

TR 2018-01
SUBDIVISION REGULATION TEXT AMENDMENTS
CROSS ACCESS EASEMENTS – PROPERTY ACCESS

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:
 - (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)

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ARTICLE XI. - DESIGN CRITERIA

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.

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

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

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