

ADOPTED SEPTEMBER 21, 2021

ORDINANCE 7-2021

VILLAGE OF BONNEY, TEXAS
SUBDIVISION ORDINANCE

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ARTICLE I. GENERAL

Section 1. Application and Compliance with Ordinance

A. Application:

The rules and regulations of this ordinance shall apply to and govern the approval and requirements of subdivisions and property development within: (1) the corporate limits of the Village of Bonney; (2) that portion of the extraterritorial jurisdiction of the Village of Bonney over which the Village has not ceded jurisdiction to regulate subdivisions pursuant to a written agreement with Brazoria County under the provisions of Chapter 242 of the Local Government Code; and (3) that portion, if any, of the City of Alvin extraterritorial jurisdiction that is adjacent to either the Village limit of the Village of Bonney and/or the extraterritorial jurisdiction of the Village of Bonney and in which the City of Alvin has ceded the applicable regulatory rights to the Village of Bonney.

B. **Compliance with Ordinance.** This subsection shall govern and control, in the event of any conflicts with other sections.

1. No Subdivision Without Approved, Recorded Plat. Any person who subdivides any tract, lot or parcel of land within the Village of Bonney or its extraterritorial jurisdiction must submit to the Village for its approval a preliminary plat, final plat, amending plat, replat or abbreviated plat, as applicable. No subdivision of any tract, lot or parcel of land shall be lawful until such time that the plat has been approved in accordance with the terms of this Ordinance and lawfully recorded in the Brazoria County plat records.

2. No Recorded Plat and No Lot Sales Before Infrastructure is Completed and Approved; Exception. Regardless of any other provision, no plat of any type shall be recorded until all public infrastructure, public improvements, subdivision infrastructure, and subdivision improvements described on the plat or on the

documents accompanying the plat have been completed and have been inspected and approved by the Village, except as provided by section 28 regarding early recordation. This paragraph applies even if the plat has been finally approved. Without limiting the generality of the foregoing, this means that lot sales are prohibited until the infrastructure is completed and approved. Even if a plat is approved or signed, the Village shall hold the plat and not deliver it for recording until the recording will be lawful under this ordinance.

3. No Construction of Infrastructure Before Plat Approval. Unless and until a final plat, abbreviated plat, amending plat, or replat of a subdivision shall have been first approved in the manner provided herein by the Village, no person shall construct or cause to be constructed any street, utility, or public or subdivision infrastructure, improvements, or facilities of any nature. This paragraph does not require the plat to be recorded before construction of the public infrastructure or subdivision infrastructure described in this paragraph; rather public and subdivision infrastructure are to be constructed after final plat approval and before plat recordation, except to the extent that section 28 allows earlier plat recordation.

4. No Building Permits for Non-Infrastructure Until Plat is Recorded. Unless and until a final plat, abbreviated plat, amending plat, or replat of a subdivision shall have been first approved in the manner provided herein by the Village and lawfully recorded in the plat records of Brazoria County, no person shall construct or cause to be constructed any home, business, or other improvements other than

subdivision infrastructure or public infrastructure on any lot, tract, or parcel of land in the subdivision.

5. **No Permit for Unlawful Construction.** No building, plumbing, electrical, mechanical, or other construction permit shall be issued by the Village any work that is unlawful under this ordinance or otherwise.

6. **No Certificate of Occupancy Until Infrastructure is Completed and Approved.**

No certificate of occupancy shall be issued by the Village for any structure on a lot or tract in a subdivision unless all public improvements, public infrastructure, subdivision improvements, and subdivision infrastructure shown on the plat or accompanying documents have been completed and have been approved by the Village.

7. **Deficiencies in Drainage Improvements.** If any required drainage improvements inside or outside the subdivision, have not been completed and approved by the Village or by any drainage district with jurisdiction thereof, then the Village shall have the right, but shall not be required to, deny plat recordation, infrastructure approval, building permits for improvements other than infrastructure, and certificates of occupancy for structures in the subdivision; or the Village may allow the subdivider to use the exception under Section 28.

Any person who subdivides any tract, lot or parcel of land within the Village of Bonney or its extraterritorial jurisdiction must submit to the Village for its approval a preliminary, final, amending plat, replat or abbreviated plat, as applicable. No subdivision of any

tract, lot or parcel of land shall be lawful until such time that the plat has been approved in accordance with the terms of this Ordinance. Unless and until a preliminary and final plat, abbreviated plat, amending plat or replat of a subdivision shall have been first approved in the manner provided herein by the Village, no person shall construct or cause to be constructed any street, utility, facility, building, structure, or any other improvement on any lot, tract, or parcel of land within such subdivision except as specifically permitted in this Ordinance.

No building, plumbing, electrical or mechanical permit shall be issued by the Village for the construction or repair of any structure on a lot or tract in a subdivision for which a final plat, abbreviated plat, or amending plat has not been approved by the Village and filed for record. No building, plumbing, electrical or mechanical permit shall be issued by the Village for the construction or repair of any structure on a lot or tract in a subdivision in which the required storm drainage improvements have not been constructed and the permanent public improvements have not been approved and accepted by the Village.

Section 2. Definitions

- A. The following definitions shall apply in the interpretation and enforcement of this Ordinance. The terms not defined herein shall be construed in accordance with the ordinances of the Village or their customary usage and meaning in municipal planning and engineering practices.

Abbreviated Plat means a complete and exact subdivision plat prepared by a Registered Professional Land Surveyor registered in the State of Texas, in conformity with the provisions of this Ordinance and in a manner suitable for recording with the County Clerk, Brazoria County, Texas. For the purpose of this Ordinance, an

abbreviated plat shall be considered a final plat.

Alley means minor ways which are used primarily for vehicle service access to the back or the side of properties otherwise abutting on a street.

“Applicable regulations” or “applicable laws” herein shall mean all applicable state and federal laws, as well as the Village’s thoroughfare plan, master plan, subdivision ordinance, engineering design criteria manual, and any other applicable ordinances, regulations, and other laws of any nature.

Civil Site Work means any work performed upon the ground of the specific tract of land or property for the purposes of installing, constructing or completing the water lines, sanitary sewer lines, storm sewer lines, the roadways and/or streets and the grading and/or construction of the subdivision lots, detention pond and any other infrastructure work performed within the subdivision.

Village or Village means the Planning Commission, Village Planning Department, Village Building Inspector, Department of Public Works, Village Engineer or Village Board of Alderpersons of the Village of Bonney.

Design Criteria means the Village’s design criteria manual for wastewater collection systems, water lines, streets, sidewalks and storm drainage, as it may be amended from time to time by the Village Board of Alderpersons.

Developer means any person who improves or develops land in the Village whether or not a subdivision of the land is required by this. The term "developer" shall be synonymous with "subdivider" in cases where the subdivision of land is involved.

“Development” herein shall mean the enlargement of any exterior dimension or the new construction of any building, structure, or improvement.”

Extraterritorial jurisdiction (ETJ) means the unincorporated area that is contiguous to and located within one half mile of the corporate boundaries of the Village.

Family Member means the following persons related to the individual who proposes to convey land: wife, husband, father, mother, son, daughter, sister, brother, grandfather, grandmother, granddaughter, grandson, whether natural, adopted or related by marriage.

Final Plat means a complete and exact subdivision plat prepared by a Registered Professional Land Surveyor registered in the State of Texas, in conformity with the provisions of this Ordinance and the Texas Board of Professional Land Surveying regulations and in a manner suitable for recording with the County Clerk, Brazoria County, Texas.

Flag-Shaped or Key-Shaped lot means a lot whose frontage on and access to the street right-of-way is provided by a narrow driveway, access easement or other parcel of land referred to as the staff of the flag lot.

Governing body means the Board of Alderpersons of the Village of Bonney, Texas.

Infrastructure means streets, sidewalks, drainage facilities or improvements, water and sanitary sewer facilities, utilities, parks, and any other improvements for which the Village may ultimately assume responsibility for maintenance and operation.

Lot means a physically undivided tract or parcel of land having frontage on a public or private street, which is, or in the future may be offered for sale, conveyance, transfer or improvement and which is designated as a separate and distinct tract and identified by numerical or letter identification on a duly and properly recorded subdivision plat.

Person means an individual, partnership, firm, association, corporation or any other entity howsoever formed and shall include any officer, agent, employee, trustee or servant thereof.

Planned Unit Development (PUD) means a development constructed on a tract of minimum size under single ownership which is planned and developed as an integral unit and consists of a combination of land uses.

Planning Commission means the duly-appointed Village Planning Commission of the Village of Bonney.

Plat means a map, chart, survey, plat, replat or amending plat containing a description of the subdivided land with ties to permanent landmarks or monuments.

Preliminary Plat means a plat of a proposed subdivision prepared in accordance with the provisions of this chapter illustrating the features of the development for purpose of review and preliminary approval by the Planning Commission and the Village Board of Alderpersons.

Resubdivision means any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Rural subdivision herein shall mean a subdivision in which each lot is larger than one acre.

Street means a public right-of-way dedicated for public use which provides vehicular access to the adjacent land. Included in this definition are the following general classifications of streets:

- (1) **Super Arterial** streets are those roadways under the jurisdiction of the State of Texas Department of Transportation (TxDOT).
- (2) **Major Arterial** streets are principal traffic arteries, more or less continuous across the Village, which are intended to connect remote parts of the Village and which are used primarily for fast or heavy volume traffic.
- (3) **Minor Arterial** streets are principal traffic arteries which are intended to connect two or more Major Arterial streets and which are used primarily for fast or heavy volume traffic.

