CITY OF BURTON, TEXAS
ORDINANCE NO. 20260811

AN ORDINANCE OF THE CITY OF BURTON, TEXAS, ADOPTING COMPREHENSIVE SUBDIVISION REGULATIONS; ESTABLISHING RULES, PROCEDURES, AND STANDARDS GOVERNING THE SUBDIVISION, REPLATTING, DEVELOPMENT, AND IMPROVEMENT OF LAND WITHIN THE CITY AND, WHERE AUTHORIZED BY LAW, ITS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR THE REVIEW AND APPROVAL OF PRELIMINARY PLATS, FINAL PLATS, REPLATS, AMENDING PLATS, MINOR PLATS, DEVELOPMENT PLATS, AND OTHER LAND DEVELOPMENT APPLICATIONS; ESTABLISHING MINIMUM REQUIREMENTS FOR THE DESIGN OF SUBDIVISIONS; PROVIDING FOR PUBLIC IMPROVEMENTS, ENGINEERING STANDARDS, FINANCIAL GUARANTEES, VARIANCES, ENFORCEMENT, PENALTIES, REPEALER, SAVINGS, SEVERABILITY, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Burton, Texas, is a Type A General Law Municipality organized and existing under the Constitution and laws of the State of Texas; and

WHEREAS, Chapters 42, 212, and 242 of the Texas Local Government Code authorize municipalities to regulate the subdivision and development of land within their corporate limits and, where authorized by law, within their extraterritorial jurisdiction (ETJ); and

WHEREAS, Section 212.002 of the Texas Local Government Code authorizes the governing body of a municipality to adopt rules governing plats and subdivisions of land to promote the health, safety, morals, and general welfare of the municipality and the safe, orderly, and healthful development of the community; and

WHEREAS, the City Council finds that coordinated subdivision regulation is necessary to ensure that adequate streets, drainage facilities, water distribution systems, wastewater collection systems, utility infrastructure, emergency access, and other public improvements are available to serve new development; and

WHEREAS, the City Council further finds that the orderly subdivision and development of land protect the public investment in municipal infrastructure, promotes economic development, preserves property values, protects the environment, reduces flooding hazards, and promotes the efficient use of public resources; and

WHEREAS, the City Council recognizes the importance of balancing private property rights with the City's obligation to protect the public health, safety, and welfare through reasonable land development regulations; and

WHEREAS, the City Council further finds that the adoption of comprehensive subdivision regulations promotes transparency, consistency, fairness, and predictability in the subdivision review process; and

WHEREAS, notice of a public hearing concerning this Ordinance was provided in accordance with applicable law, and the City Council conducted such hearing, providing all interested persons an opportunity to be heard;

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

SECTION 1. FINDINGS
The foregoing recitals are hereby incorporated into this Ordinance as legislative findings of the City Council and are adopted for all purposes.

SECTION 2. ADOPTION
The City Council hereby adopts the City of Burton Subdivision Ordinance attached hereto to regulate the subdivision and development of land within the corporate limits of the City and, where authorized by law, within the City's extraterritorial jurisdiction.

SECTION 3. REPEALER
All ordinances or parts of ordinances inconsistent with this Ordinance are repealed only to the extent of such conflict.

SECTION 4. SAVINGS CLAUSE
Nothing contained herein shall affect any offense committed, penalty incurred, right established, permit issued, or proceeding pending prior to the effective date of this Ordinance.

SECTION 5. SEVERABILITY
If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. PUBLICATION
The City Secretary shall publish the caption of this Ordinance in accordance with the Texas Local Government Code.

SECTION 7. EFFECTIVE DATE
This Ordinance shall become effective immediately upon adoption and publication as required by law.

ARTICLE I
GENERAL PROVISIONS

Section 1.01 Authority
This Ordinance is adopted pursuant to the authority granted by the Constitution and laws of the State of Texas, including Chapters 42, 212, 242, and other applicable provisions of the Texas Local Government Code, together with all other applicable state and federal laws governing municipal subdivision regulation, plat approval, land development, public improvements, and municipal authority.

Section 1.02 Purpose
The purposes of this Ordinance are to:
A. Promote public health, safety, morals, and general welfare.
B. Ensure the orderly subdivision and development of land.
C. Coordinate public and private development with available municipal infrastructure.
D. Ensure adequate streets, drainage, water, wastewater, utilities, and emergency access.
E. Protect public investments in municipal facilities.
F. Promote efficient land use.
G. Reduce flooding hazards.
H. Preserve environmentally sensitive areas where practical.
I. Promote uniform subdivision review procedures.
J. Implement applicable provisions of the Texas Local Government Code.

