

ORDINANCE NO. 2020 - 2

AN ORDINANCE OF THE CITY COUNCIL OF BEASLEY, TEXAS AMENDING THE CITY REGULATIONS APPLICABLE TO SUBDIVISIONS OF LAND WITHIN THE CITY AND THE CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY NOT TO EXCEED \$2,000 PER VIOLATION; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Chapter 212 of the Texas Local Government Code authorizes general law cities to adopt regulations concerning the subdivision of land within the city's corporate limits and extraterritorial jurisdiction; and

WHEREAS, the City Council adopted subdivision regulations in Ordinance 1983-63 on August 16, 1983; and

WHEREAS, the City Council later adopted Ordinance No. 2003-6 on September 16, 2003 and Ordinance No. 2006-4 on April 18, 2006 modifying the City's subdivision regulations; and

WHEREAS, the state legislature adopted HB 3167 amending Chapter 212 of the Texas Local Government Code and modifying the process by which the City reviews subdivision plat applications; and

WHEREAS, the City Council finds it necessary to adopt updated regulations that comply with the amended state law and supersede previously adopted Ordinance Nos. 1983-63, 2003-6, and 2006-4; and

WHEREAS, after a public hearing, City Council finds it necessary, proper and in the best interests of the citizens of the City of Beasley to adopt the following ordinance governing subdivisions of land with the City of Beasley's corporate limits and extraterritorial jurisdiction;

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

Section 1. That the following regulations are hereby adopted as the subdivision regulations of the City:

“LAND SUBDIVISIONS

Section 21-1. Authority; Applicability.

This Ordinance is adopted under the authority of the constitution and laws of the state, including particularly, Texas Local Government Code Chapter 212.

A. *Plat required.* A plat is required for the following purposes:

- 1) To combine lots or tracts;
- 2) To subdivide land to divide a lot or tract into two or more parcels;
- 3) To amend a previously recorded Plat;
- 4) To correct errors on an approved and recorded Plat;
- 5) When a proposed structure will be located on or over any lot line;
- 6) When an exterior dimension of an existing main structure is proposed to be enlarged or expanded and the existing main structure or lot does not meet the requirements of this

Ordinance; or

- 7) As otherwise required by Chapter 212 of the Texas Local Government Code.
- B. *General Plan Required.* Where the proposed subdivision constitutes a unit of a larger tract owned by the applicant, which is intended to be subdivided in one or more phases as units of the same subdivision, the submission of any plat shall be accompanied or preceded by a layout of the entire area, showing the proposed layout of streets, blocks, drainage, parks, community or public amenities and other improvements for such areas.
- C. *Infrastructure Construction Plans.* In addition, development that requires construction of new facilities shall require infrastructure construction plans.
- D. *Drainage Plans.* All plats shall require a drainage plan prepared by a state licensed engineer that has been approved by Fort Bend County Drainage District.
- E. *Previously platted lots.* This Ordinance does not prohibit the construction of one single-family dwelling of at least one thousand two hundred (1,200) square feet on a lot having less area, width or depth than required by this Ordinance if the lot is vacant and existed in separate ownership of record on or before August 16, 1983. Setbacks shall be the same as those required for residential lots unless building setback lines are shown on the previous plat.

Section 21-2. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any office referred to in this Ordinance by title means the person employed or appointed by the City in that position, or that person's duly authorized representative. Definitions not expressly prescribed in this Ordinance are to be construed in accordance with customary usage in municipal planning and engineering practices.

Applicant means any person that owns the land sought to be subdivided or any agent of the property owner dividing or proposing to divide land so as to constitute a subdivision.

Building setback line or *setback* means the line within a property defining the minimum horizontal distance between a building and the adjacent property line.

Cluster development means a development covered by a single general plan that: (i) includes at least 100 lots to be subdivided in one or more phases from the same tract or adjacent tracts, (ii) includes at least one amenity per phase, (iii) shall be connected to a public wastewater treatment sewer system, such as city sewer, a municipal utility district, or other service provider; and (iv) is designed to facilitate cohesive community development for the surrounding area. Additional lots may be added to a cluster development by submittal of an amended general plan showing the updated detail of the entire development, including any previously platted lots covered by the original general plan, provided such additional lots are adjacent to the original area covered by the general plan and are cohesively developed as a single community with the entire area covered by the general plan.

