall be considered in their relation to existing and planned streets or driveways, to topographical conditions, to public safety and in their appropriate relation to the proposed uses of the land to be served by such streets. Unless required by the city, strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision. All streets shall be paved in accordance with the current design standards. All lots, tracts and reserves shall have frontage on an approved public right-of-way or access easement(s).

EXCEPTION: Rural streets for rural lots as provided in Sec. 21-67 (Lots, tracts, reserves) Subsection (7)(b), may be constructed in accordance with Sec. 21-61 Streets (p), provided that open side ditches used for drainage meet all applicable specifications provided by the City of Beasley and Fort Bend County.

(b) *Private streets.* Private streets or any similar privately maintained access ways are prohibited in single-family residential developments.

(c) *Access.* Primary access through a mutual access easement in a commercial, town home or condominium development shall conform to all design and construction standards stated herein and in current design standards. The easement shall meet all of the requirements set forth for a public street, including but not limited to construction standards, width, curves, building lines, sight distance visibility and landscape maintenance. A mutual access agreement between the property owners and/or lessors shall be submitted to the city for approval filed of record with the County Clerk's Office, and so noted on the plat prior to recordation of the plat. A note shall be placed on the plat defining the accessibility to the access easement by police, fire and emergency vehicles, utility operations and maintenance personnel.

(d) *Streets not on plan.* When a street is not on the thoroughfare plan, the arrangement of streets in a subdivision shall:

- (1) Provide for the continuation or appropriate protection of existing streets in surrounding areas; or conform to a plan for the neighborhood as adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impracticable.
- (2) Provide for future access to adjacent vacant areas that will likely develop in the future.
- (3) Resolve alignment with existing right-of-way and driveway openings.

(e) *Minor streets.* Minor residential streets shall be so designed that their use by through traffic will be discouraged.

(f) *Geometric street design.* Standards for curvature, intersecting streets, and offset intersections are detailed in the design standards.

(g) *Street widths.* Street right-of-way widths shall be shown on the thoroughfare plan and shall be designed in accordance with the design standards. Lane widths and median widths shall also be in accordance with the design standards.

(h) *Half streets.* Half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of these regulations and the thoroughfare plan, and where the city council finds it will be practical to require the dedication of the other one-half when the adjoining property is subdivided. When a partial street has been platted previously along a common property line, the other portion of the street shall be dedicated. Construction of half streets and improvements made to all on-site facilities are defined in the design standards.

(i) *Cul-de-sacs.* A cul-de-sac street may be provided where the shape of a portion of the proposed subdivision or where the terrain of the land would make it difficult, uneconomical or unreasonable to plat with connecting streets. These cul-de-sacs shall be so arranged as to provide access to all lots and shall conform with the most current design standards.

(j) *Dead end streets.* Dead end streets are temporary in nature and are not allowed except to provide for access to adjacent land areas and in no case shall be more than two hundred fifty feet (250') in length or equal to one lot depth, whichever is greater. A temporary turnaround shall be provided and indicated on the plat and built in accordance with the design standards.

(k) *Reserves.* A one-foot (1') reserve shall be established along the side or the end of a street that abuts acreage tracts. A note shall be on the plat to define the one-foot (1') reserve.

(l) *New streets.* New streets that are an extension of existing streets shall bear the names of existing streets and shall be dedicated with appropriate transitions and widths.

(m) *Street names.* No new street names shall be used which will duplicate or be confused with the names of existing streets. All street names shall demonstrate good judgement and character on behalf of the subdivider based upon commonly accepted use of names and places. Street names shall be subject to the approval of the city council at the time of final plat approval.

(n) *Construction.* All streets dedicated within a subdivision in the city or its extraterritorial jurisdiction shall be constructed in accordance with paving widths and specifications as set forth in the current design standards of the city at the time at which the final plat is recorded.

(o) *Future streets.* When a tract of land is subdivided into parcels that are larger than normal building lots, such parcels shall be arranged to permit the opening of future streets and a logical ultimate resubdivision.

(p) *Rural streets.* Rural streets may be provided in subdivisions where lots conform to the minimum requirements for rural lots (Sec. 21-67 Lots, tracts, reserves (7)(b)). A rural street shall have a minimum seventy (70) foot right-of-way with a twenty-eight (28) foot pavement, which may be asphalt or concrete, provided applicable City of Beasley and Fort Bend County standards are met. Curbs are not required and open roadside ditches may be used for drainage. No parking shall be allowed along a rural street right-of-way.

