

## Chapter 110 SUBDIVISIONS<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 110-1. Title of chapter.

The regulations of this chapter shall hereinafter be known, cited and referred to as "Subdivision Regulations of the City of North Richland Hills, Texas," and they shall be a part of the Code of Ordinances of the city.

(Ord. No. 1982, § 1(100), 3-24-1994)

#### Sec. 110-2. Authority of chapter provisions.

The subdivision regulations of this chapter are adopted under the authority of the constitution and laws of the state, as promulgated by V.T.C.A., Local Government Code § 212.001 et seq. The subdivision regulations of this chapter are adopted pursuant to the provisions of article XIV of the Home Rule Charter for the city.

(Ord. No. 1982, § 1(105), 3-24-1994)

#### Sec. 110-3. Purpose of chapter.

- (a) The regulations contained in this chapter are adopted to promote and encourage the development of high quality subdivisions by establishing standards for the provision of adequate light, air, open space, stormwater drainage, transportation, public utilities, and suitable building lots. Through the application of these regulations, the interests of the public, as well as those public and private parties, both present and future, having interest in property affected by these regulations are protected by establishing fair and rational procedures for developing land.
- (b) These regulations are designed and intended to achieve the following purposes and shall be administered so as to:
  - (1) Promote the health, safety, morals and general welfare of the city;
  - (2) Promote the orderly and healthful development of the city;

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<sup>1</sup>Charter reference(s)—Power of city council to adopt plats, art. VI, § 3(1); streets and alleys, art. VI, § 1; planning, building regulations, art. XIV.

Cross reference(s)—Any ordinance regarding subdivisions saved from repeal, § 1-11(a)(7); environment, ch. 34; streets, sidewalks and other public places, ch. 70; utilities, ch. 78; buildings and building regulations, ch. 98; floods and stormwater management, ch. 102; vegetation, ch. 114; zoning, ch. 118.

State law reference(s)—Planning and development, V.T.C.A., Local Government Code §§ 211.001 et seq., 212.001 et seq.

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- (3) Provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; to prevent overcrowding of the land and undue congestion of population: and to provide minimum width and depth of building lots and building lines;
  - (4) Protect and conserve the value of land throughout the city;
  - (5) Provide the most beneficial circulation of traffic throughout the city, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements; and to provide for the proper location and width of streets;
  - (6) Establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and documentation of subdivided land;
  - (7) Ensure that public facilities are available for every building site and with sufficient capacity to serve the proposed subdivision, and to provide public facilities for future developments;
  - (8) Ensure the adequacy of drainage facilities; and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the community;
  - (9) Preserve the topography of the city and to ensure appropriate development with regard to natural features; and
  - (10) Address other needs necessary for insuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources.

(Ord. No. 1982, § 1(110), 3-24-1994)

#### **Sec. 110-4. Policy.**

In order to carry out the purpose of the regulations of this chapter, it is hereby declared to be the policy of the city to consider the subdivision of land, and its subsequent development, as subject to the control of the municipality, pursuant to the comprehensive plan, for the orderly, planned, efficient and economical development of the city. Furthermore, it is the policy of the city that:

- (1) Land shall not be subdivided, for purposes of development, until proper provision has been made for drainage, water, sewerage, and transportation facilities.
- (2) All public improvements shall conform to and be properly related to the comprehensive land use plan of the city and the design manual.
- (3) These regulations shall supplement and facilitate the enforcement of provisions and standards contained in the zoning chapter (chapter 118 of this Code) and building codes adopted by the city.

(Ord. No. 1982, § 1(115), 3-24-1994)

#### **Sec. 110-5. Definitions.**

- (a) *Generally.* All definitions of words contained herein shall correspond with the most appropriate definitions appearing in the Webster's New Collegiate Dictionary, unless specifically defined in this section.
- (b) *Words and terms.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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*Alley* means a minor public right-of-way primarily designed to serve as secondary access to the side or rear of properties whose principal frontage is on some other street.

*Applicant* means the owner, authorized representative or designated agent of land being proposed for subdividing.

*Block* means a tract of land bounded by streets, or by a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities and containing one or more building sites.

*Bond* means a form of security other than a cash deposit to be used as surety or as a guarantee.

*Building* means any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

*Building official* means the senior building officer of the city charged with responsibility for issuing building permits and enforcing the building code.

*Building setback line* means a line established beyond which no part of a building shall project, except as otherwise provided in the zoning chapter of this Code (chapter 118).

*City attorney* means the licensed attorney designated by the city to furnish legal assistance for the administration of these regulations.

*City council* means the legislative governing body of the city having the power to adopt and amend these regulations.

*City engineer* means a registered professional engineer on the city staff or a consulting firm of registered professional engineers designated to represent the city.

*Collector street* means a major road intended to move traffic from local roads to minor arterials. A collector road generally surrounds a neighborhood or a group of neighborhoods.

*Comprehensive land use plan* means a written document containing the development policies of the city including a map of the city showing a graphic representation of the proposed uses of the various land areas of the city and which has been adopted by the city council as the official guide for future development.

*Construction plans* means the maps or engineering drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Design Manual.

*Crosswalk way* means a public right-of-way, usually four feet or more in width between property lines, which provides pedestrian circulation.

*Cul-de-sac* means a local street with only one outlet and having an appropriate terminal for the safe, convenient reversal of traffic movement.

*Dead-end street* means a street, other than a cul-de-sac, with only one outlet.

*Design manual* means the city Public Works Design Manual which established minimum criteria for the design of public works/utilities.

*Developer* means the official applicant or agent representing the owner of any plat being proposed for subdivision and being a person having an interest in land and causes it to be divided into a subdivision.

*Development review committee* means a committee composed of municipal department representatives to provide technical services in the administration of these regulations.

*Drainage flume* means a concrete drainageway usually centered on lot lines and designed to carry stormwater runoff from adjoining lots.

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*Easement* means authorization by a property owner for the use by another, and for a specified purpose, of a designated part of his property, such as a drainage easement, utility easement or a public access easement.

*Engineer* means a person duly authorized under the provisions of the Texas Engineering Practices Act, as heretofore or hereafter amended, to practice the profession of civil engineering.

*Escrow* means a deposit of cash still in force on a performance or maintenance bond.

*Final plat* means the authentic map or official plan of record of a subdivision of land prepared from actual field measurement and staking of all identifiable points by a registered professional land licensed surveyor with the subdivision location properly referenced to a survey corner or specific landmark reference.

*Frontage* means the side or sides of a lot abutting a street right-of-way.

*Frontage street* means any street to be constructed by the developer or any existing street in which development takes place on both sides.

*Highway, limited access*, means a freeway, or expressway, providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no authorized right to access to or from the same, except at such points and in such manner as may be determined by the public agency having jurisdiction over such trafficway.

*Land planner* means persons other than surveyors who possess actual experience and practice in the field of land planning.

*Local street* means a road intended to provide direct access to individual properties and to provide right-of-way for sewer, water, and storm drainage systems.

*Lot* means a parcel of land within a platted subdivision having frontage on a public street or approved public access easement and intended to be used as a building site or for purposes of building development and which is designated as a distinct and separate parcel identified by a lot number or symbol in a duly approved subdivision plat which has been properly filed and recorded. A lot is not a parcel of unplatted property with an acreage status.

*Minor arterial* means a road intended to collect and distribute traffic in a manner similar to principal arterials, except that these roads service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.

*Model home* means a dwelling unit used initially for display purposes which typifies the type of units to be constructed in the subdivision.

*Nonresidential subdivision* means a subdivision in which the intended use is either commercial or industrial.

*Off-site* means any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

*Owner* means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in, the land sought to be subdivided under these regulations.

*Perimeter street* means any street to which the parcel of land to be subdivided abuts on only one side.

*Person* means any individual, association, firm, corporation, governmental agency, or political subdivision.

*Planning and zoning commission* means the appointed body having authority to recommend approval or disapproval of subdivision plats in accordance with these regulations and state statutes.

*Planning division* means, for purposes of these regulations, the division designated with the responsibility of accepting subdivision plats for the city and preparing the necessary documentation for the planning and zoning commission.

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*Preliminary plat* means the preliminary drawing indicating the proposed manner or layout of the subdivision to be submitted to the planning commission for approval.

*Principal arterial* means a road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, major industrial areas, and similar traffic generators within the city; and/or as a route for traffic between communities or large areas.

*Public improvement* means any public water and sewer utility, drainage ditch, roadway, parkway, sidewalk, pedestrian way, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

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

*Right-of-way* means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

*Right-of-way width* means the distance between property lines measured at right angles to the centerline of the street.

*Subdivider* means any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner of land sought to be subdivided.

*Subdivision* means a division of any tract of land situated within the corporate limits of the city into one or more parts for the purpose of creating lots for sale, for the purpose of identification, and/or to provide for the dedication of streets, alleys and easements. Subdivision includes resubdivision (replat).

*Subdivision regulations* means the official ordinance adopted by the city council to regulate the division of property within the corporate limits of the city in accordance with V.T.C.A., Local Government Code ch. 212.

*Surveyor* means a registered land surveyor, as authorized by the applicable state statutes to practice surveying in the state.

*Utility easement* means all interest in land granted to the city, to the public generally and/or to a private utility corporation, for installing and maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

(Ord. No. 1982, § 1(art. 13), 3-24-1994)

Cross reference(s)—Definitions generally, § 1-2.

## **Sec. 110-6. Official city map.**

The planning division shall maintain an official city map which shall indicate all subdivisions, lots and street rights-of-way. Subdivision plats hereafter approved shall be placed on the official map in a timely order. The official city map shall include the names of all streets and street suffix classifications. Where street name inconsistencies exist from one subdivision to another, the planning division shall place on the official city map the generally

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accepted street name, its proper spelling, and suffix classification. The planning division shall assign street address ranges for each block and coordinate these with the office of the fire marshal.

(Ord. No. 1982, § 1(140), 3-24-1994)

### **Sec. 110-7. General construction of language.**

- (a) Unless the context clearly indicates to the contrary, terms used in the present tense include the future tense; terms used in the plural number include the singular; the term "herein" means in these regulations; the term "regulations" means these regulations.
- (b) A *person* includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the terms "intended, arranged," or "designed to be used or occupied."

(Ord. No. 1982, § 1(145), 3-24-1994)

### **Sec. 110-8. Conformance with applicable rules and regulations.**

The subdivision regulations of this chapter shall be held to be the minimum requirements for the development of a subdivision within the corporate limits of the city. In addition to the requirements established herein, all subdivision plats shall be in conformance with the following:

- (1) All applicable state statutory provisions contained in V.T.C.A., Local Government Code ch. 212.
- (2) The zoning ordinance, building and housing codes, and other applicable laws of the city.
- (3) The official comprehensive land use plan, capital improvements program of the city, master drainage plan, parks plan, master thoroughfare plan, and any other official plan adopted by the city council which has an effect on the subdivision of property in the city.
- (4) Any regulations of the city and county health departments and appropriate state agencies.
- (5) The regulations of the state department of transportation, when the subdivision, or any lot contained therein, abuts a state-maintained highway.
- (6) The standards, codes and regulations adopted for administration by the building official.

(Ord. No. 1982, § 1(160), 3-24-1994)

### **Sec. 110-9. Jurisdiction and applicability.**

These subdivision rules and regulations shall apply to all subdivisions of land and all land development activities located within the corporate limits of the city.

(Ord. No. 1982, § 1(120), 3-24-1994)

### **Sec. 110-10. Conflicts with public and private provisions.**

- (a) Except where indicated, these regulations are not intended to interfere with, abrogate, or annul any other public ordinance, rule or regulation, statute, or other provision of law.

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- (b) These regulations are not intended to abrogate any easement, deed restriction, covenant or any other private agreement or deed restriction.

(Ord. No. 1982, § 1(125), 3-24-1994)

**Sec. 110-11. Repeal of previous regulations.**

Upon the adoption of these regulations, the Subdivision Regulations of The City of North Richland Hills, adopted March 13, 1989, as amended, are hereby repealed.

(Ord. No. 1982, § 1(130), 3-24-1994)

**Secs. 110-12—110-40. Reserved.**

**ARTICLE II. ADMINISTRATION<sup>2</sup>**

**Sec. 110-41. Building permits.**

- (a) *Plat required.* No building permit for residential or commercial construction shall be issued for any primary building on any parcel of property for which a final plat has not been approved by the city council and filed for record in the deed records of the county, except as follows:
- (1) Where a primary residential structure exists, a building permit to repair or renovate the existing residential structure without adding new square footage may be issued on an unplatted lot, provided that the value of such proposed construction, including the cumulative value of any proposed and all previously permitted construction permits on the primary structure, does not exceed 50 percent of the current value of the existing structure, excluding the value of the land. Construction permits as used herein does not include electrical, plumbing or similar nonconstruction activities.
  - (2) A building permit for electrical, plumbing, fence or similar nonconstruction activities may be issued on all unplatted lot in any zoning district except for building permits which include structural enclosures.
  - (3) A building permit for an accessory structure may be issued on an unplatted lot on agriculturally zoned property provided regulations of section 118-293 have been met.
  - (4) Where a primary nonresidential structure exists, a building permit to construct and addition to, or renovation of, the existing nonresidential structure may be issued on an unplatted lot, provided that the value of such proposed construction, including the cumulative value of any proposed land and all previously permitted construction permits on the primary structure, does not exceed 50 percent of the current value of the existing structure, excluding the value of the land.
- (b) *Public facilities available.* No building permit for a primary building will be issued until all proposed public facilities have been installed and have been approved by the public works department.
- (c) *Model homes.* A building permit may be issued for a single-family dwelling to be used as a model home when in the opinion of the building official and the public works director adequate public facilities have been made available.

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<sup>2</sup>Cross reference(s)—Administration, ch. 2.

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- (d) *Building permits.* The city will not issue building permits on any subdivision which remains unproved by the public works department for a period of four years or more from the date of the final plat approval until a current engineering review of said plat has been conducted.

(Ord. No. 1982, § 1(135), 3-24-1994; Ord. No. 2895, § 1, 7-24-2006)

Cross reference(s)—Buildings and building regulations, ch. 98.

### **Sec. 110-42. Variances.**

The planning and zoning commission may recommend variances from these regulations to the city council upon written request from the subdivider stating the grounds for such variance. Where the city council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may recommend approval of a variance to these subdivision regulations, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided that the city council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The conditions upon which the request for a variance is based are unique to the property and are not applicable generally to other properties;
- (2) A tract has peculiar physical surroundings, severe topographical conditions, or unique environmental qualities worthy of protection;
- (3) Where a hardship to the owner would result rather than a mere inconvenience; or
- (4) The variance will not have an adverse effect on the intent of these provisions or the comprehensive land use plan.

(Ord. No. 1982, § 1(150), 3-24-1994)

### **Sec. 110-43. Enforcement of chapter regulations.**

- (a) Appropriate actions may be taken to prevent a violation of these regulations; to prevent unlawful construction; to restrain, correct, or abate a violation; to prevent illegal occupancy of a building structure or premises. Furthermore, water meters, sewer taps or other utilities shall not be made available until the provisions of these regulations have been brought into compliance.
- (b) It shall be the responsibility of the planning division to enforce the administrative provisions of these regulations.
- (c) It shall be the responsibility of the building official to enforce the development provisions of these regulations.
- (d) The subdivision of any lot or any parcel of land by the use of, a metes and bounds description for the purpose of sale, transfer, or lease with the intent of creating a building lot by evading these regulations, shall be considered as a violation of this article. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
- (e) No building permit shall be issued for the construction of a building, or structure, located on a lot or plat subdivided or sold in violation of the provisions of these regulations.
- (f) The planning division shall be responsible for any interpretation of these regulations and where a determination of these regulations is in conflict with a request by a developer, the planning and zoning commission shall rule and decide on these questions.