- (4) **Major Collector** streets are secondary traffic arteries which are intended to connect two or more Major Arterial streets or to connect Major Arterial streets with Minor Arterial streets and serve as parallel roadways adjacent to Super Arterial streets and which are used primarily for medium speed or medium volume traffic.
- (5) **Minor Collector** streets are secondary traffic arteries which are intended to connect Local streets with Minor Arterial streets or to connect Major Arterial streets and which are used primarily for slower speed or lower volume traffic.
- (6) **Local** streets are those streets, including loops and cul-de-sacs, which are used primarily for access to the abutting properties and which are intended to serve traffic within a limited area.
- (7) **Marginal Access** streets are Local streets that are parallel to and adjacent to Super Arterial streets and which provide access to abutting properties and protection from through-traffic.”

Subdivider means any person who does or participates in the doing of any act toward the subdivision of land within the intent, scope and purview of this ordinance. The terms "subdivider" and "developer" are synonymous and are used interchangeably for purposes of this ordinance in connection with the subdivision of land.

Subdivision or subdivide means the division of any lot, tract or parcel or land by plat, map or description into two or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication and the laying out (or realignment) of new streets, or other public accessways, with or

without subdividing lots, is a subdivision. An "addition" is a subdivision as defined herein. The term "subdivision" shall also include the resubdivision and replatting of land or lots which are part of a previously recorded subdivision. The term "subdivision" or "subdivide" includes the division of land whether by plat or by metes and bounds description, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Urban Subdivision means a subdivision in which any lot is one acre or smaller.

Section 3. Fees

The schedule of fees set forth in Attachment A of this Ordinance shall apply to this Ordinance. Fees and inspection charges shall be paid in advance of any review by the Village staff, whether or not the plat is approved or denied. Preliminary plats, final plats, replats, amending plats, abbreviated plats and construction plan reviews will not be accepted or processed until fees are paid.

Section 4. Variances

A developer may request a variance from this Ordinance in writing which shall be presented to the Planning Commission. The Planning Commission shall consider the variance and may make a recommendation for approval to Village Board of Alderpersons. The Village Board of Alderpersons may authorize a variance from this Ordinance, based upon or contrary to the Planning Commission recommendation. In granting a variance, the Board of Alderpersons shall prescribe those conditions it deems necessary or desirable to the public interest. In

making the findings herein above required, the Board of Alderpersons shall take into account the nature of the proposed use of the land involved, the existing use of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon public health, safety, convenience and welfare in the vicinity.

Section 5. Enforcement

Except as otherwise provided in Section 1.B, the Village of Bonney shall refuse to issue permits or furnish Village services, if applicable, to any person who violates the terms of this Ordinance, and in addition shall have the right to prohibit or correct violation(s) by writs of injunction, prosecution, or other legal process. Except as otherwise provided in Section 1.B, the Village shall withhold improvements of any nature whatsoever, including issuance of building permits, the maintenance of streets and furnishing of water and sewer service, if applicable, to or within a subdivision until the subdivision plat has been approved by the Village Board of Alderpersons and lawfully recorded in the plat records, all the infrastructure improvements have been completed and formally accepted by the Village, and final as-built construction plans have been provided to the Village.

“See also Section 1.B. regarding Compliance with Ordinance.”

Section 6. **Compliance with Village Thoroughfare Plan**

All applications for development, subdivision, or plat approval under this Ordinance shall comply with all elements of the Village’s Major Thoroughfare Plan, including those elements either within or adjacent to the development, subdivision, or plat.

Section 7. Reserved

Section 8. Offenses

- A. It shall be unlawful to construct two (2) single family dwellings which shall be occupied on a continual basis on a single lot, parcel or tract of land.

- B. Unless otherwise exempted herein, it shall be unlawful to construct or install or cause to be constructed or installed a building or structure across or over a lot line or property line.

- C. Unless otherwise exempted herein, it shall be unlawful to subdivide any tract, lot or parcel of land without complying with the terms of this Ordinance and Local Government Code.

- D. Unless otherwise exempted herein, it shall be unlawful to construct or cause to be constructed any street, utility, building, structure or other improvement on any lot, parcel or tract of land without complying with the provisions of this Ordinance.

- E. It shall be unlawful for any person to violate a provision of this Ordinance.

Section 9. Penalty

Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed \$500.00 daily. Each day of violation shall constitute a separate offense.

Section 10. Effective Date

All subdivision applications filed for preliminary plat approval on or after the effective date of this Ordinance shall be subject to these regulations. A subdivision application filed or which has received preliminary approval prior to the effective date of this ordinance shall be subject to the subdivision regulations in effect at the time of filing the application for preliminary plat approval.

Section 11. Required Improvements

All of the improvements required under these regulations, improvements specified in the comprehensive plan, improvements specified in the Village of Bonney Major Thoroughfare Plan, and improvements which are necessary for the adequate provision of streets, drainage, utilities, municipal services, and facilities to the subdivision, shall be constructed at the sole expense of the subdivider.

Sections 12-17. Reserved.

ARTICLE II. SUBDIVISION AND DEVELOPMENT PROCESS

Section 18. Subdivision and Development Conferences

A pre-development meeting between the developer and the Planning Commission or its designee, such as the Building Inspector and/or Village Engineer, will be held to discuss the development's concepts and approval procedures. This is an informal process to allow an exchange of information between the developer and Village staff. No approval will be issued

for conceptual plans and such plans are not binding on the developer or the Village.

Section 19. Preliminary Plat Process

- A. Following the meeting with the Planning Commission or its designee, all persons desiring to subdivide a tract of land within the Village or its extraterritorial jurisdiction shall prepare or cause to be prepared a preliminary plat according to the following (unless the Abbreviated Plat Provisions of Section 23 or Amending Plat Provisions of Section 26 are applicable and are utilized):
- B. The preliminary plat shall be drawn to a scale of one hundred (100) feet to the inch or larger, and shall show at a minimum or be accompanied by the following:
1. The proposed name of the subdivision.
 2. The north point, scale and date.
 3. The names, addresses and telephone numbers of the subdivider, the owner of record, the Civil Engineer licensed as a Professional Engineer in the State of Texas, responsible for the design and the Registered Professional Land Surveyor registered in the State of Texas, responsible for the land survey.
 4. The boundary line (accurate in scale) of the tract to be subdivided.
 5. Contours with intervals of five-tenths (0.5) feet, more or less, referred to sea level datum, as required to show at least two (2) contours within the subdivision in addition to those necessary to clearly show outfall drainage including a benchmark on/or adjacent to the property.
 6. Proper adjoiner information including the names of adjacent subdivisions with recording information.

7. The location, widths, and names of all existing or platted streets or other public rights-of-way on-site and adjacent to the tract and within 200 feet of the tract as circumstances require.
8. Existing pavement, sewers, water mains, culverts, or other underground structures adjacent to the tract and within 200 feet of the tract with pipe sizes, grades and locations indicated.
9. All parcels of land intended to be dedicated for public use or reserved in deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservations, if any.
10. The layout, names and widths of proposed streets and easements, the radius of all arcs, length of the tangents, and the length of tangents between curves.
11. The layout, numbers, dimensions and size of the proposed lots with building setback lines shown.
12. All other important features such as section lines, political subdivisions or corporation lines and school district boundaries.
13. The draft of any protective covenants whereby the subdivider proposes to regulate the use of the land in the subdivision provided, however, that such restrictive covenants, conditions or limitations shall never be less than the minimum requirements of the Village under the terms of this Ordinance. Where infrastructure design criteria is based on a specific type or density of development, the covenants shall require development to conform to the design criteria. The covenants must include language for establishing the person or persons responsible for maintenance of the drainage detention facilities.
14. A preliminary drainage plan which:
 - (a) has been approved by the Village;

(b) has been approved by the appropriate Brazoria County Drainage District, but only to the extent, if any, that approval by a drainage district is required by an interlocal agreement with the Village; and

(c) meets the requirements as set forth in the Brazoria County Drainage Criteria Manual; shall be submitted with each preliminary plat (at the same scale) which shall include the following:

- (i) Overall layout of lots or parcels;
- (ii) Contours;
- (iii) Any defined water ways on or adjacent to the site;
- (iv) Drainage area map showing on-site and off-site areas draining across or adjacent to the site with preliminary calculations of flows;
- (v) Flood zones and flood ways as determined by the applicable FEMA maps; and the Base Flood Elevation (BFE) shall be indicated on the preliminary plat as shall the flood zone;
- (vi) Proposed drainage improvements including detention areas and depths with preliminary calculations; and
- (vii) Proposed easements which shall include all drainage and maintenance easements.

- C. Three (3) copies of the preliminary plat and supporting data required by this Ordinance shall be submitted to the Village along with the required fees as set forth in Attachment A. The plat shall be reviewed by the Village Engineer for compliance with State law, this Ordinance, and the Village's ordinances, policies, rules and regulations.

- D. Upon satisfactory review of the plat by the Village Engineer, ten (10) copies of the plat including any necessary corrections and supporting documentation shall be provided to the Village Secretary.
- E. In cases where the subdivider desires to have the preliminary plat placed on a particular Planning Commission agenda, the preliminary plat and required supporting data must be submitted at least fifteen (15) days prior to the requested agenda date. However, no agenda action will be scheduled until the application is administratively complete. The Planning Commission shall render a decision within thirty (30) days of the Village's receipt of an administratively complete application, provided that the application is not withdrawn prior to Commission review. The Planning Commission's decision shall consist of a recommendation of approval, disapproval or conditional approval.
- F. Upon action by the Planning Commission, Village staff shall schedule the preliminary plat for action at a Village Board of Alderpersons meeting to be held within thirty (30) days of the Planning Commission meeting date at which action was taken on the preliminary plat. A recommendation along with the necessary copies of any corrected plats, plans or supporting documentation will be forwarded to Village Board of Alderpersons for action at the scheduled meeting date, provided that the meeting is set at least 15 days in advance. The subdivider must submit corrected plats, plans or supporting documentation to the Village not less than thirty (30) days prior to such scheduled Village Board of Alderpersons meeting date. If the Planning Commission requires changes to the preliminary plat, the subdivider shall make the required changes. The Village Engineer shall have fifteen (15) days for additional review.

