

**ORDINANCE NO. 1123**

**AN ORDINANCE OF THE CITY OF STAFFORD, TEXAS, AMENDING AND REPLACING CHAPTER 82 - SUBDIVISIONS, OF THE CITY CODE OF ORDINANCES; AMENDING AND DELETING SUBSECTION (b)(3) OF SECTION 62-68 – POLICY OF ARTICLE III - CREATION OF EXTENSION POLICY FOR CERTAIN DISTRICTS OF CHAPTER 62; AMENDING AND DELETING ARTICLE IV – RECORDED RESTRICTIONS OF CHAPTER 62; PROVIDING FOR THE CODIFICATION AND RENUMBERING OF THE REVISED SECTIONS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STAFFORD, TEXAS:**

**Section 1.** Chapter 82 - Subdivisions, including all subsections, of the City of Stafford Code of Ordinances (“City Code”) is amended and replaced in its entirety as attached as Exhibit A to this Ordinance and incorporated by reference for all purposes.

**Section 2.** Subsection (b)(3) of Section 62-68 – Policy of Article III - Creation of Extension Policy for Certain Districts of Chapter 62 is amended and deleted in its entirety.

**Section 3.** Article IV – Recorded Restrictions of Chapter 62 is amended and deleted in its entirety.

**Section 4.** The revised subdivision ordinance contained in Exhibit A of this ordinance shall be codified and may be renumbered in accordance with the codification.

**Section 5.** 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

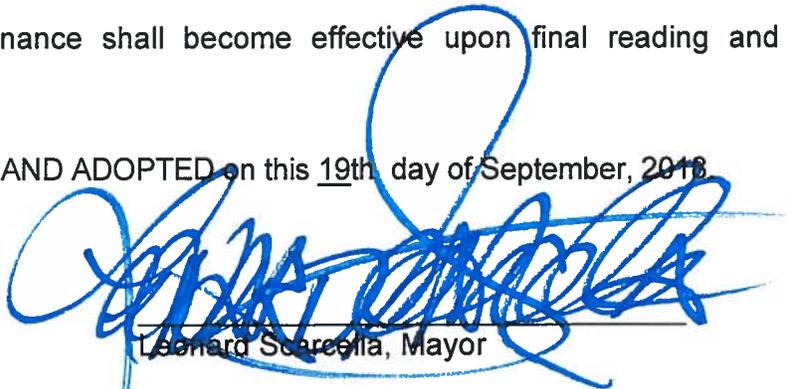
provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of Stafford, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 6.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

**Section 7.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

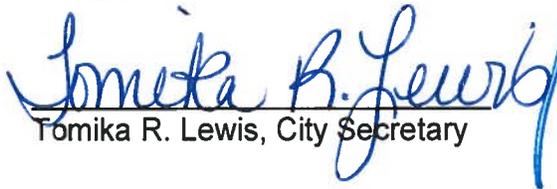
**Section 8.** This Ordinance shall become effective upon final reading and adoption of this Ordinance.

PASSED, APPROVED, AND ADOPTED on this 19th day of September, 2018.



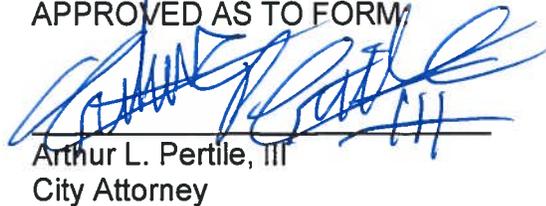
Leonard Scarcella, Mayor

ATTEST:



Tomika R. Lewis, City Secretary

APPROVED AS TO FORM:



Arthur L. Pertile, III  
City Attorney

## EXHIBIT A

Article 1 - IN GENERAL

Section 82-1. Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any office referred to herein by title shall include the person employed or appointed for that position or his duly authorized deputy or representative. Terms, phrases or words not expressly defined herein are to be considered in accordance with customary usage.

*Block* means an identified tract or parcel of land established within a subdivision surrounded by a street or a combination of streets and other physical features and which may be further subdivided into individual lots or reserves.

*Building setback* shall mean an imaginary line within a lot or tract which runs parallel to the boundary of such lot or tract, or, when such lot or tract is encumbered by, or adjacent to, a street right-of-way or private street easement, an imaginary line which runs parallel to the boundary of such street right-of-way or private street easement.

*City Engineer* means the engineer employed by the City, or the engineers retained as consultants to the City, or their duly authorized representatives.

*City minimum construction standards for community improvements* means the design and construction standards for municipal improvements heretofore adopted by Fort Bend County WC & ID #2 (FBC#2), as may be amended from time to time by the FBC#2 Board, which standards are on file and available for public inspection.

*Commission* means the Planning and Zoning Commission of the City.

*Comprehensive plan* means the general plan for the growth and development of the City and its environs, including any elements of such plan, such as a land use plan, thoroughfare plan, utilities plan, drainage plan, schools and parks plan, and others.

*Drainage easement* means an area intended for restricted use on private property upon which an authorized governmental agency shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance or operation of any of its respective drainage systems within any of these easements. An authorized governmental agency shall at all times have the right of unobstructed ingress and egress to and from and upon the drainage easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective drainage systems without the necessity at any time of procuring the permission of anyone.

*Extraterritorial jurisdiction* means all land situated as classified by The Texas Local Government Code (TLGC) § 42.021, in all directions from the corporate boundary of the

City and its extensions, and which is not in conflict with the extraterritorial jurisdiction of another municipality.

*Final plat* means a complete and exact subdivision plan prepared in conformity with the provisions of this Article and in a manner suitable for recording with the county clerk of the county or counties in which such subdivision is located.

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

*Person* means any individual, partnership, association, firm, corporation, governmental agency or political subdivision.

*Preliminary plat* means a map or drawing of a proposed subdivision prepared in accordance with the provisions of this Article, illustrating the features of the subdivision for review and preliminary approval by the commission and the City Council, but not necessarily suitable for recording with the county clerk of the county or counties in which such subdivision is located.

*Street, private*, means a private thoroughfare, not dedicated for public use, which provides vehicular access to adjacent private land.

*Street, public*, means any public thoroughfare or right-of-way, dedicated for public use, which provides vehicular access to adjacent land. Public streets shall be classified as follows:

*Collector streets* means streets which carry traffic from minor streets to the major system of arterial streets and highways.

*Major thoroughfares (or arterial streets)* means principal traffic arteries more or less continuous across the City and which are intended to connect remote parts of the City and which are used primarily for fast or heavy volume traffic.

*Minor streets* means streets which are used primarily for access to the abutting properties and which are intended to serve traffic within a limited area.

*Subdivider and developer* are synonymous and shall include any owner, or authorized agent thereof, proposing to divide or dividing land so as to constitute a subdivision according to the terms and provisions of this Article.

*Subdivision* means the division of any lot, tract or parcel of land by plat, map or description into two or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication and the laying out (or realignment) of new streets, or other public or private access ways, with or without lotting, shall constitute a subdivision. Subdivision shall also include the resubdivision and replatting of

land or lots which are part of a previously recorded subdivision. An "addition" is a subdivision as defined herein. The term "subdivision" shall also include the division of land whether by plat or by metes and bounds description and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. The term "subdivision" shall not include the division of land for agricultural purposes only, in parcels or tracts of five acres or more and, when not involving the requirement of new streets, or access easements. The term "subdivision" shall not include a division of land resulting from the acquisition of right-of-way for public street construction for immediate or future purposes by a governmental body. In addition, the term "subdivision" shall not include a division of land which results from the granting of a license or the entering into of a rental agreement if the term of the license or rental agreement does not exceed ninety (90) days, and:

- A. The use of the land pursuant to the license or rental agreement does not involve the construction of buildings or structures for which building permits are required;
- B. The tract divided as a result of the license or rental agreement is not encumbered for more than 90 days cumulated over any calendar year pursuant to a license or rental agreement, each day or part of a day being counted as a full day;
- C. The tract divided as a result of the license or rental agreement is not encumbered at any time by more than one such license or rental agreement;
- D. No dedication of streets or access easements are required; and
- E. The person or entity occupying land by virtue of any such license or rental agreement holds a valid temporary use permit as may otherwise be required by the City.

*Title certificate* means a certificate prepared and executed by a title company authorized to do business in the state or an attorney licensed in the state describing all encumbrances of record which affect the property, together with all deeds recorded from and after the effective date of Ordinance No. 360. Such certificate shall include all property included within the platted area.

*Utility easement* means an area intended for restricted use on private property upon which any authorized public utility or governmental entity shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance or operation of any of its respective utility systems within any of these easements. An authorized public utility shall at all times have the right of unobstructed ingress and egress to and from and upon the utility easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone, except as may be provided by the franchise contract authorizing the public utility to operate within such utility easement.

## Section 82-2. - Findings

The facts and matters set forth in the preamble of Ordinance No. 360 are hereby found to be true and correct.

## Section 82-3. Application

This Article shall apply to all subdivisions of land within the City and its area of extraterritorial jurisdiction as established by Texas Local Government Code (TLGC) § 42.021.

## Section 82-4. Conflict with County regulations

This Article shall not be applied in such a manner to amend or alter any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county in which there exists territory contained within the area of extraterritorial jurisdiction of the City. In the circumstance where any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county is less restrictive than those contained herein, then the standards of this Article shall apply.

## Section 82-5. – Special provisions

- A. Plat approval required. It shall be unlawful for any person to subdivide any tract, lot or parcel of land within the City or its extraterritorial jurisdiction unless and until a preliminary and final plat of such subdivision has been approved in accordance with the terms of this Article. Unless and until a preliminary and final plat, plan or replat of a subdivision shall have been first approved in the manner provided herein by the Planning and Zoning Commission and the City Council, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure, or other improvement on any lot, tract, or parcel of land within such subdivision except as specifically permitted herein; and it shall be unlawful for any official of the City to issue any permit for such improvements, or any aspect thereof, or to serve or connect such land, or any part thereof, with any public utility which may be owned, controlled, or distributed by the City.
- B. Improvements required. All of the improvements required under this Article, improvements specified in the comprehensive plan, and improvements which, in the judgment of the City engineer, are necessary for the adequate provision of streets, drainage, utilities, municipal services, and facilities to the subdivision and surrounding areas of the City shall be constructed at the sole expense of the developer. Provided, however, if oversizing of utility or drainage facilities or off-site improvements are required as a part of the subdivision development, and are necessary for the adequate and efficient development of surrounding areas, the City may provide for reimbursement to the subdivider of such costs of such oversizing or off-site improvements. Any such reimbursements shall not be made until monies are received by the City. If oversized utility or drainage facilities or off-site improvements have been constructed pursuant to the development of a

subdivision, and any such facilities directly benefit a subsequent subdivision, the developer of such subsequent subdivision may be required, as a condition of subdivision plat approval, to make payment to the City of the portion of the actual costs theretofore expended for such improvements which serve such subsequent subdivision.

