

ORDINANCE NO. 1209-2018

AN ORDINANCE AMENDING CHAPTER 10 “SUBDIVISIONS” ADOPTING AN UPDATED SUBDIVISION ORDINANCE ATTACHED HEREIN AS “EXHIBIT A” ESTABLISHING REQUIREMENTS FOR LAND DEVELOPMENT AND SUBDIVISIONS MEETING COMPLETENESS DETERMINATION, EXACTION REQUIREMENTS, ROUGH PROPORTIONALITY AND PROTECTED RIGHTS WHEN PERTAINING TO APPLICATIONS FILED WITH THE CITY OF RIVER OAKS FOR DEVELOPMENT WITHIN THE CITY OF RIVER OAKS; PROVIDING PRELIMINARY AND FINAL PLATTING REQUIREMENTS; PROVIDING INFRASTRUCTURE REQUIREMENTS PERTAINING TO UTILITIES, DRAINAGE CRITERIA, FIRE LANES AND STREET AND ROAD CONSTRUCTIONS PURSUANT TO THE MOST RECENT VERSION OF N.C.T.C.O.G. PUBLIC WORKS CONSTRUCTION STANDARDS; REPEALING THE FORMER ADOPTED ARTICLE 10.02 “DEVELOPMENTS”, ARTICLE 10.03 “APPROVAL OF CERTAIN PLATS INCLUSIVE OF THE FORMER EXHIBIT A “FACILITIES” AND EXHIBIT B “VESTED RIGHTS” IN CONFLICT HEREOF; 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 promoting development within the City of River Oaks ; and

WHEREAS, the Planning and Zoning Commission of the City of River Oaks, Texas held a public hearing on November 19, 2018 and the City Council of the City of River Oaks, Texas held a public hearing on November 27, 2018 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

Chapter 10, "Subdivisions," of the Code of Ordinances, City of River Oaks, Texas is hereby amended in its entirety to read as set forth in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 2.

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 3.

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 4.

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 5

Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation including the dumping of refuse may not exceed two thousand dollars (\$2,000.00); provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any

violation of this code or of any ordinance shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

SECTION 6

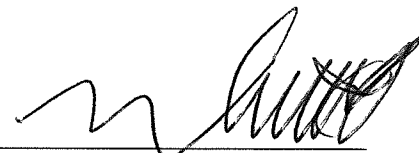
The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

SECTION 7

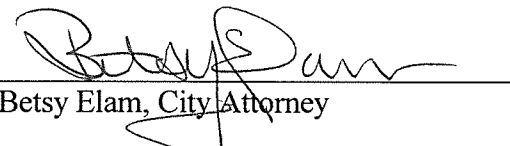
This ordinance shall take effect upon adoption and publication as required by law, and it is so ordained.

PASSED AND APPROVED THIS THE 27th DAY OF NOVEMBER 2018.


Mayor Herman Earwood

ATTEST: 
Marvin Gregory
City Secretary
City of River Oaks

APPROVED AS TO FORM AND LEGALITY:


Betsy Elam, City Attorney

ADOPTED: 11-27-2018
EFFECTIVE: 12-07-2018

Exhibit A

SUBDIVISION ORDINANCE

CITY OF RIVER OAKS

SUBDIVISION ORDINANCE

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Part 1 - GENERAL

Art. 1. Short Title

1-100 This Ordinance may be known and cited as the "River Oaks Subdivision Ordinance."

Art. 2. Authority

2-100 This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapter 212 of the Texas Local Government Code and the provisions of the Municipal Annexation Act, codified as Chapter 43 of the Texas Local Government Code .

Art. 3. Purpose and Policy

- 3-100** 1. These subdivision regulations of the City are designed and intended to achieve the following purposes and shall be administered so as to:
- a. promote the health, safety, morals and general welfare of the community and the safe, orderly and healthful development of the City;
 - b. establish adequate policies and procedures to guide development of the City;
 - c. 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;
 - d. ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
 - e. ensure against the dangers of fires, floods, erosion, landslides, or other such disasters;
 - f. preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features;
 - g. ensure that new development is performed in a manner that is harmonious to adjacent properties;
 - h. 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;

- i. 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;
 - j. 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;
 - k. 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 in order to preserve the integrity, stability, and beauty of the community and the value of land;
 - l. provide for open spaces through the most efficient design and layout of land, while preserving the land use intensity as established in the Zoning Ordinance of the City; and
 - m. to require the platting of land for the issuance of a building permit.
- 2. 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 within the City.
 - 3. Land must not be platted until proper provision has been made for dedication, construction and/or improvement of adequate public facilities including roadways, drainage, water, wastewater, parks, recreation facilities, and other capital improvements.
 - 4. 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 required conditions.
 - 5. 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."

Art. 4. Interpretation

4-100 In the interpretation and application of the provisions of these regulations, it is the intention of the City Council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City of River Oaks, and, where other ordinances of the City are more restrictive in their requirements, or provide greater protection or control, such other ordinances shall control. Minimum standards are appropriate under optimum conditions, individual sites require specific analysis and may need enhanced facilities.

Art. 5. Definitions

5-100 For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this section. Words and terms not expressly defined herein are to be construed according to their customary usage in the practice of municipal planning and engineering. Words defined in the Zoning Ordinance not defined in this Ordinance will have the meaning set forth in the Zoning Ordinance.

Administrative Officers: Any office referred to in this Ordinance by title, i.e., City Secretary/Administrator, City Attorney, City Secretary, City Engineer, Director of Public Works, Zoning Administrator, etc., shall be the person so retained in this position by the City, or their duly authorized representatives.

Alley: A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

Accessory Building or Structure: A subordinate building having a use customarily incident to and located on the same lot occupied by the main building. An accessory structure is considered to be a part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

Building Setback Line: The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent prevailing edge of the street or from the property line (side or rear yard) to the established building line for the particular designated zoning district that the building structure or sign is located in, measured perpendicularly. .

City: The City of River Oaks, Texas.

Commission: The Planning and Zoning Commission of the City.

City Secretary: The officially appointed and authorized City Secretary appointed pursuant to Section 4.03 of the City Charter as amended, who shall also be deemed as being the City Administrator of the City of River Oaks, Texas, or his/her duly authorized representative.

Comprehensive Land Use Plan: The comprehensive plan of the City and adjoining areas as recommended by the Planning and Zoning Commission and as adopted by the City Council including all its revisions. This plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks, water, sewer, and other public and private developments and improvements.

Crosswalk Way: A public right-of-way, four (4) feet or more in width between property lines, which provides pedestrian circulations.

Cul-de-sac: A street having but one outlet to another street, and terminated on the opposite end by a vehicular turn-around.

Dead-End Street: A street, other than a cul-de-sac, with only one outlet.

Director of Public Works: the individual appointed by the chief executive officer of the city with the advice and consent of the city council to manage and direct the public works operations of the city.

Easement: The word "easement" shall mean an area for restricted use on private property upon which any public utility including the City, shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements. Any public utility, including the City, shall at all times have the right of ingress and egress to and from and upon easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of the property owner. A public easement may be utilized for a utility and/or drainage system.

Engineer: A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans and specifications for subdivision development.

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

- a. dedicate an interest in land for a public infrastructure improvement;

- b. construct a public infrastructure improvement; or
- c. pay a fee in lieu of constructing a public infrastructure improvement.

City Engineer: The Registered Professional Engineer or firm of Registered Professional Consulting Engineers that has been specifically designated as "City Engineer" by the City Council.

Facilities Agreement: The facilities agreement shall be a legally binding agreement between the City and the developer specifying the individual and joint responsibilities of both the City and the developer for the development and construction of a subdivision project. Unusual circumstances relating to a subdivision shall be considered in the facilities agreement such that the purpose of this ordinance may be served for each particular subdivision. Such facilities agreement may stipulate pro rata payments, city participation in unusual facilities, escrow deposits or other payments for future facilities, waivers granted to the ordinance and other non-standard agreements relating to the development. The facilities agreement shall be recorded in the Tarrant County Courthouse at the same time the Final Plat is recorded.

Final Plat: (Also Record Plat or Filing Plat). The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer with the subdivision location referenced to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. Angular measurements and bearings shall be accurate to the nearest minute. Distances shall be accurate to the nearest tenth of a foot. Only a final plat shall be recorded in the plat records of Tarrant County, Texas. Short form plats and amending plats meeting the requirements of this ordinance are considered to be final plats.

Hammerhead: *alternative turnaround* that is an approved turnaround area designed to Fire Department standards

Land Planner: Persons other than Surveyors or Engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning.

Lot: An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved plat which has been properly filed of record.

Main (Principle) Building or Structure: The building or buildings on a lot which are occupied by the primary use.

May, Shall: The word "may" is merely discretionary. The word "shall" is always mandatory.

Pavement Width: The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the faces of the curbs.

Person: Any individual, association, firm, partnership, corporation, governmental agency, political subdivision or other entity of any kind.

Plan for Development: A plan outlining the proposed use(s) of a tract or tracts of land, which provides fair notice of the project and the nature of the permit sought. It includes an application for approval of a plat or an application for approval of a zoning change or a site plan, which contains, at a minimum, a graphic depiction of the tract and describes the proposed uses of land and their location within the tract(s) and the general layout of streets and parks or other open spaces. It does not include any information or exhibit presented to (1) City staff for the purpose of seeking information regarding the applicable regulations or (2) the Planning and Zoning Commission or City Council unless the information or exhibit is required to be submitted with the permit application.

Planning and Zoning Commission: Same as Commission.

Plat: A preliminary plat, final plat, replat, short form (amending) plat, filing plat, record plat, or other plat established and provided for in this Ordinance.