#### **Sec. 21-62. Alleys.**

(a) Alleys may be allowed in commercial and industrial districts, except that the city council may require that definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the use proposed. Service alleys in commercial and industrial districts shall conform to the most current design standards or as may be established by the commission or the city council. An access easement may be substituted upon approval of the city council if the easement is also a fire lane easement.

(b) Residential alleys may not be required, except that the same may be required where alleys of adjacent subdivisions already platted would be closed or dead-ended by failure to provide alleys in the new

subdivision. Residential alleys shall conform to the most current design standards or as may be established by the commission and or the city council.

(c) Dead end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turnaround at the dead end as determined by the city council.

(d) Alleys may not exceed a maximum length of fourteen hundred feet (1400') unless otherwise waived by the city council.

#### **Sec. 21-63. Easements.**

(a) All utility easements, including those for water, sewer, storm sewer and fire lanes, shall be shown on the final plat.

(b) Easements across lots or centered on or adjacent to rear or side lot lines shall be provided for utilities where necessary and shall be of such widths as may be reasonably necessary for the utility or utilities using same. It shall be the subdivider's responsibility to determine appropriate easement widths as required by the current design standards.

(c) Where a subdivision is traversed by a watercourse, ditch, drainage way or channel, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the city and/or the county drainage district, subject to determination using proper engineering considerations. Maintenance easements shall also be specified. Approved utilities are permitted within the drainage easement if specified and approved as a drainage and utility easement.

(d) Fire lane easements shall be specified on all multi-family and nonresidential plats and shall conform to the design standards. The design and paving material in the fire lane shall conform to the design standards.

(e) In all cases, easements shall connect with already established easements in adjoining property, and utilities shall be located within such easements and conform to the design standards.

#### **Sec. 21-64. Curb radii at intersections.**

Curb radii at street intersections shall conform to current design standards and property lines shall be adjusted accordingly.

#### **Sec. 21-65. Blocks.**

(a) The length, width, and shape of blocks shall be determined with due regard to:

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated; and

(2) Needs for convenient access, circulation, control and safety of street traffic.

(b) Lengths and widths shall be in conformance with the design standards. In general, intersecting streets determining the lengths and widths of the blocks shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets or customary subdivision practices.

(1) Minimum block length shall be five hundred feet (500'); however, this standard may be varied in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied having due regard for connecting streets, circulation of traffic and public safety.

(2) Maximum block length shall be twelve hundred feet (1200'), except where no existing subdivision controls, the block length may increase to fourteen hundred feet (1400').

(3) When possible, the block width or depth shall allow two tiers of lots, back-to-back, except when prevented by the size of the property or the need to back on an identified thoroughfare. When adjacent to a thoroughfare, the subdivider may not double front lots.

(c) Blocks shall be numbered consecutively within the overall plat and shall be consistent with adjacent plats.

#### **Sec. 21-66. Sidewalks.**

Sidewalks shall be required as provided in Section 21-52 (b) (2) d.

#### **Sec. 21-67. Lots, tracts, reserves.**

Lots, tracts and reserves within the city, unless the commission, for cause, may otherwise approve, shall conform to the following minimum requirements:

- (1) Each residential lot, tract or reserve shall front on and have access from a dedicated public street. Any residential lot, tract or reserve having access only from an alleyway, easement or any right-of-way other than a dedicated public street shall not be permitted. No residential lot shall have access to a major thoroughfare or collector street.
- (2) The width of the lot shall be measured at the property line/right-of-way from the front building line. The width of cul-de-sacs and radial lots shall be measured at the property line using the chord or straight line.
- (3) The depth of the lot shall be measured as an average between the side lot lines from the property-line/right-of-way.
- (4) A lot area size shall be computed inclusive of all easements. There shall be a minimum buildable area, exclusive of easements, for each lot to meet the requirements set forth herein.
- (5) Corner lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building line requirements of each street.
- (6) No lots may be split by any jurisdictional boundary lines.
- (7) Residential lots, tracts or reserves shall conform to the following requirements:

(a) Urban lots.

