

ORDINANCE NO. 1246-2019

AN ORDINANCE AMENDING CHAPTER 10 “SUBDIVISIONS” BY AMENDING PART IV “PRELIMINARY PLAT REQUIREMENTS”; AMENDING PART V “FINAL PLAT AND CONSTRUCTION PLANS”; AMENDING PART VII “REQUIREMENTS FOR REPLATTING”; AMENDING PART VIII “REQUIREMENTS FOR A SHORT FORM PLAT”; AMENDING PART X “REQUIREMENTS FOR AMENDING A PLAT”; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council now desires to amend Chapter 10 “Subdivisions” of the River Oaks Code of Ordinances (2006) as amended for the purpose of complying with amendments to Chapter 212, Texas Local Government Code; and

WHEREAS, the Planning and Zoning Commission of the City of River Oaks, Texas held a public hearing on September 9, 2019 and the City Council of the City of River Oaks, Texas held a public hearing on September 10, 2019 with respect to the amendments described herein; and

WHEREAS, the City Council has determined that it is in the best interest of the City of River Oaks, Texas to amend said subdivision ordinance to better address orderly development within the City of River Oaks and in so doing protect the general health, safety, and welfare of the residents of River Oaks.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS THAT:

SECTION 1.

Part IV “Preliminary Plat Requirements” of the Subdivision Ordinance codified in Chapter 10 “Subdivisions,” of the City of River Oaks Code of Ordinances is amended to read as follows:

“Part IV - PRELIMINARY PLAT REQUIREMENTS

Art. 17. General

17-100 The subdivider shall cause to be prepared a preliminary plat by a Professional Engineer, Registered Public Surveyor and/or Land Planner, in accordance with this Ordinance.

17-101 Until a preliminary plat of a subdivision shall have been approved in accordance with

this Ordinance, no person shall subdivide or shall submit a final plat thereof, or shall file a record of survey, or a map or plat for record, or proceed with any grading, construction or other work on the same, save and except as permitted by Section 8-101.

Art. 18. Application and Copies Required

18-100 Application for preliminary plat approval shall be made on an application form provided by the City and shall include all preliminary planning information required herein.

The Subdivider shall submit 1 full size mylar, seven (7) full size blue line prints, one 11 x 17 reduction, and one 1"-200' scale copy of the preliminary plat to the Director of Public Works together with other required data, showing all preliminary information as hereinafter required. Also, one full size mylar and four (4) full size prints of the preliminary water and sanitary sewer plan along with a preliminary drainage study shall be submitted to the City Engineer at the same time. Prior to the date set for Planning and Zoning Commission consideration, the Director of Public Works shall submit one (1) copy of the preliminary planning information to the City Engineer to obtain his recommendations for the Planning and Zoning Commission. The preliminary information will be furnished to the Planning and Zoning Commission by the Director of Public Works.

Art. 19. Filing Fee

19-100 Such preliminary planning information shall be accompanied by a filing fee as specified by City Fee Schedule as adopted and as amended. No application will be accepted or processed unless the filing fee has been paid. This fee shall not be refunded should the preliminary plat be disapproved.

Art. 20. Formal Application

20-100 No application for approval of a plat shall be accepted for processing unless the Director of Public Works has issued a determination of completeness in accordance with Article 13 hereof.

20-101 If the Director of Public Works has not mailed a notice of completeness to the applicant on or before the tenth (10th) business day after the submission of the application for approval of a plat, the application shall be deemed complete and will be processed by the City.

Art. 21. Form and Content of Preliminary Planning Information

21-100 The plans shall be drawn on sheets 36 inches wide and 22 or 24 inches high with a binding margin of not less than one and one-half (1-1/2) inches on the left side of the sheet; and margins not less than one-half (1/2) inch on the other three sides.

21-101 The plans will be drawn to a scale of not more than one hundred (100) feet to one (1)

inch. Whenever the size of the subdivision is such that the full area cannot be covered on a single sheet with space for titles and other required identification, the plans may be drawn on a number of separate sheets with matching lines to facilitate joining them together as a continuous composite plat. When more than one sheet is necessary to accommodate the entire tract proposed for subdivision, an index map showing the entire subdivision shall be furnished and each portion of the subdivision shall be indicated on the index map.

Where more than one sheet is so used, they shall also be accompanied by photographic reductions of the various sheets reduced in scale and joined together to form a single overall composite of the plat on a sheet not more than 36 inches wide and 22 or 24 inches high.

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary plats shall be accompanied by a layout of the entire area showing the tentative proposed layout of streets, blocks, drainage, water, sewerage, and other improvements for such areas.