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(Ord. No. 1982, § 1(155), 3-24-1994)

**Sec. 110-44. Amendments.**

Amendments to these regulations shall be made by the city council upon recommendation by the planning and zoning commission. The planning and zoning commission and the city council shall conduct a public hearing on all proposed amendments to these regulations. Said public hearing shall be advertised in a newspaper having general circulation in the city at least ten days prior to the public hearing. An amendment may be initiated in one of the following manners:

- (1) Upon a majority vote of the city council;
- (2) Upon a majority vote of the planning and zoning commission; or
- (3) Upon written request from a citizen.

(Ord. No. 1982, § 1(165), 3-24-1994)

**Sec. 110-45. Requirements for completeness determination.**

- (a) Every application for approval of a plat, development plan or zoning application submitted after June 15, 2006 shall be subject to a determination of completeness by the director of planning or his designee.
- (b) No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this section. For a determination of completeness to be issued, an application must include the following:
  - (1) A completed application form signed by the owner or the owner's authorized agent;
  - (2) Every item, study and document required by the subdivision ordinance for the type of plat being submitted, or required for a development plan; and
  - (3) A nonrefundable application submittal fee, as specified in the fee schedule.
- (c) The director of public works or the director of planning may from time to time identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in the subdivision ordinance.
- (d) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this section.

(Ord. No. 2886, § 1, 6-12-2006)

**Sec. 110-46. Determination of completeness; expiration.**

- (a) Not later than the tenth business day after the date an application for plat approval or a plan of development is submitted, the director of planning or his designee shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by this subdivision ordinance for the type of plat being submitted or other requirements have been submitted. A determination that the application is incomplete shall be provided to the applicant within such time period at the address listed on the application. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information is not submitted within 45 days after the date the application was submitted.

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- (b) An application for approval of a preliminary or final plat or development plan filed on or after the effective date of this section shall be deemed complete for the purpose of determining rights under V.T.C.A. Texas Local Government Code Ch. 245, on the eleventh business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete. For purposes of this section, the applicant shall be deemed to have been notified if the city has mailed a copy of the determination as provided in subsection (d). A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this section or that the time for completing plat, development plan or zoning change review has begun.
  - (c) The processing of an application by any city employee prior to the time the application is determined to be complete shall not be binding on the city as the official acceptance of the application for filing. The incompleteness of an application shall be grounds for denial of the application regardless of whether a determination of incompleteness was mailed to the applicant.
  - (d) An application for preliminary or final plat approval shall be deemed to expire on the 45th day after the application is submitted to the director of planning for processing if the applicant fails to provide documents or other information necessary to meet the requirements of the subdivision ordinance or other requirements as specified in the determination provided to the applicant. Upon expiration, the application will be returned to the applicant together with any accompanying documents. Thereafter, a new application for approval of the preliminary plat or final plat must be submitted.
  - (e) No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

(Ord. No. 2886, § 1, 6-12-2006)

**Secs. 110-47—110-80. Reserved.**

**ARTICLE III. PLATS**

**Sec. 110-81. Required.**

It shall be unlawful for a person, firm, corporation or organization owning a tract of land located within the corporate limits of the city to hereafter divide the same tract into two or more parts to lay out a subdivision, to lay out a building lot, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for purpose of development without having a plat of the subdivision prepared and approved according to these subdivision regulations. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method for purpose of development. A division of land under these regulations does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. The provisions of these subdivision regulations shall apply to any development which is intended as a single lot, tract or parcel where a primary structure will be located. Furthermore, no land shall be subdivided for purposes of development until:

- (1) A preliminary plat, when applicable, in the format as described within these regulations, has received approval from the planning and zoning commission;
- (2) A replat, amended plat, short form plat or final plat, when applicable, in the format described within these regulations, has received approval from the planning and zoning commission and the city council; and

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- (3) The approved replat, amended plat, short form plat or final plat, when applicable, has been filed with the county clerk.

(Ord. No. 1982, § 1(200), 3-24-1994)

### **Sec. 110-82. Classification of plat submittals.**

Whenever a subdivision of land is proposed, the planning division will advise the applicant whether the review procedures of a preliminary plat, final plat, amended plat, short form final plat or replat will apply and supply the applicant with the appropriate application forms.

(Ord. No. 1982, § 1(205), 3-24-1994)

### **Sec. 110-83. General platting procedures.**

The procedures for obtaining approval of a subdivision plat for unplatted property include the following steps completed in the sequence listed below:

- (1) *Preliminary plat.* The submission of a preliminary plat application to the planning and zoning commission, with subsequent approval thereof, is a prerequisite to the submission of a final plat. The minimum requirements for a preliminary plat submittal are contained in article IV, preliminary plat.
- (2) *Zoning change.* Submission of an application for a zoning district change to the planning and zoning commission and the city council, with subsequent approval thereof, is required where the current zoning classification is not compatible with the type of development being proposed. This procedure may be concurrent with the submittal of the plat.
- (3) *Final plat.* Submission of a final plat application to the planning and zoning commission and the city council, with subsequent approval thereof, is required prior to the filing of a final plat with the county clerk's office. The minimum requirements for a final plat submittal are contained in article V, final plat.
- (4) *Filing of plat.* Upon approval of a final plat by the city council, the final plat may be filed with the county clerk's office.
- (5) *Construct public improvements.* Upon approval of the final plat by the city council and authorization from the public works director, the developer may proceed with the construction of all public improvements. The requirements for public improvements are contained in article X, required improvements.

(Ord. No. 1982, § 1(210), 3-24-1994)

### **Sec. 110-84. Approval of city council required.**

No improvements shall be initiated and no permit for the erection of a structure shall be granted until the subdividing owner, or authorized agent, shall apply for and obtain approval of such proposed subdivision from the city council, and every subdivision plat considered by the city council shall have received prior approval from the planning and zoning commission.

(Ord. No. 1982, § 1(215), 3-24-1994)

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**Sec. 110-85. Application form and content.**

The subdividing owner, or authorized agent, shall submit a written application for a subdivision to the city on the proper forms furnished by the planning division. Written consent shall be required from the legal owner of the premises if the applicant is not the owner of record. The lack of information under any item specified herein, or incorrect information supplied by the applicant shall be cause for disapproval of the plat.

(Ord. No. 1982, § 1(220), 3-24-1994)

**Sec. 110-86. Official submission dates.**

No subdivision plat shall be considered by the planning and zoning commission until it has been determined that the submittal is complete and in conformance with the requirements of this article. For the purpose of these regulations, the date of the regular meeting of the planning and zoning commission at which the approval of the plat is to be considered shall constitute the official submittal date of the plat from which the statutory period requiring formal approval or disapproval of the plat shall commence. Unless a waiver is requested by the developer, action shall be taken by the planning and zoning commission within 30 days.

(Ord. No. 1982, § 1(225), 3-24-1994)

**Sec. 110-87. Coordination of zoning application with subdivision approval.**

Every subdivision plat shall be consistent with and conform to existing zoning regulations and the following criteria:

- (1) No subdivision plat will be submitted to the planning and zoning commission for approval which contains any inconsistent zoning classification. However, this requirement may be waived when an application for a zone change seeking proper zoning classification has been filed with the planning and zoning commission.
- (2) In the event that a change in the zoning classification is required to accommodate the proposed development, it is the intent of these regulations that subdivision review be carried out simultaneously with the review of any zoning application.
- (3) No subdivision lot shall be approved which is bisected by a zoning district boundary, unless said lot contains multiple types of uses.

(Ord. No. 1982, § 1(230), 3-24-1994)

**Sec. 110-88. Taxes and liens paid.**

Prior to the consideration of a subdivision plat by the planning and zoning commission, any delinquent taxes and any outstanding liens due the city must be paid.

(Ord. No. 1982, § 1(235), 3-24-1994)

**Sec. 110-89. Plat application fees.**

Every applicant requesting approval of a subdivision plat shall pay the applicable fee at the time of submittal. Such fee shall include any recording fees required by the county clerk's office. Application fees for preliminary

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plats, short form final plats, amended plats and final plats shall be established by separate ordinance approved by the city council.

(Ord. No. 1982, § 1(240), 3-24-1994)

**Sec. 110-90. Frontage on improved roads required.**

No subdivision shall be approved unless the area to be subdivided has a minimum of 50 feet of contiguous frontage on and access to an existing public street, or an acceptable public access approved by the planning and zoning commission, and such access meets the minimum street construction requirements contained in the design manual. Where such street does not meet said minimum standards, the owner shall construct that portion of the street which provides public access and frontage to the subdivision, or provide a cash escrow to the city for the estimated cost of improvement, or provide an alternative which is acceptable to the planning and zoning commission.

(Ord. No. 1982, § 1(250), 3-24-1994)

**Sec. 110-91. Vacation of plats.**

All actions for vacation of a plat shall be consistent with applicable state statutes as contained in V.T.C.A., Local Government Code ch. 212 (see appendix C on file in the city secretary's office).

(Ord. No. 1982, § 1(255), 3-24-1994)

**Sec. 110-92. Plats straddling municipal boundaries.**

Whenever access to a subdivision is required across land situated in an adjacent municipality, the planning and zoning commission may require written approval from the affected city.

(Ord. No. 1982, § 1(260), 3-24-1994)

**Sec. 110-93. Processing preliminary plats.**

- (a) Upon receipt of a preliminary plat, all required documents, and payment of all required filing fees, the planning division shall check the preliminary plat for completeness. No preliminary plat shall be processed for review which is determined to be incomplete.
- (b) The planning division shall coordinate the review of the preliminary plat with the applicable municipal departments and public utility companies. Upon completion of the staff review and receipt of any responses to comments from the developer, the preliminary plat may be placed on the next available meeting agenda for consideration by the planning and zoning commission.
- (c) After the planning and zoning commission has reviewed the preliminary plat, the applicant shall be advised of any required changes and/or additions and upon satisfactory completion of any imposed requirements by the planning and zoning commission, the applicant may proceed with the submittal of a final plat.

(Ord. No. 1982, § 1(265), 3-24-1994)

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**Sec. 110-94. Effective period of preliminary plat approval.**

The approval by the planning and zoning commission of a preliminary plat shall be effective for a period of one year. If a final plat application has not been submitted on at least a portion of the area covered by the preliminary plat within one year from the date of the approval of the preliminary plat by the planning and zoning commission, the preliminary plat shall be declared null and void. If in the event that only a portion of the preliminary plat has been submitted for final plat action, those areas not platted within three years of the date of preliminary plat approval shall be declared null and void, unless an extension of time is granted by the planning and zoning commission. Any portion of a preliminary plat not receiving final approval by the planning and zoning commission and the city council within the period of time set forth herein shall be declared null and void, and the developer shall be required to resubmit for preliminary approval and such resubmittal shall be subject to any new subdivision regulations and pay any applicable fees.

(Ord. No. 1982, § 1(270), 3-24-1994)

**Sec. 110-95. Processing final plats, amended plats, or replats.**

- (a) Upon receipt of a replat, amended plat, short form final plat, or final plat, all required documents, and payment of all required filing fees, the planning division shall check the submittal for completeness. No replat, amended plat, short form plat, or final plat shall be processed for review which is not determined to be complete. No final plat shall be processed for review for any area in which a preliminary plat has not been previously approved by the planning and zoning commission.
- (b) The planning division shall coordinate the review of all plats with the applicable municipal departments and public utility companies. Upon completion of the staff review and receipt of any responses to comments from the developer, the plat may be placed on the next available meeting agenda for consideration by the planning and zoning commission.
- (c) If applicable under these regulations, the planning and zoning commission shall hold any required public hearing on certain replats in conformance with V.T.C.A., Local Government Code § 212.014. Such hearing shall be advertised in a newspaper having general circulation within the city at least 15 days prior to the hearing.
- (d) After the planning and zoning commission has reviewed the plat, the applicant shall be advised of any required changes and/or additions. The planning and zoning commission may either approve the plat as presented, approve the plat with conditions, or disapprove the plat. When the planning and zoning commission has approved the plat, it shall be forwarded to the city council for consideration. Upon satisfactory completion of any conditions required by the planning and zoning commission, the plat submittal shall be placed on the next available agenda for consideration by the city council. Disapproval of the plat by the commission shall be final.
- (e) The city council shall approve a plat, according to V.T.C.A., Local Government Code § 212.010, if it conforms to the general plan of the city and to these regulations. However, the city council may disapprove a plat which does not conform to the general plan or to these regulations. Any disapproval shall be deemed a refusal by the city to accept the offered dedications shown thereon. Furthermore, the action of the city council shall be final in the consideration of the proposed plat.

(Ord. No. 1982, § 1(275), 3-24-1994)

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**Sec. 110-96. Official filing and recording final plats.**

Upon approval of the plat by the city council, the planning division shall proceed with the official filing of record procedures using the following guidelines:

- (1) The signature showing final approval of the plat shall not be affixed until all taxes, assessment charges and other monetary obligations due to the city have been paid.
- (2) The planning division shall obtain the necessary signatures from the mayor, city secretary, planning and zoning commission chairman and planning and zoning commission secretary. The planning division shall verify that all required covenants have been accepted by the applicant prior to submitting the plat to the county clerk's office for filing.
- (3) Requirements for filing plats in the county clerk's office are contained in section 110-97.
- (4) To be recorded, the plat must:
  - a. Describe the subdivision by metes and bounds;
  - b. Locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and
  - c. State the dimensions of the subdivision and of each street, alley, square, park or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.
- (5) The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.
- (6) The plat must be filed with the county clerk's office.
- (7) The plat is subject to the filing and recording provisions of V.T.C.A., Property Code § 12.002.
- (8) Upon receipt of the official filed plat, the planning division will place a mylar film copy in the city plat file showing the official filing notation from the county clerk's office.
- (9) Approval of the plat by the city council, and receipt of the official filed copy from the county, authorizes the developer to proceed with the installation of the public facilities in the subdivision provided such plans have been approved by the public works director.
- (10) The city shall maintain on file one mylar or similar reproducible original copy containing original signatures.

**Sec. 110-97. Requirements to file a plat with the county clerk.**

*APPENDIX B*

Effective Date: November 1, 1991  
Court Order No. 61000 Dated: November 28, 1988

To provide an accurate historical record of the plats, the following guidelines have been established.

Subdivision plats must be filed in the following format:

Plats submitted for filing must be of clear and legible "Black" Line Mylar®

Plat sizes must be 18 inches by 24 inches, or 24 inches by 36 inches;

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Chapter 110 - SUBDIVISIONS  
ARTICLE III. - PLATS  
APPENDIX B

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The plat scale may vary, but must be deemed appropriate by the professional surveyor to ensure clarity and legibility after said plat has been reduced for filing purposes. The plat scale must not be smaller than one inch = 200 feet.

Any plat submitted for filing shall have the dedication, legal description, and appropriate notary statements attached on letter or legal size sheets. The county clerk shall attach said sheets as a separate but consecutive page to the plat being filed.

Before a plat is accepted for filing by the county clerk, it shall have clear and proper signatures, seals, city approvals, etc., and must be accompanied by the appropriate filing fee.

Plat size of 18 inches by 24 inches shall have a filing fee as listed in appendix A of this Code plus an amount listed in appendix A of this Code for a records management fee, plus an amount listed in appendix A of this Code per page used for the dedication, legal description, and notary blocks.

