

APPENDIX A - SUBDIVISION AND DEVELOPMENT

Footnotes:

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Editor's note— Ord. No. CSO#1215-12-2019, § 1, adopted January 6, 2020, repealed the former App. A, §§ 1.1-1.5, 2.1-2.6, 3.1-3.8, 4.1-4.8, 5.1-5.10, 6.1-6.6, 7.1-7.5, 8.1-8.4, 9.1-9.5, and enacted a new App. A, §§ 1.1-1.5, 2.1-2.6, 3.1-3.8, 4.1-4.8, 5.1-5.10, 6.1-6.6, 7.1-7.5, 8.1-8.4, 9.1-9.5. The former App. A pertained to similar subject matter and derived from Ord. No. B-783-08, adopted October 23, 2008 and Ord. No. CSO#392-03-2016, adopted March 21, 2016. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and the same system of capitalization, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Charter reference— Corporate and general powers, § 4 et seq.; city council, § 19 et seq.; city secretary, § 29; city manager, § 40 et seq.

Cross reference— Buildings and building regulations, ch. 10; environment, ch. 34; floods, ch. 42; manufactured homes and trailers, ch. 50; planning and development, ch. 62; streets, sidewalks and other public places, ch. 70; utilities, ch. 82; vegetation, ch. 86.

ARTICLE 1. - GENERAL PROVISIONS

Sec. 1.1 - Purpose.

The purpose of this appendix is to establish regulations that describe the process for the review and approval of subdivision plats and public infrastructure plans, but more specifically to:

- (1) Provide for the safe, orderly, and healthful development of the area within the city and its extraterritorial jurisdiction (ETJ) in accordance with the city's comprehensive plan;
- (2) Promote and protect the health, safety, and general welfare of the community by requiring that adequate streets, drainage facilities, water and sanitary sewer facilities, parks, and other public improvements are provided;
- (3) Provide for adequate light, air and privacy, and to secure from fire, flood and other danger, and to prevent overcrowding of the land and excessive congestion of population;
- (4) Protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of all parts of the city;
- (5) Protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- (6) Ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision;
- (7) Ensure that any requirement imposed hereunder as a condition of development is:
 - a. Fair and equitable to each development;
 - b. Based upon the impact that the proposed development is projected to have on public facilities and services, or the anticipated benefits derived by the development from compliance with such requirement; and
 - c. That such requirement bears a rough proportionality to the requirements necessary to serve the development.
- (8) Prevent the pollution of air, streams, and ponds, to assure the adequacy of drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the community and the value of the land;
- (9) Preserve the natural beauty and topography of the city and to insure appropriate development with regard to these natural features;
- (10) Provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in

the zoning ordinance of the city;

- (11) Provide facilities which can be maintained without imposing an undue burden on the city; and
- (12) Establish procedures for the review and approval of subdivision plats, and the accurate and complete plat records for all property within the city.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 1.2 - Authority.

- (a) *Authority.* The regulations contained in this appendix have been adopted under the authority of the following:
 - (1) V.T.C.A., Local Government Code Ch. 212, Municipal Regulation of Subdivisions and Property Development. Authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.
 - (2) V.T.C.A., Local Government Code Ch. 51, General Powers of Municipalities. Authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
 - (3) Home Rule Charter of the city. Authorizes the city council to exercise all powers granted to municipal corporations by the constitution and laws of the state, including the implied powers necessary to execute the powers granted.
 - (4) Interlocal agreement with Johnson County. In March 2002, the city executed an agreement with Johnson County. Per that agreement, the city has subdivision authority in its extraterritorial jurisdiction (ETJ). All provisions in this appendix will apply to subdivisions in the ETJ in accordance with March 2002 interlocal agreement or any other interlocal agreement that may be executed subsequent to the adoption date of the ordinance from which this appendix derived.
- (b) *Reserved authority.* The city council reserves authority over stipulations and conditions of plat approval concerning expenditures of city funds and contractual agreements to which the city is a party. The city council also reserves authority over appeals to the requirement for dedication of land, requirements for the construction of adequate facilities, or the payment of escrow. The planning and zoning commission shall have no power to act on matters of reserved authority, and shall be deemed to concur with the city council's determination on matters of reserved authority. The city manager may determine that other DAC appeals fiscally impact the city and shall direct that those appeals be treated as reserved authority comments.
- (c) *Review authority.* In addition to its other responsibilities, the commission is vested with the authority to review, approve, approve with conditions or disapprove applications for the platting or subdivision of land, except plats with reserved authority comments.
- (d) *Staff authority.* The development services director may review and approve final plats, amended plats, and minor plats, according to the provisions of these regulations.
- (e) *Delegation.* Any city official assigned a specific responsibility under these regulations may delegate that responsibility to another employee. The city manager may reassign or delegate specific responsibilities to different officials and departments. The authority to execute written agreements on behalf of the city may not be delegated, except by action of the city manager or city council.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 1.3 - Policies.

To carry out the purpose statements above, it is declared to be the policy of the city to guide and regulate the subdivision and development of land in such a manner as to promote orderly growth both within the city and within its extraterritorial jurisdiction.

Proposed plats or subdivisions that do not conform to the purposes listed above and the following policies and regulations shall be denied, or, in lieu of being denied, be approved subject to conformance to these purposes and policies.

These regulations shall be administered in accordance with the following policies:

- (1) *Conformity with comprehensive plan and ordinances.* Plats and proposed public improvements shall conform to the city's comprehensive plan, zoning ordinance, master thoroughfare plan, parks and recreation plan, water and wastewater master plan, design standards manual and all other development-related policies, plans and ordinances of the city.
- (2) *Sites and access for comprehensive plan elements.* Adequate sites and convenient access for schools, parks, playgrounds and other community services indicated in the city's comprehensive plan, master thoroughfare plan, parks and recreation plan, and all applicable ordinances shall be provided in accordance with the intent, policies and provisions of this appendix.
- (3) *Adequate public facilities required.* Each subdivision shall provide adequate public facilities. Adequate public facilities shall include adequate water, sanitary sewer, drainage, parks and transportation facilities necessary to serve the proposed development, whether or not such facilities are to be located within the property being platted or offsite. Adequate public facilities shall be designed in accordance with the design standards manual.
- (4) *Adequate public facilities standards.* Public facilities shall be considered adequate if they meet the minimum level of service (LOS) established in the appropriate sections of this appendix, the design standards manual, and the following standards:
 - a. *Street access.* All platted lots must have safe and reliable street access for daily use and emergency purposes. All platted lots must have direct access to a paved public street, private street, or an approved access easement.
 - b. *Water.* All platted lots must be connected to a public water system that provides water for health and emergency purposes. Water service must be sufficient to meet the fire flow requirements unless the site meets the requirements for a waiver in accordance with this appendix and the design standards manual.
 - c. *Wastewater.* All platted lots must be connected to a public wastewater collection and treatment system, except as otherwise provided in this appendix, the design standards manual, and [chapter 24](#) of this Code. The projected wastewater discharge of a proposed development shall not exceed the capacity of the wastewater system.
 - d. *Drainage.* Stormwater runoff attributable to new development shall meet the intent of the minimum standards of this appendix and the design standards manual.
 - e. *Stormwater management.* Permanent features are required to maintain to the maximum extent practicable the predevelopment characteristics of the natural creek that ultimately receives stormwater runoff from the development.
 - f. *Parks and recreation.* Parks and recreation facilities shall be deemed adequate when:
 1. Parkland has been dedicated and deeded to the city or parkland dedication fees have been paid; and
 2. Park development is complete or park development fees have been paid; and
 3. Maintenance agreements have been executed, if applicable.
 - g. *Electricity.* All platted lots must have access to a public utility that provides electricity for retail consumption.

- h. *Telecommunications.* All platted lots must have access to a public utility that provides telecommunications for residential consumption.
- (5) *Developer responsibility.* The developer and engineer of record shall be responsible for the accuracy of the information furnished in the design of facilities as they pertain to both the proposed development and other affected properties. Concurrence by the city in the design shall not be construed to relieve any responsibility referred to herein.
- (6) *Effect of development.* Land to be platted or developed shall be of such nature, shape and location that it can be used without danger to health or increased risk of fire, floods, erosion, stormwater pollution, landslides or other menaces to the general welfare.
- (7) *Arrangement of lots and buildings.* Buildings, lots, blocks and streets shall be arranged so as to afford adequate light, view and air; and to facilitate fire protection, providing ample access to buildings for emergency equipment.
- (8) *Layout of development.* Land shall be platted and developed with due regard to topography and existing vegetation with the object being that the natural beauty of the land shall be preserved to the extent feasible. Development shall minimize vegetation loss, encroachment into natural areas, impervious surfaces, and changes to natural terrain.
- (9) *Preservation of existing features.* Existing features that add value to development or to the city as a whole, such as historic sites, floodplains and floodways, tree canopy, natural areas and similar assets should be preserved insofar as possible in the design of the plat.
- (10) *Build a sense of community.* Developments should be compact, utilize pedestrian amenities and integrate uses in order to enhance walkability and foster a sense of community. Developments should celebrate local history, climate, ecology, and building practices in order to contribute to a sense of place.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 1.4 - Definitions.

The following words and phrases, as used in this appendix, shall have the meanings respectively ascribed to them herein. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices:

Approval authority. The board, committee, or individual charged with final approval, approval with conditions, or disapproval of a plat or plan.

Administrative official. The development services director or designee. The administrative official is responsible for the administration of this appendix or a particular portion of this appendix.

As-built plans. Community facilities plans of record that include any changes that occurred during construction from the plans as they were originally released for construction by the public works director. These may also be referred to as "record drawings."

City. The City of Burleson, Texas, including all its governing and operating bodies.

City council. The governing and legislative body of the city. The city council may also be referred to as the "council."

City manager. That person appointed as city manager by the city council, under the authority of the city Charter, or designee.

City secretary. That person appointed by the city council under the authority of section 29 of the city Charter, or designee.

Commercial development. A development, other than single-family or two-family residential, that requires submission of a plat or the securing of a building permit.

Commission. The planning and zoning commission of the city.

Community facilities contract. A contract between the owner, contractor, and city for the construction of community facilities.

Community facility. Any facility that is used by or benefits the public and that is dedicated to the city for the public's use to include, but not be limited to, water mains, sewer mains, streets, alleys, sidewalks, curbs, gutters and drainage facilities, streetlights, traffic signals, parks and trails.

Comprehensive plan. The comprehensive plan, including revisions of the city and adjoining areas recommended by the planning and zoning commission, adopted by the city council and consisting of a land use plan, a thoroughfare plan, a parks and open space plan, goals pertaining to urban design, historic preservation, public infrastructure, economic development and community environment as well as other plans and goals necessary to satisfy the long term planning needs of the city.

Contractor. The person, persons, firm or corporation who is or will be engaged in the actual construction, building, laying, rebuilding, or repairing of streets, alleys, thoroughfares, curbs, gutters, sewer mains, water mains, drainage facilities, or any other community facility.

Dedicated street or alley. Any street or alley for which the right-of-way has become public property through platting, deed, or public usage, as defined by law.

Deny. The term "deny" is used interchangeably with the term "disapprove" in this appendix.

Design standards manual. A document adopted by city council by resolution or ordinance and intended to establish standards for the design and construction of community facilities.

Developer. An individual, partnership, corporation, or governmental entity undertaking the subdivision or improvement of land and other activities covered by this appendix or the design standards manual, including the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider" even though personnel in successive stages of a project may vary.

Development. Any activity that requires submission of a subdivision plat, or the securing of a building permit.

Development assistance committee. A committee of city staff members that provide a centralized, technical review of development plans.

Development services director. That person appointed as the development services director or the person's designated representatives.

Director of recreation and lifelong learning. The person appointed as the director of recreation and lifelong learning, or the person's designated representative.

Disapprove. The term "disapprove" is used interchangeably with the term "deny" in this appendix.

Drainage improvements. Facilities constructed for the purpose of conveying stormwater through the city. These facilities include, but are not limited to, inlets, pipes, junction boxes, flumes, channels, culverts, and bridges.

Dwelling unit. That area of a structure set aside for single-family living; a single-family residence is one dwelling unit, a duplex is two dwelling units and each apartment of an apartment complex is a separate dwelling unit.

Easement, private access. A privately maintained easement which provides vehicular or pedestrian access between lots.

Easement, sewer. An interest in land granted to the city and the public in general for the installation or maintenance of public sewer facilities upon or under private land together with the right to enter thereon with machinery and vehicles necessary for the maintenance of the sewer facilities.

Easement, utility. An interest in land granted to the city, to the public in general and/or to a private utility corporation for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of the utilities.

Easement, water. An interest in land granted to the city and the public in general for the installation or maintenance of public water facilities upon or under private land together with the right to enter thereon with machinery and vehicles necessary for the maintenance of the water facilities.

Engineer. A person licensed under the provisions of the Texas Engineering Practice Act to practice the profession of engineering.

Extraterritorial jurisdiction (ETJ). The unincorporated area that is contiguous to the corporate boundaries of the city, as defined in V.T.C.A., Local Government Code Ch. 42.

Filed. A plat or plan is considered filed with the city the date that the administrative official determines that the application satisfies all requirements of this appendix and other applicable ordinances, except for requested waivers, and all applicable fees have been paid.

Floodway. The channel of a watercourse and the adjacent land areas that must be reserved for the passage of the 100-year flood without cumulatively increasing the existing 100-year water surface more than one foot.

Floodplain. The land adjacent to a river, stream or watercourse that is inundated by a 100-year (one percent chance) flood.

Impervious surface. Any material that substantially reduces or prevents the infiltration of stormwater.

Layout. A plan view of a project that does not require profiles or final engineering description.

Lot. A parcel of land identified by a block number and lot number in an approved subdivision plat that has been properly filed of record in Johnson or Tarrant County.

May, shall. The word "may," wherever used in this appendix, shall be interpreted as permissive; the word "shall" is to be interpreted in its mandatory sense.

Mixed-use development. Developments containing both residential and commercial land uses.

On-site mains.

- (1) *Water.* A water main located adjacent to or within the limits of the development or subdivision.
- (2) *Sewer.* A sanitary sewer main located within the limits of the development and designed to serve the development and the upstream sewer shed.

Planning and zoning commission. A group of persons appointed by the city council for the purpose of participating in the orderly growth of the city and acting as a recommending body to the city council. The planning and zoning commission may be referred to as the commission.

Owner. One with the right to exclusive use, control, or possession of property. Owner may or may not be same as developer.

Plans. Engineering documents that include plan views, profiles, detailed drainage studies, final engineering designs for construction, including specifications and contract documents; and satisfy requirements of the design standards manual; and are sealed, signed, and dated by a licensed professional engineer.

Plat, amending. A map, drawing, or chart prepared to show a minor change of an existing subdivision to a lot line or correction of an error such that the changes are not substantive and no new lots are created.

Plat, final. The final approved plat of any lot or lots to be recorded in the plat records of Johnson or Tarrant County.

Plat, minor. A subdivision of not more than four lots, which fronts on an existing street and does not require the creation of any new street or the extension of municipal facilities and which allows a short form process that eliminates the need for a preliminary plat.

Plat, preliminary. The plat of any lot or lots of record that is not to be recorded of record but is only a proposed division of land for review and study by the city.

Plat, vacation of. A plat that removes easement, lot lines and other encumbrances in order to revert a subdivision to a former configuration or status.

Public works director. The person appointed as the public works director or the person's designated representatives.

Replat. The rearrangement or subdivision of any part or all of any lot or lots of a previously platted subdivision.

Residential development. This designation shall apply to all single-family and two-family properties.

Service connections.

(1) *Water.* The pipe and fittings between a water main and the water meter through which a lot is supplied with water. The water service may be located under a public street or alley.

(2) *Sewer.* That portion of the sanitary sewer located between the public main or lateral sanitary sewer and the property line. The sewer service may be located under a public street or alley.

Shall, may. The word "shall," wherever used in this appendix, is to be interpreted in its mandatory sense; the word "may" shall be interpreted as permissive.

Storm sewer. A facility that conveys stormwater runoff.

Street. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, private place, alley, or however otherwise designated.

Subdivision. The division of a tract(s) or parcel(s) of land situated within the city or the extraterritorial jurisdiction, into two or more lots for the purpose of sale, lease, or development. For the purposes of this appendix, subdivisions are divided into the following classifications:

(1) *Rural subdivision.* A subdivision intended for residential development that is comprised of all lots with an area of at least two and one-half acres.

(2) *Urban subdivision.* A subdivision intended for residential development containing any lots with an area of less than one acre, or any subdivision intended for commercial development.

Surveyor. A registered public land surveyor (R.P.L.S.) licensed by the state to practice the profession of surveying.

Tract. An unplatted parcel of land described by metes and bounds and typically recorded in the county deed records.

Waiver. Any modification to, variance from, or exception from any portion of the this appendix or design standards manual.

(Ord. No. [CSO#1215-12-2019](#), § 1, 1-6-2020)

Sec. 1.5 - Waivers.

- (a) *Requirements for the granting of a waiver.* The city council and planning and zoning commission, as applicable, shall have the authority to consider requests for waivers of regulations contained in this appendix. The council or commission may approve, disapprove or modify such a request provided that such approval or modification will not be detrimental to the public safety, health, or welfare or be injurious to other property. The developer shall provide information to support a claim that there are extraordinary hardships or practical difficulties which may result from strict compliance with the regulation or that the public interest may be better served by an alternative proposal.

No waiver shall be granted unless the council or commission finds that:

- (1) The requirement places an unreasonable burden on the development and does not bear a rough proportionality to the requirements necessary to serve the development; or
- (2) There are special circumstances or conditions affecting the land such that the strict application of the provisions of this appendix and/or the design standards manual would deprive the applicant of the reasonable use of the applicant's land; and
- (3) The modification, exception or waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (4) The granting of the modification, exception or waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this appendix and the design standards manual.

Such findings of the city council or planning and zoning commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the city council meeting(s) at which such waiver is granted. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

- (b) *Waiver approval process (all sections except subsection 4.3(a)). Waivers from all articles of this appendix and the design standards manual except subsection 4.3(a) may be approved as follows: (Waivers from subsection 4.3(a) will be approved in accordance with subsection 1.5(c) below.)*
- (1) An applicant who desires a waiver from any specific term or regulation in the sections stated above shall file a written request and pay the fee as established on the approved city fee schedule for the waiver, with the administrative official. The written request shall:
 - a. State the specific provision of this appendix or design standards manual for which a waiver is sought;
 - b. If applicable, state any excessive conditions that the applicant believes are being improperly or unfairly imposed on the development that do not bear a rough proportionality to the requirements necessary to serve the development;
 - c. State the nature of the waiver request and include a justification for the waiver;
 - d. Present documentation necessary to show that the granting of the waiver will not result in any danger to the public health, safety, and welfare of the city and the property immediately surrounding the site for which the waiver is sought; and
 - e. Show that the city will not incur any unnecessary and inappropriate expense from the granting of the waiver.
 - (2) Following receipt of the written request for a waiver, the administrative official shall have the request for the waiver placed on the public hearing portion of the agenda of the planning and zoning commission meeting. Written notice of the hearing shall be sent to all owners of real property lying within 200 feet of the property on which the waiver is requested. The notice shall be given not less than ten days before the date set for the hearing by posting the notice, properly addressed and postage paid, to each property owner as the ownership appears on the last approved city tax roll or appraisal district records.
 - (3) The administrative official shall provide a copy of the request together with all supporting documents to the planning and zoning commission with their agenda materials. The administrative official shall advise the applicant in writing of the time and place of the hearing on the requested waiver in such manner as to ensure that the applicant shall have, at least, ten days' notice of the proposed hearing to allow adequate preparation for the presentation of the applicant's case.
 - (4) The planning and zoning commission shall hold a public hearing on the waiver request. The commission shall receive testimony and comment from citizens who desire to be heard upon the subject.

- (5) At the conclusion of the hearing, the planning and zoning commission shall meet and shall submit a recommendation to the city council recommending approval or denial of the waiver or modification(s) to the waiver.
 - (6) Following the planning and zoning commission hearing, the administrative official shall have the request for the waiver placed on the public hearing portion of the agenda of the city council meeting. Written notice of the hearing shall be sent to all owners of real property lying within 200 feet of the property on which the waiver is requested. The notice shall be given not less than ten days before the date set for the hearing by posting the notice, properly addressed and postage paid, to each property owner as the ownership appears on the last approved city tax roll or appraisal district records. The administrative official shall provide a copy of the request together with all supporting documents to the city council with their agenda materials. The administrative official shall advise the applicant in writing of the time and place of the hearing on the requested waiver in such manner as to ensure that the applicant shall have, at least, ten days' notice of the proposed hearing to allow adequate preparation for the presentation of the applicant's case.
 - (7) The city council shall hold a public hearing on the waiver request. The council shall receive testimony and comment from citizens who desire to be heard upon the subject.
 - (8) The city council shall consider the recommendations of the planning and zoning commission on the waiver request. The city council shall grant the waiver, deny the waiver, or grant a modified waiver under terms and conditions that the council deems necessary and appropriate to protect the public health, safety and welfare and to ensure that the waiver granted does not create a financial burden upon the city. The administrative official shall advise the applicant in writing of the city council's decision within one week.
- (c) *Waiver approval process for subsection 4.3(a).* Waivers from subsection 4.3(a) (escrow) may be approved as follows:
- (1) An applicant who desires a waiver from subsection 4.3(a) shall file a written request and pay the fee as established on the approved city fee schedule for the waiver, with the administrative official. The written request shall:
 - a. State the specific provision of subsection 4.3(a) for which a waiver is sought;
 - b. If applicable, state any excessive conditions that the applicant believes are being improperly or unfairly imposed on the property that do not bear a rough proportionality to the requirements necessary to serve the development;
 - c. State the nature of the waiver request and include a written justification for the waiver;
 - d. Present documentation necessary to show that the granting of the waiver will not result in any danger to the public health, safety, and welfare of the city and the development immediately surrounding the site for which the waiver is sought; and
 - e. Show that the city will not incur any unnecessary and inappropriate expense from the granting of the waiver.
 - (2) Following receipt of the written request for a waiver from subsection 4.3(a), the administrative official shall have the request for the waiver placed on the agenda of the city council for a public hearing. Written notice of the public hearing on the requested waiver shall be sent to all owners of real property lying within 200 feet of the property on which the waiver is requested. The notice shall be given not less than ten days before the date set for the hearing by posting the notice, properly addressed and postage paid, to each property owner as the ownership appears on the last approved city tax roll or appraisal district records. The administrative official shall provide a copy of the request together with all supporting documents to the city council with their agenda materials. The administrative official shall advise the applicant in writing of the time and place of the hearing on the requested waiver in such manner as to ensure that the applicant shall have, at least, ten-days' notice of the proposed hearing to allow adequate preparation for the presentation of the applicant's case.
 - (3) The city council shall hold a public hearing on the waiver request. The city council shall receive testimony and comment from citizens who desire to be heard upon the subject.