- C. Variance. The rules and regulations provided in this Article or incorporated hereby are the minimum standards and requirements of the City. A variance from any such rule or regulation may be granted by the City Council upon a good and sufficient showing by the owner that:
  - 1. There are special circumstances or conditions affecting the property in question;
  - 2. The enforcement of the provisions of this Article will deprive the applicant of a substantial property right; and
  - 3. If a variance is granted, it will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.
- D. Application of variance. Each and every application for a variance shall be decided solely and entirely on its own merits, and the disposition of any prior or pending application for a variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interests, standing alone, shall not be considered as a basis for the granting of a variance. No application for a variance will be considered unless submitted in writing not later than the date the application for final plat approval is submitted and accompanied by a nonrefundable application fee in the amount established by resolution adopted by City Council.
- E. Streets; public utilities. The City shall not repair, maintain, install or provide any streets or public utility services within a subdivision for which a final plat has not been approved or filed of record, nor in which the standards contained herein or referred to herein have been complied with in full.
- F. Exceptions. Platting shall be required for all building permit requests for new buildings on unplatted real property except as follows:
  - 1. Any lot which was in existence prior to November 4, 1971;
  - 2. Repair, maintenance or installation of any street or public utility services for, to, or abutting any lot, the last recorded conveyance of which prior to November 4, 1971, was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to November 4, 1971;
  - 3. Residentially developed property for additions to the main structure if such addition does not exceed fifty (50) percent of the main structure;

4. Adding an accessory building or structure on an unplatted residentially developed lot provided a primary structure exists on the unplatted lot or;
5. Restoring any residential building or structure on an unplatted residentially developed lot, destroyed by fire, explosion or any casualty or an Act of God where the extent of the destruction is not more than fifty (50) percent of the current value of the structure.

#### Section 82-6. - Violations

Prosecution or conviction under this Article shall not be a bar to any other remedy or relief for violations of this Article.

#### Section 82-7. – Enforcement in Extraterritorial Jurisdiction

Any person violating any provision of this Article outside the corporate limits of the City but within the exclusive extraterritorial jurisdiction of the City shall not constitute a misdemeanor under this Article and no fine shall be applicable to such violation. However, the City shall have the right to institute an action in the district court to enjoin any person in violation of any provision hereof.

#### Section 82-8. – Rough proportionality determination

- A. Determination. Prior to a decision on an application for approval of a plat or permit for which an exaction requirement is required as a condition of approval, the City Engineer shall determine that each exaction requirement to be imposed as a condition of plat or permit approval is roughly proportionate to the demand created by the development on the City's public facilities systems, taking into consideration the nature and extent of the development proposed. In making this determination, the City Engineer may consider the following:
  1. The proposed and potential use of the land;
  2. The timing and sequence of development in relation to availability of adequate levels of public facilities systems;
  3. Impact fee studies, traffic impact studies, drainage studies or other studies that measure the demand for services created by developments and the impact on the City's public facilities system;
  4. The function of the public works improvements in serving the proposed subdivision or development;
  5. The degree to which public works improvements necessary to serve the proposed subdivision are supplied by other developments;
  6. The anticipated participation by the City in the costs of necessary public works improvements;

7. The degree to which acceptable private infrastructure improvements to be constructed and maintained by the developer will offset the need for public works improvements;
  8. Any reimbursements for the costs of public works improvements for which the proposed subdivision is eligible; and/or
  9. Any other information relating to the impacts created by the proposed subdivision or development on the City's public facilities systems.
- B. Approval. Based upon the proportionality determination, the City Engineer shall provide a written approval including an affirmative statement that the exaction requirements of this Ordinance or other ordinances requiring the plat or permit, as applied to the proposed subdivision or development, does not impose costs on the applicant for public works improvements that exceed those roughly proportionate to the impact of the proposed subdivision or development.
- C. Additional Information. The City Engineer may require that the applicant, at its expense, submit any information or studies that may assist in making the proportionality determination.

#### Section 82.9 - Rough Proportionality Approval

- A. Generally. An applicant for an approval of a plat which imposes an exaction requirement as a condition of approval may file an appeal to contest any exaction requirement, other than impact fees, imposed as a condition of approval or in which the failure to comply is grounds for denying the application.
- B. Purpose. The purpose of a proportionality appeal is to assure that an exaction requirement imposed on a proposed development as a condition of approval does not result in a disproportionate cost burden on the developer, taking into consideration the nature and extent of the demands created by the proposed development on the City's public facilities systems.

#### Section 82-10. – Appeals procedure

- A. Requirements for Appeal. An applicant seeking approval of a plat or any other type of permit or zoning approval for which an exaction requirement is imposed shall file a written appeal with the City Secretary within ten (10) days of the date the Commission or other City official takes action applying the exaction requirement. The applicant shall submit eight (8) copies of the appeal. A separate appeal form shall be submitted for each exaction requirement for which relief is sought. The City Secretary shall forward the appeal to the City Council for consideration.
- B. Postponement of Action on Plat. The applicant may request postponement of consideration of the applicant's plat application by pending preparation of the study required by subsection D of this Section.

- C. Basis for Appeal. The appeal shall provide a detailed description of the basis for determining that the exaction requirement is not roughly proportional to the nature and extent of the impact created by the proposed subdivision or development on the City's public facilities systems and does not reasonably benefit the proposed subdivision or development.
- D. Study Required. The applicant shall submit to the City Engineer three (3) copies of a study in support of the basis of the appeal that includes, with respect to each specific exaction requirement appealed, the following information, within thirty (30) days of the date of appeal:
  - 1. Model of the subdivision's water, wastewater, roadway, drainage, or park system, as applicable, from the point of connection to the existing public system, employing standard measures of capacity and equivalency tables relating the type of development proposed. Impacts on the existing public system will be reviewed by the City to determine if system upgrades are necessary. If the proposed subdivision is to be developed in phases, such information also shall be provided for the entire development, including any phases already developed;
  - 2. Comparison of the capacity of the applicable municipal utility to be consumed by the proposed subdivision or development with the capacity to be supplied to such systems by the proposed exaction requirement. In making this comparison, the impacts on the municipality's public facilities systems from the entire subdivision shall be considered;
  - 3. Comparison of the capacity of the applicable municipal public facilities systems to be consumed by the proposed subdivision or development with the capacity to be supplied to such systems by the proposed exaction requirement. In making this comparison, the impacts on the municipality's public facilities systems from the entire subdivision shall be considered;
  - 4. The amount of any City participation in the costs of oversizing the public works improvements to be constructed by the applicant in accordance with the City's requirements;
  - 5. Comparison of the minimum size and capacity required by municipal standards for the applicable public facilities systems to be utilized by the proposed subdivision or development with the size and capacity to be supplied by the proposed exaction requirement; and
  - 6. Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the exaction requirement imposed by the City.
- E. Evaluation. The City Engineer shall evaluate the appeal and supporting study and shall make a recommendation to the City Council based upon the City Engineer's

analysis of the information contained in the study and utilizing the same factors considered by the Engineer in making the original proportionality determination.

Section 82-11. - City Council decision

- A. Appeal Hearing. After the applicant certifies to the City Secretary that all evidence has been submitted, the City Secretary shall schedule the appeal on an agenda of a meeting of the City Council, and shall cause the applicant to be notified, at the address given on the appeal form, of the date and place at which the Council will consider the appeal. The City Council shall decide the appeal within thirty (30) days of the date of final submission of any evidence by the applicant. The applicant shall be allotted time to present his appeal at the City Council meeting and may introduce other testimony and shall be allotted thirty (30) minutes to present testimony in support of the appeal. The City Council shall base its decision on the criteria listed in Section 82.8.A. and Section 82.8.C.
- B. Action. The City Council may:
  - 1. Deny the appeal and impose the exaction requirement in accordance with the City Engineer's recommendation or the Commission's decision on the plat or other development application; or
  - 2. Grant the appeal, and modify in whole or in part an exaction requirement to the extent necessary to achieve proportionality; or
  - 3. Grant the appeal, and direct that the City Engineer prepare a City project plan for constructing the public works improvements required to provide necessary public infrastructure to the proposed development.
- C. Factors. In deciding an appeal, the City Council shall determine whether application of the exaction requirement is roughly proportional to the nature and extent of the impact created by the proposed subdivision on the City's public facilities systems roadway, drainage, or park facilities, as applicable, and reasonably benefits the subdivision. In making such determination, the Council shall consider:
  - 1. The evidence submitted by the applicant; and
  - 2. The City Engineer's report and recommendation, considering in particular the factors identified in Sections Section 82.8.A and Section 82.10.D.
- D. Additional Information. The City Council may require the applicant or the City Engineer to submit additional information that it deems relevant in making its decision.
- E. Modification. The applicant shall not be deemed to have prevailed in the event that the City Council modifies the exaction requirement.

Section 82-12. - Action following decision of City Council

- A. Decision to Modify. If the City Council finds in favor of the applicant and modifies in whole the exaction requirement as a condition of plat approval, or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the plat application to the Commission within thirty (30) days of the date the City Council takes action, with any modifications necessary to conform the plat with the City Council's decision. If the applicant fails to conform the plat to the City Council's decision within the thirty (30) day period provided, the relief granted by the City Council on the appeal shall expire.
- B. Decision to Modify. If the City Council finds in favor of an applicant for any subdivision plat and modifies in whole the exaction requirement as a condition of plat approval, or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the plat application to the responsible official within thirty (30) days of the date the City Council takes action, with any modifications necessary to conform the application with the City Council's decision. If the applicant fails to do so, the relief granted by the City Council shall expire.
- C. Denial of Appeal. If the City Council denies the appeal, the City shall place the plat application on the agenda of the Commission within thirty (30) days of the City Council's decision.
- D. Additional Dwelling Units. If the plat application is modified to increase the number of residential dwelling units or the intensity of non-residential uses, the City Engineer may require a new study to validate the relief granted by the City Council.
- E. New Appeal Required. If the plat application for which relief was granted is denied on other grounds, a new appeal shall be required on any subsequent application.

#### Section 82-13. – Appeal of City Council decision

An applicant may appeal the decision of the City Council to the County or District Court of the county in which the development is located within thirty (30) days of the date that the Council issues its final decision. In the event that the applicant prevails in such action, the applicant will be entitled to attorneys' fees and costs, including expert witness fees.

#### Section 82-14. – Subdivision vested rights petition

- A. Purpose. In accordance with the Texas Local Government Code (TLGC) Chapter 245, as amended, the purpose of a Subdivision Vested Rights Petition is to determine whether an Application should be processed under the terms of a previous ordinance, to provide a process for determination of possible vested status, and to determine when certain permits are subject to expiration.
- B. Applicability of a Subdivision Vested Rights Petition
  - 1. A Subdivision Vested Rights Petition may be submitted for any Application authorized by this Subdivision Ordinance.

2. Prohibition of Joint Submission. A Subdivision Vested Rights Petition cannot be submitted by an Applicant along with submission of a request for a text amendment to this Subdivision Ordinance, a Zoning Map amendment, or any other request for a legislative decision by the City Council.
3. Prohibition of Submission for Exempt Permits and Regulations. No Subdivision Vested Rights Petition may be submitted for any permits or regulations that are exempt under Texas Local Government Code (TLGC) Chapter 245, as amended.
4. Prerequisite to the Filing of any Court Action. A petition herein is a prerequisite to the filing of any court action to determine vested rights. Exhaustion of administrative remedies shall not be accomplished unless appeals provided for in this Section are complete.