(i) Lot widths - minimum standards:

Single family - Fifty feet (50')

Cul-de-sac/radial - Forty feet (40') with a minimum width of fifty feet (50') at the front building line

Patio home/zero lot line - Forty-five feet (45')

Townhouse - Twenty-five feet (25')

(ii) Lot depths - minimum standards:

Single family - One hundred and twenty feet (120')

Cul-de-sac - One hundred and twenty feet (120')

Patio home/zero lot line - One hundred feet (100')

Townhouse - One hundred feet (100')

(iii) Lot size - minimum

Single family - Six thousand square feet (6000 sq. ft.)

Cul-de-sac/radial - Fifty-four hundred square feet (5400 sq. ft.)

Patio home/zero lot line - Forty-five hundred square feet (4500 sq. ft.)

Townhouse - Twenty-five hundred square feet (2500 sq. ft.)

(iv) Side lot lines should be generally at right angles or radial to the street right-of-way lines.

(v) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries according to the thoroughfare plan or to overcome specific disadvantages to topography and orientation. Where lots have double frontage, a front building line shall be established for each street and access shall be denied to the thoroughfare.

b. Rural lots.

(1) Notwithstanding provisions for urban lots as provided in Sec. 21-67 (7)(a), rural lot subdivisions for single family detached dwellings may be approved in certain areas of the city or its extraterritorial jurisdiction for residential development that is to be served by individual water well and/or, an individual sewage disposal system and/or by county roads, provided said development conforms to applicable State law, and other applicable codes and ordinances of the City of Beasley and Fort Bend County. Standards that apply to rural residential lots shall be determined by infrastructure development, road access and other circumstances related to large lot developments.

(8) All reserves shall be labeled with their appropriate use. Landscape and detention reserves may also be designated as utility easements. When in the determination of the city council the proposed land use is essential to the signage of public facilities, the city council may require the intended use of the reserve to be specified.

(9) All nonresidential and multifamily tracts or reserves shall front on a dedicated public street or dedicated access/fire lane easement. The design of driveways, access easements and fire lanes shall be in conformance with the current design standards.

(10) In no case shall a rectangular or irregularly shaped lot contain less than the minimum square footage as designated.

**Sec. 21-68. Building lines - single family, multi-family lots.**

Building lines or setback lines shall be established for all single-family and multi-family residential lots and so indicated on all subdivision plats as stipulated below:

- (1) *Corner lots.* The setback lines for corner lots shall be as follows:
  - a. A minimum building setback of twenty-five feet (25') shall be provided on the front and fifteen feet (15') on the side of all corner lots where such lots side upon minor streets.
  - b. A minimum building setback of twenty-five feet (25') shall be provided on the front and twenty feet (20') on the side of all corner lots where such lots side upon collector streets.
  - c. A minimum building setback of twenty-five feet (25') shall be provided on the front and twenty-five feet (25') on the side of all corner lots where such lots side upon thoroughfares.
- (2) *Interior lots.* A minimum building setback of twenty-five feet (25') shall be provided on the front and five feet (5') on each side of all interior lots fronting on minor and collector street and thoroughfares.

**Sec. 21-69. Building lines - commercial, industrial lots.**

Building lines or setback lines shall be established for all commercial and industrial lots and indicated on all subdivision plats as stipulated below:

- (1) *Corner lots.* The setback lines for corner lots shall be as follows:
  - a. A minimum building setback of twenty-five feet (25') shall be provided on the front and fifteen feet (15') on the side of all corner lots that side upon minor streets.
  - b. A minimum building setback of twenty-five feet (25') shall be provided on the front and twenty feet (20') on the side of all corner lots that side upon secondary streets.
  - c. A minimum building setback of twenty-five feet (25') shall be provided on the front and twenty-five feet (25') on the side of all corner lots that side upon major streets.
- (2) *Interior lots.* A minimum building setback of twenty-five feet (25') shall be provided on the front of all interior lots that front upon minor, secondary and major streets. In addition, setback requirements for interior lot lines shall be established in accordance with the most recently adopted version of the standard building codes.

**Sec. 21-70. Street lights.**

Each subdivision shall have street lights installed with a maximum spacing of three hundred feet (300') between each light, and arranged so that one (1) light is installed at every street intersection. The wiring shall be placed underground and the light mounted on a steel standard. The light intensity of each lamp shall be a minimum of sixteen thousand (16,000) lumens and the light shall be high-pressure sodium vapor. Each subdivider will be required to pay to the city, annually for three (3) years (beginning from the date the lights are installed), a fee equal to the actual cost to the city for the upcoming year of installing and maintaining newly installed streetlights requested by such subdivider, which cost will be established by Energy Company in the beginning of each year.