Preliminary Plat: The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in the plan existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of proposed development.

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. The public facilities system includes improvements to roads owned by the County or the State to the extent such improvements are necessitated by and attributable to a proposed development or subdivision.

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.

Replatting: The resub division or redesign, or amendment of any part or all of a previously platted subdivision, addition, lot or tract.

Sketch Plan: A sketch drawing of initial development ideas superimposed on a topographic map to indicate generally the plan of development and to serve as a working base for noting and incorporating suggestions of the City Secretary, Director of Public Works, City Engineer, Zoning Administrator or others who are consulted prior to the preparation of the preliminary plat.

Street: A public right-of-way, however classified or designated, which provides vehicular access to adjacent land.

Street Width: In the event it is necessary to ascertain the permitted width, it shall be the shortest distance between the lines which delineate the rights-of-way of a street.

Subdivide: The act of creating a subdivision.

Subdivider: Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision or who is otherwise required to submit a plat as required in this ordinance. The term "subdivider" shall include the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivision: (also "Addition") A division of any land, whether vacant or improved, by metes and bounds, deed, contract for deed, lease, or by any other instrument or method, into two or more lots, parcels, sites, units, plots, parts, or interests, for the purpose of offer, sale, lease, development, or establishment of record ownership. Subdivision includes re-subdivision and includes any division of land under ' 212.004 of the Texas Local Government Code. Subdivision shall not include the division of land into parts greater than five acres which are exempted from platting under ' 212.004 of the Texas Local Government Code.

Surveyor: A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State statutes to practice the profession of surveying.

Utility Easement: An interest in land granted to the City, to the public generally, and/or to a private utility company, for installing and maintaining utilities and/or drainage across, over or under private land, together with the right of ingress and egress thereon with machinery and vehicles necessary for the maintenance of said utilities.

Visibility Triangles: No fence shall extend into the triangular area formed by the extension of the two curb lines to a point measuring 20 feet from the intersection of two streets, and connecting the points to form a 45 degree

triangle.

Zoning Administrator: A position appointed by the mayor and approved by city council, as specified by the Charter of the City of River Oaks to enforce and administer the terms of the municipal zoning ordinance; the individual whose decisions and interpretations are appealed to the board of adjustment.

Art. 6. Penalty for Violation

6-100 Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provision hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed Five Hundred (\$500.00) Dollars, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this Ordinance.

Art. 7. Modification Waiver

7-100 The Planning and Zoning Commission may recommend and the City Council may authorize a waiver from these subdivision regulations when, in its opinion, an unnecessary hardship will result from requiring strict compliance.

7-101 In granting a waiver, the City Council may prescribe conditions that it deems necessary or desirable to protect the public interest. In making the findings herein below required, the City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and the probable effect of such waiver upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No waiver shall be granted unless the Council finds that all of the following conditions exist:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and
2. That strict application of the provisions of this Ordinance is not necessary to promote the public health, safety and welfare; and
3. That the granting of the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
4. That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance.

Such findings of the City Council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Council meeting at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute unnecessary hardship; and

5. That the granting of the waiver will be in harmony with the spirit and purpose of this Ordinance.

7-102 The Planning & Zoning Commission, in the recommendation of a waiver to the City Council, shall submit all the specific facts and pertinent data upon which such a waiver has been recommended. Any waiver granted by the City Council, after considering the material submitted by the Planning & Zoning Commission, shall be final.

7-103 The Planning and Zoning Commission and the City Council may grant a waiver of an exaction requirement pursuant to Article 13.A. hereof.

Art. 8. Specific Requirements

8-100 A final plat shall not be filed of record until it has been approved by the City Council.

8-101 No construction work other than site grading and rough cutting of streets shall begin in any proposed subdivision prior to the final plat being approved by the City Council and being filed with the County Clerk of Tarrant County, Texas.

8-102 No changes, erasures, modifications or revisions shall be made in any plat after approval has been given by the City Council unless said change, revision or modification is first submitted to and approved by the City Council.

8-103 No building permit shall be issued by the City for any building on any land in the City which is not served by a sewage collection system connected to an approved community treatment plant or public sewage facility, unless an approved on-site sewage disposal system such as a septic tank and subsurface drainage field, spray irrigation/aerobic disposal system or other system designed and constructed in accordance with the methods and standards approved by the Tarrant County Department of Health and the city's plumbing code and other applicable city ordinances is installed.

Any section of the city where sanitary sewer shall exist and where the property line of such premises approaches or extends to within one hundred (100) feet of any such sewer shall not construct, use or maintain, or permit to be constructed, used or maintained, on such premises, any privy, cesspool, water closet, urinal basin, slop sink, slop drain, bathtub, or water waste drain from dwellings, laundries, livery stables, garages, filling stations or other places, or any receptacle whatever used or to be used for the purpose of receiving or removing sewage matter, or slop of any kind, unless the same shall be connected with the system of sanitary sewers of the city.

Art. 9. Platting Required

9-100 No person shall subdivide any tract of land which is located within the city or its extraterritorial jurisdiction, as defined by Chapter 42 of the Texas Local Government Code, unless a plat of the tract has been prepared, approved and filed of record as provided in this ordinance. Land held in separate ownership which was recorded in the deed records of Tarrant County as of May 10, 1949 may be platted as a single lot of record without platting the entire tract out of which it was subdivided.

9-101 No Building Permit for residential or non-residential construction shall be issued for any building on any land unless a Final Plat has been filed in the Plat Records of Tarrant County, except as follows:

1. Where a primary residential structure exists, a building permit to construct an addition to, or renovation of, the existing residential structure may be issued on unplatted land, 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 fifty (50) percent of the current value of the existing structure, excluding the value of the land. Construction permit as used herein does not include electrical, plumbing or similar non-construction activities.
2. Public Facilities Available - No building permit for a primary building shall be issued until all necessary public facilities have been installed and have been approved by the City Engineer.

9-102 The owner of any land which is required to be platted as provided herein shall be required to dedicate to the City a reasonable portion of the land as is necessary for the orderly development of streets, drainage, utilities, emergency access or other public purposes. Any required dedications shall meet the rough proportionality standard set forth in the Local Government Code, Chapter 212.904. If such dedication requirements are imposed, it shall be a prerequisite of approval. A dedication shown on a plat shall be considered an offer of dedication which may be withdrawn before approval by the City Council. Upon approval of the plat by the City Council, the offered dedication shall remain open until refused by the City.

The approval of a plat is not considered an acceptance of any proposed dedication and does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the appropriate city authorities have made actual appropriation of the dedicated parts by entry, use or improvement.

Prior to acceptance of a dedication, the dedication may be refused or rejected by the vacation of the plat or by the approval of a replat in accordance with this ordinance. After acceptance of a dedication, the public improvement and dedication may only be vacated by adoption of a resolution or ordinance by the City Council in accordance with city policies and state laws.

The disapproval of a plat is considered a refusal of the offered dedication by the City Council.

9-103 The City shall not authorize any other person or entity nor shall the City itself supply any water, gas, electricity, sewerage or other utility service to a property for which a final plat has not been approved and filed of record, nor in which the standards contained herein or referred to herein have not been complied with in full. The provisions of this section shall not prohibit the provision of electric service for security lighting only on unplatted property.

9-104 The City shall not authorize any person or entity nor shall the City itself repair, maintain, install or provide any streets or public utility services in any subdivision for which the standards contained herein or referred to herein have not been complied with in full.

9-105 On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to seek an injunction or enforce the provisions of this Ordinance or the standards referred to herein and/or to seek appropriate damages as authorized by law.

Art. 10 **Amendment**

10-100 The City Council may from time to time amend this Ordinance, in accordance with appropriate procedures provided by law.

Art. 11. **Improvements Required**

11-100 The subdivider shall furnish, install and/or construct the water and sewerage systems and the street and drainage facilities necessary for the proper development of the subdivision. All such facilities shall be designed and constructed in accordance with the Design Provisions contained in this Ordinance, and other standards, specifications, and drawings as may be adopted by the City Council.

- 11-101** Where shown on the master plan, or considered necessary by the City Council in order to protect the public health, safety or welfare, public facilities shall be sized in excess of that dictated by the design criteria to provide for future growth and expansion. The City Council shall establish policies whereby the City will participate in the construction of such oversized facilities or reimburse the subdivider for the costs of same.
- 11-102**
1. Pursuant to the provisions of Section 245.002, of the Texas Local Government Code, the City shall consider the approval, disapproval or **conditional** approval of any application or permit required by this Ordinance on the basis of any regulations, ordinances, rules or expiration dates, or other properly adopted requirements in effect at the time:
 - a. The original application for the permit is filed for review for any purpose, including review for administrative completeness; or
 - b. A plan for development of real property or plat application is filed with a regulatory agency.
 2. Rights to which a permit applicant is entitled under this provision accrue on the filing of an original application or plan for development or plat application that gives the City fair notice of the project and the nature of the permit sought. An application or plan is considered filed on the date the applicant delivers the application or plans to the City or deposits the application or plans with the United States Postal Service, by Certified Mail, addressed to the City. A certified mail receipt obtained by the applicant at the time of deposit is prima facie evidence of the date the application or plan was deposited with the United States Postal Service.
 3. If a series of permits is required for a project, the orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time the original application for the first permit in that series is filed, shall be the sole basis for consideration of all subsequent permits required for the completion of the project.
 4. If the City should adopt new orders, rules or regulations relating to an activity covered by this Ordinance during the development process for a project, the developer/applicant may elect to operate under the newly adopted regulations or may proceed with the complete development under the rules in effect at the beginning of the project.
 5. If a developer/applicant believes that their project/subdivision plat is eligible to be reviewed under a set of regulations not currently controlling in the City, it shall be the responsibility of the developer/applicant to provide the City with written notice that the

developer/applicant believes that a different set of regulations would be applicable. The developer shall provide the City with written notice of the date that the initial application or notice was given to the City, provide a copy of any written instrument constituting such notice and shall identify to the City the specific regulatory provisions that the developer/applicant believes should be applied to the current project. The developer/applicant must provide the City with this required written notice in order to avail themselves of a different set of regulations because the City staff cannot independently determine whether the developer/applicant has simply chosen to comply with the then current regulations applicable to the project.