Plat size of 24 inches by 36 inches shall have a filing fee as established in appendix A, plus an amount as established in appendix A for a records management fee, plus an amount established in appendix A per page used for the dedication, legal description, and notary blocks.

Any deviation from the above rules will result in twice the regular filing fee being charged for each page that does not meet the requirements as set out. (V.T.C.A., Local Government Code § 191.007)

Any plat submitted for filing shall have the following labeled on the plat and located above the surveyor's title block, preferably located near the lower right corner of the plat:

THIS PLAT FILED IN CABINET \_\_\_\_\_, SLIDE \_\_\_\_\_.  
DATED \_\_\_\_\_

Any information the county clerk requires to be affixed to the said plat during the photography and reduction process should be added by use of transparent "stick-on" labels.

If a registered professional land surveyor is acting as the owner or proprietors' agent of the tract, then he must acknowledge the plat in the manner required for the acknowledgment of deeds. If not the owner or agent, the registered professional land surveyor's seal and signature need not be acknowledged. Address and telephone number must be included on the plat.

The county clerk shall use professional judgment and discretion from the time a plat is submitted for filing through the process of photography and reductions to insure legibility and clarity of plats reproduced at a later time from the aperture cards. One aperture card and one 18-inch by 24-inch copy or print with the filed volume and page shown on it shall be returned to the surveyor preparing the same. Copies of the dedication pages shall be included at no additional charge with the purchase of copies of a recorded plat.

To ensure the above-mentioned guidelines are met, the county has established the following guidelines:

- All plats to be approved by the commissioner's court must first be reviewed by a county clerk employee in the recording section. The employee will affix their initial in the area provided for the cabinet and slide number.
- The plat must have the filing fee attached.

It shall be the duty of the county clerk to notify all appropriate municipalities in regard to these requirements and ensure adherence to such.

(Ord. No. 1982, § 1(app. B), 3-24-1994)



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**Sec. 110-98. City-developer agreements.**

*APPENDIX A*

The following sample format shall be used as a guide in the preparation of a city-developer agreement. The format should be modified where appropriate to specify in detail the responsibilities of the city and the developer.

CITY-DEVELOPER AGREEMENT

STATE OF TEXAS	§
COUNTY OF	§

KNOW ALL MEN BY THESE PRESENTS:

That (individual's name)  
\_\_\_\_\_, an individual doing business as (company name)  
\_\_\_\_\_, a corporation organized under the laws of (state)  
\_\_\_\_\_ or a partnership consisting of (names)  
\_\_\_\_\_ of the County of \_\_\_\_\_, State of \_\_\_\_\_, hereinafter called "developer," and the City of North Richland Hills, Tarrant County, Texas, hereinafter called "city," enter into the following contract:

In consideration of the mutual covenants herein contained and for the purpose of providing (improvements)  
\_\_\_\_\_ as indicated in the construction documents titled (plan title)  
\_\_\_\_\_ to serve (plat title)  
\_\_\_\_\_, an addition to the City of North Richland Hills, Texas, the developer and the city hereto agree:

- (1) The developer agrees to pay the city all inspection and processing fees and furnish all permits, easements, and right-of-way as required for the construction of the above-referenced facilities. In addition, at no cost to the city, the developer agrees to have complete construction plans, specifications and all other necessary contract documents prepared by a registered professional engineer and also furnish construction surveying, cut sheets, and field adjustments.
- (2) The developer agrees to post with the city a cash deposit to be placed in escrow or an "irrevocable commercial letter of credit" in the amount equal to the total construction costs. Such letter of credit shall be in compliance with the requirements of the city's ordinances. The developer will enter into a contract with the contractor who will perform the work and who will be paid by the developer as specified in the construction contract documents. Monthly pay estimates shall be subject to city review.
- (3) The developer agrees to provide, at no cost to the city, all testing necessary to insure that the construction is in accordance with the specifications and city standards.
- (4) The developer understands and agrees that he has no authority to cancel, alter, or amend the terms of the construction contract without specific written authority of the city, and that he shall be responsible for paying the costs of any cancellations, additions, alterations, or amendments to the contract unless specifically provided otherwise by written authorization from the city.
- (5) The developer agrees to require the selected contractor to provide to the city, on city forms, maintenance bonds in the amount of 20 percent of the contract price. The bond shall be submitted prior to commencing with construction and shall be good for two years commencing with the approved completion of the facilities.

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- (6) The city agrees to participate in the cost of the facilities after construction is complete and accepted. The description and amount of participation is as follows: \_\_\_\_\_.
- (7) The city will provide the inspections as required, and upon satisfactory completion of the work, the city will accept ownership and operation of the system, subject to the terms of the maintenance bonds.
- (8) The developer further covenants and agrees to, and by these presents does hereby, fully indemnify, hold harmless and defend the city, its officers, agents, and employees from all suits, actions, or claims of any character, whether real or asserted, brought for or on account of any injuries or damages sustained by any persons (including death), or to any property, resulting from or in connection with the construction, design, performance or completion of any work to be performed by said developer, his contractors, subcontractors, officers, agents, or employees or in consequence of any failure to properly safeguard the work, or on account of any act, intentional or otherwise, neglect or misconduct of said developer, his contractor, subcontractors, officer, agents, or employees, whether or not such injuries, death, or damages are caused, in whole or in part, by the alleged negligence of the city, its officers, agents, servants, employees, contractors, or subcontractors.
- (9) Upon completion of the work, good and sufficient title to all facilities constructed warranted free of any liens or encumbrances is hereby vested in the city.
- (10) Special provisions: \_\_\_\_\_.

IN WITNESS WHEREOF, the parties to these presents have executed this contract in five counterparts, each of which shall be deemed an original on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

	Developer
(SEAL)	By
	City
ATTEST:	
City Secretary	By
STATE OF TEXAS	§
COUNTY OF _____	§

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledges to me that he executed the same for purposes and considerations therein expressed.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

	Notary Public in and for the State of Texas
	My Commission Expires _____, 20__

(Ord. No. 1982, § 1(app. A), 3-24-1994)

**Secs. 110-99—110-130. Reserved.**

### ***ARTICLE IV. PRELIMINARY PLAT***

**Sec. 110-131. Approval required.**

All applicants seeking approval of a preliminary plat shall comply with the requirements of this article and the following:

- (1) Every preliminary plat shall require approval of the planning and zoning commission.
- (2) The procedures contained in this article shall be used when the property being proposed for development is considered "an unplatted tract" and which is not currently developed into platted lots and blocks, and filed for record in the county clerk's office as a previously platted subdivision of record.
- (3) When previously platted property is being combined with unplatted property and the redevelopment plan is substantially different from the existing lot configuration, the procedures for preliminary plat will be used for the review of the proposal. Any public hearing requirements associated with previously platted property must comply with the provisions of V.T.C.A., Local Government Code §§ 212.014 and 212.015.
- (4) The developer shall show all factors necessary to enable the planning and zoning commission to determine whether the proposed subdivision is satisfactory from the standpoint of the public interests and be consistent with the comprehensive land use plan, the zoning chapter (chapter 118 of this Code) and these subdivision regulations.

(Ord. No. 1982, § 1(400), 3-24-1994)

**Sec. 110-132. Optional general development plan.**

When a proposed development is a portion of a larger tract under one ownership or is to be developed in phases, the developer may submit a general development plan for review to obtain conceptual approval by the planning and zoning commission in conjunction with or prior to submittal of a preliminary plat. When appropriate, more than one tract or subdivision may be included with the general development plan. The general development plan will allow the planning and zoning commission to review proposed major thoroughfare street patterns, land uses and relationships with adjoining areas. A general development plan shall be construed to be a detailing of the comprehensive land use plan. The general development plan should contain the following information:

- (1) Proposed land uses by area with a tabulation summary of acres and units per acre densities.
- (2) A layout of adjacent properties showing existing platted properties and the names of owners of unplatted tracts.
- (3) Locations of all existing features such as streets, drainage channels, easements or other physical features which may influence the development pattern of the property.

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- (4) The locations of any collector or arterial streets as shown on the master thoroughfare plan.

(Ord. No. 1982, § 1(405), 3-24-1994)

### **Sec. 110-133. Platting land under same ownership.**

Every preliminary plat shall include all the land which the applicant proposes to subdivide and all contiguous tracts owned under the same ownership. This requirement will enable the planning and zoning commission to determine the need for public improvements or easements which may be required on portions of the land and make future subdivisions uneconomical to develop if the improvements are not installed as a part of the land being proposed for development, and plan for or require reservations for future rights-of-way. This requirement may be waived by the planning and zoning commission when the proposed subdivision appears to have no impact on, or from, the contiguously owned property which is not being developed.

(Ord. No. 1982, § 1(410), 3-24-1994)

### **Sec. 110-134. Phasing development.**

- (a) The preliminary plat shall indicate any phasing of the proposed development with a heavy dashed line. Each phase shall be numbered sequentially and in the proposed order of development. The proposed utility and drainage layout for each phase shall be designed in such a manner that the phases can be developed in numerical sequence. Thereafter, plats of subsequent units of such subdivision shall conform to the approved overall layout and phasing, unless a new preliminary plat is submitted. However, a subsequent reduction of a phase may be considered provided that it conforms to the original street arrangement.
- (b) The planning and zoning commission may impose such conditions upon the filing of the phases as it may deem necessary to ensure the orderly development of the city.

(Ord. No. 1982, § 1(415), 3-24-1994)

### **Sec. 110-135. Documents required.**

The application packet shall include all documents listed below and no preliminary plat will be reviewed by the city until all required documents are submitted in a completed format and all fees have been paid. A letter requesting any variances from these regulations shall be submitted when applicable.

- (1) Preliminary plat application (see section 110-136).
- (2) Preliminary plat drawing (see section 110-137).
- (3) Preliminary drainage analysis (see section 110-138).
- (4) Preliminary utility layout (see section 110-139).
- (5) Taxes and liens paid certificates (see section 110-140).

(Ord. No. 1982, § 1(420), 3-24-1994)

### **Sec. 110-136. Application.**

The applicant shall submit a written preliminary plat application to the planning division not less than 35 days prior to the regular meeting of the planning and zoning commission for which approval is being sought. Written authorization from the owner shall be furnished when the applicant is not the owner of record.

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(Ord. No. 1982, § 1(425), 3-24-1994)

**Sec. 110-137. Drawing.**

The applicant shall submit the required number of copies of the preliminary plat drawing as indicated by the preliminary plat application. The preliminary plat drawing shall contain, at a minimum, all the information listed in the "requirements for all plat drawings" contained in section 110-331 and include all the information listed as "additional requirements for preliminary plat drawings" contained in section 110-333.

(Ord. No. 1982, § 1(430), 3-24-1994)

**Sec. 110-138. Preliminary drainage analysis.**

The applicant shall submit a preliminary drainage analysis of the subdivision area to determine the need for drainage facilities within the area being considered for development or off-site on adjacent properties. The preliminary drainage analysis shall conform to the technical specifications contained in the design manual.

(Ord. No. 1982, § 1(435), 3-24-1994)

**Sec. 110-139. Preliminary utility layout.**

The applicant shall submit a preliminary utility layout to show the general location and approximate sizes of all existing and proposed public utilities. The size of all proposed water and sewer lines shall be determined using methods prescribed in the design manual.

(Ord. No. 1982, § 1(440), 3-24-1994)

**Sec. 110-140. Taxes and liens paid certificates.**

The applicant shall submit a certificate, available from the planning division, indicating that any delinquent taxes or liens due the city have been paid.

(Ord. No. 1982, § 1(445), 3-24-1994)

**Sec. 110-141. Review, processing and approval.**

Every preliminary plat shall be reviewed for conformity with the comprehensive land use plan, these regulations and any other applicable ordinance according to the procedures established for "processing preliminary plats" as contained in section 110-93.

(Ord. No. 1982, § 1(450), 3-24-1994)

**Sec. 110-142. Grading of site prior to final plat approval.**

Subsequent to preliminary plat approval, the developer may request written approval from the public works director to commence construction to the grades and elevations required by the construction plans.

(Ord. No. 1982, § 1(455), 3-24-1994)

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**Secs. 110-143—110-170. Reserved.**

## ***ARTICLE V. FINAL PLAT***

### **Sec. 110-171. Approval required.**

All applicants seeking approval of a final plat shall comply with the requirements of this article. Every final plat shall require approval of the city council, but only after approval has been previously obtained from the planning and zoning commission.

(Ord. No. 1982, § 1(500), 3-24-1994)

### **Sec. 110-172. Conformity with preliminary plat.**

The final plat and accompanying data shall conform to the preliminary plat, as approved by the planning and zoning commission, incorporating any and all changes, modifications, alterations, corrections and stipulations imposed by the planning and zoning commission. Any submittals of a final plat which do not constitute a full phase as shown on the preliminary plat must be consistent with the preliminary plat in design and layout. Additional review time may be required where a final plat does not constitute a full phase as shown on the preliminary plat.

(Ord. No. 1982, § 1(505), 3-24-1994)

### **Sec. 110-173. Documents required.**

The application packet shall include all documents listed below and no final plat will be reviewed by the city until all required documents are submitted in a completed format and all fees have been paid.

- (1) Final plat application (see section 110-174).
- (2) Final plat drawing (see section 110-175).
- (3) Drainage study (see section 110-176).
- (4) Engineering/construction drawings (see section 110-177).
- (5) Taxes and liens paid certificates (see section 110-178).

(Ord. No. 1982, § 1(510), 3-24-1994)

### **Sec. 110-174. Application.**

The applicant shall submit a written final plat application to the planning division not less than 35 days prior to the regular meeting of the planning and zoning commission for which approval is being sought.

(Ord. No. 1982, § 1(515), 3-24-1994)

### **Sec. 110-175. Drawing.**

The applicant shall submit the required number of copies of the final plat drawing as indicated on the final plat application. The final plat drawing shall contain, at a minimum, all the information listed in the "technical

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specifications of all plat drawings" contained in section 110-331 and include all the information listed as "additional requirements for final plat drawings" contained in section 110-333.

(Ord. No. 1982, § 1(520), 3-24-1994)

**Sec. 110-176. Drainage study.**

When the preliminary drainage analysis has determined that drainage facilities and related improvements are required, the applicant shall submit a drainage study with engineering drawings which shall conform to the technical specifications contained in the design manual. The planning and zoning commission shall not recommend for approval any final plat which does not provide adequate facilities to accommodate stormwater or floodwater runoff.

(Ord. No. 1982, § 1(525), 3-24-1994)

**Sec. 110-177. Engineering/construction drawings.**

When the city has determined that public improvements are required, the applicant, or his engineer, shall submit construction plans for all public improvements along with the final plat for approval by the city. The engineering drawings shall conform to the requirements of the design manual and shall be prepared and sealed by a registered professional engineer, licensed to practice in the state.

(Ord. No. 1982, § 1(530), 3-24-1994)

**Sec. 110-178. Taxes and liens paid certificates.**

The applicant shall submit a certificate, available from the planning division, indicating that any delinquent taxes or liens due the city have been paid.

(Ord. No. 1982, § 1(535), 3-24-1994)

**Sec. 110-179. Review, processing and approval.**

Every final plat shall be reviewed for conformity to the comprehensive land use plan, these regulations and any other applicable ordinance according to the procedures established for "processing final plats, amended plats, or replats" as contained in section 110-95.

