

City of Kendleton
Fort Bend County, Texas

Ordinance No. 10-15-3

AN ORDINANCE RELATING TO PLATTING AND DEVELOPMENT; AMENDING THE CODE OF ORDINANCES OF THE CITY OF KENDLETON, TEXAS; AND CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENDLETON:

Section 1. the Ordinances of the City of Kendleton, Texas are hereby amended to read as follows:

Permits and approvals.

Permits or approvals may be required for installation, construction or enlargement of buildings or related activities. See, for example:

- (1) Sewer Service. Requires permits and approvals for connecting to the City's sanitary sewer system.
- (2) Waste Discharges. Regulating industrial waste and other waste discharges.
- (3) Flood damage prevention. requires permits and approvals for flood damage prevention.
- (4) Certifications, etc. Authorizes the City Secretary to provide certain certifications, reviews and approvals required by the state, the County or another agency.
- (5) Wells. See the regulations applicable to private water wells, below.
- (6) Septic systems. All septic systems and other private waste disposal systems must meet County and other standards. See below.
- (7) Subdivision or Development of Land. Land may not be divided or developed except as authorized by a plat or replat approved by the City Council. See Chapter 212, Texas Local Government Code and Chapter 20 of this Code.
- (8) Drainage, culverts, conduits, wires, etc. See below.

* * *

Sec. 6.104. Site plan for installing, constructing or enlarging, etc.

(a) *Site plan required.* It shall be unlawful for any person to: (i) install, construct or enlarge any trailer or building within the City, or (ii) connect or re-connect any utility service to any trailer, vehicle or building (or site) within the City, unless there is a current site plan, approved by the Mayor in accordance with this section, showing the site and each trailer, vehicle or building to be served. In this section:

- (1) A utility service includes water, sewer, gas, electrical, cable and any other public utility service; and

- (2) a site plan is current if it was approved by the Mayor within the one-year period preceding the day when the regulated work is done (*i.e.*, work to install, construct or enlarge or to connect, reconnect or activate); however, upon request of the owner and a showing of good cause, the Mayor (in writing) may extend the one-year period for up to one additional year; and
- (3) "mobile home" and "HUD-code manufactured home" have the meanings given those terms in the Chapter 1201, TEX. OCC. CODE.

If there is no such current, approved site plan, or if a site plan approval is revoked or suspended, it shall be unlawful to control, own, operate, occupy or lease (as landlord or as tenant) any such trailer, vehicle or building (or site) where any such work is done.

(b) *Applications.* An application for site plan approval must be signed by the owner of the property in question and delivered to the City Secretary. If the site plan includes any mobile home or HUD-code manufactured home (existing or proposed), the owner of that home (if different from the owner of the property) must also sign the application. The application must include:

- (1) a sealed survey drawing of the site not more than one year old showing: (i) all boundaries, (ii) all existing utilities, vehicular facilities, trailers, buildings and other structures and (iii) all easements (*Exceptions:* For projects costing less than \$15,000 and that do not add more than 50 square feet of building or trailer area, the Mayor may accept a non-surveyed drawing of the site. The Mayor may also accept an older survey drawing if any changes since the drawing was made are clearly disclosed. The Mayor may also accept a plat approved as required by Chapter 20 of this Code, if it shows all items required by this section);
- (2) a sketch (which may part of the survey drawing) indicating: (i) the exact location of proposed utilities, vehicular facilities, trailers, buildings and other structures, (ii) connection(s) to public roads or streets and all work and facilities in street areas, (iii) connections to all utilities and (iv) plans and specifications for any new connections to city utilities;
- (3) written proof that an application for new city utility service (with deposit) has been made, if required by a sanitation permit; or, in case there is existing service, proof that the service is not subject to termination for non-payment, non-compliance with applicable regulations or other reason;
- (4) written proof that all other permits and approvals have been obtained (*Examples:* Sanitation permit, water well permit, health permit, subdivision plat approval, flood plain approval, drainage permit, installation certificate for mobile home or HUD-code manufactured home, sales and use tax permit showing point of sale in the City of Kendleton, etc. *Exception:* The Mayor may allow such a permit or approval to be submitted later, if it is not practicable to obtain it at the time of application, and failure to submit will be grounds for the Mayor to revoke or suspend the site plan approval.);
- (5) If the site plan includes any mobile home or HUD-code manufactured home (existing or proposed), a copy of the current statement of ownership and location for the home indicating that it has been inspected and approved for habitability under applicable State rules within the preceding six months (however, if no such statement is required or issued by the State, there must be other written proof of ownership and habitability of the home); and
- (6) a non-refundable application fee of \$75 (or \$150 if work begins before approval is granted).