C. Petition Submission.

1. Filing. A Subdivision Vested Rights Petition shall be submitted to the Administrative Official and shall be in accordance with the Texas Local Government Code (TLGC), Chapter 245, as amended.
2. Thirty (30) Day Action Required. The processing of a Subdivision Vested Rights Petition is not subject to the platting requirement to decide an application within thirty (30) days.
3. Stay of Further Proceeding. Submission of a Subdivision Vested Rights Petition shall stay further proceedings on the related application until a final decision is reached on the Subdivision Vested Rights Petition.

D. Time for Filing a Petition and Application.

1. A Subdivision Vested Rights Petition may be filed jointly with an application for which a vested right is claimed.
2. Where more than one application is authorized to be filed simultaneously by this Ordinance, the petition may be filed simultaneously for each application.

E. Petition Requirements. The Subdivision Vested Rights Petition shall allege in writing that the applicant has a vested right for some or all of the land subject to the Application under Texas Local Government Code (TLGC), Chapter 245 as amended, or pursuant to Texas Local Government Code (TLGC), Section 43.002 as amended, or other applicable law, that requires the City to review and decide the Application under standards that were in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:

1. The name, mailing address, email address, phone number and fax number of the property owner (or the property owner's duly authorized agent with proof of such authority).
2. Identification of the property for which the person claims a vested right.
3. Identification of the project, as that term is defined in Texas Local Government Code (TLGC) Section 245.001(3), and the permit application, permit, or plan for development first filed for review for the project.
4. A narrative description of the grounds for the petition, including a statement as to whether the petition asserts a vested right related to a specific standard or to an entire project;
5. A copy of each approved or pending application which is the basis for the contention that the City may not apply current standards to the application which is the subject of the petition;
6. The Official Vesting Date of the application;
7. The date the subdivision for which the application was submitted was commenced;
8. Identification of all standards otherwise applicable to the application from which relief is sought;
9. Identification of any current standards which Applicant agrees can be applied to the application at issue;
10. A copy of any prior vested rights determination involving the same land; and
11. Whenever the Applicant alleges that an application subject to expiration should not be terminated, a description of the events constituting progress towards completion of the subdivision for which the application was approved.

F. Decision of a Subdivision Vested Rights Petition

1. Reviewing a Subdivision Vested Rights Petition
  - a. The Administrative Official for a Subdivision Vested Rights Petition is the same as that for reviewing and processing the Application with which the petition is associated.
  - b. Where multiple applications are submitted, and there is more than one Administrative Official, the decision of each Administrative Official shall be coordinated with that of any other Administrative Official on the Subdivision Vested Rights Petition.

- c. The City Attorney shall also be notified of the Subdivision Vested Rights Petition following its filing and acceptance for processing.
  - d. The Applicant shall reimburse the City for all related legal costs for review of a Subdivision Vested Rights Petition. This reimbursement shall be paid in full prior to filing of the Final Plat.
2. Decision by the Administrative Official on a Subdivision Vested Rights Petition
- a. If the Administrative Official is the decision-maker on the original related Application, that official shall determine whether the relief requested in the Subdivision Vested Rights Petition should be granted in whole or in part, and shall formulate a written report summarizing the decision maker's reasoning and recommendation.
  - b. The Applicant shall be notified of the decision within fourteen (14) calendar days following the date the Subdivision Vested Rights Petition was filed at the City.

G. Criteria for Subdivision Vested Rights Petition Approval

1. Factors. The Administrative Official shall review the Subdivision Vested Rights Petition with regards to the following factors:
- a. The nature and extent of prior applications filed for the land subject to the petition;
  - b. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
  - c. Whether any prior approved Applications for the property have expired or have been terminated in accordance with State law or local ordinances;
  - d. Whether current standards adopted after commencement of the project affect proposed use of the land, landscaping or tree preservation, open space or park creation, lot size, lot dimensions, lot coverage or building size based upon the proposed application;
  - e. Whether any statutory exception applies to the standards in the current Subdivision Regulations from which the Applicant seeks relief;
  - f. Whether any prior approved applications relied upon by the Applicant have expired; and
  - g. Any other applicable provisions outlined in Chapter 245 or Section 43.002 of the Texas Local Government Code (TLGC), as amended.

2. Conditions for a Pending Application. If the claim of vested rights is based upon a pending Application, subject to standards that have been superseded by current standards of this Subdivision Ordinance, the Administrative Official may condition any relief granted on the Subdivision Vested Rights Petition on the approval of the pending application.

#### H. Action and Record of Action on the Subdivision Vested Rights Petition

1. Action. The Administrative Official may take any of the following actions:
  - a. Deny the relief requested in the petition, and direct that the application shall be reviewed and decided under currently applicable standards; or
  - b. Grant the relief requested in the petition, and direct that the related Application be reviewed and decided in accordance with the standards contained in identified prior regulations; or
  - c. Grant the relief requested in part, and direct that certain identified current standards be applied to the related application, while standards contained in identified prior regulations also shall be applied.
2. Record. The Administrative Official's report and the decision on the Subdivision Vested Rights Petition shall be recorded in writing in an order identifying the following:
  - a. The nature of the relief granted, if any;
  - b. The related application(s) or plan for development upon which relief is premised under the petition;
  - c. Current standards that shall apply to the related Application for which relief is sought, if applicable;
  - d. Prior standards that shall apply to the related application for which relief is sought, including any procedural standards, if applicable;
  - e. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition; and
  - f. To the extent feasible, subsequent related applications that are subject to the same relief granted on the petition.

Section 82-15. – 82-32. - Reserved

Article 2 - PROCEDURE FOR SUBMISSION OF PLATS

Section 82-33. – Preliminary conference

Prior to the official filing of a preliminary plat, the subdivider, his planner, or other appropriate representative should consult with City staff for comments and advice on the procedures, specifications, and standards required by the City as conditions for subdivision plat approval. If requested in writing, the Planning and Zoning Commission will place, for discussion purposes only, an item on its agenda regarding the proposed subdivision in order to assist a subdivider on matters affecting such proposed subdivision.

Section 82-34. – Completeness determination

- A. Generally. Every application for approval of a plat or plan for development shall be subject to a determination of completeness by the Administrative Official.
- B. Requirements. No application shall be deemed complete and accepted for processing unless the Administrative Official determines it is complete and it is accompanied by all documents required by and prepared in accordance with the requirements of this Ordinance and other applicable standards. For a determination of completeness to be issued, an application must include the following:
  - 1. A completed application form signed by the owner or the owner's authorized agent;
  - 2. Every item, study and document required by this Ordinance or other applicable ordinances for the type of plat being submitted, or required for a plan for development;
  - 3. An application for approval of a plat or plan for development for property located within the City shall not be considered complete unless accompanied by a copy of the zoning ordinance or other certification verifying that the proposed use for which the application is submitted is authorized by the zoning district in which the property is located;
  - 4. A plat or plan for development application must conform to the zoning regulations applicable to the property at the time of the application, except as otherwise provided herein; and
  - 5. An agreement to pay all fees incurred with the review and processing of the application, and a deposit, if payment has not been timely made for previous applications.
- C. Proper Zoning Required. If a zoning change is contemplated for the property, the zoning change must be completed before the approval of any preliminary plat of the property. The City Council shall not approve a plat or plan for development

which does not comply with the zoning requirements until any available relief from the Board of Adjustment has been obtained.

- D. **Additional Requirements.** The Administrative Official and the City Engineer may from time to time identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in this Ordinance.
- E. **Substantive Requirements.** A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Ordinance.
- F. **Determination.** Not later than the tenth business day after the date an application is submitted, the Administrative Official shall make a determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by this Ordinance or other applicable ordinances have been submitted. A determination that the application is incomplete shall be mailed to the applicant within such time period by United States Mail, with delivery confirmation, at the address listed on the application or delivered personally to the applicant (with signature required). A copy of the notice shall also be emailed, with read receipt confirmation, provided that the applicant submits a valid email address. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information is not submitted within forty-five (45) days after the date the application was submitted.
- G. **Complete Application.** An application for approval of a plat or plan for development shall be deemed complete on the eleventh (11<sup>th</sup>) business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete. For purposes of this section, the applicant shall be deemed to have been notified if the City has mailed a copy of the determination as provided in subsection F.
- H. **Incomplete Application.** The processing of an application by any City employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing. The incompleteness of an application shall be grounds for denial of the application regardless of whether a determination of incompleteness was mailed to the applicant.
- I. **Expiration of Application.** An application for approval of a plat or plan for development shall be deemed to expire on the forty-fifth (45<sup>th</sup>) day after the application is submitted to the Administrative Official for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this Ordinance as specified in the determination provided to the applicant.

- J. Denial of Application. No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

Section 82-35. – Application for preliminary plat approval

- A. An application for preliminary plat approval must be accompanied by a nonrefundable application fee in the amount established by resolution adopted by City Council and on file in the City Secretary's office.
- B. Initial plat submittals shall be accompanied with a title opinion or a statement or certificate, either in separate writing or on the face of the plat, executed by the applicant or the person who prepared the plat, which certifies that all existing encumbrances, such as various types of easements, fee strips or significant topographical features, on the land being platted are fully shown and accurately identified on the face of the plat and further stating whether the plat being submitted includes all of the contiguous land which the subdivider owns directly or indirectly, or has a legal or beneficial interest in or whether the subdivider owns or has a legal interest in any adjacent property. If the subdivider owns or has a legal interest in any adjacent property, the extent of such ownership and a boundary description of the land involved must also be provided.
- C. Evidence of notice to all utility companies, whether public or private, shall accompany each application for preliminary plat approval. Such notice shall contain a statement of the intent to subdivide and the intended use of the property within the subdivision, and shall have attached to such notice a copy of the preliminary plat which is filed with the City.

