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History:

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91-08	10/21/91	Amended 16.1.56
92-04	2/17/92	Added 16.1.23, 16.1.59; amended 16.1.58
92-07	7/20/92	Added 16.1.42 re standard specifications
93-03	2/18/93	
96-08	6/20/96	Added 16.1.37 re panhandle lots
97-01	4/17/97	Amended 16.1.64 re storm design frequency
01-10	12/13/01	Amended 16.1.52 re private ways

TITLE 16: LAND DEVELOPMENT

Chapter 16.1 - SUBDIVISIONS

ARTICLE I - GENERAL PROVISIONS

- 16.1.01 Title This chapter shall be known as the Subdivision Code or the Subdivision Ordinance of the City.
- 16.1.02 Authority This chapter is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapter 212 of the Texas Local Government Code.
- 16.1.03 Purpose The purpose of this chapter is to provide procedures and standards for the orderly, safe and healthful development of areas within the City and to promote the health, safety, and general welfare of the community.
- 16.1.04 Platting Required No person, firm, association or corporation shall subdivide land in the City except by platting of the same in compliance with Article 947a, V.T.C.S. and the rules and regulations provided in this chapter. No building permit shall issue for the construction of improvements on any property not platted as aforesaid, except under the conditions described in this paragraph. But notwithstanding the other provisions of this chapter, a replat shall not be a condition precedent to the issuance of a building permit when all of the following conditions shall exist:
- A. The tract or parcel of land is occupied by an existing single-family residential structure built pursuant to a duly issued building permit;
 - B. The permit applied for is for the purpose of altering, remodeling or enlarging the said existing single-family residential structure or of adding, altering, remodeling or enlarging a permitted accessory structure;
 - C. Both the existing structure and the proposed change conform to the zoning, building, electrical, plumbing, and other applicable ordinances of the City;
 - D. The area added by the remodeling or enlargement of a residential structure does not exceed 50% of the area of the preexisting structure.

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16.1.05 Implementation and Enforcement

- A. In the implementation of the standards and procedures of this chapter, the City shall insure that the developer makes appropriate new improvements or extends existing improvements so as to connect with existing or proposed improvements on adjacent properties in accordance with good engineering practice, having regard for the boundaries, topography, existing and proposed land uses and amenities of both the property being developed and adjacent properties, where such extensions and connections are consistent with or in furtherance of the comprehensive plan of the City for such improvements.
- B. The requirements of this chapter imposed on subdividers and developers of real property within the City shall be enforced by any available civil and/or criminal remedies.

16.1.06 Definitions For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this section:

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

“Applicant” The person or other entity seeking approval of a plat, replat, or any other City consent or action required by this chapter.

“Approved” Having approval of the appropriate authority of the City.

“Building Setback Line” The line within a property defining the minimum horizontal distance between a building and the adjacent right-of-way line.

“City Council” The governing body of the City.

“City Engineer” The person or firm appointed to such position by the City Council.

“Commission” The Planning and Zoning Commission of the City.

“Comprehensive Plan” The plan required by Section 211.004 of the Texas Local Government Code.

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

“Engineer” A person duly authorized under the visions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

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

“Owner” The person or other entity having legal ownership of real property which is subject to this chapter.

“Plat Administrator” The person designated by the City to receive and process submissions made pursuant to this chapter, and to enforce the terms hereof.

“Plat, Final” The official, permanent record of the division of land, approved or to be approved by appropriate bodies and recorded in the Plat Records of Tarrant County is compliance with the requirements of this chapter and Chapter 212 of the Texas Local Government Code.

“Plat, Preliminary” A working document normally precedent to a final plat, containing all planning factors deemed necessary by this chapter or the platting authority to determine the appropriate subdivision of land.

“Plat Revision” A revision of existing platted and approved lot lines resulting in not more than two (2) lots, when done pursuant to this chapter. Also Replat.

“Replat” See Plat Revision.

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

“Subdivision” A division of any tract of land situated within the corporate limits, in two or more parts, for the purpose of laying out any subdivision of any tract of land or any addition of any town or City, or for laying out suburban lots or building lots,

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or any lots, and streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision includes resubdivision, but it does not include the division of land for agricultural purposes in parcels or tracts of five acres or more and not involving any new street, alley or easement of access.

“Surveyor” Any person registered as a Registered Public Surveyor by the Texas Board of Land Surveying.

“Thoroughfare Plan” The plan for streets and thoroughfares contained in the comprehensive plan adopted by the City.

16.1.07 Approval Authority Except as elsewhere herein provided, the City Council shall be the final authority for the approval of preliminary and final plats and plat revisions, after review and comment of the Planning and Zoning Commission.

