

ORDINANCE NO. 2017-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING SECTION 103 - DEFINITIONS, SECTION 302.04 B. – PRELIMINARY PLAT SUBMISSION, SECTION 302.04 C. – PRELIMINARY PLAT REVIEW, SECTION 302.05 A. – FINAL PLAT APPLICATION, AND SECTION 302.05 C. – FINAL PLAT APPROVAL, OF THE SUBDIVISION ORDINANCE FOR THE CITY OF BELTON; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the amendments proposed herein have been presented to the Planning and Zoning Commission and due notice of said amendments and hearing on said amendments has been given as required by law, and a hearing on said amendments before the City Planning and Zoning Commission of the City of Belton was set for the 21st day of March 2017, at 5:30 p.m. for hearing and adoption; and

WHEREAS, said amendments were duly recommended by the said City Planning and Zoning Commission and the date, time and place of the hearing on said amendments by the City Council of the City of Belton was set for the 25th day of April, 2017, at 5:30 p.m. at the Harris Community Center and due notice of said hearing was given as required by ordinances and by law; and

WHEREAS, a hearing was held upon the amendments by the City Council of the City of Belton of the time, place and date herein before set forth; and

WHEREAS, the standards contained within this ordinance are intended to ensure consistent practices in new development; and

WHEREAS, the City Council has determined that the proposed amendments are reasonable.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS:

PART 1: The existing "Section 103, Definitions," of the Subdivision Ordinance for the City of Belton, Texas, is hereby amended as follows:

103.12 Development Review Committee: The City staff responsible for review of preliminary and final plats.

PART 2: The existing "Section 302, Subdivision Procedures," of the Subdivision Ordinance for the City of Belton, Texas, is hereby amended as follows:

302.04 (B) Preliminary Plat Submission – Upon agreeable completion of the pre-application conference step, the developer shall prepare and submit the

preliminary plat to the Planning Department by the 15th day of the month prior to the next month's public meetings at which such plat is to be considered.

302.04 (B)(2)(I) The following certificate shall be placed on the preliminary plat:

"Approved for preparation of Final Plat"

Mayor, City Council

Date

302.04 C) Preliminary Plat Review

1. Review the preliminary Plat for compliance with public objectives, giving special attention to design principles and standards; to streets and thoroughfares as related to the Master Street Plan of the Comprehensive Plan and to neighborhood circulation; to existing and proposed zoning and land use of the tract and adjacent tracts; and to sites required for schools, parks, and other public facilities.
 - a. The Planning and Zoning Commission must take action on a preliminary plat within thirty (30) days of the application being determined administratively complete by the Development Review Committee. The City Council must take final action within thirty (30) days of the preliminary plat being approved by the Planning and Zoning Commission. A preliminary plat is approved unless it is denied within these specified time periods or unless such time is extended by agreement with the applicant in writing.
 - b. The approval of a Preliminary Plat by the Planning and Zoning Commission and City Council is the authorization to proceed with the preparation of the Final Plat and application to consider the Final Plat. Approval or conditional approval of a Preliminary Plat does not constitute the acceptance of a subdivision or the improvements placed therein.
 - c. The conditional approval of a Preliminary Plat by the Planning and Zoning Commission and City Council is the approval of the plat subject to compliance with all conditions prescribed by the Planning and Zoning Commission and City Council. All conditions prescribed by the Planning and Zoning Commission and City Council shall be furnished in writing to the developer within fourteen (14) days of City Council action. Compliance with the conditions imposed shall be reflected in the Final Plat and related documents required for consideration of the Final Plat. Failure to comply with the conditions imposed shall constitute disapproval of the Preliminary Plat.

- d. The disapproval of a Preliminary Plat by the City Council shall be final. Written notice of the reasons for disapproval shall be provided to the developer within fourteen (14) days of City Council action.
- e. Planning and Zoning Commission and City Council approval or conditional approval shall be valid for a period of thirty-six (36) months from the date of City Council action. If within the thirty-six- (36) month period no application is made for Final Plat consideration, the Preliminary Plat shall become null and void unless that term is extended. Each final plat phase extends the term of the preliminary plat an additional year from the date the last final plat phase was approved, or an additional year from the date the preliminary plat term was initially scheduled to expire, whichever is later. The developer may request and the Planning and Zoning Commission and City Council, at its discretion, may grant an extension of the time limit for a specified period of time.
- f. If the developer intends to develop a proposed subdivision in sections or phases, he shall at the time of application for Preliminary Plat consideration so state. Upon Planning and Zoning Commission and City Council approval of the Preliminary Plat, the developer shall provide to the City two (2) copies of the plat bearing the following

“Approved Master Preliminary Plat”

Chairman, Planning & Zoning Commission Date

“Approved Master Preliminary Plat”

Mayor, City Council Date

- g. If the Preliminary Plat is conditionally approved by the Planning and Zoning Commission and City Council, the developer shall submit five (5) copies of the plat, revised to comply with the conditions imposed and bearing the following:

“Approved Master Preliminary Plat”

Chairman, Planning & Zoning Commission Date

“Approved Master Preliminary Plat”

Mayor, City Council Date

- h. An approved Master Preliminary Plat shall be valid approval for application for Final Plat consideration provided that application for Final Plat consideration for the first section or phase is made within thirty-six (36) months of Planning and Zoning Commission and City Council approval and provided that the Final Plat for each section or phase substantially conforms to the Approved Master Preliminary Plat. Any substantial deviation in street layout or alignment, lot size or configuration, utility and/or drainage layout, or easement shall require submittal for consideration of a new preliminary plat.
- i. No construction shall begin on the proposed improvements in the proposed subdivision prior to approval of the Final Plat by the Planning & Zoning Commission and the City Council.

302.05 (A) Final Plat Application

After the preliminary plat has been approved by the Planning and Zoning Commission and City Council and any or all conditions are complied with, the developer's engineer or surveyor shall prepare and file with the Planning Department by the 15th day of the month prior to the next month's public meetings at which the plat is to be considered a final plat which shall comply with the requirements of this Ordinance and shall include the following:

302.05 (C) Final Plat Approval

1. The Planning and Zoning Commission must take action on a final plat within 30 days of the application being determined administratively complete by the Development Review Committee. The City Council must take final action within 30 days of the final plat being approved by the Planning and Zoning Commission. Said decision may consist of approval, disapproval, or conditional approval. Reasons for disapproval or conditional approval shall be stated by the Planning and Zoning Commission and City Council in writing within fourteen (14) days. When a final plat is approved with conditions, five (5) revised prints shall be submitted showing compliance with the conditions. A final plat is approved unless it is denied within that period or unless such time is extended by agreement with the applicant in writing.
2. After the Final Plat has been approved and has been fully and properly endorsed, the City Clerk shall file the plat with the County Clerk of Bell County, Texas. An approved Final Plat must be recorded within 120 days after final approval.

PART 3: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision

or application, and to this end the provisions of this ordinance are declared to be severable.

PART 4: This ordinance shall take effect April 25, 2017, after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

PART 5: The Subdivision Ordinance of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.


PART 6: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 25th day of April, 2017.



Marion Grayson, Mayor

ATTEST:



Amy M. Casey, City Clerk

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ARTICLE 100: GENERAL**Section 101: Purpose**

- 101.01 To protect and provide for public health, safety and general welfare of the community.
- 101.02 To guide the future growth and development of the municipality, in accordance with the Comprehensive Plan.
- 101.03 To guide public and private policy and action in providing adequate and efficient transportation, water, sewerage, and other public and private requirements and facilities.
- 101.04 To establish reasonable standards of design and procedures for subdivision and resubdivision and to further the orderly layout and use of land.

Section 102: Authority

- 102.01 These regulations are adopted under the authority of the provisions of the Constitution and laws of the State of Texas and Charter of the City of Belton. The rules and regulations govern the subdivision and development of land within the extraterritorial jurisdiction of the City of Belton.
- 102.02 The Planning and Zoning Commission and City Council shall exercise the power and authority to administer standards established by this ordinance and review, approve, or disapprove plats and development plans for subdivision of land and for any development within the corporate limits of the municipality (or unincorporated ETJ areas of the County) which show lots, blocks, or sites with or without new streets or highways or any lot improvement
- 102.03 It shall be the policy of the City to:
- A. Withhold all city improvements, including the maintenance of streets and the furnishing of sewage facilities and water service, from all developments that have not been officially approved according to these regulations. No improvements should be initiated nor contracts executed until the approval of the City has been given.
 - B. Prior to the issuance of any building permit, the property for which the permit is being issued shall have been platted and shall exist as an official lot or tract of record.

Section 103: Definitions (Amendment #2017-08)

- 103.01 **Alley:** a minor traffic way used primarily for vehicular service to the rear or side of properties otherwise abutting on a street.
- 103.02 **Building Line:** a line beyond which buildings must be set back from the street or road right-of-way line or property line.
- 103.03 **Block:** an area platted for urban use and generally bound by dedicated public right-of-way.
- 103.04 **City and The City:** City of Belton, Texas.
- 103.05 **Commission:** City Planning and Zoning Commission of the City of Belton, Texas.
- 103.06 **City Council:** the duly elected governing body of the City of Belton, Texas.
- 103.07 **City Engineer:** The City official responsible for the City's engineering department and activities. In the absence of a City Engineer, the City Manager or his appointed representative shall have the engineering responsibility.