6. Once the City has been provided written notice by a developer/applicant seeking to proceed with the development under regulations from a prior initial project submittal, the City shall review the request and provide a written response to the developer/applicant within fourteen (14) days of receipt of the written request. The City may request additional information or documentation to fully investigate the regulatory provision in question. If the City staff should deny the request to apply the regulation requested by the developer/applicant, the developer/applicant may file an appeal to the City Council by written instrument within fourteen (14) days following the notice that the alternate regulations will not be applied.
7. The City Council shall afford the developer/applicant a hearing upon which evidence may be introduced to support the applicant's claim that the project is entitled to the protections accorded by Chapter 245.002 of the Texas Local Government Code. At the conclusion of the hearing, the City Council will determine whether to approve the request, deny the request or modify the request to allow the project to proceed under a non-current set of development regulations.
8. If a permit for any development activity is issued by the City, it shall be valid for a period of two (2) years from its issuance date. If a developer/applicant initiates construction activity to implement the rights created by the permit within twenty-four (24) months following its issuance, the rules or regulations relating to that permit shall be applicable for the completion of the construction for which the permit has been issued. If no activity is initiated by the developer/applicant to initiate construction within the 24 month period, any rights created pursuant to Chapter 245 of the Texas Local Government Code shall lapse and expire and the developer/applicant shall be required to proceed with the regulations then in full force and effect to continue the construction activity. If a developer/applicant places the City on full and fair notice of a development plan or proposal for a project, the developer/applicant shall have the right to proceed with that project (and all of its associated elements) under the rules and regulations applicable at the time that notice was provided to the City. If the

developer/applicant takes steps to initiate construction relating to the project within the sixty (60) month period following initial notice, the project and its associated elements shall be allowed to proceed under the rules and regulations then in effect at the time that initial notice was given. If the developer/applicant does not initiate construction activity on the project within sixty (60) months following notice to the City, then the developer/applicant shall have waived any rights conferred under Chapter 245 of the Texas Local Government Code to proceed with the project under any development regulations other than those then currently in effect for other comparable projects in the City.

11-103 Homeowners' and Property Owners' Associations

1. When a development contains common areas, common property, open space, private streets, required private drainage facilities, or other improvements not intended to be dedicated to the City for public use, a homeowners' or property owners' association shall be created, and the duties and responsibilities shall be established in a declaration consistent with state law.
2. The common areas shall be shown on the final plat and dedicated to the homeowners' or property owners' association.
3. An association shall be an incorporated nonprofit organization operating under recorded land declarations through which:
 - a. Each lot owner in a described land area is automatically a member; and

- b. Each lot is automatically subject to a charge for a proportionate share of the expenses for the association's activities, such as maintenance of common areas, common open spaces or the provision and upkeep of common recreational facilities.
- 4. To assure the establishment of a permanent homeowners' or property owners' association, including its financing and the rights and responsibilities of the owners in relation to the use, management and ownership of common areas or common property, the plat, dedication documents, covenants, and other recorded legal agreements must provide for the following:
 - a. Creation of an automatic membership, nonprofit home or property owners' association;
 - b. Placement of title to the common property in the homeowners' or property owners' association or definite assurance that it automatically will be so placed within a reasonable, definite time;
 - c. Appropriate limitation of the uses of the common property;
 - d. The grant to each owner of a lot within the development of the right to the use and enjoyment of the common property;
 - e. Placement of responsibility for operation and maintenance of the common property with the association;
 - f. Imposition of an association charge or assessment on each lot in a manner which will assure sufficient association funds to maintain the common property or improvements;
 - g. The grant to each owner voting rights in the association; and
 - h. Identification of the land area within the association's jurisdiction including, but not limited to, the following:
 - i. The property to be transferred to public agencies;
 - ii. The individual residential lots;
 - iii. The common properties to be transferred by the developer to the association; and
 - iv. Other parcels.

- 5. Protective covenants shall be developed which shall make the

homeowners' association responsible for the maintenance and operation of all common property, and include provisions for assessments, to be enforced by lien.

6. The articles of incorporation of the homeowners' or property owners' association, its bylaws, and the restrictive covenants shall be submitted to the Director of Planning for approval along with the final plat. Prior to filing the plat, the developer shall create an incorporated nonprofit association, and record the covenants in the deed records.
7. The homeowners' or property owners' documents must indicate that the facilities referenced in Paragraph 1 of this section shall be privately owned and maintained by the association, and that the City has no obligation to maintain said facilities. If the homeowners' or property owners' association fails to maintain said facilities, and the parkway between a screening wall, fence or device and a street, the City shall have the right to levy an assessment for the expense of the needed repairs or maintenance. Said assessment shall constitute a lien upon each lot against which the assessment is made. The City shall be the sole judge of whether repair or maintenance is needed.
8. If a subdivision proposal contains five or fewer lots, the developer may determine that the creation of a Homeowner's Association is not the most effective method for ensuring long term maintenance of a screening wall. The developer will remain responsible for ensuring that some long-term maintenance system is created to meet the intent of this section. The developer shall be free to propose to the Director of Planning, in writing, an alternate approach which may involve any method that provides at least as much guarantee of long term maintenance as the requirement of creating a homeowner's association would provide.

Part II - GENERAL SUBDIVISION DEVELOPMENT PROCESSING PROCEDURE

Art. 12. Procedure Summary.

12-100 Any person who plats land as required by this Ordinance shall conform to the general procedure described as follows:

1. Every application for approval of any type of plat or plan for development shall be subject to a determination of completeness by the Director of Public Works.
2. 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 Ordinance. For

a determination of completeness to be issued, an application must include the following:

- a. a completed application form signed by the owner or the owner's authorized agent;
 - b. every item, study and document required by this Ordinance for the type of plat being submitted, or required for the plan for development;
 - c. a non-refundable application submittal fee, as specified in the fee schedule; and
 - d. evidence that the requirements of all applicable regulations set forth in the City's Zoning Ordinance and other applicable ordinances of the City are satisfied.
3. The Zoning Administrator, Director of Public Works or the City Engineer may from time to time identify additional requirements for a complete application that are not contained herein but are consistent with the application contents and standards set forth in this Ordinance.
 4. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Ordinance or other applicable ordinances.

12-101 Not later than the tenth (10th) business day after the date an application is submitted, the Director of Public Works 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 Ordinance or other applicable ordinances have been submitted. A determination that the application is incomplete shall be mailed to the applicant within such time period by United States Certified Mail or regular mail at the address listed on the application or by personal delivery to the applicant or the applicant's agent. 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 forty-five (45) days after the date the application was submitted.

12-102 An application for approval of a plat or plan for development filed on or after the effective date of this Ordinance shall be deemed complete on the eleventh (11th) 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 or delivered a copy of the determination as provided in Section 12-101.

- 12-103** 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 date of acceptance of the application for filing. The date of filing shall be the date the Director of Public Works determines that the application meets the requirements of this Ordinance or other applicable ordinances governing the development, such as the Zoning Ordinance, except for any requested variances.
- 12-104** 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.
- 12-105** An application for approval of any type of plat or plan for development shall expire on the forty-fifth (45th) day after the application is submitted to the Director of Planning and Inspections for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this Ordinance as specified in the completeness 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 plat or other plan for development must be submitted.
- 12-106** The detailed procedures for each phase of the platting process are addressed in Parts III, IV, V, VII, VIII, IX, X, XI and XII of this Ordinance.
- 12-107** Upon approval of a final plat, the Director of Planning and Inspections shall immediately file such plat in the plat records of Tarrant County, Texas.

Art. 13 **Rough Proportionality.**

13-100 **Proportionality Determination**

1. Prior to a decision by the Planning and Zoning Commission on an application or for approval of a plat or plan for development or prior to a decision on any other application on which an exaction requirement is placed as a condition of approval, including a planned development zoning district or building permit, the City 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 Engineer may consider:
 - a. categorical findings and recommendations of the North Central Texas Council of Governments in developing standard specifications for public infrastructure improvements and storm

- water management;
 - b. the proposed and potential use of the land;
 - c. the timing and sequence of development in relation to availability of adequate levels of public facilities systems;
 - d. impact fee studies; traffic impact studies (both geometric and capacity oriented); drainage studies; fire protection, consumption and irrigation water needs; solid or liquid waste collection and disposal; or other studies or standards that measure the demand for services created by developments and the impact on the City's public facilities systems;
 - e. the level of service and functionality of both on-site and off-site public infrastructure improvements in serving the proposed subdivision or development;
 - f. the degree to which public infrastructure improvements necessary to serve the proposed subdivision are supplied by other developments;
 - g. the anticipated participation by the City in the costs of necessary public infrastructure improvements;
 - h. the degree to which acceptable private infrastructure improvements to be constructed and maintained by the applicant will offset the need for public infrastructure improvements;
 - i. any reimbursements for the costs of public infrastructure improvements for which the proposed subdivision is eligible; and/or
 - j. any other information relating to the impacts created by the proposed subdivision or development on the City's public facilities systems.
2. Based upon the proportionality determination, the City Engineer shall affirm that the exaction requirements of this 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.
 3. The City Engineer may require that the applicant, at its expense, submit reasonable information or studies that may assist in making the proportionality determination.