- G. Following approval of the preliminary plat and prior to actual construction of any water and sanitary sewer facilities, the Texas Commission on Environmental Quality shall be notified, if required, in accordance with Title 30, Chapter 317 of the Texas Administrative Code.
- H. The approval of the preliminary plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with the preparation of the final plat. The approval of the preliminary plat shall expire twelve (12) months after Village Board of Alderpersons approval unless the final plat has been submitted for final approval during that time. Upon written request of the subdivider, an extension of time may be given at the discretion of the Village Board of Alderpersons for a single extension period of six (6) months, provided the subdivider has shown that he is proceeding in good faith to complete the work necessary before filing the final plat.

Section 20. Master Preliminary Plat Procedure for a Large Tract

- A. Where the proposed subdivision constitutes a unit of a larger tract which is intended to be subsequently subdivided as additional units of the same subdivision, the subdivision plat shall be accompanied by a master preliminary plat showing the tentative proposed layout of the streets, blocks and drainage of the entire area. The over-all layout, if approved by the Village Board of Alderpersons, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the Village. Thereafter, fractional final plats of subsequent units of such subdivision may be submitted without additional preliminary plat approval provided that no significant changes are made to the

master preliminary plat. Any request for change to the over-all layout must be submitted according to the procedures prescribed in Section 19, Preliminary Plat Process.

- B. The approval of the master preliminary plat shall expire five (5) years after Village Board of Alderpersons approval. Such approval may be reinstated after review by the Village Board of Alderpersons for a maximum of two (2) single extensions of one (1) year with a showing of good cause by the subdivider.

Section 21. Construction Plans

After approval of the preliminary plat, construction plans meeting the requirements of the Village=s design criteria and other applicable ordinances, rules, policies and regulations shall be submitted for all improvements proposed on the preliminary plat. Engineering Standards and Standard Details are included herewith as Attachments B and C, respectively. After a final, amending or abbreviated plat has been approved by the Village Board of Alderpersons and the final construction plans have been approved by the Village Engineer and all required fees have been paid, the subdivider may proceed with construction of the public infrastructure after obtaining all necessary building permits from the Village of Bonney.

Section 22. Final Plat Procedure

- A. No final plat shall be considered unless and until a preliminary plat has been submitted and approved, unless the abbreviated plat procedure is used, and a set of final construction plans has been approved by the Village Engineer for the public infrastructure improvements.

B. After the foregoing procedure has been complied with and the preliminary plat approved by the Village Board of Alderpersons, the subdivider shall prepare or cause to be prepared a final plat, or plats, together with other supplementary information as specified herein. The final plat shall conform substantially to the preliminary plat as approved and shall reflect any conditions or requirements for final approval imposed by the Village Board of Alderpersons, together with the following additional requirements which must be shown on or accompany the final plat:

1. Name of the subdivision.
2. North arrow, scale, date, and vicinity map drawn to a scale 1" = 2,640'.
3. Name, address and telephone number of the subdivider.
4. A list showing the names of person(s) to whom notice of hearing shall be sent.
5. A signed certificate of the Registered Professional Land Surveyor registered in the State of Texas, who surveyed, mapped, and monumented the land shall be placed on the face of the plat.

6. A statement of express dedication of all streets, easements, alleys, parks, playgrounds, public places and any other rights-of-way within or outside the subdivision necessary to satisfy the requirements of this Ordinance to the public use forever shall be executed by all persons owning an interest in the property subdivided, resubdivided or platted and shall be acknowledged in the manner prescribed by the laws of the State of Texas for conveyance of real property. Lienholders must execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites and other public areas shown on the plat of such subdivision or resubdivision as being set aside for public use and purpose.

7. A field note description of the tract of land subdivided.
8. A statement and express representation on the face of the plat that the parties joining in such dedication are the sole owners of such tract of land.
9. A positive reference and identification of the plat of such subdivision by the name of such subdivision, date of plat and the name of the surveyor.
10. The boundary lines with accurate distance and bearings, the exact location and width of all existing or recorded streets intersecting the boundary of the tract. The names of adjacent subdivisions and/or the names of owners of adjacent land with all recording information shown. All necessary data to reproduce the plat and each lot on the ground must be shown on the plat.
11. Bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat.
12. The exact layout shall include the following:
 - a. Streets and street names.
 - b. The length of all arcs, internal angles, points of curvature, length and bearing of the tangents, and the length of tangent between curves.
 - c. All easements or rights-of-way provided for drainage, public services or utilities and any limitations of the easements/rights-of-way.
 - d. All lot and block numbers.
 - e. All lot lines with accurate dimensions.
 - f. All alleys.
 - g. Location and description of monuments.
 - h. Building setback lines from all adjacent streets.
13. Boundary closure calculations, the minimum of which shall be 1:15,000.
14. The draft of any protective covenants whereby the subdivider proposes to regulate

the use of the land in the subdivision provided, however, that restrictive covenants, conditions, or limitations shall never be less than the minimum requirements of the Village under the terms of this Ordinance or other Village Ordinances.

15. A waiver of claim for damage occasioned by the establishment of grades or alterations of the surface of any portion of the streets.
16. An original certificate obtained from the appropriate Brazoria County taxing authority showing that all taxes have been paid on the tract to be subdivided and that no delinquent taxes against the property are outstanding.
17. Such other certificates, data, affidavits, and endorsements or dedications as may be required by the Village Board of Alderpersons for the enforcement of these regulations.
18. Certificate of approval for both Planning Commission and Village Board of Alderpersons signatures on face of the plat. Additionally, a certificate of approval signed by the applicable drainage district shall appear on the face of the plat, unless otherwise provided by an interlocal agreement between the applicable drainage district and the Village.
19. Letters from utility companies indicating that the required easements are shown on the plat and indicating the availability of utility service.
20. An updated current Title Policy or Title Commitment from a reputable title company reflecting the current owner of the tract of land.
21. No infrastructure improvements shall be shown on a final plat.
22. A notation on the plat that sidewalks must be constructed as part of the issuance of a building permit for each tract, if sidewalks are required by the Village's Sidewalk Master Plan.
23. a. A notation, in language acceptable to the Village, on the plat that no

certificate of occupancy and no Village services shall be provided or allowed to any lot or property in the subdivision, until all required storm drainage improvements, which may include detention, and all other required public infrastructure improvements have been completed and have been approved by the Village.

Any failure to provide this notation shall not impair any provision of this ordinance.

- b. A notation, in language acceptable to the Village, on the plat disclosing the scope of the drainage review and approval by the Village, pursuant to an interlocal agreement, if any, between the Village and Brazoria County Drainage District No. 5.
24. A notation on the plat that the final plat will expire two (2) years after final approval by the Village Board of Alderpersons if construction of the improvements has not commenced within the two (2) year period or the one (1) year extension period granted by Village Board of Alderpersons.
25. One year maintenance bond in the amount of the cost of the infrastructure improvements valid one year from the date the infrastructure is accepted and/or approved by the Village. Such bonds shall be executed by a company authorized to do business as a surety in Texas and shall be approved as to form and content by the Village Attorney.
26. Construction drawings of the proposed infrastructures improvements must be approved by the Village Engineer prior to the Village Board of Alderpersons approval of the final plat.
27. Two (2) original mylar copies of the final plat and supporting data shall be submitted to the Village Secretary. To the extent, if any, that approval by a drainage district is required by an interlocal agreement with the Village, such approval by the

drainage district must be obtained before the final plat is submitted to the Village. The plats shall be submitted to the Village Engineer at least twenty one (21) days prior to the scheduled meeting date and shall be reviewed by the Village Engineer for compliance with State law, this Ordinance, other Village Ordinances, policies, rules and regulations. On receipt by Village staff of an administratively complete application, staff shall schedule the plat for action by the Planning Commission at its next available and appropriate meeting. At least seven (7) days prior to the scheduled meeting date the subdivider shall provide to the Planning Commission fifteen (15) copies and two (2) original mylar copies of the final plat, prepared in accordance with the Brazoria County Clerk's requirements for plat recording, along with supporting documentation. The Planning Commission shall render a decision within thirty (30) days of the Village's receipt of an administratively complete application, provided that the application is not withdrawn prior to Commission review. The decision may consist of a recommendation of approval or disapproval. No final plat shall be processed until final construction plans are approved.

28. Upon action by the Planning Commission, Village staff shall schedule the final plat for action at a Village Board of Alderpersons meeting to be held within the thirty (30) days of the Planning Commission meeting date at which action was taken on the final plat. The Planning Commission recommendation, along with the necessary plats and supporting documentation, will be forwarded to Village Board of Alderpersons for action at the scheduled meeting date. If the plat conforms to all conditions and requirements established by this Ordinance, Village Board of Alderpersons may approve the plat. Should the final plat, as submitted, fail to meet the conditions and requirements of Village Board of Alderpersons, then the Board of Alderpersons shall disapprove the plat and note its disapproval thereon and

attach thereto a statement of the reasons for disapproval. A disapproved final plat may be resubmitted with correcting changes within thirty (30) days of Board of Alderpersons action.