21-102 Preliminary Planning Information shall consist of at least the following separate sheets:

21-103 Sheet No. 1 - Preliminary Plat

1. Name and address of the Subdivider, record owner, and of the engineer, planner, or surveyor.
2. Proposed name under which the subdivision is to be recorded, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the City or its extraterritorial jurisdiction.
3. Name of contiguous subdivisions, location of contiguous lots and the name of owners of contiguous parcels of unsubdivided land and an indication of whether or not contiguous properties are platted and filed of record.
4. The location of existing blocks, lots, building lines, water courses, ravines, bridges, culverts, present structures and any pertinent natural features in the area affected, with principal dimensions and all significant information in regard to property, immediately adjacent on all sides.
5. The tract designation and other description according to the real estate records of the City or County Assessor and Recorder; also designation of the proposed uses of land within the subdivision.
6. Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.

7. A vicinity map showing location of tract by reference to existing streets or highways.
8. Subdivision boundary lines accurate in scale and indicated by heavy lines, of the total area proposed for subdivision and the computed acreage of the total area. Bearing and length of each boundary line shall be shown and description by metes and bounds of the subdivision perimeter shall be supplied separately on 8-1/2 x 11 or 8-1/2 by 14 inch paper.
9. The location, dimensions, and name (if applicable) of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the proposed subdivision, intersecting or contiguous with its boundaries or forming such boundaries. All existing or recorded residential lots, parks, public areas, permanent structures within or contiguous with the proposed subdivision shall be shown.
10. Other conditions adjacent to the tract affecting design of the subdivision including such information as may be available from field observation, aerial photographs and available maps.
11. The location, dimensions and name, if applicable, of all proposed streets, alleys, drainage structure, parks, public areas, reservations, easements or other rights-of-way, blocks, lots, commercial areas and other sites within the proposed subdivision. When curved streets are proposed, the radius of the curve shall be shown. For lots facing on curved streets the chord width of the lot at the front building set back line shall be shown. A number or letter shall be used to identify each lot or site and block.
12. The location of lots and blocks proposed for inclusion in the first section of development.
13. Front building setback lines on all lots and sites. Side yard building setback lines at street intersections and crosswalk ways.
14. 20' x 20' public open space easement on corner lots at the intersection of an alley and a street.
15. 35' x 35' public open space easement on corner lots at the intersection of two streets. Also, place easement statement on plat.
16. 24-foot Fire lane easement statement as applicable.
17. Flood plain and floodway lines, flood map number and date, and floodway restriction statement. A statement confirming that subdivisions that impact one acre or more will require a swmp3 will be required.
18. Utility easement statement.

19. Location of city limits line, the outer border of the City's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.
20. The date of preparation, the scale of the drawing, and a north arrow.
21. All proposed planning shall conform to the current City Zoning Ordinance and map.
22. Each proposed street, within the subdivision area, shall be named and shall conform with names of any existing streets of which they may be or become extensions. The names shall not be duplicate, or be similar to, the recognized name of any other street located elsewhere in the area subject to these rules and regulations.
23. Designation of all tracts, intended to be for multi-family dwellings, shopping centers, churches, industry or other higher intensity uses.
24. Data specifying the gross area of the subdivision, the proposed number of residential lots and area therefor, and the approximate area in parks and in other non-residential uses.
25. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservations, if any.
26. The following notice shall be placed on the face of each preliminary plat by the subdivider:

"Preliminary Plat for Review Purpose Only"

27. The following certificates shall be placed on the Preliminary Plat by the subdivider:

**SAMPLE CERTIFICATE FOR
PLANNING & ZONING COMMISSION APPROVAL**

THE PLANNING AND ZONING COMMISSION OF RIVER
OAKS, ON (date _____,
20 __) VOTED AFFIRMATIVELY TO RECOMMEND
CONDITIONAL APPROVAL OF THIS PRELIMINARY PLAT,
SUBJECT TO CONDITIONS ENUMERATED IN MINUTES OF
THIS DATE.

BY: _____
CHAIRMAN

ATTEST: _____
SECRETARY

SAMPLE CERTIFICATE FOR CITY COUNCIL APPROVAL

THE CITY COUNCIL OF RIVER OAKS ON (date _____, 20 ____) VOTED AFFIRMATIVELY TO CONDITIONALLY APPROVE PREPARATION OF FINAL PLAT SUBJECT TO CONDITIONS ENUMERATED IN MINUTES OF THIS DATE.