- 103.08 **Common Area:** a privately owned open space set aside within a development for recreational or other use by residents of the development in which the area is established.
- 103.09 **Cul-de-sac:** a short residential street having but one vehicular access to another street and terminated by a vehicular turn-around.
- 103.10 **Dead End Street:** a street, other than a cul-de-sac, with only one outlet.
- 103.11 **Developer:** a person, partnership, or corporation owning or representing a business, which is proposing or applying to create a subdivision.
- 103.12 **Development Review Committee:** the City staff responsible for review of preliminary and final plats.
- 103.13 **Extraterritorial Jurisdiction (ETJ):** the area adjacent to the City of Belton within one mile of the City Limits as specified in Article 970a, Vernon's Texas Civil Statutes.
- 103.14 **Engineer:** the City Engineer of the City of Belton, Texas, the City's Consulting Engineers, or their duly authorized representatives.
- 103.15 **Flood Plain:** a designated area along any stream course subject to periodic inundation. The area may be designated by the storm frequency.
- 103.16 **FEMA:** the Federal Emergency Management Agency.
- 103.17 **Final Plat:** any plat of any lot, tract, or parcel of land requested to be recorded for record in the Deed Records of Bell County, Texas.
- 103.18 **Lot:** an undivided tract or parcel of land having frontage on a public street and designated as a distinct tract.
- 103.19 **Master Plan:** the comprehensive plan of the City and adjoining areas as adopted by the City Council and the City Planning and Zoning Commission, including all its revisions and parts. This plan indicated the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks, and other public and private developments and improvements.
- 103.20 **Preliminary Plat:** any plat of any lot, tract, or parcel of land that is not to be recorded for record but is only a proposed division of land for review and study by the City.
- 103.21 **Plat:** a map or chart of the subdivision. It shall include plan, plat and replat.
- 103.22 **Perimeter Street:** a street located along the boundary of an existing or proposed subdivision.
- 103.23 **Public Easement:** an area for restricted use on private property upon which any public utility 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 efficiency of its respective system in any of these easements.
- 103.24 **Pro Rata Agreement:** a contract for reimbursement of cost based upon a distribution of use or service.
- 103.25 **Right-of-way:** the land area provided by dedication for public use for streets, utilities, walks, and other uses to serve adjoining properties.

- 103.26 **Replating:** the resubdivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot, or tract.
- 103.27 **Subdivision:** the division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership, and shall include resubdivision.
- 103.28 **Street:** a way for vehicular traffic whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land place or however otherwise designated.
- 103.29 **Street Width:** the shortest distance between the lines, which delineate the rights-of-way of a street.
- 103.30 **Residential Street:** a street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is used primarily for access to abutting properties.
- 103.31 **Collector Street:** a street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares, highways, or business districts.
- 103.32 **Arterial Street or Thoroughfare:** a principal traffic way more or less continuous across the City or areas adjacent thereto and shall act as a principal connected street with State and Interstate Highways.
- 103.33 **Standard Specifications and Codes:** the laws, rules, codes, and criteria duly promulgated by the City, State of Texas, or United States Government applicable to the design; and construction of improvements within the City.

ARTICLE 200: AUTHORITY**Section 201: Scope of Regulations**

201.01 The scope of these regulations shall include rules governing plats, plans, subdivisions and development of land within the City of Belton, Texas, and its legally defined extraterritorial jurisdiction including certain definitions; providing procedures for the approval of subdivision plats; prescribing regulations for the design and construction of streets, sidewalks, alleys, water and sanitary sewage, utilities, drainage, and community facilities, in conjunction with immediate or future development upon that property.

Section 202: Jurisdiction

202.01 Under the authority of Articles 970a and 974a of the Revised Civil Statutes, as well as other relevant statutes of the State of Texas, which articles are hereby made a part of these regulations, the City Council of the City of Belton, Texas, does hereby adopt the following regulations to hereafter control the subdivision of land within the corporate limits of the City of Belton and in the unincorporated areas lying within the extraterritorial jurisdiction of the City Limits of Belton, in order to provide for the orderly development of the areas, to secure adequate provisions for traffic, light, air, recreation, transportation, water, drainage, sewage, and other facilities, and to promote and protect the general health, safety, and welfare of all citizens and persons in affected contiguous areas.

202.02 As used herein, the term “subdivision” shall mean the division of a tract or parcel of land into two (2) or more lots for the purpose, whether immediate or future, of sale or building or development, and shall include resubdivision. “Resubdivision” shall mean any change in the division of any existing subdivision or any change in lot size therein or the relocation of any street lines.

202.03 Any person wishing to divide land inside the City of Belton or within the City’s extraterritorial jurisdiction shall submit to the Planning and Zoning Commission a plan of the subdivision which shall conform to at least the minimum requirements set forth in these regulations. An owner subdividing his land into parcels of not less than five (5) acres each for agricultural use, each of which abutting an existing dedicated and improved public road, shall be exempt from these requirements.

202.04 No subdivision plat shall be filed or recorded and no lot in a subdivision inside of the City of Belton or within the City’s extraterritorial jurisdiction shall be improved or sold until the plat shall have been considered by the Planning and Zoning Commission and approved by the City Council.

202.05 Any violation of any provision of this ordinance which occurs outside the corporate limits of the City of Belton and within the ETJ of the said City shall not constitute a misdemeanor under this ordinance; however, under this ordinance, the City shall have the right to institute an action in the district court to enjoin the violation of any provision of such ordinance in such extraterritorial jurisdiction, and the district court shall have the power to grant any or all types of injunctive relief in such cases.

ARTICLE 300: PROCEDURES FOR SUBMISSION AND APPROVAL**Section 301: General**

301.01 Preliminary Plat and Plans

- A. The developer is required to submit a preliminary plat of the subdivision to the City of Belton. Submittal shall include an application requesting approval accompanied by the required filing fees.
- B. The purpose of the submittal is to allow the Planning and Zoning Commission to review overall platting of the tract, water and sewer service, and street patterns within the subdivision for conformance with the requirements of the City.

301.02 Final Plan and Plans

The developer or his engineer shall submit to the City of Belton for review the final plat and complete construction plans, along with an application requesting approval of the plat and the required fees.

301.03 Replat Procedure

- A. A public hearing is required on all replats when the previous plat is not vacated. Vacation procedure shall be followed as set forth in Article 9774a, Vernon's Texas Civil Statutes, Section 5.
- B. If the previous plat is not vacated and the area proposed for replatting was zoned for residential use for not more than two residential units per lot or deed restricted for same (within preceding five years), then the following procedure is required.
 1. Notice by Planning and Zoning Commission (or governing body) for a public hearing must be published fifteen (15) days in advance of the hearing.
 2. Written notice of the public hearing must be forwarded to the owners of all lots in the current plat at least fifteen (15) days prior to the hearing; however, if the preceding plat contains more than one hundred (100) lots, the notice shall be mailed to those owners within five hundred (500) feet of the parcel to be replatted.
 3. If 20 percent or more of the owners of lots in the current plat file a written protest, the Planning and Zoning Commission or governing body shall require the written approval of $66\frac{2}{3}$ percent of the owners of all lots in such plat; or those lots within five hundred (500) feet of the property to be replatted if the current plat contains more than one hundred (100) lots.
- C. Correction of error and omissions on plat shall follow procedures set forth in Article 974a, Vernon's Texas Civil Statutes.

Section 302: Subdivision Procedures (Amendment #2017-08)

302.01 The preparation, submittal, review, and approval of all subdivision plats shall proceed through the following steps:

- A. Pre-submission Conference.
- B. General Development Plan.
- C. Preliminary Plat.

D. Final Plat.

302.02 Pre-submission Conference – This step is intended to be of mutual benefit to the subdivider and the community by determining the suitability and time of development of a tract of land in relation to availability of services and facilities. This step also involves considerable subdivision planning which precedes actual preparation of the preliminary plat. The developer's engineer or surveyor shall present the proposal to the City Engineer, who shall inform the developer's engineer or surveyor of the details regarding platting procedures and requirements.

A. Actions Required of the Subdivider:

1. Sketch plans and ideas regarding land use, streets, lot arrangement, and size.
2. Proposals regarding water supply, sewage disposal, drainage, streets, and other improvements.

B. Actions Required of the City Engineer: In discussing the proposal with the developer and his engineer or surveyor, the City Engineer will, specifically, depending upon the scope of the proposed development, proceed with the following investigation:

1. Determine existing zoning of the tract if within the City and determine if a zoning change is involved.
2. Determine the adequacy of and possible effects on existing or proposed schools, parks, and other public uses.
3. Determine the relationship of the proposed development to such existing and proposed facilities as major streets, availability of Utility systems, adequacy of accessibility, and any unusual problems such as topography or flooding.
4. Determine the need for preparation and review of a General Development Plan prior to considering a preliminary plat, and if required, advise the developer that such plan is to be prepared and submitted for review and comment.

302.03 General Development Plan

A. A General Development Plan will be prepared by the subdivider when, in the opinion of the City Engineer, a tract of land is sufficiently large to comprise an entire neighborhood or neighborhoods, or the tract initially proposed for platting is only a portion of a larger landholding of the subdivider; or the tract is complicated by unusual physical, utility, land use, ownership, or other conditions. The General Development Plan shall include:

1. Arrangement and correlation of street patterns, particularly collector streets and major street system, to provide good traffic circulation throughout the neighborhood.
2. General location and size of school sites, park and recreation areas, and other public areas.
3. Location of shopping centers, multi-family residential and other land uses.
4. Proposals for water, sewer, and drainage systems in relation to master plans where they exist for these facilities.
5. Proposals for service as furnished by private utility companies.
6. Summary of uses by type, number and acreage.