Development means the new construction of any building or structure or the enlargement of any exterior dimension of any main building or structure.

Engineer means a person duly authorized under Texas State law to practice the profession of engineering.

Extraterritorial jurisdiction or *ETJ* means the City's extraterritorial jurisdiction as determined under Chapter 42 of the Texas Local Government Code.

General Plan means an application that does not include a plat or infrastructure construction plans submitted to the Mayor in accordance with this Ordinance for approval of the layout of an entire tract owned by one applicant intended to be divided into lots in phases, showing the proposed layout of streets, blocks, drainage, parks, and community and public amenities for the entire tract.

Infrastructure construction plan means a complete application that does not include a plat submitted to the mayor in accordance with this Ordinance for approval of a detailed construction plan, signed and sealed by an engineer, for one or more types of public infrastructure intended to be dedicated to the City upon completion of construction, including but not limited to: streets, water, wastewater, storm sewer and drainage facilities.

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

Mayor means Mayor of the City or Mayor's designee.

Old Town Beasley means that area originally platted by that certain document dated January 8, 1898, laying out the Town Tract of Beasley, as filed in the real property records of Fort Bend County (i.e. that area within the boundary created by 1st Street, Avenue A, 8th Street, and Avenue J).

Plat means an application consisting of all of the following submitted to mayor in accordance with this Ordinance for approval of a subdivision plat, amending plat or replat: (i) a plat that complies with Chapter 212 of the Texas Local Government Code, in the form required for recording in the county real property records, if applicable; (ii) the applicable filing fee; and (ii) a completed application for plat approval on the form proscribed by the City.

Plan means a complete application submitted to the Mayor in accordance with this Ordinance for approval of a general plan, drainage plan, or infrastructure construction plan.

Street means a public right-of-way, however designated, that provides vehicular access to adjacent land. Streets shall be categorized as arterial, collector, marginal-access, or minor streets as designated by the city's comprehensive plan or major street plan.

- (1) An arterial street primarily provides vehicular circulation to various sections of the city.
- (2) A collector street primarily provides circulation within neighborhoods, to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.
- (3) A marginal-access street is a street which is parallel to and adjacent to an arterial street, which primarily provides access to abutting properties and protection from through traffic.
- (4) A minor street is one used primarily for access to abutting residential property.

Subdivision means a division of any tract of land, situated within the corporate limits or ETJ of the City, into two or more parts for the purpose of laying out any subdivision of any tract of land or

any addition to the City, or for laying out suburban lots, building lots, or any other lots, or to lay out any street, alley, park or other parts of the tract intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision includes resubdivision; but it does not include the division of land for agricultural purposes in parcels or tracts of five acres or more and not involving any new street, alley, easement of access, or public improvement.

Surveyor means a licensed state land surveyor or a registered public surveyor, as authorized by state statutes to practice the profession of surveying.

Utility easement or *Easement* means an interest in land granted to the City, to the public generally, and/or to any public or private utility, for installing or maintaining utilities across, over or under private land, together with the right to enter on the land with machinery and vehicles necessary for the maintenance of the utilities.

Section 21-3. Submittal requirements.

Only complete applications may be filed with the Mayor for consideration by City Council under this Ordinance. All complete plat and general plan applications submitted to the Mayor during regular city business hours on or before the tenth calendar day prior to the next regularly scheduled City Council meeting shall be filed for consideration by the City Council at their next regularly scheduled meeting; provided, however, complete plat or general plan applications submitted on after the ninth day prior to the next regularly scheduled City Council meeting shall be filed for consideration at the next regularly scheduled or special called City Council meeting within 30 days of the date the complete plat or general plan application is submitted, unless otherwise requested in writing by the applicant.