Section 1.03 Applicability
This Ordinance applies to every subdivision, replat, amending plat, development plat, minor plat, vacation plat, and other land division requiring approval under Chapter 212 of the Texas Local Government Code occurring within:

1. the corporate limits of the City; and
2. where authorized by law, the City's extraterritorial jurisdiction.

No land shall be subdivided except in accordance with this Ordinance.

Section 1.04 Jurisdiction
The City shall exercise subdivision authority within:
A. the incorporated municipal boundaries; and
B. the City's extraterritorial jurisdiction as established by Chapter 42 of the Texas Local Government Code and any interlocal agreement authorized by Chapter 242.

Section 1.05 Compliance Required
No person shall:

1. subdivide land;
2. record a subdivision plat;
3. obtain municipal utility service;
4. receive development permits;
5. construct public improvements; or
6. sell lots requiring plat approval

unless all applicable provisions of this Ordinance and Chapter 212 of the Texas Local Government Code have been satisfied.

Section 1.06 Relationship to Other Regulations
This Ordinance establishes minimum subdivision requirements.
Where another ordinance, regulation, engineering standard, or applicable law imposes a more restrictive requirement, the more restrictive requirement shall govern.

Section 1.07 Engineering Standards
All public improvements required under this Ordinance shall comply with:
A. Article VI of this Ordinance;

B. the City's adopted Engineering Design Standards and Technical Specifications, as amended;
C. applicable Texas Commission on Environmental Quality regulations;
D. applicable Texas Department of Transportation standards; and
E. accepted engineering practices.
This Article shall govern all technical design and construction requirements. Engineering standards shall not be repeated elsewhere in this Ordinance except by reference.

Section 1.08 Administrative Authority
The City Council shall administer this Ordinance except where authority is expressly delegated to the Mayor, City Secretary, or another authorized municipal official.

Section 1.09 Interpretation
This Ordinance shall be interpreted to:
A. promote orderly development;
B. protect public infrastructure;
C. comply with Texas law;
D. preserve public health, safety, and welfare; and
E. avoid conflicts with vested rights established under Chapter 245 of the Texas Local Government Code.

ARTICLE II
DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings assigned below unless the context clearly indicates otherwise. Words in the singular include the plural, and words in the plural include the singular. The word **"shall"** is mandatory, while **"may"** is permissive.

Applicant. The owner of land proposed for subdivision or the owner's authorized representative submitting an application under this Ordinance.

Block. A tract of land bounded by streets, rights-of-way, waterways, parks, or other physical features and intended to contain one or more lots.

Building Official. The individual designated by the City to administer and enforce applicable building and development regulations.

City. The City of Burton, Texas.

City Council. The governing body of the City of Burton, Texas.

City Engineer. A Professional Engineer licensed in Texas designated by the City to review engineering plans, drainage reports, utilities, and public improvements.

City Secretary. The City Secretary of the City of Burton or an authorized designee.

Comprehensive Plan. Any officially adopted plan, master plan, capital improvements plan, transportation plan, utility plan, parks plan, or similar planning document adopted by the City Council.

Dedication. The conveyance of land, easements, or rights-of-way for public use.

Developer. Any owner, subdivider, partnership, corporation, limited liability company, trust, estate, governmental entity, or other legal entity undertaking subdivision or development of land. "Developer" and "Subdivider" are synonymous unless the context clearly requires otherwise.

Development Plat. A plat required under Chapter 212 of the Texas Local Government Code for development of previously unplatted property when subdivision platting is not otherwise required.

Easement. A recorded interest in land granting the right to use property for utilities, drainage, access, maintenance, or other authorized public purposes.

Engineer. A Professional Engineer licensed by the Texas Board of Professional Engineers and Land Surveyors.

Extraterritorial Jurisdiction (ETJ). The area outside the City's corporate boundaries in which the City exercises subdivision authority as authorized by Chapter 42 of the Texas Local Government Code.

Final Plat. The official subdivision plat approved by the City Council and recorded in the Official Public Records of Washington County, Texas.

Floodplain. Land identified by FEMA or another governmental authority as subject to flooding.

Improvement. Any public infrastructure required by this Ordinance, including streets, water facilities, wastewater facilities, drainage facilities, utility infrastructure, fire hydrants, traffic control devices, landscaping where required, and related appurtenances.

Lot. A tract of land shown on an approved and recorded plat intended for separate ownership, lease, or development.

Minor Plat. A plat qualifying for administrative approval under Chapter 212 of the Texas Local Government Code and this Ordinance.