**Sec. 21-71. Planned unit development.**

A Planned Unit Development (PUD) promotes the development of a tract of land in a unified manner and may allow for deviation from the development standards in this Ordinance and in such other ordinances as may exist. Variances to the established criteria for lot widths, lot depths, building lines and location of open space may be considered for approval and recommendation as part of a PUD when the following requirements are met:

- (1) All single family residential lots shall front on a public street right-of-way.
- (2) Provision shall be made for adequate separation between the fronts of buildings.
- (3) Lot widths and depths shall be adequate for residential construction in accordance with established building codes.
- (4) Building lines shall be established to provide adequate off-street parking for each residential unit.
- (5) Provision shall be made for compensating open space with the PUD.
- (6) Justification shall be made for the design of the subdivision.
- (7) A finding shall be made that there is no negative impact on health, safety or welfare in the area.

**Sec. 21-72. Subdivision - unit of a larger tract.**

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final plats shall be accompanied by a layout of the entire area showing the tentative proposed layout of streets, blocks, drainage, water, sewer and other improvements for such area. The overall layout, if approved by the commission, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the city. Thereafter, plats of subsequent units of such subdivisions shall conform to such approved overall layout, unless changed by the commission. However, except where the subdivider agrees to such change, the commission may change such approved overall layout only when the commission finds:

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

**Sec. 21-73. Large-scale neighborhood development.**

The standards and requirements of the regulations contained in this ordinance may be modified by the commission and city council in the case of a plan and program of development of a new town, a complete large residential community of neighborhood units, or mass housing project, which contains adequate provisions for circulation, recreation, light, air and service needs of the tract when fully developed and populated and equal to or better than the detailed requirements of the regulations of this ordinance and which also provides such covenants or other legal provisions as will assure conformity to the comprehensive master plan of the city.

**Secs. 21-74–21-85. Reserved.**

### DIVISION 3. TOWNHOUSE SUBDIVISIONS.

#### Sec. 21-86. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning.

*Access streets* shall mean those public streets within or bounding a townhouse subdivision which serve a townhouse subdivision and other adjacent property.

*Interior streets* shall mean public streets not more than six hundred feet (600') long within a townhouse subdivision which are located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.

*Open space* shall mean private property under common ownership designated for recreation area, private park, play lot area, plaza area, and ornamental area open to general view and within the subdivision. Open space does not include streets, alleys, utility easements, and required building setbacks.

*Townhouse or row house* shall mean a structure which is one (1) of a series of dwelling units designed for single-family occupancy, which are connected or immediately adjacent to each other. However, a townhouse or row house shall not include a mobile home, manufactured housing and/or travel trailer.

*Townhouse subdivision* shall mean those developments in which it is proposed to partition land into individual lots and construct townhouses which may be individually owned.

#### Sec. 21-87. Procedural requirements.

All persons proposing or intending to develop a townhouse subdivision within the city or within its extraterritorial jurisdiction shall comply with the procedural requirements set out in Article II of this ordinance.

#### Sec. 21-88. Streets and other public ways.

(a) Interior streets, if dedicated to public use, shall have a minimum right-of-way width of fifty-five feet (55') and shall be developed with a minimum of a thirty-six foot (36') paving section with concrete curbs and gutters in accordance with the current design standards.

(b) Access streets shall have a minimum right-of-way width of fifty feet (50') and shall be developed with a minimum of a thirty-two foot (32') pavement section.

(c) All townhouse subdivisions shall have direct access streets to at least one (1) dedicated and accessible public street having a right-of-way width of not less than sixty feet (60').

(d) Alleys shall have a minimum right-of-way of twenty feet (20') and shall be developed with a concrete pavement in accordance with the current design standards .

#### Sec. 21-89. Building setback.

(a) Building setback lines of twenty feet (20') shall be required on all lots fronting or backing on an access street.

(b) Building setback lines of twenty feet (20') shall be required on all lots siding on access streets or upon a plat boundary.



(c) No building setback lines shall be required on the sides of lots abutting interior streets, except where traffic safety or other factors necessitate the establishment of such records.

(d) Where townhouse lots and dwelling units are designed to face upon an open or common access court rather than upon a public street, such open or common court shall be at least forty feet (40') wide and not more than two hundred feet (200') long, measured from the public street upon which the court must open. Such court may not include vehicular drives or parking area in front of dwelling units.