29. The final plat and any applicable restrictions shall be recorded by the Village in the Office of the County Clerk, Brazoria County, Texas within a period of thirty (30) days from the date of approval by the Village Board of Alderpersons. At the time of submission of the final plat, the subdivider must deposit with the Village sufficient funds for recording of the plat.
30. Approval of the final plat shall expire two (2) years after Village Board of Alderpersons approval unless within such two (2) year period the developer has commenced construction of the improvements identified in the final construction plans approved by the Village or requests and obtains approval of a one-year extension from the Village Board of Alderpersons. If a one-year extension is requested and approved by the Village Board of Alderpersons, the construction of improvements identified in the final approved construction plans must be commenced within the one-year extension period or the final plat will expire.
31. In the event that the tract of land being subdivided fronts on a street or road which does not meet the Village=s design specifications, the subdivider shall be required to improve the street or road to meet those specifications from a street or road that does meet the Village=s requirements to the farthest boundary of the subdivision.

Section 22.1. Liability of Developer

The Developer shall be liable to the Village for any defect in any public infrastructure provided or required to be provided by or on behalf of the Developer, if such defect occurs

within one year after the Village accepts or approves such infrastructure, whichever occurs later.

Section 23. Abbreviated Platting Procedure

- A. An abbreviated platting procedure may be followed in instances where a simplified plat or replat of a subdivision is proposed and the submission and review of a preliminary plat is not necessary for a complete understanding and evaluation of the development and its needs or impact. When all requirements of this section are satisfied and the written approval of the Village Engineer is obtained, the submittal of a preliminary plat may be eliminated from the development and subdivision process in accordance with the provisions of this section and the subdivider shall be required only to comply with the final plat provisions and procedures of this Ordinance.
- B. To qualify for the abbreviated platting procedure the proposed subdivision or resubdivision must meet all of the following requirements:
 - 1. All lots of the proposed subdivision must front on a public street or streets that meet the following criteria:
 - a. The street(s) has/have been previously dedicated to and accepted by the Village, County or State, as applicable, is/are being maintained by the entity with jurisdiction, and is/are being traveled by the public.
 - b. The street(s) exist(s) within a right-of-way of sixty-foot (60) minimum width, or the proposed plat will dedicate the necessary additional rights-of-way to provide a minimum of thirty-foot (30) width from the centerline of the existing or original right-of-way.
 - 2. No additional streets or alleys or extensions of existing streets or alleys are

required for the proposed subdivision.

3. A drainage plan covering all land to be improved must be prepared in accordance with the Brazoria County Drainage Criteria Manual and be approved by the Village and, to the extent, if any, that approval by a drainage district is required by an interlocal agreement with the Village, such drainage plan must also be approved by the applicable drainage district. Construction plans for each improvement must have been approved by the Village prior to approval of the plat.
4. All necessary easements and/or public dedications are either existing or will be dedicated by the owner/subdivider. All such easements and/or public dedications must be acceptable in width and configuration.

Section 24. Vacating Plat

- A. The developer of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
- B. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- C. The County Clerk will write legibly on the vacated plat the word Vacated and will enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

- D. On the execution and recording of the vacation instrument, the vacated plat has no effect.

- E. The procedure for vacating a plat shall conform to the current Texas Local Government Code and shall be subject to the same approval process as for a final plat.

Section 25. Replatting Without Vacating Preceding Plat

- A. A replat is a redesign of all or a part of a recorded plat or subdivision of land which substantially changes the elements of the plat. The same procedures shall be followed as for preliminary, final or abbreviated plat. The replat must be in accordance with the requirements of the current Texas Local Government Code ('212.013, 212.014, 212.015). A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
 - 1. Is signed and acknowledged by only the owners of the property being replatted;
 - 2. Is approved by Village Board of Alderpersons, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard;
 - 3. Does not attempt to amend or remove any covenants or restrictions.
 - 4. Identifies the lots or portions of the lots being replatted and provides a reason for the replat.

- B. A replat without vacation of the preceding plat must also conform to the requirements of this subsection if any of the area being replatted was limited by deed restrictions to residential use for not more than two (2) residential units per lot. These requirements are:

1. Notice of the hearing required by this Section 25 shall be given in accordance with Subsection C below.
2. If the proposed replat requires a variance and is protested in accordance with this Subsection B 2, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of both the Planning Commission and Village Board of Alderpersons. For legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Village of Bonney prior to the close of the public hearing. In computing the percentage of land area above, the area of the streets and alleys shall be included. Compliance with this subsection is not required for approval of a replat or part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat.

C. Notice of the hearing required under Section 25 of this shall be given before the 15th day before the date of the hearing by:

1. Publication in the official newspaper of the Village; and
2. By written notice, with a copy of Section 25 B attached, forwarded by the Village to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of

the Village.

3. All costs for these notices and letters shall be paid by the developer.

D. The final replat shall meet the requirements of and be subject to the approval process for final plats.

Section 26. Amending Plat

A. The Village Board of Alderpersons after action by the Planning Commission may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

1. To correct an error in a course or distance shown on the preceding plat;
2. To add a course or distance that was omitted on the preceding plat;
3. To correct an error in a real property description shown on the preceding plat;
4. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
5. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
6. To correct any other type of scrivener or clerical error or omission previously approved by the Village Board of Alderpersons which may include lot numbers, acreage, street names, and identification of adjacent recorded plats;
7. To correct an error in courses and distances of lot lines between two adjacent lots if:

- a. Both lot owners join in the application for amending the plat;
 - b. Neither lot is abolished;
 - c. The amendment does not attempt to remove recorded covenants or restrictions; and
 - d. The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
9. To relocate one or more lot lines between one or more adjacent lots if:
- a. The owners of all those lots join in the application for amending the plat;
 - b. The amendment does not attempt to remove recorded covenants or restrictions; and
 - c. The amendment does not increase the number of lots;
10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
- a. The changes do not affect applicable zoning and other Village regulations;
 - b. The changes do not attempt to amend or remove any covenants or restrictions; and
 - c. The area covered by the changes is located in an area that the Village Board of Alderpersons has approved, after a public hearing, as a residential improvement area; or
 - d. To replat one or more lots fronting on an existing street if:
 - (1) The owners of all those lots join in the application for amending the plat;
 - (2) The amendment does not attempt to remove recorded covenants or restrictions;

- (3) The amendment does not increase the number of lots; and
- (4) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

- B. The amending plat procedures shall be in accordance with the current Texas Local Government Code and the approval process set forth in this Ordinance for final plats.
- C. The amending plat shall contain all the informational requirements set forth in this Ordinance for a final plat.

Section 27. Planned Unit Developments

- A. Where a developer desires to construct a project with a diversification of types of lots and land uses, the Planned Unit Development (PUD) criteria may be used. The intent of this criteria is to maintain the spirit of conformance with this regulation; however, alternative designs can be used. Examples of an alternative design include reducing the lot sizes but providing common areas that result in a similar overall density, developing structures in pods or groups with larger surrounding areas, increasing the landscaping and screening to provide buffering, providing a curvilinear sidewalk system in lieu of sidewalks paralleling the street lines, providing common drives for multiple structures to increase green-space, and reducing the front setbacks but prohibiting driveways and parking in the lot frontage by providing alleys for access.
- B. In addition to complying with the requirements for subdivision development set forth in Article III hereof (with the exception of lot dimension requirements set forth in Section 37 B) and the design criteria, the developer of a proposed PUD shall submit an outline

development plan with the preliminary plat. This plan at a scale of not less than 1 inch equals 200 feet shall show all the proposed surface features to be developed. This plan shall include all paving and parking areas, proposed landscaping and open space areas with typical layouts, and proposed fencing and screening. The plan shall be accompanied by separate drawing(s) showing the template for building footprints.

- C. All PUDs shall have protective covenants that require an owners' association (or other legal entity) to be formed and to be legally responsible for the maintenance of all-common areas and private amenities in the PUD. The covenants shall require that sufficient funds be collected and set aside for the proper maintenance of the facilities. Sale or transfer of properties dedicated for common use shall not be permitted without the replatting of the property according to legal requirements.

- D. The minimum size of a PUD shall be 20 acres and not less than 5 percent of the total area shall be set aside as common landscaped areas. Utility easements, drainage easements and detention basins shall not be included in calculating the 5 percent requirement.

- E. The minimum lot width and area of all residential lots to be located within a PUD shall be as stated in **Section 37, Lots.**

- F. The developer shall be required to enter into a development agreement detailing the terms and conditions upon which a PUD is approved by the Village. The development agreement, restrictive covenants and all required documentation forming the PUD shall

be provided to the Village of Bonney who will permanently maintain a copy of said documentation.

- G. A final plan for each section to be developed with restrictive covenants attached shall be submitted for review and approval of the Planning Commission and the Village Board of Alderpersons. The approved plan and documents shall be maintained on file by the Village Secretary and all future building permits shall be reviewed for conformance with the plan and accompanying documents. The plan which shall have a scale of 1 inch equals 200 feet or larger shall include the following:
1. All proposed streets, alleys, drives, walkways and trails with a clear designation of those to be public and private.
 2. All lots or parcels and a clear definition of areas to be retained as common areas with dimensions and bearings.
 3. Separate drawing(s) showing the template for building footprints with approximate dimensions of existing and proposed structures with landscaping, amenities and improvements. Indications of the structure heights and elevational features shall be provided.
- H. In other than single family areas, details of trash collection areas and permanent screening matching the character of the area shall be provided.
- I. Proposed improvements including screening, fencing and landscaping to be placed in all rights-of-way and common areas.