Person. Any individual, partnership, corporation, limited liability company, association, governmental entity, trust, estate, or other legal entity.

Preliminary Plat. A preliminary drawing depicting the proposed subdivision layout submitted for City review prior to preparation of a Final Plat.

Public Improvement. Infrastructure dedicated to or accepted by the City, including streets, utilities, drainage facilities, easements, and related infrastructure.

Replat. The revision of a previously recorded subdivision plat as authorized by Chapter 212 of the Texas Local Government Code.

Right-of-Way. Land dedicated or acquired for streets, utilities, drainage facilities, or other public purposes.

Street. A public or approved private roadway providing vehicular access and classified by the City as an arterial, collector, local street, cul-de-sac, or alley.

Subdivider. The owner or authorized representative proposing the division or development of land requiring plat approval.

Subdivision. The division of land requiring approval under Chapter 212 of the Texas Local Government Code, including Preliminary Plats, Final Plats, Minor Plats, Replats, Development Plats, Amending Plats, and Vacation Plats, where authorized by law.

Utility. Water, wastewater, electric, natural gas, telecommunications, broadband, or similar public or private infrastructure serving land development.

Variance. A modification of a specific requirement of this Ordinance granted by the City Council upon satisfaction of the standards established herein.

Watercourse. Any natural or constructed channel conveying stormwater, including creeks, streams, ditches, swales, channels, or similar drainage features.

ARTICLE III
SUBDIVISION PROCEDURES

Section 3.01 Purpose
The purpose of this Article is to establish uniform procedures for the review and approval of subdivision applications in accordance with Chapter 212 of the Texas Local Government Code. These procedures are intended to ensure timely, fair, and consistent review, while protecting the public health, safety, and welfare.

Section 3.02 Plat Approval Required
A. Except as otherwise provided by state law, no person shall subdivide land within the corporate limits of the City or, where authorized by law, within the City's extraterritorial jurisdiction unless the applicable plat has been approved by the City and recorded in the Official Public Records of Washington County, Texas.
B. No building permit, utility connection, certificate of occupancy, or development permit shall be issued for property subject to this Ordinance until all applicable platting requirements have been satisfied.

C. No public improvement shall be accepted for maintenance by the City until the applicable plat has been approved and recorded and all required public improvements have been completed or otherwise secured in accordance with this Ordinance.

Section 3.03 Exemptions

The following land divisions are exempt from plat approval to the extent authorized by Chapter 212 of the Texas Local Government Code:

A. Land divided into parcels of ten (10) acres or more, where each parcel has legal access to an existing public roadway and no public improvement is dedicated.

B. Transfers of property by inheritance or pursuant to probate proceedings.

C. Conveyances to persons related within the third degree of consanguinity or affinity when the property will be used as a homestead, provided no public improvements are required.

D. Agricultural land divisions are exempted by state law.

Nothing herein shall exempt any development from compliance with floodplain regulations, utility requirements, drainage regulations, or other applicable laws.

Section 3.04 Types of Plats

The City recognizes the following subdivision applications:

1. Preliminary Plat
2. Final Plat
3. Minor Plat
4. Replat
5. Amending Plat
6. Development Plat
7. Vacation Plat
8. Corrected Plat, where authorized by law

Each application shall comply with this Ordinance and applicable provisions of Chapter 212 of the Texas Local Government Code.

Section 3.05 Pre-Application Conference

A pre-application conference with City staff is encouraged prior to submission of any subdivision application.

The purpose of the conference is to:

1. Review the proposed subdivision.
2. Identify applicable regulations.
3. Discuss utility availability.
4. Review drainage considerations.
5. Identify required engineering studies.
6. Determine required public improvements.
7. Explain the City's review procedures.

Comments made during the conference are advisory only and shall not constitute approval of any application.

Section 3.06 Application Requirements

Applications shall be submitted upon forms prescribed by the City and shall include all required fees, plans, reports, studies, certifications, and supporting documentation.

Applications shall not be considered complete until all required information has been submitted. The City Secretary shall determine administrative completeness before an application is accepted for review.
Incomplete applications may be returned without further action.

Section 3.07 Required Submittals
Unless waived by the City under applicable law, subdivision applications shall include, as applicable:

1. Completed application.
2. Filing fee.
3. Owner authorization.
4. Title commitment dated within thirty (30) days.
5. Boundary survey.
6. Preliminary or Final Plat.
7. Engineering plans.
8. Drainage report.
9. Utility availability letters.
10. Floodplain information.
11. Environmental documentation, when required by law.
12. Construction schedule.
13. Proposed public improvements.
14. Easement documentation.
15. Other information reasonably necessary to determine compliance with this Ordinance.