(Ord. No. 1982, § 1(540), 3-24-1994)

**Secs. 110-180—110-210. Reserved.**

***ARTICLE VI. REPLATS***

**Sec. 110-211. Approval required.**

All applicants seeking approval of a replat shall comply with the requirements of this article. Every replat shall require approval of the city council, but only after approval has been obtained from the planning and zoning commission. A replat is required any time it is proposed to subdivide a previously approved subdivision, or portion

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thereof, into smaller lots or to combine existing smaller lots into a development with larger lots. The procedures contained in this article shall be used when the tract being proposed for redevelopment, or portion thereof, is currently developed into platted lots and blocks, and filed for record in the county clerk's office as a platted subdivision of record, and the owner is requesting to redevelop the property into a new configuration.

(Ord. No. 1982, § 1(600), 3-24-1994)

### **Sec. 110-212. Documents required.**

The application packet shall include all documents listed below and no replat will be reviewed by the city until all required documents are submitted in a completed format and all fees have been paid.

- (1) Replat application (see section 110-213).
- (2) Replat drawing (see section 110-214).
- (3) Taxes and liens paid certificates (see section 110-215).
- (4) Preliminary drainage analysis or drainage study (see section 110-216).
- (5) Utility layout or engineering drawings (see section 110-217).

(Ord. No. 1982, § 1(605), 3-24-1994)

### **Sec. 110-213. Application.**

The applicant shall submit a written replat application to the planning division not less than 35 days prior to the regular meeting of the planning and zoning commission for which approval is being sought.

(Ord. No. 1982, § 1(610), 3-24-1994)

### **Sec. 110-214. Drawing.**

The applicant shall submit the required number of copies of the replat drawing as indicated by the replat application. The drawing shall contain, at a minimum, all the information listed in the "requirements for all plat drawings" contained in section 110-331 and include all the information listed as "additional requirements for replats amended plats, short form plats, and final plat drawings" contained in section 110-333. No replat may be approved which does not contain the signatures of all the affected property owners within the area being considered for redevelopment.

(Ord. No. 1982, § 1(615), 3-24-1994)

### **Sec. 110-215. Taxes and liens paid certificates.**

The applicant shall submit a certificate available from the planning division indicating that any taxes or liens due the city have been paid.

(Ord. No. 1982, § 1(620), 3-24-1994)

### **Sec. 110-216. Preliminary drainage analysis or drainage study.**

Due to the variable conditions of a replat, the public works director will review the submittal and may require the applicant to submit a preliminary drainage analysis or a drainage study of the subdivision area which



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shall conform to the technical specifications contained in the design manual. The applicant may be exempt from this requirement when the public works director is satisfied that no drainage facilities are necessary or where a previously prepared drainage study has been approved within the previous four-year period.

(Ord. No. 1982, § 1(625), 3-24-1994)

**Sec. 110-217. Utility layout or engineering drawings.**

The applicant shall submit a utility layout to show the location and sizes of all existing and proposed public utilities to verify easement requirements. However, when the public works department has determined that the proposed redevelopment of the subdivision will require public facility improvements, the applicant, or his engineer, shall submit engineering plans for all public improvements for approval by the city as a prerequisite to the approval of the plat by the planning and zoning commission. Furthermore, when a replat results in the reconfiguration of lots so as to impact the location of any existing water or sewer tap locations, the developer shall submit sufficient information regarding the location of the existing taps and provide for any utility adjustments so as to assure the availability of utility services to each lot. Any engineering drawings associated with a replat shall conform to the requirements of the design manual.

(Ord. No. 1982, § 1(630), 3-24-1994)

**Sec. 110-218. Review, processing and approval.**

Every replat shall be reviewed for conformity with the comprehensive land use plan, these requirements and any other applicable ordinance in accordance with the procedures established for "processing final plats, amended plats, or replats" in section 110-95.

(Ord. No. 1982, § 1(635), 3-24-1994)

**Sec. 110-219. Public hearing requirements.**

The public hearing required for certain replats by V.T.C.A., Local Government Code §§ 212.014 and 212.015 shall be held before the city council. A copy of such sections is contained in appendix C of these regulations which is on file in the city secretary's office.

(Ord. No. 2693, § 1(640), 3-24-2003)

**Secs. 110-220—110-250. Reserved.**

***ARTICLE VII. SHORT FORM FINAL PLAT***

**Sec. 110-251. Approval required.**

All applicants seeking approval of a short form plat shall comply with the requirements of this article. Every short form plat shall require approval of the city council, but only after approval has been previously obtained from the planning and zoning commission. The procedures contained in this article shall be used when the property being proposed for development is considered "all unplatted tract" and which is not currently developed into platted lots and blocks, and filed for record in the county clerk's office as a previously platted subdivision of record and when the property being platted contains no drainage problems and will contain only one lot after approval.

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(Ord. No. 1982, § 1(700), 3-24-1994)

**Sec. 110-252. Prerequisites.**

A short form final plat may be submitted on a property when all of the following requirements are met:

- (1) There is an existing building on the lot which is capable of being occupied as a legal residence or business.
- (2) The lot contains no apparent drainage problems or contributes to or may cause a drainage problem on another tract. The public works director will review the master drainage plan of the city in relation to the proposed lot to determine whether a drainage analysis will satisfy this provision. However, when it has been determined that drainage improvements will be required, the applicant must submit a drainage study which complies with the criteria specified in the design manual.
- (3) The subject tract contains five acres of area or less.
- (4) The lot fronts on a paved dedicated street. An additional right-of-way shall be dedicated if needed.
- (5) All utilities required to serve the lot are in place, or arrangements to provide the same have been made with appropriate easements shown on the plat.
- (6) No engineering or construction drawings are required.

(Ord. No. 1982, § 1(715), 3-24-1994)

**Sec. 110-253. Documents required.**

The application packet shall include all documents listed below and no short form final plat will be reviewed by the city until all required documents are submitted in a completed format and all fees have been paid.

- (1) Short form final plat application (see section 110-254).
- (2) Final plat drawing (see section 110-255).
- (3) Preliminary drainage analysis (see section 110-256).
- (4) Taxes and liens paid certificates (see section 110-257).

(Ord. No. 1982, § 1(720), 3-24-1994)

**Sec. 110-254. Application.**

The applicant shall submit a written short form final plat application to the planning division not less than 35 days prior to the regular meeting of the planning and zoning commission for which approval is being sought.

(Ord. No. 1982, § 1(725), 3-24-1994)

**Sec. 110-255. Final plat drawing.**

The applicant shall submit the required number of copies of the final plat drawing as indicated by the final plat application. The final plat drawing shall contain, at a minimum, all the information listed in the "requirements for all plat drawings" contained in section 110-331 and all the information listed as "additional requirements for final plat drawings" contained in section 110-333.

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(Ord. No. 1982, § 1(730), 3-24-1994)

**Sec. 110-256. Preliminary drainage analysis.**

The public works director will review each request for a short form final plat and determine whether the applicant shall be required to submit a drainage analysis or drainage study. When required, the drainage analysis or drainage study shall conform to the technical specifications contained in the design manual. The applicant may be exempt from this requirement when the public works director is satisfied that no drainage facilities are necessary. The planning and zoning commission shall not recommend for approval any short form final plat which does not provide adequate facilities for stormwater or floodwater runoff.

(Ord. No. 1982, § 1(735), 3-24-1994)

**Sec. 110-257. Taxes and liens paid certificates.**

The applicant shall submit a certificate available from the planning division indicating that any taxes or liens due the city have been paid.

(Ord. No. 1982, § 1(740), 3-24-1994)

**Sec. 110-258. Review, processing and approval.**

Every short form final plat shall be reviewed for conformity with the comprehensive land use plan, these regulations and any other applicable ordinance according to the procedures established for processing final plats, amended plats, or replats in section 110-95.

(Ord. No. 1982, § 1(745), 3-24-1994)

**Secs. 110-259—110-290. Reserved.**

***ARTICLE VIII. AMENDED PLAT***

**Sec. 110-291. Approval required.**

All applicants seeking approval of an amended plat shall comply with the requirements of this article. Every amended plat shall require approval of the city council, but only after approval has been previously obtained from the planning and zoning commission. The procedures contained in this article shall be used to correct a subdivision plat which has been previously filed in the county clerk's office.

(Ord. No. 1982, § 1(800), 3-24-1994)

**Sec. 110-292. Prerequisites.**

An amended plat submittal may be submitted on a property when it conforms to the requirements of V.T.C.A., Local Government Code § 212.016.

(Ord. No. 1982, § 1(810), 3-24-1994)

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**Sec. 110-293. Documents required.**

The application packet shall include all documents listed below, and no amended plats will be reviewed by the city until all required documents are submitted in a completed format and all fees have been paid.

- (1) Amended plat application (see section 110-294).
- (2) Final plat drawing (see section 110-295).

(Ord. No. 1982, § 1(820), 3-24-1994)

**Sec. 110-294. Application.**

The applicant shall submit a written amended plat application to the planning division at least 14 days prior to the regular meeting of the planning and zoning commission for which approval is being sought.

(Ord. No. 1982, § 1(830), 3-24-1994)

**Sec. 110-295. Final plat drawing.**

The applicant shall submit the required number of copies of the final plat drawing as shown on the amended plat application. The final plat drawing shall contain, at a minimum, all the information listed in the "requirements for all plat drawings" contained in section 110-331 and include all the information listed as "additional requirements for final plat drawings" contained in section 110-333.

(Ord. No. 1982, § 1(840), 3-24-1994)

**Sec. 110-296. Review, processing and approval.**

Every amended plat shall be reviewed for conformity to the regulations contained in V.T.C.A., Local Government Code § 212.016.

(Ord. No. 1982, § 1(850), 3-24-1994)

**Secs. 110-297—110-330. Reserved.**

**ARTICLE IX. TECHNICAL SPECIFICATIONS FOR PLAT DRAWINGS**

**Sec. 110-331. Requirements for all plat drawings.**

Every plat drawing shall include the information contained in this article.

- (1) *Adjacent properties.* All property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed subdivision and extending 100 feet shall be shown with the names of the owners as shown in the most current tax assessor's files; if the adjacent properties are platted, the names of adjoining subdivisions and the names of adjoining streets are to be shown.
- (2) *Building setback lines.* Front building setback lines shall be indicated by dashed lines on all lots in accordance with the requirements of the city zoning chapter for the appropriate zoning district. Side yard building setback lines shall be indicated by dashed lines on the side yards of lots with side street

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frontage. Additional building setback may be required by the planning and zoning commission when sound planning principles apply. Existing building setback lines on adjacent properties shall be shown, where applicable.

- (3) *City limit lines.* The location of the corporate limit boundaries of the city or any adjacent city shall be shown on the plat drawing where applicable.
- (4) *Date.* The date in which the drawing was prepared shall be shown on the plat drawing.
- (5) *Easements.* The location and dimension of all existing or proposed easements shall be shown on the plat drawing indicating whether such easement is for any specific purpose. General easements for the use of public utilities of not less than 7.5 feet in width shall be provided along each side of all rear property lines. If necessary for the extension of water or sewer mains, storm drainage or other utilities, easements of greater width may be required along lot lines or across lots. In all cases, easements shall connect with easements already established in adjoining properties or extend to connect with a public right-of-way. No lot shall lie shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.
- (6) *Lot and block numbering.* All lots and blocks shall be consecutively numbered, or lettered in alphabetical order. The blocks in subdivisions bearing the same name shall be numbered or lettered consecutively through the several sections or phases. Lettering for blocks shall be larger and bolder than lot numbers or circled to make identification clear. Any lot or block which is planned as an outparcel shall be numbered and designated on the plat with notation regarding any development restrictions.
- (7) *Map sheet size.* Map sheets shall be of such size as are acceptable for filing in the office of county clerk, but shall not exceed 24 by 36 inches, but may be 18 by 24 inches, with a binding margin of not less than 1½ inches on the left side of the sheets. Sheets shall be numbered in sequence if more than one sheet is used and an index sheet provided with match lines.
- (8) *North arrow.* A north arrow indicating the approximate true north shall be predominantly placed near the scale.
- (9) *Ownership/developer.* The name, address, and telephone number of the current legal owner, and the name, address, and telephone number of the developer, if other than the owner, shall be shown on the plat drawing.
- (10) *Plat notes and conditions.* When appropriate, the drawing shall contain a listing of any plat notes and plat conditions in a readily identifiable location with each note numbered consecutively.
- (11) *Public use areas.* The location and dimensions of all property proposed to be set aside for park use, or other public or common reservation shall be shown on the plat drawing, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (12) *Scale.* The drawing shall be prepared at a numerical scale no greater than one inch equals 100 feet. At the discretion of the public works director, the plat may be drawn at a numerically smaller scale, i.e., one inch = 50 feet, one inch = 40 feet, etc., if the plat can still be drawn on the required sheet size. A graphic scale symbol shall be placed on the drawing.
- (13) *Street names.* All existing and proposed street names shall be shown on the plat drawing. New street names shall be sufficiently different in sound and in spelling from other road names in the city so as to not cause confusion. A road which is, or planned, as a continuation of an existing road shall bear the same name.
- (14) *Street right-of-way.* The width of all existing and proposed public street rights-of-way shall be shown on the plat drawing and be consistent with the minimum requirements contained in the design manual and the master thoroughfare plan. Dimensions shall be shown for all curves. The distance from the

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centerline of any existing roadway of a boundary street to the proposed subdivision shall be shown to determine the adequacy of right-of-way along the route and to determine if additional right-of-way is necessary to accommodate the proposed street. Sufficient iron pins shall be found or set and shown on the drawing together with dimensions to adequately describe all perimeter streets.

- (15) *Subdivision boundary.* The proposed subdivision boundary lines shall be show in heavy lines so as to provide a differentiation with the internal features of the area being proposed for platting. The location and dimensions of all boundary lines of the property shall be expressed to the nearest 1/100foot.
- (16) *Subdivision name.* The name of the proposed subdivision with letters predominantly larger than those used elsewhere shall be shown on the drawing, within the title block. The proposed name of the subdivision shall not be a duplication of any existing subdivision name, whether by spelling or pronunciation, or similar to any other subdivision within the city unless the proposed subdivision is contiguous with a subsequent filing or a replat of an existing subdivision. The planning and zoning commission shall have final authority to designate the name of the subdivision.
- (17) *Surveyor information.* The name, address and telephone number of the professional land surveyor who prepared the plat drawing shall be shown on the plat drawing. The plat drawing shall contain the seal of the land surveyor who shall be registered in the state as a registered professional land surveyor.
- (18) *Title block.* Preceding the name of the subdivision shall be a title block indicating whether the plat is a preliminary plat, final plat, replat, or amended plat.
- (19) *Vicinity location map.* A small vicinity location map shall be shown on the plat drawing. The vicinity location map shall be drawn at an approximate scale of one inch = 2,000 feet, and show sufficient streets, collector and arterial street names, and major features of the surrounding area to locate the area being subdivided.
- (20) *Surveyor's certification.* Every plat drawing shall contain a surveyor's certification of compliance by a registered professional land surveyor. The certification of compliance shall not be less than 1½ inches high and four inches wide and contain the following information:

KNOW ALL MEN BY THESE PRESENTS:

That I, \_\_\_\_\_, a registered professional land surveyor licensed in the State of Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey made under my supervision on the ground.

_____	
Signature	Date
(Affix Seal)	

(Ord. No. 1982, § 1(900), 3-24-1994)

**Sec. 110-332. Additional requirements for preliminary plat drawings.**

In addition to the minimum information required of all plat drawings contained in section 110-331, every preliminary plat drawing shall include the information contained in this section.

- (1) *Permanent structures.* The location and general outline of any existing permanent or temporary structures with sufficient dimensions to determine building line encroachments shall be shown on the plat drawing.