- (4) At the conclusion of the public hearing, the city council shall grant the waiver, deny the waiver, or grant a modified waiver under terms and conditions that the city council deems necessary and appropriate to protect the public health, safety, and welfare and to ensure that the waiver granted does not create an unreasonable or inappropriate financial burden upon the city or improperly impose a financial burden on the applicant that is not roughly proportional to the requirements necessary to serve the development. The administrative official shall advise the applicant in written of the city council's decision within one week.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

ARTICLE 2. - PLATTING POLICIES

Sec. 2.1 - Plat approval required.

It shall be unlawful for a person, firm or corporation owning a tract of land located within the corporate limits or extraterritorial jurisdiction of the city to hereafter divide the same tract of land into two or more parts to lay out a subdivision; to lay out a building lot; or to lay out a street, alley, square, park, or other parts of the tract intended to be dedicated to public use; or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for purpose of development without having a plat of the subdivision prepared and approved in accordance with this appendix. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method for purpose of development. The provisions of this appendix shall apply to any development which is intended as a single lot, tract or parcel where a primary structure will be located. Furthermore, the following shall be applicable to all subdivisions of land:

- (1) It shall be the policy of the city to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the city pursuant to the city comprehensive plan for the orderly, planned, efficient, and economical development of the city.
- (2) The city has no obligation to provide water or sewer service to any lot, tract or parcel of land sold or created in violation of this appendix.
- (3) All plats and subdivisions shall conform to the rules and regulations set forth herein.
- (4) Where the provisions of this appendix and other ordinances or plans conflict or overlap, the most restrictive provisions thereof shall apply.
- (5) The provisions contained in this appendix shall be considered as the minimum requirements for review and approval of a subdivision plat.
- (6) The city shall withhold all city improvements and services, including the furnishing of sewerage facilities and water service and all franchise service under control of the city from subdivisions that have not been approved in accordance with this appendix.
- (7) In accordance with V.T.C.A., Local Government Code § 212.004(a), a division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.
 - a. This subsection applies only if adequate water, sewer, storm sewer, transportation facilities and linear park facilities exist.
 - b. The phrase "no public improvement is being dedicated" means that this appendix and the comprehensive plan do not require, or plan for, the dedication and/or construction of any park or public improvement upon any portion of the land to be divided.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 2.2 - Plat required for building permit.

No building permit shall be approved or certificate of occupancy issued on any lot, tract or parcel of land unless and until a plat has been approved in accordance with this appendix, except as provided as follows:

- (1) *Residential structures.* A building permit for an addition to, or renovation of, an existing residential structure may be issued on an unplatted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed 50 percent of the value of the original structure, excluding the value of the land. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
- (2) *Nonresidential structures.* A building permit for an addition to, or renovation of, an existing non-residential structure may be issued on an unplatted lot, provided the value of such proposed construction, including the cumulative value of any proposed and all previously permitted building permits on the primary structure, does not exceed 50 percent of the value of the original structure, excluding the value of the land. Building permits as used herein do not include electrical, plumbing or similar non-construction activities.
- (3) *Platting exemption for certain conditions.* A permit for an accessory structure, fence, irrigation system, or swimming pool, may be issued on an unplatted lot.
- (4) *Public facilities available.* No building permit for a primary building will be issued until all proposed public facilities have been installed and have been approved and accepted by the city or provision has been made by the developer for such public facilities.
- (5) *Occupancy.* No occupancy permits shall be issued for any structure or building for any lot, tract, or parcel; and no structure of building shall be occupied, unless and until the required public improvements are installed, connected and are functioning properly and have been accepted by the city.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 2.3 - Extraterritorial jurisdiction.

Land located in the extraterritorial jurisdiction of the city is subject to the terms and development standards of this appendix and the design standards manual.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 2.4 - Development assistance committee.

The city manager shall designate a development assistance committee (DAC), which shall be an advisory committee to the planning and zoning commission and city council. The DAC shall have responsibility for providing technical review of development projects to ensure compliance with development codes and ordinances.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 2.5 - Completeness determination and expiration of permits and plats.

(a) *Requirements for completeness determination.*

- (1) Every application for approval of a preliminary plat, final plat, minor plat, combination plat, replat, amending plat, or plat vacation shall be subject to a determination of completeness by the administrative official.
- (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 appendix. For a determination of completeness to be issued, an application must include the following:

- a. A completed application form signed by the owner and the owner's authorized agent, if applicable;
 - b. Every item, study and document required by this appendix for the type of plat being submitted; and
 - c. A nonrefundable application submittal fee, as specified in the fee schedule.
- (3) The city manager and/or the development services director and public works director may from time to time identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in this appendix.
- (4) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this appendix.
- (b) *Determination of completeness and expiration.*
- (1) Not later than the tenth business day after the date an application is submitted, the development services director 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 appendix for the type of plat being submitted have been submitted. A determination that the application is incomplete shall be mailed to the applicant within such time period by certified mail at the address listed on the application. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the document or other information is not submitted within 45 days after the date the application was submitted.
 - (2) The processing of an application by any city employee prior to the time the application is determined to be complete shall not be binding on the city as the official acceptance of the application for filing. The incompleteness of an application shall be grounds for denial of the application regardless of whether a determination of incompleteness was mailed to the applicant.
 - (3) An application for any type of plat approval shall be deemed to expire on the 45th day after the application is submitted to the city for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this appendix as specified in the determination provided to the applicant. Upon expiration, the application will be returned to the applicant together with any accompanying documents. Thereafter, a new application for approval of the plat must be submitted.
 - (4) No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 2.6 - Procedures for approval of subdivisions.

- (a) *Development assistance committee (DAC) comments.* All plats accepted for review shall be examined by the DAC for compliance with city ordinances. The DAC may make comments to assist the developer in meeting the requirements of this appendix. The plat will be forwarded to the commission and council for consideration along with any DAC comments that have not been addressed. All DAC comments must be addressed or waived through a variance request before the plat will be recorded. Failure of the DAC to make specific comments does not relieve the property owner from compliance with all ordinances.
 - (1) The plat will be forwarded to the commission either upon determination of compliance with all DAC comments, or with outstanding DAC comments and a request for the commission to approve subject to the DAC comments.
 - (2) Appeals to ordinance requirements shall be submitted in writing to the administrative official.
- (b) *Schedule.* The plat shall be scheduled for consideration by the commission and city council within 30 days after the

date the plat application is accepted. The plat application is considered accepted upon the determination that the plat either meets the ordinance or a variance to an ordinance requirement has been requested by the applicant and when all application fees are paid.

Plats shall be approved, approved with conditions or disapproved within the time frame established by V.T.C.A., Local Government Code Ch. 212, unless the applicant voluntarily requests in writing that action on the plat be tabled or continued.

- (c) *Plats with reserved authority comments.* The commission shall have no power to act on matters of reserved authority. If a plat with appealed reserved authority comments is recommended for approval by the commission, it shall be sent to the council for action within 30 days after the commission's action on the plat. For the purposes of joint authority over appealed reserved authority comments, the commission shall be deemed to concur with the action of the council.
- (d) *Modifications or conditions.* Where the city finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications of conditions to these platting regulations so that substantial justice may be done and the public interest secured. Such a finding by the city shall not have the effect of nullifying the intent and purpose of these platting regulations.
- (e) *Record maintenance.* The administrative official shall maintain a record of each application submitted under this appendix, and the action taken on the application. On written request by a property owner of an affected tract, the administrative official shall certify the reasons for the action taken on the application.
- (f) *Dedication offers.* All streets, drainage ways, parks, and other rights-of-way or public easements shown within a subdivision plat and intended for public use shall be offered for dedication as part of the approval of a plat. Upon approval of the subdivision application by the city, the offers shall be deemed dedicated and available for acceptance by the city in accordance with the requirements of this section.
 - (1) Whenever a subdivision proposes the dedication of land for public use and the city finds that such land is not required or is not suitable for public use, the city may either deny the subdivision application or require the rearrangement of lots to include such land.
 - (2) The approval of a subdivision plat by the city is not considered an acceptance of any dedication and does not impose on the city any duty regarding the maintenance or improvement of any dedicated parts until the city makes an actual appropriation of the dedicated parts by entry, use, or improvement.
 - (3) Disapproval of a plat shall be deemed a refusal by the city to accept the offered dedications shown thereon.
- (g) *Nuisance ordinances and outstanding liens.* A subdivision plat shall not be approved in which the property being considered for development is in violation of a public nuisance ordinance of the city. No subdivision plat shall be approved that has an outstanding delinquent lien payable to the city.
- (h) *Delinquent taxes.* A subdivision plat shall not be approved in which the property being considered for development has delinquent taxes due.
- (i) *Plats straddling municipal boundaries.* Whenever access to the subdivision is required across land in an adjacent city, the administrative official shall coordinate the review of the plat with the adjacent city and the planning and zoning commission may require written approval from the adjacent city.
- (j) *Enforcement of ordinance.* In addition to any other remedy provided by law, the city and its officers shall have the right to enjoin any violation of this appendix by injunction issued by a court of competent jurisdiction.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 3.1 - Required plat information.

The applicant requesting subdivision plat approval shall submit the required number of copies of a plat drawing as shown on the application. All plat drawings shall contain, at a minimum, the following information, where applicable. Additional required information for specific plat types is included with the plat application. The following is a general list of required elements and is not all-inclusive.

- (1) *Owner/developer.* The names and addresses of the developer and the current owner of record.
- (2) *Surveyor name.* The name, address and telephone number of the surveyor responsible for the plat, which shall contain the seal of a state registered professional land surveyor.
- (3) *Subdivision name.* If the land to be platted is within an existing subdivision, that plat shall take the name of the existing subdivision. The name of the proposed subdivision shall be clearly shown with large letters and shall not be a duplication of any existing subdivision name, whether by spelling or pronunciation, or similar to any other subdivision within the city. Preceding the name of the subdivision shall be a title block indicating the plat type.
- (4) *Zoning.* A designation of the existing zoning (if applicable) of the land within the subdivision and any zoning conflicts with proposed uses note.
- (5) *Location map.* A location map showing the tract by reference to streets or highways.
- (6) *Date.* The date the plat was prepared.
- (7) *Scale and north arrow.* The plat shall be prepared at a numerical scale no greater than one inch equals 100 feet, unless approved by the administrative official. A graphic scale symbol shall be placed on the drawing with a north arrow indicating the approximate true north.
- (8) *Subdivision boundary lines.* The subdivision boundary lines shall be shown in heavy lines so as to provide a differentiation with the internal features of the area being proposed for platting. The location and dimensions of all boundary lines of the property shall be expressed to the nearest hundredth foot.
- (9) *Metes and bounds description.* A written metes and bounds description of the property shall be shown on the plat and be capable of reproducing such lines upon the ground with a closure error of less than 1:25,000. The legal description shall include reference to an original survey or subdivision corner, and the Texas NAD83 State Plane Coordinate System. The legal description shall include the acreage of the total area of the proposed subdivision and be consistent with the subdivision boundary. The legal description shall contain information to show the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
- (10) *Adjacent properties.* All property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed subdivision and extending 100 feet from the perimeter shall be shown with the names of the owners as shown on the most currently adopted tax roll. If the adjacent properties are platted, the names of adjoining subdivisions and the names of adjoining streets shall be shown. The plat or deed recording information shall be shown.
- (11) *Street rights-of-way.* The width of all public street rights-of-way shall be shown on the plat. The general location and width shall be consistent with the master thoroughfare plan. Dimensions shall be shown for all curves. The distance from the centerline of any existing roadway of a boundary street to the proposed subdivision shall be shown to determine the adequacy of right-of-way along the route and to determine if additional right-of-way is necessary to accommodate the proposed street.
- (12) *Building set-back lines.* Front building set-back lines shall be indicated by dashed lines on all lots in accordance with the requirements of the applicable zoning district. Side yard building set-back lines shall be indicated by

dashed lines on the side yards of lots with side street frontage. Additional building set-back may be required by the city. Existing building set-back lines on adjacent properties shall be shown, where applicable.

- (13) *City limit lines.* The location of the city limit boundaries of the city and any adjacent city shall be shown on the plat if the boundary is within 200 feet of the plat boundary.
- (14) *Extraterritorial jurisdiction (ETJ) limits.* The location of the ETJ lines of the city and any adjacent city shall be shown on the plat if the boundary is within 200 feet of the plat boundary.
- (15) *Easements.* The location and dimension of all existing or proposed easements shall be shown on the plat drawing indicating whether such easement is for any specific purpose. County recording information shall be shown for all existing easements. If necessary for the extension of water or sewer mains, storm drainage or other utilities, easements may be required along lot lines or across large lots. In all cases, easements shall connect with easements already established on adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.
- (16) *Lot and block numbering.* All lots and blocks shall be consecutively numbered. The blocks in subdivisions bearing the same name shall be numbered consecutively throughout all sections or phases. Font of block numbers shall be larger and bolder than lot numbers or circled to make identification clear. Any lot or block which is planned as an "out-parcel" shall be numbered and designated on the plat with notation regarding any development restrictions. A preliminary plat shall be required for any property containing out-parcels.
- (17) *Sheet size.* Map sheets shall be of a size that are acceptable for recording in the Johnson or Tarrant County clerk's office, and shall be between 18 inches x 24 inches and 24 inches x 36 inches. Sheets shall be numbered in sequence if more than one sheet is used with appropriate match lines.
- (18) *Plat notes and conditions.* When appropriate, the plat shall contain a listing of any plat notes and plat conditions in a readily identifiable location, with each note numbered consecutively (section 9.2).
- (19) *Public use areas.* The location and dimensions of all property proposed to be set aside for public use or common reservation shall be shown on the plat drawing, with designation of the purpose thereof, and any conditions of the dedication or reservation.
- (20) *Street names.* All street names shall be shown on the plat. New street names shall be sufficiently different in sound and in spelling from other street names in the city, ETJ and zip code to avoid confusion. The continuation of an existing street shall bear the same name. The naming of streets shall conform to requirements listed elsewhere in this appendix.
- (21) *Lot dimensions.* The approximate dimensions of all lots shall be shown on a preliminary plat and the exact dimension shown on all other plats with accuracy to 1/100th of one foot. The dimensions shall be sufficient to verify compliance with the minimum requirements of the applicable zoning district.
- (22) *Floodplain features.* The location of the 100-year floodplain limits, if applicable, shall be shown on the plat as shown on the flood insurance rate maps (FIRM).
- (23) *Irregular side lot lines.* Side lot lines which are not perpendicular to the street right-of-way shall be indicated with bearing and distance.
- (24) *Certification blocks.* All plats shall contain the appropriate certification blocks (section 9.3).

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 3.2 - Preliminary plat.

Preliminary plat. The plat of any lot or lots of record that is not to be filed of record but is only a proposed division of land for review and study by the city.

- (1) *Preliminary plat requirements.*
- a. Preliminary plat required for five or more lots. An owner who elects to subdivide a tract into five or more lots shall submit a preliminary plat to be processed and approved prior to submitting a final plat for approval and filing of record.
 - b. Preliminary plat for four or fewer lots.
 1. An owner may submit a preliminary plat to be processed and approved prior to submitting a final plat for filing of record when subdividing such tract into four or fewer lots; or
 2. An owner may elect to submit such plat as a minor plat in accordance with section 3.4, minor plat.
- (2) *Platting all land in common ownership.* The preliminary plat shall include all contiguous holdings of the owner, including land in common ownership, with an indication of the portion which is proposed for subdivision.
- (3) *Preliminary plat exhibits.* The developer shall submit an application for approval of a preliminary plat with the administrative official, which shall contain the following exhibits to be considered complete:
- a. *Preliminary plat application.* The application shall be on forms furnished by the administrative official. If the applicant is not the official owner of record, written authorization from the property owner is required.
 - b. *Preliminary plat drawing.* The plat drawing shall contain the information listed in section 3.1, required plat information, where applicable, and any additional items provided on the checklist provided with the plat application.
 - c. *Supplemental documents.* The applicant shall submit the following documents as required in the design standards manual:
 1. Preliminary drainage plan.
 2. Preliminary stormwater management site plan.
 3. Preliminary water and sanitary sewer plan.
 4. Pedestrian connectivity plan.
 5. Traffic impact analysis.These documents must be prepared by licensed professional engineer. Any or all of these documents may be waived upon consideration of the public works director.
 - d. *Fees.* The applicant shall pay the applicable plat application fee when the application is submitted to the administrative official.
- (4) *Phasing of preliminary plats.* In the event that the property indicated is to be final platted in phases, the preliminary plat shall clearly indicate the parcels of land to be included in the phasing. Modifications to the phasing plan may be approved by the development services director.
- (5) *Approval of preliminary plats.*
- a. *Development assistance committee.* The preliminary plat shall be examined by the DAC for compliance with city ordinances. The DAC may make comments to assist the developer in meeting the requirements of this appendix. Upon determination of the administrative official that the plat substantially meets the ordinance requirements, the preliminary plat will be forwarded to the planning and zoning commission for consideration. If all DAC comments have not been addressed prior to forwarding the plat to the planning and zoning commission, the preliminary plat will be forwarded to the commission with a recommendation for the commission to approve subject to DAC comments.
 - b. *Planning and zoning commission.* The planning and zoning commission shall, within 30 days of the date of application acceptance, approve, approve with conditions or disapprove the approval of the preliminary plat. If approved with modifications, the commission shall express its approval as approval with modifications and

state the conditions of such approval, if any, or if denied, shall express its denial and its reasons therefor.

- c. *City council.* The administrative official shall then place the preliminary plat on the city council agenda with a report summarizing the action of the commission. The city council shall approve, approve with conditions or disapprove the approval of the preliminary plat.
 - d. *Approval of preliminary plat.* Approval of the preliminary plat shall not constitute final acceptance or approval of the subdivision but shall constitute authority to proceed with the final plat process as described in this appendix.
 - e. *Approval of preliminary plat with conditions.* If the preliminary plat is approved with conditions, the conditions shall be met before a final plat within the subdivision is processed.
 - f. *Denial of preliminary plat.* If the city council denies the preliminary plat, no final plat shall be accepted. The developer, at any time thereafter, may submit a new design for approval, following the same procedures as required for the original application, including the payment of application fees.
- (6) *Expiration of approval.* Approval of a preliminary plat shall expire after 24 months from the date of approval, unless a final plat is submitted for all or part of the area that has received preliminary plat approval. The approving body may approve a time extension upon written request from the developer or may waive the 24-month termination period when the final plat is determined to be consistent with the approved preliminary plat and no additional standards have been adopted by the city. The validity of the preliminary plat shall be extended 24 months from the approval date of a final plat of any portion of the approved preliminary plat.
 - (7) *Revision to an approved preliminary plat.* If an owner proposes substantive changes to a preliminary plat after it has been approved by the commission or city council, a revised preliminary plat shall be prepared, processed and approved by the commission or city council prior to the preparation of a final plat. If the development services director determines that the proposed changes are not substantive, a revised preliminary plat may be approved administratively. The revised preliminary plat shall include all property within the boundary of the original preliminary plat. A revision to an approved preliminary plat shall not affect the expiration of the plat. Preliminary plat approval shall expire two years from the date of approval unless a final plat of all or a portion of the preliminary plat has been filed of record.
 - (8) *Waiver of preliminary plat when site is developed in a single phase.* If a site is proposed to be developed in a single phase, the requirement for a preliminary plat shall be waived, unless otherwise requested by the owner. The site shall be final platted and all items included in [section 3.3](#), final plat, shall be required.
 - (9) *Development plan as preliminary plat.* A development plan approved by the planning and zoning commission and city council in accordance with the provisions of this appendix may constitute an approved preliminary plat.
 - (10) *Grading site prior to final approval.* Following preliminary plat approval, the developer may apply for an earthwork permit and upon approval of said permit may commence modifications to the grades and elevations required by the construction plans.

(Ord. No. [CSO#1215-12-2019](#), § 1, 1-6-2020)

Sec. 3.3 - Final plat.

Final plat. The final approved plat of any lot or lots to be recorded in the plat records of Johnson or Tarrant County.

- (1) *Final plat requirements.* A final plat application may only be submitted if:
 - a. The final plat substantially conforms to the approved preliminary plat, all preliminary plat DAC comments, and any and all conditions of approval of the preliminary plat.
 - b. The final plat includes all or only a portion of the area of the approved preliminary plat; or

- c. The final plat is submitted as a combined preliminary and final plat in accordance with section 3.5, combination
 - d. If a subdivision is proposed in phases, each phase shall carry the name of the originally approved preliminary plat and shall bear a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire subdivision.
- (2) *Final plat exhibits.* The developer shall submit an application for approval of a final plat with the administrative official, which shall contain the following exhibits to be considered complete:
- a. *Final plat application.* The application shall be on forms furnished by the administrative official. If the applicant is not the official owner of record, written authorization from the property owner is required.
 - b. *Final plat drawing.* The plat drawing shall contain the information contained in section 3.1, required plat information, where applicable, and any additional items provided on the checklist.
 - c. *Supplemental documents.* If applicable, the applicant shall submit the following documents as required in the design standards manual:
 1. Preliminary drainage plan.
 2. Preliminary stormwater management site plan.
 3. Preliminary water and sanitary sewer plan.
 4. Pedestrian connectivity plan.
 5. Traffic impact analysis.