7. Identification of any flood prone areas and general proposals for such areas.
- B. Acceptance of General Development Plan – Only after acceptance of the General Development Plan by the City Engineer shall the preliminary plat(s) be prepared. If development is to take place in several phases, the General Plan should be submitted as supporting data for each part.
- 302.04 Preliminary Plat – The preliminary plat phase of land subdivision includes detailed subdivision planning, submittal, review, and approval of the preliminary plat. To avoid delay in processing his application, the subdivider’s engineer or surveyor should provide the City Engineer with all information essential to determine the character and general acceptability of the proposed development.
- A. Zoning – The subdivision should be designed within the requirements for the specific zoning district within which it is located. Any change in zoning required in relation to the preliminary plat shall have been adopted by the City Council prior to preliminary plat approval by the Commission.
 - B. Preliminary Plat Submission – Upon an agreeable completion of the pre-application conference step, the developer shall prepare and submit the preliminary plat to the Planning Department by the 15th day of the month prior to the next month’s public meetings at which such plat is to be considered. The following information, certified by a State registered professional engineer, landscape architect, or a registered public surveyor, in accordance with the requirements of this Ordinance, shall be submitted:
 1. Five (5) copies of a preliminary plat showing the general features of the proposed development.
 2. This preliminary plat shall be drawn on a scale of one (1) inch equals one hundred (100) feet or larger and shall show the following:
 - a. The outline of the tract that is proposed to be subdivided, with boundary dimensions.
 - b. The proposed plan of subdivision, showing streets, blocks, lots, alleys, easements, building lines, parks, etc., with principal dimensions. The preliminary plat shall cover all of the tract intended to be developed whether in total or by sections.
 - c. The location, width, and name of existing streets and any blocks, lots, alley, easements, building lines, water courses, flood plain, boundary of tree cover, or other natural features in the area affected, with principal dimensions, and any other significant information on all sides for a distance of not less than two hundred (200) feet.
 - d. The names of proposed streets.
 - e. The location of the nearest existing sewers, water and gas mains, and other public utilities if any. If none near vicinity, so state.
 - f. A proposed general plan for drainage to include calculation of 100-year storm for any stream, creek, or channel and the limits of any flood plain either as designated by FEMA mapping or limits as may be determined by the owner’s registered professional civil engineer.

The proposed drainage plan shall include: a topographical map in sufficient detail showing all abutting drainage areas either contributing to the storm water flows within the proposed subdivisions or receiving storm water flows from the proposed

subdivision; preliminary plans for drainage improvements within the proposed subdivision; and all calculations relating to the design of the drainage plan and its impact on the downstream system.

- g. The name of the proposed subdivision, north Point, scale, and date.
- h. The name of the owner or owners and the signature, date, and seal of the registered professional engineer, landscape architect, or registered public surveyor who has prepared the preliminary plat.
- i. A vicinity sketch or key map at a scale of not more than one thousand (1000) feet to the inch which shall show all existing subdivision, streets, and tracts of acreage in the area.
- j. The contours at not more than two-foot (2') intervals.
- k. The proposed plan of improvements and utilities to be constructed in the subdivision, prepared by a registered professional engineer, shall be shown with indications of street widths and utility line sizes. The accurate location of any existing utilities within the subdivision shall be shown on the Preliminary Plat.
- l. The following certificate shall be placed on the Preliminary Plat:

“APPROVED FOR PREPARATION OF FINAL PLAT”

CHAIRMAN, PLANNING & ZONING COMMISSION DATE

“APPROVED FOR PREPARATION OF FINAL PLAT”

MAYOR, CITY COUNCIL DATE

- m. A copy of any protective or restrictive covenants whereby the subdivider proposes to regulate land use and construction in the subdivision shall be attached to his Preliminary Plat.
- n. On-Site Septic Systems: If on-site septic sewerage disposal systems are to be used, written certification from the Bell County Public Health District, stating that the proposed lot layout and soil conditions are suitable for on-site sewage disposal, shall be provided concurrent with an application to the City of Belton. (Ordinance #2005-32)
- o. Private Water Wells: If private water wells are to be used, written approval from the Office of the Bell County Engineer, stating that a Ground Water Availability Study identifies an adequate water supply, shall be provided concurrent with an application to the City of Belton. Recommendations on the adequacy of ground water availability studies will be provided to the Bell County Engineers Office by the Clearwater Underground Water Conservation District. (Ordinance #2005-32)
- p. Other Utility Providers: The subdivider shall provide written certification that all utility providers, including electric, telephone, gas, rural water supply corporations, and cable television, have been provided an opportunity to review and comment on the proposed subdivision, prior to or in conjunction with application to the City of Belton. (Ordinance #2005-32)

- C. Preliminary Plat Review – On receipt of the preliminary plat, the City Engineer shall:
1. Review the preliminary Plat for compliance with public objectives, giving special attention to design principles and standards; to streets and thoroughfares as related to the Master Street Plan of the Comprehensive Plan and to neighborhood circulation; to existing and proposed zoning and land use of the tract and adjacent tracts; and to sites required for schools, parks, and other public facilities.
 - a. The Planning and Zoning Commission must take action on a preliminary plat within thirty (30) days of the application being determined administratively complete by the Development Review Committee. The City Council must take final action within thirty (30) days of the preliminary plat being approved by the Planning and Zoning Commission. A preliminary plat is approved unless it is denied within these specified time periods or unless such time is extended by agreement with the applicant in writing.
 - b. The approval of a Preliminary Plat by the Planning and Zoning Commission and City Council is the authorization to proceed with the preparation of the Final Plat and application to consider the Final Plat. Approval or conditional approval of a Preliminary Plat does not constitute the acceptance of a subdivision or the improvements placed therein.
 - c. The conditional approval of a Preliminary Plat by the Planning and Zoning Commission and City Council is the approval of the plat subject to compliance with all conditions prescribed by the Planning and Zoning Commission and City Council. All conditions prescribed by the Planning and Zoning Commission and City Council shall be furnished in writing to the developer within fourteen (14) days of City Council action. Compliance with the conditions imposed shall be reflected in the Final Plat and related documents required for consideration of the Final Plat. Failure to comply with the conditions imposed shall constitute disapproval of the Preliminary Plat.
 - d. The disapproval of a Preliminary Plat by the City Council shall be final. Written notice of the reasons for disapproval shall be provided to the developer within fourteen (14) days of City Council action.
 - e. Planning and Zoning Commission and City Council approval or conditional approval shall be valid for a period of thirty-six (36) months from the date of City Council action. If within the thirty-six- (36) month period no application is made for Final Plat consideration, the Preliminary Plat shall become null and void unless that term is extended. Each final plat phase extends the term of the preliminary plat an additional year from the date the last final plat phase was approved, or an additional year from the date the preliminary plat term was initially scheduled to expire, whichever is later. The developer may request and the Planning and Zoning Commission and City Council, at its discretion, may grant an extension of the time limit for a specified period of time.
 - f. If the developer intends to develop a proposed subdivision in sections or phases, he shall at the time of application for Preliminary Plat consideration so state. Upon Planning and Zoning Commission and City Council approval of the Preliminary Plat, the developer shall provide to the City two (2) copies of the plat bearing the following

“APPROVED MASTER PRELIMINARY PLAT”

CHAIRMAN, PLANNING & ZONING COMMISSION DATE

“APPROVED MASTER PRELIMINARY PLAT”

MAYOR, CITY COUNCIL DATE

- g. If the Preliminary Plat is conditionally approved by the Planning and Zoning Commission and City Council, the developer shall submit five (5) copies of the plat, revised to comply with the conditions imposed and bearing the following:

“APPROVED MASTER PRELIMINARY PLAT”

CHAIRMAN, PLANNING & ZONING COMMISSION DATE

“APPROVED MASTER PRELIMINARY PLAT”

MAYOR, CITY COUNCIL DATE

- h. An approved Master Preliminary Plat shall be valid approval for application for Final Plat consideration provided that application for Final Plat consideration for the first section or phase is made within thirty-six (36) months of Planning and Zoning Commission and City Council approval and provided that the Final Plat for each section or phase substantially conforms to the Approved Master Preliminary Plat. Any substantial deviation in street layout or alignment, lot size or configuration, utility and/or drainage layout, or easement shall require submittal for consideration of a new preliminary plat.
- i. No construction shall begin on the proposed improvements in the proposed subdivision prior to approval of the Final Plat by the Planning & Zoning Commission and the City Council.

302.05 Final Plat – This step includes the final design of the subdivision, engineering of public improvements, and submittal of the Final Plat by the subdivider.

A. Final Plat Application – After the preliminary plat has been approved by the Planning and Zoning Commission and City Council and any or all conditions are complied with, the developer’s engineer or surveyor shall prepare and file with the Planning Department by the 15th day of the month prior to the next month’s public meetings at which the plat is to be considered a final plat which shall comply with the requirements of this Ordinance and shall include the following:

- 1. The original Final Plat and five (5) copies printed from the original. The original and copies shall be clearly legible. The original plat shall be drawn to a scale of one inch equals one hundred feet (1”=100’) or larger in ink on mylar or other acceptable permanent material, with all figures and letters legible. One (1) copy of the original shall be on mylar or other acceptable permanent material.

- 2. The Final Plat shall be proper for filing for record in the Office of the County Clerk with the following information given:
 - a. The name or names of the owner and developer.
 - b. The name of the Licensed Land Surveyor or Registered Professional Engineer who prepared the Plat.
 - c. The name of the proposed subdivision and any adjacent subdivisions.
 - d. The name of streets (to conform whenever possible to existing street names).
 - e. The number of lots and blocks, in accordance with a systematic arrangement.
 - f. The north point, date, acreage being subdivided, and scale. All plats shall be on a scale of one (1) inch equals one hundred (100) feet or larger.
 - g. An accurate boundary survey of the property, with bearings and distances referenced to the corner of an existing survey or established subdivisions, with complete and accurate field notes of said boundaries. The lines with dimensions of all adjacent lands and the lines with dimensions of adjacent streets, alleys, and easements in adjacent subdivisions shall be shown in dashed lines.
 - h. The location of proposed lots, streets, alleys, easements, building setback lines (both front and side streets) and other features.
 - i. All necessary dimensions including linear, angular and curvilinear, and other surveying information necessary to reproduce the Plat on the ground with the linear and curvilinear dimensions shown in feet and decimals of a foot.