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

21-104 Sheet No. 2 - Topography, Street, and Drainage Plan

This sheet may be prepared on a reproducible copy of Sheet No. 1 so that the same information will be repeated together with the following:

1. Topographical information including contour lines on a basis of two (2') foot intervals. All elevation shall be on U.S. Coast and Geodetic Survey datum or referenced to a City bench mark on the same datum. The datum used shall be specified on the drawing.
2. Any proposed changes in topography shown by contour lines on a basis of five feet vertical interval in terrain.
3. Areas contributing drainage to the proposed subdivision shall be shown on small scale supplemental drawings. The information to be submitted shall include the area, slope and type of development and quantity of drainage in the contributing area.
4. At points where drainage enters or leaves the proposed subdivision the following information shall be provided:
 - a. location of entrance and discharge points
 - b. DA (Drainage Area)
 - c. 25
 - d. Q100

All drainage must be planned in the best interests of the immediate and adjacent properties. Any present adverse "drainage situations" shall not be made any worse than existing. Drainage and storm water management shall

be designed to recognize the legal standards established by Texas Water Code Sec. 11.086.

5. Drainage arrows shall be shown for all streets and drainage easements. When the maximum permissible capacity of streets to carry storm water is exceeded the location of storm sewers, curb inlets, open channels and other drainage facilities shall be shown.
6. Supplemental information showing the preliminary design calculations for drainage shall be furnished and attached to the Topography and Drainage Plan. Calculations shall conform to the current design criteria adopted by the City. Areas subject to flooding shall be shown, delineating the 100-year flood limits if applicable.
7. The exact location, dimension, description, and flow line of existing drainage structures and the location, flow line and flood plain and floodway of existing water courses within the subdivision or contiguous tracts.
8. The width of surfacing measured from back-to-back of curbs shall be shown for all streets. The width of drainage and other easements shall be shown.
9. The responsible entity for the operation and maintenance of any building, park, equipment, pools, plantings, lawns or other legal interests if it is proposed that they are to be shared by owners of the real property within the subdivision.

21-105 Sheet No. 3 - Water and Sewerage Plan

1. May be prepared from Sheet No. 1, but should also include topographical contours at the intervals specified for Sheet No. 2.
2. Existing sewers, water mains, gas mains, electric and telephone lines, culverts, or other underground structures or utilities within the tract and immediately adjacent thereto with pipe sizes, grades, locations, and elevations indicated.

In the event water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of the nearest ones, showing invert and flowline elevations of sewers; and depths of water lines and valve locations for water lines.

3. The size and location of all proposed water distribution mains including valves and fire hydrants.
4. The size and location of all proposed sanitary sewer mains including manholes. Preliminary grades for each main between manholes and the depth at each manhole and the material used for each manhole shall be shown.

5. The size of water and sewer mains shall conform to the current design criteria adopted by the City.

Art. 22. Processing of Preliminary Planning Information

- 22-100** The City Secretary or his/her designated representative shall collect the prescribed fees for the City; and after issuance of a determination of completeness for the application by the Director of Public Works, the Director shall check the information and documents submitted for conformity with the master plan, Thoroughfare Plan, Land Use Plan, Zoning Ordinance and other requirements of this Ordinance and other applicable ordinances.
- 22-101** One (1) full size mylar and four (4) full size prints of all preliminary engineering data shall be submitted to the City Engineer at the same time application is made for platting. The City Engineer shall check the same for conformity with the standards and specifications contained or referred to herein. A copy of any proposed plat instrument shall be transmitted to the school district for their review.
- 22-102** The City Engineer shall return his findings on the application to the Director of Public Works with his suggestions as to modifications, additions or alterations of the proposed preliminary plat for streets, drainage, water and sewer plans. Upon receipt, the Director shall determine that the application conforms to this Ordinance, except for any variances requested by the applicant, and the date of such determination shall constitute the official filing date for purposes of acting on the preliminary plat within the time required by law. The Director of Public Works shall send written notification to the applicant when it is determined that the application conforms to this Ordinance.
- 22-103** Within thirty (30) days after the official filing date of the application, the Planning and Zoning Commission shall make its recommendation for approval, approval with conditions or disapproval of the preliminary plat. Failure of the Planning and Zoning Commission to act within thirty (30) days shall be deemed a recommendation of approval of the preliminary plat.
- 22-104** The recommendations of the Planning and Zoning Commission shall be considered for final action at the next available regularly scheduled meeting of the City Council. The City Council shall approve, approve with conditions or disapprove any such preliminary plat within thirty (30) days of the Planning and Zoning Commission's recommendation. If the City Council conditionally approves or disapproves the preliminary plat, the Director shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval, including a citation to the law that is the basis for the conditional approval or disapproval, if applicable.
- 22-105** If the City Council conditionally approves or disapproves a preliminary plat, the applicant may submit to the Director a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided to the