Section 3.08 Review Procedure
Following determination of administrative completeness, the City shall review the application for compliance with:
A. This Ordinance;
B. Chapter 212 of the Texas Local Government Code;
C. Applicable Engineering Design Standards;
D. Utility requirements;
E. Floodplain regulations;
F. Drainage requirements; and
G. Other applicable federal, state, and local regulations.
The City may request additional information reasonably necessary to complete its review.

Section 3.09 Approval Authority
Unless otherwise authorized by state law:
A. Minor Plats, Amending Plats, and Corrected Plats may be approved administratively when authorized by Chapter 212.
B. Preliminary Plats, Final Plats, Development Plats, and Replats shall be approved by the City Council.
The City Council may approve, approve with conditions, or deny any application.

Section 3.10 Conditional Approval
If an application is conditionally approved or denied, the City shall provide written notice stating each condition or reason for denial, together with the applicable ordinance or statutory authority supporting the decision.
Conditions shall be directly related to applicable law and shall not be arbitrary or capricious.

Section 3.11 Recording
No approved plat shall become effective until recorded in the Official Public Records of Washington County.
Recording shall be the responsibility of the applicant.

Section 3.12 Expiration
Unless otherwise provided by law, approval of a Preliminary Plat shall expire twenty-four (24) months after approval unless a corresponding Final Plat has been submitted.
Upon written request submitted before expiration, the City Council may grant one extension not exceeding twelve (12) months.

Section 3.13 Appeals
Any person aggrieved by an administrative decision under this Ordinance may appeal such decision to the City Council by filing written notice with the City Secretary within fifteen (15) calendar days.
The decision of the City Council shall constitute the City's final administrative action.

ARTICLE IV
PLAT REQUIREMENTS

Section 4.01 Purpose
This Article establishes minimum requirements for all subdivision plats submitted to the City for approval.

Section 4.02 Preliminary Plat
A. Purpose
A Preliminary Plat allows the City to evaluate the overall subdivision layout, public infrastructure, drainage, utilities, access, and compliance with this Ordinance before preparation of a Final Plat.
Approval of a Preliminary Plat authorizes preparation of construction plans and a Final Plat only and does not authorize construction or recordation.

B. Required Information
The Preliminary Plat shall include, at a minimum:

1. Subdivision name.
2. Legal description.
3. Owner and applicant information.
4. Surveyor information and seal.
5. North arrow and scale.
6. Boundary survey.

7. Existing and proposed streets.
8. Easements and rights-of-way.
9. Lot and block layout.
10. Existing structures.
11. Existing utilities.
12. Drainage facilities.
13. Floodplain boundaries.
14. Existing pipelines.
15. Open space, where applicable.
16. Adjacent land ownership.
17. Existing zoning, if applicable.
18. Proposed phasing.
19. Other information required by the City Engineer.

C. Review Criteria

The Preliminary Plat shall demonstrate compliance with:

1. This Ordinance.
2. Applicable Engineering Design Standards.
3. Utility requirements.
4. Drainage requirements.
5. Floodplain regulations.
6. Applicable state and federal law.

D. Action

The City Council may:

1. Approve;
2. Approve with conditions; or
3. Deny.

Section 4.03 Final Plat

A. Purpose

A Final Plat legally establishes the subdivision and authorizes recordation following approval.

B. Required Information

The Final Plat shall include:

1. All information required on the approved Preliminary Plat.
2. Legal description.
3. Bearings and distances.
4. Curve data.
5. Lot dimensions.
6. Easements.
7. Rights-of-way.
8. Building setback lines.
9. Survey monuments.
10. Owner's Certificate.
11. Surveyor's Certificate.

12. Dedication Statement.
13. Utility certifications.
14. City approval certificate.
15. County recording block.
16. Other information required by law.

C. Recordation
A Final Plat shall not become effective until recorded with the Washington County Clerk.

Section 4.04 Minor Plat
A Minor Plat may be approved administratively when authorized by Chapter 212 of the Texas Local Government Code and when:

1. No public improvements are required;
2. No extension of municipal utilities is required;
3. The property fronts an existing public street;
4. No variance is requested; and
5. The subdivision complies with this Ordinance.

Section 4.05 Replat
A Replat shall comply with:
A. Chapter 212 of the Texas Local Government Code;
B. Applicable public notice requirements;
C. Public hearing requirements when required by law; and
D. Current subdivision regulations unless otherwise vested by law.