A. *Plat Applications.* An application for plat approval must include all of the following applicable to the plat in order to be considered and approved:

- (1) A completed application on the form prescribed by the City;
- (2) A filing fee of \$40 per resulting lot, up to a maximum of \$500;
- (3) Approved infrastructure construction plans;
- (4) Permit for floodplain development, if applicable;
- (5) A signed order granting one or more variances, if any are required;
- (6) A signed ordinance granting one or more zone changes, if any are required;
- (7) A signed and approved general plan, if one is required;
- (8) Copy of any federal or state approval required prior to commencement of development (ex. army corps of engineers dredge and fill permit);
- (9) An original certificate obtained from the appropriate Fort Bend County taxing authority showing that all taxes have been paid on the tract to be subdivided and that there are no outstanding delinquent taxes against the property;
- (10) Letters from utility companies indicating that their required Easements are correctly shown on the plat and verifying availability of utility service;
- (11) Lienholders subordination agreement, if applicable;
- (12) The draft of any protective covenants or deed restrictions whereby the applicant proposes to regulate the use of the land within the subdivision; provided, however, restrictive covenants, conditions, or limitations shall never be less than the minimum requirements of the City under the terms of this Ordinance or other City Ordinance;
- (13) Performance guarantee, or certificate of acceptance signed by Mayor showing accepted infrastructure; and
- (14) For any plat: one hardcopy, including one mylar in recordable format as required by the

applicable county and Chapter 212 of the Texas Local Government Code, and one electronic copy in pdf format of the plat as prepared and signed by an engineer or surveyor, together with the original, drawn on sheets 24 inches wide and 36 inches long for the hardcopy, with a binding margin of not less than two inches on the left side of the sheet and margins on the other three sides of not less than one inch, to a scale of 100 feet to one inch, including all of the following:

- a) Names, addresses and phone number of the applicant, all record owners, engineer and/or surveyor;
- b) Proposed name of the subdivision, which shall not have the same spelling as or be similar to the name of any other subdivision located within the county;
- c) Names of adjacent subdivisions and the owners of all adjacent tracts of land, and an indication of whether or not adjacent tracts are platted;
- d) Description, by metes and bounds, of the subdivision;
- e) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred;
- f) Bearings and distances to the nearest established street lines or official monuments shall be accurately described on the plat;
- g) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision;
- h) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way, within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries;
- i) The exact location, dimensions, description and name of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision;
- j) The exact location, dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision;
- k) Date of preparation, scale of plat and north arrow;
- l) Topographical information which shall include contour lines on a basis of one vertical foot in terrain;
- m) A number or letter to identify each lot or site and each block;
- n) Location of city limits line, the outer border of the city's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary;
- o) Vicinity map at a scale of not more than ½ mile to an inch, with Key Map page;
- p) A statement of express dedication of all streets, easements, alleys, parks, playgrounds, public places, and other rights-of-way within or outside the subdivision necessary to satisfy the requirements of this Ordinance to the public use forever shall be executed by all persons owning an interest in the property subdivided or platted and shall be acknowledged in the manner prescribed by the laws of the State of Texas for conveyance of real property. Lien holders must execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites, and other public areas shown on the plat of such subdivision or plat as being set aside for public use and purpose;
- q) A duly executed acknowledgement on the face of the plat of the owners or proprietors of the land or some duly authorized agent of said owners or proprietors

in the manner required for the acknowledgment of deeds; and

- r) A place for approval of the City Council which shall be substantially the following form:

“We hereby certify that the above and foregoing Plat of _____ Subdivision, was approved by the City Council of the City of Beasley, Texas, on the _____ day of _____, 20____”.

B. *Plan Applications*. An application for approval of a plan must include all of the following applicable to the plan in order to be considered and approved:

- (1) A completed application on the form prescribed by the City;
- (2) The applicable filing fee;
- (3) A signed order granting one or more variances, if any are required;
- (4) A signed ordinance granting one or more zone changes, if any are required;
- (5) Performance guarantee or certificate of acceptance signed by building official/director of public works showing accepted infrastructure; and
- (6) one hardcopy and one electronic copy in pdf format of the plan;
- (7) *For any general plan* - A labeled plan illustrating the proposed road layout, parks, drainage easements, detention ponds, green spaces, and any other community or public amenities or facilities for all property under common ownership or intended to be part of the same community or subdivision;
- (8) *For any Infrastructure construction plan (streets, water, wastewater, and storm water facilities)* – a plan complying with the City ordinances;
- (9) *For any drainage plan* - a plan complying with the rules and regulations of the drainage district in which a tract or lot is located; and
- (10) Any other documentation required to verify compliance with City ordinances or other law or regulation applicable to the plan submitted.