applicant. There is no deadline for when the applicant may submit the response. If the applicant submits a response under this section, the response shall be reviewed by the Director and forwarded to the City Council for action within fifteen (15) days of the date the response is submitted. The City Council shall take action to approve or disapprove of the applicant's previously conditionally approved or disapproved preliminary plat. The City Council shall approve the preliminary plat if the applicant's response adequately addresses each condition of the conditional approval or each reason for disapproval. The City Council shall disapprove the preliminary plat if the applicant's response fails to adequately address each condition of the conditional approval or each reason for the disapproval. The City Council may only disapprove the preliminary plat for a specific condition or reason previously provided to the applicant. If the City Council disapproves the preliminary plat, the Director shall provide the applicant a written statement of the reasons for disapproval that clearly articulates each specific reason for disapproval, including a citation to the law that is the basis for the disapproval, if applicable. If the preliminary plat is disapproved after the applicant files a response under this section, the disapproval is final.

- 22-106** Approval of a preliminary plat by the City Council shall be deemed an expression of approval of the layout submitted on the preliminary drawings as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final plat. Approval of a preliminary plat shall not constitute approval of the final plat.
- 22-107** Approval of a preliminary plat by the City Council shall also be deemed an approval of all preliminary planning information submitted along with the preliminary plat.
- 22-108** The approval of the preliminary plat by the City Council shall be effective for a period of one hundred eighty (180) days after the approval date, unless reviewed by the City Council in the light of new or significant information, which would necessitate the revision of the preliminary plat, such revision being subject to the same procedures as the original preliminary plat. If a final plat for the subdivision, or a portion thereof, has not been submitted, or if a change in requirements has not occurred which would affect the preliminary plat, at the end of the 180 days after approval, the preliminary plat shall become null and void, unless the subdivider has requested and received an extension of time from the City Council.
- 22-109** No construction other than the rough cutting of streets as authorized by Section 8-101 shall be commenced on the subdivision prior to approval of the final plat.
- 22-110** The City Council through the procedure specified in Article 7 may waive any of the above requirements with respect to a small subdivision of no more than five lots, and one not involving opening of additional streets or alleys or where otherwise the cost of compliance appears disproportionate to any legitimate municipal interest."

SECTION 2.

Part V "Final Plat and Construction Plans" of the Subdivision Ordinance codified in Chapter

10 "Subdivisions," of the City of River Oaks Code of Ordinances is amended to read as follows:

"Part V - FINAL PLAT AND CONSTRUCTION PLANS

Art. 23. General

- 23-100** No subdivision of land shall be accomplished without proper submittal, approval and adoption of a final plat prepared by a Registered Public Surveyor or Professional Engineer, and approval of construction plans and specifications for improvements prepared by a Professional Engineer in accordance with this Ordinance.
- 23-101** All final plats must first be preceded by properly prepared and approved preliminary plats except as provided in Parts VIII and X of this ordinance.
- 23-102** Copies of all proposed final plats will be sent to the utility companies to determine if additional utility easements are necessary to serve the subdivision.
- 23-103** Right-of-way for streets shall be dedicated on all final plats in accordance with the Thoroughfare Plan.
- 23-104** Utility easements shall be dedicated on the final plat necessary for the orderly development of the property.
- 23-105** No application shall be accepted or processed unless accompanied by a completed application form; application fee; certified construction plans, including the required water and sanitary sewer plans, street plans, and storm drainage plans; drainage study; and the required final plat drawings.

Art. 24. Application and Copies Required

- 24-100** The full size mylar of the final plat shall be executed and submitted to the Director of Public Works along with seven (7) full size blue line prints, one (1) 11 x 17 reduction, one (1) 1"-200' scale copy of the plat, and two (2) copies of the certified construction plans and specifications and other required data.
- 24-101** The final plat may constitute only that portion of the approved preliminary plat which the subdivider or developer proposes to record and develop; however, such portion shall conform to all the requirements of this Ordinance.

If final plats are submitted for approval on portions or phases of the proposed subdivision, each portion or phase shall carry the name of the entire subdivision but shall bear a distinguishing letter, number or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivision might be finally approved in sections.

Art. 25. Filing Fee and Certificates

- 25-100** When the final plat is submitted to the City, it shall be accompanied by an executed

application form and a filing fee as specified by City regulations. The deposit of a final plat, application, fees and all other required documents shall be required for the plat to be processed.

- 25-101** The final plat shall be accompanied by certificates from the City, School District and County Tax Collectors showing that all City, School District and County taxes on the land being platted have been paid to the current year.

Art. 26. Inspection Fees

- 26-100** An inspection fee of four (%) percent of the actual costs of street, drainage, water and sewer improvements as approved by the City Engineer shall be paid to the City by the Subdivider prior to the beginning of construction on such infrastructure. Tests of material or construction may be ordered by the City. All such tests shall be paid for by the subdivider or developer. Should that test indicate that the material or construction does not satisfy the minimum requirements of the City, the costs of all additional tests on the same or replaced or corrected material or construction shall be paid for by the subdivider or developer. Tests shall be taken until the item tested passes the test. All tests shall be performed by an independent engineer or laboratory approved by the City.