13-101**Rough Proportionality Determination**

1. The Planning and Zoning Commission and City Council shall consider the City Engineer's report concerning the proportionality of the exaction requirements in making a decision on a plat application or plan for development. The Commission and the City Council may consider the City Engineer's report in granting a variance to the requirements of this Ordinance pursuant to Article 7 hereof.
2. The City official responsible for issuing a permit for which an exaction requirement is imposed as a condition of approval shall consider the City Engineer's report concerning the proportionality of the exaction requirements in making its decision as to whether to grant the permit, or to modify or waive an exaction requirement.

13-102**Rough Proportionality Appeal**

1. An applicant for approval of a plat or plan for development or other permit which imposes an exaction requirement as a condition of approval may file an appeal to contest any exaction requirement, other than impact fees, imposed as a condition of approval or in which the failure to comply is grounds for denying the plat or permit application
2. The purpose of a proportionality appeal is to assure that an exaction requirement imposed on a proposed plat or plan for 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.

13-103**Appeals Procedure**

1. An applicant for approval of a plat or plan for development 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 (10) 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 seven (7) copies of the appeal.
2. 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.
3. The applicant may request postponement of consideration of the

applicant's application by the City Council pending preparation of the study required by Paragraph 6, in which case the applicant shall also waive any statutory period for acting upon the application for the time necessary for the City Council to decide the appeal.

4. No Facilities Agreement may be executed by the City:
 - a. until the time for appeal has expired unless the applicant agrees in writing that the rough proportionality determination of the City Engineer is reasonable and accurate and that no appeal will be filed; or,
 - b. if an appeal is filed, until the City Council has made a determination with respect to the appeal.
5. 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.
6. The appellant shall submit to the City Engineer seven (7) copies of a study in support of the appeal that includes, with respect to each exaction requirement appealed, the following information within thirty (30) days of the date of appeal, unless a longer time is requested:
 - a. 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 or development. 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;
 - b. 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;
 - c. 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;

- d. 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;
 - e. 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
 - f. any other information that shows the alleged disproportionality between the impacts created by the proposed development and the exaction requirement imposed by the City.
7. The City Engineer shall evaluate the appeal and supporting study and shall make a recommendation to the City Council based upon the City 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.

13-104

City Council Decision

1. The City Council shall decide the appeal within thirty (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.
2. The applicant shall be allotted time, not to exceed thirty (30) minutes, to present testimony at the City Council meeting. The Council shall base its decision on the criteria listed in Sections 13-100.1 and 13-103.6 and may:
 - a. deny the appeal and impose the exaction requirement in accordance with the City Engineer's recommendation or the Planning and Zoning Commission's decision on the plat or other development application; or
 - b. grant the appeal, and waive in whole or in part an exaction requirement to the extent necessary to achieve proportionality; or
 - c. grant the appeal, and direct that the City participate in the costs of acquiring land for or constructing the public

infrastructure improvement.

3. 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:
 - a. the evidence submitted by the applicant;
 - b. the City Engineer's report and recommendation, considering in particular the factors identified in Sections 13-106.1. and 13-109.6.; and
 - c. if the property is located adjacent to a state or county road, any recommendations from the county or state.
4. The City Council may require the applicant or the City Engineer to submit additional information that it deems relevant in making its decision.
5. The applicant shall not be deemed to have prevailed in the event that the City Council modifies the exaction requirement.

13-105

Action Following Decision of City Council

1. 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 thirty (30) days of the date the City Council takes action, with any modifications necessary to conform the plat with the City Council's decision. Failure to resubmit within the thirty (30) day window shall be considered a withdrawal of the application.
2. If the City Council finds in favor of an applicant for any other permit or zoning and waives the exaction requirement as a condition of permit or zoning 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 thirty (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 resubmit within the thirty (30) day window shall be considered a withdrawal of the application.

3. 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 thirty (30) days of the City Council's decision.
4. If the plat application is modified to increase the number of residential dwelling units or the intensity of non-residential uses, the City Public Works Director or City Engineer may require a new study to validate the relief granted by the City Council.
5. If the plat application for which relief was granted is denied on other grounds, a new appeal shall be required on any subsequent application.

13-112 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 City 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.

Part III - PRE-APPLICATION PROCEDURE

Art. 14. Scope and Purpose

14-100 Prior to the official filing of a preliminary plat, the subdivider should avail himself of a copy of the Subdivision Ordinance and should prepare a sketch plan of the proposed subdivision. The subdivider should submit four (4) copies of the sketch plan to the Director of Public Works and or other administrative officer so designated by the City Secretary. Preparation and presentation of the sketch plan is not mandatory and no approvals, either tentative or final, will be given on sketch plans; however, their preparation is recommended as an economy measure.

This phase does not require formal applications, payment of a fee, or the filing of a plat, but is rather an informal consultation with the City, in order that the subdivider may save himself time and money in the preparation of the preliminary and final plats by determining the rules, regulations and policies adopted by the City.

The aim and purpose of the pre-application procedure is to offer the developer or subdivider the background and experience of the City Staff in the preparation of the preliminary plat. It is not the intent or policy of this Ordinance for City Staff to do the planning or engineering for the subdivider, but rather to steer his efforts into the most efficient and economical means of coordination with the Subdivision Ordinance.

Art. 15. Sketch Plan

15-100 The subdivider should present such general subdivision information as will outline the existing conditions of the site, utilities, and available community facilities. A simple rough sketch should indicate the location of the proposed subdivision, number of residential lots, typical lot width and depth, commercial areas, park and playground areas, proposed protective covenants or restrictions, and proposed utilities and street improvements.

Art. 16. Preliminary Conference

16-100 At the time the sketch plan is presented to the Director of Public Works, a preliminary conference should be held for the general comments and clarifications which are usually necessary. At that time, the subdivider should obtain copies of all forms, publications, design criteria and standards available from the City for his reference and for the benefit of his engineer.

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. The Planning and Zoning Commission shall approve or disapprove any preliminary plat within thirty (30) days from the date at which it is filed in complete form for consideration by the Planning and Zoning Commission.

Art. 18. Application and Copies Required

18-100 Application for preliminary plat approval shall be made on an application form provided by the City.

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 at least twenty (20) calendar days prior to the date at which it will be considered by the Planning and Zoning Commission. 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 Zoning Administrator.

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 plat be disapproved.

Art. 20. Formal Application

20-100 No application for approval of a plat, plan for development or zoning shall be accepted for processing to submit to the Planning and Zoning Commission 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 or plan for development, the application shall not be forwarded for processing to the Commission until the Director has determined the official filing date of the application. Notwithstanding the Director's failure to mail the completeness notice by the tenth (10th) business day, the official filing date of the application shall be the date that the Director determines the application meets the requirements of the Subdivision ordinance, except for any requested variances.

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 nor 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 upon the approval of the plat within the time required by law.

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 or disapproval of the preliminary plat. Failure to act within thirty (30) days shall be deemed 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 either approve or disapprove any such preliminary plat within thirty days of approval or disapproval by the Planning and Zoning Commission. Upon its own motion or upon request of the subdivider, the reasons for such disapproval shall be set out in writing.

22-105 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.

- 22-106** 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.
- 22-107** 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.
- 22-108** 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.

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 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** Formal application for approval of final plats shall be made by the subdivider at least twenty (20) days prior to the date of the Planning and Zoning Commission meeting, at which the final plat shall be considered.

No application shall be accepted or processed unless accompanied by a completed application form; application fee; and 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 three (3) copies of the construction plans and specifications and other required data at least 20 (twenty) calendar days prior to the meeting of the Planning & Zoning Commission at which such plat is to be considered. No final plat shall be accepted or considered by the City until the prescribed drawings have been submitted, the prescribed filing fees have been paid, and a completed application form has been submitted.

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 filed with the City , it shall be accompanied by an executed application form and a filing fee as specified by City regulations. The deposit of such plat, application and fees shall constitute formal request for plat approval.

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 with the final filing plat. All engineering issues shall be resolved before the final plat is approved by the City Council.

28-102 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.

28-103 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.

28-104 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.

28-105 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.

28-106 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 to submit to the Planning and Zoning Commission 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 for purposes of acting upon the plat within the time required by law.

29-102 Within thirty (30) days of the official filing date, the Planning and Zoning Commission shall act on the plat. The Planning and Zoning Commission shall make a recommendation for approval or disapproval of the final plat. Failure to act within thirty days of the official filing date shall be deemed approval of the final plat.

29-103 The City Council shall consider the recommendation of the Planning and Zoning Commission within thirty (30) days of the date the Planning and Zoning Commission recommends approval or disapproval. The City Council shall either approve or disapprove any such final plat within thirty (30) days of approval or disapproval by the Planning and Zoning Commission.

29-104 If the final plat is disapproved, the City Council shall, upon request of the subdivider, state in writing its reasons for disapproval of the final plat. Disapproval action taken by the City Council shall be final, regardless of any previous approval action by the Planning and Zoning Commission.

29-105 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.

29-106 After the final plat has been approved by the City Council, but before construction of water, sewer, street, drainage or other public improvements are started, the Subdivider shall furnish the City with three (3) sets of the completed detailed construction plans and specifications.

29-107 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.

- 29-108** The approved final plat shall be recorded by the Director of Planning and Inspections in the office of the Tarrant County Clerk.
- 29-109** 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.
- 29-110** 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.

Part VI - REQUIREMENTS FOR CONSTRUCTION

Art. 30. Inspection

- 30-100** All construction, such as street grading, street paving, drainage structures, curb and gutter, storm sewers, sanitary sewers, and water mains, shall be subject to inspection during the construction period by the proper authorities of the City, and shall be constructed in accordance with the approved engineering plans, Subdivision Ordinance requirements and the City of River Oaks Standard Specifications governing such work.
- 30-101** Upon completion of construction the developer or subdivider shall request the City Engineer to make a final inspection of the work and to file a report of the results of such inspection.