These documents must be prepared by licensed professional engineer. Any or all of these documents may be waived upon consideration of the public works director.
 - d. *Fees.* The applicant shall pay the applicable plat application fee when the application is submitted to the administrative official.
- (3) *Approval of final plats.*
- a. *Development assistance committee.* The final plat shall be examined by the DAC for compliance with city ordinances. The DAC may make comments to assist the developer in meeting the requirements of this appendix. Upon determination of the administrative official that the plat substantially meets the ordinance requirements, the final plat will be forwarded to the planning and zoning commission for consideration. If all DAC comments have not been addressed prior to forwarding the plat to the planning and zoning commission, the final plat will be forwarded to the commission with a recommendation for the commission to approve subject to DAC comments.
 - b. *Plats within the city's extraterritorial jurisdiction.* The planning and zoning commission is the approval authority for final plats within the city's extraterritorial jurisdiction. The planning and zoning commission shall, within 30 days of the date of application acceptance, approve, approve with conditions or disapprove the final plat. If approved with conditions, the commission shall express its approval as approval with conditions and state the conditions of such approval, if any, or if denied, shall express its denial and its reasons therefor. Upon planning and zoning commission consideration, the following actions may occur:
 1. If approved, plat may be recorded with the county upon completion of the items in subsection (4) (recording of final plats) below.
 2. If approved with conditions, applicant may either address the conditions prior to recording with the county or appeal the conditions to the city council.
 3. If denied, applicant may appeal the denial to the city council.
 - c. *Plats within the city limits.*
 1. *Planning and zoning commission.* The planning and zoning commission is the recommending body for

final plats within the city limits. The planning and zoning commission shall, within 30 days of the date of application acceptance, recommend approval, recommend approval with conditions or recommend disapproval of the final plat. If recommended for approval with conditions, the commission shall express its approval as approval with conditions and state the conditions of such approval, if any, or if recommended for disapproval, shall express its disapproval recommendation and its reasons therefor.

2. *City council.* The city council is the approval body for final plats within the city limits. The administrative official shall place the final plat on the city council agenda with a report summarizing the action of the commission. The city council shall approve, approve with conditions or disapprove the final plat.
 - d. *Approval of final plat with conditions.* If the final plat is approved with conditions, the conditions shall be met before the plat is recorded with the county.
- (4) *Recording of final plats.* Final plats shall be recorded within one year from the development assistance committee approval date. The DAC may extend the recording deadline by up to one year upon written request of the developer. The city shall record the plat with Johnson or Tarrant County when the following are complete:
 - a. Three copies of the plat on mylar reproducible film or other permanent material have been executed by the owner and surveyor and submitted and the plat has been signed by the mayor and city secretary;
 - b. All necessary fiscal agreements have been approved by the city;
 - c. All fees have been received;
 - d. The public works director has approved all engineering plans and specifications;
 - e. An electronic or digital copy of plat drawing in a format acceptable to the city has been provided; and
 - f. Original official tax certificates, showing no outstanding or delinquent taxes, from Tarrant or Johnson County for all parcels contained within the plat have been submitted;
 - g. A community facilities contract for the public infrastructure has been executed by the owner and contractor.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 3.4 - Minor plat.

Minor plat. A subdivision of not more than four lots, which fronts on an existing street and does not require the creation of any new street or the extension of municipal facilities and which allows a process that eliminates the need for a preliminary plat.

- (1) *Minor plat requirements.* When a tract or parcel of land has not been previously platted and filed of record, the owner may elect to submit a minor plat whenever the tract:
 - a. Is to be subdivided into four or fewer lots;
 - b. Fronts on an existing street;
 - c. Does not require the creation of any new street or the extension of municipal facilities;
 - d. Does not propose major modifications to the floodway or floodplain; and
 - e. Does not require a public hearing for filing of record.
- (2) *Platting all land in common ownership.* The minor plat shall include all contiguous holdings of the owner, including land in common ownership.
- (3) *Minor plat exhibits.* The developer shall submit an application for approval of a minor plat with the administrative official, which shall include the following items to be considered complete.
 - a. *Minor plat application.* The application shall be on forms furnished by the administrative official. If the applicant is not the official owner of record, written authorization from the property owner is required.

- b. *Minor plat drawing.* The plat drawing shall contain the information contained in section 3.1, required plat information applicable, and any additional items provided on the checklist provided with the plat application.
 - c. *Fees.* The applicant shall pay the applicable plat application fee when the application is submitted to the administrative official.
 - d. *Drainage and utility exhibit.* The applicant shall provide information showing how drainage and utilities will be provided on the site. The administrative official may require that these documents be prepared by a licensed engineer depending on the site conditions.
- (4) *Approval of minor plats.*
- a. The development services director may review and approve amending plats and minor plats if they meet all the requirements of this appendix.
 - b. The development services director may elect to withhold approval and present a plat to the planning and zoning commission and city council for any reason.
 - c. The development services director shall not disapprove any plat, and shall be required to refer any plat which the director refuses to approve to the planning and zoning commission and city council for consideration and approval within the time period specified in V.T.C.A., Local Government Code § 212.009. The city council's decision shall be final.
 - d. A plat requiring a public hearing shall not be eligible for administrative approval.
 - e. *Approval of minor plat with conditions.* If the minor plat is approved with conditions, the conditions shall be met before the plat is recorded with the county.
- (5) *Recording of minor plats.* Final plats shall be recorded within one year from the development assistance committee approval date. The DAC may extend the recording deadline by up to one year upon written request of the developer. The city shall record the plat with Johnson or Tarrant County when the following are complete:
- a. Three copies of the plat on mylar reproducible film or other permanent material have been executed by the owner and surveyor and submitted and the plat has been signed by the mayor and the city secretary;
 - b. All necessary fiscal agreements have been approved by the city;
 - c. All fees have been received;
 - d. An electronic or digital copy of plat drawing in a format acceptable to the city has been provided; and
 - e. Original official tax certificates, showing no outstanding or delinquent taxes, from Tarrant or Johnson County for all parcels contained within the plat have been submitted.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 3.5 - Reserved.

Sec. 3.6 - Replat.

Replat. The rearrangement or subdivision of any part or all of any lot or lots of a previously platted subdivision.

- (1) *Replating without vacating a preceding plat.* A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
 - a. Is signed and acknowledged by all the owners of the property being replatted;
 - b. Is approved, after a public hearing; and
 - c. Does not attempt to amend or remove any covenants or restrictions.
- (2) *Replat exhibits.* The developer shall submit an application for approval of a replat with the administrative official, which shall contain the following exhibits to be considered complete:

- a. *Replat application.* The application shall be on forms furnished by the administrative official. If the applicant is not the official owner of record, written authorization from the property owner is required.
 - b. *Replat drawing.* The plat drawing shall contain the information contained in section 3.1, required plat information, where applicable, and any additional items provided on the checklist provided with the plat application. The following minimum certification shall be shown on all replats: "This plat does not alter or remove existing deed restrictions or covenants, if any, on this property."
 - c. *Supplemental documents.* If applicable, the applicant shall submit the following documents as required in the design standards manual:
 1. Preliminary drainage plan.
 2. Preliminary stormwater management site plan.
 3. Preliminary water and sanitary sewer plan.
 4. Pedestrian connectivity plan.
 5. Traffic impact analysis.

These documents must be prepared by licensed professional engineer. Any or all of these documents may be waived upon consideration of the public works director.
 - d. *Fees.* The applicant shall pay the applicable plat application fee when the application is submitted to the administrative official.
- (3) *State law.* Replats shall be processed in accordance with V.T.C.A., Local Government Code §§ 212.014, 212.0145 and 212.015.

If a proposed replat does not require a variance, written notice of the approval shall be provided within 15 days of approval by mail to each property owner within 200 feet of the lots to be replatted. This does not apply if a public hearing is held related to a variance where proper notice to property owners is provided.

- (4) *Approval of replats.*
- a. *Development assistance committee.* The replat shall be examined by the DAC for compliance with city ordinances. The DAC may make comments to assist the developer in meeting the requirements of this appendix. Upon determination of the administrative official that the plat substantially meets the ordinance requirements, the replat will be forwarded to the planning and zoning commission for consideration.
 - b. *Plats within the city's extraterritorial jurisdiction.* The planning and zoning commission is the approval authority for final plats within the city's extraterritorial jurisdiction. The planning and zoning commission shall, within 30 days of the date of application acceptance, approve, approve with conditions or disapprove the final plat. If approved with conditions, the commission shall express its approval as approval with conditions and state the conditions of such approval, if any, or if denied, shall express its denial and its reasons therefor. Upon planning and zoning commission consideration, the following actions may occur:
 1. If approved, plat may be recorded with the county upon completion of the items in subsection 3.3(4) (recording of final plats).
 2. If approved with conditions, applicant may either address the conditions prior to recording with the county or appeal the conditions to the city council.
 3. If denied, applicant may appeal the denial to the city council.
 - c. *Replats within the city limits.*
 1. *Planning and zoning commission.* The planning and zoning commission is the recommending body for replats within the city limits. The planning and zoning commission shall, within 30 days of the date of application acceptance, recommend approval, recommend approval with conditions or recommend

disapproval of the final plat. If recommended for approval with conditions, the commission shall express its approval as approval with conditions and state the conditions of such approval, if any, or if recommended for disapproval, shall express its disapproval recommendation and its reasons therefor.

2. *City council.* The administrative official shall then place the replat on the city council agenda with a report summarizing the action of the commission. The city council shall approve, approve with conditions or disapprove the replat, subject to the public hearing requirements in section 3.6(3) above.

(5) *Final action.*

- a. *Approval and recording of replats.* If the commission and council approve a replat, it shall be filed of record upon compliance with requirements of this appendix including compliance with all DAC comments and all conditions of approval.
- b. *Denial of replats.* If the commission and council determine that the replat does not comply with the requirements of this appendix, then the replat shall be denied. Failure or refusal to comply with all conditions of approval attached to the replat shall automatically cause the replat to be deemed denied as of the date of its conditional approval. The developer, at any time thereafter, may submit a new design for approval, following the same procedures as required for the original application, including the payment of application fees.

(6) *Revised preliminary plat required for more than five lots.* A revised preliminary plat is required for a replat involving five or more lots. The revised preliminary plat shall follow the procedures in section 3.2, preliminary plat.

- a. *Requirement may be waived.* The development services director may waive the requirement for a revised preliminary plat when the replat does not change the street right-of-way location or width, does not increase the number of lots, and does not have a substantial effect on city services, drainage or adjacent properties.
- b. *Area requirements.* A revised preliminary plat shall include all the area within the limits of the original preliminary plat unless this requirement is specifically waived by the development services director.

(7) *Lot size.* Each lot replatted must comply with the minimum regulations of the zoning district in which the lot is located. Lots must conform in width, depth and area to the predominant pattern established by the existing lots located on the same block, having due regard to the character of the area.

(8) *Recording of replat.* Replats shall be recorded within one year from the city council approval date. The city council may extend the recording deadline by up to one year upon written request of the developer. The city shall record the plat with Johnson or Tarrant County when the following are complete:

- a. Three copies of the plat on mylar reproducible film or other permanent material have been submitted and the plat has been signed by the mayor and city secretary;
- b. All necessary fiscal agreements have been approved by the city;
- c. All fees have been received;
- d. The public works director has approved all engineering plans and specifications, if applicable;
- e. An electronic or digital copy of plat drawing in a format acceptable to the city has been provided;
- f. Original official tax certificates, showing no outstanding or delinquent taxes, from Tarrant or Johnson County for all parcels contained within the plat have been submitted; and
- g. A community facilities contract for the public infrastructure has been executed by the owner and contractor, if applicable.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Amending plat. A map, drawing, or chart prepared to show a minor change of an existing subdivision to a lot line or correction of an error such that the changes are not substantive and no new lots are created.

- (1) *Amending plat requirements.* The city is authorized to approve an amending plat, which is signed by the property owners, and which is for one or more of the purposes set forth in this section, and such approval shall not require notice, hearing or approval of other lot owners amending plats in accordance with the provisions of this section shall be approved if the sole purpose of the amending plat is to:
- a. Correct an error in any course or distance shown on the prior plat;
 - b. Add any course or distance that was omitted on the prior plat;
 - c. Correct an error in the description of the real property shown on the prior plat;
 - d. Indicate monuments set after death, disability or retirement from practice of the surveyor charged with the responsibilities for setting monuments;
 - e. Show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;
 - f. Correct any other type of scrivener or clerical error or omission as previously approved by the city; such errors and omissions may include, but are not limited to, numbers, acreage, street names and identification of adjacent recorded plats;
 - g. Correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the application for plat amendment, and neither lot is abolished; provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
 - h. Relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
 - i. Relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:
 1. Attempt to remove recorded covenants or restrictions; or
 2. Increase the number of lots; or
 3. Remove or otherwise abandon any easement or right-of-way.
 - j. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if:
 1. The changes do not affect applicable zoning and other regulations of the municipality;
 2. The changes do not attempt to amend or remove any covenants or restrictions; and
 3. 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; or
 - k. To replat one or more lots fronting on an existing street if:
 1. The owners of those lots join in the application for amending the plat;
 2. The amendment does not attempt to remove recorded covenants or restrictions;
 3. The amendment does not create or require creation of a new street or make necessary the extension of municipal facilities.
- (2) *Amending plat exhibits.* The developer shall submit an application for approval of an amending plat with the administrative official, which shall contain the following exhibits to be considered complete:

- a. *Amending plat application.* The application shall be on forms furnished by the administrative official responsible subdivision review. If the applicant is not the official owner of record, written authorization from the property owner is required.
 - b. *Amending plat drawing.* The plat drawing shall contain the information contained in section 3.1, required plat information, of this appendix, where applicable. The amending plat drawing shall contain the following note: "This plat does not alter or remove existing deed restrictions or covenants, if any, on this property."
 - c. *Fees.* The applicant shall pay the applicable plat application fee when the application is submitted to the administrative official.
- (3) *Staff approval of amending plats.*
- a. *Development assistance committee.* The amending plat shall be examined by the DAC for compliance with city ordinances. The DAC may make comments to assist the developer in meeting the requirements of this appendix.
 - b. *Approval of amending plat.* If the development services director determines that the plat conforms to this appendix, the amending plat shall be certified by the required parties and filed of record.
 - c. *Denial of plat and requirements.* If the development services director determines that the amending plat does not conform to this appendix, the amending plat shall be denied. The development services director shall provide the applicant written notification and explanation of the denial within a reasonable period of time following the submission of the amending plat to the city. The applicant may appeal the determination of denial to the planning and zoning commission upon submittal of request for determination by the commission and 25 copies of the amending plat drawing. The commission's decision shall be final.
- (4) *Recording an amending plat.* Amending plats shall be recorded within one year from the development assistance committee approval date. The DAC may extend the recording deadline by up to one year upon written request of the developer. The city shall record the plat with Johnson or Tarrant County when the following are complete:
- a. Three copies of the plat on mylar reproducible film or other permanent material have been submitted and the plat has been signed by the administrative official and the city secretary or the chairman of the planning and zoning commission and city secretary, as applicable;
 - b. All necessary fiscal agreements have been approved by the city;
 - c. All fees have been received;
 - d. An electronic or digital copy of plat drawing in a format acceptable to the city has been provided; and
 - e. Original official tax certificates, showing no outstanding or delinquent taxes, from Tarrant or Johnson County for all parcels contained within the plat have been submitted.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 3.8 - Vacation of plat.

Vacation of plat. A plat that removes easements, lot lines and other encumbrances in order to revert a subdivision to a former configuration or status.

A plat may be vacated by the owners of the land covered by the plat at any time before a lot in the plat is sold. If lots have been sold, the plat or any part of the plat may be vacated upon the application of all the owners of lots in the plat and with the approval of the city obtained in the manner prescribed for the original plat. In instances where public utilities have been installed, the easements for the public utilities must be dedicated by separate instrument and recorded with the county before the city will approve a vacation of plat.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

ARTICLE 4. - COMMUNITY FACILITIES POLICY (PUBLIC INFRASTRUCTURE)

Sec. 4.1 - Basic policy.

This article provides general and miscellaneous policies for the construction of community facilities (public infrastructure) by a developer. Articles 5—8 provide requirements and policies for the construction of the specific types of community facilities. A community facilities contract shall be executed by the city, the developer and the contractor whenever a developer constructs community facilities within the city or the ETJ. All costs associated with the construction of the community facilities are the responsibility of the developer unless the city council agrees to participate in oversize facilities as specified in section 4.2, city participation and reimbursement. The following items are generally considered community facilities unless agreements are created to allow private infrastructure:

- (1) Local streets and thoroughfares.
- (2) Sidewalks.
- (3) Trails and other walkways within public parks.
- (4) Storm drain facilities.
- (5) Water facilities.
- (6) Sanitary sewer facilities.

Other items not included on the above list may be classified as community facilities by the public works director. The process for the execution of a community facilities contract is included in section 4.4, community facilities contract policy, and required fees.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 4.2 - City participation and reimbursement.

All costs associated with the design, right-of-way, and construction of community facilities shall be the responsibility of the developer. However, the city may participate in the oversizing of facilities when the size of the facility required by the city exceeds the developer's responsibility to provide adequate community facilities.

- (1) *Participation in thoroughfare construction.* The city may participate in the construction of roadways included on the master thoroughfare plan in the following instances:
 - a. *Internal streets.*
 1. When a street shown on the master thoroughfare plan is located within the boundary of a subdivision, the city may participate in the design and construction cost of the roadway when the required width exceeds 40 feet (major collector classification and above). The city council may agree to fund the design and construction of the width in excess of 40 feet. Right-of-way for the entire width must be dedicated by the developer.
 2. Should the city council deny the request for the participation, the developer shall be required to dedicate the right-of-way for the full width as required by the thoroughfare plan and the developer will coordinate with the public works director to determine the street section that will allow future widening that will be most convenient for the city.
 3. The city will not participate if the trip generation of the subdivision warrants the construction of the full width of the street with the subdivision.
 - b. *Perimeter streets and offsite streets.*

1. When a street shown on the master thoroughfare plan is located along the perimeter of the subdivision and required to provide access to the development, the city may participate in the design and construction cost when the required width exceeds 40 feet (major collector classification and above); or
 2. The developer may construct one-half of the roadway (24-foot minimum).
 3. If the perimeter street is not required to provide access to the subdivision, the developer may place funds in escrow with the city in accordance with section 4.3, escrow.
 4. The city will not participate if the trip generation of the subdivision warrants the construction of the full width of the roadway with the subdivision.
- (2) *Participation in water improvements.* The city may participate in the costs associated with construction of onsite or offsite water improvements when the improvements shown in the city's water and wastewater master plan exceed the size required by the subdivision or when an analysis of the specific area shows a larger required size than would be required by the subdivision if constructed alone. If the size of the required waterline is 12 inches or smaller, the full cost of the water improvements shall be paid by the developer. If the size of the waterline is greater than 12 inches, the city may pay the extra size cost above a 12-inch main.
- (3) *Sewer improvements.* The city may participate in the costs associated with construction of onsite and offsite sanitary sewer improvements when the improvements shown in the city's water and wastewater master plan exceed the size required by the subdivision or when an analysis of the specific area shows a larger required size than would be required by the subdivision alone. If the size of the required sewer is 15 inches or smaller, the full cost of the sewer improvements shall be paid by the developer. If the size of the sanitary sewer line is greater than 15 inches, the city may pay the extra size cost above a 15-inch main.
- (4) *Participation procedure.*
- a. All participation approval is based on the availability of funds. If funds are not available, the Public Works Director will determine the size of the community facilities. The city may not require installation of thoroughfares wider than 40 feet, water lines larger than 12 inches and sewer lines larger than 15 inches unless the subdivision requires larger lines if constructed alone.
 - b. The city may participate with the developer in an amount up to 30 percent of the total cost of the project without using the competitive bidding process. If the amount of the participation exceeds 30 percent of the total cost of the project, the city must receive competitive, sealed bids in accordance with the bidding policies used for city capital improvement projects.
 - c. In order for the city to participate in the oversizing of community facilities, the following must occur:
 1. The developer must submit engineering construction plans for the subdivision.
 2. The developer must submit a letter requesting city participation and include the reason for the request. The request must include a proposal showing the difference in cost of the community facilities if constructed in accordance with the master thoroughfare plan and/or water and wastewater master plan and the cost of the facilities required by the subdivision if constructed alone. The letter shall be submitted prior to the start of construction of the community facilities for the subdivision.
 3. The Public Works Director will review the letter and proposal and negotiate the participation amount with the developer. The Public Works Director will determine if funds are available for the participation. If funds are not available, the request will not be forwarded to the city council and the Public Works Director will determine the appropriate size of the community facilities.
 4. The Public Works Director will present the request to the city council. The participation amount presented to the city council will be considered final. Staff will not resubmit a revised participation request to council unless there has been a change in scope. Errors in the participation request will not be considered by city

council.

5. The city council will vote on the participation request and the Public Works Director will notify the developer of the decision in writing.
6. If the participation request is approved, the city will execute a community facilities contract with the developer and contractor. The developer shall initially defray the entire cost of the oversized facility, unless the city council determines otherwise. The city, following dedication and initial acceptance of the constructed facility, shall reimburse the developer the amount approved by the city council. The community facilities contract shall contain a performance bond, regardless of the cost of the improvements.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 4.3 - Escrow.

- (a) When land within the city is developed or subdivided adjacent to existing unimproved or substandard community facilities, or adjacent to community facilities proposed in the water and wastewater master plan or master thoroughfare plan (including associated drainage), the developer shall construct or improve the part of the community facilities necessary to serve the development or subdivision in conformance with the master plan unless the city determines that one of the following methods is more appropriate for the provision of the design and construction or improvement of the community facilities.
 - (1) The city elects to construct or improve the community facilities under the assessment policy; or
 - (2) The city determines that the improvements fall under the requirements of the community facilities improvement policy; or
 - (3) The city determines that the construction or improvement of the community facility is not feasible or prudent at the time of the development or subdivision of the land and the developer should be required to place funds in escrow as provided in subsection (b) below.
- (b) As provided in subsection (a)(3) above, the city may require the developer to place funds in escrow for the design and construction, or improvement of the part of the community facilities that is necessary to serve the development or subdivision. The developer's share of the cost of such part of the community facilities shall be roughly proportional to the burden the development or subdivision places on the public infrastructure system.
 - (1) Escrow shall be paid prior to filing the plat with the county.
 - (2) Should the owner construct or improve the community facility for which the owner paid escrow, the owner shall be refunded the escrow paid, plus interest accrued.
 - (3) Once the owner has paid escrow in full for any community facility, the owner is relieved of any further obligation for that community facility, unless its construction or improvement is necessary to provide adequate public facilities for a phase of the development or subdivision.
 - (4) Escrow requirements shall be based upon unit costs for comparable contracts awarded by the city over the previous year. If none exist, the escrow rate shall equal the current market value of construction and design at the time the escrow deposit is due.
 - (5) All escrow funds shall be paid in cash and shall be held in the name of the city and deposited into an escrow fund in the city's depository.
 - (6) All interest earned will accrue to the initial escrow deposit and will be used for the design and construction or improvement of the community facilities. Should the cost of the community facilities be less than the amount of escrow placed with the city, the difference shall not be refunded to the developer. Similarly, should the cost of

the community facilities exceed the amount placed in escrow, the developer shall not be required to pay the difference.