- 26-101** No subdivision will be approved or building permit issued by the City until all fees and costs of tests have been paid to the City.

Art. 27. Form and Content of Final Plat

- 27-100** The final plat shall substantially conform to the preliminary plat as conditionally approved by the City Council.

- 27-101** The final plat shall be drawn in India or other permanent ink on quality reproducible sheets not larger than 36 inches wide and 22 or 24 inches high and a margin not less than one and one-half (1-1/2) inches on the left side of the sheet, and one-half (1/2) inch on other sides. The plat shall be drawn at a scale of not more than 100 feet to one (1) inch. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at appropriate scale shall be attached to the plat.

Additionally, the final plat information shall be provided on computer disk. The disk should be AutoCad V.13 or the most recent version.

- 27-102** In addition to the various requirements for the preliminary plat, the final plat shall also include the following:

1. The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearings or deflection angles and radii and central angle, degree of curvature, tangent distance and

length of all curves where appropriate.

2. The exact location, dimensions, description and name of all proposed streets, alleys, drainage, rights-of-way, parks, other public areas, reservations, easement or other rights-of-way, blocks, lots and other sites within the subdivision with accurate dimensions, bearing or deflecting angles and radii and central angles, degree of curvature, tangent distance and length of all curves where appropriate.
3. Owner's acknowledgement and dedications (See Sample Below).
4. Engineer's or Surveyor's Certificate (See Sample Below).
5. A Certificate of Approval for execution by the Planning and Zoning Commission (See Sample Below).
6. A Certificate for the City Council's endorsement (See Sample Below).
7. Deed restriction for the subdivision may be shown on the plat or on 8-1/2 x 11 inch paper attached as a supplement to the plat.

STATE OF TEXAS)
) OWNER'S ACKNOWLEDGEMENT AND DEDICATION
COUNTY OF TARRANT)

I (we), the undersigned, owner(s) of the land, as recorded in Vol ____, PG ____, DEED RECORDS TARRANT COUNTY TEXAS, shown on this plat within the area described by metes and bounds as follows:

(Metes and Bounds Description of Boundary)

and designated herein as the _____ subdivision to the City of River Oaks, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements, rights-of-way and public places thereon shown for the purpose and consideration therein expressed.

Owner _____

Date: _____

STATE OF TEXAS)
COUNTY OF TARRANT)

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 acknowledged to me that he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this _____ day of _____,
20____.

NOTARY PUBLIC

_____ County, Texas

Sample Owner's Acknowledgement and Dedication

Sample Certificate of Surveyor or Engineer Who Prepared Plat

STATE OF TEXAS)
) CERTIFICATE OF SURVEYOR OR ENGINEER
COUNTY OF TARRANT)

I, the undersigned, a (registered professional engineer/public surveyor) in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Engineer or Surveyor's Seal)

Registered Professional Engineer
or Registered Public Surveyor

Date _____

Sample Certificate for Approval of Planning & Zoning Commission

This plat has been submitted to and considered by the PLANNING & Zoning COMMISSION of the City of River Oaks, Texas, and is hereby approved by such Commission.

Dated this _____ day of _____, 20_____.

By: _____
Chairman

ATTEST:

Secretary

Statement of Adoption by Council

THE CITY COUNCIL OF
RIVER OAKS ON
_____, 20____
VOTED AFFIRMATIVELY TO ADOPT
THIS PLAT AND APPROVE IT FOR
FILING OF RECORD.

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

Art. 28. Form and Content of Construction Plans and Calculations

- 28-100** All improvements shall be designed in accordance with the specific "Design Provisions" detailed in this Ordinance and related standard details and specifications included in the most recently adopted North Central Texas Council of Governments Public Works Construction Standards and any other requirements adopted by the City Council.
- 28-101** Two (2) copies of complete plans, specifications, engineering calculations, and detailed cost estimates, for streets, drainage, sanitary sewers, water distribution, and any other improvements to be performed, shall be submitted to the Director of Public Works for review prior to submitting the final plat to the City for processing. All engineering issues shall be resolved and the construction plans and calculations must be certified by the City Engineer as in compliance with this Ordinance and any other requirements adopted by the City Council before the final plat will be accepted by the City for processing
- 28-102** Two (2) complete copies of certified plans, specifications, engineering calculations, and detailed cost estimates, for streets, drainage, sanitary sewers, water distribution, and any other improvements to be performed, shall be submitted to the City with the final plat. .
- 28-103** These plans shall be submitted on standard 22 or 24 inch by 36 inch sheets, shall be the same size as the final plat, and shall include the major information required herein.