Section 21-4. Design Criteria Requirements for Plats and General Plans.

Any plan or plat submitted under this Chapter shall comply with the design criteria of this Section and the City’s adopted construction codes, flood prevention ordinance, and any other applicable law or regulation.

A. *Streets, alleys and rights-of-way*.

- (1) *Street patterns*. The street pattern of a neighborhood should provide adequate circulation within the subdivision and yet discourage excessive through traffic on minor or local streets. The arrangement, character, extent, width, grade, and locations of all streets shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relation to the proposed uses of the land to be served by such streets. If any portion of a collector or arterial street, as shown in the major street plan adopted as a part of the comprehensive plan, traverses any part of the land being subdivided, that portion of the arterial or collector street as planned at the proposed right-of-way width shall be incorporated in the subdivision plan and shall be dedicated to the appropriate government. The street layout shall be devised for the most advantageous traffic flow and access for the entire neighborhood and shall conform to connecting streets in land adjacent to the new subdivision. Provision shall be made within the subdivision to provide street access to adjacent undeveloped acreage in such a way as to assure adequate access and circulation for future development. Dead-end streets and those which do not conform to adjacent established streets are to be avoided whenever possible. The street system layout shall be so designed insofar as practicable to preserve natural features such as trees, brooks, hilltops,

scenic views and other features. The street system layout shall provide for the acceptable disposal of storm water.

- (2) *Right-of-way requirements.* All streets shall have a minimum right-of-way width of sixty feet (60'); provided, however, any plat of property within Old Town Beasley shall include right-of-way with minimum width of eighty feet (80') unless all adjacent lots on both sides of the applicable right-of-way front a right-of-way more narrow than 80', in which case the right-of-way required shall be the same as that located in front of all other platted lots on the applicable right-of-way. Where proposed streets are extensions of existing or planned streets designated in the comprehensive plan, or revisions thereto, the proposed streets shall be the same width as the existing or planned streets. Alleys, where provided, shall not be less than twenty feet (20') wide. Intersecting alleys shall have corner cut-offs of at least twenty feet (20') feet on a side.
- (3) *Intersections.* All streets and alleys are to intersect at a ninety-degree angle with variations of ten (10) degrees subject to approval upon evidence of good cause. Acute angle intersections approved by the City Council are to have thirty-foot radii at acute corners. Street or alley intersections with or extending to meet an existing street or alley will be tied to the existing street or alley on centerline, with dimensions and bearings to show relationship.
- (4) *Cul-de-sac streets.* Cul-de-sacs shall have a turnaround with minimum right-of-way radius of fifty feet (50') for single-family use and sixty feet (60') for apartment, commercial or other uses. Maximum length of cul-de-sac streets shall be one thousand feet (1,000') for single-family developments and eight hundred feet (800') for multifamily and commercial developments. Temporary turnarounds, conforming to the minimum radii requirements, are to be used where curb and gutter are not installed at the end of a street more than four hundred feet (400') long which will be extended in the future. (The following note shall be provided on the final plat when a temporary turnaround is used: "Cross-hatched area is temporary easement for turnaround until street is extended (direction) in a recorded plat.")
- (5) *Partial or half-streets.* Partial or half-streets should be avoided but may be provided where a street should be located on a property line to permit reasonable future street construction and conform to the City's comprehensive plan or County road plan. Any dedication of a partial or half-street shall require that the following note be shown on the final plat: "This _____-foot strip is dedicated as an easement for all utility purposes including storm and sanitary sewers and shall automatically become dedicated for street purposes when and insofar as a _____-foot strip adjacent to it is so dedicated." Whenever a partial or half-street has already been provided adjacent to a tract to be subdivided, the remaining half or width necessary to meet the minimum requirements for full right-of-way shall be platted within such subdivision.
- (6) *Provisional reserves.* A provisional one-foot reserve may be used along the side or end of streets and along the side of partial or half-streets that abut undeveloped acreage tracts; when used, the following note shall be shown on the face of the final plat : "A one-foot strip is reserved as a buffer separation along and between the side or end of all streets in this subdivision plat where such streets abut adjacent tracts. At such time as the adjacent property is subdivided in a recorded plat, the one-foot reserves at such locations that abut land in adjoining tracts that has been dedicated to the public for street right-of-way purposes and is shown for such purpose on a recorded plat shall thereupon become vested in the public for street right-of-way purposes."
- (7) *Street names.* The names of proposed streets shall conform to the names of existing streets of which they may be or become extensions, or shall not duplicate or conflict with the

recognized name of any other street located in the area subject to these regulations.