Section 4.06 Amending Plat
Amending Plats may be approved administratively where authorized by Chapter 212.
An Amending Plat shall not:

1. Increase the number of lots except as authorized by law;
2. Materially alter public improvements;
3. Relocate public easements without approval;
4. Impair existing access rights.

Section 4.07 Development Plat
A Development Plat shall be required when development is proposed upon previously unplatted property and subdivision platting is not otherwise required.
Development Plats shall include sufficient information for the City to evaluate:

1. Access;
2. Water service;
3. Wastewater service;
4. Drainage;
5. Floodplain impacts;
6. Utility easements; and
7. Required public improvements.

Approval of a Development Plat does not create individual lots.

Section 4.08 Vacation and Corrected Plats
Vacation Plats and Corrected Plats shall be processed in accordance with Chapter 212 of the Texas Local Government Code and all applicable recording requirements.

ARTICLE V
SUBDIVISION DESIGN STANDARDS

Section 5.01 Purpose
The purpose of this Article is to establish minimum planning and subdivision design requirements that promote orderly growth while avoiding duplication of engineering standards. Technical design and construction requirements are governed exclusively by **Article VI** of this Ordinance and the City's adopted Engineering Design Standards and Technical Specifications.

Section 5.02 General Design
Subdivision design shall:
A. Respect existing topography, where practicable.
B. Coordinate with adjoining development.
C. Preserve natural drainage features when feasible.
D. Promote efficient extension of public infrastructure.
E. Provide safe emergency access.
F. Protect public health, safety, and welfare.

Section 5.03 Lots
Lots shall:
1. Front upon a public street or approved private street.
2. Be configured to accommodate their intended use.
3. Avoid creating unusable remnants.
4. Comply with applicable zoning regulations.

Double-frontage lots should be avoided unless necessary to address transportation or environmental considerations.

Section 5.04 Blocks
Blocks shall be designed to:
1. Promote efficient traffic circulation;
2. Accommodate utility corridors;
3. Provide emergency access; and
4. Coordinate with adjacent development.

Section 5.05 Streets
Street layout shall:
A. Coordinate with existing and planned streets;
B. Promote connectivity;
C. Minimize unnecessary dead-end streets;
D. Accommodate emergency vehicles.

Engineering design, pavement widths, right-of-way widths, geometric design, intersections, cul-de-sacs, and construction standards shall comply with **Article VI** and the City's adopted Engineering Design Standards.

Section 5.06 Easements
Utility and drainage easements shall be provided, where necessary, to serve the subdivision and adjacent development.
The City may require additional easements when reasonably necessary for future public infrastructure.

Section 5.07 Drainage
Subdivision layouts shall preserve positive drainage and minimize adverse impacts upon neighboring properties.
Stormwater design shall comply with Article VI and applicable Engineering Design Standards.

Section 5.08 Floodplain
Development within flood hazard areas shall comply with:
1. The City's Flood Damage Prevention Ordinance;
2. FEMA regulations;
3. National Flood Insurance Program requirements; and
4. Applicable federal and state law.

Section 5.09 Utilities
Each subdivision shall demonstrate adequate availability of:
1. Potable water;
2. Wastewater service;
3. Storm drainage;
4. Electric service; and
5. Telecommunications infrastructure.

Construction of utility infrastructure shall comply with **Article VI**.

Section 5.10 Open Space and Environmental Protection
Where appropriate, subdivision design should preserve:
A. Natural drainage corridors;
B. Significant trees and vegetation where practicable;
C. Environmentally sensitive areas;
D. Existing waterways.
Nothing herein shall prohibit lawful development authorized by state or federal law.

Section 5.11 Public Improvements
All public improvements required as a condition of subdivision approval shall comply exclusively with **Article VI (Public Improvements and Construction)** of this Ordinance and the City's adopted Engineering Design Standards and Technical Specifications, as amended.
No technical engineering requirements shall be construed from this Article except by reference to Article VI.

ARTICLE VI
PUBLIC IMPROVEMENTS AND CONSTRUCTION

Section 6.01 Purpose
The purpose of this Article is to establish uniform requirements for the design, construction, inspection, testing, acceptance, and warranty of all public improvements required as a condition of subdivision approval.
This Article shall serve as the exclusive engineering and construction authority of this Ordinance. Technical engineering requirements shall not be duplicated elsewhere in this Ordinance.
All public improvements shall comply with:
A. This Ordinance;
B. The City's adopted Engineering Design Standards and Technical Specifications, as amended;
C. Applicable Texas Commission on Environmental Quality (TCEQ) regulations;
D. Applicable Texas Department of Transportation (TxDOT) standards;
E. Applicable federal and state laws; and
F. Accepted engineering practices.