J. Deposit for Legal and engineering Fees.

1. In addition to any other fees to the Village, the developer shall pay the Village for all legal and engineering fees incurred by the Village in evaluating and/or administering any aspect of a subdivision or a development or an application for approval of a subdivision or development.

2. The Developer shall pay the Village a deposit for legal and engineering fees. The deposit must be paid upon filing the request for plat approval. Any additional deposit must be paid upon request by the Village. The Village may halt the evaluation and processing of a request for approval of a plat or development while any initial amounts or additional amounts hereunder are due and unpaid. No deadlines for approval of a plat or development shall run while such amounts are due and unpaid, and time limits applicable against the Village shall be suspended while any amount due from the Developer to the Village is unpaid.

3. The mayor may set the amount of the deposit at the amount he estimates the Village will incur in legal and engineering fees. Unless the Mayor sets a different deposit for the subdivision or development in question, the deposit for deposit for engineering and legal fees shall be as follows:

Number of Lots or Parcels	Amount of Deposit
1 through 10	\$480.00
11 through 20	\$600.00
21 through 50	\$1,100.00
51 or more	to be set by Mayor

Developments vary greatly in many ways, and the Mayor may set a deposit that varies greatly from the above chart. The Mayor may do so at any time, before or after the payment of a deposit.

4. If the fees actually incurred by the Village turn out to be less than the amount of the deposit, then the Village shall return the unused balance of the deposit to the Developer
(or to any other person that pays the deposit) upon completion of all legal and engineering services concerning the subdivision or development. Before refunding the unused balance of the deposit, the Village shall deduct all amounts of any nature
(whether related to the development or not) due to the Village from the Developer. If, on the other hand, it appears to the Mayor that the deposit will be insufficient to cover the legal and engineering fees incurred by the Village, then the Developer shall deposit an additional amount as determined by the Mayor. The additional deposit shall be paid upon request from the Village, even if the previous deposit has not been consumed.
 5. The Village shall not under any circumstances be considered a fiduciary to the Developer or any other person in connection with the deposit under this ordinance.
- K. Upon approval of a final plat for a PUD, the developer shall file with the Village a performance bond to assure that the public facilities and amenities are constructed in a timely manner and a maintenance bond to assure the maintenance of the facilities for the first one year of use. Such bonds shall be executed by a company authorized to do business as a surety in Texas and shall be approved as to form and content by the Village Attorney. The performance and maintenance bonds shall be in the amount of the estimated construction cost of the public facilities and amenities. No permits may be issued by the Village until such bonds have been filed.

“Section 28. General Exception for Early Plat Recordation and Early Construction

See also certain exceptions for model homes in Section 29.

A. Benefits of This Exception.

If the Village Board of Alderpersons determines, in its sole discretion, that a subdivision qualifies for the exception in this section, then the following things may be done after the Village approves and signs the final plat, even if the infrastructure has not been built or approved:

1. the plat may be recorded;
2. Accordingly, lots in the subdivision may then be sold after the plat is recorded; and
3. Building permits may be issued for construction of homes, businesses, and other non-infrastructure improvements in the subdivision (note: building permits for infrastructure may be issued upon plat approval and before recording, even without this exception).

B. Qualifications for This Exception

All of the following requirements must be satisfied in order for the exception under this section to apply.

- 1. Written Application.** The subdivider must apply in writing for this exception and provide any information reasonably required by the Village.
- 2. Two Percent Administrative Fee.** At the time of application for this exception, the subdivider shall pay the Village an administrative fee equal to two percent of the cash deposit described in this section. The first half of that two percent administrative fee is not refundable under any circumstances. If the Village Board of Alderpersons grants the

exception under this section, then the second half of the two percent administrative fee shall then become unrefundable under any circumstances, except as provided in paragraph 28(B)(3)(b). However, if the Village Board of Alderpersons denies the exception under this section, then half of the two percent administrative fee shall be refunded to the subdivider.

3. One Hundred Ten Percent Cash Deposit.

a. Within 10 business days after the Village Board of Alderpersons approves an application under this section, the subdivider must deliver a cash deposit to the Village for 110% of the Construction Cost as defined and provided in subsection C, and the subdivider must at all times comply with that subsection. If the 110% cash deposit is not received by the Village within the time required by this section, then the approval by the Village Board of Alderpersons automatically expires without further action by the Village, and half of the 2% administrative fee shall be refunded, and the other half of the 2% administrative fee is still unrefundable.

b. The amount of the 110% cash deposit is determined as of the date of the application. The amount of the 110% cash deposit may not be reduced before payment to the Village. If the applicant wishes to reduce that cash deposit, then the applicant must withdraw the application, which will result in a refund of half of the 2% administrative fee, and the applicant must file a replacement application with a new 2% administrative fee. This paragraph does not apply to partial refunds of the 110% cash deposit as the construction progresses, if the full 110% cash deposit is first paid to the Village.

4. Notation on Plat. The plat to be recorded early under this section shall bear a notation, satisfactory to the Village, that it is being recorded early, pursuant to this exception, and that no certificate of occupancy and no Village services shall be granted for any non-infrastructure improvements or structures in the subdivision, until the infrastructure has been completed and has been approved by the Village.

5. Notation on Building Permits: Each building permit for improvements on property in a subdivision, for which any required drainage improvements or other required public infrastructure improvements have not been completed and accepted by the Village, shall include a disclosure that no certificate of occupancy shall be issued, and no Village services shall be provided, until such completion and acceptance of the infrastructure. However, any failure to provide that disclosure shall not impair any provision of this ordinance. When the Village determines, in its sole discretion, that the infrastructure has been completed and approved, then the Village shall, upon request by the subdivider, issue a certificate, suitable for recording, stating that determination and stating that certificates of occupancy may be issued for structures in the subdivision as provided by law.

C. Administration of Cash Deposit

1. a. Within 10 business days after the Village Board of Alderpersons approves an application under this section, the subdivider must deliver a cash deposit to the Village for 110% of the amount (“the Construction Cost”) that the Village Engineer determines,

in his or her sole, good faith discretion, is necessary to finish construction of all unfinished public improvements, public infrastructure, subdivision improvements, and subdivision infrastructure shown on the plat or the documents accompanying it, determined as provided in subsection B,3.

b. If the Village Engineer ever determines, in his or her sole, good faith discretion, that the deposit held by the Village is less than 110% of the remaining Construction Cost, then the Village Engineer shall so notify the subdivider, who shall then pay an additional cash deposit to the Village, so that the total cash deposit then held by the Village is 110% of the Construction Cost at that time. Any reference in any ordinance to the 110% cash deposit shall mean that amount as amended pursuant to this section.

2. Any one or more of the following shall constitute a default by the subdivider:

a. The subdivider fails to complete the infrastructure within three years after the plat is recorded;

b. The subdivider abandons the subdivision or the construction of the infrastructure;

c. The subdivider fails to make substantial and continuous progress on the

construction of the infrastructure for sixty consecutive days or on any sixty days out of any 120 day period.

- d. The subdivider files a voluntary petition in bankruptcy or fails to obtain dismissal of an involuntary petition in bankruptcy against the subdivider within sixty days after the involuntary petition is filed, or the subdivider makes an general assignment for the benefit of creditors.

3. If the subdivider defaults under this section, the Village shall have the right, but not the obligation, to do any or all of the following at the Village's option:

- a. The Village may cause all or any part of the infrastructure to be completed by the Village and/or another person, at the subdivider's expense.
- b. The Village may apply the deposit to the cost of such construction and completion.
- c. The subdivider shall be liable to the Village for any excess of the Village's cost of completing the infrastructure over the amount of the subdivider's deposit available for application to that cost, the Village's attorney's fees, court costs, other costs of collection, and other costs of

litigation. The doctrine of election of remedies shall not apply against the Village. All of the Village's rights and the subdivider's obligations hereunder are cumulative of all of the Village's rights and the subdivider's obligations from any source.

- d. Any reference in this subsection D to the 1% administrative fee or similar terms shall mean the half of the 2% administrative fee under this section that becomes nonrefundable upon approval by the Village Board of Alderpersons of an application under this section.

4. If at any time after payment of the 110% cash deposit to the Village, the subdivider believes the subdivision infrastructure has been partially completed without default under this section, then the subdivider shall so notify the Village in writing. The Village Engineer shall then evaluate the completeness of the infrastructure. If the Village Board of Alderpersons, with the advice of the Village Engineer, determines in its sole discretion that the infrastructure is partially complete, and if the Village approves the infrastructure only to the extent completed, then a portion of the cash deposit under this section shall be refunded as provided herein. The amount of that partial refund shall be calculated so that the Village still retains 110% of the remaining construction cost, as determined by the Village Engineer, but the partial refund shall never be more than requested.

5. If at any time after payment of the 110% cash deposit to the Village, the subdivider believes the subdivision infrastructure has been completed without default under this section, then the subdivider shall so notify the Village in writing. The Village Engineer shall then evaluate the

completeness of the infrastructure. If the Village Board of Alderpersons, with the advice of the Village Engineer, determines in its sole discretion that the infrastructure is complete, and if the Village approves the infrastructure, then any remaining balance of the cash deposit under this section shall be refunded as provided in this section.

6. Any amount of the administrative fee that is refunded shall be paid by the Village to the person who originally paid it, or to the payee designated by the original payee in a signed document satisfactory to the Village. If the Village is for any reason unsure who is entitled to that payment, then the Village shall have the right to implead the funds into court and have the court make that determination.

7. Regardless of any other provision, the Village may, before refunding any unused balance of the cash deposit, apply it to any other debt of any nature of the subdivider to the Village.