(c) *Certain criteria.* Site plans (with accompanying documents) must clearly show:

- (1) Setbacks:

No new part of a building or trailer is to be located within any of the following setback areas: (i) 25 feet from any state highway or major thoroughfare right of way, existing or proposed, (ii) ten feet from any other road or street right of way, or (iii) five feet from any other property line.

(2) Vehicular access; roadways:

There will be direct vehicular access to the site from an adjacent public road or street (where there is at least 20 feet of frontage), and the curb cut, culvert or driveway as well as all work and facilities in street areas, will: (i) be located in a reasonably safe location and (ii) comply with current City and County regulations and guidelines for similar facilities.

(3) Easements:

There are sufficient easements to extend all utilities and drainage to and across the site and to adjacent sites, allowing service from either direction along each easement.

(4) No illegal subdivision:

The site consists of one or more whole lots. In this section, a lot is a lot or parcel which was: (i) created or designated by plan, plat or replat approved by the appropriate governmental body as required by the Texas Local Government Code or previously applicable state law (e.g., the former Texas Revised Civil Statutes Annotated art. 974a); or (ii) in existence as a separately-owned and separately-described lot or parcel continuously since January 1, 1983.

(5) No multiple utility connections:

For each physical connection to a City utility system serving the site (existing or proposed), there may only be one account, one customer and one bill. *Note*: one account may include more than one unit, and one customer may include two or more individuals or entities acting jointly. *Exception*: For existing multiple connections, the Mayor may accept an easement or right of entry, signed by the owner of the site, that allows access for the City to disconnect each unit served, separately from any other unit on the site. The Mayor may require that there be a cleanout or valve socket in place for each unit, to reduce the cost of such disconnection.

(6) HUD-code manufactured homes:

Any manufactured or portable building (or vehicle) to be installed or used as a dwelling must be a HUD-code manufactured home (not a mobile home), and it must have been inspected and approved for habitability under applicable State rules within the preceding six months.

(7) Drainage:

There must be compliance with the drainage criteria manual and the related provisions of this Code, as applicable.

(8) Platting:

Any plat required by this Code must have been duly submitted, approved and recorded.

(9) Other:

There must be compliance with other applicable regulations.

(d) *Approval.* The Mayor shall approve a site plan if the Mayor:

- (1) believes the application is complete, including all required forms, signatures, fees, plans, specifications, surveys, certificates, information and related matters;
- (2) believes the applicant neither gave materially false or misleading information nor omitted any material information necessary to avoid misleading the City;
- (3) does not detect any significant non-compliance with this Chapter or any other applicable regulations; and
- (4) believes the permit contains or incorporates all features and conditions required by this Chapter or applicable regulations.

(e) *Changes, conditions, maintenance.* The Mayor may require changes to a site plan, and may insert special conditions into a site plan, if reasonably necessary to comply with this chapter or other applicable regulations. To be effective, approval of a site plan must be in writing, and it may be included as part of a permit. It shall be the duty of each person owing or controlling a site to maintain, preserve and operate all facilities and features shown on a site plan for the site so that they functionfully as intended by this Code (and to repair, restore or reconstruct them within 30 days following the day that such person becomes aware of the need for such work).

(f) *Denial; revocation or suspension.* If the standards for issuance are not met, or if there is any violation of this section, the Mayor shall decline to approve a site plan and may revoke or suspend an approval previously granted. The Mayor shall attempt to notify the current owner of the site, in case of non-approval, revocation or suspension.

(g) *Finality; administrative remedies.* Decisions of the Mayor under this section are subject to appeal to the City Council, and they do not become final until acted upon by the City Council, or the time for appeal has run out. See Chapter 2, which also provides for variances in certain circumstances. As an additional administrative remedy, any person may request that the City Council amend this section. Applications for amendment should be in writing and submitted to the City Secretary. They should include the exact wording that is requested.