- (7) When developments are phased, the escrow requirement shall be established at the time the preliminary plat is approved through the establishment of an escrow contract. The escrow contract shall establish the developer's share of the design and construction for those community facilities the city determines are not feasible or prudent to construct or improve when the land is developed or subdivided. The developer's share required for each final plat shall be placed in escrow with the city and shall be based upon the land area contained within the final plat divided by the land area contained within the preliminary plat times the calculated developer's share. The escrow rate used to calculate the escrow requirement for any final plat shall be the escrow rate in effect at the time of the preliminary plat. Design, construction, or improvement of the community facility by persons other than the developer shall not relieve the developer of escrow requirements for phases final platted subsequent to the design, construction, or improvement of the community facility. The escrow contract shall be a covenant and restriction running with the land. The escrow contract shall be signed by the developer, the owner of the land, and the city. The escrow contract shall be recorded in the property records of the county where the land is located.
- (8) All escrow funds deposited with the city prior to the effective date of this policy shall remain on deposit under the original escrow contract and addenda. The methodology used to calculate the amount of these funds shall not be superseded by the methodology contained herein.
- (9) The city manager, or their designee, shall have the authority to sign the escrow agreement on behalf of the city.
- (c) When an individual property owner desires to obtain a building permit to construct a residence or building on a previously platted tract or lot that abuts an existing unimproved or substandard community facility, or where a community facility is planned, and where escrow has not been deposited for this section of community facility, the property owner shall place on deposit with the city the estimated cost of the public facilities adjacent to the tract or lot, to be determined at then current construction costs.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 4.4 - Community facilities contract policy.

Standard community facilities contracts, executed by the contractor, the developer and the city, are required for all public infrastructure construction. The standard community facilities contract document is provided in section 9.1. Changes to the community facilities contract document will be made by city council resolution. The following is a summary of the process for the execution of a community facilities contract:

- (1) Engineering construction drawings shall be submitted when the proposed development requires the construction of public improvements. The applicant shall submit construction plans and any required engineering studies for review and acceptance by the city. The construction drawings shall conform to the technical specifications contained in the design standards manual and shall be prepared and sealed by a licensed professional engineer, licensed to practice in the state.
- (2) A community facilities contract is required within the city and the ETJ for the following:
 - a. Public infrastructure
 - b. Private street and associated drainage improvements.
 - c. Drainage improvements beneath a fire lane.
- (3) Engineering construction plans for community facilities are required as follows:
 - a. A developer will submit final engineering plans for the construction of community facilities to the public works director. The developer shall retain a civil engineer, licensed to practice in the state, for preparation of

- the engineering plans.
- b. Acceptance of construction plans is not required prior to city council action on a final plat or replat. No plat shall be recorded with Johnson or Tarrant County until such time as necessary construction plans have been accepted and a community facilities contract executed in accordance with the applicable provisions of this appendix.
 - c. The public works director, or their designee, will review the plans and return them to the developer for any needed changes on or before the 30th business day from the time of submittal.
 - d. A fee may be assessed and collected for any review provided by staff in excess of two reviews.
- (4) Waivers to the provisions of this appendix or the design standards manual shall be processed in accordance with section 1.5, waivers. All waiver requests shall be approved prior to construction of the community facilities.
 - (5) Upon acceptance of the engineering plans, the developer may enter into a contract with a utility contractor provided that the construction and installation of the facilities shall be viewed by inspectors of the city to see that the installation is made in accordance with the drawings and the city's specifications which, in every instance, shall be a part of said installation contract.
 - (6) Upon approval of the plat by the city council and submittal of required documents for the construction of the community facilities, three copies of the community facilities contract shall be prepared for execution by the city, the developer and the contractor. If no changes are requested to the standard agreement, the city manager or their designee shall have the authority to sign the community facilities contract on behalf of the city. In the event the standard language is to be altered in any way, the community facilities contract shall be approved by the city council.
 - (7) Construction of community facilities may commence following the execution of the community facilities contract, posting of the applicable bonds within the community facilities contract, payment of fees and any other requirements of the community facilities contract.
 - (8) After the community facilities contract has been prepared, it must be executed by the developer, the contractor and the city. The mayor will sign the contract on behalf of the city.
 - (9) Grading of the site may occur following preliminary plat approval of the subdivision upon approval of an early grading permit. All erosion protection measures must be installed prior to any grading activities.
 - (10) No community facilities construction may begin before a community facilities contract is approved by the city and a notice to proceed has been issued by the public works director.
 - (11) Community facilities contracts not completed within a two-year time period will require renewal of the contract with all updated documents being in compliance with the policies in effect at that time. Any facilities or requirements included in the contract that are not completed by the developer within two years may be completed by the city at the developer's expense as provided through an acceptable means of financial security as provided in the community facilities contract.
 - (12) After execution of the community facilities contract by the developer, contractor and the city, any significant changes in the contract, or the plans or specifications that alter the scope of the project will require an amendment to the community facilities contract which will include modifications of the bonds and may require additional payment of developer's contract fees.
 - (13) After construction and initial (substantial) acceptance by the city, the developer's engineer shall furnish a set of drawings stamped "record drawings" to the city along with an electronic PDF file of the record drawings. The final construction of the community facilities shall be field verified to ensure they are within the dedicated right-of-way or easement. If the facility does not lie within a city right-of-way or easement, the developer shall have an

instrument prepared for filing to coincide with the actual line location. The instrument will be recorded by the city in the county deed records. Any such installation, when made, shall become the property of the city, free and clear of all encumbrances, following expiration of the maintenance bond.

- (14) Construction must start within three years of the city's acceptance of the construction plans. Plans for projects which have not started construction within this time must be resubmitted for a new review and shall follow all current regulations in place at the time of resubmittal.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 4.5 - Fees.

Fees, as established the city council, are required for the construction of community facilities within subdivisions. Following is a summary of fees that are typically required for the construction of community facilities:

- (1) *Plat application fee.* The fees for specific plat types are found in the city's fee schedule. This fee shall be paid prior to the presentation of the plat to the planning and zoning commission or city council, if applicable. If the plat is approved administratively, the fee shall be paid prior to recording with the county.
- (2) *Commercial plan review fee.* This fee is for the review of commercial site plans by the DAC. This fee is paid with building permit application. If the commercial project does not require a building permit, then this fee shall be paid prior to DAC review.
- (3) *Developer's contract fee.* This fee is for the administration of the community facilities engineering plans and community facilities contract and the inspection of the construction of the community facilities. This fee is paid prior to issuance of a notice to proceed with construction of the community facilities.
- (4) *Parkland dedication fee.* This fee may be paid in lieu of the dedication of parkland. This fee is paid prior to recording the plat with the county. This fee may be offset by dedication of land in accordance with article 8.
- (5) *Park development fee.* This fee is for the installation of park infrastructure. This fee is paid prior to recording the plat with the county. This fee may be offset by construction of park infrastructure in accordance with article 8.
- (6) *Emergency warning system fee.* This fee is for the installation and maintenance of the city's emergency warning system. This fee is paid prior to filing the plat with the county.
- (7) *Public safety wireless access fee.* This fee is for the installation and maintenance of facilities that will provide wireless access for public safety officers and access to a wireless internet system (for a fee) for residents of the area.
- (8) *Sign installation fee.* This fee is for the installation of traffic control and street signs within or caused by the subdivision. This fee is paid prior to issuance of a notice to proceed with the construction of the community facilities.
- (9) *Easement filing fees.* The city will file all offsite public easements required to be filed by separate instrument for the subdivision. The fee for the filing will be based on the actual cost charged by the county for the filing of the easement(s). This fee is paid when the easement documents are submitted to the city for filing.
- (10) *Escrow.* Funds may be required to be placed into an escrow account with the city in accordance with section 4.3. The escrow funds are paid prior to recording the plat with the county.
- (11) *Pro-rata.* Funds may be required to be paid to reimburse a developer for installation of community facilities installed with a prior subdivision. The pro-rata fee is paid prior to recording the plat with the county.
- (12) *Flood study review fee.* The flood study review fee is paid to recoup the city's cost of review of flood studies. The flood study review fee is paid with the submission of the flood study for review.
- (13) *Traffic study review fee.* The traffic study review fee is paid to recoup the city's cost of the review of traffic

warrant studies and traffic impact analyses. The traffic study review fee is paid with the submission of the traffic study for review.

- (14) *Waiver fee.* The waiver fee is paid for any waivers submitted to the planning and zoning commission or city council. The waiver fee is paid before the waiver is presented to the planning and zoning commission of city council. A single waiver fee is required for presentation to the planning and zoning commission and city council. If multiple waivers are requested, a waiver fee for each request may be required.
- (15) *Impact fees.* Water and wastewater impact fees will be required with building permit application.
- (16) *Testing.* Section 4.6, community facilities construction inspection, provides a list of cost responsibilities for laboratory testing. The developer or contractor must pay any outstanding testing fees prior to initial construction acceptance by the city.
- (17) *Inspector overtime.* Section 4.6 community facilities construction inspection, provides a summary of the overtime inspection policy. The developer or contractor must pay any outstanding inspection overtime charges prior to initial construction acceptance by the city.

Additional fees may be identified during the review of the plans. The development services director or the public works director will notify the developer of any additional fees as soon as the fees are identified. Additional fees associated with building construction will be required during the building permit process. All fees will be charged in accordance with the current city fee schedule as adopted annually by the city council.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 4.6 - Community facilities construction inspection.

- (a) The developer's contractor shall give at least 48-hours' notice to the public works director of intent to commence actual construction of the facilities, so that inspection personnel can be made available. Any work initiated prior to notice to the city shall be removed if directed by the city.
- (b) If the developer's contractor leaves the job site for five consecutive workdays (for reasons other than weather related causes), at least 24 hours' written notice of intent to commence construction shall again be required. Any work initiated prior to written notice to the city shall be removed if directed by the public works director.
- (c) The developer will delay connection of buildings to service lines of sewer and water mains, until the sewer and water mains and service lines have been completed and accepted by the city.
- (d) The developer may obtain from the public works director a statement that the contractor's work has been completed in accordance with the city requirements. However, the maintenance bond will not go into effect until after the entire development has been accepted for maintenance by the city. The developer shall notify all contractors and subcontractors working on the development that all of their work is subject to inspection by the city at any time.
- (e) The city may require certification of materials being used.
- (f) Laboratory testing will be required for quality control on all community facilities.
 - (1) The city will pay for initial testing for the following:
 - a. Sanitary sewer trench backfill density.
 - b. Water line trench backfill density.
 - c. Storm drain trench backfill density.
 - d. Lime or cement stabilized subgrade gradation and density.
 - e. Portland cement concrete paving strength test/cylinders.
 - f. Concrete thickness test/coring.
 - g. Concrete structures strength test/cylinders.

The city pays for only the initial testing. Any retests based on failed tests are at the expense of the contractor. The city will contract with an independent testing laboratory.

(2) The contractor will pay for the following tests:

- a. Sanitary sewer line pressure test.
- b. Sanitary sewer manhole vacuum test.
- c. Video of sanitary sewer line.
- d. Water line pressure test.
- e. Water line sterilization.
- f. Pavement mix design/plant control.
- g. Concrete structure mix design/plant control.

The contractor shall use an approved laboratory that is a member of the American Council of Independent Laboratories and which comply with standard recommended practice for inspection and testing agencies for concrete, steel and bituminous materials as used in construction, ASTM Designation E 329.

Additional laboratory tests may be required during construction. The contractor will be responsible for the cost of any additional testing.

- (g) Should any point not covered in the plans, the community facilities contract, or the community facilities policy, the developer shall contact the public works director for a determination of the city's requirements.
- (h) If the city determines that any work does not meet the city requirements or has not had proper city inspection, the public works director will notify the contractor and developer in writing, of the inadequacies which may require the contractor to cease all operations until defects have been corrected, and property inspection has been made.
- (i) A regular workday will be any Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except designated holidays. The developer's contractor may find it necessary to request inspection personnel to work overtime or on a non-regular workday. A minimum of four hours of overtime will be charged for any inspections requested on a non-regular workday. The contractor will reimburse the city for costs incurred for overtime worked by city personnel. All overtime work requests shall be made by the contractor a minimum of 24 hours in advance and approved, in writing, by the public works director. All city inspection overtime costs incurred by a developer's contractor shall be paid prior to the acceptance of the project by the city.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 4.7 - Easements.

- (a) *Easements dedicated by plat.* When possible, easements shall be dedicated on the plat. Easements shall be dedicated for the purposes indicated by their description including, but not limited to, the installation and maintenance of water, sanitary sewer, storm sewer, drainage, electricity, telephone, gas and cable television. When possible, easements shall be dedicated for the exclusive use of water, sanitary sewer or drainage rather than as blanket "utility easements." Owner shall have the right to use the easements, provided, however, that it does not unreasonably interfere with or impede the provision of the services to others. Ingress and egress is granted on, over and across all public easements for the benefit of the provider of services for which the easements are granted.
- (b) *Easements by separate instrument.* When easements have not been filed by plat for community facilities or when it is necessary to install community facilities offsite from a subdivision, easements must be filed by separate instrument. The developer is responsible for providing to the city a metes and bounds description and exhibit sealed

by a licensed surveyor and an executed dedication statement on the city's standard form. The city will file the easement with the appropriate county upon receipt of the filing fees from the developer.

- (c) *Easement maintenance.* Routine maintenance (mowing, cleaning, etc.) of easement areas is the responsibility of the owner of the property on which the easement is contained. The city will only maintain the function of the easement.
- (d) When easements are requested on property owned and maintained by the city, the council shall consider the easement conveyance and the city manager, or their designee, shall execute the easement documents upon approval by the city council.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 4.8 - Ownership and maintenance.

All community facilities constructed within dedicated public rights-of-way or public easements shall be and shall remain the property of the city and, after expiration of the maintenance bonds, shall be maintained by the city, except as otherwise required by this appendix.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

ARTICLE 5. - STREET AND RIGHT-OF-WAY REQUIREMENTS

Sec. 5.1 - Street and right-of-way basic policies.

- (a) Streets and rights-of-way shall conform to the master thoroughfare plan, the design standards manual, and the standards in this appendix.
- (b) The developer shall design and construct adequate roadway facilities, whether onsite or offsite. The developer shall be responsible for all costs associated with meeting the requirements of this appendix.
- (c) An adequate offsite street and thoroughfare system shall be designed and constructed in order to:
 - (1) Provide for streets of suitable location, width, or other improvements to accommodate existing traffic, traffic anticipated from the development and traffic anticipated from other developments impacting the same roadways;
 - (2) Afford satisfactory access to adjoining properties; and
 - (3) Accommodate police, firefighting, sanitation, and street maintenance equipment.
- (d) The proposed streets of the development shall be effectively related to the present and future street system and to the development of the surrounding area in order to assure continuity of thoroughfares, coordination of intersections, the limitation of median breaks, and the promotion of livable neighborhoods.
 - (1) The plat shall provide for appropriate continuation or termination of any existing streets, whether constructed or dedicated, which extend to the limits of the proposed subdivision.
 - (2) Adequate provision of access to adjoining lands shall be made.
 - (3) In order to foster livable neighborhoods, local streets and minor collectors internal to a neighborhood shall be designed to discourage traffic from traveling directly through a neighborhood and shall discourage high speeds through neighborhoods.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 5.2 - Thoroughfare adequacy determination and traffic study requirements.

- (a) *Adequacy of offsite roadway network required.*

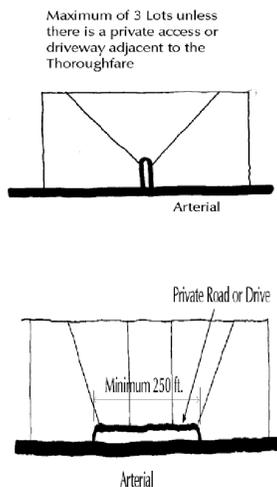
- (1) *Adequacy required.* Prior to plat approval, the city shall determine whether the roadway network serving the development to be platted has adequate capacity to accommodate existing traffic, traffic reasonably anticipated from the development and traffic reasonably anticipated from other developments approved or to be approved within a reasonable period of time. The city's determination shall be based on information provided by the developer in the plat application and supporting studies, unless the study is waived.
 - (2) *Analysis of adequacy.*
 - a. For any property submitted for platting that meets the criteria contained in this section, the public works director shall require that the developer provide, at the developer's expense, a traffic study that analyzes the adequacy of the roadway network to serve the development.
 - b. Adequate capacity of the roadway network shall be determined as described in section 3.6.B of the design standards manual.
 - (3) *Determination of adequacy.* The roadway network shall be deemed adequate only if each existing link of the network has sufficient capacity and adequate roadway conditions.
 - (4) *Determination of inadequacy.* In the event that the traffic study shows a result of a level of service "D", "E" or "F", as defined in the highway capacity manual, or the public works director determines that the offsite roadway network serving the development to be platted is not adequate, the following shall be provided:
 - a. Proposed solutions to transportation deficiencies resulting from the proposed subdivision;
 - b. The degree of local congestion;
 - c. The availability of alternate routes to service the increased traffic; and
 - d. The degree to which the increased congestion is attributable to the proposed development.
 - (5) *Action.* After the information has been reviewed, the city may do any of the following:
 - a. Disapprove the plat or zone change request;
 - b. Require that development of the property be phased to coordinate the timing of building permits with the provision of adequate capacity; or
 - c. Require the developer, in lieu of denial or phasing of the plat, to construct any offsite or onsite improvements to city standards or as otherwise permitted by the public works director to provide adequate capacity for the roadway network. Construction may be required utilizing standards in excess of the master thoroughfare plan or typical city standards.
- (b) *Traffic study requirements.*
- (1) *Traffic study required.* A traffic study, including a traffic impact analysis, shall be required for a plat meeting the following criteria:
 - a. *Over 100 trips during the peak hour.* A traffic impact analysis shall be required for a development when the expected traffic generation exceeds 100 trips during the peak hour of the development (typically a.m., noon, p.m. and/or weekend).
 - b. *Over 1,000 trips per day.* Developments expected to generate more than 1,000 trips per day, but less than 100 trips during the peak hour may be required to submit a traffic impact analysis at the city's discretion.
 - c. *Waiver of traffic study.* The public works director may waive the requirement for a traffic study. A written request for a waiver of the traffic study and any supporting documents must be submitted to the public works director at the time of plat application.
 - (2) *Traffic study submittal.* The traffic study shall be prepared in accordance with the appropriate section of chapter 3 of the design standards manual.
 - (3) *Revisions to traffic study.* Prior to forwarding any plat to the commission, the traffic study shall be accepted by

the public works director. The acceptance of the traffic study will be based on the completeness of the traffic study, the thoroughness of the impact evaluation, and the consistency of the study with the proposed access and development plan.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 5.3 - Requirements for access to the street network.

- (a) *Acquisition of access required.* Each lot shall have access to a public street or access easement. The developer shall acquire right-of-way or necessary easements for and construct any offsite roadways and access ways necessary to connect the development with an adequate offsite roadway network. The developer shall be responsible for the acquisition of all required offsite easements. If the developer is unable to acquire the necessary offsite easement, the city shall be provided with easement or right-of way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the city may, at its option, acquire these easements either through negotiations or through condemnation in appropriate situations. The developer shall reimburse the city for the costs of acquiring the necessary easements including but not limited to attorney fees.
- (b) *Residential access limited.*
- (1) *Arterial streets.* No single family, townhouse or duplex residential development shall have direct access to an arterial street unless no other means of access is available. In cases where access is permitted, a private access easement adjacent to the thoroughfare may be required. Any lot that has direct access to an arterial street is required to provide head-out egress.



- (2) *Major collectors.* Single family, townhome, or duplex residential lots may have direct driveway access to major collectors provided the following development standards are met:

- a. Drive separation shall be a minimum of 240 feet with shared driveways;
- b. Head out egress must be provided.

Single-family or duplex residential lots may also access major collectors using private access easements with connection spacing to the major collector no less than 240 feet.

- (c) *Private access easements.* Private access easements may be required between or across any lots fronting on arterial or major collector streets in order to minimize the total number of access points along those streets, and to facilitate traffic flow between lots. The location and dimensions of the easement shall be determined by the public works director at the time of platting or development. A note shall be provided on the plat indicating the lots served by the private access easement.

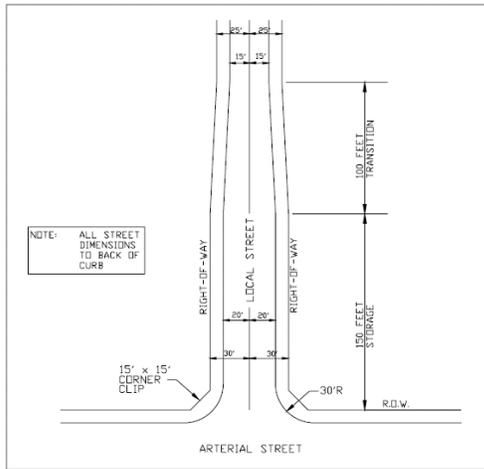
- (d) *Maintenance of private access easements.* Maintenance of any private access easement is the responsibility of the property owner. When an easement is created by plat, the plat dedication statement shall include language, approved as to form by city attorney, acknowledging maintenance responsibility. When an easement is created by separate instrument, the developer shall enter into an agreement, which shall be filed with the county that provides for the continuing maintenance of the easement by the property owner.
- (e) *Access prohibition lines.* Where a subdivision will abut or contain an existing or proposed arterial, major collector, or frontage road, certain segments of the street may not be suitable for private or public access points to maintain safe and efficient traffic movement. In these cases, access prohibition lines shall be required on the plat, as determined by the public works director.
- (f) *Prohibited turning movements.* For the benefit of traffic safety and flow on arterial and major collector streets, access points may be required to prohibit certain types of turning movements as determined by the public works director.
- (g) *Signalization required.* Signalization of access points on arterial or collector roadways may be required in order to provide safe and efficient traffic flow. The developer shall be responsible for any design, right-of-way, utility relocation and construction costs required for a traffic signal installation necessitated by a development, as determined by the public works director. If the need for the signal has not occurred at the time of platting or if, at the time of site development the city determines that construction of the facilities is not feasible, the developer shall make a payment in lieu of construction equal to the developer's share of the construction costs plus estimated engineering costs. Payment shall be made prior to filing the plat.
- (h) *Adequate access.* Each residential subdivision shall have at least two constructed points of public ingress and egress, except:
 - (1) When the number of units with one constructed point of street ingress and egress is 30 or less.
 - (2) The public works director and the fire marshal may approve up to 40 units, when requested. In evaluating a request, factors such as the timing of construction of other public improvements that provide a second point of access, public safety, and convenience shall be considered.
 - (3) The city council may grant a waiver to these regulations for more than 40 units with one point of access when unique topographic or infill circumstances exist.
- (i) *Rear entry access.* The city may require the developer to provide for rear entry access to lots from a private access easement to benefit traffic safety in areas of higher residential density development.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 5.4 - Street layout requirements.