The angular dimensions shall be shown by true bearings. The length of all straight lines, deflections angles, radii, tangents, central angle of curves shall be shown. All curve information shall be show for the centerline of the street. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc definitions.

- j. All survey monuments shall be show on the Plat (see Section 515).
- k. All deed restrictions that are to be files with the Plat.
- l. Certification by a registered public surveyor, licensed by the State of Texas, placed on the Plat as follows:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, do hereby certify that I prepared this Plat from an actual and accurate survey of the land and that the corner monuments shown thereon shall be properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Belton, Texas.

_____ (SEAL)

- m. Certificate of Approval by the Planning & Zoning Commission and approval by the City Council to be placed on plat in manner that will allow filling in of the Certificate:

I hereby certify that the above and foregoing Plat of the _____

Addition to the City of Belton was approved this ____ day of _____, 20__, by the Planning and Zoning Commission of the City of Belton, Texas.

Chairman Secretary

I hereby certify that the above and foregoing Plat of the _____ Addition to the City of Belton was approved this ____ day of _____, 20__, by the City Council of the City of Belton, Texas.

Mayor Secretary

Said addition shall be subject to all the requirements of the Subdivision Ordinance of the City of Belton

Witness my hand this ____ day of _____, 20__.

City Clerk

- n. An instrument of dedication, signed and acknowledged by the owner or owners and by all other parties who have a mortgage or lien interest in the property, showing all restrictions, reservations, and/or easements, if any, to be imposed and reserved in connection with the addition. Such restrictions shall include the following provisions:

“No house, dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until:

- 1) Such time as the developer and/or owner has complied with all requirements of the Subdivision Ordinance of the City of Belton regarding improvements within the area so platted, including the actual installation of streets with the required base and paving, curb and gutter, drainage structures, storm sewers, alleys, and water and sewer utilities, all according to the specifications of the City of Belton; or
a) The developer files with the City Clerk either a corporate; surety bond, escrow deposit, or irrevocable letter of credit in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation of improvements thereon within the time period established by the City for completion of said improvements. The developer shall execute an agreement authorizing the City to make or complete said improvements in the event the developer fails or refuses to make or complete said improvements within The sum equal to the cost of improvements shall include all construction costs, the cost for construction staking, and engineering services related to construction including but not limited to periodic inspection, construction contract administration, and preparation of as-built plans. The cost estimate for construction and related administration shall be prepared by the developer’s engineer based on currently prevailing private commercial rates and approved by the City Manager.
b) As escrow deposit shall be in the form of a cashier’s check payable to the “City of Belton Escrow Account for ____ Addition.” The City shall open an interest bearing escrow account bearing the subdivision name with the City’s depository bank. All interest accrued by said account shall be

deposited to the account. The City shall have the right to use the principal of the escrow deposit and all accrued interest to make or complete construction of subdivision improvements as provided by this Ordinance. The developer may reduce the amount of escrow deposit equal to the cost, less ten (10) percent thereof, of each major phase of improvements as such phases are completed and satisfactorily pass all applicable tests and inspections. The major phases are: (1) water and sewer utilities and (2) streets and drainage. The release of any portion of escrow deposit shall not include any accrued interest and shall not constitute final acceptance of the improvements by the City. Upon final completion and final acceptance of all improvements, the City shall release to the developer the remaining balance of escrow deposit for the subdivision along with interest accrued and paid on same.

- c) An irrevocable letter of credit shall be in a form and drawn from a bank satisfactory to the City and in an amount equal to the cost of improvements as defined heretofore. The amount of the irrevocable letter of credit may be reduced by the developer upon completion of each major phase of construction in the same manner applicable to an escrow deposit.
 - d) These restrictions with respect to improvements are made to insure the installation of such improvements and to give notice to each owner and to each prospective owner of lots in the subdivision that no house or other building can be constructed on any lot in the subdivision until said improvements are actually made or provided for on the entire block on the street and/or streets on which the property abuts as described herein.
- 2) The time so stated for completion thereof. The corporate surety bond, escrow, or irrevocable letter of credit shall comply with the following.
 - 3) Until the developer and/or owner files a corporate surety bond with the City Clerk in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the City Council of the City of Belton.
 - 4) In specific circumstances, a developer may desire to obtain a building permit prior to final completion of subdivision. The Building Official may be authorized to release specific permits for lot(s) as requested by the developer, or as may be modified by the City Council in their approval of the developer's written request. When such request is approved, the developer will be required to provide sufficient security for completion of the subdivision as set forth in Section 302.03, Paragraph A2n2).
- o. A certificate of dedication of all streets, alleys, and other land intended for public use, signed by the owner or owners and by all other parties who have a mortgage or lien interest in the property and acknowledged before a Notary Public.
 - p. A waiver of claim for damages against the City occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.
 - q. Receipt showing that all taxes are paid.
 - r. The final plat submitted to the Planning & Zoning Commission and City Council to be filed for record with the County Clerk shall not show construction or physical

features unless so unusual as to be of significance; except that the shoreline of water areas shall be shown with the date surveyed.

- s. Two (2) copies of each of the following:
 - 1) Construction plans and specifications for subdivision improvements in conformance with the requirements of Articles 400 and 500 of this Ordinance.
 - 2) Report of soil tests and pavement designs.
 - 3) Drainage study report as required in Article 500 of this ordinance.
- B. Final Plat Review – On receipt of the final plat, the City Engineer shall check the final plat for completeness and conformity to the approved preliminary plat and prepare and submit a written recommendation to the Planning & Zoning Commission.
- C. Final Plat Approval.
 - 1. The Planning and Zoning Commission must take action on a final plat within 30 days of the application being determined administratively complete by the Development Review Committee. The City Council must take final action within 30 days of the final plat being approved by the Planning and Zoning Commission. Said decision may consist of approval, disapproval, or conditional approval. Reasons for disapproval or conditional approval shall be stated by the Planning and Zoning Commission and City Council in writing within fourteen (14) days. When a final plat is approved with conditions, five (5) revised prints shall be submitted showing compliance with the conditions. A final plat is approved unless it is denied within that period or unless such time is extended by agreement with the applicant in writing.
 - 2. After the Final Plat has been approved and has been fully and properly endorsed, the City Clerk shall file the plat with the County Clerk of Bell County, Texas. An approved Final Plat must be recorded within 120 days after final approval.

Section 303: Replat or Vacation of Recorded Plat

303.01 Procedures as set forth in Section 301.03 shall be followed in replatting of platted property or the abandonment of a recorded subdivision.

Section 304: Administrative Plat Approvals

304.01 Administrative Minor Plat (Amendment 2003-12)

- A. In accordance with the Texas Local Government Code, Section 212.0065, the City of Belton delegates to the City Manager or his designee the authority to approve minor plats and amendments to minor plats which:
 - 1. involve four (4) or fewer lots, and;
 - 2. front onto an existing street, and;
 - 3. do not require the creation of any new street or the extension of municipal facilities.
- B. The City Manager or his designee may, for any reason, elect to present the plat to the Planning and Zoning Commission for approval.

- C. The City Manager or his designee shall not disapprove the plat and shall be required to refer any plat which he/she refused to approve to the Planning and Zoning Commission for consideration.
- D. Documentation submitted for approval of an Administrative Minor Plat shall meet the Final Plat Requirements of Section 302.03.

304.02 Administrative Amending Plat

- A. In accordance with the Texas Local Government Code, Section 212.0065, the City of Belton delegates to the City Manager or his designee the authority to approve amending plats under the following conditions.
 - 1. The amending plat shall be signed only by the applicants.
 - 2. The City Manager or his designee may, for any reason, elect to present the amending plat to the Planning and Zoning Commission for approval.
 - 3. The City Manager or his designee shall not disapprove the plat and shall be required to refer any plat, which he/she refused to approve to the Planning and Zoning Commission for consideration.
 - 4. The amending plat shall be solely for the 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 the location or character on the preceding plat;
 - f. to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, 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;
 - i. to relocate one or more lot lines between one or more adjacent lots 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; and
 - 3) the amendment does not increase the number of lots.
- 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) application for amending the plat;
 - 3) the amendment does not attempt to remove recorded covenants or restrictions;
 - 4) the amendment does not increase the number of lots: and
 - 5) the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
5. Notice, a hearing and the approval of other lot owners are not required for the approval and issuance of an amending plat. The documentation submitted for approval of amending plats shall meet the Final Plat Requirements of Section 302.03.

304.03 Exemption from Replat Procedures for Aggregation of a Platted Lot and Platted Lot Portions.

- A. When any lot and a portion of a lot or lots aggregating a larger tract in width and/or size than the average lot in the block in which same is situated are conveyed, as a single unit for a single use purpose, from a previously legally platted subdivision, no replat thereof shall be required.
- B. This exception shall not apply to any extension across an easement or public way nor permit changing the facing of the original lots.
- C. This exception is not to be construed as a waiver of any requirement of the Zoning Ordinance, as amended, or other applicable ordinances or recorded restriction and for such interpretations said integrated tract shall thereafter be considered as a single lot.

304.04 Issuance of City Permits for Unplatted Property.

- A. The City shall have the power and may declare and grant an exception to the formal platting provisions of this Ordinance when an owner of property, qualifying under the provisions of this section, complies with all of the requirements hereinafter set forth.
 1. The City shall authorize the Building Official to issued any permit or permits requested by the owner of any parcel of property less that one acres in size within the City limits, who desires to plat the same as a single lot, in keeping with the requirements for the respective property use classifications as set forth in the Zoning Ordinance for any existing residential improvement on said property sought by such owner, when it appears ;that a manifest and unnecessary hardship would arise from a literal enforcement of this ordinance and when the planning of the orderly development, growth and expansion of the City will be accomplished as well by the requirement of this section, as would compliance with the other provisions of this Ordinance in securing final approval of a plat.
 2. The owner making the request for said permit must establish that said property sought to be improved was a separately owned parcel of property prior to the effective date, June 8,

1951, of Texas Revised Civil Statutes, Article 6626, amended, which regulates the recording of property plats and that such property has not been divided into any portion or portions or conveyed to any person in separate ownership since the effective date of said Article 6626, and provided further that said property sought to be improved must abut on a dedicated public street sufficiently improved to show actual use by the public and must be in an area where easements for all public utilities have been dedicated or, by the platting of said property by the terms of this provision, will be dedicated to the public for the future installation of all utilities that will serve said property.