(h) *Affirmative defenses.* It shall be an affirmative defense in any proceeding to enforce this section that one or more of the following sets of circumstances was present:

- (1) Reconnection of previous utility service: (i) the work in question is only for the transfer, re-connection or re-activation of service through an existing utility connection, (ii) the connection was active within the preceding 180 days, (iii) no trailer or building is installed, constructed or enlarged without an approved site plan after August 1, 2006, and (iv) before starting the work the owner notified the Mayor in writing.
- (2) Small remodeling of existing house: (i) the work in question is only to enlarge an existing single-family house or add a small accessory building (less than 50 square feet) on the same lot; (ii) no part of the enlargement or accessory building is within 30 feet of any public road or street or within 10 feet of any property line; (iii) there is existing service from all necessary utilities; and (iv) before starting the work, the owner notified the Mayor in writing and filed an affidavit confirming that any other required permits and approvals were obtained (e.g., sanitation permit, water well permit, flood plain approval).

Section 2. Subsection (b) of Section 6.107 the Code of Ordinances of the City of Kendleton, Texas is hereby amended by adding to read as follows:

(b) *Duties to submit, construct, maintain, etc.* For each project that the drainage criteria manual applies to, it shall be the duty of the owner of the affected site and each construction contractor, developer and person controlling the adjacent site or the work to: (i) submit plans and specifications for facilities and features required by the drainage criteria manual or this Code, in addition to any required site plan, (ii) obtain a permit for the project from the Mayor (or, if allowed by the Mayor, the permit may be obtained from the County Engineer), (iii) construct or provide all facilities and features required by the permit or the drainage criteria manual so that they function fully as intended by the drainage criteria manual and the permit, before the project is used or occupied, and (iv) arrange for and obtain prompt inspections and written approval of the work by the Mayor (or the County Engineer, if allowed by the Mayor). For each such project, it shall be the duty of each person owing or controlling the affected site to maintain, preserve and operate all such facilities and features so that they function fully as intended by the drainage criteria manual and the permit (and to repair, restore or reconstruct them within 30 days following the day that such person becomes aware of the need for such work).

Section 3. The Code of Ordinances of the City of Kenedy, Texas is hereby amended by adding read as follows:

Sec. 6.108. Driveways, culverts, etc.

(a) *Adoption, projects covered, etc.* The City Council officially approves and adopts the Fort Bend County regulations manual entitled "PERMITS FOR THE CONSTRUCTION OF DRIVEWAYS AND CULVERTS ON COUNTY EASEMENTS AND RIGHT OF WAYS IN FORT BEND COUNTY, TEXAS," as revised through October 5, 2004 ("driveway/culvert manual"), subject to the provisions of this Code. The driveway/culvert manual shall apply inside the City to each project to: (i) install, construct or enlarge any driveway, parking area, trailer or building, or any connection to a roadway designed, intended or used for access to the roadway by motor vehicles, (ii) connect or re-connect any utility service to any trailer, vehicle or building (or site), or (iii) increase the area covered by impervious surfaces (like roofs or pavement) by more than 400 square feet.

(b) *Duties to submit, construct, maintain, etc.* For each project that the driveway/culvert manual applies to, it shall be the duty of the owner of the affected site and each construction contractor, developer and person controlling the adjacent site or the work to: (i) submit plans and specifications for driveway/culvert facilities and features required by the driveway/culvert manual or this Code, in addition to any required site plan, (ii) obtain a permit for the project from the Mayor (or, if allowed by the Mayor, the permit may be obtained from the County Engineer), (iii) construct or provide all facilities and features required by the permit or the driveway/culvert manual so that they function fully as intended by the driveway/culvert manual and the permit, before the project is used or occupied, and (iv) arrange for and obtain prompt inspections and written approval of the work by the Mayor (or the County Engineer, if allowed by the Mayor). For each such project, it shall be the duty of each person owing or controlling the affected site to maintain, preserve and operate all such facilities and features so that they function fully as intended by the driveway/culvert manual and the permit (and to repair, restore or reconstruct them within 30 days following the day that such person becomes aware of the need for such work).