- (a) *Intersections.*
 - (1) No street intersecting an arterial or collector street shall vary from a 90 degree angle of intersection by more than ten degrees, unless otherwise approved by the public works director. The public works director may require a visibility analysis for any intersection.
 - (2) The number of minor collector or local street offsets shall be minimized but, when approved, a minimum centerline offset distance of 125 feet shall be used.
 - (3) There shall be a minimum of 600 feet between intersections of local or minor collector streets and arterial or major collector streets.
 - (4) Arterial streets shall be intersected only by collector streets or other arterial streets, unless the only means of ingress and egress to a subdivision is from such arterial street. In this event, the street intersection shall be configured in accordance with the following figure. All costs associated with the construction of this flare

configuration shall be borne by the developer.



(5) Visibility easements, as required by the design standards manual, shall be dedicated at the intersection of all public streets.

(b) *Block length.* The following standards shall be followed in the design of residential blocks.

(1) Block lengths and cul-de-sacs shall be appropriate to the density and type of development as follows:

- a. If utilizing residential streets 31 feet in width, the maximum block length shall be 900 feet with a maximum of 30 lots.
- b. If utilizing rural standards, the maximum block length shall be 1,200 feet with a maximum of 30 lots.

(2) *Alternative block lengths.*

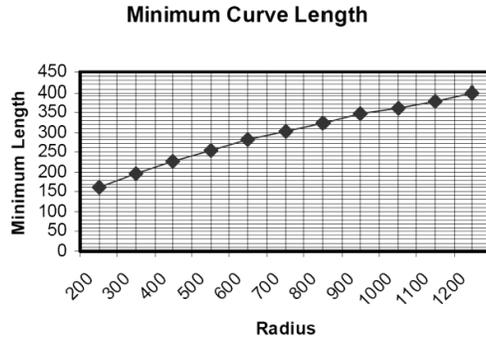
- a. The development services director and public works director may approve alternate block lengths under the following conditions:
 1. Proximity to a railway, expressway, waterway;
 2. Topographic features;
 3. Design considerations for a planned development that generate the need for an alternative block length;
 - or
 4. An infill development with no alternate access.
- b. When considering a request, the development services director and public works director shall consider the following:
 1. Alternative designs which would reduce block length;
 2. The effect of long blocks on access, congestion and delivery of municipal services; and
 3. Means of mitigation, including, but not limited to mid-block turnarounds, limitation on the number of lots to be created and served, temporary points of access, and additional fire protection measures.

(3) *Curvilinear design requirements.*

- a. *Purpose for curvilinear streets.* Local and minor collector streets shall be designed with curvature for the following purposes:
 1. Fit the road to natural topography;
 2. Avoid monotony of lot appearance;
 3. Reduce speeds through neighborhoods; and
 4. Discourage through-traffic intrusions by eliminating straight views from one block to the next.
- b. *Curvilinear standards.* Local and minor collector streets shall be designed as follows:

1. A total of 45 percent of the street length within a subdivision shall be curvilinear. For the purposes of this ap shall mean:

- (i) Streets with a centerline radius between 200 feet and 1,200 feet with lengths as follows:

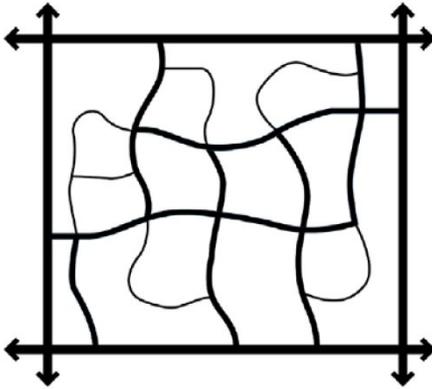


- (ii) Minor collector streets shall have a minimum radius of 500 feet.
 - (iii) Deltas and lengths for compound curves that meet the above radius requirements may be added to give a value for a single curve.
 - (iv) A tangent section of less than 200 feet may be included between curves that meet the above radius requirements.
 - (v) Culs-de-sac less than 600 feet in length are considered curvilinear.
 - (vi) Culs-de-sac may not count as more than half (one half of 45 percent = 22.5 percent of total street length) of the curvilinear requirement. If a cul-de-sac exceeds 600 feet in length, only 600 feet will be considered as curved unless it is a curved cul-de-sac. The cul-de-sac length within a development may exceed 22.5 percent of the total street length, but the excess length will not count toward the curvilinear requirement.
 - (vii) Culs-de-sac that meet the above requirements for a curved street may be considered either a cul-de-sac or a curved street, but not both.
2. The curvilinear calculations will be based on the entire preliminary platted area. Each phase of the development must be at least 20 percent curvilinear unless otherwise approved by the development services director and public works director.
 3. The maximum length of a straight street segment is 1,200 feet. A straight street segment is any segment of street that does not contain a curve that meets the requirement for a curvilinear street.
 4. Only minor collectors with lots having front yards facing them will be considered in the curvilinear requirements. Minor collectors with no lot frontage along them will not be included in the curvilinear calculations.
- c. *Alternatives to curvilinear requirements.* The curvilinear design requirements may be waived under the following conditions:
1. The subdivision is part of a planned development which new urbanism is proposed. New urbanism is discussed in the city's comprehensive land use plan. The development services director will evaluate the street layout to determine if grid pattern streets are appropriate to the land uses within the planned development.
 2. In lieu of providing curvilinear streets or a new urbanism design, one or more of the traffic calming measures below shall be incorporated into the design of the street to reduce speeds through neighborhoods and discourage through-traffic intrusions.
 3. The curvilinear requirements will not be waived strictly due to cost savings on the part of the developer. In addition to reasons 1. and 2. above, the curvilinear requirements may be waived if the tract being

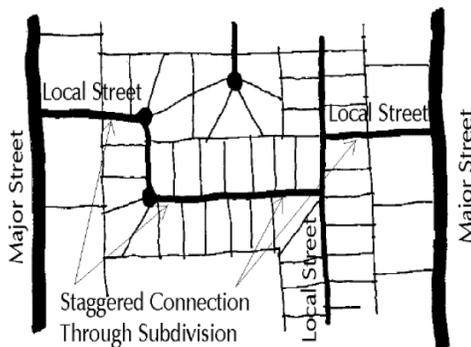
developed is shaped in such a way as to prevent a curvilinear pattern, there are topography issues that make the curvilinear configuration impossible or impractical or there would be significant tree removal in order to achieve a curvilinear layout.

- (4) *Traffic calming measures.* Local and minor collector streets that connect one major collector or arterial to another major collector or arterial are discouraged. However, when site conditions require this configuration, the street shall incorporate one or more of the following design elements:

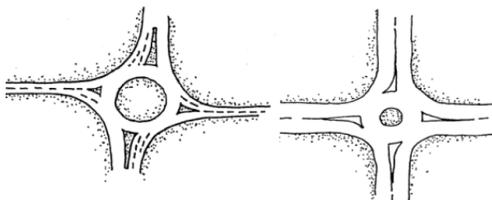
- a. *Circuitous through-streets.* Through-streets should be designed so that it is not apparent from either end that the street goes through.



- b. *Staggering.* Through-streets should be staggered to give the illusion from a distance that a street no longer continues. Staggered streets shall be offset by a minimum of 125 feet from centerline to centerline.



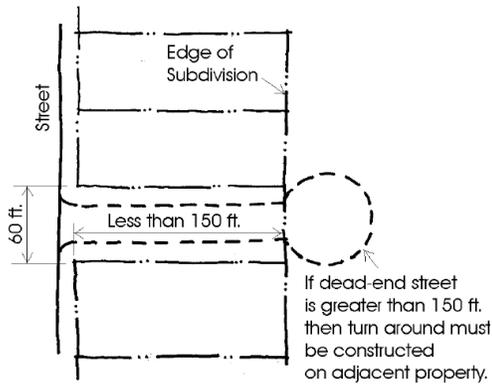
- c. *Traffic roundabouts.* Raised circular islands should be placed in an intersection to reduce speeds and discourage cut-through traffic. Traffic islands shall be landscaped with ground cover and street trees. These designs must be approved by the department of community and economic development, the public works department and the fire department.



- (5) *Dead end streets.*

- a. Dead end streets shall be permitted only where a future extension or connection is anticipated or planned. In such cases, right-of-way dedication and construction of turnaround facilities will be required, at developer's expense, if the dead end is greater than 150 feet measured from the property line. Any turnaround will be considered temporary until the street is extended or a permanent cul-de-sac is constructed. The turnaround may be constructed without curb and gutter but must meet all other design criteria. The turnaround must be constructed offsite, unless the developer is unable to obtain offsite right-of-way. A written request may be

forwarded to the public works director to construct the turnaround within the limits of the development, with the stipulation that funds will be placed in escrow for the removal of the turnaround and associated improvements such as mail boxes and sprinkler systems.



- b. Provisions shall be made for drainage at the ends of dead end streets.
- c. When an existing dead end street with temporary turnaround, whether on or offsite, is extended, the developer extending the street shall be responsible for removing the turnaround facilities, constructing the extension or cul-de-sac to the standards in these regulations and restoring the affected area. If funds were placed in escrow for removal expenses, these funds (plus interest) will be provided to the developer extending the street.
- d. If the developer chooses not to extend a dead end street, then that developer shall provide right-of-way and construct a permanent turnaround. If funds were placed into escrow for the removal of the temporary turnaround, then those funds may be used for the construction of a permanent turnaround. The public works director may waive the requirement for constructing the turnaround facility. In evaluating such request for waiver, the director shall consider such factors as the number of lots on the dead end street, public safety and convenience, as well as other factors.

(b) *Street standards—Horizontal alignment.*

(1) The following minimum centerline radii shall be used in the design of all street construction:

Type street	Minimum centerline radius
Arterial	1,000 feet
Major collector	800 feet
Minor collector	500 feet
Local	As approved by public works director
Culs-de-sac and loop streets	50-foot radius to right-of-way line

(2) Reverse curves shall be separated by a tangent section in accordance with the following table:

Type street	Minimum tangent between curves
-------------	--------------------------------

Arterial	200 feet
Major collector	100 feet
Minor collector	50 feet
Local	As approved by public works director

(3) Major collector or arterial roadways intersecting other major collector/arterial roadways shall have the following minimum horizontal centerline approach tangent section length as measured from the nearest right-of-way line of the intersecting street, unless such requirement is waived by the public works director:

Type street	Intersecting with	Minimum approach tangent
Arterial	Arterial	200 feet
Major collector	Arterial	150 feet
Minor collector	Major collector	100 feet

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 5.5 - Right-of-way requirements.

(a) *Mid-block and intersection requirements.* Mid-block and intersection rights-of-way for streets are required as shown in table 5.5.1. Refer to the design standards manual for intersection layouts. Right-of-way shall be dedicated to facilitate access ramp and/or signal construction as follows:

- (1) Ten-foot x ten-foot clip for local/local street intersections.
- (2) 80-foot radius for arterial/arterial intersections and arterial/departure side of major collector street intersections. See design standards manual for layout.
- (3) 15 feet x 15 feet clip for all other intersections.

Table 5.5.1 Required Right-of-Way Widths

		INTERSECTING STREET CLASSIFICATION (RIGHT-OF-WAY IN FEET)							Mid-Block
		Principal Arterial (7-Lane)	Principal Arterial (6-Lane Divided)	Minor Arterial (5-Lane)	Minor Arterial (4-Lane Divided)	Major Collector	Minor Collector	Local	
SUBJECT STREET CLASSIFICATION (RIGHT-OF-WAY IN FEET)	Principal Arterial (7-Lane)	130	140	100	120	90	60	60	120
	Principal Arterial (6-Lane Divided)	140	140	100	120	90	60	60	120
	Minor Arterial (5-Lane)	100	140	100	120	90	60	60	90
	Minor Arterial (4-Lane Divided)	120	140	100	120	90	60	60	90
	Major Collector	90	120	90	90	70	60	50	70
	Minor Collector	60	120	60	90	60	60	50	60

Example: To determine the right-of-way width at the intersection of a principal arterial (7-lane) and a major collector, read down the "SUBJECT STREET CLASSIFICATION" to "Principal Arterial (7-Lane)" and then across the row to the "Intersecting Street Classification" column labeled "Major Collector." The intersection width of the principal arterial is noted in the upper right of the intersection box (120 feet) and the width of the major collector is noted in the lower left of the intersection box (90 feet).

- (b) More than two streets intersecting at a point shall be avoided. No street intersecting an arterial street should vary from a 90 degree angle of intersection by more than five degrees. Streets intersecting collector streets should not vary from a 90 degree angle of intersection by more than ten degrees. All other street intersections should not vary from 90 degrees angle of intersection by more than 15 degrees.
- (c) All streets should be designed to be in line with existing streets. When conditions require the centerlines to be offset, a minimum of 135 feet offset distance is required. Greater centerline offsets may be required when necessary for traffic safety.
- (d) A rural design for a local street includes 30 feet of pavement with no curb and gutter. This standard shall only be used in residential developments with lots greater than one acre.
- (e) Right-of-way shall be dedicated in accordance with the master thoroughfare plan regardless of whether the roadway is being constructed, in whole or in part, with the subdivision.
- (f) Right-of-way for all local streets shall flare to 60 feet at intersections with any arterial street.
- (g) *Culs-de-sac*. A cul-de-sac shall have a 50-foot right-of-way radius.
- (h) *Access easements*. The minimum width of a private access easement shall be 24 feet.
- (i) *TxDOT facilities*. The right-of-way width for TxDOT facilities shall be in accordance with TxDOT standards, which may be greater than city standards.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 5.6 - Other access ways.

(a) *Sidewalks.*

- (1) *Nonresidential and multifamily uses.* The developer shall install sidewalks on all public street frontages within and abutting the development except where the sidewalk will not be a part of an interconnected system, as determined by the public works director.
- (2) *Residential uses.* Sidewalks shall be constructed on all public street frontages within all urban subdivisions and along all streets that are constructed with curb and gutter. Sidewalks are not required for the local rural standard. The developer may petition for a determination by the public works director that such construction is either not feasible at the time of development for engineering reasons or inappropriate due to the nature of the construction project.
- (3) *Connectivity.* Sidewalks shall be coordinated with the city park plan and the comprehensive land use plan.
 - a. A pedestrian connectivity plan shall be provided with the preliminary plat. The lot layout of the final plat shall reflect this plan.
 - b. The connectivity plan shall designate a pedestrian route through the subdivision that permits linkage to the designated park linkage system. Special street treatment utilizing pavers, stamped concrete and painting shall identify designated crosswalks located on the pedestrian connectivity route. Painting shall not be the primary feature of the designated crosswalks.
 - c. Green space and open space entrances and corridors used for the pedestrian connectivity route shall be at a minimum no less than 30 feet in width.

(4) *Timing of construction.*

- a. Sidewalks that are to be located along property frontage shall be installed at the time a structure is erected on the lot. No certificate of occupancy shall be issued for the structure until the sidewalk is constructed and approved by the city. Any sidewalks required along the side or the rear of the property shall be constructed at such time as the developer constructs the street.
- b. Sidewalks across bridges and culverts, sidewalks adjacent to common areas and sidewalks not adjacent to lots shall be constructed with other improvements to the subdivision or development.

(5) *Standards.* Sidewalks shall be built in accordance with the design standards manual.

- (b) *Walkways.* The minimum width of an easement for a public walkway shall be 30 feet. Walkways are typically sidewalks constructed between lots, not adjacent to roadways. Walkways may be required to provide access to schools, parks, playgrounds or nearby roads.
- (c) *Bikeways.* Bikeways shall be designed and built in accordance with the American Association of State and Highway Transportation Officials (AASHTO) design standards.
- (d) *Easements.* The developer may, at his own option, choose to provide additional private access easements for sidewalks, walkways, or bikeways. Construction and maintenance of these private access easements will be the responsibility of the developer or subsequent owners.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 5.7 - Coordination with other roadways.

- (a) *State roadways.* The developer shall construct curbs, gutters and sidewalks on developments abutting roadways designated as state highways, or right-of-way or land owned by the state. The developer may petition for a determination by the public works director that such construction is either not feasible at the time of development

for engineering reasons or inappropriate due to the nature of the construction project. When relieved of the duty to install public improvements within the state right-of-way, the developer shall deposit funds into an escrow account with the city for the future construction of sidewalk along the state roadway.

- (b) *Coordination with planned street projects.* Where a development will abut an existing street for which construction plans have been prepared for future improvements, the development shall coordinate with the construction plans. If the developer requests an alteration to the construction plans, and the city agrees to such alteration, the developer shall pay to revise the plans as necessary and any increased construction costs. Where the subdivision abuts a future street or existing street proposed for improvement, the engineer must investigate the adjacent conditions and make reasonable accommodation for the future construction.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 5.8 - Private streets.

- (a) *Design and construction requirements.* Private street widths, cross-sections and design criteria shall comply with city standards and shall meet the minimum construction standards for public streets. If the development will be gated, it must comply with the gated entry guidelines in the design standards manual.
- (b) *Streets excluded.* Streets shown on the thoroughfare plan map shall not be used, maintained or constructed as private streets. In addition, the city may deny the creation of any other private street if, in the city's judgment, the private street would have any of the following effects:
- (1) Negatively affect traffic circulation on public streets;
 - (2) Impair access to property either onsite or offsite to the subdivision;
 - (3) Impair access to or from public facilities including schools, parks and libraries; or
 - (4) Delay the response time of emergency vehicles.
- (c) *Lot configuration.* Lots within a subdivision shall be configured so that the lot lines meet at the centerline of the roadway so that half of the roadway across the lot frontage is contained within the lot. The private street shall be dedicated on the lots as a private access and utility easement. The easement may also need to be dedicated as a public or private drainage easement depending on the site conditions. The plat must include the following note: "The streets have not been dedicated to the public, for public access nor have they been accepted by the City of Burleson as public improvements, and the streets and roadways shall be maintained by the property owners association within the subdivision. The private access and utility easement provides unrestricted use and maintenance of the property for utilities. This right extends to all utility providers. The easement also provides the City or County with the right of access for any purpose related to the exercise of a governmental service or function including, but not limited to, fire and police protection, inspection, code enforcement and postal service. The easement permits the City or County to remove any vehicle or obstacle within the street that impairs emergency access."
- (d) *Cost of private streets.* The city shall not pay for any portion of the cost of constructing or maintaining a private street.
- (e) *Inspections.* Inspections of private streets shall be performed by the city at the developer's cost. The fee shall be set by the city council.
- (f) *Community facilities contract required.* A community facilities contract (CFC) shall be required for the construction of private streets within a development. The CFC and associated inspections are required because the streets will be used for access by the fire department, police department, public works department and other utility providers. In addition, the private streets and associated drainage facilities are generally a part of the drainage system for the development.
- (g) *Maintenance.* Developments with private streets shall have a mandatory property owners' association which

includes all property served by private streets to ensure maintenance of the private street.

- (h) *Waiver of services.* The plat, property deeds, and property owner association documents must include the following note:

"The following public services are not provided within this subdivision:

- Street maintenance
- Routine police patrols
- Enforcement of traffic and parking ordinance
- Preparation of accident reports
- Solid waste collection
- Recycling collection"

Depending on the characteristics of the proposed development other services may not be provided.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 5.9 - Street names.

The developer shall name streets in conformance with the following:

- (1) Proposed street names shall be substantially different in sound and spelling from existing street names in the city, the city's extraterritorial jurisdiction and zip codes used within the city.
- (2) If a new street is a direct or logical extension of an existing street, the existing street name shall be used.
- (3) All proposed street names shall be approved by the development services director and the public works director.
- (4) Street names shall be no more than 14 characters including spaces, excluding the suffix.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 5.10 - Streetlights.

- (a) If the developer is responsible for constructing arterials or major collectors for access, the developer shall also be responsible for installation of street lights on those roadways.
- (b) Street lights along internal local streets and minor collectors and their intersections with perimeter roadways are considered to be site-related facilities. The developer shall be responsible for 100 percent of the installation costs of such street lights on public streets.
- (c) The developer will request installation of street lights from the applicable utility company prior to the completion of the community facilities. The city will execute a contract with the applicable utility company and the developer. Any extra or specially designed street lighting will be by contract between the developer and the applicable utility company with written approval by the city. Street lighting installation must be complete prior to the issuance of any certificates of occupancy in nonresidential developments or final building inspection approval for residential developments.
- (d) All streetlights installed in connection with any development project shall remain the property of the applicable electric utility company.
- (e) The city agrees to pay for electricity used by streetlights in the city in agreement with the current street-lighting rate schedule approved by the city council and the applicable electric utility company.

- (f) For subdivisions with private streets or subdivisions in the ETJ, the homeowner's association will be responsible for the electricity for the streetlights.
- (g) The developer shall furnish and dedicate all easements required for the installation of transformers, guys, and wiring for streetlights.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

ARTICLE 6. - DRAINAGE AND ENVIRONMENTAL STANDARDS

Sec. 6.1 - Drainage and stormwater management policies.

- (a) *Adequate facilities.* Where it is anticipated that runoff incident to the development of the subdivision will exceed the capacity of an existing downstream drainage feature and result in hazardous conditions, the commission or city council may disapprove the plat if plans for mitigation have not been accepted by the city. Mitigation plans shall be provided which include, but are not limited to, all necessary onsite and offsite improvements including storage, storm sewer systems, channel modifications, driveway adjustments, and culvert improvements. The mitigation construction shall be completed prior to the issuance of building permits. The city may accept the phasing of development.
- (b) *Developer responsibility.* The developer shall be responsible for all storm drainage flowing to, through, and from the property. This responsibility includes the drainage directed to that property by prior development as well as drainage naturally flowing through the property by reason of topography. The developer shall pay for the cost of all onsite and offsite drainage improvements, features to mitigate negative effects on water quality, and the dedication of necessary drainage easements.
- (c) *Easements.* Drainage easements shall be dedicated for public drainage features in accordance with requirements of section 4.7 of this appendix. Drainage easements and features shall be included as a portion of buildable (habitable structure) lot(s) and not as a lot by itself unless specifically authorized by the public works director. If a large development related feature is authorized on a separate lot, a property owner's association is required.