Section 82-36. - Form and content of preliminary plats

All preliminary plats submitted to the Planning and Zoning Commission shall be in the following form and contain the following information and/or language:

- A. The proposed name of the subdivision or development, which must not be a duplicate of any subdivision or development of record within the City or its area of extraterritorial jurisdiction;
- B. The legal description of the property proposed to be subdivided including the name of the county, survey and abstract number, together with a survey reference to the nearest survey corner or street right-of-way intersection in the same general area;
- C. The total acreage and total number of lots, blocks and reserves;
- D. The name of the owner of the property or subdivider. If the subdivider is other than a natural person the name of the principal officer or owner of the entity responsible for the subdivision shall be provided;
- E. The name of the person or firm that prepared the plat;

- F. The date on which the plat was drawn;
- G. The north point. The drawing of the subdivision must be oriented with north to the top of the drawing;
- H. The scale must be drawn numerically and a graphic scale must be provided. The scales acceptable for a preliminary plat shall be either one (1) inch equals 100, 200, 300 or 400 feet, or for small projects (less than ten (10) acres) one (1) inch equals 20, 30, 40, 50 or 60 feet;
- I. A scale vicinity map shall be provided and made a part of the plat indicating the general location of the subdivision and its relationship with well-known streets, railroads, watercourses and similar features in all directions from the subdivision to a distance not less than one mile. The scale of the vicinity may be one inch equals one mile and should be oriented with north to the top of the drawing and in the same direction as the detailed subdivision drawing;
- J. The plat boundaries shall be drawn with heavy lines to indicate the subdivided area with overall survey dimensions and bearings. Lines outside the plat boundary should be drawn as dashed lines;
- K. The adjacent areas outside the plat boundaries shall be identified indicating the name of adjacent subdivisions, churches, schools, parks, bayous, and drainageways, acreage, and all existing streets, easements, pipelines and other restricted uses;
- L. The location and approximate width of existing and proposed watercourses, ravines and drainage easements;
- M. The location and identification of all tracts not designated as lots within the boundaries of the plat. Such tracts, if not restricted for specific uses, shall be identified as "unrestricted reserve." The words "restricted reserves" shall be indicated on the plat and shall be designated as single-family residential, multifamily residential, commercial, manufacturing or industrial;
- N. The location of all streets, roads, alleys and easements, either existing or proposed, within the plat boundaries or immediately adjacent thereto;
- O. The names of all existing and proposed streets located within the plat boundaries or immediately adjacent thereto; and
- P. The location of all lots, blocks, building setback lines and other features within the plat boundaries with approximate dimensions.
- Q. The location of all nonresidential driveway including all joint access driveways, if any, and any related easements. See also Chapter 78, Article IX.

Section 82-37. – Application for final plat approval

- A. Any person desiring approval of a final plat shall first file an application for final plat approval. Forms for such applications shall be kept on file in the office of the director of public works and shall be in a form approved by the City Council. Consideration of a final plat by the Planning and Zoning Commission or the City Council will not occur unless a fully completed and executed application has been filed in accordance with this Article.
- B. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the office of the director of public works not later than 4:00 p.m., eight days prior to the next regular commission meeting. Materials received after 4:00 p.m. on the date specified herein shall automatically be placed on the agenda of the second regular meeting of the commission following submittal.
- C. An application for final plat approval must be accompanied by a nonrefundable application fee in the amount established by resolution adopted by City Council and on file in the City secretary's office.
- D. Letters from all utility providers, whether public or private, stating that the easement locations and dimensions shown on the plat will adequately serve the property lying within the proposed subdivision shall accompany each application for final plat approval. The City Council may waive this requirement upon a good and sufficient showing that the notice requirements of section 82.35(F) have been met and that a utility provider failed to respond to a written request for approval of the easement locations and dimensions shown on the plat within thirty (30) days of such request. In the event a utility provider, whether public or private, requires additional easements unnecessary for the development of the property, a letter signed by the applicant agreeing to provide such additional easements to the utility provider shall be submitted with the application for final plat approval.

#### Section 82-38. – Form and content of final plat

All final plats shall incorporate all of the provisions relating to preliminary plats in section 82-36. and, where appropriate, reflect any conditions and requirements of final approval previously imposed by the Planning and Zoning Commission together with the following additional requirements:

- A. The scale for a final plat drawing may be any of the following: One (1) inch equals 100, 60, 50, 40, 30 or 20 feet.
- B. All engineering and surveying data shall be shown on the final plat sufficient to locate all of the features of the plat on the ground. These data shall include, but not be limited to, full dimensions along all boundaries of the plat, street and alley rights-of-way, easements and drainageways, gullies, creeks and bayous together with the location of the high bank of such drainageways and watercourses, lots, blocks, reserves, out tracts or any other tracts designated separately within the plat boundaries, fee strips, pipelines or any other physical or topographical

features necessary to be accurately located by surveying methods. Such information must include line dimensions, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof.

- C. The intended use of all lots within the subdivision shall be identified on the plat. All tracts not designated as lots within the boundaries of the plat shall be identified as provided in section 82-36(M).
- D. All dedication statements and certificates shall be made a part of the final plat drawing and must conform in form and content to the form of statements and certificates set forth in Appendix A to this Chapter, which is incorporated herein and made a part hereof for all purposes.

#### Section 82-39. – Plat drawing and reproductions

The original plat drawings for an approved final plat shall be drawn on three (3) mil matte positive-contact film with black lines and image. Provided however, if the county in which the plat is to be recorded requires the plat to be produced on material different than three (3) mil matte positive-contact film, compliance with said county requirements shall constitute compliance with this section. The names and titles of all persons signing any such plats shall be lettered under the signature. Paper prints from the original plat drawing (white paper with blue or black lines) and one sepia transparency must also be provided prior to recording. After recording, the subdivider shall submit to the director of public works one original film and eight paper prints of the recorded plat with all recording information thereon. No permit shall issue for construction within a subdivision until such conditions as herein provided are met.

#### Section 82-40. - Title report

At the time an approved final plat is furnished to the City for recording a current title report, statement or opinion, title policy or certificate or letter from a title company authorized to do business in the state or an attorney licensed as such in the state shall be provided certifying that within thirty (30) days prior to the date the final plat was furnished to the City, a search of the appropriate records was performed covering the land proposed to be platted and providing the following information concerning the title to the land:

- A. The date of the examination of the records;
- B. A legal description of the property lying within the proposed subdivision including a metes and bounds description of the boundaries of the land;
- C. The name of the record owner of fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such owner acquired fee simple title;
- D. The names of all lienholders together with the recording information and date of the instruments by which such lienholders acquired their interests;

- E. A description of the type and boundaries of all easements and fee strips not owned by the subdivider of the property in question together with the recording information and date of the instruments whereby the owner of such easements or fee strips acquired their title; and
- F. Certification stating that all current City, county, school, utility or other governmental entity taxes due and payable have been paid or a tax certificate from the City, county, school, utility or other governmental entity in which the land being platted is located showing no delinquent taxes are due on the property being platted.

#### Section 82-41. – City Council and commission action

The City Council and the Planning and Zoning Commission shall review each plat submitted to it on a preliminary basis and a final basis. The City Council and the commission shall approve any plat if it is in compliance with the provisions of this Article and other rules and regulations as may have been or may be adopted by the City Council governing plats and/or the subdivision of land. Upon the receipt of a plat, the City Council and commission's authorized actions shall be as follows:

- A. Grant preliminary approval or preliminary approval with conditions.
- B. Defer preliminary action until the next regular meeting (not to exceed thirty-five (35) days).
- C. Grant final approval, if in conformance with the conditions of preliminary approval or final approval subject to additional conditions.
- D. Disapprove any plat, either preliminary or final, if the City Council and the commission determine that it fails to comply with the policies, standards or requirements contained in this Article or other rules or regulations as may have been adopted by the City Council governing plats and/or the subdivision of land.

#### Section 82-42. – Expiration of plat approval

Preliminary plat approvals and final plat approvals granted by the City Council and the conditions therein, if any, or by administrative approval are valid for a period of twelve (12) months from the date on which such approval was granted. Master preliminary plat approvals granted by the City Council and the conditions therein, if any, are valid for a period of twenty-four (24) months from the date on which such approval was granted. Provided, however, the City Council may, upon receipt of a written request from the subdivider or his authorized agent prior to the expiration date of a final plat approval or master preliminary plat approval, extend this term of approval for any time period not to exceed an additional twelve (12) months. The maximum term for approval of any final plat granted by the City Council which has not been duly recorded shall not exceed a total of twenty-four (24) months from the date on which approval was granted by the City Council.

#### Section 82-43. – Final plat approval by sections or portions

A subdivider may, at his option, elect to obtain final plat approval by sections or portions of the tract being divided, provided that such tract contains a minimum of twenty (20) acres. If a subdivider so elects, he shall submit a master preliminary plat, identified as such, which master preliminary plat shall comply in all respects with the requirements for preliminary plats contained in Section 82-36. The master preliminary plat shall also be accompanied by evidence of notice to all utility providers, whether public or private, of the intent to subdivide, the intended use of the property within the subdivision, and evidence that such utility providers were furnished a copy of the master preliminary plat which is filed with the City. Each final plat of each such section or portion shall comply fully with the requirements set forth herein for final plats. An updated master preliminary plat shall be submitted with each application for a final plat to reflect all sections or portions previously finally platted and the new section or portion of the tract being divided. Provided, further, each final plat of each such section or portion shall bear the name of the entire subdivision, but shall be distinguished from each other section or portion by letter, number, or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such entire subdivision may be finally approved by sections or portions. Each subsequent final plat shall comply in full with the master preliminary plat; amendments to the master preliminary plat may be accomplished only through a formal replat of such master preliminary plat. Provided, further, it shall be unlawful for any person to construct any street, utility facility, building, structure, or other improvement on the remaining portion of such subdivision for which a final plat has not been recorded. Submission of a master preliminary plat for final plat approval must be accompanied by a nonrefundable application fee in the amount established by resolution adopted by City Council and on file in the City secretary's office.

#### Section 82-44. – Exceptions to requirements

Notwithstanding any other provision of this Article to the contrary, the following exceptions to requirements contained herein, to the limited extent expressly provided, are hereby established:

- A. In instances where a proposed subdivision contains less than five (5) acres and is a part of a previously approved and finally platted recorded subdivision, preliminary and final plat approval may be granted simultaneously if there is no requirement for dedications of streets, easements, or other portions for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto. Provided, further, if the City Council or the Planning and Zoning Commission determines, due to unique characteristics of the proposed subdivision, or to circumstances surrounding such proposal, that use of the abbreviated platting procedure established by this paragraph is not in the best interest of the City, either such body may direct that such proposed subdivision be platted in accordance with the standard procedures as established in sections 82-35. through 82-38.
- B. In instances where a subdivision contains one or more reserves which exceed forty (40) acres, the subdivider may elect to postpone the designation and dedication of

streets, roads, alleys, or other access easements, or minor drainage or utility easements and such other matters as are required in section 82-36.(L), and (N) – (P). If a subdivider elects to postpone such planning and dedication of such public or private facilities within any such remaining reserve, a notation shall be placed on the face of the plat establishing such fact, and providing that, pursuant to this Article, it shall be unlawful for any person to construct any improvement upon such remaining reserve or acreage before or until same is replatted in accordance herewith. Provided, further, if either the City Council or the commission determines that failure to establish a plan for any such acreage or reserve will impede orderly growth and development it may require full compliance with the terms of this Article.