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- (2) *Sectionalizing or phasing of plats.* The plat drawing shall indicate any sectionalizing or phasing of the proposed subdivision. Thereafter, plats of subsequent units of such subdivision shall conform to the approved overall layout and phasing, unless a new preliminary plat is submitted. However, a subsequent reduction of a phase may be considered, provided that it conforms to the original street arrangement.
  - (3) *Zoning classification.* The plat drawing shall indicate the current zoning classification of the proposed subdivision and all adjacent properties.
  - (4) *Lot dimensions.* The approximate dimensions of all proposed or existing lots with sufficient detail to verify compliance with the specific requirements of the zoning chapter shall be shown on the plat drawing.
  - (5) *Floodplain features.* The location of the 100-year flood limits, if applicable, shall be shown on the preliminary plat drawing. If the subdivision or a portion thereof is located in a 100-year floodprone area, the developer will be required to comply with the flood damage prevention article (chapter 102, article II).
  - (6) *Certificate of approval.* Every preliminary plat drawing shall contain a certificate of approval by the planning and zoning commission. The certificate of approval shall not be less than 1½ inches high and four inches wide and contain the following information:

WHEREAS The planning and zoning commission of the City of North Richland Hills, Texas, voted affirmatively on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to approve this preliminary plat.

Chairman, Planning and Zoning  
Commission

Attest: Secretary, Planning and Zoning  
Commission

(Ord. No. 1982, § 1(910), 3-24-1994)

### **Sec. 110-333. Additional requirements for replats, short form plats, amended plats, and final plat drawings.**

Every replat, short form plat, amended plat, or final plat drawing shall include the following information in addition to the minimum information required of all plat drawings contained in section 110-331.

- (1) *Metes and bounds description.* A written metes and bounds description of the property shall be shown on the plat drawing that will readily determine the location, bearing and length of all perimeter boundary lines, and be capable of reproducing such lines upon the ground with a closure error of less than 1:25,000. The legal description shall include reference to an original survey or subdivision corner, and the Texas NAD83 State Plane Coordinate System. The legal description shall include the acreage of the total area of the proposed subdivision and be consistent with the subdivision boundary. Information to show the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
- (2) *Global positioning system (GPS) horizontal control survey.* The plat driving shall include the NAD83 Texas State Plane Coordinates for a minimum of two corners of the subdivision. The coordinates shall be determined by a survey tied to the city's GPS monuments located within the city. Written descriptions of the GPS benchmarks are available from the public works department.

- (3) *Lot dimensions.* The exact dimensions of all proposed or existing lots and the perimeter boundary of the subdivision shall be shown on the plat drawing.
- (4) *Lot areas.* The area for each lot expressed in square feet shall be shown on the plat drawing. (This information may be shown in tabular form on the plat or on a separate sheet.)
- (5) *Irregular side lot lines.* Side lot lines which are not perpendicular to the street right-of-way shall be indicated with bearing and distance.
- (6) *Permanent structure encroachments.* Any permanent structures which encroach any building setback lines and will remain after completion of the development shall be shown on the drawing with appropriate dimensions.
- (7) *Drainage easements.* The location of any drainage easements, if applicable, shall be shown on the plat drawing. If the subdivision or a portion thereof is located in the 100-year floodprone area, the developer will be required to comply with the flood damage prevention article (article II, chapter 102 of this Code).
- (8) *Planning division approval certification.* Every replat, amended plat, short form plat or final plat shall contain a certificate of approval by the planning and zoning commission. The certificate of approval by the planning and zoning commission shall not be less than two inches high and 4½ inches wide and contain the following information:

Whereas the planning and zoning commission of the City of North Richland Hills, Texas, voted affirmatively on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to recommend approval of this plat by the city council.

Chairman, Planning and Zoning  
Commission

Attest: Secretary, Planning and Zoning  
Commission

- (9) *County certification.* Any certification block required by the county clerk's office for filing shall be shown on the plat drawing. (See appendix B—section 110-97)
- (10) *Dedication certificate.* Every replat, amended plat, short form plat or final plat shall contain an owner's certificate of dedication as follows:

KNOW ALL MEN BY THESE PRESENTS:

That, I, (owner's name) do hereby certify that I am the legal owner of the above described tract of land and do hereby convey to the public for public use, the streets, alleys, rights-of-way, and any other public areas shown on this plat.

	Owner's Name
STATE OF TEXAS )(	
COUNTY OF TARRANT )(	

Before me, the undersigned notary public in and for said county and state on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.



Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

	Notary Public in and for Tarrant County
(affix seal)	My printed name
	My commission expires:

- (11) *City council approval certification.* Every replat, amended plat, short form plat or final plat shall contain a certificate of approval by the city council. The certificate of approval by the city council shall not be less than two inches high and four inches wide and contain the following information:

Whereas the city council of the City of North Richland Hills, Texas, voted affirmatively on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, to approve of this plat for filing of record.

Mayor, City of North Richland Hills

\_\_\_\_\_  
Attest: City Secretary

(Ord. No. 1982, § 1(920), 3-24-1994)

**Secs. 110-334—110-360. Reserved.**

## **ARTICLE X. REQUIRED IMPROVEMENTS**

### **Sec. 110-361. General infrastructure policy.**

- (a) The developer shall install all water and sewer systems, street and drainage facilities, and any other facilities required by these regulations which are necessary for the proper development of the subdivision. The design, construction and inspection of any public or semipublic improvements shall be borne by the developer. All such facilities shall be designed and constructed in accordance with the design manual and be in conformance with the general layout of the city master plan, as adopted by the city council.
- (b) Where considered necessary by the public works director, the facilities shall be sized in excess of that dictated by the design manual to provide for the future growth and expansion of the city systems. Where oversizing of public facilities is required, or where the relocation of public facilities is required, or where specific public or semipublic improvements are necessary for the proper development of the subdivision, the developer of the proposed subdivision shall construct or relocate said public or semipublic facilities.
- (c) Where, in the opinion of the planning and zoning commission, construction of said public or semipublic facilities should be deferred to a future date, then the developer shall place in escrow with the city an amount equal to the estimated cost of the improvements as determined by the public works department. The planning and zoning commission may recommend alternate arrangements to the city council when appropriate.
- (d) When a tract of land is proposed for development and public improvements are to be installed between or paralleling two or more tracts of land under different ownership and participation is required by both owners, the developer desiring to plat his land first shall comply with the following:

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- (1) If the public improvements are required for the actual development of the subdivision, then the first developer shall be responsible for obtaining the necessary right-of-way or easements from the adjoining property owner or owners and for installing those improvements at his own expense.
  - (2) If the improvements are not required for the actual development of the subdivision, then the developer shall provide, within his subdivision, all of the easements or right-of-way necessary for the improvements.
  - (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.

(Ord. No. 1982, § 1(300), 3-24-1994; Ord. No. 3550 , § 1, 12-10-2018)

### **Sec. 110-362. Water facility requirements.**

The developer shall furnish, install, construct, or extend, at his own expense, water distribution facilities necessary for the proper development of the subdivision. The water system shall provide individual service to every lot in the subdivision. All water mains constructed within a proposed subdivision shall be extended to the perimeter of the proposed subdivision to allow for future extension of the water system into adjacent properties. The water system shall be designed and constructed in accordance with the specifications contained in the design manual. Where considered necessary by the public works director, the facilities shall be sized in excess of that dictated by the design manual to provide for the future growth and expansion of the city water distribution system. In addition, the water system shall conform to the city's current water distribution system capital improvements plan.

(Ord. No. 1982, § 1(305), 3-24-1994)

### **Sec. 110-363. City participation in water system oversizing.**

Where oversizing of water system improvements is required by the capital improvements plan, city participation in any proposed water line shall be in accordance with the provisions of the water and sewer impact fee ordinance. City participation will not be available for water lines which are not part of the proposed improvements contained in the capital improvements plan.

(Ord. No. 1982, § 1(310), 3-24-1994)

### **Sec. 110-364. Fire hydrant requirements.**

The developer shall install, at his own expense, a sufficient number of fire hydrants to provide fire protection service to every lot in the subdivision. The fire hydrant system shall be designed according to the specifications contained in the design manual. The layout of the system shall be determined by the public works director and approved by the fire marshal.

(Ord. No. 1982, § 1(315), 3-24-1994)

### **Sec. 110-365. Sewage facility requirements.**

The developer shall furnish, install, construct, or extend, at his own expense, sewage collection facilities necessary for the proper development of the subdivision. The sewage system shall provide individual service to

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every lot in the subdivision. All sewer mains constructed within the proposed subdivision shall be extended to the perimeter of the proposed subdivision to allow for future extension of the sewer system into adjacent properties regardless of whether or not such extensions are required for service within the subdivision. The sewage system shall be designed and constructed in accordance with the specifications contained in the design manual. Where considered necessary by the public works director, the facilities shall be sized in excess of that dictated by the design manual, to provide for the future growth and expansion of the city systems. All sanitary sewer installations shall be in conformance with the city's wastewater system capital improvements plan.

(Ord. No. 1982, § 1(320), 3-24-1994)

### **Sec. 110-366. City participation in sewer system oversizing.**

Where oversizing of sewer system improvements is required by the capital improvements plan, city participation in any proposed sewer line shall be in accordance with the provisions of the water and sewer impact fee ordinance. City participation will not be available for sewer lines which are not a part of the proposed improvements contained in the capital improvements plan.

(Ord. No. 1982, § 1(325), 3-24-1994)

### **Sec. 110-367. Construction in public rights-of-way.**

- (a) *Utilities to be in rights-of-way or easements; underground utilities, exceptions.* All public utilities shall be constructed within a public street right-of-way or an appropriate public utility easement. When a proposed water or sewer line or a drainage facility will be placed adjacent to a public road maintained by the Texas Department of transportation, a separate specific use easement document shall be provided for each utility or drainage facility. Public utilities shall be placed underground in new subdivisions absent a compelling demonstration that this requirement is unreasonable, or unfeasible.
- (b) *Underground utilities at rear of lot (October 13, 2003 to November 10, 2003).* In residential subdivisions with final plats approved on or after October 13, 2003, and on or before November 10, 2003, underground electric utilities may be allowed in an easement not greater than 10 feet wide along the front or side property lines as long as above-ground electrical transformers and other electrical appurtenances in such subdivisions do not exceed 36 inches in height, are placed on a concrete pad not exceeding 18 square feet in area enclosed on three sides by living evergreen plant screening at least 10 inches higher than the transformer, but not exceeding four and one-half feet in height, with the open side away from the nearest street. The owner of the lot where the transformer is located shall be responsible for the initial planting of the plant screening which shall be in place prior to final inspection of the house on such lot. In the event the homeowner's association wishes to install the plant screening, it may do so before any homes receive final inspection. The homeowner's association will be responsible for the maintenance of the screening in either case. The foregoing requirements shall be exclusive and the remaining subsections of this section shall not apply.
- (c) *Underground utilities at rear of lot (after November 10, 2003).* In residential subdivisions platted after November 10, 2003, all new residential subdivisions shall require electrical, telecommunications and cable facilities, including new service drops, to be placed underground in an easement at the rear lot line. Where rear lot utilities are located on corner lots, above ground appurtenances must be located a maximum of five feet from the side building line.
- (d) *Transformers.* All electrical transformers must be accessible by a seven (7) foot wide dedicated Oncon utility easement that extends to the transformer. Physical access to the transformer will be provided via a five-foot wide removable fence panel or gate located in the easement. Property owners will be responsible for providing security for the transformer and will make sure that the transformer is free from obstruction. The

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city will make reasonable efforts through communication and code enforcement to assure that residents provide unobstructed access including unlocked gates. The necessity for removal of minimal fencing and/or landscaping within easements to permit the replacement of facilities, appurtenances, and equipment is considered to be within the definition of reasonable access.

Transformers and other appurtenances shall not exceed 36 inches in height and transformers shall be placed on a concrete pad not exceeding 18 square feet in area. Fire hydrants and traffic signal controllers are exempted from the rear lot or tract line requirement.

In all cases, before construction of facilities commence, the easement shall be reduced to final grade, at developer's sole cost and expense. Additionally, if such easement is located within a floodplain, the entire surface of the easement shall be raised above the floodplain elevation, at developer's sole cost and expense, before construction of the facilities commences. Sight visibility easements and horizontal clear triangles are not appropriate locations for the placement of aboveground facilities, appurtenances, and equipment as they would create safety concerns by blocking or impairing the visibility of vehicular traffic.

(e) *Exceptions.* Exceptions to the rear lot location may be granted by providing facts and circumstances to the Planning and Zoning Commission at the preliminary plat stage to demonstrate rear lot utility location is not technically or environmentally feasible. Since the impact of technical and environmental factors may differ, exceptions for each utility will be considered separately and on a stand alone basis.

(f) *Requirements for nonrear lot locations.* Service lines, aboveground appurtenances and equipment locations for utility service approved by the Planning and Zoning Commission for other than the required rear lot locations must follow the guidelines below:

(1) Underground utility service lines shall be located within a 10 foot wide easement, equally divided and paralleling the side property line of two adjacent lots. Aboveground electrical transformers and other utility appurtenances located within such easements shall be located five feet from the front building setback line.

(2) Transformers will be hinged to provide for rear service access. Access to the rear must be free from obstructions. Additionally, the use of surface "hand boxes" versus pedestals for electric utilities is required.

(3) Screening of the above ground appurtenance by a live vegetative screen is recommended for the street front and sides of the pad. Maintenance of the optional screening shall be the responsibility of the owners of the adjacent lots where the appurtenance is located.

(4) In situations where the grade requires retaining walls, the transformer pad will be located on the lower grade and the retaining walls will be "jogged" to accommodate the transformer pad and provide adequate service access.

(5) Exceptions to any requirement must be resolved at the preliminary plat stage.

Nothing herein shall be construed as to require utility companies to "underground" existing or new electric facilities, nor to prohibit the upgrading, reconstruction or reconductoring of existing overhead facilities in the city's public rights-of-way.

(Ord. No. 1982, § 1(330), 3-24-1994; Ord. No. 2774, § 1, 3-11-2004)

### **Sec. 110-368. Street right-of-way dedication.**

Each subdivision plat shall dedicate public street right-of-way of sufficient width to comply with the standards contained on the master thoroughfare plan and the following requirements:

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- (1) All street rights-of-way shall be integrated with the existing and proposed system of thoroughfares and rights-of-way.
  - (2) Every lot shall front on a public right-of-way which complies with the width shown on the master thoroughfare plan or when approved by the city, an acceptable public access easement.
  - (3) Street rights-of-way shall be configured so as to allow for future access to adjacent properties.

(Ord. No. 1982, § 1(335), 3-24-1994)

### **Sec. 110-369. Street improvement requirements.**

The developer shall construct, at his own expense, street facilities necessary for the proper development of the subdivision. The street system shall provide access to every lot in the subdivision, and comply with the following:

- (1) All street surfaces within or abutting the proposed subdivision shall be paved, with curbs and gutters installed, and otherwise constructed in accordance with the standards and specifications contained in the design manual.
- (2) All paving shall be constructed to the width specified by the "functional classification" of streets as contained in the most current revision of the master thoroughfare plan.
- (3) Permanent dead-end roads shall not be allowed.
- (4) Proposed new streets shall be laid out, where possible, so as to eliminate or avoid new perimeter half-streets.