8. The cash deposit hereunder is for the benefit and protection of the Village, and the Village may deal with the deposit for the Village's own self-interest, benefit, and protection. The Village shall never under any circumstances be deemed an agent or fiduciary of the subdivider or any other person.

9. The Village shall not pay the subdivider any interest on the cash deposit. The Village shall not be obligated to earn any interest on the cash deposit. However, any interest that the Village actually receives on the cash deposit shall become a part of the deposit and be administered pursuant

to the same rules as the principal of the deposit.

D. Administration of Two Percent Administrative Fee

1. Any reference herein to the one percent administrative fee or words to that effect shall mean the half of the two percent administrative fee that becomes nonrefundable upon approval by the Village Board of Alderpersons of an application under this section.

2. The Village shall not be obligated to earn any interest on the one percent administrative fee for this exception. However, if the Village actually receives interest on the one percent administrative fee, and if the one percent administrative fee then is refunded due to the denial of the application, then the interest actually earned on the one percent administrative fee shall be disbursed pursuant to the same rules as the principal of that fee.

3. If the one percent administrative fee becomes refundable, then the Village shall pay it to the person who originally paid it, or to the payee designated by the original payee in assigned document satisfactory to the Village. If the Village is for any reason unsure who is entitled to that payment, then the Village shall have the right to implead the funds into court and have the court make that determination.

4. Regardless of any other provision, the Village may, before refunding any part of the one percent administrative fee, apply it to any other debt of any nature of the subdivider to the Village.

5. The entire two percent administrative fee hereunder is for the benefit and protection of the Village, and the Village may deal with that fee for the Village's own self-interest, benefit, and protection. The Village shall never under any circumstances be deemed an agent or fiduciary of the subdivider or any other person concerning any of the two percent administrative fee, regardless whether any of that fee is ever refundable or refunded.

E. Policies and Procedures

The Village Engineer is authorized to promulgate policies and procedures for the administration of this ordinance that are not inconsistent with the terms of this ordinance.

Section 29. Exception for Early Construction of Model Homes

A. Benefits of This Exception; Relation to Early Platting Under Section 28.

A subdivider who holds a valid Model Home Permit under this section may obtain a building permit to construct model homes before the subdivision plat is recorded, all as herein provided. A Model Home Permit is never a substitute for a building permit.

This section operates independently of the broader exception for early platting under Section 28.

If the broader exception for early platting is granted under Section 28, then a Model Home Permit under this section is unnecessary.

B. Qualifications for Model Home Permit

A Model Home Permit shall not be issued, unless all of the qualifications in this subsection are satisfied.

1. The subdivider must own the lots on which model homes are to be constructed. This paragraph does not prohibit the subdivider from making contractual arrangements for another person to build or operate a model home on the subdivider's model home lot.

2. The number of model homes must not exceed the smaller of the following:

- a. Five percent of the lots in the same section of the subdivision;
- or
- b. Ten model homes in the same section of the subdivision.

3. The model home must not be used for dwelling purposes. The model home must be displayed to the public for purposes of marketing lots or homes in the subdivision. The model home may also be used for office purposes for the development and marketing of the subdivision, but this use must be subordinate to the principal use as a display home.

4. A Model Home Permit does not allow the subdivider to sell the model home or the lot where it is located or to occupy the model home for dwelling purposes, until this ordinance otherwise allows such sale.

5. The subdivider must file with the Village Secretary a complete and correct application for a Model Home Permit, together with the application fee.

C. Model Home Permit Procedure

1. An applicant for a Model Home Permit must submit an application on a form satisfactory to the Village Manager, containing the following information:

- a. The name of the subdivision, as shown on the plat thereof;
- b. The name and contact information of a person at the subdivider with knowledge of the Model Home Permit;
- c. The lot, block, and section number of each lot for which the Model Home Permit is requested;
- d. The number of lots in that platted section of the subdivision;
- e. The following statement: “I hereby certify that all of the information in this application is true and complete. I have read and understood Section 29 of the Bonney Subdivision Ordinance. Without limiting the generality of the foregoing, I understand that a Model Home Permit does not allow me to sell the lots for which it is

granted, and I cannot obtain a Certificate of Occupancy for a model home as a dwelling unless and until other provisions of the Bonney Subdivision Ordinance allow it.”

- f. The date of the application;
- g. The signature of the applicant; and
- h. Such other information concerning the application as any officer of the Village requires.

2. The application must be accompanied by an administrative fee of \$200.00, unless a different fee is provided by the Bonney Fee Ordinance, as amended from time to time.

3. Upon receipt of a complete and correct application, the Village Secretary shall consult with the Village Manager, or in the absence of the Village Manager with the Mayor, concerning the application. If those persons are satisfied that the qualifications for the Model Home Permit are satisfied, then the Village Secretary shall issue a Model Home Permit on a form provided by the Village.

4. A building permit to construct a model home pursuant to a Model Home Permit under this section shall include a disclosure that the model home may not be occupied as a dwelling and may not be sold, unless and until such action is authorized by the Subdivision Ordinance. However, the

failure to give this disclosure shall not impair any requirements of this ordinance.”

Section 30 - Reserved

Section 31. Alternate Procedure: Payment in Lieu of Construction of Certain Infrastructure

A. General

This section provides for payment from a subdivider to the Village in lieu of the subdivider constructing certain paving, drainage, and related infrastructure.

B. Village Not Obligated to Construct Infrastructure. Village’s Discretion

Regardless of any other provision, the Village shall not be obligated to construct any infrastructure under this section, even if the subdivider is excused from that construction. The payment to the Village under this section is to relieve the subdivider from the obligation to construct certain infrastructure, not to obligate the Village to construct that infrastructure. The Village shall have sole discretion to determine whether and when to construct any infrastructure, including but limited to the infrastructure from which the subdivider is excused under this section.

C. Request to Proceed Under This Section

If a subdivider wishes to proceed under this section, then the application for plat approval must include a request to do so. Consideration of a request under this section is part of the consideration of the plat and is subject to the procedures and requirements for plat approval from outside this section, as well as the additional provisions of this section. The application for plat approval must include construction drawings as otherwise required by the Subdivision Ordinance, and those drawings, together with the rest of the application, shall clearly specify: (1) what infrastructure the subdivider proposes to construct in the normal manner under the other sections of the Subdivision Ordinance; and (2) what infrastructure the subdivider seeks to be excused from constructing under this section. Any ambiguity in the proposed construction responsibility shall be resolved against the subdivider.

D. Cost Estimate by Village Engineer

The Village Engineer shall prepare an estimate of the cost to construct the infrastructure from which the subdivider seeks to be excused, and the costs of constructing any other portions of the infrastructure that the Village Engineer deems useful in considering the application. Those estimates shall be made in the sole discretion of the Village Engineer. Regardless whether the request under this section is granted, the subdivider shall pay the cost of preparing the estimates, the same as other costs of the Village Engineer under the Subdivision Ordinance.

E. Village's Decision on Request to Pay in Lieu of Construction

The Village may grant or deny some or all of the request to pay in lieu of construction, and that decision shall clearly specify (1) what construction the subdivider is excused from doing and (2) the amount of the payment to the Village required for excusing that construction. In making that decision, the Village may consider:

1. The cost of construction, as estimated by the Village Engineer;
2. The schedule for construction;
3. The schedule or expectations concerning nearby development;
4. The effect upon traffic safety and public services;
5. Coordination with other infrastructure; and
6. Any other factors deemed pertinent by the Village.

F. Acceptance by Subdivider. Effect on Plat Approval

Within thirty days after the Village approves the final plat, or within such other time as the Village specifies in approving the plat, the subdivider shall either: (1) pay the Village the full amount of the Village Engineer's estimate of the cost of construction of infrastructure from which the subdivider is to be excused under this section, as decided by the Village; or (2) notify the Village in writing that the subdivider chooses not to proceed under this section after all. The subdivider may not change the portion of construction to be done or not by the subdivider; rather, the subdivider must either accept the Village's decision or choose not to proceed under this section at all. However, this section does not prohibit a negotiated amendment with the consent of the Village and the subdivider.

“Regardless of any other provision, a final plat shall not be deemed finally approved, unless and until the subdivider complies with this subsection.

G. Bond.

The amount of any bond to be provided by the subdivider is not required to include the cost of construction from which the subdivider is excused under this section.

H. Not a Contract. No Third Party Beneficiaries

Neither this section nor any procedures or documents pursuant hereto shall be construed to benefit any person other than the Village and the subdivider or to be a contract with any person whatsoever, including the Village and the subdivider. No person other than the Village and the subdivider shall have any rights under this section or any proceedings or documents pursuant hereto.

I. Not an Escrow. Unrestricted Use of Funds by Village

Regardless of any other provision, the funds paid to the Village under this section shall not be construed as an escrow or as funds of the subdivider being held by the Village. Neither this section nor any procedures or documents pursuant hereto shall be construed to restrict the use of any funds received by the Village pursuant to this section, except to the extent, if any, that a document specifically approved by the Village Board of Alderpersons and signed by the Village specifically and expressly so states.

J. Procedures for Construction by Subdivider

The portion of the infrastructure construction to be done by the subdivider shall be subject to the procedures and requirements of the Subdivision Ordinance outside of this section.

ARTICLE III. MINIMUM REQUIREMENTS FOR SUBDIVISION AND/OR RESUBDIVISION

Section 32. Established Minimum Requirements

The subdivider shall comply with the following minimum requirements before consideration will be given to any final plat of any subdivision or re-subdivision within the Village limits of the Village of Bonney or within the ETJ of the Village of Bonney. The provisions of this article that do not conflict with Section 23 shall apply to abbreviated plats.