3. The permit requested, under the conditions set forth above, shall be issued by the Building Official after the property owner(s) presents a subdivision plat prepared in accordance with this Section by a registered professional engineer or a registered public surveyor and after approval by the City Council.
 - a. The plat shall be drawn on a standard twelve (12) inch by eighteen (18) inch sheet and shall show the dimensions and bearings of the property boundaries, its location with respect to all abutting streets, alleys, easements and other public dedications, easements dedicated by the plat, the property's relative position to the nearest dedicated public street, intersection, recognized corner or platted subdivision, a proper title referencing the property to some recognized grant, partition, unrecorded subdivision, bear a north point and date and shall be drawn to scale of one (1) inch equals twenty (20) feet. Such plat shall likewise contain a certificate of authenticity that the plat is true and correct and in accordance with the determination of surveys actually made on the ground and shall be signed by the person who prepared it.
 - b. A certificate of ownership in fee and dedication of any easement or easements, which appear on the face of said plat shall also be placed on the plat and shall be signed and acknowledged by the owner of such property.
 - c. A certificate of approval by and signature of the Chairman of the Commission shall also be placed upon said plat.

Section 305: Planned Development Zoning Districts

- 305.01 Where it is proposed to develop and plat a unified residential, commercial, industrial, and/or institutional project under the provisions of Planned Development zoning, the Planning and Zoning Commission may recommend to the City Council the variance of specific requirements of this ordinance based upon a detailed site development plan which is to be followed at time of preliminary and final platting.

Such modification shall be governed by the amending Planned Development ordinance standards for granting such modification from normal standards. Planned Development zoning is an optimal zoning and subdivision process intended to provide an avenue to apply new and innovative planning concepts that are not readily accommodated by traditional regulations. In reviewing Planned Development plans, traditional standards are utilized as the base standard for comparison and guidance. Any modification of those standards shall meet all of the following criteria:

- A. The modified proposal shall conform to the Comprehensive Plan.
- B. The modification will not have the effect of preventing the orderly subdivision of other land in the area.
- C. The need must exist for a variance of requirements to accomplish a unique project design, as distinguished from a need for a variance for personal convenience.

- D. The proposed development cannot be readily accomplished through standard zoning districts or subdivision processes.
- E. The proposed modification must substantially accomplish the intent of the standard and improve the overall development design.

ARTICLE 400 SUBDIVISION IMPROVEMENTS**Section 401: Scope**

- 401.01 Concurrent with the final plat, the developer shall submit construction plans for the development of all public improvements proposed in the subdivision or section thereof.
- 401.02 Said construction plans are to be submitted to the City Engineer.
- 401.03 Upon approval of the above plans and any required agreements between the City and subdivider, appropriate construction documents for all facilities will be filed with the City.
- 401.04 Upon completion of all subdivision improvements, the following shall be submitted to the City Engineer: Three (3) sets of "as-built" construction plans, including one (1) set in digital format, as well as the final plat also in digital format, as specified by the City Engineer; a maintenance bond covering all improvements in the amount of ten percent (10%) of the total construction cost and be in effect for a period of one (1) year from date of acceptance of improvements, any pro rata contracts; and a listing of final quantities for any City costs for participation in oversized facilities. (Amendment 2003-37)
- 401.05 Following the completion of the subdivision improvements and final inspections, the subdivision improvements shall be submitted for approval and acceptance by the City Engineer who shall notify developer in writing of said final acceptance.

Section 402: Construction Plans

- 402.01 Construction plan and profile sheets for all public improvement shall be reviewed prior to construction and approval of the final plat. Construction plans and profiles shall be drawn on sheets measuring twenty-four by thirty-six inches (24" x 36"). Each sheet shall include north point, scale and date. Benchmark description to sea level datum shall be included with the plans.
- A. Each sheet shall show the seal and signature of the registered professional engineer licensed by the State of Texas who prepared the plans and shall include the following, unless specifically approved otherwise by the City Engineer.
1. A plan and profile of each street with top of curb grades shown. Scale shall be 1" = 20' horizontally, and appropriate vertical scale.
 2. The cross-section of proposed streets, alleys, and sidewalks showing the width and type of pavement, base and subgrade, and location within the right-of-way.
 3. A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated and showing locations of manholes, cleanouts, and other appurtenances, and a cross section of embedment.
 4. A plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings and other appurtenances, with a section showing embedment.
 5. A plan to scale of all areas contributing storm water runoff or drainage within and surrounding the proposed subdivision. Such plan shall indicate size of areas, storm frequency and duration data, amounts of runoff, points of concentration, and other data necessary to adequately design drainage facilities for the area.

6. A plan and profile of proposed storm sewers, showing hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, culverts, outlet structures, bridges, and other structures.
 7. Profile views of individual improvements shall have no more than two improvements on one sheet unless specifically approved by the City Engineer. The project engineer is responsible for the accuracy, completeness, and conformance to City Standards.
- B. The purpose of the City review is to assure conformance to City policies and standards. However, the City review is limited to facts as presented on submitted plans. The City takes no project engineering responsibility. The engineer certifying the plans is the engineer responsible for the accuracy and completeness of the documents submitted for review and actual construction.
- C. The City reserves the right to require plan corrections when actual conditions in the field which are found to be contrary to or omitted from the previously submitted plan.

Section 403: Construction Plans for Subdivisions in City's ETJ Areas.

- 403.01 Any subdivision being platted in the Extraterritorial Jurisdiction of the City of Belton shall provide for the following improvements or plans in accordance with the Standards for Construction of Water, Sanitary Sewer, Street, and Drainage Improvements prior to approval of final plat.
- A. **Streets** – Construction plans shall be required to be prepared for the construction of streets in accordance with the City's Design Manual adopted by Ordinance Nos. 105583-3, 102583-4 and 11084-3, and subsequent amendments, for street paving.
 - B. **Drainage** – Construction plans shall be required to be prepared for the construction of drainage improvements needed to accommodate the subdivision plat in conformance with the City's Design Manual.
 - C. **Water** – Subdivision being platted with a distance of one (1) mile of the corporate boundary shall submit plans and construct the water distribution system with appropriate appurtenances for fire protection. (Although the City policy prohibits the service of municipal water to areas outside the corporate boundary, construction of the water system to City standards permits future service at the request of owners for service with annexation.)

Section 404: Design Criteria

- 404.01 The design of all improvements shall be guided by the criteria set forth herein and standards contained in the City of Belton Design Manual adopted by Ordinance # 1025783-3, 102583-4, 11084-3, and subsequent amendments.

ARTICLE 500 GENERAL DESIGN STANDARDS AND REQUIREMENTS**Section 501: Purpose**

501.01 The purpose of this article is to outline the general design standards and policies for development within the City of Belton. It is intended that these standards set the basic development policies for the City and be used with the guidelines set forth in the Design Manual

Section 502: Street Standards and Policy

502.01 Streets should conform to the Major Thoroughfare Plan and the following standards. The major thoroughfare plan can be amended as needed by the City Council as recommended by the Planning and Zoning Commission. The collector street portion of the Master Thoroughfare Plan can be amended as needed by the Planning and Zoning Commission according to the collector street criteria set forth in the following collector street subsection.

A. **Street Right-of-Way** – The owner shall be required to dedicate street right-of-way as shown in the officially adopted Thoroughfare Plan and according to the standards and criteria shown below:

1. Standards and criteria for right-of-way pavement width and general alignment of major thoroughfare shall be as shown on the Major Thoroughfare Plan.
2. Collector street standards and criteria are set forth as follows:
 - a. Basic Functional Classification Criteria
 - 1) At least one (1) collector street per area between arterials to collect neighborhood traffic to the major arterials.
 - 2) Collector street (or larger) required for higher intensity land uses where the intensity is defined as a minimum twelve (12) units/acre on two or more acres, industrial areas, and commercial areas.
 - b. Technical Classification Criteria
 - 1) Collects neighborhood traffic and feeds to major arterials.
 - 2) In low density areas, normally spaced at one-fourth (1/4) to one-half (1/2) miles intervals. In high intensity areas, may be spaced every block.
 - 3) Residential (Single or Two-Family) or Local Streets
 - c. Fifty (50) feet of right-of-way.
 - d. The following types of pavement (from back of curb to back of curb) sections are permitted for local streets when serving the corresponding residential density of units per acre:
 - 1) Twenty-four (24) feet, one (1) unit per two (2) acres.
 - 2) Twenty-eight (28) feet, four (4) units or less per acre.
 - 3) Thirty-one (31) feet, five (5) to ten (10) units per acre.

3. Street in Apartments, Commercial, or Industrial Area – Sixty (60) feet (collector street) of right-of-way with a minimum of thirty-seven (37) feet of paving from back of curb to back of curb.

B. Design Requirements

1. The following design guidelines shall be followed. Interpretation of street need classification shall be governed first by the approved Thoroughfare Plan. If outside the detail of the Thoroughfare Plan, street classification shall be interpreted on the basis of need as determined by a study of the neighborhood area in which the subdivision is proposed and the intensity of the area’s future development.
2. In the case of existing topographic features which prohibit the reasonable use of the following specified design requirements, consideration will be given for a variation. A written request for such a variation must be made to the Planning and Zoning Commission or shown on the proposed subdivision, and sufficient data submitted to analyze the variation.