**Sec. 21-90. Lots.**

(a) Lot area shall be a minimum of two thousand five hundred square feet (2,500').

(b) Lot width shall be a minimum of twenty-five feet (25').

(c) Dwelling units may be constructed up to side lot lines, and openings shall not face a side lot line unless the sidewall of the dwelling unit is at least ten feet (10') from the side lot line.

(d) Lot size may be reduced under the provisions that open space be dedicated according to the following schedule:

For every one hundred (100) square feet of open space per lot, provided the minimum lot area may be reduced by two hundred (200) square feet. No lot shall, however, have a lot area of less than two thousand (2,000) square feet, and a width of less than twenty-five feet (25').

Open Space Per Dwelling	Minimum Lot Area (sq. ft.)
0	2,500
100	2,300
200	2,100
250	2,000

**Sec. 21-91. Utilities.**

All utilities such as sanitary sewer, water, gas, telephone, television cable and electrical, shall be placed underground.

**Sec. 21-92. Other requirements.**

A townhouse subdivision shall meet all requirements of Divisions 1 and 2 of this article as well as all other requirements in this ordinance, the provisions of this division being variations permitted especially for townhouse subdivisions.

**Secs. 21-93–21-105. Reserved.**

**DIVISION 4. PATIO HOME SUBDIVISIONS.**

**Sec. 21-106. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them herein, except where the content clearly indicates a different meaning:

*Access street* shall mean those public streets within or bounding a patio home subdivision which serve a patio home subdivision and other adjacent property.

*Interior street* shall mean public streets not more than six hundred feet (600') long within a patio home subdivision which streets are located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.

*Open space* shall mean private property under common ownership designated for recreation area, private park, play lot area, plaza and ornamental area open to general view within the subdivision. Open space does not include streets, alleys, utility easements and required building setbacks.

*Patio home* shall mean a structure that is a series of dwelling units designed for single-family occupancy, which are constructed on a lot that shall have a minimum area of four thousand five hundred (4,500) square feet and shall have a zero offset on one (1) side of the lot. However, a patio home shall not include a mobile home, manufactured housing and/or travel trailer.

*Patio home subdivision* shall mean those developments in which it is proposed to partition land into individual lots and construct patio homes which may be individually owned and where the offset of a structure may be zero on one (1) side of the lot with an easement of ten feet (10') granted on the opposite side to the adjoining property owner for maintenance purposes.

**Sec. 21-107. Procedural requirements.**

All those persons proposing or intending to develop a patio home subdivision shall comply with the procedural requirements set out in Article II of this ordinance.

**Sec. 21-108. Streets and other public ways.**

(a) Access streets shall have a minimum right-of-way width of sixty feet (60') and shall be developed with a minimum of a thirty-six foot (36') paving section with concrete curb and gutter in accordance with current design standards.

(b) Interior streets shall have a minimum right-of-way width of sixty feet (60') and shall be developed with a minimum of a twenty-eight foot (28') paving section with concrete curb and gutters in accordance with current design standards.

**Sec. 21-109. Reserved.**

**Sec. 21-110. Lots.**

(a) Lot area shall be a minimum of four thousand five hundred (4,500) square feet.

(b) Lot width shall be a minimum of forty-five feet (45').

(c) Dwelling units shall be constructed with a zero lot line clearance on one (1) side of lot. Doors shall not be installed in sides with zero lot line clearance.

(d) Ten feet (10') must be maintained between sides of any two (2) dwelling units placed on adjacent lots.

(e) Deed restrictions for zero lot line clearance must provide ten-foot (10') easement to owner whose dwelling unit is on the property line for maintenance purposes.

(f) Deed restrictions must provide that: "No autos, trucks, boats, campers, other trailers, or vehicles of any kind shall ever be left parked on the grass or yard except as provided for in paved off-street parking space and then only as temporary parking incident to the contemporaneous use of such vehicle or object, nor shall same be left parked on any lot unless parked inside a garage."

**Sec. 21-111. Utilities.**

All utilities such as sanitary sewer, water, gas, telephone, television cable, and electrical service shall be placed underground.

**Sec. 21-112. Other requirements.**

(a) A patio home subdivision shall meet all requirements of Division 1 and 2 of this article as well as all other requirements in this ordinance, the provisions of this division being variations permitted especially for patio home subdivisions.