C. Amending plats and minor plats.

1. The Director of Public Works shall have the authority to review any amending plat or minor plat, as such plats are defined herein, and grant preliminary and final approval of such plat if it is in compliance with the provisions of this Article and other rules and regulations as may have been or may be adopted by City Council governing plats and/or the subdivision of land.
2. All plat approvals granted by the Director of Public Works, and the conditions therein, if any, shall expire and may be extended as provided in section 82-42. as if the Planning and Zoning Commission and the City Council had granted such approvals or extensions.
3. The Director of Public Works may, for any reason, elect to present an amending plat or a minor plat for approval to the Planning and Zoning Commission and City Council.
4. The Director of Public Works shall not disapprove any plat. Any plat the director of public works refuses to approve shall be referred to the Planning and Zoning Commission for consideration within thirty days after the date the plat is filed.
5. As used in this Section, amending plat and minor plat shall have the following definitions:
6. Amending plat shall mean a plat that is signed by the applicants only and is solely for one or more of the following purposes:
  - a. To correct an error in a course or distance shown on the preceding plat;
  - b. To add a course or distance that was omitted on the preceding plat;
  - c. To correct an error in a real property description shown on the preceding plat;

- d. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- e. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- f. To correct any other type of scrivener or clerical error or omission previously approved by the City Council and commission, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- g. To correct an error in courses and distances of lot lines between two adjacent lots if:
  - (1).Both lot owners join in the application for amending the plat;
  - (2).Neither lot is abolished;
  - (3).The amendment does not attempt to remove recorded covenants or restrictions; and
  - (4).The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- h. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
  - (1).To relocate one or more lot lines between one or more adjacent lots if:
  - (2).The owners of all those lots join in the application for amending the plat;
  - (3).The amendment does not attempt to remove recorded covenants or restrictions; and
  - (4).The amendment does not increase the number of lots;
- i. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
  - (1).The changes do not effect applicable zoning and other regulations of the City;
  - (2).The changes do not attempt to amend or remove any covenants or restrictions; and

(3).The area covered by the changes is located in an area that the City Council has approved, after a public hearing, as a residential improvement area; or

j. To replat one or more lots fronting on an existing street if:

(1).The owners of all those lots join in the application for amending the plat;

(2).The amendment does not attempt to remove recorded covenants or restrictions;

(3).The amendment does not increase the number of lots; and

(4).The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

Minor plat shall mean a plat 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.

Section 82-45. – 82-74. - Reserved

Article 3 - **DESIGN STANDARDS**

Section 82-75. - Generally

No preliminary or final plat shall be approved by the Planning and Zoning Commission or the City Council, and no permit shall issue for the construction of any improvement intended for public use, or for the use of purchasers or owners of lots fronting or adjacent to such improvement, and no improvement intended for public use shall be accepted by the City, unless any such improvements shall comply with the standards and specifications in this division.

Section 82-76. - Comprehensive plan

All improvements required by this Article shall conform with the City's comprehensive plan.

Section 82-77. – Public streets, general arrangement and layout

The public street system pattern proposed within any subdivision shall comply with design standards of this section and shall:

- A. Provide for adequate vehicular access to all properties within the subdivision plat boundaries;
- B. Provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area;
- C. Provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by firefighters, police and other emergency services; and
- D. Provide a sufficient number of continuous streets and major thoroughfares, particularly in those areas designated for the development of high-density multifamily residential, commercial, and industrial land uses, to accommodate the increased traffic demands generated by these land uses.

Section 82-78. – Major thoroughfares

- A. The location and alignment of a designated major thoroughfare shall be in conformance with the latest edition of the comprehensive plan of the City. Proposals which constitute a change in the location or alignment of any designated major thoroughfare or freeway illustrated on the plat shall be approved by the City Council after the holding of a public hearing thereon.
- B. The minimum width of the right-of-way to be dedicated for any designated major thoroughfare shall not be less than one hundred (100) feet. In those instances where the proposed subdivision is located adjacent to an existing major thoroughfare having a right-of-way less than one hundred (100) feet, sufficient

additional right-of-way must be dedicated to accommodate the development of the major thoroughfare in question on the basis of a total right-of-way width of one hundred (100) feet. Where the construction of concrete pavement with curbs, gutters and storm sewers is determined by the Planning and Zoning Commission and the City Council to be not feasible and open ditch drainage is therefore required, the minimum right-of-way width required for the development of a designated major thoroughfare shall be more than one hundred (100) feet and of sufficient width to accommodate the approved roadway pavement and attendant drainage facilities.

- C. Curves proposed for the right-of-way of designated major thoroughfares shall have a centerline radius of two thousand (2,000) feet or more. Reverse curves should be separated by a tangent distance of not less than one hundred (100) feet. Intersections with other public and/or private streets should be at right angles but may vary not more than five (95) degrees. Where acute angle intersections are approved, a radius of at least twenty-five (25) feet in the right-of-way line at the acute corner shall be provided.

#### Section 82-79 – Collector streets

- A. The location and alignment of collector streets shall be in conformance with the master thoroughfare plan. Proposals which constitute a change in the location or alignment of any designated collector street illustrated on the plat shall be approved by the City Council after the holding of a public hearing thereon.
- B. The width of the right-of-way to be dedicated for any collector street shall be at least eighty (80) feet. In those instances where a subdivision plat is located adjacent to an existing collector street, with a right-of-way width less than eighty (80) feet, sufficient additional right-of-way must be dedicated within the subdivision plat boundary to accommodate the development of the street to a total right-of-way width of not less than eighty (80) feet. Where the construction of concrete pavement with curbs, gutters, and storm sewers is not feasible and open ditch drainage is planned, the minimum right-of-way width required for the development of a designated collector street shall be more than eighty (80) feet and of sufficient width to accommodate the approved roadway pavement and attendant drainage facilities.
- C. Curves proposed for the right-of-way of designated collector streets shall have a centerline radius of eight hundred (800) feet or more. Reverse curves should be separated by a tangent distance of not less than one hundred (100) feet. Intersections with other public and/or private streets should be at right angles but may vary not more than five degrees. Where acute angle intersections are approved, a radius of at least twenty-five (25) feet in the right-of-way line at the acute corner shall be provided.

## Section 82-80. – Minor streets

- A. The location and alignment of minor public streets proposed to be dedicated and established within a subdivision shall be designed in conformance with the standards listed in Section 82-77.
- B. The width of the right-of-way to be dedicated for any minor street shall be at least sixty (60) feet except as provided in Subsection (C) of this Section. In those instances where a subdivision plat is located adjacent to an existing minor public street, with a right-of-way width less than sixty (60) feet, sufficient additional right-of-way shall be dedicated within the subdivision plat boundary to accommodate the development of the minor street to a total right-of-way width of not less than sixty (60) feet.
- C. A right-of-way width of fifty (50) feet may be provided when a minor street is not designated to be extended into properties outside the plat boundaries, has an ultimate length not to exceed eight hundred (800) feet as a cul-de-sac or when in the configuration of a loop having an internal block length of not more than one thousand (1,000) feet, where storm sewers are to be provided and where the adjacent properties being platted are subdivided into lots, designated for residential purposes, having a lot width at the right-of-way line of not less than sixty (60) feet.
- D. A minimum right-of-way width of eighty (80) feet will be required where the street is designed to be extended into properties outside the plat boundaries, and where the adjacent properties are not proposed to be divided into lots designed and restricted for residential purposes.
- E. Curves along minor streets may have any centerline radius, except that the centerline radius on a reverse curve may not be less than three hundred (300) feet. Reverse curves should be separated by a tangent distance of not less than fifty (50) feet. Intersections with designated major thoroughfares shall be as provided in section 82-78. The angle of local street intersections may not vary more than ten degrees from perpendicular. Where acute angle intersections are approved, a radius of at least twenty-five (25) feet in the right-of-way line at the acute corner must be provided.
- F. The radii of the right-of-way at the end of local streets terminated with a circular cul-de-sac turnaround must be not less than fifty (50) feet except in those instances where storm sewers are not planned to be installed and storm drainage is proposed to be accommodated within the street right-of-way. A right-of-way radius of sixty (60) feet shall then be provided.
- G. Dead-end streets will not be approved except in those instances where the street is terminated by a circular cul-de-sac turnaround or where the street is designated to be extended into adjacent property. When such a street is designated to be

extended into adjacent property, a temporary turnaround shall be constructed in accordance with City minimum construction standards for community improvements. Such streets shall be signed "dead-end street" at the entrance to the street.

#### Section 82-81. - Public streets

All public streets as provided in this Article shall be constructed in accordance with City minimum construction standards for community improvements.

#### Section 82-82. - Private streets

- A. Private streets may be permitted in lieu of minor streets only within an approved Planned Development zoning district for residential development only. If a subdivider elects to plat and construct private streets, the streets shall meet all requirements contained in this division for public minor streets.
- B. In any development where private streets are dedicated, a properly recorded owner's agreement covering the maintenance of those private streets is required. Additionally, the following statement shall appear on the face of the plat: The City does not maintain private streets.

#### Section 82-83. – Private alleys

- A. Private alleys may be provided within a subdivision to provide secondary vehicular access to lots which otherwise have their primary access from an adjacent public street or approved common or compensating open space or courtyard which is adjacent to a public street. Private alleys may not be used or designed to provide the principal access to any tract of land and may not provide any access to property outside the subdivision plat boundaries in which the alleys are dedicated.
- B. Private alleys shall have a right-of-way width of not less than twenty (20) feet. Intersections with private alleys and public streets shall be in accordance with section 82-78. All corners at the intersections of alley rights-of-way with public streets or other alleys must have at least a twenty-five (25) foot radius or ten (10) foot angular cutbacks provided. Curves in alleys should be kept to a minimum. Reverse curves in alleys should be separated by a tangent distance of not less than fifty (50) feet.
- C. No dead end or cul-de-sac alleys will be permitted.
- D. All private alleys as provided in this section shall be constructed in accordance with City minimum construction standards for community improvements.
- E. In any development where private alleys are dedicated, a properly recorded owner's agreement covering the maintenance of those private alleys is required. Additionally, the following statement shall appear on the face of the plat: The City does not maintain private alleys.

## Section 82-84. - Street names

- A. All public streets contained in any subdivision plat approved by the City shall be named in accordance with the following considerations:
  1. Names for new streets shall not duplicate the name of any existing street located within the City or its area of extraterritorial jurisdiction.
  2. Existing street names shall be used in those instances where a new street is a direct extension of an existing street or a logical extension (when the streets in question are not and cannot be physically continuous) thereof except in those instances where the existing street name is a duplicate street name.
  3. Street name suffixes such as court, circle and loop should be designated on streets which are cul-de-sacs or in a configuration of a loop street. Suffixes such as boulevard, speedway, parkway, expressway and drive should be confined to designated major thoroughfares or local streets designed to handle traffic volumes in excess of normal neighborhood traffic generation. Suffixes such as highway or freeway shall be used only to designate highways or freeways falling under the jurisdiction of the state department of highways and public transportation.
  4. Street name prefixes such as north, south, east and west may be used to clarify the general location of the street; however, such prefixes shall be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.
  5. Alphabetical and numerical street names shall not be designated on any subdivision plat or development plan except in those instances where such street is a direct extension of an existing street with such a name and is not a duplicate street name.
  6. The word "sugar" or "quail" shall not be used as all or part of a name for any new street within the City or its area of extraterritorial jurisdiction.
- B. Permitted private streets shall be named in accordance with the provisions of Subsection (A) of this section.
- C. No street name once designated may be changed except by City ordinance.

