

ORDINANCE NO. 3550

AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING SECTIONS 110-361 AND 110-412 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES AS THEY PERTAIN TO RESERVE STRIPS OF PROPERTY AND CROSS ACCESS EASEMENTS; ESTABLISHING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR PUBLICATION.

WHEREAS, after conducting a public hearing, the Planning and Zoning Commission has made its recommendation for the following amendment to the subdivision regulations; and,

WHEREAS, after appropriate notice and public hearing, the Planning and Zoning Commission of the City of North Richland Hills, Texas has forwarded a recommendation to the City Council for amendment of the City's subdivision regulations as set forth herein; and,

WHEREAS, notice has been given and public hearings held as required for amendments to the subdivision regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:

Section 1: THAT the Subdivision Regulations and Code of Ordinances of the City of North Richland Hills be amended by modifying Article X, Required Improvements, Section 110-361 (General infrastructure policy) of Chapter 110 of the North Richland Hills Code of Ordinances to add a new subsection (d)(3) to read as follows:

"Sec. 110-361. – General infrastructure policy

...

(d) ...

(3) Reserve strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or which do not meet the minimum standards of the zoning

district in which it lies, or which will not be taxable or accessible for special improvements, shall not be permitted in any subdivision.

...”

Section 2: THAT the Subdivision Regulations and Code of Ordinances of the City of North Richland Hills be amended by modifying Section 110-412 (Generally) of Chapter 110 of the North Richland Hills Code of Ordinances to add a new subsection 19 to read as follows:

“Sec. 110-412. – Generally

...

- (19) Common access easements. To the maximum extent practicable, common access easements will be required between and/or across any lots zoned, used and/or planned by the Land Use Plan for nonresidential purposes and fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The easements must be provided on the final plat, replat, or amended plat of the subject properties, or be recorded by separate instrument with Tarrant County.

The common access easement must be at least twenty (20) feet wide. The easement must encompass existing and proposed driveways and extend across the entire width of the property to provide access to adjacent properties. The location must be approved by the city manager or designee.

Maintenance of any common access easement is the responsibility of the property owner or property owner’s association, as applicable. When an easement is created by plat, a maintenance note must be added to the plat acknowledging maintenance responsibility. When the easement is created by separate instrument, the maintenance responsibility must be acknowledged within the separate instrument.

...”

Section 3: This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of North Richland Hills, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the

conflicting provisions of such ordinances and such code are hereby repealed.

Section 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

Section 5: Any person, firm or corporation violating any provision of the Subdivision Regulations of the City of North Richland Hills as amended hereby shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Two Thousand Dollars (\$2,000.00). Each day any such violation shall be allowed to continue shall constitute a separate violation and punishable hereunder.

Section 6: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances governing subdivisions that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 7: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance two times.

Section 8: This ordinance shall be in full force and effect immediately following publication as required by Section 7 hereof.

AND IT IS SO ORDAINED.

Passed on this 10th day of December, 2018.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

Approved as to form and legality:

Maleshia McGinnis, City Attorney

Approved as to content:

Clayton Comstock, Planning Director