(c) Administration, changes, conditions. The Mayor shall administer this section and may obtain assistance from the City's engineer, the County Engineer and other agencies. The Mayor may delegate functions under this section. The non-refundable fee for permit applications, and other fees, are the same as charged by the County for the same items (subject to a minimum of \$50 plus, if applicable, the estimated cost of engineering review) and the Mayor may require that they be paid directly to the County (in those cases where the permit would be issued by the County). If applicable, the Mayor may add the estimated cost of engineering or legal review likely to be incurred by the City to the fee that would otherwise apply. The Mayor may require changes to plans and specifications and may insert special conditions, if reasonably necessary to comply with this chapter or other applicable regulations. The Mayor may require payment of additional permit review costs as a condition of further review or issuance of a permit. The following shall govern the application of the driveway/culvert manual

- (1) The Mayor shall determine whether facilities or features may be (or must be) dedicated or conveyed to the City, the Fort Bend County Drainage District or other agency, based on established patterns of ownership and operation of similar facilities and features (or based upon the location, function and service area of the facilities or features).
- (2) For any facilities or features to be dedicated or conveyed, the Mayor or City Council may require a maintenance bond, to be in effect for one year following acceptance. Only the City Council may accept facilities or features offered for dedication or conveyance to the City.
- (3) The Mayor may allow the use of alternative facilities, methods and techniques for achieving compliance with the driveway/culvert manual, if the alternatives will function as well or better than those that would otherwise be required by the drainage criteria manual. Example: Use of bridge sections or storm sewers in lieu of culverts.

(d) Denial; revocation or suspension. If the standards for issuance of a permit are not met, or if there is any violation of this section, the Mayor shall decline to approve a permit and may revoke or suspend a permit previously granted. The Mayor shall attempt to notify the current owner of the adjacent site, in case of non-approval, revocation or suspension.

(e) Finality; administrative remedies. Decisions of the Mayor under this section are subject to appeal to the City Council, and they do not become final until acted upon by the City Council, or the time for appeal has run out. See Chapter 2, which also provides for variances in certain circumstances (Section 6 of the driveway/culvert manual does not apply). As an additional administrative remedy, any person may request that the City Council amend this section. Applications for amendment should be in writing and submitted to the City Secretary. They should include the exact wording that is requested.

(f) Conduct unlawful. It shall be unlawful for any owner, developer, construction contractor or person in control of a site to refuse or omit to carry out a duty imposed by this section. Duties imposed by this section on more than one person are joint and several. It shall also be unlawful for: (i) any person to construct, install or use any connection to a roadway designed, intended or used for providing access by motor vehicles, unless the connection complies with all applicable provisions of this Code, or (ii) any person owning or controlling a site within the City to cause or allow any such connection to be constructed, installed, used or maintained, if the connection does not comply with all applicable provisions of this Code.

Section 4. The Code of Ordinances of the City of Kendleton, Texas is hereby amended by adding to read as follows:

Sec. 6.109. Work in street areas

(a) Adoption, projects covered, etc. The City Council officially approves and adopts "A REVISED ORDER REGULATING THE LAYING, CONSTRUCTION, MAINTENANCE AND REPAIR OF CABLES, CONDUITS, AND POLE LINES IN UNDER, ACROSS OR ALONG ROADS, STREETS, HIGHWAYS AND DRAINAGE DITCHES IN FORT BEND COUNTY, TEXAS, UNDER THE

JURISDICTION OF THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS," as amended through August 3, 1987 ("ROW manual"), subject to this section. The ROW manual applies to each project to install, alter, construct, re-construct, enlarge or change the use of any cables, conduits, pole lines or similar equipment or facilities in any street area. In case of conflict with any franchise ordinance, the franchise ordinance shall control, but only to the extent of the conflict.

(b) Duties to submit, construct, maintain, etc. For each project that the ROW manual applies to, it shall be the duty of the owner, construction contractor, developer and each person controlling the equipment, facilities or site to: (i) submit plans and specifications for the project including all facilities and features required by the ROW manual or this Code, in addition to any required site plan, (ii) obtain a permit for the project from the Mayor (or, if allowed by the Mayor, the permit may be obtained from the County Engineer), (iii) construct or provide all facilities and features required by the permit or the ROW manual so that they function fully as intended by the ROW manual and the permit, before the project is used or activated, and (iv) arrange for and obtain prompt inspections and written approval of the work by the Mayor (or the County Engineer, if allowed by the Mayor) For each such project, it shall be the duty of each person owning or controlling the equipment, facilities or site to: (i) maintain, preserve and operate all such facilities and equipment so that they function fully as intended by the ROW manual and the permit; (ii) to repair, restore or reconstruct them within 30 days following the day that such person becomes aware of the need for such work; and (iii) to relocate them within 30 days following a determination by the Mayor that relocation is necessary because of street, drainage or utility facilities or other public work (and written notice).