B. *Drainage and utility easements.*

(1) *Drainage Easements.* Drainage easements required by the Fort Bend County Drainage District or as otherwise necessary for the property drainage of the subdivision shall be included on the plat. Detention areas may be marked as reserves on the plat if approved by the Fort Bend County Drainage District.

(2) *Utility Easements.* The location and width of necessary utility easements shall be determined by the public and private utility companies and shall connect with easements established in adjoining properties. Each easement shall be shown on the plat and appropriately dedicated and in no not be less than twenty feet (20') in width unless otherwise approved by all utilities providing service to the lot or lots.

C. *Block length.* Maximum block length for single-family residential development shall be one thousand two hundred feet (1,200'), measured along the center of the block, unless the lots are larger than the minimum required lot size.

D. *Lots.* No lot shall be created by any subdivision that does not have exclusive access to a public street and provision for utility services.

(1) *Residential lots without septic systems.* Unless provided otherwise by City zoning regulations or Section 21-4D.(4) applicable to cluster developments, residential (single family dwelling unit) lots shall be a minimum of fifty feet (50') in width and one hundred ten feet (110') in length with a minimum area of 5,000 square feet; provided, however, one single family dwelling unit of at least 1,200 square feet may be constructed on a lot that was platted prior to August 16, 1983 with minimum width thirty feet (30') and minimum depth one hundred ten feet (110'). All dwelling units shall be setback a minimum of five feet (5') from the side and rear lot lines and a minimum from the front lot line of either twenty five feet (25') or, only for lots in Old Town Beasley, the average setback of the two adjacent lots on either side provided both lots have existing dwelling units, whichever is less. Corner lots shall front the narrowest street or, if both streets are the same pavement width, the same street as an adjacent lot. Building setback lines shall be shown on the plat.

(2) *Residential lots with septic systems.* Residential lots that are not connected to a public wastewater treatment system must include a proposed septic tank and must be sized sufficiently to meet the TCEQ requirements for minimum lot size for such a system. No residential lot containing a septic tank shall be less than 7,000 square feet in area.

(3) *Multifamily, condominiums and apartments:* No structure containing two or more dwelling units shall be constructed on a lot less than nine thousand six hundred (9,600) square feet in area plus an additional one thousand five hundred (1,500) square feet for each dwelling unit in excess of two (2) dwelling units within structures to be constructed or occupied upon such a lot. Building setback lines shall be the same as those required for residential lots unless otherwise provided by City zoning regulations.

(4) *Cluster developments.* Lots in a general plan that meet the definition of Cluster Development provided in Section 21-2 may meet the requirements of this Section as an alternative to the requirements for residential lots. Each lot shall be a minimum of forty feet (40') in width at the front building setback line and one hundred twenty feet (120') in length with a minimum area of 4,000 square feet. Each dwelling unit shall be setback a minimum of twenty feet (20') from the front lot line, provided the proposed development will be deed restricted to require at least a two car garage. Each dwelling unit shall be setback a minimum of twenty-five feet (25') if the development is not deed restricted to require a two car garage for each dwelling unit. Each dwelling unit shall also be setback a minimum of five feet (5') from the rear and side lot lines. Corner lots shall front the

narrowest street or, if both streets are the same pavement width, the same street as an adjacent lot. Building setback lines shall be shown on the plat.