DESIGN STANDARDS

	MAJOR THOROUGHFARE	COLLECTOR	LOCAL / RESIDENTIAL
Right-of-Way	As per Plan	60 feet	50 feet
Pavement (Back to Back)	As per Plan	37 feet	24, 28, 31 or 37 feet*
Grade-Maximum	5%	5-7%	5-7%
Grade-Minimum	.5%	.5%	.5%
Sight Distance, Minimum	350-500 feet	250-350 feet	200 feet
Horizontal Curvature (Maximum Radius)	1,000 feet	450 feet	150 feet
Radius for Curb Return at Intersections	35 feet	20 feet	20 feet

- All streets having a width of 37’ back of curb to back of curb shall require a right-of-way of 60 feet.
- C. **Street Cost and City Participation** – The owner shall be responsible and pay all costs for the design and construction of all streets within his development except streets over thirty-seven feet (37’) as required by the City as defined below. The developer shall build these streets in accordance with City standards. The city will participate in the paving cost only (excavation, sub-grade preparation, base and wearing surface, and subject to funds available and approval of City Council) on street paving costs above the thirty-seven feet (37’) pavement section on streets required by the City, above and beyond the traffic needs of the proposed development.
 - D. **Relating to Adjoining Street System** – The proposed street system shall extend all existing major streets and such collector streets up to logical termination according to the preceding criteria. Local access streets are to be extended as may be desirable for public safety and convenience of circulation. Where possible, the width and the horizontal and vertical alignment of extended streets shall be preserved.
 - E. **Offset Street Intersections** – Where offsets (jogs) in street alignment are desirable, in the opinion of the Planning and Zoning Commission, such offsets may be employed provided the distance between center lines is not less than one hundred twenty-five feet (125’).

F. Cul-de-Sacs and Dead-End Streets (Amendment #2016-26)

1. The maximum length of a cul-de-sac or dead-end street with a permanent turnaround shall usually be one thousand feet (1000'), except under unusual conditions with the approval of the City Council. Intermediate turnarounds are required when a cul-de-sac exceeds 1,000 feet. Consideration of the number of intermediate turnarounds shall be based on the overall length.
2. Turnarounds are to have a minimum right-of-way width of one hundred feet (100') and a minimum forty-foot (40') outside radius for single-family and two-family uses, and a minimum right-of-way width of one hundred twenty feet (120') and a minimum fifty-foot (50') outside radius for all other uses.
3. Temporary dead-end streets may be approved by the Planning and Zoning Commission if adequate, all-weather turnaround is provided. "Adequate, all-weather turnaround" is defined as a turnaround that is of sufficient size to accommodate fire and sanitation vehicles and is of a construction quality comparable to standard road cross-sections.

G. Street Intersection – Except where existing conditions will not permit, all streets shall intersect at a ninety degree (90⁰) angle. Variations of more than ten degrees (10⁰) on residential or local street and more than five degrees (5⁰) on collectors and thoroughfares must have the approval of the Planning and Zoning Commission.

H. Perimeter Streets

1. General – Partial or half streets may be provided where the Planning and Zoning Commission feel a street should be located along a property line. Wherever a half street has already been provided adjacent to an area to be subdivided, the other remaining portion of the street shall be platted with such subdivision. Where part of a street is being dedicated along a common property line, the first dedication shall be one-half of the proposed street right-of-way.
2. Unimproved Perimeter Streets Adjacent to Subdivisions and Development Lots.
 - a. The term "unimproved street" shall mean a public thoroughfare without paved curb and gutter which affords access by vehicles and pedestrians to abutting. The term "unimproved street" shall mean a public thoroughfare property.
 - b. Upon any land being subdivided or otherwise developed in an area adjacent to existing unimproved streets (excluding State or Federal highways), the developer shall bear half the total cost of paving (up to 18.5 feet width) and installing curb and gutter for all such unimproved perimeter streets adjacent to the area being subdivided or otherwise developed provided, however, that the Planning and Zoning Commission may either waive or postpone this requirement in the manner as set forth below.
 - 1) For the following listed developments, the Planning and Zoning Commission may waive the required improvements of an unimproved street by the developer after considering such factors as (1) the extent of existing and anticipated development in the area; (2) the amount of anticipated vehicular and pedestrian traffic; and (3) the current condition of the unimproved streets under consideration:
 - a) Single family development not exceeding three (3) acres in size or three (3) lots.

- b) Industrial, Commercial, or Multi-Family development not exceeding three (3) acres in size.
 - 2) In all developments, the Planning and Zoning Commission may postpone the required improvements of an unimproved street by the developer should it be determined that such improvements are not feasible or desirable at the time of development. If such improvements are postponed, the developer shall either:
 - a) Post an approved performance bond acceptable to the City for one and one-half the current estimated cost of construction and enter into a written agreement with the City obligating the developer to pay for such costs.
 - b) Place his pro-rata share (half the total cost of paving and installing curb and gutter for the unimproved street) in an escrow account with a Bell County bank acceptable to the City and enter into a written agreement obligating the developer to pay such pro-rata share. Said interest from such an escrow account shall be made payable to the City to offset inflationary costs of construction. If the funds are not used within none (9) years, the City shall hold a public hearing to show clear intent to improve the road within one year; if no such intent is shown, the funds and interest will be returned.
 - 3) Any developer who builds one half the street and desires to provide ultimate drainage facilities for the whole street will be able to collect up to one-half of the cost of the drainage improvements when adjacent properties develop by signing an appropriate pro-rata agreement with the City of Belton.
- I. **Street Names** – New streets shall be named so as to provide continuity of name with existing streets and to prevent conflict with identical or similar names in other parts of the City.
- J. **Private Streets** – Private streets shall be prohibited except in Planned Development zoning districts as approved by the City Council.

Subdivision Street Access Standards (Amendment #2016-26)

1. Pursuant to this ordinance, any single family residential subdivision within the City of Belton or the City’s extraterritorial jurisdiction shall provide the number of subdivision entrance/access streets in accordance with the table below:

Number of Lots	Minimum Entrances
1-50	1
51-100	2
101+	3

2. In cases where a future subdivision phase will be submitted within twelve (12) months from the date of Council action, a temporary vehicle access street may be constructed to serve as a second or third entrance. If a subdivision plat is not submitted within that time frame, the subdivider will be required to provide a permanent access/entrance street.

- K. **Large Lot Subdivisions** – If the lots in the proposed subdivision are large enough to suggest resubdivision in the future or if a part of the tract is not subdivided, consideration must be given to possible future street openings and access to future lots which could result from each resubdivision.
- L. **Estate Subdivisions** – For Estate Subdivision as herein defined two (2) acre lots with two hundred (200) feet or more frontage for single family use, a pavement width of twenty-four (24) feet without curbs is allowed in a seventy (70) feet right-of-way. Pavement quality must meet the minimum quality of the City of Belton standard specifications.

Section 503: Sidewalk Standards and Policy (Amendment #2015-43)

- 503.01 Sidewalks shall be required and shall be installed by the subdivision developer on streets adjacent to all schools.
- 503.02 Sidewalks shall be required and shall be installed by the subdivision developer as follows:
 - a) On both sides of all internal arterial and collector streets, without driveway access, prior to acceptance of the subdivision.
 - b) On the subdivision side of all collector and arterial streets, without driveway access, prior to acceptance of the subdivision.
- 503.03 Sidewalks shall be required and shall be installed by the builder/property owner on both sides of all collector streets with driveway access. Sidewalks shall be constructed, inspected, and accepted by the City prior to issuance of a Certificate of Occupancy.
- 503.04 Sidewalks shall be required and shall be installed in conjunction with a building permit for all new multiple family, office, retail, commercial, and industrial buildings, and whenever any permit is required for construction, addition or exterior structural alteration on any building or other structure, for the property's frontage length along a public street(s). This provision does not apply to collector and arterial streets with residential frontage.
- 503.05 Sidewalks may also be required to be installed by the subdivision developer when the City determines that in the interest of connectivity, accessibility, and/or public safety sidewalks are necessary to connect the subdivision, or an area of the subdivision, to certain public or private facilities, including but not limited to education facilities, medical facilities, walking or biking trails, transit stops, retail centers, employment centers, and/or thoroughfares.
- 503.06 Sidewalks required along collector streets shall be a minimum of four (4) feet wide except sidewalks constructed directly behind the curb shall be a minimum of five (5) feet wide. Sidewalks required along arterial streets shall be a minimum of six (6) feet wide.
- 503.07 Sidewalks are not required along existing or new local/residential streets. If provided, sidewalks shall be a minimum of four (4) feet wide.
- 503.08 Sidewalks shall be constructed in accordance with the Design Manual and Belton Thoroughfare Plan. The City must approve all sidewalk construction plans prior to construction. All sidewalks shall be inspected and accepted by the City.
- 503.09 If the City determines required sidewalks should not be constructed until a later date, the funds estimated by the City for the construction of said sidewalks shall be placed in a sidewalk escrow account approved by the City. If the funds for sidewalk construction are not expended by the City within 9 years of the date received, the funds and interest will be returned.