## Section 82-85. – Block lengths

- A. Block lengths shall be determined by the measurement along the face of a block (being the adjacent street right-of-way line) from one street intersection to another street intersection where such streets provide cross-traffic circulation (not cul-de-sac streets). In those instances where a loop street configuration is involved, the interior block formed by the loop streets is measured through the center of the block and between adjacent street right-of-way lines. Variations in the block lengths herein specified may be considered by the City upon receipt of a request from the subdivider for a variance, in those situations where a block may be adjacent to a major topographical feature, such as a river, canal, bayou, gully or ravine; a major drainage ditch, lake, pit or mine excavation; a major right-of-way or easement for high-voltage electrical transmission line, underground pipelines, railroad rights-of-way and facilities; designated freeways; a public park or other public-owned and operated facilities such as dams, reservoirs, schools, airports or golf courses; and privately owned golf courses and lakes when such golf courses and lakes are an integral part of the layout and subdivision design of the overall tract being developed. In no instance, however, will the commission and the City Council grant a variance indicating that a block adjacent to the conditions and features mentioned above is to be more than two thousand, six hundred, forty (2,640) feet (one-half mile) in length measured along the block face.
- B. The maximum length for blocks adjacent to designated major thoroughfares shall be not more than one thousand, eight hundred (1,800) feet.
- C. The maximum length for blocks adjacent to designated collector streets shall be not more than one thousand, six hundred (1,600) feet.
- D. The maximum length for blocks adjacent to local streets shall be not more than one thousand, four hundred (1,400) feet, except under the following circumstances:
  1. Loop streets may have an internal block length of not more than one thousand (1,000) feet.
  2. Cul-de-sacs may have a block length of not more than eight hundred (800) feet, measured from the intersection with the right-of-way of a cross street along the centerline of the cul-de-sac street to the center of the circular turnaround at the end of the cul-de-sac.
  3. Stub streets or dead ends may have a block length of not more than eight hundred (800) feet unless terminated with a circular turnaround suitably modified to accommodate future extension of the street into adjacent property.
- E. Private streets shall comply with the requirements of this Article regarding minor streets.

#### Section 82-86. – One foot reserves

In those instances where any public street is established in a plat submitted to the City and where such public street forms a stub street into adjacent acreage or where such public street lies along and parallel with the plat boundary and adjacent to acreage, a one-foot wide reserve must be established within the street right-of-way to form a buffer strip, dedicated to the public, between the public street right-of-way and the adjacent acreage to prevent access to this public street from the adjacent acreage unless and until the City has had an opportunity to review the development proposals for such adjacent acreage, and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot reserve on a plat are contained in the following notation which must be placed upon the face of any plat where a one-foot reserve is to be established:

One-foot reserve dedicated to the public in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revest in the dedicator, his heirs, assigns or successors.

#### Section 82-87. - Partial or half streets

Partial or half streets may be required to be dedicated in those instances where the City concurs that it is necessary for the proper development of the land and in the public interest to locate a public street right-of-way centered on a property line. The City will not approve a partial or half street dedication within a subdivision dedicating less than a fifty (50) foot right-of-way width on a designated major thoroughfare or less than a 30-foot right-of-way width on any other type public street. Appropriate notations and one-foot reserve shall be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided in a recorded plat and the additional adjacent right-of-way is acquired providing the full right-of-way as specified in this Article.

#### Section 82-88. - Easements

- A. Cross access easements shall be required for nonresidential properties in order to provide connectivity to adjacent lots. The location of cross-access easements shall be determined by the City's Engineer. The requirements of a cross-access easement may be waived by the City's Engineer if they determine it will serve no public purpose.
- B. Public utility easements are those easements established within a plat which are designed to accommodate public owned or controlled utility facilities necessary to provide various types of utility services to the individual properties within the plat boundaries. Public utility easements may be used for, but not be limited to, facilities

necessary to provide water, electrical power, natural gas, telephone, telegraph and sanitary sewer services. Storm sewers or open drainageways shall not be constructed within public utility easements.

- C. Public utility easements shall be provided along the rear of all lots designed for the development of a structure containing residential dwelling units and in such other locations as determined to be necessary by the City engineer and the individual private utility companies involved. Public utility easements located along the outer boundaries of a plat shall contain the full width required for such easement except in those instances where the adjacent property is within a portion of a previously approved plan and under the same ownership as the property being platted or where additional easement width is dedicated by separate instrument by the owner of the adjacent tract. In such cases one-half of the required easement width may be dedicated within the plat boundary with the other half provided outside the plat boundary by separate instrument or through notation on the plat certifying the ownership and dedication of the easement.
- D. All public utility easements established within any subdivision plat shall be not less than ten (10) feet in width. In those instances where underground electrical facilities are to be installed within the public utility easement, the easement shall be not less than sixteen (16) feet in width. No dead-end public utility easements will be permitted. Provided, however, utility easements in residential subdivisions which are to contain underground electrical facilities may be established having a width of not less than fourteen (14) feet if sanitary sewer lines are to be installed in easements or rights-of-way other than said fourteen (14) foot easement.
- E. All drainage easements shall be located and dedicated to accommodate the drainage requirements for proper development of the property within the subdivision boundaries and within its natural watershed and in conformance with the City's comprehensive plan and the requirements of the City Engineer or other governmental agencies charged with the responsibility of storm drainage or flood control within the area in which the subdivision is located. A suitable note on the plat shall restrict all properties within the subdivision ensuring that drainage easements within the plat boundaries shall be kept clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility, and abutting property shall not be permitted to drain directly into this easement except by means of a drainage structure approved by the City Engineer or other authorized public drainage or flood control official.
- F. All easements or fee strips created prior to the subdivision of any tract of land shall be shown on the subdivision plat of the land with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and generally the facilities contained therein, the dimensions of the easement or fee strip tied to all adjacent lot lines, street rights-of-way and plat boundary lines and the recording reference of the instruments creating and establishing the

easement or fee strip. In those instances where easements have not been defined by accurate survey dimensions such as "over and across" type easements, the subdivider should request the holder of such easement to accurately define the limits and location of his easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and certifies his refusal to define such easement to the City Engineer, the subdivision plat shall provide accurate information as to the centerline location of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights, and building setback lines shall be established fifteen (15) feet from and parallel with both sides of the centerline of all underground pipelines or pole lines involved.

- G. The establishment of special use utility easements may be provided on a subdivision plat when such easement is for the purpose of accommodating a utility facility owned, operated and maintained by a unit of government and is restricted to either water mains, sanitary sewers, storm sewers or drainage purposes and where it has been determined by the City Engineer that these facilities cannot or should not be accommodated within a general purpose public utility easement or public street right-of-way. Easements proposed to be established for any private utility company or private organization providing utility services and restricted for their exclusive use shall not be shown on or established by a subdivision plat; however, such private utility facilities can be accommodated and placed within the general purpose public utility easements, public street and public alleys established within the plat boundary. Nothing herein, however, may prevent such private companies or the subdivider from granting and establishing special or exclusive use easements by separate instrument if such arrangements are deemed necessary to properly serve the properties within the plat boundaries.
- H. In the case of an easement being dedicated specifically to certain utility companies, there shall be a signature block on the plat for that utility company. In the event that the utility easement is dedicated under a separate recorded instrument, a signature block will not be required.

#### Section 82-89. – Federal flood insurance program

No subdivision of land shall be approved unless it complies in all respects with Article IV of chapter 26.

#### Section 82-90. – Building setback requirements

- A. Generally. Except as provided in Chapter 102, the same being the City's comprehensive zoning ordinance, no plat of any subdivision shall be approved unless building setback lines are established therein in accordance with the requirements of this section. It shall be unlawful for any person to construct or erect, or cause to be constructed or erected, any building or structure between a street right-of-way line or side property line and a building setback line established

hereby except as specifically permitted herein. For the purposes of this section, a "building setback" shall mean an imaginary line within a lot or tract which runs parallel to the boundary of such lot or tract, or, when such lot or tract is encumbered by, or adjacent to, a street right-of-way or private street easement, an imaginary line which runs parallel to the boundary of such street right-of-way or private street easement.

- B. Building setback line offsets and transitions. In those instances where the required building setback line changes from one tract to another, a transitional building setback line must be provided having a minimum angle of forty-five (45) degrees. Such transition shall take place on the lot or tract having the lesser building setback restriction requirement.
- C. Pipelines, railroad rights-of-way and high voltage transmission tower easements. Where underground pipelines are carrying flammable products under pressure through properties within a plat boundary or where properties within the plat back or side along a railroad right-of-way, a fifteen (15)-foot building setback restriction shall be provided adjacent to such pipeline easement or fee strip (or the centerline of the pipeline facility if no easement is defined) or railroad right-of-way line. Nothing herein shall be construed to require setbacks from main lines and service lines of suppliers of utilities operating pursuant to a public utility franchise from the City.
- D. Designation of front. Each lot or reserve shall have designated thereon a front building line. No front building line shall be changed to a side building line except through a formal replatting of such lot or reserve.

#### Section 82-91. – Reserve tracts

- A. Reserve tracts are those individual parcels of land created within a subdivision plat which are not divided into lots but are established to accommodate some specific purpose such as a commercial center, industrial site, golf course or other type of private recreational facility, school or church site, or sites for utility facilities such as water wells and other activities and land uses for which division into lots is not suitable or appropriate. Since the use of reserve tracts may not be completely determined by the subdivider or developer at the time plats are prepared and submitted to the City, these reserve tracts are often established as "unrestricted reserves" which allows maximum flexibility in the determination of the ultimate use planned for such properties.
- B. Reserves established on any subdivision plat shall have frontage on and be immediately adjacent to at least one public street, with such frontage being not less than sixty (60) feet in width. In those instances outside the City limits where the average depth of an unrestricted reserve is more than three hundred (300) feet, the reserve access to all adjacent public streets shall be separated by a one-foot reserve placed within the adjacent street right-of-way as provided in section

82-86 which will become automatically removed upon the approval and recording of a plat of the property within the reserve.

- C. All reserves shall be labeled and identified on the plat, and a description of the use intended for such reserve shall be noted. If the use of the reserve is not restricted for any specific use, the reserve shall then be identified and noted as being unrestricted. All reserves are to be identified and designated by alphabetical letters, not numbers, along with an indication as to the total acreage of such reserves which shall be shown within each reserve boundary.

#### Section 82-92. – Lots generally

- A. No plat of any subdivision shall be approved unless the lots established thereby comply with the minimum standards provided in this division.
- B. Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street right-of-way line. Where all lots are either perpendicular and at right angles or radial to adjacent street right-of-way, a suitable notation may be placed upon the plat in lieu of lot line bearings.
- C. Key or flag lots may be permitted under unusual circumstances; however, the narrowest part of such a lot, being the staff portion of the flag lot, shall not be less than twenty (20) feet in width or have a length of more than two hundred (200) feet. Such lot shall also be restricted to prevent the construction of any building, structure, wall or fence within the staff portion of such lot, and the staff portion of such lot shall be restricted for access to such lot only. Such restrictions shall be shown on the face of the subdivision plat in the form of a notation or a part of the dedicatory language on the plat.
- D. Double-front lots will not be approved except in those instances where lots are restricted for residential use and back upon an adjacent designated major thoroughfare or where special circumstances would warrant a variance to this regulation.
- E. Rear and/or side vehicular driveway access from lots, restricted to the construction of residential dwelling units, to adjacent streets designated as major thoroughfares or collector streets will not be approved and such access restriction shall be noted directly upon the plat adjacent to the lots in question.
- F. Each lot created within the City or its area of extraterritorial jurisdiction shall have available thereto a sanitary sewer system operated by a governmental entity. Septic tanks shall not be permitted.
- G. Mobile home subdivision lots shall be established in accordance with Chapter 46 City of Stafford Code of Ordinances.
- H. All blocks established in any subdivision shall be designated by number with the numbers being consecutive within the whole subdivision plat. Lots established

within such blocks shall also be numbered with the numbers being consecutive within the block. Lot numbering may be cumulative throughout the subdivision if the numbering system continues from block to block in a uniform manner.