Section 33. **Streets**

The following table establishes the minimum right-of-way (ROW) widths for streets:

	Minimum ROW Width (Feet)
Super Arterial	ROW required by TxDOT
Major Arterial	120
Minor Arterial	120
Major Collector	80
Minor Collector	80
Local	60
Marginal Access	60

- A. Major and Minor Arterial Streets and Major and Minor Collector Streets: The arrangement, character, extent, width, grade, and location of all Major and Minor Arterial streets and all Major and Minor Collector Streets shall provide for the

continuation or appropriate projection to existing and planned streets, for topographical conditions, for public convenience and safety, and for their appropriate relation to the proposed uses of the land to be served by such streets as provided by the Village in the Thoroughfare Plan.

- B. Local Streets: These streets shall be so laid out that their use by through traffic will be discouraged.

- C. Marginal Access Streets, Reverse Frontage Streets.: Where a subdivision abuts or contains an existing or proposed arterial street, the Village may require marginal access streets, reverse frontage with screen planting contained in a non-cross reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- D. Right-of-way parallel streets: Where a subdivision borders on or contains a railroad right-of-way or a highway right-of-way, the Village may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

- E. Multiple Access Points: All subdivisions except single dead-end streets shall have a minimum of two access points to existing proposed public streets. This may be a boulevard where a second access is not available.

- F. Street jogs: Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

- G. Reverse curves: A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

- H. Connecting street lines: When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure sight distances of not less than sixty (60) feet for minor and collector streets and of such greater radii as the Board of Alderpersons shall determine for special cases.

- I. Intersections: Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

- J. Property lines at street intersections: Property lines at street intersections shall be rounded with a radius of fifteen (15) feet, or of a greater radius where large truck traffic is anticipated.

- K. Rights-of-way widths: All street rights-of-way widths shall be not less than sixty (60) feet.

- L. Half streets: Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this ; and where the Board of Alderpersons finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be dedicated.

- M. Dead-end streets: Dead-end streets, designated to be so permanently, shall not be longer than 1200 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet.

- N. Street names: No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Board of Alderpersons. The names designated for Major or Minor Arterials aligned in a generally north/south direction shall include the suffix "Boulevard". The names designated by Major or Minor Arterials aligned in a generally east/west direction shall include the suffix "Parkway". Only Major or Minor Arterial street names will include the suffix "Boulevard" or "Parkway". No other street names will be allowed to include these two suffixes.

- O. Street Design: The details of the street design shall conform to the Village of Bonney Engineering Design Criteria Manual.

Section 34. Alleys.

- A. Generally, alleys may be provided in subdivisions, and in the case of commercial and industrial districts may be required when other definite and assured provisions are not made for service access, such as off-street loading, unloading and parking consistent with an adequate space for the uses proposed.

- B. Width of alleys in commercial and industrial districts shall be at least twenty (20) feet. The width of alleys in residential districts shall be twenty (20) feet where possible, however, a minimum width of sixteen (16) feet may be permitted.

- C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

- D. Dead-end alleys shall be avoided where possible, but when unavoidable, adequate turn-around facilities at the dead end shall be provided.

Section 35. Easements.

- A. Generally, easements for utilities shall be provided across lots or centered on rear or side lot lines where necessary and shall be at least eight (8) feet wide so as to create a sixteen (16) foot total width. Where easements are all on one side lot, a minimum of ten (10) feet may be used if only one line is proposed to be installed. Where easements are to be used for multiple purposes the minimum width shall be sixteen (16) feet.

- B. Stormwater easements or drainage right-of-way. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width for maintenance and construction, or both as will be adequate for the purpose. The easement for the maintenance/construction berm should not be less than 20 feet on each side of the watercourse. Parallel streets or parkways may be required in connection therewith.

Section 36. Blocks.

Lengths, widths and shapes. The lengths, widths, and shapes of blocks shall be determined with due regard to the following:

- A. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- B. Needs for convenient access, circulation, control and safety of street traffic.
- C. Limitations and opportunities of topography.
- D. No block shall exceed a length of one thousand two hundred (1,200) feet in residential or commercial developments.

Section 37. Lots. The following minimum requirements shall apply unless a conflict exists between this Section and Village's Zoning Ordinance, if any, in which case the more restrictive requirements of the two will control. **Regardless of any other provision, except as provided in a variance: (i) each lot either lacking public water supply, lacking public sewer service, or lacking both shall be at least one hundred twenty (120) feet wide at the building line and at least one acre; and (ii) each lot served by both public water supply and public sewer service shall be at least eighty (80) feet wide at the building line and at least nine thousand six hundred (9,600) square feet.**

A. One Acre and Larger Lots.

1. Minimum front residential building setback lines shall be at least fifty (50) feet. Each corner lot shall have at least the minimum front residential building setback line on both streets. Lots abutting across walkways shall be treated as corner lots. Minimum commercial, business and industrial building setback lines shall be at least twenty five (25) feet, unless otherwise approved. Side lot building lines on interior lots shall be ten (10) feet. Minimum side lot building lines on commercial, business or industrial buildings shall be five (5) feet.
2. Lot dimensions. Lot dimensions and area shall be as stated in the introductory paragraph of this Section.
3. Each residential lot that either lacks public sewer service, lacks public water supply, or lacks both shall be laid out with provision for the possibility of resubdivision at such time as sanitary sewer and/or water service becomes available.

4. In addition to any other requirements, depth and width of properties reserved or laid out for business and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
5. In an approved subdivision, lot sizes may be permitted to be increased in order to secure privacy within such lots or to allow improvement on such lots to conform to the building requirements. However, in no case shall lot size changes be permitted if they result in creating one or more lots of size less than the minimum area requirements of this Ordinance.
6. Access to public streets. The subdividing of the land shall be such as to provide each lot with satisfactory access to a public street.
7. Double and reverse frontage lots. Double frontage and reverse frontage lots should be avoided unless backing up to a major thoroughfare.
8. Side lot lines. Side lot lines shall be substantially at right angles or radial to street lines.
9. Flag and key shaped lots. No flag or key-shaped lots are allowed.
10. The length to width ratio of each lot shall not be greater than 7:1, meaning that the

length of the longest side of the overall property cannot be more than seven times the width of the property measured at the building setback line. The requirements in this paragraph are in addition to all other requirements of this Subdivision Ordinance.

B. Lots Smaller Than One Acre.

1. Minimum front setback lines shall be at least twenty-five (25) feet. Each corner lot shall have at least the minimum front residential building setback line on both streets. Lots abutting across walkways shall be treated as corner lots. Minimum commercial, business and industrial building setback lines shall be at least twenty five (25) feet, unless otherwise approved. An exception to this requirement is minimum setback lines shall be increased to a total of thirty-five (35) feet from a sixty (60) foot right-of-way where a minor or major thoroughfare is planned in the Thoroughfare Plan of the Village of Bonney. Side lot building lines on interior lots shall be five (5) feet
2. Lot dimensions. Lot dimensions and area shall be as stated in the introductory paragraph of this Section.
3. In addition to any other requirements, depth and width of properties reserved or laid out for business and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

4. In an approved subdivision, lot sizes may be permitted to be increased in order to secure privacy within such lots or to allow improvement on such lots to conform to the building requirements. However, in no case shall lot size changes be permitted if they result in creating one or more lots of size less than the minimum area requirements of this ordinance.
5. Access to public streets. The subdividing of the land shall be such as to provide each lot with satisfactory access to a public street.
6. Double and reverse frontage lots. Double frontage and reverse frontage lots should be avoided unless backing up to a major thoroughfare.
7. Side lot lines. Side lot lines shall be substantially at right angles or radial to street lines.
8. Flag and key shaped lots. No flag or key-shaped lots are allowed.

Section 38. Public Sites and Open Spaces.

In conformity with the master plan of the Village of Bonney where a proposed park, school, playground or other public facility is located in whole or in part in a subdivision, the subdivider may dedicate such land to public use or shall provide the appropriate political subdivision a one-year purchase option on such land.

Section 39. Monuments.

- A. Monuments set as exterior boundary markers shall be a minimum of 5/8 inch iron rod or 3/4 inch iron pipe at least thirty six (36) inches long, encased in concrete for a minimum of eighteen (18) inches below the surface of the ground.

- B. Permanent reference monuments ("PRM") shall be set at all boundary line angle points, block corners, angle points, points of curvature, and at intervals not to exceed one thousand (1000) feet. Permanent reference monuments shall conform to the Texas Professional Land Surveying Practices Act and the General Rules of Procedures and Practices.

- C. All monuments shall be set to the standard of the Texas Society of Professional Land Surveying Practices Act and the General Rules of Procedures and Practices of the Texas Board of Professional Land Surveying and shall bear reference caps as indicated.

- D. Interior lot corner monuments shall be a minimum of 5/8 inch iron rod at least thirty six (36) inches in length.

Section 40. Additional Street Requirements.

- A. All streets shall be constructed in accordance with the Village of Bonney Engineering Design Criteria Manual.

- B. The developer shall be responsible for the construction of all roadways in the development according to minor street standards. Where the Thoroughfare Plan requires street widths over and above local street requirements, the developer shall dedicate the right of way required for the larger street and construct up to a thirty eight (38) foot wide pavement. If the Village requires a pavement wider than the thirty eight (38) feet, the Village will provide funding for the increased width subject to the availability of funds and within legal limitations.

- C. The developer shall be responsible for the construction of necessary improvements on perimeter streets to bring the pavement and curbing to minor street standards for the street abutting the development.