(b) A patio home subdivision shall contain no less than 4 lots.

**Secs. 21-113--21-115. Reserved.**

**ARTICLE IV. PARK LAND, PUBLIC SITES AND OPEN SPACES**

**Sec. 21-116. Areas for public use.**

The subdivider shall give consideration to suitable sites for parks, playgrounds, schools, and other areas for public use so as to conform to with the recommendations of the commission, city council and comprehensive master plan. Any provisions for schools, parks, and other public uses, shall be indicated on the preliminary plat.

**Sec. 21-117. Park land dedication.**

(a) The city may require the dedication of property for recreational and/or community activities when the layout of the subdivision and the proximity of residential structures to other residential structures may result in the likelihood of injury to children and/or adults through recreational activities conducted on public streets or other unsafe areas. Any required dedication shall only occur after a thorough study of the conditions actually existing within the subdivision and as a means of protecting the health, safety and well being of the residents, citizens and inhabitants of the city.

(b) The dedication of public parkland or private recreational facilities shall be in compliance with the requirements and conditions as may be determined by the commission and city council and with the comprehensive master plan.

(c) In addition to any dedications that may be required herein to meet the health, safety and well-being of the residents, citizens and inhabitants of the city, the city reserves the right by appropriate additional action under the provisions of law to require additional dedications and/or payment of impact fees as may then be required.

**Sec. 21-118. School sites.**

School sites for public schools shall be coordinated with the appropriate school district within whose jurisdiction the plat lies.

**Sec. 21-119. Public facilities.**

Public facilities such as fire stations, libraries, municipal and county buildings, and municipal utility district operations shall be platted or contained within a plat. The location of these facilities shall be coordinated with the applicable governing body and in compliance with the comprehensive plan of the city.

**Sec. 21-120. Wetlands.**

If there are any areas previously designated which constitute wetlands by federal law, these areas shall be indicated on the plat and any restrictions on these areas shall be noted on the plat.

**Secs. 21-121–21-130. Reserved.**

**ARTICLE V. IMPROVEMENTS AND ACCEPTANCE OF THE SUBDIVISION**

**Sec. 21-131. Improvements.**

(a) The requirements of the subdivision regulations as set forth below are designed and intended to ensure that for all subdivisions of land within the scope of the subdivision regulations, all improvements as required herein are installed in a timely manner in order that:

- (1) The city can provide for the orderly and economical extension of public facilities and services;
- (2) All purchases of property within the subdivision shall have a usable buildable parcel of land; and
- (3) All required improvements are constructed in accordance with city standards.

(b) The public improvements required by the city for the acceptance of the subdivision by the city shall include, but are not limited to the following:

- (1) Water and sewer facilities;
- (2) Drainage facilities;
- (3) Streets;
- (4) Street lights;
- (5) Street signs;
- (6) Traffic control devices required as part of the project and appurtenances to the above, and any other public facilities required as part of the proposed subdivision; and
- (7) Public land or public park construction.

(c) All aspects of the design and implementation of public improvements shall comply with the current design standards and any other applicable city codes and ordinances, including preparation and submittal of construction plans and construction inspection.

(d) All subdivisions in the extraterritorial jurisdiction shall also be reviewed and approved by the county engineer's office and the county commissioner's court.

(e) Prior to the final approval of construction of the streets and utilities, monumentation for the subdivision shall be in place for the perimeter, right-of-way corners, angle points, and points of curvature using an iron pipe or rod of not less than five-eighths inch (5/8") in diameter and thirty-six inches (36") long and set flush with finished grade or top of curb. Plat boundary corners shall be set and shall include a cap or tag with the surveyor's identification. Acceptance by the city shall be contingent upon proper documentation. All lot corner monuments shall be set prior to the issuance of a building permit or the beginning of principal building

construction. The lot corner monuments shall be iron rods not less than one-half inch (2") in diameter and twenty-four inches (24") in length.

(f) The final approval of the construction and acceptance of the improvements in a subdivision shall be in accordance with the guidelines established in the current design standards.

(g) The city shall not issue any permits for construction within the subdivision, within the corporate limits, except permits to construct public improvements until such time as all public improvements of the subdivision have been constructed and accepted by the city or a certified check, performance bond or letter of credit is provided to and accepted by the city. A notation stating the above shall appear on each final plat.