Section 6.02 Developer Responsibility
Unless otherwise provided by written agreement approved by the City Council, the developer shall be solely responsible for:
1. Engineering design;
2. Permitting;
3. Construction;
4. Inspection costs;
5. Testing;
6. Record drawings;
7. Financial guarantees;
8. Warranty obligations; and
9. All costs associated with required public improvements.

Nothing herein shall obligate the City to participate financially in subdivision improvements unless approved by written agreement.

Section 6.03 Engineering Plans
All public improvements shall be designed by a Professional Engineer licensed in the State of Texas.
Engineering plans shall be signed and sealed and submitted for City review prior to commencement of construction.
The City Engineer may require revisions necessary to ensure compliance with this Ordinance and the City's Engineering Design Standards.

Section 6.04 Required Public Improvements
Public improvements may include, where applicable:
1. Public streets and alleys;
2. Water distribution facilities;
3. Wastewater collection facilities;
4. Storm drainage facilities;

5. Fire hydrants;
6. Utility infrastructure;
7. Street signs and traffic control devices;
8. Drainage easements;
9. Utility easements; and
10. Other infrastructure reasonably necessary to serve the subdivision.

No sidewalk improvements shall be required unless separately authorized by future ordinance.

Section 6.05 Streets

Street systems shall:

A. Coordinate with existing and planned transportation facilities;

B. Provide safe and efficient traffic circulation;

C. Accommodate emergency vehicles;

D. Promote future connectivity where appropriate.

Street pavement, right-of-way widths, geometric design, intersection spacing, cul-de-sac dimensions, and construction specifications shall comply with the City's adopted Engineering Design Standards.

Section 6.06 Water Facilities

Where municipal water service is available, developments shall connect to the City's public water system unless otherwise approved by the City Council.

Water improvements shall:

1. Comply with TCEQ regulations;
2. Meet City Engineering Design Standards;
3. Provide adequate domestic service;
4. Provide fire protection where available; and
5. Include valves, hydrants, meters, fittings, and related appurtenances.

The developer shall obtain written confirmation that adequate system capacity exists before Final Plat approval.

Section 6.07 Wastewater Facilities

Where municipal wastewater service is available, all developments shall connect to the City's wastewater collection system.

Wastewater facilities shall:

1. Comply with TCEQ regulations;
2. Meet City Engineering Design Standards;
3. Provide adequate hydraulic capacity;
4. Include required manholes, lift stations, cleanouts, and appurtenances.

Where on-site sewage facilities are permitted by law, such facilities shall comply with all applicable county and state regulations.

Section 6.08 Stormwater and Drainage

Every subdivision requiring public drainage improvements shall submit a drainage study prepared by a Professional Engineer.

Stormwater improvements shall be designed to:

A. Prevent adverse impacts to adjacent property;

B. Maintain positive drainage;
C. Reduce flooding hazards;
D. Protect public infrastructure.
Drainage facilities shall remain privately maintained unless accepted by the City.

Section 6.09 Utilities
Utility installation shall be coordinated with all applicable utility providers.
Whenever practical, new electric, telecommunications, cable, and similar utility facilities shall be installed underground unless otherwise approved by the City Council.

Section 6.10 Easements
The developer shall dedicate utility and drainage easements sufficient for installation, operation, maintenance, repair, replacement, and future expansion of public infrastructure.
Additional easements may be required when reasonably necessary to serve adjacent development.

Section 6.11 Construction Standards
Construction shall not begin until:

1. Required permits have been obtained;
2. Engineering plans have been approved;
3. Required financial guarantees have been provided, when applicable.

Construction shall comply with approved plans and applicable Engineering Design Standards.

Section 6.12 Inspections
The City shall have the right to inspect all public improvements during construction.
The developer shall provide at least forty-eight (48) hours' notice before work requiring inspection.
Work completed without required inspection may be rejected.

Section 6.13 Testing
The City may require testing of any public improvement, including:

1. Water mains;
2. Wastewater mains;
3. Pavement;
4. Concrete;
5. Compaction;
6. Drainage facilities; and
7. Other improvements necessary to verify compliance.

Testing shall be performed at the developer's expense.

Section 6.14 Record Drawings
Upon completion of construction, certified record ("as-built") drawings shall be submitted in paper and electronic format acceptable to the City.

Section 6.15 Warranty
All public improvements shall be warranted by the developer for a minimum period of two (2) years following formal acceptance by the City Council unless a longer period is required by written agreement.