Art. 31. Construction Bonds

- 31-100** All contractors employed by the Subdivider shall furnish the City a good and sufficient performance bond, in an amount equal to one hundred percent (100%) of the costs of the improvements required, and a good and sufficient two (2) year maintenance bond, in an amount equal to fifty percent (50%) of the costs of the improvements required; both bonds shall be executed by a reputable and solvent corporate surety, holding a license to do business in the State of Texas, or other security approved by the City Attorney, in favor of the City to indemnify the City against any performance for project completion or repairs which may become necessary to any part of the construction work performed in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of two (2) years from the date of final acceptance of the entire project. Final acceptance will be withheld until said maintenance bond is furnished to the City. Such Bond or other security shall be approved as to form and legality by the City Attorney.

Art. 32. Acceptance by City

32-100 Acceptance of improvements by the City shall be in the form of a letter from the City Secretary or other authorized City Official to the Subdivider stating that inspections were conducted as the facilities were completed in accordance with specifications and standards provided for herein or approved by the City Council at the time the final plat was approved for said subdivision.

32-101 After the work has been accepted by the City, as-built construction drawings of such work shall be submitted to the City. One (1) full size set of mylars and one (1) full size set of prints shall be submitted to the City Engineer.

Art. 33. Issuance of Building Permits

33-100 No building permit, water, sewer, plumbing or electrical permit or service shall be issued or allowed to a Subdivider, owner or any other person with respect to any property in any subdivision covered by this Ordinance until such time as all of the applicable requirements of this Ordinance have been satisfactorily completed and the construction accepted by the City.

33-101 The City Secretary may authorize special exceptions to Article 33, subject to appropriate conditions and safeguards, in order to permit reasonable development and improvement of property.

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 zoned or deed restricted for single family or duplex zoned property at any time during the preceding five (5) years requires a public hearing with public 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 requires a public hearing be held but does not require public notice other than normal agenda posting.

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.

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.

PART IX - REQUIREMENTS FOR VACATING A PLAT

Art. 37. **Vacating a Plat**

37-101 Plats may be vacated if such vacation is processed in accordance with the provisions set forth in Section 212.013 & Section 212.014 of the Texas Local Government Code. Additionally, an executed application form, application fee, tax certificates, and prescribed drawings as required for a Final Plat shall be submitted.

PART X - REQUIREMENTS FOR AMENDING A PLAT

Art. 38. **Amending a Plat**

38-100 The City Council 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.

Part XI - DESIGN PROVISIONS

Art. 39. General

39-100 This part of the Subdivision Ordinance is primarily intended for the use of the Subdivider's Engineer to enable him to design required community facilities which will be acceptable to the City. There may be special circumstances which would dictate requirements in excess of those outlined; however, in most cases, these special circumstances will be apparent to the Subdivider's Engineer while preparing the plans for the subdivision.

39-101 The City Council may grant a waiver in accordance with Article 7 of this Ordinance where specific topographic or other conditions made a waiver from these standards necessary in order to achieve the best overall design.

39-102 There is hereby adopted by reference and made a part of these regulations design standards and specifications which shall be controlling in the design, construction and installation of street paving, curbs and gutters, sidewalks, utilities and other public improvements required herein. All references to City Design Standards and Specifications shall mean and include those standards and specifications, together with all exhibits, charts, drawings and diagrams appertaining thereto, which have been approved by the officials having jurisdiction and placed on file in the offices of said officials.

39-103 Adequate Public Facilities

1. 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 off-site.
2. 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.

3. 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.
4. 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.

39-104

Minimum Standards

1. The standards established in this Ordinance 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 River Oaks. 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.
2. 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 that reflect the minimum level of facilities and services that must be built to meet the health, safety and welfare of the citizens of River Oaks.
3. 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 for or construction of on-site 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.

4. 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.

39-105

Adequacy of Specific Facilities

1. 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.
2. All lots to be platted shall be served by an approved means of wastewater collection and treatment. The City Engineer shall be responsible for determining the 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.
3. 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 City's roadway system.
4. Stormwater management and drainage facility improvements serving new development shall be designed to prevent overloading the capacity of the downstream drainage system and to protect downstream facilities and properties from flood risk or environmental quality degradation and to maximize the preservation of natural floodplain features. The City may require the phasing of development, the use of control methods such as retention, detention, the construction of off-site drainage improvements, storm water best management practices or drainage impact fees in order to mitigate the impacts of the proposed subdivision.

39-105

Improvement of Adjacent and Abutting Existing Streets and Utilities

In the case of existing adjacent or abutting roads, the City may require that 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, geometric conflicts, capacity interruptions, condition, structural capability, effects on life expectancy and maintenance requirements 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.

39-106 Timing of Dedication and Construction

1. 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 community facilities agreement; or an application for approval of a plat.
2. The obligation to dedicate rights-of-way for or to construct one (1) 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 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 facilities agreement, specifying the time for dedication of rights-of-way for or construction of public works improvements serving the subdivision.

Art. 40. Streets

40-100 General Requirements

1. The arrangements, character, extent, width, grade and location of all proposed streets shall conform to the Thoroughfare Plan and their relationship shall be considered to that of the existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. All streets should be designed to be in line with existing streets in adjoining subdivisions.

When conditions permit, centerline offsets should be at least two hundred feet (200'). Greater centerline offsets as may be required by the City Engineer shall be planned where necessary for traffic safety.

3. Streets shall be named to provide continuity with existing streets.
4. Streets designated to be dead-ended permanently shall be platted and constructed with a paved cul-de-sac. Any dead-end street of a temporary nature, if longer than two hundred (200) feet, shall have a surfaced turning area eighty (80) feet in diameter for a cul-de-sac and barricades as per the Federal Highway Dept "Manual on Uniform Traffic Control Devices (MUTCD)". Temporary dead-end streets shall have provisions for future extension of the street and utilities and, if the temporary cul-de-sac is utilized, a reversionary right to the land abutting the turn-around for excess right-of-way shall be provided.
5. A street ending permanently in a cul-de-sac should not be longer than six hundred (600) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least eighty (80) feet. On extra wide lots, cul-de-sacs may be longer.

Exceptions: Hammerhead dead-end streets shall be a minimum of 60-feet allowing room for a fire truck to pull up and back to be able to go back

6. Streets should be platted to allow two tiers of lots between streets when possible.
7. The reservation in private ownership of strips of land at the end of proposed or existing streets and intended solely or primarily for the purpose of controlling access to property not included in the subdivision shall be prohibited.

Construction of half streets shall be governed by the provisions in Chapter 18, Article IV of the City Code.

8. Local streets shall be laid out so that their use by through traffic will be discouraged.

40-101 Street Class Requirements

1. Street layout shall provide for continuation of collector streets in areas between arterials.
2. Those local streets designated by the City Council shall be extended to the tract boundary to provide future connection with adjoining unplatted lands. In general, these extensions should be at such intervals as necessary to facilitate internal vehicular circulation with adjoining unplatted lands.
3. Where single family or duplex uses abut an existing or proposed

collector or arterial street, the plat or dedication instrument will provide:

- a. Lots to side onto the collector or arterial with a non-access restriction on the collector or arterial side; or
- b. Reverse frontage with screening and containing a non-access restriction along the rear property line; or
- c. Lots with screened rear alleys; or
- d. Other treatment as may be necessary or required for adequate protection of adjoining properties, and as approved by the City Council after taking into consideration the proposed method of off-street parking and maneuvering which will prevent the necessity of backing into the arterial street.

40-102 Street Classifications

1. Definitions

<u>Street Classification</u>	<u>Functions - Uses</u>
Local Street	A street which distributes traffic to and from residences. It is short in length and non-continuous to discourage through traffic. It serves low-density residential/single family uses.
Minor Collector	A street which carries traffic from local streets to other collector streets. Also, it may serve local facilities such as schools and churches, low and medium density residential, limited commercial facilities, elementary schools, some small offices and as direct access within industrial parks.
Major Collector	A street which carries traffic from collector streets to arterials. Also, it may serve local facilities such as schools, churches, fast food restaurants and mini-malls, medium and high density residential, limited commercial facilities, elementary schools, offices and as direct access within industrial parks.
Minor Arterial	A street which receives traffic from collectors and distributes traffic to major arterials and activity centers. Also, it may feed through-traffic to freeways. Further it serves uses such as high

schools, universities, other major educational/vocational facilities, and concentrations of high-density residential, commercial facilities.

Major Arterial

A street which receives traffic from collectors and distributes it to major activity centers. Also, it feeds through-traffic to freeways. Further it serves uses such as universities, other major educational facilities, concentrations of high-density commercial, regional commercial facilities, other concentrated commercial facilities, industrial complexes, and major public facilities such as airports.

Freeways/Controlled

Access Highways

Freeways carry all types of traffic. They receive traffic from collectors and arterials and distribute traffic to major activity centers. Traffic on freeways does not stop, and all intersections are grade-separated.