(h) Before considering the final plat of a subdivision located all or partially within the city and/or the city's extraterritorial jurisdiction, the city council must be satisfied that all public improvements required will be constructed in accordance with the design standards requirements. The subdivider shall, unless the city council has determined otherwise, guarantee these public improvements will be constructed in one of the following ways:

- (1) Deposit a certified check with, and payable to, the city in an amount equal to the cost to complete such public improvements, including the cost of remaining engineering and inspection services.
- (2) Furnish the city with a performance bond executed by a surety company authorized to do business in the state of Texas in an amount equal to the cost to complete such public improvements. The performance bond shall be subject to the approval of the city attorney and must be executed by a corporate surety in conformance to Article 5160 V.A.C.S.; or
- (3) The subdivider shall furnish the city with a letter of credit payable by an acceptable financial institution to the city in a form approved by the city attorney, guaranteeing the payment of an amount equal to the cost to complete such public improvements. The letter of credit shall be irrevocable and shall be for a term sufficient to cover the twelve (12) month period plus an additional thirty (30) calendar days and require only that the city present the issuer a letter signed by an authorized representative of the city certifying to the city's right to draw or collect funds under the specific terms of the letter of credit.
- (4) As an alternative to providing one of the above financial securities, the following may occur:
  - a. Upon approval of the final plat by the city council and prior to it being signed by the city council members, and before said final plat shall be allowed to be recorded in the plat records of the county, the subdivider requesting final plat approval shall, within the time period for which the final plat has been approved by the city, construct all improvements as required by these subdivision regulations and provide a surety instrument guaranteeing their maintenance as required herein. In the event that all public improvements have not been constructed at the time the subdivider requests plat recordation, the subdivider shall provide financial security as described in paragraphs 1, 2 or 3, above in the amount of the improvements not previously constructed. Prior to city council granting this specific approval, the subdivider must request in a letter to the city that the plat will not be recorded in the deed records of the county until such public improvements are constructed or otherwise guaranteed.

- b. In all instances the original copy of the final plat without benefit of required signatures of city officials shall be held in escrow by the administrative officer and shall not be released for any purpose until such time as the conditions of the approval are complied with.
- c. Upon the requirements of this section being satisfied, the final plat shall be considered fully approved, except as otherwise provided for in these regulations. The original copy of the final plat shall be signed by the appropriate city officials and the administrative officer shall cause said final plat to be filed in the plat records of the county, or forwarded to the county for final approval and recordation.
- d. In the event that a performance bond or a letter of credit is the method selected by the subdivider for guaranteeing such improvements, such document shall be subject to the condition that the public improvements will be completed within twelve (12) months after approval of the final plat by the city council, unless a longer time shall be approved by the city council upon the determination that such longer time period would not be unreasonable. In the event that the required public improvements guaranteed by such performance and/or such letter of credit are not or will not be completed within the time specified by the city council, the city council shall have the authority to extend the time period within which the subdivider shall complete the public improvements, subject to the extension of the expiration date of the approval of the plat and the performance bond or letter of credit.

(i) *Security.*

- (1) **Waiver of security.** The city council may waive all or a portion of the security requirements of this section if it finds that the public health, safety and general welfare will not be harmed by such waiver. The city council shall take into consideration the extent of public improvements to be installed, the likelihood that such improvements will be installed by the subdivider within the twelve (12) month period, the impact that may result if such improvements are not timely installed, and the hardship to the subdivider if the security requirements are imposed.
- (2) **Release of security.** As a portion of the public improvements are completed in accordance with the design standards, the subdivider may make application to the administrative officer to reduce the amount of the original letter of credit, performance bond or certified check. If the city council is satisfied that such portion of the public improvements has been completed in accordance with current design standards, the city council may cause the amount of the letter of credit, performance bond or certified check to be reduced by such amount that the city council deems appropriate, so that the remaining amount of the letter of credit, performance bond or certified check adequately insures the completion of the remaining public improvements.
- (3) **Determination of amount.** A professional engineer licensed to practice in the state of Texas shall furnish estimates of the costs of engineering and construction of all required improvements to the administrative officer who shall review the estimates in order to determine the adequacy of the guarantee instrument for insuring the construction of the required facilities.
- (4) **Coordination with county.** If the project is located in the extraterritorial jurisdiction and is subject to county bonding requirements, the subdivider may provide the financial security conforming to the above requirements in the name of Fort Bend County,

provided that the current county regulations stipulate that the security will not be reduced or released without written approval by the administrative officer, and provided that the instrument is transferable from the county to the city upon annexation.