Generally, public drainage features cross property lines, collect runoff from adjacent properties or are located in public street rights-of-way. Drainage features that do not meet these criteria may be considered private and maintained by the owner. Private drainage easements shall be dedicated on the plat for all private drainage features.

- (d) *Stormwater quality.* Designs for new development shall manage stormwater in a manner that protects water quality by addressing the development's potential to cause erosion, pollution, siltation, and sedimentation in the MS4 and natural creeks. The goal is to maintain after development, to the maximum extent practicable, the predevelopment characteristics in the natural creek that ultimately receives stormwater runoff from the development. It is the developer's responsibility to ensure that designs for new development meet the stormwater management requirements in the general permit for stormwater discharges from construction activities issued by the state commission on environmental quality and its successor agencies. This permit includes the requirement for measures that will be installed during construction to control pollutants in stormwater discharges after construction operations have been completed.
- (e) *Stormwater runoff.* Stormwater runoff shall be calculated anticipating a fully developed watershed. The comprehensive plan, existing land use, and zoning maps shall be used to determine fully developed conditions. The public works director reserves the right to review the determination of fully developed conditions and may require revisions.
- (f) *Conveyance of development runoff.* Where drainage features such as storm drainage systems, ditches, channels,

and natural creeks are reasonably available to receive runoff, the runoff for the design frequency storm shall be collected onsite and conveyed in a storm sewer system to the existing feature.

- (g) *Positive overflow.* Positive overflow means that flow greater than the design frequency storm will be conveyed by a secondary drainage feature without flooding structures. Streets are designed to carry a specified quantity of stormwater within the right-of-way according to the street classification. At sump locations or slope limitations where the stormwater will leave the right-of-way, a positive overflow path shall be provided. The positive overflow path shall be a concrete flume or other permanent facility authorized by the public works director with a minimum width of four feet. A drainage easement shall be dedicated between lots at or near the low point in the street to allow for positive overflow systems. The public works director may allow alternative designs.
- (h) *Minimum finish floor elevations.* The public works director may require minimum finish floor elevations (MFF) to provide flood protection on certain lots contained within the subdivision. The MFFs shall be shown on the plat. These elevations shall incorporate the most current floodplain management criteria or other criteria as necessary to avoid damages. The minimum finish floor elevation shall be two feet above the fully developed or three feet above the existing FEMA 100-year water surface elevation where the MFF is associated with a natural creek or open channel. When the MFF is necessitated by situations other than a natural creek or open channel, the MFF shall be set by the developer's engineer and agreed upon by the city.

The following note or an amended version appropriate to the specific plat shall be added to any plat upon which the public works director requires the establishment of minimum finish floor elevations:

"The City of Burleson reserves the right to require minimum finish floor elevations on any lot contained within this addition. The minimum elevations shown are based on the most current information available at the time the plat is recorded and are subject to change."

- (i) *Offsite drainage.*
- (1) The developer shall evaluate how the discharge leaving the proposed development will affect downstream structures, features, and property, including but not limited to, flooding, stream channel stability, and water quality.
 - (2) When any proposed development requires offsite grading where stormwater runoff has been collected or concentrated, it shall not be permitted to drain onto adjacent property except in existing creeks, channels, storm sewers or streets unless one of the following is provided:
 - a. *Notarized letter of permission.* The letter shall state that the permission shall bind the owner of the affected property and be a covenant running with the land. It shall also refer to the plans for the improvements creating the need for the permission. The letter shall be recorded with the applicable county.
 - b. *Drainage easement.* A drainage easement shall be dedicated for creeks, ditches, or drainage channels and shall be of a width sufficient to comply with the criteria outlined in this appendix.
 - (3) In the event the developer cannot obtain a notarized letter of permission or a drainage easement, the developer shall provide the city with documentation of all efforts, including evidence of a reasonable offer made to the affected property owner, and one of the following:
 - a. *A written request for assistance.* The city may pursue acquisition of these easements through negotiations. If the negotiations are unsuccessful, the request may, at the developer's option, be submitted to city council for consideration of acquisition through eminent domain. Any expenses, including staff time, incurred by the city to acquire or attempt to acquire an easement shall be paid by the developer.
 - b. *A notarized letter.* With the concurrence of the public works director, the developer may execute a notarized letter stating the developer shall save and hold harmless the city from any and all claims or suits for damage arising out of concentrations of flow. The letter shall be in a form approved by the city attorney.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 6.2 - Preliminary stormwater management site plan.

- (a) A preliminary stormwater management site plan (SWMSP) shall be prepared for all development that meets the following conditions:
- (1) Disturbs a surface area of 12,000 square feet or more; and
 - (2) Creates or adds 5,000 square feet or more of impervious surfaces.
- (b) The preliminary SWMSP shall be prepared in coordination with the preliminary drainage plan on all projects where both are required. The preliminary SWMSP and the preliminary drainage plan may be shown on the same sheet. When a preliminary drainage plan is not required, the preliminary SWMSP shall indicate the existing drainage patterns and runoff coefficients and the proposed changes to these items.
- (c) The preliminary SWMSP must comply with the standards and criteria outlined in this appendix, the design standards manual, and the stormwater pollution control ordinance. The plan may satisfy the stormwater management portion of the stormwater pollution prevention plan (SWPPP) that is required for construction activities. However, the SWMSP is not a substitution for the SWPPP. The city's review of the preliminary SWMSP does not constitute acceptance of the final SWMSP or the final development plans.
- (d) The developer shall provide a preliminary SWMSP for the area proposed for development. For amended plats or plats with a previously accepted preliminary SWMSP, the accepted preliminary SWMSP shall be enforced unless a revised preliminary SWMSP is required.
- (e) Three paper copies of the preliminary SWMSP plan shall be submitted with the submittal of a preliminary plat, combination plat, replat, or minor plat for review and acceptance. The plan shall be labeled as "preliminary." Upon acceptance of the plan, the plan shall be signed, sealed, and dated by the engineer, or shall be signed and dated and contain a statement affirming the plan was prepared under the direction of the engineer signing the plan and that the plan is preliminary.
- (f) At a minimum, the SWMSP shall be prepared at a scale not smaller than one inch equals 200 feet and shall include the following:
- (1) Existing and proposed topography as shown by contour lines on two feet vertical intervals. The public works director may require smaller vertical intervals if the shape of the terrain warrants. The datum shall be NAVD88.
 - (2) Identification of existing features, such as channels, known historic resources, approximate limits of suspected jurisdictional waters, the approximate limits of tree canopies, and any other features that may affect stormwater quality.
 - (3) Design features (best management practices) to mitigate the negative effects of development on stormwater quality and quantity.
 - (4) Sufficient documentation and calculations, based on requirements of the design standards manual, to support the number and selection of best management practices.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 6.3 - Preliminary drainage plan.

- (a) This plan shall show the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development. It must comply with the standards outlined in this appendix and the drainage design criteria found in the design standards manual. The preliminary drainage plan is a guide for the detailed drainage design. The review of the preliminary drainage plan does not constitute final drainage plan approval or authorize a variance to this appendix.

- (b) For any property involved in the development process, a preliminary drainage plan shall be provided, at the developer's expense, for the area proposed for development. For property with a previously accepted preliminary drainage plan, the accepted preliminary drainage plan may be submitted and enforced unless a revised preliminary drainage plan is required by the city due to lot reconfiguration or other conditions created by the new plat. The public works director may waive the requirement for a preliminary drainage plan if the submitted plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated. If the applicant requests a waiver in writing, a copy of any previous drainage plan shall be provided.
- (c) Three paper copies of the preliminary drainage plan shall be submitted with the submittal of a preliminary plat, combination plat, replat, or minor plat for review and acceptance. The plan shall be labeled as "preliminary." The plan shall be signed, sealed, and dated by the engineer.
- (d) The preliminary drainage plan shall be prepared at a scale not smaller than one inch equals 200 feet and shall include the following:
 - (1) Existing topography as shown by contour lines on two feet vertical intervals. The public works director may require smaller vertical intervals if the shape of the terrain warrants. The datum shall be NAVD88.
 - (2) The boundary and size of each drainage area within and contributing to the property being platted shall be shown. The outline of drainage areas shall follow actual drainage features. Consideration shall be given to existing or anticipated features as modified by development.
 - (3) The size and type of existing and proposed drainage facilities for both onsite and offsite facilities.
 - (4) Proposed contours and flow arrows for each lot shall clearly indicate where and how the flow from drainage areas will be conveyed or intercepted.
 - (5) Sufficient design calculations, based on the criteria in the design standards manual, supporting the preliminary sizes and locations of drainage areas, facilities, and easements.
 - (6) Existing and proposed drainage and utility easements.
 - (7) Location of special flood hazard areas.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 6.4 - Floodplain development requirements.

- (a) *Floodway fringe or floodplain.* When a natural creek is preserved and has a floodplain designation shown on the effective flood insurance rate map (FIRM), the 100-year floodplain (base flood) boundaries of the FIRM shall be shown on the recorded plat.
- (b) *Floodway.* When a proposed project affects or modifies the floodway as defined in the flood damage prevention ordinance B-432, a report in the form of a CLOMR is required. Approval from FEMA of the CLOMR is required prior to filing a plat containing the floodway area. Upon completion of the infrastructure improvements, a LOMR shall be submitted to FEMA prior to building permits being issued. The LOMR shall be issued by FEMA prior to the issuance of a certificate of occupancy or final inspection being made for any building.
- (c) *Plat requirements.* Prior to filing a plat with the county, sufficient information shall be submitted to and accepted by the public works department to verify the location and size of all drainage easements, minimum finish floor elevations, and design features to be used as best management practices. The drainage easements shall be tied to the property corners of affected lots.
- (d) *Final plan requirements.* The developer shall provide complete final plans and specifications for the drainage facilities and SWMSP. Criteria for the design of these facilities are found in the design standards manual. When a project will impact one of the city's existing or proposed parks, storm drainage plans shall be coordinated with the

parks and recreation department.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 6.5 - Stormwater conveyance.

The three types of runoff conveyance features are natural creeks, closed systems, and improved open channels. The design standards manual contains specific criteria regarding the design of the drainage features.

- (1) *Natural creeks.* Natural creeks shall be preserved unless it is determined by the public works director that it is not feasible to leave the creek in its natural state. In order to assist in this determination, the following are required:
- a. *Report.* A hydrologic and hydraulic report is required to establish the 100-year water surface profile. The requirements for the report are outlined in the design standards manual.
 - b. *Easement.* Drainage easements for natural creeks shall be dedicated as follows:
 1. For single-family, single-family attached, or two-family subdivisions, the FEMA floodplain shall be developed as drainage easement.
 2. For all developments other than single-family, single-family attached, or two-family, the floodway must be dedicated as drainage easement in accordance with a drainage study prepared by the developer's engineer.
 - c. *Erosion protection.* Where natural creeks connect to improved systems, permanent transitional materials shall be required. Additionally, in areas along the natural creek where excessive erosion may occur, grade control structures, drop structures, or other structures may be required to stabilize the channel and flowline.
 - d. *Maintenance statement.* When an easement is dedicated for a natural creek by plat or separate instrument, the dedication statement shall include the following language:

The City of Burleson is not responsible for the design, construction, operation, maintenance, or use of any natural creek and associated drainage easements, hereinafter referred to as "feature." Developer will indemnify, defend and hold harmless the City of Burleson, its officers, employees and agents from any direct or indirect loss, damage, liability or expense and attorneys' fees for any negligence whatsoever, arising out of the design, construction, operation, maintenance, condition or use of the "feature," including any non-performance of the foregoing. Developer will require any successor in interest to accept full responsibility and liability for the "feature." All of the above shall be covenants running with the land. It is expressly contemplated that developer shall impose these covenants upon Lot(s) _____ / _____ / _____ abutting, adjacent or served by the "feature" the full obligation and responsibility of maintaining and operating said "feature."
 - e. *Maintenance.* The following shall apply to natural creeks.
 1. The city is not responsible for any maintenance or cleaning of the natural creek.
 2. The property owner is responsible for maintenance of any modifications and cleaning of the creek.
- (2) *Closed systems.* Once stormwater is collected or concentrated and is not conveyed in a natural creek, a closed system shall be used when the flow can be carried in a 60-inch diameter pipe or smaller. The closed system shall be connected to an existing system or extended until it reaches an open channel or natural creek. Alternative designs shall be approved by the public works director.
- a. *Easement.* Drainage easements shall be dedicated to a minimum width of 15 feet unless otherwise authorized by the public works director. The easement width required may be greater for larger or deeper systems.

- b. *Erosion protection.* Where closed systems connect to natural creeks or improved open channels, end sections a transitional materials are required for erosion protection.
 - c. *Maintenance.* The city will maintain only the drainage improvements within the drainage easement within the city. The county will maintain drainage improvements contained within a drainage easement in the ETJ. Any other improvements or maintenance, including driveways or driveway culverts, shall be the responsibility of the property owner.
- (3) *Improved open channels.* An improved open channel may be used when a natural creek is not feasible and flow cannot be carried in a 60-inch pipe. The full bottom width of an improved open channel shall be lined with reinforced concrete except when the public works director approves the use of another type of lining. The minimum width of the channel bottom shall be eight feet.
- a. *Report.* A hydrologic and hydraulic report is required to establish the 100-year water surface profile. The requirements for the report are outlined in the design standards manual.
 - b. *Easement or drainage right-of-way.* A drainage easement or right-of-way containing the improved open channel shall be dedicated. The channel shall contain the runoff from the 100-year storm plus one foot of freeboard and 12 feet on each side of the channel for maintenance. The 100-year storm shall be based on fully developed conditions. Additional easement may be needed at specific locations for access to the channel for maintenance. Easement shall be dedicated when the adjacent property owners will assume maintenance of the channel. Drainage right-of-way shall be dedicated when the maintenance will be performed by the city.
 - c. *Erosion prevention.* A transition material is required when the channel connects to a natural creek or closed system. The transition downstream of outfalls shall be shaped and/or lined to the point that flow velocities from the outfall and the channel are non erosive.
 - d. *Maintenance.* The city will maintain the improved open channel. Private improvements and channels constructed of alternate materials within the easement/right-of-way shall be maintained by the owner. The city maintenance is for the purpose of maintaining the drainage function of the channel. If the developer desires a higher standard of maintenance, then maintenance of the channel may be shared with a homeowner's association through a separate agreement.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 6.6 - Stormwater mitigation.

- (a) Stormwater storage (detention) shall be required as follows:
 - (1) *Single-family, single-family attached, and two-family subdivisions.* Stormwater storage shall be designed and constructed when any of the following situations exist:
 - a. The release rate of stormwater runoff from the proposed development exceeds the capacity of the existing downstream drainage system.
 - b. The development will create structural (building) flooding or significantly worsen known structural (building) flooding.
 - (2) *Commercial and multi-family development.* Stormwater storage shall be designed and constructed with any commercial or multi-family developments one acre or larger in size. The size of the development shall be based upon the area of land shown on the preliminary plat, or if a preliminary plat was not required, a final plat.
- (b) In lieu of the storage, the developer may:
 - (1) Employ an engineer to document that the excess flow will not be detrimental or hazardous to structures (buildings), vehicular traffic, or pedestrian traffic.

- (2) Elect to design and construct a facility that will mitigate any hazardous condition or habitable structure flooding.
- (c) The storage shall be evaluated for the five- and 100-year storm events.
- (d) The city will not maintain any portion of the stormwater storage facility.
- (e) When an easement for these features is dedicated by plat or separate instrument the dedication statement shall include the following language: The City of Burleson is not responsible for the design, construction, operation, maintenance, or use of any stormwater storage facility and associated drainage easements, hereinafter referred to as "improvements," to be developed and constructed by developer or successors. Developer will indemnify, defend and hold harmless the City of Burleson, its officers, employees and agents from any direct or indirect loss, damage, liability or expense and attorneys' fees for any negligence whatsoever, arising out of the design, construction, operation, maintenance condition or use of the improvements, including any non-performance of the foregoing. Developer will require any successor in interest to accept full responsibility and liability for the improvements. All of the above shall be covenants running with the land. It is expressly contemplated that developer shall impose these covenants upon Lot(s) _____ / _____ / _____ abutting, adjacent or served by the improvements the full obligation and responsibility of maintaining and operating said improvements.
- (f) The easement dedicated for stormwater storage shall be included as a portion of buildable lot(s) and not by itself unless specifically authorized by the public works director. The easement shall contain the design storm plus one foot of freeboard.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

ARTICLE 7. - WATER AND SANITARY SEWER REQUIREMENTS

Sec. 7.1 - Water and sanitary sewer basic policy.

- (a) *Adequate utility systems required.* Subdivisions within the city and its extraterritorial jurisdiction shall be provided with an approved water supply and distribution system and with an approved sewage collection and disposal system. An adequate water supply and distribution system and sanitary sewer system shall be consistent with the water and wastewater master plan.
- (b) *Developer responsibility.* The developer will be responsible for providing the necessary water and sanitary sewer infrastructure including service (domestic, irrigation, fire line) additions and/or abandonments for every lot in the development. The developer shall install all water and sanitary sewer facilities needed to serve the development and shall extend all water and sanitary sewer mains and appurtenances necessary to connect the development with the city's water distribution system and with the city's sanitary sewer system or other applicable public utility system, subject to city participation. The developer shall extend facilities through the subdivision to serve future adjacent development.

If alternatives exist as to extensions, the public works director shall have the authority to determine the most appropriate alternative. The public works director shall retain the authority to reject any extension not deemed to be in the best interest of the city.

- (c) *Construction requirements.* The following are general requirements regarding the construction of water and sanitary sewer facilities. Detailed design requirements are provided in the design standards manual.
- (1) *Public sanitary sewer mains shall be a minimum of eight-inch diameter lines.* The public works director may require larger lines in order to adequately serve the development. The public works director may require the developer to submit engineering studies and recommendations to determine the appropriate sanitary sewer

size. The city may require oversizing in order to serve the remainder of the drainage basin beyond the property being served. The city may require all onsite sewage flows generated by any development or part of the development to be delivered to a single location for offsite disposal.

- (2) *Public water mains shall be a minimum of eight inches in diameter.* The public works director may require larger lines in order to adequately serve the development. The public works director may require the developer to submit engineering studies and recommendations to determine the appropriate water line size.
 - (3) All public water and sanitary sewer mains shall be located in the frontage of the property along streets or in easements adjacent to the development in order to provide service to adjacent property. Public water and/or sanitary sewer mains shall not be located within a private street, drive or access easement unless a public utility easement is provided.
 - (4) The minimum easement width for water or sanitary sewer mains shall be five feet on each side of the pipe. No roof overhang or other appurtenant construction such as (but not limited to) that which may be associated with an adjacent building shall encroach into or over the easement. A water or sanitary sewer easement between two lots must fall entirely on a single lot. When water and sanitary sewer facilities are located within the same easement, the easement shall be a minimum of 20 feet in width.
 - (5) Easements shall be dedicated for exclusive use for water and sanitary sewer facilities (i.e. easements containing waterline shall be called waterline easements). When it is necessary for additional utilities to be placed within the easement, additional width shall be provided and the easement may be called a utility easement.
 - (6) When it is necessary to relocate or replace an existing water or sewer facility to accommodate the use of a proposed subdivision, the developer is responsible for all costs associated with the relocation, except as agreed to by city council for oversize participation.
- (d) *Construction plans.* Plans for construction of all water and sanitary sewer facilities required by these regulations shall be prepared in accordance with the requirements and specifications contained in the design standards manual, the regulations of the Texas Commission on Environmental Quality (TCEQ), National Sanitation Foundations (NSF), Texas Department of Insurance, Insurance Services Office, and the city's current adopted Uniform Fire Code, which are incorporated by reference and made a part hereof. Plans for the improvements must be prepared by a licensed engineer and accepted by the public works director.
- (e) *Acquisition of easements.* The developer shall be responsible for the acquisition of all required offsite easements. If the developer is unable to acquire the necessary offsite easement, the city shall be provided with easement or right-of-way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the city may, at its option, acquire these easements either through negotiations or through condemnation in appropriate situations. The developer shall reimburse the city for the costs of acquiring the necessary easements including but not limited to attorney fees.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 7.2 - Preliminary utility plan.

Concurrent with the submission of a preliminary plat, combination plat, replat or minor plat, the developer shall submit to the public works director a map or plan showing the location and size of water and sanitary sewer mains which will be required to ensure adequate service and fire protection to the lots specified in the proposed plat. Plans and specifications for fire hydrant systems shall be submitted to the fire marshal for review prior to construction.

- (1) *Plan document.* The plan shall be prepared at a scale not smaller than one inch equals 200 feet and shall include the following:
 - a. The plan must be sealed by a licensed engineer.

- b. The plan must show the size and location of all water and sanitary sewer facilities to serve the site.
- c. The plan must show the location of all fire hydrants and sanitary sewer manholes.
- d. The plan must show the location of extensions to the boundary of the subdivision to service adjacent development.
- e. The public works director may require analysis of the water and/or sanitary sewer system to determine if the proposed onsite systems are adequate or if the proposed sizes are adequate to reasonably serve adjacent future development.
- f. When the water facilities fall under the jurisdiction of a provider other than the city, an analysis of the water system will be required for all plats of commercial property or containing more than four residential lots. The city reserves the right to verify water pressures and volumes upon installation. The owner shall bear any cost the city incurs for verification. The water system analysis shall be required at the earliest stage of development (zoning or preliminary plat).

For subdivisions containing four lots or fewer, a letter from the water service provider is required stating there are adequate facilities in the area to provide domestic service and fire protection. When the city has reason to believe that there may be water supply or pressure concerns, a water system analysis may be required.

- g. If on site sanitary sewer facilities are proposed within the subdivision, the preliminary utility plan must show the reasonable location of future sewer installation and easements must be dedicated on the plat.

(2) *Coordination with other utility providers.*

- a. *Preliminary plat.* When the subdivision is located in an area served by a utility provider other than the city, the developer must provide a water system analysis as provide in subsection 7.2(1)f. above.
- b. *Minor plat, replat.* When a subdivision is located in an area served by a utility provider other than the city, the developer must provided a letter from the utility provider stating that facilities existing in the area to provide adequate domestic service and fire protection. If the city has reason to believe that there may be water supply of pressure concerns, a water system analysis may be required.
- c. *Final plat.* The final plat will not be recorded with the county until a letter has been provided from the utility provider stating that they have accepted the plans for construction.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 7.3 - Alternative water systems.