Section 6.16 Acceptance of Public Improvements
The City shall not accept any public improvement until:

1. Construction has been completed;
2. Required inspections have been performed;
3. Testing has been successfully completed;
4. Record drawings have been approved;
5. Deficiencies have been corrected;
6. Warranty security has been provided, if required; and
7. Acceptance has been approved by the City Council.

Acceptance shall not relieve the developer from warranty obligations or liability for latent defects.

Section 6.17 Phased Development
Each phase of a subdivision shall independently satisfy the requirements of this Article before final acceptance.
Temporary improvements necessary to ensure safe access may be required.

ARTICLE VII
FINANCIAL GUARANTEES AND OVERSIZING

Section 7.01 Purpose
The purpose of this Article is to ensure completion of required public improvements while establishing procedures for oversized infrastructure serving future development.

Section 7.02 Financial Security
Prior to Final Plat approval or acceptance of public improvements, the City Council may require financial security sufficient to guarantee completion of required improvements.
Acceptable financial security may include:

1. Performance Bond;
2. Maintenance Bond;
3. Irrevocable Letter of Credit;
4. Cash Escrow;
5. Certified Funds; or
6. Other security approved by the City Council.

Section 7.03 Performance Security
Performance security shall remain effective until:
A. Required improvements are completed;
B. Required inspections are complete;
C. Record drawings have been accepted; and
D. The City Council formally accepts the improvements.

Section 7.04 Maintenance Security
Prior to acceptance of improvements, maintenance security may be required to guarantee correction of defects during the warranty period.

Section 7.05 Default
If the developer fails to complete required improvements, the City may:

1. Draw upon posted security;
2. Complete the improvements;
3. Recover associated costs;
4. Suspend permits;
5. Withhold utility service; and
6. Pursue any other remedy authorized by law.

Section 7.06 Oversized Public Improvements
Where the City determines oversized public improvements are necessary to accommodate future development, the City Council may require installation of oversized facilities.
Oversized facilities may include:

1. Water transmission mains;
2. Wastewater trunk lines;
3. Regional drainage facilities;
4. Collector streets;
5. Arterial streets; and
6. Other regional infrastructure.

Section 7.07 Facilities Agreements
Oversized infrastructure shall be governed by a written Facilities Agreement approved by the City Council.
The agreement shall establish:
A. Construction responsibilities;
B. Eligible costs;
C. Reimbursement methodology;
D. Timing of reimbursement;
E. Other terms necessary to protect the City's interests.

Section 7.08 Pro-Rata Reimbursement
Where authorized by law, subsequent developers benefiting from oversized infrastructure may be required to reimburse the original developer through a Facilities Agreement approved by the City Council.
Nothing herein shall obligate the City to provide reimbursement absent a written agreement.

ARTICLE VIII
VARIANCES, APPEALS, AND ADMINISTRATION

Section 8.01 Purpose
This Article establishes procedures for variances, administrative appeals, and administration of this Ordinance while preserving the public health, safety, and welfare.

Section 8.02 Administrative Authority
The City Council shall administer this Ordinance except where authority has been delegated to the Mayor, City Secretary, or another authorized official.

Section 8.03 Variances
The City Council may grant a variance from this Ordinance only upon finding that:

1. Special circumstances unique to the property exist;
2. Strict application would create an unnecessary hardship;
3. The hardship was not self-created;
4. The variance is the minimum necessary relief;
5. Public health and safety will not be adversely affected;
6. The variance remains consistent with the purposes of this Ordinance.

Financial considerations alone shall not constitute hardship.

Section 8.04 Conditions
The City Council may impose reasonable conditions upon approval of a variance.
Failure to comply with imposed conditions shall constitute a violation of this Ordinance.

Section 8.05 Waivers
Procedural or technical requirements not required by state law may be waived by the City Council when:

1. The waiver serves the public interest;
2. Public health and safety are protected;
3. Engineering integrity is maintained; and
4. The waiver complies with applicable law.

Section 8.06 Appeals
Any person aggrieved by an administrative decision may appeal by filing written notice with the City Secretary within fifteen (15) calendar days.
The City Council shall hear the appeal and may:

1. Affirm;
2. Modify;
3. Reverse; or
4. Remand the decision.

The City Council's decision shall constitute the final administrative action of the City.

Section 8.07 Fees
The City Council shall establish subdivision application, inspection, engineering review, and related fees by resolution or fee schedule.

Section 8.08 Administrative Forms
The City Secretary is authorized to prescribe application forms and administrative procedures consistent with this Ordinance.