(c) Administration, changes, conditions. The Mayor shall administer this section and may obtain assistance from the City's engineer, the County Engineer and other agencies. The Mayor may delegate functions under this section. The non-refundable fee for permit applications, and other fees, are the same as charged by the County for the same items (subject to a minimum of \$100 plus, if applicable, the estimated cost of engineering review) and the Mayor may require that they be paid directly to the County (in those cases where the permit would be issued by the County). If applicable, the Mayor may add the estimated cost of engineering or legal review likely to be incurred by the City to the fee that would otherwise apply. The Mayor may require changes to plans and specifications and may insert special conditions, if reasonably necessary to comply with this chapter or other applicable regulations. The Mayor may require payment of additional permit review costs as a condition of further review or issuance of a permit. The following shall govern the application of the ROW manual:

(1) The Mayor shall determine whether facilities or features may be (or must be) dedicated or conveyed to the City, the Fort Bend County Drainage District or other agency, based on established patterns of ownership and operation of similar facilities and features (or based upon the location, function and service area of the facilities or features).

(2) For any facilities or features to be dedicated or conveyed, the Mayor or City Council may require a maintenance bond, to be in effect for one year following acceptance. Only the City Council may accept facilities or features offered for dedication or conveyance to the City.

(3) The Mayor may allow the use of alternative facilities, methods and techniques for achieving compliance with the ROW manual, if the alternatives will function as well or better than those that would otherwise be required by the ROW manual.

(d) Denial, revocation or suspension. If the standards for issuance of a permit are not met, or if there is any violation of this section, the Mayor shall decline to approve a permit and may revoke or suspend a permit previously granted. The Mayor shall attempt to notify the current owner of the equipment, facilities or site, in case of non-approval, revocation or suspension.

(e) Finality; administrative remedies. Decisions of the Mayor under this section are subject to appeal to the City Council, and they do not become final until acted upon by the City Council, or the time for appeal has run out. See Chapter 2, which also provides for variances in certain circumstances (any provision for appeals to County officials in the ROW manual does not apply). As an additional administrative remedy, any person may request that the City Council amend this section. Applications for amendment should be in writing and submitted to the City Secretary. They should include the exact wording that is requested.

(f) Conduct unlawful. It shall be unlawful for any owner, developer, construction contractor or person in control of equipment, facilities or a site to refuse or omit to carry out a duty imposed by this section. Duties imposed by this section on more than one person are joint and several. It shall also be unlawful for any person to construct, install or use any equipment or facilities subject to the ROW manual unless all the work complies with all applicable provisions of this Code.

Section 5. The Code of Ordinances of the City of Kendleton, Texas is hereby amended by adding to read as set out in Appendix A, attached.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 7. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances, shall be affected thereby.

Section 8. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action.

The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 9. This ordinance shall become effective immediately upon adoption and signature, and it shall be published as provided by law. Criminal penalties are subject to any required publication.

PASSED AND ADOPTED on Oct 15, 2009.

Councilmembers Voting Aye: 5

Councilmembers Voting No: 0

Councilmembers Absent: 0

Signed: [Signature]
Mayor

Attest: (Seal)

City Secretary

Appendix A

Chapter 20 Subdivisions, Development & Platting

Sec. 20.001. Adoption of regulations; application.

(a) Adoption, projects covered, etc. The City Council officially approves and adopts: (a) "FORT BEND COUNTY REGULATIONS OF SUBDIVISIONS," as amended through April 26, 2005, and (b) the Texas Water Development Board's "model subdivision regulations" set out in 31 T.A.C. Chapter 364, as amended through October 1, 2009, which are together referred to as the "platting regulations." The platting regulations and this Code shall be read together and harmonized, but in case of any conflict, the model subdivision regulations control over the county regulations, and this Code controls over both. Unless otherwise clearly indicated, the platting regulations and this Code apply to subdivision plats, development plats, amending plats, replats and all other kinds of plats.

(b) Application: The platting regulations and this Code apply throughout the city limits and the extraterritorial jurisdiction of the City, and a plat is required for: (i) each division of land subject to Chapter 212 of the Local Government Code, no matter how the division is proposed or done (whether by sale, lease, rent or physical division); and (ii) each project that involves development subject to Subchapter B of Chapter 212 of the Local Government Code (and, for this purpose, the City Council chooses to be covered by that subchapter) *Exceptions:* A new plat is not required for:

(1) a site served by public water and sewer systems that is composed of one or more whole lots and contains only one dwelling unit; or

(2) a project on a site served by public water and sewer systems composed of one or more whole lots, if the project does not involve an increase in the total area covered by impervious surfaces (like roofs and pavement).