I. Lots in Relationship to Streets.

1. Each lot shall have frontage on a public street, except in the case of a Planned Development District in which the streets are private, then each lot shall have frontage on a private street. The minimum street frontage requirement for all lots on public or private streets shall be thirty (30) feet, measured at the property line.
2. All properties adjacent to an alley, as that term is defined herein, shall contain building setback restrictions of not less than five (5) feet.

Section 82-93. - Utilities

Adequate provision for all utilities shall be provided to the entire subdivision. All utility installations shall comply with the City and Fort Bend County WC & ID #2 minimum construction standards for community improvements.

Section 82-94. - Sidewalks

Paved sidewalks shall be provided along and adjacent to both sides of all streets. Provided, however, the Planning and Zoning Commission and the City Council may, if the proposed subdivision is to contain an extension of an existing street which has open-ditch drainage and it is not feasible to convert such open ditch drainage to an underground storm sewer along such extended portion, waive such requirement for sidewalks along such extended street. Sidewalks shall be constructed in accordance with the City minimum construction standards for community improvements but shall not be required to be constructed until prior to the issuance of an occupancy permit for the building on the lot upon which the sidewalk abuts. If an applicant is requesting a waiver to these sidewalk requirements, the request must be made with the Preliminary Plat application. If the waiver is approved by the City Council, a note shall be placed on the Final Plat stating a waiver had be granted and the date of said waiver.

Section 82-95. – Street lighting

Street lighting shall be provided along all streets in accordance with the City minimum construction standards for community improvements. Electrical distribution to street lighting and service wires shall be constructed underground, and street lighting wires shall also be underground.

Section 82-96. - Drainage

- A. Drainage facilities shall be designed and constructed in accordance with the City minimum construction standards for community improvements.

- B. An enclosed underground storm sewer shall be provided in all areas where the quantity of the accumulated storm runoff does not exceed two hundred (200) cubic feet per second (cfs).
- C. In drainage courses where the accumulated storm runoff is more than two hundred (200) cfs and less than five hundred (500) cfs, either an enclosed storm sewer or a concrete-lined channel shall be constructed.
- D. In drainage courses where the accumulated storm runoff is more than five hundred (500) cubic feet per second (cfs), the drainage improvements shall be either an enclosed storm sewer, a concrete-lined channel, or an earthen channel.

Section 82-97. – Sanitary sewer

Sanitary sewer facilities shall be designed and constructed in accordance with the Fort Bend County WC & ID #2.

Section 82-98. - Water

Facilities for the provision of potable water to all areas of the proposed subdivision shall be designed and constructed in accordance with the City minimum construction standards for community improvements; water, wastewater and drainage district standards; and all applicable county, state and federal laws relating to such facilities.

Section 82-99. – Monuments and markers

- A. Concrete monuments six (6) inches in diameter and twenty-four (24) inches long shall be placed on all boundary corners, block corners, curve points, and angle points. A copper pin one-quarter inch in diameter embedded three inches in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall not be less than twelve (12) inches below the finish ground level.
- B. Lot markers shall be five-eighths (5/8) inch reinforcing bar, eighteen (18) inches long, or an approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.
- C. Where no benchmark is established or can be found within three hundred (300) feet of the boundary of the subdivision, such benchmark shall be established to sea level datum. The benchmark shall be established upon a permanent structure or may be set as a monument and shall be readily accessible and identifiable on the ground.

SECTION 82-100. – 82-134. - Reserved

## Article 4 - SPECIAL PROVISIONS

### Section 82-135. – Dedication statements and certificates

All dedication statements and certificates shall be made a part of the final plat drawing and shall include, but not be limited to, the statements, the general form and content of which are provided as examples in Article 5, appendix A, which are incorporated herein and made a part hereof for all purposes.

### Section 82-136. – Construction plans

After receiving final plat approval and prior to, or simultaneously with, furnishing a final approved plat to the City for recording, construction plan and profile sheets for all public improvements shall be submitted to the City and shall be accompanied by an inspection fee in the amount established by resolution adopted by City Council and on file in the City Secretary's office. A final approved plat shall not be recorded until the construction plans for all public improvements have been approved by the City Engineer, the Planning and Zoning Commission, and the City Council and the inspection fee has been received. Construction plans and profile sheets shall be submitted in accordance with the provisions of the City minimum construction standards for community improvements.

### Section 82-137. – Inspection of construction

- A. The City Engineer or Director of Public Works, or his duly authorized representative, shall fully inspect any and all phases of the construction of improvements for subdivisions. The subdivider or his contractor shall maintain daily contact with the City Engineer or his representative during construction of improvements. No sanitary sewer, water, or storm sewer pipe shall be covered without approval of the City Engineer or his representative. No flexible-base material, subgrade material, or stabilization shall be applied to the street subgrade without such approval. No concrete may be poured nor asphaltic surface applied to the base without such approval. The City Engineer or his representative may at any time cause any construction, installation, maintenance, or location of improvements to cease when, in his judgment, the requirements of this Article or the standards and specifications herein provided have been violated, and may require such reconstruction or other work as may be necessary to correct any such violation.
- B. Final inspections of streets and drainage shall not be requested by the developer or conducted by the City Engineer until all requirements of this Chapter have been completed.
- C. In the event deficiencies are noted upon final inspection, the developer shall have sixty (60) days from the date of receipt of written notice of such deficiencies to remedy same. Failure to remedy such deficiencies within the time allowed shall be deemed a violation of this Code and shall be deemed a failure to perform under

the escrow deposit agreement or corporate surety bond required by section 82-138.

- D. In the event the City Engineer is required to re-inspect community improvements because all requirements of this chapter were not completed at the time the developer requested, and the engineer conducted, final inspections, or if deficiencies were noted on final inspection, a re-inspection fee of an amount equal to twenty-five (25) percent of the inspection fee required by section 82-136. shall be deposited with the City prior to such re-inspection being made by the City Engineer.

#### Section 82-138. - Guarantee of performance

No final plat shall be authorized by the City to be recorded, nor shall any building permit, or any water, sewer, plumbing or electrical permit be issued by the City to the owner or any other person with respect to any property in any subdivision:

- A. Until an escrow deposit sufficient to pay for the cost of all required improvements as determined by the City Engineer computed on a private commercial rate basis has been made with the City secretary accompanied by an agreement by the developer and/or owner authorizing the City to make such improvements at prevailing private commercial rates or have the same made by a private contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement; but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making certified requisitions to the City Secretary supported by evidence of work done; or
- B. Until the developer and/or owner files a corporate surety bond, executed by a surety company licensed to do business in the state and acceptable to the City Council, in an amount equal to one hundred (100) percent of the cost of installation of all required improvements, as determined by the City Engineer computed on a private commercial rate basis, with the City Secretary, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the City Engineer. If construction of all required community improvements has not begun or is not substantially complete within one (1) year from the date the plat was recorded, no additional building permits or water, sewer, plumbing, or electrical permits shall be issued by the City to the owner or any other person with respect to any property in the subdivision, unless and until the developer and/or owner has filed a newly executed corporate surety bond with the City Secretary, which meets all of the requirements of, and which is in the same amount of, the original bond.

#### Section 82-139. – Maintenance of dedicated improvements

Disapproval of a plat shall be deemed a refusal to accept the offered dedications shown thereon. Approval of the plat shall not impose any duty upon the City concerning the maintenance of improvements of any dedicated parts indicated thereon until the City Council, after inspection and recommendation by the City engineer, shall have accepted same by resolution expressing such acceptance. The subdivider shall maintain all such improvements for a period of one year following completion thereof. Such one year of required maintenance shall not begin until there is filed with the City a maintenance bond, executed by a surety company licensed to do business in the state and acceptable to the City Council, in an amount equal to one hundred (100) percent of the cost of installation of such improvements, warranting that the improvements will render satisfactory operation for such one-year period.

Section 82-140. – 82-161. - Reserved

Article 5 - APPENDICES  
 Section 82-162. Appendix A-1- Owner's Acknowledgement

STATE OF TEXAS	)
	)
COUNTY OF FORT BEND	)

I (or we), (name of owner or owners) acting by and through (name and title of officer) being officers of (name of company or corporation), owner (or owners) hereinafter referred to as owners (whether one or more) of the (number of acres) acre tract described in the above and foregoing plat of (name of subdivision or development), do hereby make and establish said subdivision of said property according to all lines, dedications, restrictions and notations on said plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, watercourses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself (or ourselves), my (or our) heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven (11) feet, six (6) inches for ten (10) feet perimeter ground easements; five (5) feet, six (6) inches for sixteen (16) feet perimeter ground easements; or seven (7) feet, six (6) inches for fourteen (14) feet perimeter ground easements, from a plane sixteen (16) feet above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty-one (21) feet, six (6) inches in width.

FURTHER, owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten (10) feet for ten (10) feet back-to-back ground easements; seven (7) feet for sixteen (16) feet back-to-back ground easements; or nine (9) feet for fourteen (14) feet back-to-back ground easements, from a plane sixteen (16) feet above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty (30) feet in width.

Additional paragraphs to be added as appropriate and as follows:

(When estate subdivisions are created which will not be required to have cement concrete streets, gutters or storm sewers.)

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than one and three-quarter (1 ¾) square feet (eighteen (18) inch diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

(When plat contains natural drainageways such as bayous, creeks, gullies, ravines, draws or drainage ditches.)

FURTHER, owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon in said plat, as easements for drainage purposes, giving the City of Stafford, Fort Bend County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainageway shall hereby be restricted to keep such drainageways and easements clear of fences, buildings, planting and other obstructions to the operation and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

Section 82-163. - Appendix A-2. – Execution of Owner’s Acknowledgement

(When owner is an individual or individuals)

WITNESS my (or our) hand in the City of Stafford, Texas, this (number) day of (month), (year).

	(Signature of owner or owners)
	_____
	(Names to be printed)

(When owner is a company or corporation)

IN TESTIMONY WHEREOF, the (name of company) has caused these presents to be signed by (name of president), its President, thereunto authorized, attested by its secretary (or authorized trust officer), (name of Secretary or authorized trust officer), and its common seal hereunto affixed this (number) day of (month), (year).

	(Name of Company)
	_____
	By: (Signature of president)
	President
ATTEST:	
(Signature of Secretary or authorized trust officer)	
Title	
(Affix corporate seal)	

Note: All owners' signatures shall be acknowledged by a Notary Public.

Section 82-164. – Appendix A-3 – Lienholder's Acknowledgement and Subordination Statement

Note: Holders of all liens against the property being platted must execute the final plat or prepared as separate instruments which shall be filed for record with the plat.