Section 8.09 Interpretation
This Ordinance shall be liberally construed to accomplish its purposes while protecting vested rights established under Chapter 245 of the Texas Local Government Code.

Section 8.10 Conflicts
Where this Ordinance conflicts with another City regulation, the more restrictive requirement shall apply unless preempted by state or federal law.
Where conflicts exist between this Ordinance and the City's Engineering Design Standards, the more restrictive requirement shall govern unless otherwise approved by the City Council.

ARTICLE IX
ENFORCEMENT

Section 9.01 Purpose
The purpose of this Article is to establish uniform procedures for the enforcement of this Ordinance and to provide administrative, civil, and criminal remedies necessary to protect the public health, safety, and welfare; preserve municipal infrastructure; and ensure compliance with the subdivision laws of the State of Texas.
This Article shall be construed in conjunction with applicable provisions of the Texas Local Government Code, the Texas Water Code, and other applicable state and federal law.

Section 9.02 Violations
It shall be unlawful for any person to:
A. Subdivide land without obtaining required plat approval.
B. Record or cause to be recorded a plat not approved by the City.
C. Sell, transfer, lease, or convey property in violation of Chapter 212 of the Texas Local Government Code.
D. Commence construction of public improvements prior to obtaining required approvals.
E. Construct public improvements inconsistent with approved engineering plans.
F. Fail to install required public improvements.
G. Fail to comply with any condition of subdivision approval.
H. Interfere with City inspections.
I. Fail to comply with any provision of this Ordinance.
J. Violate any written agreement executed pursuant to this Ordinance.
Each day a violation continues shall constitute a separate offense.

Section 9.03 Stop Work Orders
Whenever the City determines that subdivision or construction activity is occurring in violation of this Ordinance, the Mayor, City Secretary, or an authorized designee may issue a written Stop Work Order.
Upon issuance of a Stop Work Order:
1. All affected work shall immediately cease.
2. Work shall not resume until authorized in writing by the City.
3. The Stop Work Order shall remain in effect until all violations have been corrected.

Issuance of a Stop Work Order shall not limit any additional enforcement remedy available to the City.

Section 9.04 Suspension or Withholding of Municipal Approvals
The City may suspend or withhold:

1. Building permits;
2. Development permits;
3. Utility connections;
4. Certificates of occupancy;
5. Acceptance of public improvements;
6. Final Plat approval, when authorized by law;

until all violations have been corrected.

Section 9.05 Civil Remedies
The City may pursue any civil remedy authorized by Texas law, including but not limited to:
A. Injunctive relief;
B. Specific performance;
C. Recovery of damages;
D. Recovery of engineering, inspection, and administrative costs where authorized by law;
E. Declaratory judgment;
F. Recovery upon posted financial security; and
G. Any other remedy authorized by state law.
The remedies provided herein are cumulative.

Section 9.06 Criminal Penalties
Any person violating this Ordinance commits a misdemeanor offense and, upon conviction, shall be punished by a fine not exceeding the maximum amount authorized for municipal ordinances under the Texas Local Government Code.
Each day a violation continues shall constitute a separate offense.

Section 9.07 Emergency Action
Nothing contained herein shall prevent the City from taking immediate action necessary to protect life, health, safety, or municipal infrastructure when an emergency exists.
Emergency action may include suspension of construction, temporary protective measures, or other lawful actions necessary to eliminate an imminent hazard.

Section 9.08 Recovery of Costs
Where authorized by law, the City may recover costs reasonably incurred for:

1. Engineering review;
2. Inspections;
3. Emergency corrective work;
4. Legal expenses where recoverable;
5. Court costs; and
6. Administrative expenses associated with enforcement.

Section 9.09 Non-Exclusive Remedies
The remedies established by this Ordinance are cumulative and shall not be construed as exclusive.
The City may pursue one or more remedies simultaneously or consecutively.

Section 9.10 No Municipal Liability
Approval of any subdivision application, engineering plan, inspection, or public improvement shall not constitute a representation or warranty by the City regarding:
A. Engineering adequacy;
B. Construction quality;
C. Structural integrity;
D. Compliance with private restrictions; or
E. Suitability of property for development.
The developer shall remain solely responsible for compliance with this Ordinance and all applicable laws.

Section 9.11 Severability
Should any Article, Section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 9.12 Effective Date
This Ordinance shall become effective immediately upon adoption and publication as required by law.

PASSED AND **APPROVED** this 11th day of August, 2026.

Karen Buck
Mayor, Karen Buck
City of Burton, Texas

ATTEST:
Amanda Klehm
City Secretary, Amanda Klehm
City of Burton, Texas