(Ord. No. 1982, § 1(340), 3-24-1994)

### **Sec. 110-370. City participation in thoroughfare street improvements.**

- (a) The city will only participate in the construction costs of a collector or arterial street as designated by the master thoroughfare plan and be located in conventional single-family residential areas. When the public works director has determined that the need for additional street capacity is not directly attributable to the traffic pattern of the proposed development, the city may participate in the portion of the roadway in excess of 36 feet, measured from curb face to curb face. The developer shall pay for 36 feet of roadway, including any extra depth of pavement, curb and gutter for both sides, all excavation required, all subgrade preparation, and all other costs involved in the street construction, including engineering costs.
- (b) When a street is required to be constructed with extra width or special conditions by the city for aesthetic value or special circumstances, the city will participate on the same basis as in thoroughfare considerations. Where the oversizing of the street is at the discretion of the developer for aesthetic purposes or special considerations, no participation is allowed.
- (c) In nonsingle-family residential areas, when existing development would require additional strength design or additional width of pavement to accommodate expected traffic use, no city participation is allowed.

(Ord. No. 1982, § 1(345), 3-24-1994)

### **Sec. 110-371. Perimeter street requirements.**

Where an existing perimeter street is adjacent to a proposed new subdivision, the developer shall establish the location of the street centerline and dedicate sufficient right-of-way within his own subdivision to provide one-

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half of the street right-of-way width shown on the master thoroughfare plan. The developer shall construct one-half of the required street according to the standards contained in the design manual.

(Ord. No. 1982, § 1(350), 3-24-1994)

### **Sec. 110-372. Sidewalk requirements.**

Every new subdivision, or resubdivision hereafter approved, shall be required to install sidewalks, with appropriate curb ramps, adjacent to all public street rights-of-way. Construction of any sidewalk shall conform to the standards and specifications contained in the design manual. Sidewalk placements shall conform to the following:

- (1) All corner lots shall have sidewalks placed on the two frontages or sides adjacent to the streets.
- (2) Any triple frontage lots shall have sidewalks placed on the three frontages or sides adjacent to the streets.
- (3) Any double frontage lots shall have sidewalks placed on the two frontages adjacent to the streets.
- (4) Construction of all side yard sidewalks and rear yard sidewalks adjacent to perimeter streets shall be the developer's responsibility to construct after plat approval. Front yard sidewalks shall be constructed for each lot prior to completion of any primary structure.

(Ord. No. 1982, § 1(352), 3-24-1994)

### **Sec. 110-373. Masonry screening wall requirements (semipublic improvement).**

Every newly platted residential or nonresidential subdivision or resubdivision of lots adjacent to a C-4-U thoroughfare, or larger, as shown in the prevailing master thoroughfare plan, shall comply with the screening wall requirements as provided in this section.

- (1) The developer of any lot located in a newly platted residential subdivision, or resubdivision of existing residential lots adjacent to a C-4-U thoroughfare, or larger, as shown on the prevailing master thoroughfare plan, shall be required to construct a masonry or concrete screening wall along and adjacent to said thoroughfare. However, a replat of an existing one lot residential subdivision on any street is exempt.
- (2) The developer of any lot located in a newly platted nonresidential subdivision, or resubdivision of lots, which have a rear property line adjacent to a C-4-U thoroughfare, or larger, as shown on the prevailing master thoroughfare plan, shall be required to construct a masonry or concrete screening wall along and adjacent to said thoroughfare.
- (3) The masonry or concrete screening wall shall be constructed in a manner consistent with the standards and specifications contained in the design manual. Any combination of wrought iron and landscaping at street intersections, or entrances to subdivisions, shall be considered as an acceptable alternate material. Except for landscaping materials, no masonry or concrete screening wall or its foundation shall be constructed within the street right-of-way.
- (4) Any masonry screening wall constructed within the city which is not required by subsection (1) or subsection (2) of this section shall be constructed in a manner consistent with the standards and specifications contained in the design manual.

(Ord. No. 1982, § 1(355), 3-24-1994)

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**Sec. 110-374. Drainage improvement requirements.**

The developer shall be required to furnish, install, construct, or extend, at his own expense, all storm sewers and drainage structure facilities necessary for the proper development of the subdivision. Concrete channel improvements shall be required where specified in the master drainage plan and in the design manual. Alternate earthen channels may be approved when in accordance with the criteria established in the design manual. All public drainage facilities shall be constructed within a public drainage easement or drainage right-of-way as required by the city.

(Ord. No. 1982, § 1(360), 3-24-1994)

**Sec. 110-375. Off-site drainage.**

In respect to off-site drainage, the following provisions shall apply:

- (1) The developer shall be responsible for all runoff from fully developed property upstream of the proposed development.
- (2) Where a drainage study indicates that additional runoff from the developing property will overload downstream drainage facilities and result in hazardous conditions, the city may withhold approval of the development until appropriate provisions have been made. These provisions shall include any drainage design or construction plans necessary to accommodate the off-site drainage problem.

(Ord. No. 1982, § 1(362), 3-24-1994)

**Sec. 110-376. Street lighting.**

The developer shall furnish, install, construct or extend, at his own expense, street lighting facilities necessary for the proper development of the subdivision. The street lighting system shall comply with the location and spacing requirements for street lighting systems contained in the design manual.

(Ord. No. 1982, § 1(365), 3-24-1994)

**Sec. 110-377. City-developer agreements.**

- (a) In the event that the developer of a proposed subdivision requests participation by the city in the construction of the public facilities, and that participation is approved by the city council, and the total participation costs by the city exceed \$5,000.00, then the developer must execute a city-developer agreement as contained in section 110-98. In developments where, by reason of city policy, the city council deems it advisable to participate in the community facilities being constructed to the extent of \$5,000.00 or more, the contract for such construction shall always be advertised for bids in accordance with the city's Charter, and shall require the execution of a city-developer agreement as noted above. The developer shall deposit with the city the funds or acceptable security as required by the applicable city ordinances required to pay his portion of the construction costs prior to the construction. It shall be the responsibility of the developer's engineer to prepare all contract documents for the use of the city and the contractor, as well as all copies of the engineering plans for the bidding and construction of the project.
- (b) On projects not requiring city-developer agreement, the final plat approval authorizes the developer to proceed with construction of the water, sewer, street drainage, and traffic facilities required by the engineering plans, provided that such plans have been approved by the public works director. All construction shall be in accordance with the applicable sections of this chapter. The developer may choose

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his own contractor subject to the contractor executing the necessary bonds with the city and payment of the inspection fees required for each portion of the public facilities.

(Ord. No. 1982, § 1(370), 3-24-1994)

**Sec. 110-378. Temporary improvements.**

The applicant shall build and pay for all costs of temporary improvements required by the public works department and shall maintain same for a period specified by the city.

(Ord. No. 1982, § 1(372), 3-24-1994)

**Sec. 110-379. Maintenance bond requirements.**

The developer's contractor shall be required to file a maintenance bond with the public works director, prior to beginning construction by the city, in an amount and form satisfactory to the public works director, in order to ensure the satisfactory condition of the required improvements for a period of two years after the date of their acceptance by the city.

(Ord. No. 1982, § 1(375), 3-24-1994)

**Sec. 110-380. Public works construction permit required.**

Construction shall not start on any street, sidewalk, drainage, utility or public improvement until a public works construction permit and an acceptable two-year maintenance bond has been issued for all facilities in the subdivision or the approved phase of the said subdivision.

(Ord. No. 1982, § 1(380), 3-24-1994)

**Sec. 110-381. Inspection of proposed public facilities.**

The public works department shall provide for inspection of required public improvements during construction and ensure their satisfactory completion. If the public works director finds upon inspection that any of the required improvements have not been constructed in accordance with city construction standards and specifications, the applicant shall be notified that building permits will not be issued until all inconsistencies have been corrected. All construction debris or waste shall be removed from all areas of the subdivision prior to the issuance of the letter of completion of public improvements by the public works department.

(Ord. No. 1982, § 1(382), 3-24-1994)

**Sec. 110-382. Final walk-through and construction debris.**

The developer of a subdivision shall arrange for a final walk-through inspection with the building official. No cut trees, timber, debris, rocks, stones, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of completion of public facilities. Removal of all debris and waste shall be required prior to approval and acceptance of all public improvements and prior to the issuance of any building permit or certificate of occupancy.

(Ord. No. 1982, § 1(385), 3-24-1994)



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**Sec. 110-383. Letter of completion of public improvements.**

- (a) The city council will not accept dedication of required improvements until the public works director has provided written certification that all required improvements have been satisfactorily completed in accordance with construction plans for the subdivision and are ready for dedication to the city and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the city shall thereafter accept the improvements for dedication.
- (b) Upon approved completion of the construction of the public facilities, the developer's engineer shall submit to the public works department a complete set of "as-built" documents of the project along with a complete accounting of all construction units "as-built" and the total project cost. The public works department will then issue a letter of completion of public improvements to the developer and authorize the release of the subdivision for the issuance of building permits.

(Ord. No. 1982, § 1(390), 3-24-1994)

**Secs. 110-384—110-410. Reserved.**

***ARTICLE XI. DESIGN CRITERIA***

**Sec. 110-411. Conformity with zoning regulations.**

Every lot shall be designed in such a manner that it complies with the minimum dimensions of the applicable zoning district as contained in the zoning chapter of this Code (chapter 118).

(Ord. No. 1982, § 1(1000), 3-24-1994)

**Sec. 110-412. Generally.**

Every subdivision plat shall be reviewed by the city for conformance with the design criteria contained in this article. The city recognizes that suitability characteristics vary from site to site, and the planning and zoning commission shall provide oversight in their interpretation application and enforcement of these criteria.

- (1) *Access from major thoroughfares.* Where a residential subdivision borders or contains an existing or proposed thoroughfare as shown on the master thoroughfare plan, residential lots shall not in general, where possible, have frontage onto or derive access directly from an existing or proposed C-2-U collector street, or larger. Nonresidential lots which have frontage onto or derive access directly from an existing or proposed C-2-U collector street, as shown on the Master Thoroughfare Plan, shall have driveway locations which comply with the spacing requirements contained in the design manual.
- (2) *Block depths.* Blocks should have sufficient depth to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block depth may be permitted in blocks adjacent to major streets, railroads, waterways or city limit lines. The use of a public alley shall be limited to nonresidential subdivisions.
- (3) *Block lengths.* Block lengths in residential areas shall not exceed 15 times the minimum lot width required in the zoning district or 1,000 feet long without an intersection with another street. Blocks designed for industrial uses may be of such length and width as determined suitable and appropriate by the planning and zoning commission for the prospective use. In long blocks, the planning and zoning commission may require the reservation of an easement through the block to accommodate utilities,

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drainage facilities, or pedestrian traffic. When such an easement is required, additional width shall be included in the adjacent lots.

- (4) *Buildable area.* Every residential lot proposed for development shall contain a buildable area which contains, at a minimum, 125 percent of the minimum structure square footage required for the applicable zoning district. The buildable area shall be situated out of the 100-year special flood hazard area.
- (5) *Character of the land.* Land which the planning and zoning commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed until adequate methods are formulated by the developer and approved by the planning and zoning commission to solve the problems created by the unsuitable land conditions.
- (6) *Conformity with comprehensive land use plan.* Every subdivision plat shall conform to the city's comprehensive land use plan, zoning chapter (118), this chapter, other applicable city standards.
- (7) *Corner clip.* At all street intersections, there shall be provided a minimum ten-foot by ten-foot corner clip sidewalk and utility easement diagonal to the street right-of-way lines.
- (8) *Corner lots.* Additional lot width should be considered for corner lots to allow for two street frontage setback lines.
- (9) *Cul-de-sac length.* No street may be designed to be dead-ended without the installation of a cul-de-sac with a 50-foot right-of-way radius and a 40-foot pavement radius back-to-back of curb. No cul-de-sac street may exceed 500 feet in length, as measured along the street centerline from the projected curb intersection to the farthest curb location.
- (10) *Double frontage lots.* Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from collector or arterial streets or to overcome specific disadvantages of topography and orientation. The planning and zoning commission may require that a provision be placed on the plat to limit the facing of main structures or limit driveway access from any collector or arterial street.
- (11) *Drainage easements and rights-of-way.* The city will advise the developer when to utilize either a drainage easement or a drainage right-of-way to accommodate drainage facilities in the subdivision. When a drainage easement is utilized, lot lines shall be drawn to the center of the drainage easement and the drainage easement shown with a dashed line. Any lot intended to be used as a buildable lot which contains a drainage easement shall be designed so as to have a buildable area that is, at a minimum, 125 percent of the minimum square footage required for the applicable zoning district. The planning and zoning commission may approve an alternate plan whereby the drainage area is designated as a separate lot or shown as a drainage right-of-way with public conveyance notation. When a drainage right-of-way is utilized, lot lines shall not be extended into the limits of the drainage right-of-way.
- (12) *Grading and lot drainage.* Residential lot grading shall be conducted in a manner which will not allow runoff to cross more than two lots, including the lot on which the drainage originates before it enters a street or drainage easement. If this is not possible, then a drainage easement must be provided and any necessary facilities shall be constructed and installed by the developer. Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
- (13) *Intersection angles.* Spacing of intersections along major streets shall conform to the design manual. Not more than two streets shall intersect at any one point unless specifically approved by the planning

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and zoning commission. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Streets shall be laid out so as to intersect as nearly as possible at right angles. Intersections which are not right angles shall use the following criteria:

- a. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street intersection or curved street approaching an intersection should be approximately at right angles for at least 100 feet therefrom.
  - b. Street jogs with centerline offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection.
- (14) *Lot dimensions.* Lot dimensions shall be consistent with the minimum standards of the zoning ordinance (chapter 118). Proper design of a subdivision requires that side lot lines be at right angles to street lines or as a radial. However, lot lines which are not at right angles to street lines, or shown as a radial, shall contain a bearing notation. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front and side yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning chapter of this Code (chapter 118).
- (15) *Masonry screening walls.* Masonry screening walls shall be constructed adjacent to any residential thoroughfare designated as C-4-U, or larger, on the master thoroughfare plan. No screening wall shall be constructed within the street right-of-way.
- (16) *Multiple entrance and exit locations.* Where possible, the use of two or more entrance and exit locations is encouraged when the subdivision contains 40 or more lots. However, the planning and zoning commission may recommend a waiver of this criteria when alternative proposals are determined sound planning principles have been considered.
- (17) *Rights-of-way.* Right-of-way widths shall be consistent with those shown on the master thoroughfare plan. Right-of-way widths in excess of the standards designated on the master thoroughfare plan shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Furthermore, street right-of-way widths in commercial, industrial and similar high intensity land use areas shall be appropriate for the type of development being proposed, but no street in such area shall be less than the minimum required for a C-2-U collector street.
- (18) *Water bodies.* If a tract being subdivided contains a water body or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among adjacent lots. The planning and zoning commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility.
- If a water body is intended to be situated on its own lot, then the lot shall be numbered according to the numbering sequence of the subdivision. Furthermore, any lot intended to be used as a buildable lot which includes a water body shall contain a buildable area that is, at a minimum, 125 percent of the minimum square footage required for the applicable zoning district.
- (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.

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The common access easement must be at least 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.

(Ord. No. 1982, § 1(1010), 3-24-1994; Ord. No. 3550, § 2, 12-10-2018)

**Secs. 110-413—110-440. Reserved.**

***ARTICLE XII. INSTALLATION OF PERMANENT FIELD MONUMENTS***

**Sec. 110-441. Generally.**

The applicant shall place permanent reference monuments in the subdivision as required herein and under the direction of a registered land surveyor or professional engineer. All such monuments shall be set flush with or below the ground and planted in such a manner that they will not be generally disturbed.

(Ord. No. 1982, § 1(1200), 3-24-1994)

**Sec. 110-442. Subdivision boundaries.**

The external boundaries of a subdivision shall be documented in the field by monuments of not less than four inches square or five inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded; or by iron rods or pipes not less than 18 inches in length and one-half inch in diameter. These monuments shall be placed at all corners of the subdivision boundary, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along a meandering line.