40-103 Street Design

1. General Provisions

- a. All dedicated streets shall conform to the following:

GENERAL DESIGN CRITERIA

<u>Street Classification</u>	<u>Minimum Right-of-Way Width</u>	<u>Minimum Roadway Width (Face to Face)</u>	<u>Parkway Width</u>
Local Street	50'	30'	10'
Minor Collector	60'	36'	12'
Major Collector	80'	53'	12'
Minor Arterial	100'	Two @ 28' each plus center turn facilities when required	12'
Major Arterial	120'	Two @ 40' plus center turn facilities	12'
Freeway		TxDOT Standards	

- b. All dedicated streets shall conform to the following Technical Design Criteria:

TABLE 1

<u>Street Classification</u>	<u>Minimum Design Speed (MPH)</u>	<u>Maximum Percent Grade</u>	<u>Minimum Percent Grade</u>	<u>Area free from storm water, using a five-year frequency storm</u>
Local Street	30	10	0.6	N.A.
Minor Collector	30	6	0.6	N.A.
Major Collector	40	6	0.6	One lane (normally the center 12')
Arterials	50	6	0.6	One lane each direction

- c. Horizontal Curves

Where streets classified as Local are platted with curves, the degree of curvature should, as much as is practical, be consistent with the criteria for horizontal curves and minimum stopping sight distance for the design speed, in accordance with good engineering practice.

When streets classified as Collector or Arterial are platted with curves, the degree of curvature shall be such so that the street when constructed will meet the requirements for horizontal curves and minimum stopping sight distance, etc., for the design speed, in accordance with good engineering practice.

- d. No street intersecting an arterial street should vary from a 90° angle of intersection by more than 5°. Intersections of Collector streets, and Local streets should not vary from 90° by more than 5°.
- e. Where in his judgment the appropriate use of the neighboring property will not be substantially injured, the City Secretary, may in specific cases, and subject to appropriate conditions and safeguards, authorize special exceptions to the Technical Design Criteria items in order to permit reasonable development and improvement of property where literal enforcement of these values would result in an unnecessary hardship.

- f. Pavement Types and Thicknesses shall be in accordance with the Public Works Construction Standards

Art. 41. Alleys

41-100 General Provisions

1. As a general rule of design, the City disfavors the use of alleys for normal development conditions.
2. Alleys will not be allowed in residential subdivisions.
3. Alleys will be permitted in commercial or industrial developments to meet specific access and delivery requirements.
4. Any alley existing on the effective date of this Ordinance shall remain as a public alley easement.

Art. 42. Easements

42-100 General

The developer shall be responsible for the acquisition of the following easements and widths:

1. Minimum Utility (Sanitary Sewer and Water) Easement Widths:
 - a. For both sanitary sewer pipe and water pipe less than 15" DIA, at a maximum depth of ten feet (10'), the width of the required easement is fifteen feet (15').
 - b. For larger pipe sizes, where the maximum depth is ten feet (10'), the following table shall apply:

<u>Pipe Size (in. DIA)</u>	<u>Width of Easement</u>
Sanitary Sewer Pipe 15" thru 21"	20 ft.
Sanitary Sewer Pipe 24" thru 30"	25 ft.
Sanitary Sewer Pipe 36" and above	30 ft.
Water Pipe 15" thru 21"	20 ft.

Water Pipe 25 ft.
24" thru 42"

Water Pipe 30 ft.
48" and above

- c. For all mains with depths greater than ten feet (10'), the minimum easement width shall be: depth of pipe times 2.0, plus the width of pipe, plus two feet (2'), rounded up to the nearest five foot (5') interval. Easement shall not exceed 50 feet unless required by special circumstances.
2. Easements of at least seven and one half feet (7.5') in width shall be provided on each side of all rear lot lines and along side lot lines, where necessary, for utilities such as cable television, electric, telephone, street lights and gas. Easements having greater width dimensions may also be required along or across lots where engineering design or special conditions make it necessary for the installation of utilities outside public rights-of-way. For lots facing on curvilinear streets, the rear easement should consist of straight lines with a minimum of points of deflection.
3. Any public utility, including the City, shall at all times have the right of ingress and egress to and from and upon easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of the property owner.

42-101 The following full statement of restrictions shall be placed in the easement dedication instrument.

1. Utility Easements. Any public utility, including the City of River Oaks, shall have the right to move and keep moved all or part of any buildings, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of River Oaks, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.
2. Emergency Access and Fire Lane Easements - shall be provided in locations required by the Chief of the River Oaks Fire Department.

These easements shall meet the requirements of the River Oaks Fire Department Specifications for Fire Lanes:

- a. Fire lanes shall be designated by the Fire Department only.
 - b. The color of the striping shall be bright red paint six inches (6") in width. Required wording shall be in white letters, four inches (4") in height with the width of the stroke at least one-half inch (1/2").
 - c. The words "NO PARKING-FIRE LANE" shall be painted every fifteen feet (15') centered within the red striping.
 - d. The designated width of a fire lane shall be twenty-four feet (24') of unobstructed width between the red striping, measured from the inside of the stripe.
 - e. Fire lanes shall have an unobstructed vertical clearance of fourteen feet (14').
 - f. Fire lanes shall have an all-weather surface designed to support the imposed loads of the fire apparatus.
 - g. Fire lanes shall be installed before the construction of a building, and along with the installation of fire hydrants, be ready for use by the Fire Department during the construction of the building project.
 - h. All dead-end fire lanes in excess of one hundred fifty feet (150') shall be provided with a turn-around approved by the Fire Department with an additional distance of ten feet (10') on all sides clear of permanent structures.
 - i. A turning radius shall be provided with a minimum of ninety foot (90') outside and forty-five foot (45') inside radii.
 - j. Variations to this list and the fire code requirement shall be requested in writing to the Fire Chief.
 - k. All fire lanes are subject to field verification.
3. A 20-foot visibility triangular public "open space" easement is required on corner lots at the intersection of two streets. A 20' x 20' triangular public "open space" easement is required on corner lots at the intersection of an alley and a street. The following full statement of restrictions shall be placed in the dedication instrument or on the face of the plat:

a. Public Open Space Restriction:

- i. Reference: No fence, hedge or shrubs shall be placed in the front yard which effectively limits the vision of pedestrians or vehicle operations. Fences installed on lots zoned for commercial uses with legal conforming residential uses shall adhere to the fence requirements for the "R-5" zoning designation.
- ii. Public Open Space Restrictions may be altered to permit, on commercially zoned lots, the placement within the easement area of:

One single pole sign with said pole not to exceed twelve (12) inches in diameter and with every portion of said sign allowing a minimum height clearance between it and the ground of eleven (11) feet.

42-102 Drainage Easements

Easements for storm drainage facilities shall be provided at locations containing proposed or existing drainageways.

1. Storm drainage easements of twenty feet (20') minimum width shall be provided for existing and proposed enclosed drainage systems. Easements shall be centered on the systems, unless otherwise approved by the City Engineer. Larger easements, where necessary, shall be provided as follows:

<u>Pipe Size</u>	<u>Width of Easement</u>
30" thru 42"	25 ft.
48" thru 60"	30 ft.

2. Storm drainage easements along proposed or existing open channels shall provide sufficient width for the required channel designed for "fully developed conditions" and such additional width, fifteen feet (15') minimum, as may be required to provide ingress and egress for maintenance equipment; to provide clearance from fences and space for utility poles; to allow maintenance of the channel bank; and to provide adequate slopes necessary along the bank. Adequate slopes for natural channels is defined as 4:1 (run:rise); natural slopes steeper than this will only be permitted when approved by the appropriate public works maintenance division.
3. Storm drainage easements shall be provided for emergency overflow drainageways of sufficient width to contain within the easement storm

water resulting from a 100-year frequency rain event based on "fully developed conditions."

4. The storm drainage facilities indicated in Paragraphs 1 and 3 of Section 42-102 above shall be designed with one foot (1') of "free-board"; however, if this one foot (1') of "free-board" increases the capacity of the storm drainage facility by a factor greater than "1.25 X the capacity required for the discharge from a fully developed 100-year rain event", then the storm drainage facility shall be designed to have "free-board" up to the "1.25 X the capacity required for the discharge from a fully developed 100-year rain event" elevation.

The width of the easements described in Paragraphs 1 through 4 above shall be substantiated by a drainage study and drainage calculations or other criteria submitted to and approved by the City Engineer.

42-103 "FIRM" Identified Flood Hazard Areas

Drainage Easements shall be provided along the top of bank of natural drainageways, lakes or reservoirs. Such Drainage Easements shall encompass all areas within the natural drainageways, lakes or reservoirs, plus such additional width, fifteen feet (15') minimum, extended above and beyond the top of bank or as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined and required by the City Engineer.

The following full statement of restrictions shall be placed in the dedication instrument of the subdivision plat:

Floodway Restriction Statement

No construction, without the written approval of the City of River Oaks shall be allowed within an identified "FIRM" floodway area, and then only after detailed flood plain development permit including engineering plans and studies show that no rise in the Base Flood Elevation (BFE) will result, that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners of the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of two feet (2') above the 100-year flood elevation.

The existing creeks, lakes, reservoirs, or drainage channel traversing along or across portions of this addition, will remain open at all times and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots. The City of River Oaks will not be responsible for the maintenance and operation of said drainageways or for the control of erosion. Each property owner shall keep

the natural drainage channels traversing or adjacent to his property clean and free of debris, silt, or any substance which would result in unsanitary conditions and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage channel, as in the case of all natural drainage channels, are subject to storm water overflow and natural bank erosion to an extent that cannot be definitely defined. The City of River Oaks shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structure(s) within the natural drainage channels. The natural drainage channel crossing each lot is shown by the floodway easement line as shown on the plat.

Art. 43. Blocks

- 43-100**
1. The length of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face:
 - a. of greatest dimension, or
 - b. on which the greatest number of lots face.
 2. The width of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face:
 - a. of least dimension, or
 - b. on which the fewest number of lots face.
 3. The length, width and shapes of blocks shall be determined with due regard to:
 - a. provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - b. zoning requirements as to lot sizes and dimensions;
 - c. needs for convenient access, circulation, control and safety of street traffic.