- (5) *Commercial and industrial lots.* No commercial or industrial structure may be constructed or located on any lot less than 7,000 square feet in area.
- (6) *Lots adjacent to or in floodplains.* Lots adjacent to the floodplain shall be so arranged so as to place rear or side yards adjacent to the floodplain except on lots over an acre. Lots for residential uses shall not be platted within an existing or natural floodplain, tidal marsh or swamp of an area less than one-half acre each and unless restricted in the private restrictions to be recorded with the plat to prohibit residential use of any structure unless that structure is constructed so that the lower floor thereof is not less than one (1) foot in elevation above the elevation of the floodplain as such elevation may have been established by the United States Corps of Engineers, United States Geological Survey or the United States Department of Agriculture. Lots for recreational, commercial or industrial purposes in tracts of twenty-five (25) acres or more may be platted in the floodplain if the City Council finds that such subdivision would not increase the flood potential of this area or adjacent areas to these tracts.

Section 21-5. Consideration of certain plats and plans delegated to Mayor.

- A. The Mayor is hereby delegated authority to approve the following on behalf of City Council when the following comply with this Ordinance:
 - (1) Amending plats described by Local Government Code, § 212.016;
 - (2) Plats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities;
 - (3) Replats under Local Government Code § 212.0415 that do not require the creation of a new street or the extension of municipal facilities;
 - (4) Infrastructure construction plans; and
 - (5) Resubmissions.
- B. The Mayor must refer any plat that is not approved to City Council to approve, approve with conditions or disapprove. No variances may be granted by the Mayor and no plat may be approved with conditions by the Mayor; provided, however, the Mayor may provide written or verbal feedback to an applicant to allow the applicant to resubmit a corrected plat or plan prior to the date of review by City Council.

Section 21-6. Consideration of plats and general plans by City Council.

Within 30 days after the completed application for a plat or general plan is filed with the Mayor, the City Council shall approve, disapprove, or approve with conditions such plat or general plan. Further, City Council shall provide the applicant a written statement of the conditions for a conditional approval or reasons for a disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Any plat or general plan that is disapproved must be resubmitted for City Council approval. Any plat or general plan that is approved with conditions must be resubmitted to the Mayor for approval. For resubmission of plats or plans, City Council will respond to an applicant's written responses to conditions for approval or reasons for disapproval; provided, however, differences between the plat or plan previously acted upon by the City Council or Mayor and the resubmitted plan or plat that are not a direct result of the written response to conditions of approval or reasons for disapproval (i) shall comply with all the requirements of this Ordinance, and (ii) may be considered by the City as submission of a new plat or plan.

Section 21-7. Standards and specifications for infrastructure construction plans.

All infrastructure construction plans shall comply with the requirements of all of the following: (i) the construction codes adopted and amended by the City, and (ii) state and federal regulations and laws, including but not limited to TCEQ regulations applicable to public water systems and wastewater collection systems.

Section 21-8. Approval criteria for plats and plans.

No plat, plan or resubmission of a plat or plan shall be approved unless the plat or plan:

- A. Is complete (including all required supporting documentation), in accordance with this ordinance;
- B. Includes all required and necessary information in order to determine compliance with applicable city and state law;
- C. Includes all information required, and in the form required, to be filed in the county real property records;
- D. Includes either (i) detail on existing water and wastewater infrastructure facilities or (ii) approved construction plans with performance guarantee, maintenance bond and construction cost estimates, that are:
 - (1) included in the application submitted by the applicant;
 - (2) signed and sealed by a licensed engineer;
 - (3) adequate to provide sufficient use and capacity for the proposed subdivision, including volume, water pressure, wastewater flow, fire flow, prevention of infiltration and inflow, protection of the city's water supply, and connection to existing lines; and
 - (4) compliant with all city and state laws and regulations, including but not limited to TCEQ regulations.
- E. Includes either (i) detail on existing streets and access ways or (ii) approved construction plans with performance guarantee, maintenance bond and cost estimates, that are:
 - (1) included in the application submitted by the applicant;
 - (2) signed and sealed by a licensed engineer;
 - (3) not detrimental to existing streets, crosswalks, driveways and sidewalks;
 - (4) sufficient to provide safe and necessary traffic flow, including emergency vehicle access, crosswalks, sidewalks, waste collection, access to each individual lot and driveway in the proposed subdivision (including reserves, parks and amenities), clear and unambiguous street names and signs, and connection to adjacent streets and sidewalks;
 - (5) are consistent with the City, State and County streets plan and comprehensive plan; and
 - (6) comply with all city and state laws and regulations, including but not limited to TxDOT regulations and the International Fire Code, as adopted and amended by the City.
- F. Includes approval by Fort Bend County Drainage District of drainage facilities (including submittal of any performance guarantee, cost estimates, and detailed construction plans required by the drainage district) that are:
 - (1) signed and sealed by a licensed engineer;
 - (2) sufficient to provide drainage after construction of all the proposed improvements and structures, including any fill; and
 - (3) compliant with all city, state and other applicable laws and regulations, including but not limited to the Texas Water Code;
- G. Shows lot lines, building setback lines, lot sizes (including depth and width), reserves, open/green space, and proposed building sites that each comply with the applicable zoning district, as it exists at the time the plat is filed for approval with the City, or applicant has provided an order from City Council providing for any and all variances required for the plat,