28-104 Paving Plans

A plan and profile of each street with top of curb grades, existing and proposed ground line shown. Each sheet shall include north point, scale, date, and bench mark description to sea level datum. Scales shall be 1 inch equal 40 or 50 feet horizontally and 1 inch equal 4, 5, or 10 feet vertically. The typical cross-section of proposed streets showing the width of roadways and type of pavement and location and width of sidewalk shall be shown. Each plan shall show the seal and signature of the registered professional civil engineer who prepared the plans.

28-105 Sanitary Sewer and Water Plans

A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated and showing locations of manholes, etc., and a plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, and fittings, etc., in conformance with the criteria as shown in Part XI of this Ordinance and the Standard Details adopted by the City Council, included in the most recently adopted North Central Texas Council of Governments Public Works Construction Standards and any other requirements adopted by the City Council. Each plan shall show the seal and signature of the registered professional civil engineer who prepared the plans. Each sheet shall include north point, scale, date, and bench mark description to sea level datum.

28-106 Storm Drainage Plans

1. A plan and profile of proposed storm sewers or channels, showing hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, outlet structures, etc., in conformance with the criteria recommended by the City's Storm Water Task Force.

Each plan shall show the seal and signature of the registered professional civil engineer who prepared the plans. Each sheet shall include north point, scale, date, and bench mark description to sea level datum.

2. A general location map of the subdivision showing the entire watershed (a U.S.G.S. quadrangle is satisfactory).
3. Calculations showing the anticipated storm water flow, including watershed area, percent runoff, and time of concentrations shall be submitted showing basis for design for a Q25 and Q100 storm.
4. Detailed plans shall be submitted for any bridges, culverts, catch basins, any other drainage structures, or any other improvements to be made.
5. Any existing adverse "drainage situations" shall not be made any worse than existing.

28-107 Other Utilities

The subdivider must furnish a written statement to the City designating that the subdivision will be served with gas or will be totally electric service. If a gas distribution system is to be installed then all distribution mains and service lines shall be installed before street construction is complete.

Art. 29. Processing of Final Plat and Construction Plans

- 29-100** No application for final plat approval shall be accepted for processing unless the Director of Public Works has issued a determination of completeness in accordance with Article 13 hereof.
- 29-101** After the Director of Public Works has determined that the application is complete, the City Engineer shall review the application and accompanying documents to determine conformity with the standards and specifications of this Ordinance and other applicable ordinances. Upon receipt, the Director shall determine that the application conforms to this Ordinance, except for any variances requested by the applicant, and the date of such determination shall constitute the official filing date of the final plat and all additional documents filed therewith for purposes of acting upon the plat within the time required by law. The Director of Public Works shall send written notification to the applicant when it is determined that the application conforms to this Ordinance.
- 29-102** Within thirty (30) days of the official filing date, the Planning and Zoning Commission shall act on the final plat. The Planning and Zoning Commission shall make a recommendation for approval, approval with conditions or disapproval of the final plat. Failure of the Planning and Zoning Commission to act within thirty (30) days of the official filing date shall be deemed a recommendation of approval of the final plat.
- 29-103** The City Council shall take action to approve, approve with conditions or disapprove the final plat within thirty (30) days of the date the Planning and Zoning Commission's recommendation. If the City Council conditionally approves or disapproves the preliminary plat, the Director shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval, including a citation to the law that is the basis for the conditional approval or disapproval, if applicable.
- 29-104** If the City Council conditionally approves or disapproves a final plat, the applicant may submit to the Director a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided to the applicant. There is no deadline for when the applicant may submit the response. If the applicant submits a response under this section, the response shall be reviewed by the Director and forwarded to the City Council for action within fifteen (15) days of the date the response is submitted. The City Council shall take action to approve or disapprove of the applicant's previously conditionally approved or disapproved final plat. The City Council shall approve the final plat if the applicant's response

adequately addresses each condition of the conditional approval or each reason for disapproval. The City Council shall disapprove the final plat if the applicant's response fails to adequately address each condition of the conditional approval or each reason for the disapproval. The City Council may only disapprove the final plat for a specific condition or reason previously provided to the applicant. If the City Council disapproves the final plat, the Director shall provide the applicant a written statement of the reasons for disapproval that clearly articulates each specific reason for disapproval, including a citation to the law that is the basis for the disapproval, if applicable. If the final plat is disapproved after the applicant files a response under this section, the disapproval is final.