(Ord. No. 1982, § 1(1210), 3-24-1994)

**Sec. 110-443. Internal block corners.**

All internal block corners, street intersections, street angle points and curves tangents shall receive permanent monuments in the field by iron rods or pipes at least 18 inches long and one-half inch in diameter.

(Ord. No. 1982, § 1(1220), 3-24-1994)

**Sec. 110-444. Lot corners.**

All corners of all lots shall receive monuments in the field by iron rods 18 inches long and one-half inch in diameter.

(Ord. No. 1982, § 1(1230), 3-24-1994)

***ARTICLE XIII. ADEQUACY OF PUBLIC FACILITIES; PROPORTIONALITY***

**Sec. 110-445. Purpose and policy.**

- (a) These subdivision regulations of the city are designed and intended to achieve the following purposes and shall be administered so as to:
- (1) Promote the health, safety, morals and general welfare of the community and the safe, orderly and healthful development of the city;
  - (2) Establish adequate policies and procedures to guide development of the city;
  - (3) Provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure improvements to maintain land values, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the city for correction of inadequate facilities that are designed to serve the public;
  - (4) Ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
  - (5) Ensure against the dangers of fires, floods, erosion, landslides, or other such menaces;
  - (6) Preserve the natural beauty and topography of the city and to ensure appropriate development with regard to these natural features;
  - (7) Realistically and harmoniously relate new development of adjacent properties;
  - (8) Provide the most beneficial circulation of traffic throughout the city, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements; and to provide for the proper location and width of streets;
  - (9) Ensure that public facilities for water supply, drainage, disposal of sanitary and industrial waste, and parks are available for every building site and with adequate capacity to serve the proposed subdivision before issuance of a certificate of occupancy or release of utility connections or final inspection within the boundaries of the plat;
  - (10) Assure that new development adequately and fairly participates in the dedication and construction of public infrastructure improvements that are necessitated by or attributable to the development or that provide value or benefit that makes the development feasible;
  - (11) Help prevent pollution, assure the adequacy of drainage facilities, control storm water runoff, safeguard the water table, and encourage the wise use and management of natural resources throughout the city and its extraterritorial jurisdiction in order to preserve the integrity, stability, and beauty of the community and the value of the land; and
  - (12) Provide for open spaces through the most efficient design and layout of the land, while preserving the land use intensity as established in the zoning ordinance of the city.
- (b) To carry out the purposes hereinabove stated, it is declared to be the policy of the city to guide and regulate the subdivision and development of land in such a manner as to promote orderly growth both within the city and where applicable.

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- (c) Land must not be platted until proper provision has been made for adequate public facilities for roadways, drainage, water, wastewater, public utilities, capital improvements, parks, recreation facilities, and rights-of-way for streets.
  - (d) Proposed plats or subdivisions which do not conform to the policies and regulations shall be denied, or, in lieu of denial, disapproved conditioned on conformance with conditions.
  - (e) There shall be an essential nexus between the requirement to dedicate rights-of-way and easements and/or to construct public works improvements in connection with a new subdivision and the need to offset the impacts on the city's public facilities systems created by such new development.

(Ord. No. 2887, § 1, 6-12-2006)

### **Sec. 110-446. Adequate public facilities.**

- (a) Land proposed to be subdivided must be served adequately by essential public facilities and services, including water and wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities. An application for a plat or development may be denied unless adequate public facilities necessary to support and serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being platted or offsite.
- (b) It is necessary and desirable to provide for dedication of rights-of-way and easements for public works improvements to support new development at the earliest stage of the development process.
- (c) The city desires to assure both that impacts of new development are mitigated through contributions of rights-of-way, easements and construction of capital improvements, and that a new development be required to contribute not more than its proportionate share of such costs.
- (d) Proposed public works improvements serving new development shall conform to and be properly related to the public facilities elements of the city's adopted master plan, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.

(Ord. No. 2887, § 1, 6-12-2006)

### **Sec. 110-447. Minimum standards.**

- (a) The standards established in article X of chapter 110 and article III of chapter 94 of the Code of Ordinances and other ordinances of the city for dedication and construction of public works improvements and infrastructure are based upon engineering studies and historical usages and demands by different categories of development. These regulations identify certain minimum requirements and sizes for utilities, roadways, parks and other facilities that the city council has determined to be necessary in order to provide the minimum level of service necessary to protect or promote the public health, safety, and welfare and to assure the quality of life currently enjoyed by the citizens of North Richland Hills. It is the intent of these regulations that no development occur until and unless these minimum levels of service are met. Therefore, each subdivision in the city shall be required to dedicate, construct and/or upgrade required facilities and infrastructure to a capacity that meets these minimum levels.
- (b) For each category of public infrastructure, a minimum standard of infrastructure, and in some cases, service level, has been developed based upon historic studies and construction projects of the city and other cities. These minimum standards take into consideration the soil conditions and topographic configuration of the city, the use and impact analyses of the North Central Texas Council of Governments in developing standard specifications for public works installation, and other historical use and performance experiences of the city

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that reflect the minimum level of facilities and services that must be built to meet the health, safety and welfare of the citizens of North Richland Hills.

- (c) In order to maintain prescribed levels of public facilities and services for the health, safety and general welfare of its citizens, the city may require the dedication of easements and rights-of-way and/or construction of on-site and/or off-site public works improvements for water, wastewater, road, drainage or park facilities to serve a proposed subdivision, or require the payment of fees in lieu thereof. If adequate levels of public facilities and services cannot be provided concurrent with the schedule of development proposed, the city may deny the subdivision until the public facilities and services can be provided, or require that the development be phased so that the availability and delivery of facilities and services coincides with the demands for the facilities created by the development.
- (d) Whenever the city council determines that levels of service in excess of these minimum standards are necessary in order to promote the orderly development of the city, the owner shall qualify for reimbursement for any costs in excess of the minimum levels of service through city participation, to the extent funds are available by a pro rata reimbursement policy or other means adopted by the city.

(Ord. No. 2887, § 1, 6-12-2006)

#### **Sec. 110-448. Adequacy of specific facilities.**

- (a) All lots to be platted shall be connected to a public water system which has capacity to provide water for domestic use and emergency purposes, including adequate fire protection.
- (b) All lots to be platted shall be served by an approved means of wastewater collection and treatment. The city may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity.
- (c) Proposed roads shall provide a safe, convenient and functional system for vehicular, bicycle and pedestrian circulation and shall be properly related to the applicable thoroughfare plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. New subdivisions shall be supported by a thoroughfare network having adequate capacity, and safe and efficient traffic circulation. Each development shall have adequate access to the thoroughfare network. The city may require the phasing of development and/or improvements in order to maintain a safe, convenient and functional system of roads for vehicular and pedestrian circulation.
- (d) Drainage improvements serving new development shall be designed to prevent overloading the capacity of the downstream drainage system. The city may require the phasing of development, the use of control methods such as retention or detention, the construction of off-site drainage improvements, or drainage impact fees in order to mitigate the impacts of the proposed subdivision.

(Ord. No. 2887, § 1, 6-12-2006)

#### **Sec. 110-449. Improvement of adjacent and abutting existing streets and utilities.**

In the case of existing adjacent or abutting roads, the city may require that the entire right-of-way be dedicated and/or improved to the city's design standards, based upon factors including the impact of the proposed subdivision on the road, safety to the traveling public, conditions and life expectancy of the road, the impact of the proposed subdivision on other roads, the timing of this development in relation to need for improving the road, the impact of the traffic on the road and city's roadway system as a whole.

(Ord. No. 2887, § 1, 6-12-2006)

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**Sec. 110-450. Timing of dedication and construction.**

- (a) The city shall require an initial demonstration that a proposed subdivision shall be adequately served by public facilities and services at the time for approval of the first development application that portrays a specific plan of development, including but not limited to a petition for establishing a planned development zoning district, or other overlay zoning district; or a developer's agreement; or an application for a preliminary or final plat.
- (b) The obligation to dedicate rights-of-way and/or to construct one or more public works improvements to serve a new subdivision may be deferred until approval of a subsequent phase of the subdivision, at the sole discretion of the city's engineer, upon written request of the property owner, or at the city's own initiative. As a condition of deferring the obligation, the city may require that the subdivider include provisions in the developer's agreement, specifying the time for dedication of rights-of-way for and/or construction of public works improvements serving the subdivision.

(Ord. No. 2887, § 1, 6-12-2006)

**Sec. 110-451. Proportionality determination by city's engineer.**

- (a) Prior to a decision by the planning and zoning commission on a preliminary plat application, or if no preliminary plat application is required, on a final plat application, or any other application for which an exaction requirement is a condition of approval, the city's engineer shall prepare a written statement affirming that each exaction requirement to be imposed as a condition of approval is roughly proportionate to the demand created by the subdivision or development on the applicable public facilities system of the city, taking into consideration the nature and extent of the development proposed. In making this determination, the city's engineer may consider the following:
  - (1) Categorical findings of the North Central Texas Council of Governments in developing standard specifications for public infrastructure improvements;
  - (2) The proposed and potential use of the land;
  - (3) The timing and sequence of development in relation to availability of adequate levels of public facilities systems;
  - (4) Impact fee studies, traffic impact studies, drainage studies or other studies that measure the demand for services created by developments and the impact on the city's public facilities system;
  - (5) The function of the public infrastructure improvements in serving the proposed subdivision or development;
  - (6) The degree to which public infrastructure improvements necessary to serve the proposed subdivision are supplied by other developments;
  - (7) The anticipated participation by the city in the costs of necessary public infrastructure improvements;
  - (8) The degree to which acceptable private infrastructure improvements to be constructed and maintained by the applicant will offset the need for public infrastructure improvements;
  - (9) Any reimbursements for the costs of public infrastructure improvements for which the proposed subdivision is eligible; and/or
  - (10) Any other information relating to the impacts created by the proposed subdivision or development on the city's public facilities systems.



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- (b) Based upon the proportionality determination, the city's engineer shall affirm that the exaction requirements of the subdivision ordinance, or other ordinance requiring the permit, as applied to the proposed subdivision or development, do not impose costs on the applicant for public infrastructure improvements that exceed those roughly proportionate to the impact of the proposed subdivision or development.
  - (c) The city's engineer may require that the applicant, at its expense, submit any information or studies that may assist in making the proportionality determination.

(Ord. No. 2887, § 1, 6-12-2006)

### **Sec. 110-452. Definitions.**

For purposes of this article, the following terms have the following definitions:

*City's engineer:* An engineer employed within the city's public works department and licensed by the State of Texas. Such engineer is referred to in this article as the "city's engineer."

*Exaction requirement:* A requirement imposed as a condition for approval of a plat, preliminary plat, building permit, planned development district or other development application to:

- (1) Dedicate an interest in land for a public infrastructure improvement;
- (2) Construct a public infrastructure improvement; or
- (3) Pay a fee in lieu of constructing a public infrastructure improvement.

*Public facilities system:* With respect to water, wastewater, roadway, drainage or parks, the facilities owned or operated by or on behalf of the city to provide services to the public, including existing and new developments and subdivisions.

*Public infrastructure improvement:* A water, wastewater, roadway, drainage or park facility that is a part of one or more of the city's public facilities systems.

(Ord. No. 2887, § 1, 6-12-2006)

### **Sec. 110-453. Rough proportionality determination of planning and zoning commission and city council.**

- (a) The planning and zoning commission and city council shall consider the city's engineer's report concerning the proportionality of the exaction requirements in making a decision on a plat application. The commission and the city council may consider the city's engineer's report in granting a variance to the requirements of the subdivision ordinance.
- (b) The city official responsible for issuing a permit for which an exaction requirement is imposed as a condition of approval shall consider the city's engineer's report concerning the proportionality of the exaction requirements in making its decision as to whether to grant the permit.

(Ord. No. 2887, § 1, 6-12-2006)

### **Sec. 110-454. Rough proportionality appeal.**

- (a) An applicant for a preliminary or final plat or for a permit which imposes an exaction requirement as a condition of approval may file an appeal to contest any exaction requirement, other than impact fees,

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imposed as a condition of approval or in which the failure to comply is grounds for denying the plat application pursuant to the subdivision ordinance.

- (b) The purpose of a proportionality appeal is to assure that an exaction requirement imposed on a proposed plat or development as a condition of approval does not result in a disproportionate cost burden on the applicant, taking into consideration the nature and extent of the demands created by the proposed subdivision or development on the city's public facilities systems.

(Ord. No. 2887, § 1, 6-12-2006)

### **Sec. 110-455. Appeals procedure.**

- (a) An applicant for a preliminary or final plat or an applicant seeking approval for any other permit or zoning for which an exaction requirement is imposed shall file a written appeal with the city secretary within ten days of the date the planning and zoning commission or the city official responsible for issuing the permit takes action applying the exaction requirement. This may include denial of the permit or plat. The applicant shall submit 15 copies of the appeal.
- (b) A separate appeal form shall be submitted for each exaction requirement for which relief is sought. The city secretary shall forward the appeal to the city council for consideration.
- (c) The applicant may request postponement of consideration of the applicant's plat application by the city council pending preparation of the study required by subsection (f), in which case the applicant shall also waive the statutory period for acting upon a plat for the time necessary for the city council to decide the appeal.
- (d) No developer's agreement may be executed by the city until the time for appeal has expired or, if an appeal is filed, until the city council has made a determination with respect to the appeal.
- (e) The appeal shall state the reasons that application of the exaction requirement is not roughly proportional to the nature and extent of the impact created by the proposed subdivision or development on the city's public facilities systems and does not reasonably benefit the proposed subdivision or development.
- (f) The appellant shall submit to the city's engineer 15 copies of a study in support of the appeal that includes, with respect to each specific exaction requirement appealed, the following information within 30 days of the date of appeal, unless a longer time is requested:
  - (1) Total capacity of the city's water, wastewater, roadway, drainage, or park system, as applicable, to be utilized by the proposed subdivision or development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the subdivision. If the proposed subdivision is to be developed in phases, such information also shall be provided for the entire development, including any phases already developed;
  - (2) Total capacity to be supplied to the city's public facilities systems for water, wastewater, roadway, drainage or parks, as applicable, by the exaction requirement. This information shall include any capacity supplied by prior exaction requirements imposed on the development;
  - (3) Comparison of the capacity of the applicable city public facilities systems to be consumed by the proposed subdivision or development with the capacity to be supplied to such systems by the proposed exaction requirement. In making this comparison, the impacts on the city's public facilities systems from the entire subdivision or development shall be considered;
  - (4) The amount of any city participation in the costs of oversizing the public infrastructure improvements to be constructed by the applicant in accordance with the city's requirements;

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- (5) Comparison of the minimum size and capacity required by city standards for the applicable public facilities systems to be utilized by the proposed subdivision or development with the size and capacity to be supplied by the proposed exaction requirement; and
  - (6) Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the exaction requirement imposed by the city.
  - (g) The city's engineer shall evaluate the appeal and supporting study and shall make a recommendation to the city council based upon the city's engineer's analysis of the information contained in the study and utilizing the same factors considered by the engineer in making the original proportionality determination.