Section 41. Water and Wastewater Facilities.

- A. Water and wastewater facilities shall conform to the Village's design criteria.

- B. If the Village's Master Plan requirements dictate a larger line size or a greater sewer line depth than that required for the subdivision, the Village will pay the difference between the subdivision requirement and the Master Plan requirements subject to the availability of funds and the legal requirements.

Section 42. Sidewalks.

In large subdivisions four (4) foot wide sidewalks shall be required and shall be constructed in accordance with the Village's design criteria. If not constructed prior to issuance of a building

permit, any sidewalks required by this must be constructed as part of the issuance of the building permit for each tract.

Section 43. Street Lighting and Signage.

The developer shall provide a layout of the proposed street lights and provide easements for power lines where such are required. The Village will arrange for installation through the power company for those subdivisions within the Village limits. The developer shall provide street name signs and traffic control devices in accordance with the requirements of the Texas Manual on Uniform Traffic Control Devices.

Section 44. Drainage and Drainage Structures.

The subdivider shall furnish and install all necessary drainage improvements in accordance with the Brazoria County Drainage Criteria Manual and, to the extent, if any, required by an interlocal agreement with the Village, in accordance with the appropriate Brazoria County Drainage District's drainage criteria.

Section 44A. Dedication of Rights of Way and Public Improvements.

a. Street into or through Subdivision: Dedicate and Build.

If a planned or existing street runs into or through a proposed subdivision, the property owner and the developer must dedicate to the public the right of way designated in the

applicable thoroughfare plan for that category of street and construct that street to the applicable regulations, as herein defined.

b. Street Adjoining Subdivision. Where a planned or existing street runs adjacent to a proposed subdivision:

- 1. Dedication.** The property owner and the developer must dedicate half of the right of way required by the applicable thoroughfare plan for that category of street, being the half from the center line of the right of way to the edge of the right of way on that owner's or developer's side of the street; and

- 2. Construction.** The property owner and the developer must build that half of the street if the proposed subdivision is either:
 - i. an urban subdivision; or
 - ii. being subdivided for a commercial or multi-family residential purpose.

c. Compliance with Applicable Regulations. Every subdivider and every owner of property being subdivided shall comply with the following thoroughfare plan and other applicable regulations, as defined in this subdivision ordinance, concerning any street required to be dedicated or built by them:

- 1. In Village Limits.** If the planned or existing street is in the incorporated limits of the Village, then the applicable regulations as to that street shall be the Village's;

2. In Extraterritorial Jurisdiction. If the planned or existing street is in the Village's extraterritorial jurisdiction, then the applicable regulations as to that street shall be the Village's or Brazoria County's, whichever is stricter;

3. In Both Village Limits and ETJ. In either the Village limits or the ETJ, the applicable regulations as to that street shall also include any applicable state and federal law.

Sections 45.-56. Reserved.

ARTICLE IV. REQUIRED IMPROVEMENTS FOR OPEN DITCH DRAINAGE SYSTEMS

Section 57. Exception to Storm Drainage Requirements.

While the requirement for the Village of Bonney is to have enclosed storm water drainage systems, Village Board of Alderpersons will consider a subdivision with an open ditch drainage system on a case by case basis. A subdivider may develop a subdivision and construct an open ditch drainage system as part of the subdivision within the Village and its extraterritorial jurisdiction (ETJ) under the conditions set forth in this article and the Village's design criteria.

A. The lot configuration shall conform to the following minimum requirements:

1. Minimum lot size shall be one (1) acre or 43,560 square feet.
2. Minimum lot width, measured at the right-of-way shall be one hundred twenty (120) feet.
3. Tangential or curved right-of-way with radius greater than eighty (80) feet: one hundred forty (140) feet.

4. Curved right-of-way with radius of eighty (80) feet or less: fifty (50) feet.
 5. No flag or key-shaped lots will be allowed.
- B. The roadway section shall conform to the requirements of the Village's Engineering Standards and Standard Details. The right-of-way shall be adequate to contain the pavement and ditches with the minimum width of sixty (60) feet.

Section 58. Replat of an Existing Subdivision with an Open Roadside Drainage System

In all cases where a request is made to replat a subdivision with an open roadside drainage system in existence on the date of enactment of this Ordinance, the following requirements shall apply:

- A. The subdivision must have been legally platted and recorded according to the ordinances and criteria in effect at the time of the subdivision;
- B. The open roadside drainage system must be in existence at the time of enactment of this ordinance;
- C. The replatting of existing lots cannot result in the reduction of lot sizes if the size of the existing lots are already smaller than this allows;
- D. The criteria set forth in Section 23 for abbreviated plats must be met;

- E. The resulting reconfiguration of lots will not affect the approved drainage plan for the original subdivision on file with the Village or, with minor modification(s) to existing drainage plans, it can be demonstrated to the Village Engineer that the reconfiguration of existing lots will not have an adverse impact on drainage; and

- F. The procedure set forth for replats in Section 25 are met.

Sections 59 - 65. Reserved.

**ARTICLE V.
“DEVELOPMENTS AND DEVELOPMENT PLATS**

Section 70. General Application of Subdivision Ordinance

“All provisions and requirements of this Subdivision Ordinance shall also apply to developments and development plats, but any reference therein to a subdivision or subdivision plat shall instead mean a development or development plat, when applied to a development or development plat.

Section 71. Scope and Exceptions to this Article

a. Scope. This Article shall apply only to a development that meets all of the following circumstances:

1. The development is for a multi-family residential or commercial purpose;
2. The development is in the extraterritorial jurisdiction of the Village; and
3. No exception in **subsection b** applies.

b. Exceptions. This Article shall not apply to a development that meets any of the following circumstances:

1. If a person is required under subchapter 212A of the Texas Local Government Code or an ordinance of the Village to file a subdivision plat, then a development plat is not required in addition to the subdivision plat for any improvement required to be shown on such subdivision plat.

2. The development is an alteration to any building or improvement, including enclosing an existing canopy or porte-cochere, that does not increase the exterior square footage by more than 100 square feet and does not result in an encroachment into any setback requirement.

Section 72. Development Plat Required. Compliance with Development Plat

a. Requirement. Any person who proposes the development of a tract of land located in the extraterritorial jurisdiction of the Village and any owner of such land must have a development plat of the tract prepared in accordance with this ordinance and the applicable plans, rules, and ordinances of the Village, except as otherwise herein provided.

b. Prohibitions

1. No person shall fully or partly commence, do, cause, or participate in commencing, doing, or causing any development, except in compliance with a development plat for that development that has been approved by the Village and recorded in the Official Records of the Brazoria County Clerk, as herein provided.

No owner of land shall allow a violation of the preceding paragraph to occur on that land.

“Section 73. Contents of Development Plat

a. Except as otherwise specified herein, a development plat must comply with all requirements for a subdivision plat under the Subdivision Ordinance, except that any reference in the Subdivision Ordinance to a subdivision or subdivision plat shall instead mean a development or development plat when applied to a development or development plat.

A development plat must be prepared by a registered professional land surveyor as a boundary survey showing:

1. each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;

each easement and right of way within or abutting the boundary of the surveyed property;

3. the dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part; and

4. all of the contents required for a subdivision plat under the Subdivision Ordinance.

Section 74. Procedure for Development Plat

a. General. Except as otherwise specified in this Article, all procedures for developments and development plats shall be the same as procedures for subdivisions and subdivision plats, but any reference in any applicable ordinance or other law to a subdivision or subdivision plat shall instead mean a development or development plat when applied to a development or development plat.

b. Simplified Procedure for Minor Developments. This section is an exception only to the procedure for obtaining plat approval, not to any other requirement for a development or development plat. A development plat may be approved by the Building Official, the Village Engineer, and the Mayor, all three acting together, without the approval of the Planning Commission or the Village Board of Alderpersons, if all of the following requirements are satisfied:

1. The Building Official, the Village Engineer, and the Mayor each decide, in their discretion, to exercise the authority of this section, rather than sending the development plat to the Planning Commission and Village Board of Alderpersons for review and approval or disapproval;

2. The development is on a tract of less than **three acres**; and

3. No ordinance or other law requires any dedication of any improvements, facilities, easements, rights-of-way, or land to the public or any governmental entity in connection with the development or development plat.

Section 75. Fees for Development Plats

Fees for development plats shall be the same as for subdivision plats under the Subdivision Ordinance, the Fee Ordinance of the Village, and any other applicable law, except as the Village Board of Alderpersons otherwise specifies in the Fee Ordinance or any other ordinance of the Village from time to time.

Section 76. Zoning Ordinance Requirements, Other Than Types of Uses

A development plat must show compliance, and a development must comply, with all requirements of the Zoning Ordinance, other than restrictions on types of uses of land and structures. Without limiting the generality of the foregoing, a development plat must show compliance, and a development plat must comply, with the requirements of the Zoning Ordinance concerning lot sizes, yard requirements, building setbacks, maximum heights, visibility at intersections, swimming pools, screening fences and hedges, off street parking and loading, vehicle storage, and all other requirements of the Zoning Ordinance except restrictions on uses of land and structures. To the extent such requirements vary in different zones, the requirements applicable to District BR, Business and Retail, except for restrictions on types of uses of land and structures, shall apply to a development under this ordinance.

Section 77. Effect of Approval on Dedication

The approval of a development plat is not considered an acceptance of any proposed dedication for public use or use by persons other than the owner of the property covered by the plat and does not impose on the Village any duty regarding the maintenance or improvement of any purportedly dedicated parts until the Village's governing body makes an actual appropriation of the dedicated parts by formal acceptance, entry, use, or improvement.”