- 29-105** Approval of the final plat by the City Council shall be an approval of the certified construction plans and all other supporting documents submitted along with the final plat.
- 29-106** If the final plat is approved, the Director of Public Works shall have the approval certificate on the plat executed by the Mayor and attested by the City Secretary.
- 29-107** After the final plat has been approved by the City Council, but before construction of water, sewer, street, drainage or other public improvements is started, the Subdivider shall furnish the City with three (3) complete sets of the certified detailed construction plans and specifications.
- 29-108** Lot corner markers shall be iron pins not less than one half inch (1/2") in diameter and no less than eighteen inches (18") long and shall be set flush with the ground at each lot corner by the Subdivider.
- Block corners shall be set prior to construction of public facilities and all lot corners shall be set prior to the issuance of any building permits.
- 29-109** The approved final plat shall be recorded by the Director of Planning and Inspections in the office of the Tarrant County Clerk.
- 29-110** Upon filing the final plat in the County Records, the Director of Planning and Inspections shall have one (1) photostatic copy made by the County Clerk showing the Cabinet and Slide where filed.
- 29-111** Approval of the final plat shall be deemed void if the final plat as approved by the Council has not been executed by the owner and returned to the City for recording in the plat records in the Office of the Tarrant County Clerk within six (6) months of the date of City Council approval of the plat."

SECTION 3.

Part VII "Requirements for Replatting" of the Subdivision Ordinance codified in Chapter 10 "Subdivisions," of the City of River Oaks Code of Ordinances is amended to read as follows:

"Part VII - REQUIREMENTS FOR REPLATTING

Art. 34. Ownership

34-100 The owner(s) of a tract or tracts of land within a subdivision for which a final plat is filed of record may replat the tract or tracts by filing an application for a replat in accordance with the procedures in Article 35.

Art. 35. Procedures

35-100 The procedure for replatting (resubdividing) shall be the same as for subdividing as provided by this Ordinance. A replat of a part of a subdivision must include the entirety of any lots to be replatted and shall not result in any lot being left as a remainder of a previously platted lot.

35-101 All utility companies which furnish the City with water, gas, electric, telephone and television cable service, shall be notified of the proposed replat and given the opportunity to comment on the replat.

35-102 Replats of property that has been zoned or deed restricted for single family or duplex at any time during the preceding five (5) years requires a public hearing with public notice by publication in the official newspaper or a newspaper of general circulation in the county in which the City is located and by written notice to all property owners in the original subdivision within two hundred feet (200') of the lot(s) to be replatted.

35-103 Replats of residentially zoned property other than single family or duplex, commercially zoned property, and industrially zoned property do not require a public hearing.

35-104 Right-of-way for streets shall be dedicated on all replats in accordance with the Thoroughfare Plan and subject to the proportionality requirements of Local Government Code, Section 212.904.

35-105 Utility easements necessary for the orderly development of the property shall be dedicated on all replats.”

SECTION 4.

Part VIII “Requirements for a Short Form Plat” of the Subdivision Ordinance codified in Chapter 10 “Subdivisions,” of the City of River Oaks Code of Ordinances is amended to read as follows:

“PART VIII - REQUIREMENTS FOR A SHORT FORM PLAT

Art. 36. Short Form Plat

36-100 To facilitate the Plat approval process in those instances (including minor street dedication, easement dedication and replats) where the highly formalized Standard Form approval procedure is obviously not necessary for an understanding of a given development process or the effects and implications thereof, or for the protection of proximate individual interest, or for the protection and guidance of community

interests, or for the protection and guidance of community development as a whole, the Short Form Plat approval procedure may be applicable when the following conditions have been met:

1. The Short Form Plat and supporting instruments are respectively drawn and compiled in compliance with the requirements for a Final Plat.
2. The Short Form Plat and supporting instruments or subdivision they represent are not otherwise in contravention with Chapter 212, Local Government Code.
3. Each lot and block has frontage upon a dedicated and improved street to City specifications.
4. All easements to each block, or lot have been previously granted or are shown on the Plat.
5. The proposed development neither contains nor creates a significant drainage problem, nor is topography a salient development consideration.
6. All utilities required to serve each block, or lot are in place or arrangements to provide same have been made with the appropriate agency.
7. The proposed lots shall meet the size requirements of the Zoning Ordinance.
8. Subject property shall not exceed five (5) acres.
9. The property so platted shall conform in size and shape to the lots in the vicinity.
10. All design, engineering, improvements and specifications of documents to be submitted that are applicable to Final Plats shall be applicable to the Short Form Plat.

36-101 Applicant's Duties: The Short Form Plat shall be submitted together with written application, application fees, tax certificates and inspection fees for subdivision approval, in as many copies and as per specifications as required for a Final Plat.

36-102 Processing: The Short Form Plat shall be processed in the same manner herein provided for a Final Plat.