Developments may be approved with alternative water facilities according to the following criteria:

- (1) Water well operation and quality shall meet the minimum requirements of the Texas Commission on Environmental Quality, Johnson or Tarrant Counties, city health ordinances, and all other regulatory agencies, if applicable.
- (2) Water wells may not be used for the sole purpose of providing irrigation.
- (3) Water wells may not be used for commercial sale of water.
- (4) The cost to tie onto the public water system must exceed the certified initial capital cost of a well by 25 percent. All cost and engineering design shall be submitted by a licensed professional engineer. All costs and engineering designs submitted shall be accepted by the public works director and the city's environmental services manager. By state law, if a residence is within 100 feet of a domestic water supply, that residence must hook up to that service.
- (5) An applicant for approval of an individual water well shall submit the following evidence to the public works

director:

- a. Water quality tests;
- b. Affidavits stating that no more than three families will use the well, and the well water will not be used in any commercial sales; and
- c. A certified cost estimate of well installation.

(6) The installation of an individual well must be a minimum distance of 150 feet from any domestic water line. Upon review of this evidence, the public works director may issue a water well permit.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 7.4 - Alternative wastewater systems.

- (a) All urban subdivisions must be served by a public wastewater collection system accepted by the city. Each lot must be provided with an individual service connection.
- (b) When sanitary sewer is greater than 1,000 feet from the nearest point of the subdivision, the developer of rural subdivisions may provide sewer service by means of private onsite sewer treatment facilities. These facilities must meet all requirements of the Texas Commission on Environmental Quality except that lots served by onsite wastewater systems must be at least one acre in size. The one-acre lot size requirement may be reduced at the discretion of the public works director.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 7.5 - Miscellaneous requirements.

- (a) No building shall be constructed over an existing sanitary sewer, lateral or water main unless recommended in writing by the public works director and approved by the city council.
- (b) Ownership and maintenance of water and sewer mains and service connections shall be regulated as follows.
 - (1) The title to all sanitary sewers constructed, including sewer service connections located in a right-of-way or dedicated easement, shall be vested in the city or the applicable utility provider.
 - (2) The developer, or single customer, will be responsible for all maintenance of the sanitary sewer service connection, unless replacement of the service is required under the roadway or pavement. When replacement is determined to be necessary by the public works department, the city shall assume the responsibility for replacement of that portion under the pavement.
 - (3) The title to all water mains and water meters constructed, and installed, including the title to service connections, shall be vested in the city or the applicable utility provider.
- (c) The city makes no guarantee that water supply or wastewater capacity will be available at any particular time or place.
- (d) Water or sanitary sewer service lines shall not cross any adjacent lot. The public main shall be extended so as not to require the service to extend across another lot. Water and sanitary sewer service lines shall be maintained by the property owner.
- (e) Public water and sewer mains adjacent to federal, state, or county roadways shall be constructed outside the right-of-way in a separate easement unless otherwise agreed by those agencies and the city.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

ARTICLE 8. - PARK AND RECREATION DEVELOPMENT

The purpose of the park requirements is to provide recreational areas in the form of city or private parks in conjunction with subdivision development. Each residential development, including multi-family developments, containing four or more residential units shall dedicate a portion of the land and construct facilities, or pay cash in lieu of dedication and construction.

Sec. 8.1 - Parkland dedication policy.

(a) *Parkland site selection requirements.*

- (1) Land proposed for dedication under this policy shall be suitable for parks, linear destination trails and recreational uses, as determined by the director of recreation and lifelong learning.
- (2) Park locations shall generally comply with the parks and trails master plan.
- (3) In selecting a site for a park, the director of recreation and lifelong learning will avoid an accumulation of non-contiguous parcels of land or an accumulation of land unsuitable for park purposes.
- (4) Park sites will be selected on the basis of obtaining natural, park-like settings, where available, and will consist of diverse topography and open space suitable for the development of recreational facilities.
- (5) Park sites shall be located, whenever possible, contiguous to school sites and other public or nonprofit agency sites in order to make maximum use of common public facilities and grounds.
- (6) Careful consideration shall be given to the need for development of linear parks and trails around natural creeks and wooded areas. When development occurs near a floodway that is designated by either the parks and trails master plan or the director of recreation and lifelong learning, the developer is required to construct that portion of the trail that occurs within his/her development. The developer will construct the trail in accordance with park and recreation design criteria. The cost for the trail's development will be borne by the developer and will be credited toward the developer's infrastructure requirement.
- (7) At least 50 percent of the required dedicated parkland should have slopes in the two percent to five percent range and should be well-drained.
- (8) Floodplain and floodway areas, as designated on the flood insurance rate map (FIRM) should not exceed 75 percent of the total park dedication.
- (9) All parks dedicated in accordance with this appendix shall have access to public streets, water, sanitary sewer, and drainage systems.
- (10) Parks shall have a minimum accumulation of 150 feet of frontage along a public street.

(b) *Parkland dedication requirements.* Except as provided in subsection (d) below, each residential subdivision, including multi-family subdivisions, shall dedicate one acre of parkland for every 100 residential units, except that dedication of the FIRM floodway shall require two acres of parkland for every 100 residential units.

- (1) When multi-family subdivisions are proposed and the number of units is unknown, the city will assume the number of units based on the allowable density. Should the number of units be less than the assumed number, the dedication requirements will be adjusted accordingly.
- (2) Land proposed for park dedication shall be shown on the preliminary plat and shall be a minimum of three acres in size, unless otherwise approved by the director of recreation and lifelong learning. Such park sizes and classifications shall comply with the standards set forth in the parks and trails master plan.
- (3) Land proposed for park dedication should be within the subdivision. However, the city may accept park dedication outside the subdivision if it is of such proximity to the development so as to benefit the development.
- (4) If a replat is filed on a property and the number of units within the subdivision increases, additional park dedication will be required to account for the increase in the number of units.

- (5) Prior to conveyance of property to the city, the city may require the developer to perform a phase 1 environmental assessment. Should the environmental assessment indicate environmental contamination, the city may require additional testing by the developer or may require the developer to locate another site suitable for park dedication.
 - (6) The developer shall grant the city access to the property proposed for parkland so that the city can make inspections and surveys prior to conveyance of the property.
 - (7) Determinations of required land dedication will be based upon review of preliminary plats. Failure to indicate proposed park dedications on the submitted preliminary plat will be sufficient grounds for the city to disapprove the preliminary plat.
- (c) *Parkland conveyance requirements.* Upon final agreement of the location of the park dedication, the developer shall provide the following:
- (1) A metes and bounds description of the land to be conveyed; and
 - (2) A survey plat of the park property only; and
 - (3) A copy of the developer's deed demonstrating ownership and right to convey the property; and
 - (4) Documents conveying ownership to the city in the form of a:
 - a. General warranty deed; or
 - b. Special warranty deed and a title policy provided by the developer insuring the city in an amount equal to the value of the property.
- (d) *Fees in lieu of parkland dedication.*
- (1) If the calculation for required park dedication results in less than three acres or does not meet the site selection criteria set forth in this appendix, the director of recreation and lifelong learning may require a fee in lieu of dedication or a combination of parkland dedication and fee.
 - (2) The fee in lieu of parkland dedication will be adopted by the city council as part of the city's fee schedule and will be "per residential unit" based on the fair market value of residential property in the city. The total fee to be paid to the city in lieu of dedication shall be determined as follows:
 - a. The total dedication requirement shall be determined by dividing the number of units contained within the final plat by 100; then
 - b. Subtracting the acreage of any parkland dedication to obtain the net requirement for fee in lieu of dedication; then
 - c. Multiplying the net acreage requirement by 100 to calculate the equivalent number of units; then
 - d. Multiplying the equivalent number of lots times the fee set by city council.
 - (3) The fair market value per lot of parkland dedication will be determined by the city through independent appraisals performed by a state certified appraiser with a MAI designation. Should the developer not agree with the city's determination of fair market value, the developer may, at his own cost, obtain an appraisal of the property from a state certified appraiser with a MAI designation. If the property was acquired within the year previous to the platting of the property, the developer may submit the contract for sale for consideration in determining fair market value. The director of recreation and lifelong learning shall make the determination of fair market value.
 - (4) Fees in lieu of dedication shall be assessed at the time of final plat submittal and shall be paid prior to recording the plat with the county. All fees shall be based upon the dedication requirement and the fee schedule in effect at the time of final plat.
 - (5) If parkland dedication for a phase subdivision is proposed in future phases, the developer shall do the following prior to filing of plats that do not contain parkland:

- a. Deed the parkland or a portion of the parkland located within the future phase in accordance with subsection 8
- b. Pay the fee in lieu of parkland dedication with the final plat. The city will reimburse the fee upon receiving the deed for the parkland.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 8.2 - Park infrastructure development policy.

(a) *Park infrastructure fee.*

- (1) A park infrastructure fee shall be collected prior to recording the final plat with the county, unless otherwise agreed to by the director of recreation and lifelong learning. The park infrastructure fee shall be set by the city council and published in the city's fee schedule.
- (2) The park infrastructure fee is based upon the cost to purchase and erect minimal park amenities on a three-acre park site. The fee shall be adjusted annually on or about October 1 based on the change in the consumer price index (CPI) for the previous year. In addition, the city council retains the right to adjust the fee in an amount greater than the CPI.

(b) *Park infrastructure construction.*

- (1) Upon approval by the director of recreation and lifelong learning, a developer may construct park infrastructure in lieu of paying the park infrastructure fee.
- (2) The value of the park infrastructure, including design of the park and the labor to construct the infrastructure, shall be equal to or greater than the park infrastructure fee would have been. In no case will the city reimburse the developer for expenditures greater than the park infrastructure fee would have been.
- (3) Prior to constructing park infrastructure, the developer shall provide to the director of recreation and lifelong learning a park plan for improvements that comply with the city's design, specification, and construction standards. The following features will be considered for construction:
 - a. Playground.
 - b. Picnic shelter.
 - c. Practice baseball/softball field with backstop.
 - d. Practice soccer field with goals.
 - e. Walking or destination oriented trail.
 - f. Multi-use slab with weatherproof basketball goal and backboard.
 - g. Turf, landscaping, and vegetation.
 - h. Paved parking areas.
 - i. Other facilities as approved by the Director of Recreation and Lifelong Learning.
- (4) The developer must construct the park infrastructure concurrent with other public improvements and complete the construction of the park infrastructure improvements prior to final acceptance of the subdivision. The construction of the park improvements will be accomplished via a two-party park memorandum of understanding between the city and the developer. The director of recreation and lifelong learning will execute the park memorandum of understanding on behalf of the city. The city shall inspect the park infrastructure construction for compliance with the plans and specifications.
- (5) The cost of park infrastructure constructed in private open space will not be credited toward the park infrastructure fee.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 8.3 - Private open space.

Private open space may be used to offset the corresponding amount of parkland dedication, providing the following requirements are met:

- (1) The open space is suitable to provide useful recreational functions; and
- (2) The open space meets the requirements of the parkland site selection requirements;
- (3) The open space is maintained by the property owners within the development through the institution of a home owners association or public improvement district; and
- (4) The cost of park infrastructure constructed in private open space will not be credited toward the park infrastructure fee.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 8.4 - Park development general policies.

- (a) Fees paid to the city in lieu of park dedication or fees paid for park infrastructure are not refundable unless the number of potential residential units constructed is reduced.
- (b) All fees or conveyance of property shall be complete prior to recording the final plat with the county.
- (c) The city recognizes the value of a city park to a development and will make all attempts to develop the park property as quickly as possible but does not guarantee the expenditure of park infrastructure funds within any specified time frame.
- (d) Unless otherwise provided in this appendix, all decisions will be made by the director of recreation and lifelong learning. Decisions of the director of recreation and lifelong learning with regard to the application of this policy may be appealed to the city manager, then to the city council.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

ARTICLE 9. - APPENDICES

Sec. 9.1 - Community facilities contract.

COMMUNITY FACILITIES CONTRACT CITY OF BURLESON

STATE OF TEXAS	§	PROJECT NAME: ____
COUNTIES OF TARRANT	§	
AND JOHNSON	§	CONTRACT NO.: ____

This Contract is entered into on the ____ day of _____, 200 ____ by and between the CITY OF BURLESON, TEXAS, (hereinafter referred to as the "City"), _____, a _____ corporation (hereinafter referred to as the "Developer"), and _____, a _____ corporation (hereinafter referred to as the "Contractor").

WHEREAS, the Developer is the owner of land which has been platted as _____ Addition to the City of Burleson, Johnson County, or Tarrant County (whichever is applicable) Texas (hereinafter referred to as the "Subdivision"); and

WHEREAS, the Developer is required to install certain public improvements as required in this Contract (hereinafter referred to as the "Community Facilities") to serve the lots in the Subdivision; and

WHEREAS, the Developer elects to make the Community Facilities at the Developer's cost, without City participation in the cost, by entering a separate construction contract with the Contractor; and

WHEREAS, the Developer and the Contractor recognize that the City has an interest in ensuring that the Community Facilities are properly constructed in accordance with City specifications and are paid for by the Developer, because they will become public property upon completion and acceptance by the City; and

WHEREAS, this Contract shall operate as a covenant running with the land and shall be binding upon the Developer, the Contractor, and their successors, heirs, representatives, grantees, trustees, officers, agents, servants, employees and assigns;

NOW, THEREFORE, the City, the Developer and the Contractor, in consideration of the mutual covenants and agreements contained herein, do mutually agree as follows:

1. Covenants of the Developer and Contractor.

- a. The Developer shall install the Community Facilities for the Subdivision at no cost to the City. The Community Facilities shall include the items shown on the construction plans and specifications as released for construction by the City.
- b. The Developer shall employ the Developer's own engineer to prepare the plans and specifications for the Community Facilities, and all engineering work shall comply with the requirements of the City's Subdivision Ordinance and Design Standards Manual. The Developer's engineer shall be a civil engineer licensed to practice in Texas. All plans and specifications prepared by the Developer's engineer must be released for construction in writing by the Public Works Director of the City before the construction contract for the Community Facilities is entered.
- c. The Contractor shall construct and install the Community Facilities in accordance with the plans and specifications prepared by the Developer's engineer and released for construction by the Public Works Director, and the procedures, specifications and standards contained in the Subdivision Ordinance and Design Standards Manual of the City. In general, the construction shall follow provisions of the "Standard Specifications for Public Works Construction, North Central Texas," as amended, published by the North Central Texas Council of Governments, except however, when specific circumstances dictate additional requirements, it shall be the responsibility of the Developer's engineer to provide the necessary details for construction acceptable to the Public Works Director. The "Standard Specifications for Public Works Construction, North Central Texas," as amended, are incorporated in this Contract by reference and made a part hereof, and the Contractor may obtain a copy from the North Central Texas Council of Governments. The Contractor shall perform all work in a good and workmanlike manner and to the satisfaction of the Public Works Director.
- d. The Contractor shall meet the City's requirements for being licensed and bonded and shall have a financial statement, experience and equipment acceptable to the City.
- e. The Developer and the Contractor shall make this Contract, and the plans and specifications released for construction of the Community Facilities, an integral part of the construction contract between the Developer and the Contractor. The provisions of this Contract shall control over any conflicting provision of the construction contract between the Developer and the Contractor. Before commencing construction, the Developer shall deliver to the Public Works Director a signed copy of the construction contract between the

Developer and the Contractor. The Developer shall pay the Contractor for construction of the Community Facilities in accordance with provisions of the construction contract. It is agreed that the City has an interest in the proper performance of the construction contract and may bring suit for failure to comply with the plans and specifications. The Developer and Contractor shall provide the City with access to the project for the purpose of inspection of the installation of the Community Facilities.

- f. Prior to initiating any construction of the Community Facilities, the Developer shall require that the Contractor provide the City with one original and one copy of the following construction bonds, which shall name the City and the Developer as beneficiaries:
- 1) Contractor's Performance Bond. If the contract between the Developer and the Contractor for construction of the Community Facilities is for an amount in excess of Twenty-Five Thousand Dollars (\$25,000), a good and sufficient Performance Bond in an amount equal to 100 percent of the total contract price, guaranteeing the full and faithful execution of the work and performance of the contract and for the protection of the City and the Developer against any improper execution of the work or the use of inferior materials. The Performance Bond be made in favor of the City and the Developer and shall guarantee completion of the Community Facilities within two years of execution of this Contract.
 - 2) Contractor's Payment Bond. If the construction contract between the Developer and the Contractor for construction of the Community Facilities is for an amount in excess of Twenty-Five Thousand Dollars (\$25,000), a good and sufficient Payment Bond in an amount equal to one hundred percent of the total contract price (between the Developer and the Contractor), guaranteeing payment for all labor, materials and equipment used in construction of the Community Facilities. The Payment Bond shall be made in favor of the City and the Developer and all persons, firms or corporations who may furnish materials for or perform labor upon the Community Facilities hereunder.
 - 3) Contractor's Maintenance Bond. A good and sufficient Maintenance Bond in an amount equal to 100 percent of the total cost of the Community Facilities (including all change orders) guaranteeing the maintenance in good condition of the Community Facilities for a period of two years from and after the date that a Letter of Acceptance is issued by the City indicating that the Community Facilities have been completed by the Developer and accepted by the City. The Maintenance Bond shall be made in favor of the City and the Developer.

In the alternative, the Developer may furnish a cash deposit, or certificate of deposit as security. Such forms of security shall be held by the City for a period of two years or until any deficiencies identified at the expiration of the two-year maintenance period are corrected, whichever occurs last.

Each bond shall be in a form acceptable to the City and shall be written by a surety company duly authorized to do business in the State of Texas, provided that the Mayor shall have the right to reject any surety company for any work under this Contract.

- g. The Developer and the Contractor covenant and agree to, and by these presents do hereby, fully indemnify, hold harmless, and defend the City, its officers, agents and employees, from all suits, actions or claims of any character, whether real or asserted, brought for or on account of any injuries or damages sustained by any persons (including death) or to any property, resulting from or in connection with the construction, design, performance or completion of any work to be performed by the Developer and Contractor, their contractors, subcontractors, officers, agents or employees, or in consequence of any failure to properly safeguard the work, on account of any act, intentional or otherwise, neglect or misconduct of said Developer and Contractor, their contractors, subcontractors, officers, agents, or employees, *whether or not such injuries, death or damages are caused, in whole or in part, by the alleged negligence of the City of Burleson, its officers, agents, servants or employees.*

- h. Release of the plans and specifications for construction by the Public Works Director or other City employee(s) of any plans, designs or specifications submitted by the Developer pursuant to this Contract shall not constitute or be deemed to be an assumption of the responsibility and liability of the Developer for the competency of the Developer's design and specifications for the Community Facilities, it being the intent of the parties that release of the plans and specifications by the Public Works Director or other City employee(s) signifies the City's acceptance of only the general design concept of the Community Facilities to be constructed. In this connection, the Developer shall indemnify and hold harmless the City, its officers, agents, servants and employees from any loss, damage, liability claim, obligation, penalty, charge, cost or expense including property damage, personal injury or death, to any and all persons, which may arise out of any defect, deficiency or negligence of the Engineer's design and specifications incorporated into any of the Community Facilities constructed in accordance therewith, *whether or not such loss, damage, liability, claim, obligation, penalty, charge, cost or expense is caused in whole or in part by the alleged negligence of the City, its officers, agents, servants or employees*, and the Developer shall defend at its own expense any suits or other proceedings brought against the City, its officers agents, servants or employees or any of them, on account thereof, and shall pay all expenses (including without limitation reasonable fees and expenses of attorneys, expert witnesses and consultants) and satisfy all judgments which may be incurred by or rendered against them in connection therewith.
- i. The Contractor shall, at his own expense, purchase, maintain and keep in force during the term of this Contract the insurance set forth below. The Contractor shall not commence work on the Community Facilities until the Contractor has obtained all the insurance required under this Contract and such insurance has been approved by the City, nor shall the Contractor allow any subcontractor to commence work on his subcontract until all similar insurance of the subcontractor has been obtained and approved. All insurance policies provided under this Contract shall be written on an "occurrence" basis.

<u>Compensation Insurance</u>	
Workers Compensation	Statutory Limit
Employers Liability	\$100,000 Each Occurrence
	\$500,000 Disease-Each Employee
<u>Liability Insurance</u>	
Commercial General Liability	\$500,000 Combined Single Limit
(No standard coverages are to be excluded by endorsement)	
<u>Automobile Liability Insurance</u>	
Commercial Auto Liability Policy	\$500,000 Combined Single Limit

(including coverage for owned, hired and non-owned autos)	
<u>Umbrella Liability</u>	
(Following Form and Drop Down Provisions included)	\$1,000,000 Each Occurrence

It is agreed by all parties to this Contract that the insurance required under this Contract shall:

- 1) Be written with the City of Burleson as an additional insured.
- 2) Provide for thirty (30) days written notice to the City of cancellation or material change in coverage.
- 3) Be written through companies duly authorized to write the particular class of insurance in the State of Texas.
- 4) Waive subrogation rights for loss or damage so that insureds have no right to recovery or subrogation against the City of Burleson, it being the intention of this Contract that the required insurance policies shall protect all parties to this Contract and be primary coverage for all losses covered by the policies.
- 5) Provide a certificate of insurance evidencing the required coverages to:

City of Burleson
Public Works Department/Engineering/Development
141 W. Renfro Street
Burleson, Texas 76028.

- j. During construction of the Subdivision and after the streets have been installed, the Developer agrees to keep the streets free from collection of soil. The Developer agrees to use soil control measures such as hay bales, silt screening, hydromulch, or other applicable measures to prevent soil erosion. It will be the Developer's responsibility to present to the Public Works Director a stormwater pollution prevention plan that will be implemented for the Subdivision. When, in the opinion of the Public Works Director, there is sufficient soil collected on the streets or other drainage areas and notification has been given to the Developer, the Developer will have 24 hours to clear the soil from the streets or affected areas. If the Developer does not remove the soil from the streets or other areas within 24 hours, the City may cause the soil to be removed either by contract or City forces and place the soil within the subdivision at the developer's expense. All expenses must be paid to the City prior to the issuance of a Letter of Acceptance for the Community Facilities.
- k. The Community Facilities shall be completed within two (2) years from the effective date of this contract.
- l. Upon completion of the Community Facilities and issuance of a Letter of Acceptance by the City, the Community Facilities shall become the property of the City free and clear of all liens, claims, charges or encumbrances of any kind.
- m. The parties understand and agree that the City has no obligation to participate or contribute to the cost of designing or constructing the Community Facilities, nor shall the City be liable for any portion of the costs incurred by the Developer, or the Developer's officers, agents, employees, contractors or subcontractors for the design and construction of the Community Facilities, unless a separate agreement is executed by the City and the Developer concerning such participation by the City.