- 43-101**
- In general, intersecting streets should be provided at such intervals as to serve traffic adequately and to meet existing streets or customary subdivision practices. Where no existing subdivision controls, the block lengths should not exceed one thousand three hundred twenty (1,320) feet. Where no existing subdivision controls, the blocks should not be less than five hundred (500) feet in length; however, in cases where physical barriers, property

ownership, or individual usage creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet existing conditions, having due regard for connecting streets, circulation of traffic and public safety.

- 43-102** Where long blocks in the vicinity of a school, park or shopping center are platted, the City Council may require a public walkway near the middle of long blocks or opposite a street that terminates between the streets at the ends of the block. If required, the walkway shall not be less than four (4) feet, constructed of concrete, and shall have a concrete walk of a minimum width of four (4) feet through the block from sidewalk to sidewalk, or curb to curb, or if no street, to the property line adjacent to school, park or shopping center.

Art. 44. Lots

- 44-100** The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

- 44-101** All side lines of lots shall be at approximately right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout.

- 44-102** No lot shall have less area of width at the building line than is required by the zoning regulations that apply to the area in which it is located.

- 44-103** Lots shall be consistent with zoning regulations. Proposed uses shall be shown on the preliminary plat.

44-104 Residential Building Lines

Building lines shall be shown on all lots in the subdivision but not less restrictive than the zoning ordinance.

Art. 45. Land Unsuitable for Subdivision

- 45-100** Any land which, in its natural state, is subject to a 100-year flood or which cannot be properly drained shall not be subdivided, re-subdivided or developed until receipt of evidence that the construction of specific improvements proposed by the Subdivider can be expected to yield a usable building site. Thereafter the Planning and Zoning Commission and City Council may approve plats; however, construction upon such land shall be prohibited until the specific improvements have been planned and construction guaranteed.

Art. 46. Recreation and Public Lands

46-100 Providing adequate sites for recreation, parks, open space, school sites, and other community facilities is a public necessity in an urban area. The acquisition and improvement of these sites in step with private development of the area served by them is of mutual benefit to the subdivider and to the public. Therefore when advised during the preapplication conference that the Parks & Recreation Open Space Master Plan and/or Comprehensive Land Use Plan shows a need for said facilities either partially or totally within the proposed development area, the subdivider shall include in his preliminary plat design sites for such purposes.

Art. 47. Unified Residential Development (Planned Unit Development)

47-100 All proposed unified residential developments, also referred to as planned unit developments, shall comply with the provisions relating thereto and contained within the Comprehensive Zoning Ordinance. All streets not dedicated to the public shall be paved to Public Works Construction Standards (latest edition) of the City Code and shall be maintained by means of a Home Owner's Association, or other means as approved by the City Council.

Any request to dedicate a private street as a public street shall be approved only if arrangements are made to bring the street into conformity with all City standards and regulations in effect at the time of dedication at the cost of affected property owners.

All private streets that intersect with public streets shall be constructed with standard drive type approaches. In such cases where an unusual condition exists, the City Engineer may approve standard intersection approaches if the approval is requested prior to the preparation of the plans. Private streets will be named and shown on the plat. Private streets shall be indicated as such on the plat. Street signs for said private streets shall be erected and maintained by the Home Owner's Association.

Art. 48. Driveways, Parking, and Signs

48-100 One and Two Family Residential Driveways

The location and size of ingress and egress driveways for one and two family residences shall be subject to the approval of the City Engineer.

Residential driveways to serve single car garages, carports, and/or storage areas shall be not less than eleven (11) feet nor more than fifteen (15) feet in width, measured at the property line. Residential driveways to serve two car garages, carports, and/or storage areas shall be not less than eleven (11) feet nor more than twenty-four (24) feet in width, measured at the property line. When residential driveways are required to serve three or more car garages, carports, and/or storage areas, the size and location of the driveway(s) shall be subject to the approval of the City Engineer, after an

adequate engineering analysis of the parking, maneuvering and access requirements. A driveway should not begin less than fifteen feet (15') from the point of tangency of the corner radius of an intersection.

The radius of all driveway returns shall be a minimum of five feet (5'); however, if in the professional opinion of the City Engineer, a situation justifies, driveways may be built at an angle other than perpendicular to the roadway and/or with driveway return radii of as much as twenty feet (20'). Residential driveways shall not be constructed closer than ten feet (10') apart.

Joint driveway approaches may be approved provided a letter of agreement signed by all adjoining property owners is delivered to and approved by the City Engineer.

48-101 Multi-Family Residential, Commercial and Industrial Driveways

The location of ingress and egress and the size of all multi-family residential, commercial, and industrial driveways shall be subject to the approval of the City Engineer. Driveways should not exceed sixty-five percent (65%) of the property frontage. Multi-family residential, commercial and industrial driveways shall be a minimum of fifteen feet (15') and a maximum of thirty-six feet (36') in width measured at the property line. When the property frontage is seventy-five feet (75') or greater, the driveway measured at the property line shall not begin less than ten feet (5') from the property corner. When the property frontage is less than seventy-five feet (75'), the driveway measured at the property line may begin a minimum of fifteen feet (15') from the property corner, provided there is not an existing driveway within fifteen (15) feet of the property corner on the adjacent property. A minimum of twenty (20) feet, measured at the property line, should be maintained between driveways.

The radius of all driveway returns shall be a minimum of fifteen feet (15'); however, if in the professional opinion of the City Engineer a situation justifies, driveways may be built at an angle other than perpendicular to the roadway and/or with driveway return radii of as much as twenty-five feet (25').

The larger radius driveway returns may only be approved if a minimum of ten (10) feet of tangent curb can be constructed between the driveway returns.

Joint driveway approaches may be approved provided a letter of agreement signed by all adjoining property owners is delivered to and approved by the City Engineer.

48-102 Parking

Off-street parking shall be provided as required in all the applicable zoning provisions of the Zoning Ordinance, and shall be paved.

Off-street parking areas shall be maintained by the Owner.

No new "head-in" parking is permitted, except for one and two-family residential and commercial. Off-street parking layouts shall afford the driver the ability to accomplish all maneuvers to enter or exit the parking spaces on private property.

The area between the property line and curb line and/or edge of pavement (Street Parkway) shall not be used for off-street parking.

48-103 General

Nothing in this article shall require the changing of existing driveways and/or parking except under one or more of the following conditions:

1. During widening and/or reconstruction of streets, the driveways will be brought into conformity with the present standards.
2. During new building construction or major additions and remodeling of existing buildings all driveways and parking requirements will be brought into conformity with the present standards.
3. When the City Engineer determines that prevailing traffic conditions require the elimination of existing head-in parking that makes use of public rights-of-way in order to correct a serious traffic hazard, the City may order head-in parking to cease.
4. When in his professional judgment the literal enforcement of any part of Article 48 would result in poor engineering design or in an unnecessary hardship, the City Administrator may authorize special exceptions, subject to appropriate conditions and safeguards, in order to permit reasonable development and improvement of property.

48-104 Street Names and Signs

1. Street names. Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.
2. Street signs. Street Name Signs and Traffic Control Devices, including school zone flashing lights, additional traffic signal apparatus, etc. shall be paid for by the Subdivider or Developer for all intersections within or abutting the subdivision. Payment shall be made prior to infrastructure construction in the subdivision. Such signs shall be of a type approved by the City Engineer.

Art. 49. Storm Drainage Facilities

49-100 General

Drainage facilities shall be provided and constructed by the subdivider or developer in accordance with current design criteria adopted by the City and the River Oaks Standard Specifications for Street and Drainage Construction and the following basic requirements:

1. When conditions upstream from a proposed channel or storm drain outside the limits of the ownership of the subdivider or developer do not permit maximum design flow, the drainage facilities shall be designed based on potential and fully developed conditions.
2. When conditions downstream from a proposed channel or storm drain outside the limits of the ownership of the subdivider or developer do not permit maximum design flow, water surface elevations for a 100-year design frequency shall be indicated considering the downstream condition in order to define the potential flood hazards. Solutions to protect the property shall be developed.
3. All drainage improvements shall be designed to an acceptable outfall.
4. Where there is a question as to the justification or size of drainage facilities, doubt will be resolved in favor of additional drainage capacity.
5. The combined capacity of storm drain pipe, street and surface drainage shall contain the 100 year design flow at the R.O.W. lines. The finish floor elevation shall be at least two feet (2') above the 100-year flood Base Flood Elevation (BFE).
6. The developer shall install an underground storm drain beginning at the point where the calculated storm water runoff is of such a quantity that it will overflow the street at curb height. The storm drain shall be constructed from this point to an approved outlet where the storm water can be discharged safely without damage or flooding of adjacent property.
7. The developer may install a concrete lined channel in lieu of installing pipe larger than sixty inches (60"). When the pipe required to meet these subdivision regulations is less than sixty inches (60"), the flow from this rain event must be carried in such a pipe. When an open channel is necessary, it shall be at the rear of residential lots and meet the requirements of Sections 42-102 and 42-103. In the event it is necessary to locate the drainage facility adjacent to and parallel to a street it shall be a closed conduit even though pipe sizes larger than sixty inches (60") are required.