(Ord. No. 2887, § 1, 6-12-2006)

**Sec. 110-456. City council decision.**

- (a) The city council shall decide the appeal within 30 days of the date of final submission of any evidence by the applicant. Upon receipt of the final submission of evidence from the applicant, the city secretary shall schedule a time and date for the city council to consider the appeal and shall cause the applicant to be notified at the address specified in the appeal form of the time, date and location at which the city council shall consider the appeal.
- (b) The applicant shall be allotted time, not to exceed 30 minutes, to present testimony at the city council meeting. The council shall base its decision on the criteria listed in subsections 110-457(a) and 110-461(f) and may:
  - (1) Deny the appeal and impose the exaction requirement in accordance with the city's engineer's recommendation or the planning and zoning commission's decision on the plat or other development application; or
  - (2) Grant the appeal, and waive in whole or in part an exaction requirement to the extent necessary to achieve proportionality; or
  - (3) Grant the appeal, and direct that the city participate in the costs of acquiring land for or constructing the public infrastructure improvement.
- (c) In deciding an appeal, the city council shall determine whether application of the exaction requirement is roughly proportional to the nature and extent of the impact created by the proposed subdivision on the city's public facilities systems for water, wastewater, roadway, drainage, or park facilities, as applicable, and reasonably benefits the subdivision. In making such determination, the council shall consider:
  - (1) The evidence submitted by the applicant;
  - (2) The city's engineer's report and recommendation, considering in particular the factors identified in subsections 110-457(a) and 110-461(f); and
  - (3) If the property is located within the city's extraterritorial jurisdiction, any recommendations from the county.
- (d) The city council may require the applicant or the city's engineer to submit additional information that it deems relevant in making its decision.

(Ord. No. 2887, § 1, 6-12-2006)

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**Sec. 110-457. Action following decision of city council.**

- (a) If the city council finds in favor of the applicant and waives the exaction requirement as a condition of plat approval, or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the plat application to the planning and zoning commission or city official responsible for issuing the permit within 30 days of the date the city council takes action, with any modifications necessary to conform the plat with the city council's decision. The applicant shall not be deemed to have prevailed in the event that the city council modifies the exaction requirement.
- (b) If the city council finds in favor of an applicant for any other permit and waives the exaction requirement as a condition of permit approval, or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the permit application to the responsible official within 30 days of the date the city council takes action, with any modifications necessary to conform the application with the city council's decision. Failure to do so will result in the expiration of any relief granted by the city council.
- (c) If the city council denies the appeal and the applicant has executed a waiver of the statutory period for acting upon a plat, the city shall place the plat application on the agenda of the planning and zoning commission within 30 days of the city council's decision.
- (d) If the rough proportionality appeal was submitted appealing the imposition of an exaction requirement for a plat application, and city council grants relief to an applicant but the applicant fails to conform the plat to the city council's decision within the 30-day period provided, the relief granted by the city council on the appeal shall expire.
- (e) If the plat application is modified to increase the number of residential dwelling units or the intensity of nonresidential uses, the city manager or city's engineer may require a new study to validate the relief granted by the city council.
- (f) If the plat application for which relief was granted is denied on other grounds, a new appeal shall be required on any subsequent application.

(Ord. No. 2887, § 1, 6-12-2006)

**Sec. 110-458. Appeal of city council decision.**

An applicant may appeal the decision of the city council to the county or district court of the county in which the development is located within 30 days of the date that the council issues its final decision. In the event that the applicant prevails in such action, the applicant will be entitled to attorneys' fees and costs, including expert witness fees.

(Ord. No. 2887, § 1, 6-12-2006)

**Sec. 110-459. Miscellaneous.**

- (a) This article shall be cumulative of all provisions of ordinances of the City of North Richland Hills, Texas, except where the provisions of this article are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.
- (b) It is hereby declared to be the intention of the city council that the phrases, clauses, sentences, paragraphs and sections of this article are severable, and if any phrase, clause, sentence, paragraph or section of this article 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 phrases, clauses, sentences,

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paragraphs and sections of this article, since the same would have been enacted by the city council without the incorporation in this article of any such unconstitutional phrase, clause, sentence, paragraph or section.

- (c) All rights and remedies of the city are expressly saved as to any and all violations of the provisions of chapter 110 of the Code of Ordinances, or any other ordinances affecting subdivision regulations which have accrued at the time of the effective date of this article; 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 article but may be prosecuted until final disposition by the courts.
- (d) This article shall be in full force and effect from and after its passage.

(Ord. No. 2887, § 1, 6-12-2006)

**Secs. 110-460—110-519. Reserved.**

**ARTICLE XIX. IMPACT FEES**

**Sec. 110-520. In general; purpose; policy.**

This article is adopted pursuant to the provisions of Chapter 395, Texas Local Government Code, as well as under the authority of Article 11, Section 5 of the Texas Constitution. This article implements a policy of the city to impose fees upon each new development project to pay the costs of constructing capital improvements and facility expansions necessary to serve new development.

(Ord. No. 3090, § 3, 3-8-2010)

**Sec. 110-521. Definitions.**

For the purposes of this article, the following definitions shall apply:

*Assessment:* The determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this article.

*Building permit:* Written permission issued by the city for the construction, repair, alteration or addition of a structure associated with an increase of one or more service units.

*Capital improvement:* Water supply, treatment and distribution facilities, and wastewater collection and treatment facilities that have a life expectancy of five or more years and are owned and operated by or on behalf of the city.

*Capital improvements advisory committee:* The city's planning and zoning commission.

*Capital improvements plan:* A plan contemplated by this article that identifies capital improvements or facility expansions for which impact fees may be assessed.

*City:* The City of North Richland Hills, Texas.

*Credit:* The amount of the reduction of an impact fee for fees, payments or charges for or construction of the same type of facility.

*Facility expansion:* The expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, in order that the existing facility may serve new development. The term does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

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*Final plat approval or approval of a final plat:* The point at which the applicant has complied with all conditions of approval and the plat has been released for filing with the county clerk.

*Fort Worth access fee.* The fee imposed upon the City of North Richland Hills by the City of Fort Worth for providing water and/or sanitary sewer service to new development contained within the incorporated city limits and to which service is provided either directly or indirectly by the City of Fort Worth water and/or sanitary sewer system(s)

*Impact fee:* A charge or assessment imposed as set forth in this article against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition. The term does not include:

- (1) Dedication of land for public parks or payment in lieu of the dedication to serve park needs;
- (2) Dedication of rights-of-way or easements or construction or dedication of on-site or off-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks, or curbs if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the new development;
- (3) Lot or acreage fees to be placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines; or
- (4) Other pro rata fees for reimbursement of water or sewer mains or lines extended by the political subdivision.

However, an item included in the capital improvements plan may not be required to be constructed except in accordance with Section 395.019(2), Texas Local Government Code, and an owner may not be required to construct or dedicate facilities and to pay impact fees for those facilities.

*Land use assumptions:* A description of the service area and projections of changes in land uses, densities, intensities, and population in the service area over at least a ten-year period which has been adopted by the city and upon which the capital improvements plan is based.

*Meter equivalent:* The flow capacity of a water meter compared to the base three-fourths-inch meter. The water meter equivalents shown on Conversion Table 2 and in the Impact Fees Capital Improvements Plan serves as the standardized measure of use or generation attributable to the new unit of development.

*New development:* The subdivision of land; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of a structure; or any use or extension of the use of land; any of which increases the number of service units.

*Offsite:* Located entirely on property which is not included within the bounds of the plat being considered for impact fee assessment.

*Onsite:* Located at least partially on the plat which is being considered for impact fee assessment.

*Service area:* The entire area within the corporate limits of the city to be served by the capital improvements and facilities expansions specified in the capital improvements plan.

*Service unit:* The three-fourths-inch water meter equivalent as shown on Conversion Table 2 attached hereto and in Appendix A as Table 3.5 in the Impact Fees Capital Improvements Plan which serves as the standardized measure of use or generation attributable to the new unit of development based on historical data and trends applicable to the city during the previous ten years.

*Wastewater facility:* An improvement for providing wastewater collection and treatment, including, but not limited to, land or easements, treatment facilities, lift stations, or interceptor mains. Wastewater facility excludes

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sanitary sewer lines or mains which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by developers or owners of property in other subdivisions as a condition of connection to or use of such facility.

*Water facility:* An improvement for providing water supply, treatment and distribution service, including, but not limited to, land or easements, water treatment facilities, water supply facilities or water distribution lines. Water facility excludes water lines or mains which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by developers or owners of property in other subdivisions as a condition of connection to or use of such facility.

(Ord. No. 3090, § 3, 3-8-2010)

### **Sec. 110-522. Capital improvements advisory committee.**

- (a) The capital improvements advisory committee shall consist of the city planning and zoning commission. If the commission does not include at least one representative of the real estate, development or building industry who is not an employee or official of a political subdivision or governmental entity, the city council shall appoint at least one such representative as an ad hoc voting member of the advisory committee.
- (b) The capital improvements advisory committee serves in an advisory capacity and is established to:
  - (1) Advise and assist the adoption of land use assumptions;
  - (2) Review the capital improvements plan and file written comments;
  - (3) Monitor and evaluate implementation of the capital improvements plan;
  - (4) File semi-annual reports with respect to the progress of the capital improvements plan and report to the city council any perceived inequities in implementing the plan or imposing the impact fee; and
  - (5) Advise the city staff and council of the need to update or revise the land use assumptions, capital improvements plan and impact fee.
- (c) All professional reports concerning the development and implementation of the capital improvements plan shall be made available to the advisory committee.
- (d) The capital improvements advisory committee shall elect a chairperson to preside at its meetings and a vice-chairperson to serve in his absence. All meetings of the committee shall be open to the public and posted at least 72 hours in advance. Robert's Rules shall, insofar as applicable, govern the conduct of the committee's business. A majority of the membership of the committee shall constitute a quorum.

(Ord. No. 3090, § 3, 3-8-2010)

### **Sec. 110-523. Periodic updates required.**

The land use assumptions and capital improvements plan upon which impact fees are based shall be updated at least every five years, beginning with the next such update to be on or before March 7, 2015. Alternatively, the city council may, pursuant to the provisions of Section 395.0575 of the Local Government Code make a determination that no such update is required.

(Ord. No. 3090, § 3, 3-8-2010)

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**Sec. 110.524. Adoption of updated land use assumptions, capital improvements plan and impact fees; impact fee required.**

- (a) The 2010 land use assumptions, capital improvements plan and impact fees proposed by staff and on file in the office of the city secretary along with the tables referred to herein are hereby adopted.
- (b) No building permit shall be granted to new construction of any property, nor shall any original water or sewer service connection be made unless or service commenced unless and until impact fees required by this article are assessed and collected or a contract providing for payment as approved by the city entered into.

(Ord. No. 3090, § 3, 3-8-2010)

**Sec. 110-525. Assessment of impact fees.**

- (a) Assessment of the impact fee per service unit shall occur as set forth in section 110-526.
- (b) Additional impact fees or increases in fees shall not be assessed unless the number of service units to be developed on the tract increases. Should the service units be increased, impact fees shall be increased in an amount equal to the current impact fee per service unit multiplied by the difference in number of service units.

(Ord. No. 3090, § 3, 3-8-2010)

**Sec. 110-526. Collection of impact fees.**

- (a) At the time building permits are requested (or, if property is to be connected to mains without such permits, at the time connection to mains is requested), the number of service units shall be determined from the number of residential meters using, if necessary, the meter equivalency Table 2, Appendix A, chapter 110, subdivisions.
- (b) The amount of the impact fee due shall be determined by multiplying the number of service units times the amounts of the impact fees together with the applicable Fort Worth access fee for water and wastewater contained in Table 1 in Appendix A, chapter 110, subdivisions.
- (c) The impact fee due shall be collected at the time a building permit is issued or, if connection is to occur without a permit, prior to connection to the city main.
- (d) The determination of impact fees shall be reduced by any allowable credits for the category of capital improvements as provided by section 110-527.
- (e) The owner of property for which there is a recorded plat may enter into a written agreement with the city providing for the time and method of payment of impact fees, which agreement shall prevail over any contrary provision of this article.
- (f) Impact fees may be assessed, but not collected, for property where service is not available unless:
  - (1) The city commits to commence construction of necessary facilities identified in the capital improvements plan within two years and have service available in a reasonable time not exceeding five years;
  - (2) The city agrees in writing to permit the owner of the property to construct or finance the required capital improvement or facility expansion and agrees that the costs incurred or funds advanced will either:



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- a. Be credited against the impact fees otherwise due from the new development;
  - b. Reimburse the owner for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions in which case fees shall be reimbursed to the owner at the time collected; or
  - c. The owner voluntarily requests that the city reserve capacity to serve future development and the city, and the owner enter into a valid written agreement.

(Ord. No. 3090, § 3, 3-8-2010)

**Sec. 110-527. Credits.**

- (a) Any construction of, contributions to, or dedications of any facility appearing on the capital improvements plan which is required to be constructed by the owner as a condition of development shall be credited against the impact fees otherwise due for the same category of impact fees otherwise due from the development.
- (b) The amount of each credit for required construction of a facility on the capital improvements plan shall be calculated by multiplying 50 percent by the number indicated in the column titled "10-Year (2009-2019)" of Table 3-3 of Exhibit B for water infrastructure projects and the column titled "10-Year (2009-2019)" of Table 3-4 of Exhibit B for wastewater infrastructure projects.
- (c) As an alternative to the foregoing, the city and the owner may enter into an agreement providing that in addition to the credit, the owner will be reimbursed for all or a portion of the costs of such facilities from pro rata charges collected from others who connect to such facilities and from impact fees as received from other new developments that will use such capital improvements or facility expansions. Pro rata charges paid shall be credited against impact fees in the same manner as expenditures for facilities constructed as set forth in subsection (b) hereinabove above.
- (d) An owner shall be entitled to a credit against any category of impact fee as provided in any written agreement between the city and the owner.
- (e) No credit for construction of any facility shall exceed the total amount of impact fees due from the development for the same category of improvements.

(Ord. No. 3090, § 3, 3-8-2010)

**Sec. 110-528. Expenditure and accounting for fees and interest.**

- (a) All impact fees collected shall be deposited in interest bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee is adopted.
- (b) Interest earned shall be credited to the account and shall be subject to the same restrictions on expenditures as the funds generating such interest.
- (c) Impact fees and the interest earned thereon may be spent only for the purposes for which such fee was imposed as shown in the capital improvements plan.
- (d) The records of the accounts into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

(Ord. No. 3090, § 3, 3-8-2010)

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**Sec. 110-529. Refunds.**

- (a) On the request of an owner of the property on which an impact fee has been paid, impact fees shall be refunded if existing facilities are available and service is denied or if the city failed to commence construction of facilities required for service within two years of payment of the fee or if such construction is not completed within a reasonable time, but not in any event in more than five years from the date of payment of the fee.
- (b) Any impact fee funds not expended within ten years after payment shall be refunded.
- (c) Refunds shall bear interest calculated from the date of collection to the date of refund at the statutory rate set forth in Section 302.002, Texas Finance Code.
- (d) All refunds shall be made to the record owner of the property at the time the refund is paid. However, if the impact fees were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.
- (e) The owner of the property on which an impact fee has been paid or another political subdivision or governmental entity that paid the impact fee has standing to sue for a refund under this section.

(Ord. No. 3090, § 3, 3-8-2010)

**Sec. 110-530. Certification of compliance required.**

- (a) Each year the city imposes an impact fee it shall submit a written certification verifying compliance with this chapter to the attorney general each year not later than the last day of the city's fiscal year.
- (b) The certification must be signed by the mayor of the city and include a statement that reads substantially similar to the following: This statement certifies compliance with V.T.C.A., Local Government Code chapter 395.
- (c) In the event the city fails to submit a certification as required by this section, it is liable to the state for a civil penalty in an amount equal to ten percent of the amount of the impact fees erroneously charged. The attorney general shall collect the civil penalty and deposit the amount collected to the credit of the housing trust fund.

(Ord. No. 3090, § 3, 3-8-2010)