2. Covenants of the City

Upon proper completion of the Community Facilities, the City agrees to accept the Community Facilities by a written Letter of Acceptance. It is understood and agreed that the City shall have no liability or responsibility for the Community Facilities until a Letter of Acceptance is issued.

3. Miscellaneous

a. Compliance with Laws.

The Developer and Contractor hereby agree to comply with all federal, state and local laws and ordinances that are applicable to development of the Subdivision.

b. Venue and Governing Law

Venue of any action brought hereunder shall be in Johnson County, Texas. The terms and provisions of this Contract shall be construed in accordance with the laws of the State of Texas.

c. Assignment

Neither this Contract nor any part hereof or any interest herein shall be assigned by the Developer or the Contractor without the express written consent of the City Manager of the City, which consent shall not be unreasonably withheld.

d. Waiver

The Developer and the Contractor expressly acknowledge that by entering into this Contract, the Developer and the Contractor, their successors, heirs, assigns, vendors, grantees, trustees, and/or representatives shall never construe this Contract as waiving any of the requirements of the Zoning Ordinance, Subdivision Ordinance, Design Standards Manual, the Standard Specifications or any other ordinance of the City.

e. Amendments

This Contract may be amended only by a written instrument signed by the Developer, the Contractor and the City.

f. Liens and Assessments

If the Developer fails to comply with any of the provisions of this Contract, the City shall be authorized to cease issuance of any certificates of occupancy or building permits on property in the Subdivision owned by the Developer. Should the Developer fail to complete construction of the Community Facilities, in addition to any other remedy authorized by this Contract or by law, the City shall be authorized to complete such construction and file a mechanic's lien against the Developer's property in the Subdivision, or in the alternative, to levy an assessment against the Developer's property for public improvements in accordance with state law.

g. Continuity

This Contract shall be a covenant running with the land and shall be binding upon the Developer, its successors in title, heirs, assigns, grantees, trustees, and/or representatives.

h. Severability

If any of the terms, sections subsections, sentences, clauses, phrases, provisions, covenants or conditions of this Contract are held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the Contract shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

IN WITNESS WHEREOF, each of the parties has executed this Contract by its undersigned duly authorized representative as of the date first written above.

DEVELOPER:	CONTRACTOR:
BY: _____	BY: _____
TITLE: _____	TITLE: _____
ADDRESS: _____	ADDRESS: _____
_____	_____
THE CITY OF BURLESON:	
BY: _____ CITY MANAGER	
141 West Renfro Street Burleson, Texas 76028	

STATE OF TEXAS	§	
	§	<u>CITY</u>
COUNTY OF JOHNSON	§	

This instrument was acknowledged before me on the _____ day of _____, 200 _____, by _____, City Manager of the City of Burleson, Texas, a municipality, on behalf of said municipality.

[SEAL]

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

THE STATE OF TEXAS	§	
	§	<u>DEVELOPER</u>
COUNTY OF JOHNSON	§	

Before me _____, on this day personally appeared _____ known to me [or proved to me on the oath of _____, or through _____ (description of identity card or other document)] 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 consideration therein expressed.

Given under my hand and seal of office, this _____ day of _____, 200 _____.

[SEAL]

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

THE STATE OF TEXAS	§	
	§	<u>CONTRACTOR</u>
COUNTY OF JOHNSON	§	

Before me _____, on this day personally appeared _____, known to me [or proved to me on the oath of _____, or through _____ (description of identity card or other document)] 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 consideration therein expressed. Given under my hand and seal of office, this _____ day of _____, 200 _____.

[SEAL]

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

THE STATE OF TEXAS	§	<u>Maintenance Bond</u>
COUNTY OF _____	§	

KNOW ALL MEN BY THESE PRESENTS:

THAT _____ of _____ County, Texas, hereinafter referred to as "CONTRACTOR", and _____, a corporation organized under the laws of the State of _____ and authorized to do business in the State of Texas, hereinafter referred to as "SURETY", are held and firmly bound unto _____ and the CITY OF BURLESON, TEXAS, a municipal corporation located in Johnson County, Texas, hereinafter referred to as "CITY", in the penal sum of _____ DOLLARS (\$ _____) lawful money of the United States, to be paid in Burleson, Johnson County, Texas, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally; and firmly by these presents, the condition of this obligation is such that,

WHEREAS, CONTRACTOR entered into a certain contract with _____, dated the _____ day of _____, 20 _____. in the proper performance of which the CITY OF BURLESON has an interest, a copy of which is attached hereto and made a part hereof, for the construction of:

_____ ;NOW THEREFORE,

If CONTRACTOR will maintain and keep in good repair the work herein contracted to be done and performed for a period of two (2) years from the date of acceptance and do all necessary backfilling that may arise on account of sunken conditions in ditches, or otherwise, and do and perform all necessary work and repair any defective condition growing out of or arising from the improper joining of same, or on account of any breaking of same caused by said CONTRACTOR in laying or building same, or on account of any defect arising in any of said work laid or constructed by said CONTRACTOR, or on account of improper excavation or backfilling, it being understood that the purpose of this section is to cover all defective conditions arising by reason of defective materials, work or labor performed by said CONTRACTOR, then this obligation shall be void, otherwise to remain in full force and effect; and in case said CONTRACTOR shall fail to do so, it is agreed that CITY may do said work and supply such materials and charge the same against said CONTRACTOR and SURETY on this obligation, and said CONTRACTOR and SURETY herein shall be subject to the liquidated damages mentioned in said contract for each days' failure on its part to comply with the terms of said provisions of said contract.

Provided, further, that if any legal action is filed on this Bond, venue shall lie in Johnson County, Texas.

And, that said SURETY, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the work performed thereunder, or the plans, specifications, drawings, etc. accompanying same shall in any way affect its obligation on this Bond; and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the work to be performed thereunder.

The Undersigned and designated agent is hereby designated by SURETY herein as the resident agent in either Johnson or Tarrant Counties to whom any requisite notice may be delivered and on whom service of process may be had in matters arising out of such suretyship.

IN WITNESS WHEREOF, this instrument is executed on this the ____ day of _____, 20 ____.

WITNESS	CONTRACTOR
____ Signature	____ Signature
____ Typed/Printed Name	____ Typed/Printed Name
____ Address	____ Address
____	____
WITNESS	SURETY
____ Signature	____ Signature
____ Typed/Printed Name	____ Typed/Printed Name
____ Address	____ Address
____	____

The Resident Agent of the SURETY in either Johnson or Tarrant County, Texas, for delivery of notice and service of process is:

NAME ____

ADDRESS ____

NOTE: Date of Bond must NOT be prior to date of contract.

THE STATE OF TEXAS	§	<u>Performance Bond</u>
COUNTY OF _____	§	

KNOW ALL MEN BY THESE PRESENTS:

THAT _____ of _____ County, Texas, hereinafter referred to as "CONTRACTOR", and _____, a corporation organized under the laws of the State of _____ and authorized to do business in the State of Texas, hereinafter referred to as "SURETY", are held and firmly bound unto _____ and the CITY OF BURLESON, TEXAS, a municipal corporation located in Johnson County, Texas, hereinafter referred to as "CITY", in the penal sum of _____ DOLLARS (\$ _____) lawful money of the United States, to be paid in Burleson, Johnson County, Texas, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally; and firmly by these presents, the condition of this obligation is such that,

WHEREAS, CONTRACTOR entered into a certain contract with _____, dated the _____ day of _____, 20 _____. in the proper performance of which the CITY OF BURLESON has an interest, a copy of which is attached hereto and made a part hereof, for the construction of:

_____ ;NOW THEREFORE,

If CONTRACTOR shall well, truly and faithfully perform and fulfill all of the undertakings, covenants, terms, conditions and agreements of said contract in accordance with the plans, specifications and contract documents during the original term thereof, and any extension thereof which may be granted with or without notice to SURETY, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the covenants, terms, conditions and agreements of any and all authorized modifications of said contract that may hereafter be made, notice of which modifications to SURETY being hereby waived, then this obligation shall be void, otherwise to remain in full force and effect; and in case said CONTRACTOR shall fail to do so, it is agreed that CITY may do said work and supply such materials and charge the same against said CONTRACTOR and SURETY on this obligation, and said CONTRACTOR and SURETY hereon shall be subject to the liquidated damages mentioned in said contract for each days' failure on its part to comply with the terms of said provisions of said contract.

Provided, further, that if any legal action is filed on this Bond, venue shall lie in Johnson County, Texas.

This Bond is executed pursuant to the provisions of Chapter 2253 of the Government Code, as the same may be amended from time to time, and all liabilities on this Bond shall be determined in accordance with the provisions of said Chapter to the same extent as if they were fully copied at length herein.

Surety, for value received, stipulates and agrees that the Bond shall automatically be increased by the amount of any change order or supplemental agreement which increases the contract price with or without notice to the Surety and that no change, extension of time, alternation or addition to the terms of the contract, or to the work performed thereunder, or the plans,

specifications, or drawings accompanying the same shall in any way affect its obligation on this Bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the terms of the contract or to the work to be performed thereunder.

The undersigned and designated agent is hereby designated by SURETY herein as the resident agent in either Johnson or Tarrant Counties to whom any requisite notice may be delivered and on whom service of process may be had in matters arising out of such suretyship.

IN WITNESS WHEREOF, this instrument is executed on this the ____ day of _____, 20 ____ .

WITNESS	CONTRACTOR
____ Signature	____ Signature
____ Typed/Printed Name	____ Typed/Printed Name
____ Address	____ Address
____	____
WITNESS	SURETY
____ Signature	____ Signature
____ Typed/Printed Name	____ Typed/Printed Name
____ Address	____ Address
____	____

The Resident Agent of the SURETY in either Johnson or Tarrant County, Texas, for delivery of notice and service of process is:

NAME ____

ADDRESS ____

NOTE: Date of Bond must NOT be prior to date of contract.

THE STATE OF TEXAS	§	<u>Payment Bond</u>
COUNTY OF _____	§	

KNOW ALL MEN BY THESE PRESENTS:

THAT _____ of _____ County, Texas, hereinafter referred to as "CONTRACTOR", and _____, a corporation organized under the laws of the State of _____ and authorized to do business in the State of Texas, hereinafter referred to as "SURETY", are held and firmly bound unto _____ and the CITY OF BURLESON, TEXAS, a municipal corporation located in Johnson County, Texas, hereinafter referred to as "CITY", in the penal sum of _____ DOLLARS (\$____), lawful money of the United States, to be paid in Burleson, Johnson County, Texas, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally; and firmly by these presents, the condition of this obligation is such that,

WHEREAS, CONTRACTOR entered into a certain contract with _____, dated the _____ day of _____, 20____. in the proper performance of which the CITY OF BURLESON has an interest, a copy of which is attached hereto and made a part hereof, for the construction of:

_____;NOW THEREFORE,

If CONTRACTOR shall well, truly and faithfully perform its duties and make prompt payment to all persons, firms, subcontractors, corporations and claimants supplying labor and material in the prosecution of the work provided for in said contract, and any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to SURETY being hereby waived, then this obligation shall be void, otherwise to remain n full force and effect.

Provided, further that if any legal action be filed on this Bond, venue shall lie in Johnson County, Texas.

This Bond is executed pursuant to the provisions of Chapter 2253 of the Government Code, as the same may be amended from time to time, and all liabilities on this Bond shall be determined in accordance with the provisions of said Chapter to the same extent as if they were fully copied at length herein.

Surety, for value received, stipulates and agrees that the Bond shall automatically be increased by the amount of any change order or supplemental agreement which increases the contract price with or without notice to the Surety and that no change, extension of time, alternation or addition to the terms of the contract, or to the work performed thereunder, or the plans, specifications, or drawings accompanying the same shall in any way affect its obligation on this Bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the terms of the contract or to the work to be performed thereunder.

The Undersigned and designated agent is hereby designated by SURETY herein as the resident agent in either Johnson or Tarrant Counties to whom any requisite notice may be delivered and on whom service of process may be had in matters arising out of such suretyship. IN WITNESS WHEREOF, this instrument is executed on this the _____ day of _____, 20____.

WITNESS	CONTRACTOR

____ Signature	____ Signature
____ Typed/Printed Name	____ Typed/Printed Name
____ Address	____ Address
____	____
WITNESS	SURETY
____ Signature	____ Signature
____ Typed/Printed Name	____ Typed/Printed Name
____ Address	____ Address
____	____

The Resident Agent of the SURETY in either Johnson or Tarrant County, Texas, for delivery of notice and service of process is:

NAME ____

ADDRESS ____

NOTE: Date of Bond must NOT be prior to date of contract.

Date: _____

SWPPP POST-CONSTRUCTION
MAINTENANCE PLAN

Upon completion and final acceptance of a project, the Contractor responsible for inlet protection will be required to maintain all necessary devices installed until such time as devices are no longer needed.

City personnel will notify the Contractor when the inlet protection is no longer required. It will be the Contractor's responsibility to remove and discard any unnecessary devices in a satisfactory method.

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PROJECT:	_____

CONTRACTOR:	_____ (Name printed)
By:	_____ (Signature)
	_____ (Signer's name printed)

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 9.2 - Typical plat notes.

Plats with residential lots adjacent to a thoroughfare:

No direct residential access to (Street Name) will be permitted.

Plats with residential lots at street intersections:

Driveway approach locations on corner lots shall be located to approximately line up with the side of the house or garage that is farthest from the intersection.

Replats and amending plats:

This plat does not alter or remove existing deed restrictions or covenants, if any, on this property.

Plats with lots with any part contained within the floodplain: (For lots that are not required to submit a site plan or community facilities contract)

A floodplain development permit will be required for the following lots:

Plats containing private streets:

The private access and utility easement provides unrestricted use and maintenance of the property for utilities. This right extends to all utility providers. The easement also provides the City or County with the right of access for any purpose related to the exercise of a governmental service or function including, but not limited to, fire and police protection, inspection and code enforcement. The easement permits the City or County to remove any vehicle or obstacle within the street that impairs emergency access.

The following public services are not provided within this subdivision:

- Street Maintenance

- Routine Police Patrols
- Enforcement of Traffic and Parking Ordinance
- Preparation of Accident Reports
- Solid Waste Pickup

Plats containing drainage easements:

No fences or other structures will be allowed within the drainage easement.

All plats: (This note may need to be modified to correspond with the plat.)

The City of Burleson reserves the right to require minimum finish floor elevation on any lot within this subdivision. The minimum elevations shown are based on the most current information available at the time the plat is filed and may be subject to change.

All plats:

According to the Flood Insurance Rate Map (FIRM) Community Panel No. _____ dated _____ the subject property is located within the following zones: (choose as appropriate)

- Zone X - Areas determined to be outside the 500-year floodplain
- Zone X - Areas of 500-year flood
- Zone A - No base flood elevations determined
- Zone AE - Base flood elevations determined

Plats containing a private drainage easement for stormwater detention:

The City of Burleson is not responsible for the design, construction, operation, maintenance or use of any stormwater storage facility and associated drainage easements hereinafter referred to as "improvements," to be developed and constructed by developer or successors. Developer will indemnify, defend and hold harmless the City of Burleson, its officers, employees and agents from any direct or indirect loss, damage, liability or expense and attorneys' fees for any negligence whatsoever, arising out of the design, construction, operation, maintenance condition or use of the improvements, including any non-performance of the foregoing. Developer will require any successor in interest to accept full responsibility and liability for the improvements. All of the above shall be covenants running with the land. It is expressly contemplated that developer shall impose these covenants upon Lot(s) _____ abutting, adjacent or served by the improvements the full obligation and responsibility of maintaining and operating said improvements.

Plats with drainage easement dedicated for natural channel:

The City of Burleson is not responsible for the design, construction, operation, maintenance, or use of any natural creek and associated drainage easements, hereinafter referred to as "feature." Developer will indemnify, defend and hold harmless the City of Burleson, its officers, employees and agents from any direct or indirect loss, damage, liability or expense and attorneys' fees for any negligence whatsoever, arising out of the design, construction, operation maintenance, condition or use of the feature including any non-performance of the foregoing. Developer will require any successor in interest to accept full responsibility and liability for the feature. All of the above shall be covenants running with the land. It is expressly contemplated that developer shall impose these covenants upon Lot(s) _____ abutting, adjacent or served by the feature the full obligation and responsibility of maintaining and operating said feature.

The following notes will be placed on plats within the ETJ of Burleson:

Blocking the flow of water or constructing improvements in the drainage easements, and filling or obstruction of the floodway is prohibited.

The existing creeks or drainage channels traversing along or across this addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to drainage courses along or across said lots.

Johnson County will not be responsible for the maintenance and operations of said drainage ways or for the control of erosion.

Johnson County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flood conditions.

On-site sewage facility performance cannot be guaranteed even though all provisions of the Rules of Johnson County, Texas for Private Sewage Facilities are complied with.

Inspection and/or acceptance of a private sewage facility by the Johnson County Public Works Department shall indicate only that the facility meets minimum requirements and does not relieve the owner of the property from complying with County, State and Federal regulations. Private sewage facilities, although approved as meeting minimum standards, must be upgraded by the owner at the owner's expense if normal operation of the facility results in objectionable odors, if unsanitary conditions are created, or if the facility when used does not comply with governmental regulations.

A properly designed and constructed private sewage facility system, in suitable soil, can malfunction if the amount of water it is required to dispose of is not controlled. It will be the responsibility of the lot owner to maintain and operate the private sewage facility in a satisfactory manner.

Any public utility, including Johnson County, 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 or maintenance, or efficacy of its respective systems in any of the easements shown on the plat; and any public utility, including Johnson County, shall have the right at all times of ingress and egress to and from 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.

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 9.3 - Plat certification blocks.

For plats approved by the city council:

Approved by the City Council of Burleson, Texas

This the _____ day of _____, 20 _____ .

By: _____

Mayor

By: _____

City Secretary

For plats approved by the Planning and Zoning Commission:

Approved by the Planning and Zoning Commission of Burleson, Texas

This the _____ day of _____, 20____.

By: _____

Chair of Planning and Zoning Commission

By: _____

City Secretary

For plats approved by the development assistance committee:

Approved by the Development Assistance
Committee, Burleson, Texas

This the _____ day of _____, 20____.

By: _____

DAC Chair

By: _____

City Secretary

Surveyors certification (must also include seal with signature):

I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my supervision.

Signature

Date

Owner's certifications and notary:

For plats within the city:

KNOW ALL MEN BY THESE PRESENTS

That We, (names), Owners, do hereby adopt this plat designating the hereinbefore described property as (subdivision name), an Addition to the City of Burleson, _____ County, Texas, and do hereby dedicate to the public use forever all streets, rights-of-way, alleys and easements shown thereon. The City or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Burleson, Texas.

(owner signature)

STATE OF TEXAS

COUNTY OF; _____

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared (owner), 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.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ ,
20 _____ .

Notary Public in and for the State of Texas

For plats in the ETJ:

KNOW ALL MEN BY THESE PRESENTS

That We, (names), Owners, do hereby adopt this plat designating the hereinbefore described property as (subdivision name), an Addition to Johnson County, Texas, and do hereby dedicate to the public use forever all streets, rights-of-way, alleys and easements shown thereon. The City, County, or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City, County, or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Burleson, Texas or Johnson County.

(owner signature)

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared (owner), 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.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ ,
20 _____ .

Notary Public in and for the State of Texas

Johnson County recording information:

Plat Filed _____ , 20 _____ .
Slide _____ , Vol., _____ Pg. _____
Johnson County Plat Records
By: _____
County Clerk

Tarrant County recording information:

None. Tarrant County uses their own stamp.

Sec. 9.4 - Escrow contract for preliminary plat.

THE STATE OF TEXAS	§
COUNTY OF JOHNSON	§

For and in consideration of the mutual covenants and agreements herein contained, the City of Burleson Texas and _____, hereinafter called Developer, do hereby agree as follows, to wit:

WHEREAS, the current City policies (Community Facilities Policy) require that in new developments a Developer install improvements where required in or adjacent to said Development;

WHEREAS, the Developer has elected to develop _____ Addition to the City of Burleson, Johnson County, Texas (hereafter referred to as the "Subdivision"),

Now therefore, in lieu of the installation of excavation, curb and gutter, paving, sidewalk, water, sanitary sewer, and/or storm drainage facilities for _____ adjacent to the "Subdivision", Developer agrees to place in escrow \$ _____. This amount being based upon the attached cost estimate. The funds will be prorated by acreage for each phase of the subdivision and will be placed into an escrow account with the City prior to filing each plat. Developer agrees to execute subsequent escrow contracts for the development upon changes in lot count, acreage, land use or other factors affecting the escrow calculation. The escrow funds will be held in the sole name of the City of Burleson.

SIGNED AND EXECUTED this the _____ day of _____, 20 _____.

____ City Manager	____ Developer
ATTEST:	
____ City Secretary	

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)

Sec. 9.5 - Escrow agreement.

THE STATE OF TEXAS	§
--------------------	---

COUNTY OF JOHNSON	§

For and in consideration of the mutual covenants and agreements herein contained, the City of Burleson Texas and _____, hereinafter called Developer, do hereby agree as follows, to wit:

WHEREAS, the current City policies (Community Facilities Policy) require that in new developments a Developer install improvements where required in or adjacent to said Development;

WHEREAS, the Developer has elected to develop ____ lots known as _____ Addition to the City of Burleson, Johnson County, Texas (hereafter referred to as the "Subdivision"),

Now therefore, in lieu of the installation of excavation, curb and gutter, paving, sidewalk, water, sanitary sewer, and storm drainage facilities for _____ adjacent to the "Subdivision", Developer does hereby place in escrow \$ _____. This amount being is upon the attached cost estimate.

Further, the escrow funds will be held in the sole name of the City of Burleson. Developer relinquishes all claims now or at any future date to the escrow funds; the City of Burleson hereby agrees not to levy any additional costs to the Developer of _____ Addition now or at any future date for the installation of improvements for _____.

The City of Burleson will issue a building permit on the aforesaid property without the requirement of the excavation, curb and gutter, paving, sidewalk, storm drainage, water and sanitary sewer facilities on _____, as described herein, as per the Subdivision Ordinance, and upon deposit of Escrow Funds described herein.

SIGNED AND EXECUTED this the _____ day of _____, 20 _____.

____ City Manager	____ Developer
ATTEST:	
____ City Secretary	

(Ord. No. CSO#1215-12-2019, § 1, 1-6-2020)