In this section, a lot is a lot or parcel which was: (i) created or designated by plan, plat or replat approved by the appropriate governmental body as required by the Texas Local Government Code or previously applicable state law (e.g., the former Texas Revised Civil Statutes Annotated art. 974a); or (ii) in existence as a separately-owned and separately-described lot or parcel continuously since January 1, 1983.

Sec. 20.002. Submission, approval, etc.

For each project that the platting regulations apply to, it shall be the duty of the owner, construction contractor, developer and each person controlling the site to: (i) submit plats, plans and specifications and other data required by the platting regulations or this Code, in addition to any required site plan, (ii) obtain approval by the approving authority, and (iii) construct or provide all facilities and features required by the approved plat or the platting regulations so that they function fully as intended by the platting regulations and the plat itself. The approving authority is the City Council (advised by the Zoning & Planning Commission), except for the minor plats mentioned in Section 212.0065 of the Local Government Code, where the approving authority shall be the Mayor. For each such project, it shall be the duty of each person owning or controlling the site to maintain, preserve and operate all such facilities and features so that they function fully as intended by the platting regulations and the plat (and to repair, restore or reconstruct them within 30 days following the day that such person becomes aware of the need for such work).

Sec. 20.003. Administration, etc.

The Mayor shall administer this Chapter and may obtain assistance from the City's engineer, Fort Bend County and other agencies. The Mayor may delegate functions under this Chapter. The non-refundable fees for plat applications and submittals shall be 200% of the fees charged by the County for the same items (subject to a minimum of \$250 plus, if applicable, the estimated cost of engineering and legal review). The Mayor may require changes to plats, plans and specifications and may insert special conditions, if reasonably necessary to comply with this Code or other applicable regulations. The Mayor may require payment of additional review costs as a condition of further review or approval. The following shall govern the application of the platting regulations:

(1) The approving authority shall determine whether facilities or features may be (or must be) dedicated or conveyed to the City, the Fort Bend County Drainage District or other agency, based on established patterns of ownership and operation of similar facilities and features (or based upon the location, function and service area of the facilities or features).

(2) For any facilities or features to be dedicated or conveyed, the Mayor or City Council may require a maintenance bond, to be in effect for one year following acceptance. Only the City Council may accept facilities or features offered for dedication or conveyance to the City.

(3) The person who submits a plat is responsible for: (i) dedicating all rights of way and easements and construction and dedication of on-site and off-site water distribution, wastewater collection, and drainage facilities, streets, sidewalks, curbs and related facilities, to the extent necessary for and attributable to the new development in question, and bearing the entire cost thereof, (ii) providing a bond or other acceptable financial security to assure that they are done. Such construction and dedication are required in all cases, unless otherwise mandated by state law, and except to the extent otherwise agreed to by a retail public utility, drainage agency or public agency with jurisdiction over a facility or property that may be affected

(4) The City Council may allow the use of alternative facilities, methods and techniques for achieving compliance with the platting regulations, if the alternatives will function as well or better than those that would otherwise be required by the platting manual.

Sec. 20.004. Denial, administrative remedies, penalties.

(a) Denial; revocation or suspension. If the standards for approval of a plat are not met, or if there is any violation of this Chapter, the approving authority shall decline to approve a plat and may revoke or suspend an approval previously granted. The Mayor shall attempt to notify the current owner of the site, in case of non-approval, revocation or suspension.

(b) Finality; administrative remedies. Decisions of the Mayor under this Chapter are subject to appeal to the City Council, and they do not become final until acted upon by the City Council, or the time for appeal has run out. See Chapter 2, which also provides for variances in certain circumstances. As an additional administrative remedy, any person may request that the City Council amend this Chapter. Applications for amendment should be in writing and submitted to the City Secretary. They should include the exact wording that is requested.

(c) Conduct unlawful. It shall be unlawful for any owner, developer, construction contractor or person in control of a site to divide it into two or more parts, or to cause or permit any development on it, unless a plat for the site is first approved, all as required by this Chapter. Duties imposed by this section on more than one person are joint and several.