Section 504: Alleys

- 504.01 **Commercial and Industrial Areas** – Alleys shall be provided in commercial and industrial districts where other definite and assured provisions are not made for service access, such as off-street loading, unloading, parking, and fire-fighting access consistent with and adequate for the uses proposed.
- 504.02 **Residential Areas** – Alleys may not be required, however, when required alleys shall be located to serve all lots within the subdivision.
- 504.03 **Alley Width** – All alleys shall be paved. In commercial areas, the minimum width of the alley right-of-way shall be twenty (20) feet and the minimum pavement width shall be sixteen (16) feet. In residential areas, the minimum alley right-of-way width shall be twenty (20) feet and the minimum pavement width shall be twelve (12) feet.
- 504.04 Alley design and alignment shall be governed by criteria set forth in the Design Manual.
- 504.05 **Intersections** – Alley intersections and sudden changes in alignment shall be avoided; but where necessary, lot corner shall be cut off at least fifteen (15) feet on each tangent to permit safe vehicular movement.
- 504.06 **Dead-End Alleys** – Dead-end Alleys shall be avoided if possible; but if unavoidable, shall be provided with adequate outlet or turnaround, as determined by the Planning and Zoning Commission.

Section 505: Water and Sewer Utilities Standards

- 505.01 **Basic Policy** – Water systems shall be provided with a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply and to furnish fire protection to all lots and to conform to the Master Water Plan and Standard Specification of the City of Belton.

Section 506: Oversize Mains

- 506.01 When oversize mains are required to serve property beyond the boundary of the subdivision, the City will reimburse the developer for the difference in cost between the line size required to serve his subdivision and the size required by the City.

Section 507: Extensions of Water and Sewer Mains

- 507.01 Extensions required to serve new subdivision and other developments.
- A. **Required Extensions** – all developments shall be required to extend across the full width of the subdivision in such an alignment that it can be extended to the next property in accordance with the Master Sewer and Water Plans for the City.
 - B. Properties already served by water and sewer shall not be required to install additional facilities unless:
 1. The current lines are not of adequate capacity to serve the proposed development; in which case the developer will be required to install adequate facilities.
 2. The current lines are not of adequate capacity to serve the zoning of a property that has been rezoned to a more intense use since the time of the original utility installation.

Section 508: Utilities Easement Requirements

- 508.01 All utilities shall be provided in street or alley rights-of-way except when special circumstances require lines or facilities to be placed outside rights-of-way for providing adequate service.
- 508.02 All utility easements shall be a minimum of fifteen (15) feet in width unless special circumstances warrant additional or reduced easements widths.

Section 509: Street Lights

- 509.01 Basic Policy – It is the policy of the City of Belton that adequate street lights be installed in all new developments.
- 509.02 General Standards:
- A. Developers shall furnish satisfactory easements for installation of services to street lights, normally five (5) feet in width.
 - B. Street light number, type, and size shall be determined by the City of Belton.
 - C. Developers will pay pro rata cost of street light installations.
 - D. Street lights are normally required at all intersections, in cul-de-sacs, and at approximately three hundred (300) foot intervals on tangent streets.

Section 510: Drainage Requirements

- 510.01 General Policy
- A. The Planning and Zoning Commission shall not recommend for approval any plat of subdivision, which does not make adequate provision for storm, or flood water runoff channels or basins. Drainage provision shall ensure the health and safety of the public and property in times of flood; and such facilities shall not cause excessive increases in flood heights or velocities, particularly to adjacent and downstream properties. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and drainage facilities or basins shall be used to intercept flow at this point.
 - B. The applicant may be required by the Planning and Zoning Commission to carry away by pipe or open ditch any spring or surface water that exists either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications of the City of Belton.
- 510.02 General Design Standards – the general drainage design and construction standards and policies of the City of Belton are set forth in the City’s Drainage Report and Design Manual.
- 510.03 Drainage Easements
- A. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be carried from the road to a natural watercourse or to other drainage facilities.

- B. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat or other instrument as approved by the City Attorney. In the case of clear public interest, the City shall participate in easement acquisition by power of condemnation.
 - C. The applicant shall dedicate an appropriate drainage easement either in fee or by drainage easement or by conservation easement of land on both sides of existing watercourses to a distance to be determined by the Planning and Zoning Commission.
- 510.04 Modification of Flood Plains – No land shall be changed which lies in any 100-year flood drainage way until a drainage study has been prepared, submitted, and approved by the City of Belton and other agencies having jurisdiction.

Section 511: Lots, Common Areas and Facilities

- 511.01 Lot size – The size, width, and depth of lots shall conform to the zoning requirements for the area.
- 511.02 Access to Street – Each lot shall be provided with adequate access to an existing or proposed public street (County or City) by frontage of not less than twenty (20) feet on such street except frontage on a private street may be permitted in a Planned Development Zoning District. Such public street shall be connected to and considered part of the general network of public streets in the area. Development adjacent to existing public streets shall include the required improvements in accordance with the City’s perimeter street policy.
- 511.03 Facing – Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing facing lots at right angles to each other should be avoided.
- 511.04 Common Areas and Facilities – Such areas shall be noted on the plat, and also have filed covenants approved by the City Attorney or other arrangements for permanent maintenance of these areas and facilities as may be approved by the Planning and Zoning Commission.
- 511.05 Build Across Lot Lines – No building, except buildings designed and constructed as two-family dwellings or one-family attached dwellings, shall be constructed on or across existing lot lines.
- 511.06 When lots back to major thoroughfares, a screening device shall be installed on the lot(s) limiting visibility between the traffic way and adjoining lots. Screening material shall be approved by the City Council and shall be either of solid material or vegetative material.

Section 512: Blocks

- 512.01 Block length for residential use should generally not exceed twelve hundred (1,200) feet, measured along the center of the block. Six hundred (600) feet in a desirable minimum. The Commission may require a pedestrian easement or wall near the center of blocks over one thousand (1,000) feet.

Section 513: Building Lines

- 513.01 The Building Line is a line beyond which buildings must be set back from a street right-of-way line or property line. It should conform to the zoning requirements for that district.

Section 514: Fire Lanes

- 514.01 Where adequate access for fire-fighting purposes may not otherwise be provided, easements for fire lanes may be required. Fire lane easements shall be paved with either asphalt or concrete material of such strength to support fire vehicles; shall be a minimum of sixteen (16) feet in

width; shall generally be within fifty (50) feet of all exposed building walls; shall be maintained by the property owner; shall be marked as such on the ground; and shall be kept free and clear at all times, or have such obstacles that can easily be traversed by a fire truck, (i.e., breakable chains, low level plant material), unless otherwise approved by the Planning and Zoning Commission.

Section 515: Monuments and Markers

- 515.01 **Markers** – Lot markers shall be of five-eighths ($\frac{5}{8}$) inch reinforcing bar, eighteen (18) inches long, or 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.
- 515.02 **Monuments** – Monuments shall be set at any angle point in the perimeter boundary of the subdivision. Monuments shall be a concrete post four (4) inches in diameter and four (4) feet in length, or other such type of monument as may be approved by the City Engineer. The precise point of intersection shall be indented on top of the monument.
- 515.03 **Benchmarks** – A benchmark will be established on a boundary corner of the subdivision and within the subdivision not closer than two hundred (200) feet apart of a ratio of one benchmark per ten (10) acres of subdivision area. Such benchmark shall be established to a 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 as well as on the subdivision plat.

Section 516: Development on Existing Lots that were Previously Approved by the City.

- 516.01 It is the policy of the City of Belton that redevelopment on existing residential lots within the City shall be encouraged. This policy shall apply to lots that have been platted previously and/or developed and are now currently being redeveloped. For such area the existing community facilities of streets, water, and sewer shall be considered the responsibility of the City and shall be upgraded as funds are available and/or during the regular assessment program.
- 516.02 For areas where zoning has been changed significantly from the time of original platting or development, the full requirements of this subdivision/development ordinance shall be applied, including all required improvements and facilities. A zoning change from single family to multi-family, commercial, or industrial is deemed a significant change for the purpose of this Section.

Section 517: Requirements for Parkland (Ordinance #2005-04)

517.01 Parkland Required (Amendment #2016-28)

- A. Pursuant to this ordinance, it shall be required that a subdivider of any residential subdivision within the City of Belton, or within the City's extraterritorial jurisdiction, set aside and dedicate to the public sufficient and suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland, in accordance with the provisions of this Section and these regulations generally.
- B. All plats receiving subdivision approval shall conform to the requirements of this Section. To satisfy the provisions of this Ordinance, conformance with these requirements may be through parkland dedication or payment fees-in-lieu of required Parkland, or a combination of the two, at the exclusive discretion of the City Council.

- C. In the event the subdivider offers to dedicate land for public park classification that is defined in the Comprehensive Plan and/or Parks and Recreation Master Plan which meets the design standards of these regulations, and that is two or more acres in size, the City shall accept the parkland dedication, unless Parkland needs have been previously satisfied in the area, if in the City's best interests.
- D. Where a subdivider proposes to pay an in-lieu fee as provided for below, the Council may accept such payment as satisfying the parkland dedication requirements of this Code, except that the Council reserves the exclusive right to require the dedication of land for public park purposes at its discretion to satisfy the parkland dedication requirements of this Code.

517.02 Formula for Calculating Area of Parkland

The acreage to be contributed in conjunction with final approval by the Council of any residential subdivision plat shall be pro-rated in an amount equal to one acre for each 100 new dwelling units projected to occupy the fully developed subdivision or development.

517.03 Method of Dedicating Parkland

Land accepted for dedication under the requirements of these regulations shall be conveyed by warranty deed in conjunction with Final Plat approval, transferring the property in fee simple to the City of Belton, Texas, and must be free and clear of any mortgages or liens at the time of such conveyance. A copy of the warranty deed shall be provided to the City Manager prior to recordation.