(j) Approval of final plats shall be deemed to have expired in subdivisions for which no assurances for completion have been posted or the improvements have not been completed within the period of one year. In those cases where a surety instrument has been required and improvements have not been completed within the terms of said surety instrument, the city shall declare the surety to be in default and require that all the improvements be installed, unless extended under the provisions of this section.

(k) The city shall inspect all required improvements to ensure compliance with city requirements and approved construction plans. When all required improvements have been satisfactorily completed, the city shall either accept, in writing, the improvements as having been satisfactorily completed, or shall issue a punch list to the developer denoting items remaining to be completed. The city shall not accept dedications of required improvements or release or reduce a performance bond or other assurance until such time as it determines that:

- (1) All improvements have been satisfactorily completed;
- (2) The required number of "as built" plans have been submitted to and accepted by the city;
- (3) The required maintenance guarantee has been provided; and
- (4) Any and all other requirements identified in this ordinance or other city codes and ordinances have been satisfied.

(l) Before the release of any instrument guaranteeing the construction of required subdivision improvements or the signing of the final plat where subdivision improvements were made prior to the filing of the final plat for recordation, the subdivider shall furnish the city, if in the city limits, or the county, if in the extraterritorial jurisdiction, with a maintenance bond or other surety instrument to assure the quality of materials, workmanship and maintenance of all required improvements. The maintenance bond or other surety instrument shall be approved by the city attorney as to form, sufficiency, and manner of execution. Said bond shall be in compliance with the design standards. Whenever a defect or failure of any required improvement occurs within the period of coverage, the city may require that a new maintenance bond or surety instrument be posted for a period of one (1) full calendar year sufficient to cover the corrected defect of failure.

**Sec. 21-132. Flood damage prevention.**

The lowest elevation of the first floor of all principal buildings is to be constructed at least one (1) foot above the 100-year floodplain. All public streets are to be designed such that the lowest top of curb elevation is equal to or above the 100-year floodplain elevation. In lieu of the above, the developer may provide documentation to show that the lowest public street top of curb elevation is not exceeded by the 100-year floodplain elevation for more than four hours. The 100-year floodplain is considered to be the 10-year water surface elevation in the outfall channel or receiving stream designated to receive storm runoff from the proposed development. For levied areas subject to multiple outlet condition analysis conforming to Fort Bend County criteria, the aforementioned requirement is to be met for all conditions. Special consideration may be given to tracts containing natural aesthetic amenities within existing developed areas and served by existing outfall drainage facilities, where the addition of fill would result in the destruction of the amenities, and for which there is no other feasible method to meet the aforementioned criteria.

**Secs. 21-133–21-135. Reserved.**

**ARTICLE VI. MISCELLANEOUS**

**Sec. 21-136. Map update.**

The developer shall submit to the city a digitized copy of the entire subdivision at a scale appropriate to update the city maps and subdivision map. This copy shall comply with requirements established in Sec. 21-35, Final Plat, subsection (n)(2).

**Sec. 21-137. Schedule of fees.**

(a) Fees and charges for the filing of preliminary plats, replats, etc. shall be established by separate ordinance by the city council from time to time.

(b) Such fees and charges shall be collected by the city when any subdivision plat is tendered to the commission. Such fees and charges shall be paid in advance.

(c) Such fees and charges shall be imposed on all preliminary plats, final plats and replats, etc. regardless of the action taken by the commission and city council thereon. Such fees shall be collected for the purpose of defraying the costs of administrative, clerical and inspection services necessary to properly investigate plats, replats and subdivisions.

(d) Any required fees, unless specifically stated otherwise, shall be paid prior to the recording of the plat.

Section 2. That the findings of fact and conclusions as set out in the preamble of this Ordinance are adopted herein as a part of this Ordinance as if repeated verbatim herein.

Section 3. That the City Secretary shall give notice of the enactment of this Ordinance by publishing it or its descriptive caption and penalty at least one time within ten (10) days after final passage in the official newspaper of the city; the ordinance to take effect upon publication.



Section 4. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

**PASSED AND APPROVED** by a vote of 4 "ayes" in favor and 0 "no's" against on this first and final reading on this, the 16th day of Sept., 2003.



Frances Smith  
Mayor of City of Beasley, Texas



G. B. Michulka  
City Secretary