- as submitted, to comply with the applicable zoning district;
- H. Conforms to the comprehensive plan, parks plan, streets plan, county road log, and capital improvements plan of the City, including the City's ETJ, and its current and future streets, alleys, parks, playgrounds, and public utility facilities, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and
 - I. Does not otherwise violate state, federal or local laws or endanger the public health, safety and welfare.

Section 21-9. Completion of infrastructure; Guarantee of performance.

- A. All construction of public improvements and infrastructure shall be inspected while in progress by the appropriate city department, and must be approved upon completion by the Mayor. After final inspection, the Mayor shall notify the applicant in writing as to acceptance or rejection of the construction. The Mayor shall reject such construction only if it fails to comply with the standards and specifications contained or referred to in this Ordinance. If the Mayor rejects such construction, the city attorney shall, on direction of the City Council, proceed to enforce the guarantees provided in this Ordinance.
- B. *Maintenance Bond Required.* Prior to approval of any plat, the applicant shall file with the City Council a maintenance bond, executed by a surety company holding a license to do business in the state, in an amount equal to fifty percent (50%) of the construction cost of the improvements, as estimated by the Engineer of Record, conditioned that the applicant will maintain such improvements in good condition for a period of one year after approval of the final plat. Such maintenance bond shall be approved as to form and legality by the city attorney.
- C. *Security in lieu of improvements.* If the applicant chooses to post security in lieu of completing construction prior to final plat approval, the applicant may utilize either of the following methods of posting security:
 - (1) Has filed with City Council a performance bond executed by a surety company holding a license to do business in the state and acceptable to the City Council, in an amount equal to the cost of the improvements required by this Ordinance plus 10% contingency as estimated by the Engineer of Record and approved by the Mayor, conditioned that the applicant will complete such improvements within one year after approval of such plat, such bond to be approved as to form and legality by the city attorney; or
 - (2) Has placed on deposit in a bank or trust company selected by the applicant and approved by the City Council, in a trust account a sum of money equal to the estimated cost of all site improvements required by this Ordinance plus 10% contingency.
 - (a) The estimated cost of such improvements shall be the cost as estimated by the engineer of record and approved by the Mayor.
 - (b) Selection of the trustee shall be subject to approval by the City Council and the trust agreement shall be approved as to form and legality by the city attorney.

Section 21-10. Applicant Response to Conditional Approval / Disapproval.

After the conditional approval or disapproval by City Council of plat or plan submitted under this Ordinance, the applicant may submit to the Mayor for consideration by the City Council a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided to the applicant following a final decision by the City Council (or Mayor if applicable) on a filed plat or plan. A complete application for resubmittal of a plat or plan under this Section shall include all of the following:

- A. A copy of the original plat or plan application, including all supporting documents;
- B. A plat or plan that complies with this Ordinance in the form required for filing, if applicable;

- C. A copy of the decision provided to the applicant;
- D. An application for resubmittal on the form prescribed by the city;
- E. The applicable filing fee;
- F. A list of those required to be notified either prior to or following plat or plan approval, if applicable, which must be no more than 90 days old; and
- G. A written response to each of the conditions for approval with conditions or the reasons for disapproval, which must be in the form of a plat or plan if the plan or plat previously submitted does not show any modifications that would result from the written response.

Section 21-11. Consideration of resubmissions.