36-103 Approval of certain plats: The public works director of the city shall have the ability to approve:

1. Amending plats described by Section 212.016 of the Texas Local Government Code;
2. Minor plats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or
3. A replat pursuant to section 212.0145 of the Texas Local Government Code that does not require the creation of any new street or the extension of municipal facilities.

- 36-104** Election to approve: The public works director shall approve the plat within the time period specified in section 212.009 of the Texas Local Government Code. The public works director may, for any reason, elect to present the plat for approval to the municipal authority responsible for approving plats.
- 36-105** Refusal to approve plat: The public works director shall not disapprove any plat, and shall be required to refer any plat which he refuses to approve to the municipal authority responsible for approving plats within the time period specified in section 212.009 of the Texas Local Government Code.
- 36-106** Any plat referred, for any reason, to the municipal authority responsible for approving plats by the public works director shall be processed in the same manner herein provided for a Final Plat.”

SECTION 5.

Part X “Requirements for Amending Plat” of the Subdivision Ordinance codified in Chapter 10 “Subdivisions,” of the City of River Oaks Code of Ordinances is amended to read as follows:

“PART X - REQUIREMENTS FOR AMENDING A PLAT

Art. 38. Amending a Plat

38-100 The Public Works Director may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

1. to correct an error in a course or distance shown on the preceding plat;
2. to add a course or distance that was omitted on the preceding plat;
3. to correct an error in a real property description shown on the preceding plat.
4. to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
5. to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
6. to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
7. to correct an error in courses and distances of lot lines between two adjacent

lots if:

- a. both lot owners join in the application for amending the plat;
 - b. neither lot is abolished;
 - c. the amendment does not attempt to remove recorded covenants or restrictions; and
 - d. the amendment does not have a material adverse effect on the property rights of the other owners in the plat;
8. to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 9. to relocate one or more lot lines between one or more adjacent lots if:
 - a. the owners of all those lots join in the application for amending the plat;
 - b. the amendment does not attempt to remove recorded covenants or restrictions; and
 - c. the amendment does not increase the number of lots; or
 10. to make necessary changes to the preceding plat to create six or fewer lots in the subdivision covered by the preceding plat if:
 - a. the changes do not affect applicable zoning and other regulations of the municipality;
 - b. the changes do not attempt to amend or remove any covenants or restrictions; and
 - c. the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area.

38-101 Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

38-102 An executed application form, application fee, tax certificates, and prescribed drawings as required for a final plat shall be submitted.

38-103 Election to approve: The public works director shall approve an amending plat within the time period specified in section 212.009 of the Texas Local Government Code. The public works director may, for any reason, elect to present the plat for approval

to the municipal authority responsible for approving plats.

38-104 Refusal to approve plat: The public works director shall not disapprove an amending plat, and shall be required to refer any amending plat which he refuses to approve to the municipal authority responsible for approving plats within the time period specified in section 212.009 of the Texas Local Government Code.

38-105 If an amending plat is referred, for any reason, to the municipal authority responsible for approving plats, the amending plat shall be processed in the same manner herein provided for a final plat.”

SECTION 6.

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of River Oaks (2006), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed. Ordinance No. 710-05 is hereby specifically repealed.

SECTION 7.

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

SECTION 8.

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of River Oaks, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 9.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) or the maximum amount allowed by law for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 10.

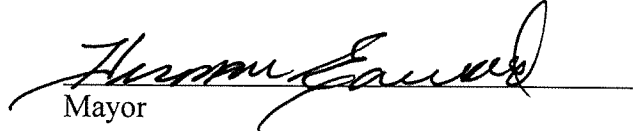
The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time

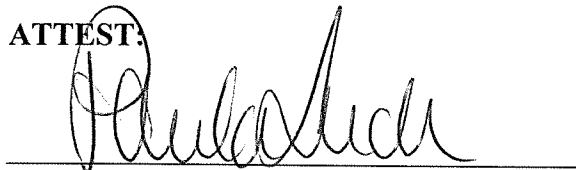
as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

SECTION 11.

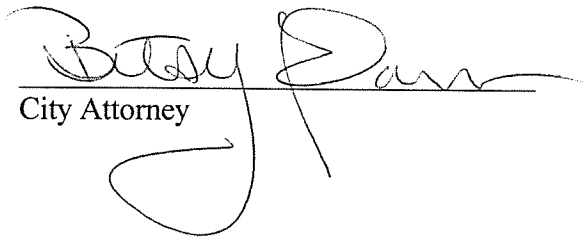
This ordinance shall take effect upon adoption and publication as required by law, and it is so ordained.

PASSED AND APPROVED THIS THE 10th DAY OF SEPTEMBER, 2019.


Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM AND LEGALITY:


City Attorney