517.04 Alternative Dedication within General Development Plan Areas

- A. **Equivalent Acreage** – When the residential subdivision is part of an area of land which is required by this ordinance to obtain approval of a subdivision, a subdivider is required to dedicate land in compliance with this Section prior to, or in conjunction with, the recordation of the first record Final Plat for the development. The subdivider shall dedicate land equivalent in acreage to that amount of parkland required for the number of units proposed for the build-out of the Preliminary Plat. The subdivider may request approval of a Development Agreement with the City to dedicate land to the City which may be exchanged by the City in the future for more desirable parkland interior to the subdivision within a defined period of time, not to exceed ten years for new Parkland and five years for existing Parkland. Land dedicated in this manner shall not be used or characterized as parkland until the expiration of the Development Agreement, in order to facilitate the exchange of the land for the proposed parkland in the future, but will be held by the City in lieu of the proposed future parkland.
- B. **Land Not Adjacent to First Record Final Plat** – If the proposed parkland for the residential subdivision is not immediately adjacent to the boundary of the first record Final Plat for the development, the subdivider may dedicate the parkland by record Final Plat, provided that fiscal surety is provided to the City, in accordance with this Code for the subdivision improvements, in order to ensure provision of paved street access and utilities to the parkland by the developer.

517.05 Fee Payment In-Lieu of Parkland Dedication

When the amount of land required by this Section is less than two acres, the Council may require the subdivider to pay a fee-in-lieu of Parkland dedication. Where the payment of a fee-in-lieu of Parkland dedication is required or acceptable to the Council as provided for in this ordinance, such fee shall be in an amount in the Fee Schedule on file in the City Clerk's office, and may be amended from time to time by the City Council. The subdivider shall tender and pay over to the City said fee prior to recordation of the record Final Plat.

517.06 Design Standards for Parkland

Any land to be dedicated to meet the requirements of these regulations shall be reasonably located and appropriate for use as a park and recreation facility, as reflected in the Parks and Recreation Master Plan. The Planning and Zoning Commission shall make recommendations to the City Council concerning the suitability of proposed Parkland, in conformance with this Subdivision Ordinance requirement. The shape of the parcel or tract of land to be dedicated should be appropriate for public parks and recreation purposes. All such Parkland shall be designed and located so as to satisfy the following general requirements:

- A. The dedicated land should form a single parcel or tract of land at least two acres in size, unless it is determined that a smaller tract would be in the public interest, or that additional contiguous land will be reasonably available for dedication to or purchase by the City.
- B. Public access to public Parkland delineated on a Preliminary Plat shall be ensured by providing 200 feet of street frontage, in a manner satisfactory to the City, unless a lesser amount is determined appropriate. Frontage will preferably be a 200 foot by 200 foot corner site at the intersection of two internal subdivision streets. At the time the land abutting the delineated areas is developed, the subdivider of such abutting land shall furnish and pay for paving all abutting street frontage and shall provide water and sewer access to the boundary of one side of the delineated area to meet minimum requirements of these regulations.
- C. The land to be dedicated to meet the requirements of these regulations should be suitable for public parks and recreation activities, specifically:
 - 1. Grade/Slope Requirements: 50 percent of the dedicated land area should not exceed twenty percent grade;
 - 2. Utilities Required: Minimum of 2-inch water service and 6-inch gravity sewer service shall be provided without charge to the city by the developer along at least one property line of the dedicated land; and
 - 3. Permanent Property Boundary Markers Required: Above-ground, grade-level survey markers are required to be permanently installed on all property lines of the dedicated land, according to standards established by the City of Belton.

517.07 Disturbed Parkland

Any disturbed Parkland shall be restored and the soil stabilized by vegetative cover by the developer.

517.08 Flood Plain

Areas within the 100-year flood plain may be dedicated in partial fulfillment of the dedication requirement when the development is adjacent to Nolan Creek. Said dedication shall include the entire 100-year flood plain, or a 200 foot strip measured from the center line of Nolan Creek, whichever is greater. For flood plain areas not adjacent to Nolan Creek, see Section 517.09.

517.09 Additional Flood Plain Standards

- A. The following standards shall also apply to the consideration of Parkland dedication within the 100-year flood plain.
- B. Areas in the 100-year flood plain not located adjacent to Nolan Creek may constitute up to 50 percent of the requirement of land dedication, provided that adjoining land within the 25-year flood plain is also dedicated, but that such land in the 25-year flood plain shall not be credited towards the requirements of land dedication or payment of fees.

- C. Non-Residential development, although not required to dedicate Parkland, shall be given incentives to encourage the dedication of land within the 100-year flood plain when located adjacent to Nolan Creek. Such incentives shall include, but are not be limited to, credit for development intensities that could have occurred in the dedicated portion of the development to other areas within the same development. Said incentives may be considered for approval by the Planning and Zoning Commission and City Council.
- D. Such areas shall meet any additional standards specified in the Parkland design standards pertaining to the dedication of the 100-year flood plain.

517.10 Environmental Features

In the case of areas known to contain sensitive environmental features, the City may, at its discretion, waive these standards subject to the following limitations:

- A. Such areas shall provide recreational or educational opportunities for the surrounding community.
- B. Such areas shall be given a 50 percent credit against the requirement of land dedication or payment of fees.
- C. Such areas shall meet any additional standards specified in the Parkland design standards pertaining to the dedication of areas known to contain sensitive environmental features.

517.11 Location of Parkland

- A. The location of Parkland may be required at the edge of a subdivision so that additional land may be added at such time as adjacent land is subdivided or acquired for public use. Otherwise, a centralized location is generally preferred.
- B. Dedicated Parkland located outside of a subdivision should be located within a one mile radius from the outer edge of the subdivision's boundary.
- C. Funds paid in-lieu of Parkland dedication may be used to purchase and develop new Parkland, or to develop existing public Parkland in the subdivision, or within a one mile radius from the outer edge of the subdivision's boundary.
- D. An owner, subdivider, or applicant for a subdivision may authorize the dedication of Parkland or expenditure of the park dedication fees for that subdivision in an area outside of the standard one mile radius from the outer edge of the subdivision's boundary, with approval of the City Council.

517.12 Other Acceptable Alternatives

Subject to approval by the City Council, the following options represent possible acceptable alternatives which may satisfy the intent of this Ordinance:

- A. Undeveloped Open Space - Open space land area, conveyed by warranty deed to the City, which provides a suitable area for meeting recreational needs of the subdivision.
- B. Any suitable combination of Parkland, cash, park improvements, and/or open space.
- C. Another alternative determined suitable by the City Council.

- D. Private Parkland, as discussed in Section 517.13.

517.13 Private Parkland Development

Subject to approval by the City Council, the following private Parkland provisions may be utilized to satisfy the intent of this Ordinance:

- A. Development and provision of private Parkland by the developer that effectively meets the recreational/open space needs of the subdivision is acceptable.
- B. The private Parkland must meet the design standards established by this Section.
- C. Multiple phases of a subdivision development may be served by a single private park if judged to be suitably sized, located, and developed in conjunction with the Preliminary Plat.
- D. A private park shall be owned and maintained by a Homeowner's Association approved by the City.
 - E. The City Council may consider conversion of a private park to public Parkland at the request of the Homeowner's Association.

Section 518: Park Fund Established

518.01 Separate Fund

The City Finance Department shall establish a separate fund, to be deposited at the highest interest rate permitted by law entitled "Parkland Dedication Fund", and the money paid by owners, subdividers, and applicants at final approval of subdivision plats shall be held in said fund in trust to be used solely and exclusively for the purpose of purchasing and/or equipping public park and recreational land as established by this Section, in conjunction with subdivision plat approval.

518.02 Use and Refund of Monies

At such time as the City Council, based upon the recommendations of the Planning and Zoning Commission, determines that there are sufficient funds derived from a certain area in the Parkland Dedication Fund to purchase usable Parkland, the Council shall cause negotiations to be undertaken to purchase the site by mutual agreement or by condemnation proceedings. In making such determination for the purchase of said site, the conditions of Section 517 above shall be taken into consideration. The principal and interest deposited and kept in the Parkland Dedication Fund shall be used solely for the purpose of purchasing and/or equipping land for public park and recreation uses, and shall never be used for maintaining or operating public park facilities, or for any other purpose. Any funds paid in-lieu of the Parkland dedication requirements must be expended by the City within ten years from the date received for new Parkland or five years from the date received for existing Parkland. If not so expended, the original developer of the property on the last day of such period shall be entitled to a pro rata refund, computed on a square footage of area basis. The developer of such property must request such refund within one year of the entitlement, in writing, or such right shall be waived. Said refunds shall be paid within 60 days of the filing of the request with the City Clerk.

ARTICLE 600: PROVISIONS

Section 601: Filing Fees

601.01 No preliminary or final plat, replat, or general development plan shall be accepted for filing for review by the Planning and Zoning Commission unless the person wishing to file such plat, replat, or plan first pays a filing fee to the City Engineer. The filing fee for preliminary, final and replats, and general development plans are set forth in Ordinance No. 2004-40, Schedule of Municipal Fees.

Section 602: Penalty

602.01 Any person, firm, or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provision hereof within the corporate limits of Belton, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed one thousand dollars (\$1,000), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

602.02 Any person, firm, or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provision hereof within the extraterritorial jurisdiction of the City of Belton, shall not be guilty of a misdemeanor, but shall be subject to injunctive relief as set forth in Section 2.05 of this Subdivision Ordinance.

Section 603: Conflicting Ordinances Repealed

603.01 All ordinances and parts of ordinances inconsistent or in conflict herewith are hereby repealed.

Section 604: Severability

604.01 If any section or part of any section, paragraph, or clause of this Ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of section, paragraph, or clause of this Ordinance.

Section 605: Number and Gender

605.01 As used in this Chapter, whenever the context so indicates, the masculine, feminine, or neuter gender, and the singular or plural number, shall be deemed to include the others.

Section 606: Headings

606.01 The headings above the various provisions of this Chapter have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing the said provisions.

Section 607: Amendments to Statutes

607.01 Reference made to any state or federal statutes or to any local ordinances includes and is intended to refer to those statutes and/or ordinances as they presently exist or as they may hereafter be amended to read.

Section 608: Effective Date

608.01 This Ordinance shall become effective on the 28th day of May 1985.