If a complete response is submitted, City Council, or the Mayor in accordance with authority delegated by this Ordinance, shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved general plan or plat not later than the 15th day after the date the response was submitted. Further, City Council may consider only those conditions of approval or reasons for disapproval included in the written response(s) provided to the applicant following previous decision(s) by Council, or the Mayor in accordance with authority delegated by this Ordinance, on the same general plan or plat. Any modification to any portion of a plat or plan that is not in direct response to a condition for approval or reason for disapproval (ex. rearranging of lots in Phase I to accommodate a change in the layout for Phase II of a general plan) must be submitted as a new plat or plan in accordance with this Ordinance.

Section 21-12. Optional predevelopment meeting.

Predevelopment meetings with staff are available on request in order to provide preliminary review, advisory opinions, discussion and opportunities for infrastructure participation or other development incentives to developers, applicants, and other persons. No plat or general plan shall be submitted at any predevelopment meeting. No city employee, officer, agent, consultant, or contractor is delegated authority to approve, disapprove or approve with conditions, including through inaction, any plat or general plan except as expressly provided by this ordinance.

Section 21-13. Preliminary plats.

An applicant intending to develop a large commercial or residential subdivision may, but is not required to, submit a plat under this Chapter to obtain preliminary approval of the proposed lot layout. Submission of such a "preliminary plat" shall not excuse an applicant from submitting a general plan if one is required. A "preliminary plat" will be reviewed in the same manner and subject to the same requirements as any other plat submitted under this Chapter. A "preliminary plat" shall include proposed infrastructure layout, either on the plat or in the form of preliminary infrastructure construction plans. Council's approval with conditions of a "preliminary plat" shall constitute only approval of the preliminary layout of infrastructure plans and shall not excuse the applicant from submitting complete infrastructure construction plans for approval prior to beginning construction of such infrastructure or requesting a building permit for any lot included in the "preliminary plat".

Section 21-14. Conflict with other ordinances.

This Ordinance shall be deemed to be solely an Ordinance governing the submission and process for consideration of plats, general plans and subdivisions of land, and nothing herein contained shall be deemed to modify, change, enlarge or repeal the provisions of any other ordinance of the City concerning buildings, building setback lines, zoning or any other matter. This Ordinance is

cumulative of other requirements imposed by ordinances and regulations of the City. To the extent of any inconsistency, the more restrictive provision shall govern.

Section 21-15. Offenses.

- A. It shall be unlawful for any person to lay out, subdivide or plat any land into lots, blocks, tracts or streets within the corporate limits of the city, or sell property therein and thereby, if the land has not been laid out, subdivided and platted in accordance with the requirements of this Ordinance.
- B. It shall be unlawful for a person to commence development within the corporate limits of the City until a plat has been approved in accordance with this Ordinance.
- C. It shall be unlawful to install, construct, modify or locate any structure in a manner that crosses a lot line.

Section 21-16. Denial of utility connections and permits.

- A. The building official shall not issue any building permit or other permits required for the installation of any utility, either public or private, to serve lots or tracts within the City for which a subdivision plat has not been properly recorded as required by this Ordinance.
- B. No tract of land may receive any service from or connect to the city water or wastewater collection systems unless, at the time of the application for service, the applicant provides evidence that the tract of land was subdivided or developed in compliance with this Ordinance.
- C. No certificate of occupancy may be issued for any structure installed, constructed, modified or located in a manner that crosses a lot line.”

Section 2. Repeal. This Ordinance expressly repeals Ordinance Nos. 1983-63, 2003-6, 2003-1, and 2006-4. Otherwise, this ordinance is intended to be cumulative and shall not repeal any provision of a previous ordinance except to the extent that a provision is inconsistent and cannot be reconciled with this ordinance.

Section 3. Severability. In the event any clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of Beasley, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 4. Publication and Effective Date. This ordinance shall be effective upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Chapter 52 of the Texas Local Government Code.

Section 5. Public Hearing. This ordinance was adopted following a public hearing as required by Section 212.002 of the Texas Local Government Code.

PASSED, APPROVED, AND ADOPTED on this 2nd day of June 2020; and

APPROVED:



Kenneth Reid, Mayor

ATTEST:



Misty Tiemann, City Secretary