I (or we), (name of mortgagee or names of mortgagees), owner and holder (or owners and holders) of a lien (or liens) against the property described in the plat known as (name of plat), said lien (or liens) being evidenced by instrument of record in Volume \_\_\_\_\_, page \_\_\_\_\_, (or Film Code No. \_\_\_\_\_) of the Mortgage Records of (name of county in which the plat is located), Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and I (or we) hereby confirm that I am (or we are) the present owner (or owners) of said lien (or liens) and have not assigned the same nor any part thereof.

	By: (Signature of Lienholder)
	(Name to be printed)

Note: All lienholder signatures shall be acknowledged by a Notary Public.

Section 82-165. – Appendix A-4 – Notary Public Acknowledgement for all Signatures

STATE OF TEXAS	)
	)
COUNTY OF FORT BEND	)

BEFORE ME, the undersigned authority, on this day personally appeared (names of persons signing the plat, owners, corporation officers and lienholders), (corporation titles if appropriate), known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed (add for corporations, "and in the capacity therein and herein stated, and as the act and deed of said corporation").

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this (number) day of (month), (year).

	(Signature of notary public)
	Notary Public in and for the State of Texas
(affix notary seal)	My Commission Expires: _____

Section 82-166. – Appendix A-5 - Certificate for Civil Engineer or Surveyor and Utility Easements

I, (name of civil engineer or surveyor), am authorized (or registered) under the laws of the State of Texas to practice the profession of civil engineering (or surveying) and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter inch and a length of not less than three feet; and that the plat boundary corners have been tied to the nearest survey corner.

(Signature of registered public surveyor)
---

(Print name)
Texas Registration No. _____
(Affix seal)

Utility Company Easement Approval – (company name) approves the location and/or abandonment of (easement types) easements as shown on this plat.

(Signature of Company Representative and Date)
(Print name)

Section 82.167. – Appendix A-6 – Certificate for Planning and Zoning Commission and City Council

This is to certify that the Planning and Zoning Commission of the City of Stafford, Texas, has approved this plat and subdivision of (name of subdivision) in conformance with the laws of the state and the ordinances of the City as shown hereon and authorized the recording of this plat this (number), day of (month), (year).

By: (Signature of the chairman or vice chairman)
(Chairman or Vice Chairman)
By: (Signature of secretary)
(Secretary)
(Affix commission seal)

This is to certify that the City Council for the City of Stafford, Texas has approved this plat and subdivision of (name of subdivision) in conformance with the laws of the State of Texas and the ordinances of the City of Stafford as shown and authorize the recording of this plat this (number), day of (month), (year).

	By: (Signature of the Mayor)
	(Printed Name)
	Mayor
	By: (Signature of City Secretary)
	(Printed Name)
	City Secretary

Section 82-168. – Appendix A-7 – County Clerk Filing Acknowledgement Statement

I, (name of county clerk), Clerk of the Commissioners' Court of Fort Bend County, do hereby certify that within the instrument with its certificate of authentication was filed for registration in my office on (date and month), (year) at (time) o'clock (a.m. or p.m.), and duly recorded on (date and month), (year), at (time) o'clock (a.m. or p.m.), and in Volume (number), page (number, or when applicable Film Code numbers) of the map records of Fort Bend County for said County.

Witness my hand and seal of office, at Richmond, Texas, the day and date last above written.

	_____
	Ex Officio Clerk of the Commissioners' Court of Fort Bend County, Texas
	By: _____
	Deputy

Section 82-169. – Appendix A-8 – Encumbrances Certificate

(Preliminary Plats)

Note: The following paragraph is to be placed on the face of all preliminary plats to be filed separately with the materials required to be submitted with plats requesting preliminary approval.

I, (name of applicant or person who prepared the plat), do hereby certify that all existing encumbrances, such as various types of easements both public and private, fee strips and all significant topographical features which would affect the physical development of the property illustrated on this plat are accurately identified and located and further certify that this plat represents all of the contiguous land which the (owner or subdivider) owns or has a legal interest in. (In those instances where the owner or subdivider owns or has a legal interest in any adjacent property, this paragraph must be modified to reflect the extent of such ownership and a boundary description of the land involved must be provided.)

	(Signature of certified public surveyor who prepared the plat)
	(Name to be printed)

Section 82-170. – Appendix A-9 – Vacation of Subdivision Plat

STATE OF TEXAS	)	
	)	KNOW ALL MEN BY THESE
COUNTY OF FORT BEND	)	PRESENTS:

I (or we), (name of owner or owners if individuals) or (name of president and secretary or authorized trust officer of a company or corporation), being the sole owner (owners) and proprietor of the following described property in the City of Stafford, Fort Bend County, Texas, to wit:

(Provide legal description of the property including, but not limited to, the acreage, the name of the recorded subdivision, the name of the Survey and Abstract Number, and recording references).

Do hereby desire and declare that said plat, subdivision and dedication thereon be vacated and cancelled so as to convert all of said platted property to acreage tracts as same existed before such property was platted, subdivided and recorded.

(At this point any rights-of-way, easements or any other feature established in the subdivision being vacated which will not be cancelled as a result of this vacation action should be described.)

Section 82-171. – Appendix A-10 – Amending Plat Certificates

Note: The following certificates and acknowledgements are required to be placed upon the face of all amended plats.

I, (name of civil engineer or surveyor), hereby certify that the following corrections were necessary to eliminate errors which appear on the plat of (name of subdivision), recorded on (date and month), (year), in Volume (number), page (number) (or when applicable Film Code numbers) of the map records of Fort Bend County, Texas:

(Provide brief explanation of corrections required.)

	(Signature of certified public surveyor)
	(Print name)
	Texas Registration No. _____
	(Affix seal)

I, (we), [name(s) or owner(s)], owner(s) of the property directly affected by this amending plat, being lot(s) \_\_\_\_\_ out of the block(s) \_\_\_\_\_ as indicated hereon, do hereby consent to this amending plat for the purposes herein expressed.

	(Signature of owner(s))
	(Print name)

Note: All owners signatures shall be acknowledged by a Notary Public.

APPROVED BY THE CITY OF STAFFORD, TEXAS, PLANNING AND ZONING COMMISSION on (date, month and year).

Signature of chairman or vice chairman)	(Signature of secretary)
Chairman or Vice Chairman	Secretary
(print name)	(print name)
	(Affix commission seal)

Section 82-172. – Appendix A-11 – Format for Written Notice as Required Under Texas Local Government Code (TLGC) § 212.015(c)

Dear property owner:

The Planning and Zoning Commission of the City of Stafford, Texas, has received a petition to allow the replatting of all or part of blocks (block numbers, plat name) for the purpose of (indicate proposed changes to previously recorded plat).

Under state law, you have certain rights with respect to the proposed replat as follows:

The affirmative vote of at least three-fourths of all members of the City Planning and Zoning Commission will be required to approve the resubdivision or replatting if a protest is received as set forth below.

The provisions of this section apply only if written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, are filed with the Planning and Zoning Commission or City Council, or both, prior to the close of the public hearing.

In computing the percentage of land area, the area of streets and alleys shall be included.

Compliance with this section is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

Should you wish to exercise your right, you may be heard at the public hearing on the matter (hearing date to be established by the Planning and Zoning Commission). Should you have any questions regarding this matter, you may call the City offices at (281)261-3900.

Section 82-173. – Appendix A-12 – Format for Published Notice as Required under Texas Local Government Code (TGLC) §212.015(c)

Legal Notice

Notice to the public: A public hearing will be held by the Stafford, Texas, Planning and Zoning Commission on (date to be established by the commission) regarding the proposed replat of all or part of blocks (number) out of (plat name). The purpose of the proposed replat is to (indicate proposed changes to previously recorded plat). This public hearing will be held by the Planning and Zoning Commission on (date) at (time) in the City Hall, 2610 South Main, Stafford, Texas, for the purpose of allowing interested citizens to be heard concerning the above mentioned replat.

# CONSULTANT'S REPORT

TO: The Stafford Planning and Zoning Commission

VIA: Jeff Johnson, City Planner

FROM: Karen K. Mitchell, Planning Consultant

DATE OF MEETING: September 11, 2018

*RE: Revisions to Chapter 82 "Subdivision Ordinance" of the City of Stafford Code of Ordinances*

**HISTORY:** The City of Stafford Subdivision Ordinance was initially adopted in 1992. Throughout the years, there have been amendments made to the document; however, the City entered into an Agreement with Mitchell Planning Group, LLC for an overall comprehensive amendment to the document in January of this year. Specifically, the request for revision was to bring the Ordinance up to date with state legal requirements, to reformat the document into a more user friendly ordinance, and to determine and rectify any conflicting provisions. Because of changes in City staff, the process has taken longer than what we initially thought but after review by the City's Engineer, Public Works Consultant, City Planner, Fort Bend County Water Control District #2 staff and City Attorneys, we now have a document that is ready to be approved.

## **WHAT HAS BEEN REVISED:**

1. Reformatted the entire subdivision ordinance into a Word Document that can be easily edited and modified for additional changes.
2. Added the following sections: (Texas Local Government Code)
  - a. Section 82.8-82.13 Rough Proportionality Determination. Process to ascertain whether or not a particular dedication of land for public use (infrastructure, right-of-way, easement) is in direct "rough proportionality" to benefit of the development to the public dedication. Provides protection to the City as a process is in place.
  - b. Section 82.14 Subdivision Vested Rights Petition – formal process in which an applicant may receive a determination whether a previously platted or applied for development is vested under previous development regulations. Associated with Texas Local Government Code which allows certain vested rights to property owners.
  - c. Section 82.34 Completeness Determination – process in which the City will formalize whether a submitted application is complete. Assists in assuring all technical information for development/platting has been appropriately provided to the City prior to accepting the application as complete and therefore beginning the timeframe in which plats are to be formally approved by the community.
3. Deleted Agricultural Use Definition.- Deleted reference to provisions in the Zoning Ordinance
4. Added Building Setback Definition.
5. Assured references to water and wastewater infrastructure refers to the Fort Bend County WC & ID #2 as the governing body over these utilities.

6. Deleted Duplex subdivision, Master preliminary plat, Multi-family definitions. Deleted reference to provisions in the Zoning Ordinance
7. Assured that the street classifications are similarly described in the Stafford Comprehensive Plan.
8. Changed all references to VTCA to TLGC (Texas Local Government Code) as it is referenced now.
9. Updated the exceptions for lots platted prior to November 1, 1971.
10. Deleted Section 82-34 a and b as these are covered in the Completeness Application.
11. Updated submittal requirements for a digital file and 11X17 copy.
12. Private streets are now only allowed within a Planned Development Zoning district for residential developments.
13. Added additional information to Section 82-88 regarding cross-access easements between properties.
14. Increased lot frontage to 30 feet on private streets.
15. Removed sections regarding Lot size and residential development as these are zoning ordinance issues and should not be addressed in a subdivision ordinance.
16. Added waiver request information in Section 82-98 for the installation of sidewalks.
17. Added signature block for utility companies for called out easements to the addendums.

**RECOMMENDATION:** This document has been reviewed thoroughly by the City staff, consultants, and legal team. We recommend that the Planning and Zoning Commission recommend approval of the revised Subdivision Ordinance.