8. In all subdivision approved and constructed after the effective date of this Ordinance, a permanent six foot (6') chain link fence or other fence meeting the requirements of the City shall be constructed to enclose the channel area where it is adjacent to residential lots and also in other cases where it is deemed necessary to restrict access to the channel.
9. All drainage facilities shall be constructed on public right-of-way or easements dedicated for the purpose. Drainage easements shall be of a sufficient size to permit access for maintenance of the drainage facility.
10. When a drainage ditch or storm drain pipe, culvert or bridge is proposed, calculations shall be submitted showing basis for design.
11. When a drainage channel, storm drain pipe, culvert or bridge is proposed, completed plans, profiles and specifications shall be submitted, showing complete construction details and detailed cost estimate.
12. The subdivider or developer shall indicate present DA's I_{25} , I_{100} , Q_{25} , and Q_{100} .
13. The subdivider or developer shall indicate proposed DA's I_{25} , I_{100} , Q_{25} , and Q_{100} .
14. The subdivider or developer shall indicate both present and proposed contours and direction of drainage.
15. Any present adverse drainage problems shall not be made worse.
16. Proposed drainage shall flow to drainage easements, storm drain facilities and/or publicly dedicated streets only.
17. Existing capacities of drainage easements, storm drain facilities and/or publicly dedicated streets shall be indicated.
18. Existing capacities of drainage easements, storm drain facilities and/or publicly dedicated streets shall not be exceeded.
19. Directing drainage onto private property will not be allowed.

49-101 Design Criteria

Drainage requirements shall be based on the Rational Method of Design ($Q = CIA$).

Q = Discharge or surface runoff in cubic feet per second.

C = Coefficient of runoff -

0.35 for parks and undeveloped areas

0.50 for single family or duplex residential areas

0.80 for multi-family residential areas

1.00 for paved, commercial, and industrial areas

I = Intensity of runoff in inches per hour.

A = Drainage areas in acres.

A minimum time of concentration of ten minutes shall be used, with detailed computation made to determine the exact time of concentration to each inlet facility.

49-102 Design Storm Frequency

<u>* Type of Facility</u>	<u>Description of Area To Be Drained</u>	<u>Maximum Allowable Time of Concentration (Minutes)</u>	<u>Recommended Design Frequency (Years)</u>
Storm Sewers	Residential, Commercial and Manufacturing	20	25
Culverts, Bridges, Channels and Creeks	Any type of area less than 100 acres	30	100
Culverts, Bridges, Channels and Creeks	Any type of area greater than 100 acres but less than 1,000 acres	45	100
Culverts, Bridges, Channels and Creeks	Any type of area greater than 1,000 acres	60	100

*In all cases, the discharge from a 100-year rain event for "fully developed conditions" shall be completely carried within a drainage easement and/or R.O.W.

Art. 50. Water Facilities

50-100**General**

All subdivisions developed subsequent to this ordinance shall be provided with an approved water system. In the absence of specific standards contained in this ordinance, all water supply, distribution, pumping, and storage improvements shall be designed in accordance with the most current standards of the American Water Works Association and the most current edition of "Rules and Regulations for Public Water Systems" of the Texas Commission on Environmental Quality (TCEQ). Materials and construction shall meet the requirements of the NCTCOG Public Works Construction Standards Manual.

50-101**Basic Requirements**

1. All water mains in residential areas shall be a minimum of eight inches (8") in size and looped. Water mains in industrial and commercial areas shall be a minimum eight inches (8") in size.
2. The City may participate in the cost of any oversize lines required to serve land areas and improvements beyond the subdivision. The City's participation will be the difference in the actual construction cost of the oversized line and the estimated construction cost, as determined by the City's Engineer, of the line properly sized to serve only the land area of the development.
3. The cost of mains larger than six inches (6") must be borne by the subdivider or developer if such larger main is required to adequately serve the subdivision.
4. Standard fire hydrants shall be installed as a part of the water distribution system. Fire hydrants in a mercantile and industrial area shall be on street intersections and so located that there will be a fire hydrant every three hundred (300) feet. Fire hydrants in a residential area shall be located on all street intersections and not over five hundred feet (500') apart. Fire hydrants shall be considered as the actual fire hydrant, six inch (6") valve, "tee", and the necessary piping.
5. Valves of approved design shall be installed at the intersections of all water mains so as to provide for proper maintenance and operation of the system and to provide a means of shutting off the supply to portions of the systems for repairs. Sufficient valves shall be installed to cause no more than fifteen (15) lots to be out of service in the event of a water main break.
6. The depth of cover shall be a minimum of thirty-six inches (36") below finished grade.
7. Pipeline Markers will be used to locate road crossings and cross

country lines in rural areas.

8. Valve markers shall be provided in rural areas.
9. Corporation stops and meter boxes shall be provided at all services.
10. Adequate Air Relief, draining, and flushing valves must be provided for flushing, disinfection, daily operation requirements, and repairs.
11. All water mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the water distribution system regardless of whether or not such extensions are required for service within the subdivision. At the end of such water main, a fire hydrant assembly shall be installed plus an additional valve for any future extensions.

Art. 51. Sanitary Sewerage Facilities

51-100 General

All subdivisions developed subsequent to this Ordinance shall be provided with an approved sewerage disposal system conforming to the current criteria adopted by the City and the requirements of the Texas Commission of Environmental Quality. Materials and construction shall meet the requirements of the NCTCOG Public Works Construction Standards Manual.

51-101 Basic Requirements

1. Generally, sanitary sewer mains shall be eight inches (8") in nominal diameter or greater. Sanitary sewer mains of eight inches (8") diameter can only be installed when all four (4) of the following criteria are met:
 - a. the main is less than 250 lineal feet in length;
 - b. the main is installed straight (NOT on a curve);
 - c. there is no possible way the main can be extended onto in the future: and
 - d. manholes are installed on both ends of the eight inch (8") main.
2. All sanitary sewers shall be designed with consideration for serving the full drainage area subject to collection by the sewer in question except as modified with the concurrence of the City's Engineer because of the projected rate of development or the financial feasibility of the proposed extension.

3. Manholes shall be located at all intersections of other sanitary sewers and at intermediate spacings along the line. Generally the maximum spacing should not exceed five hundred feet (500'). Manholes should be located at all changes in grade and at the ends of all sanitary sewers that will not be extended, i.e., clean-outs or sewer access devices will be allowed
4. Sanitary sewers should be designed with straight alignment whenever possible. When horizontal curvatures must be used, the smallest radius should be determined by the pipe manufacturers data, but in no case less than a one hundred (100) foot radius shall be used.
5. All sanitary sewers shall be designed with hydraulic slopes sufficient to give mean velocities, when flowing full or half full, of not less than two (2') feet per second on Kutter's or Manning's formulas using an "n" value of 0.013.
6. No connection shall be made to any sanitary sewerage system within the City which will permit the entrance of surface water and waste of other than domestic sewage characteristics.
7. All materials and workmanship incorporated in the sanitary sewage system extensions shall be in accordance with the currently adopted NCTCOG Public Works Construction Standards Manual.
8. All lateral and sanitary sewer mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collecting system regardless of whether or not such extensions are required for service within the subdivision.
9. All service laterals below proposed areas to be paved shall be installed and properly backfilled prior to compaction of the subgrade and placement of the paving.
10. Any service lateral used for the discharge of industrial waste into the City's sanitary sewers shall have a control manhole constructed and maintained by the discharger of the industrial waste. The control manhole shall be constructed downstream from any storage tanks or pretreatment works and shall be used by the City for sampling and monitoring the industrial waste.

Part XII - FACILITIES AGREEMENT

Art. 52. Facilities Agreement

- 52-100** The developer of any proposed subdivision within the City or its extraterritorial jurisdiction shall be required to enter into a Community Facilities Agreement as a condition of final plat approval if the subdivision requires the development of public infrastructure, amenities or facilities that

will ultimately be the responsibility of the City. The purpose of the Community Facilities Agreement is to set forth the process and procedure under which public infrastructure facilities or amenities will be constructed, whether the City will be participating in the costs of any of these facilities, whether a vested right agreement to a non-current set of development regulations is applicable to the project, delineating responsibilities for engineering, design, review and approval of all infrastructure improvements, establishing inspection procedures and the costs sharing for all such inspections or testing as may be required for a public infrastructure improvement and providing for the procedure under which infrastructure developed by the subdivider is transferred to the control of the City.

1. The Director of Public Works, for the City of River Oaks, will provide each subdivider with a form copy of a standard Community Facilities Agreement for use in securing the information for incorporation into the final Agreement.
2. The Community Facilities Agreement shall identify the infrastructure and amenities that will be constructed, developed or installed as a part of the subdivision process. It will identify all roads, trails, sidewalks, utility systems and related facilities, storm drainage facilities, park and recreation amenities, public wayfinder signage or street furniture if it is to become the property of the City and any other amenities that will be transferred to the ownership and control of the City as a portion of the subdivision process.
3. If the development proposes to retain park, recreation or architectural/landscaping amenities that will be maintained as a private asset of a homeowners association or other comparable entity, those will be identified in a separate section and an explanation of the long-term maintenance and financing of these amenities will be included to ensure that the City and the Developer clearly can determine the maintenance and financing responsibilities of each entity for these special amenities.
4. The Community Facilities Agreement will establish a schedule and review plan for all engineering, design and construction documents that the City will be required to approve relating to infrastructure or amenities that will be transferred to City ownership and control following the completion of the subdivision construction process.
5. The Community Facilities Agreement shall establish the planned budget and cost allocation for inspection and material testing which the City will undertake during the construction of the public infrastructure to ensure that it is compliant with appropriate construction standards.
6. The Community Facilities Agreement will identify the type and amount

of the various bonds required relating to the construction and maintenance of the public infrastructure to be developed as a portion of the subdivision process.

7. The Community Facilities Agreement shall delineate any unique or unusual construction or design considerations that the parties believe will be applicable to the development of this specific subdivision based upon its location, topography, soil and groundwater characteristics considered together with the developer's land use plan or intent for the development.

A final plat of a proposed subdivision will not be released for filing until the Community Facilities Agreement has been executed between the developer and the City. The City Secretary shall be the representative of the City authorized to execute a Community Facilities Agreement on behalf of the City of River Oaks.