16.1.08 - 16.1.09 (Reserved)

ARTICLE II - SUBMISSION REQUIREMENTS

16.1.10 Time and Place of Filings All plats, replats, and associated materials required to be submitted for plat approval shall be received in the office of the City Secretary not later than 5:00 p.m. on the Tuesday four (4) weeks prior to the next regular meeting of the Planning and Zoning Commission of the City. The applicant shall meet with the Plat Administrator prior to the deadline stated above for the purpose of review of the content of the applicant’s submission. In the event a submission is revised in accordance with the City Engineer’s review and comment thereon but prior to Commission review, such revision shall be submitted to the Plat Administrator not less than ten (10) days prior to the Commission meeting at which the initial submission is scheduled to be heard. Otherwise, any such revision shall be deferred to a subsequent Commission meeting.

16.1.11 Reproduction and Form Requirements Twenty (20) paper prints (white paper with blue or black lines) of each exhibit required herein, each of which shall be folded to 8 1/2 X 14 inches, shall be submitted for both preliminary and final plats. In addition, a reproducible transparency shall be submitted with the Final Plat.

16.1.12 Plat Fee The initial submission to the City of any preliminary or final plat revision shall be accompanied by the processing fee prescribed therefor as provided in Chapter 3.3 of this Code.

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ARTICLE III - APPROVAL EXPIRATIONS

- 16.1.13 Preliminary Plats Approval of the Preliminary Plat shall expire twelve (12) months from the date of said approval, unless a final plat of the property or an increment thereof has been approved and filed of record in the Plat Records of Tarrant County, Texas. The expiration date may be extended by the Council upon petition by the owner prior to the expiration of the preliminary plat.
- 16.1.14 Final Plats and Replats Approval of a final plat or replat shall be void unless necessary fiscal agreements have been approved by the City. Within fourteen (14) days of the final plat or replat approval and compliance with all stipulations of approval and payment of fees and assessments and current and delinquent taxes due, the final plat or replat shall be recorded in the Plat Records of the County by the City. The final plat or replat shall not be returned or released to the subdivider until recorded as provided above. A final plat or replat which has not been recorded within one (1) year of the date of approval shall be invalid. The Council may extend the expiration date of an approval final plat or replat upon petition by the owner for such extension prior to the expiration of the final plat or replat.

ARTICLE IV - PRELIMINARY PLATS

- 16.1.15 Purpose The Preliminary Plat is intended to show all the planning factors necessary to enable the proper municipal approving authorities to determine whether the proposed plan for land development is satisfactory from the standpoint of public interest. The Preliminary Plat should be prepared by qualified professionals trained and experienced in subdivision design. The Preliminary Plat and the review thereof are intended to produce a subdivision design in which all planning factors have been recognized and reconciled, as distinguished from the Final Plat, in which the engineering factor of dimensional precision is the predominant objective.
- 16.1.16 Scale The Preliminary Plat shall be drawn to a scale of 1" = 100' or 1" = 50' provided that under special conditions a smaller or larger scale may be accepted when prior approval of the City Engineer has been obtained.
- 16.1.17 Contents The Preliminary Plat shall contain the following information:
- A. Ownership and Identification
1. Name of subdivider, record owner and volume and page of record ownership in the Tarrant County Deed Records, and land planner, engineer or surveyor.

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2. Proposed name of the subdivision.
3. Location of subdivision by city, county and state.
4. Key map showing location of tract by reference to existing streets or highways.
5. Date of preparation, scale of plat and north arrow.
6. Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision.
7. Names of the owners of contiguous parcels of unsubdivided land, the names of contiguous subdivisions, and the lot patterns of these subdivisions shown by dotted or dashed lines.
8. Location of the City limit lines, if they transverse the subdivision, or form part of the boundary of the subdivision, or are contiguous to such boundary.
9. The street intersections on the perimeter of the subdivision.

B. Existing Conditions

1. The location, dimensions, name and description of all existing or recorded public and private right-of-way, including easements, within the subdivision as well as those intersecting or contiguous with its boundaries or forming such boundaries.
2. The location, dimensions, identification or name of all existing or recorded residential lots, parks and public areas within the subdivision.
3. Permanent structures and uses within the subdivision, including location of houses, barns, walls, wells, tanks, and other significant features that will remain.
4. The location, dimensions, description, and flow line of existing drainage structures and the location flow line and flood plain as defined by the appropriate U.S.C.E. study of existing water courses within the subdivision.

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5. Utilities on the tract, specifying size of lines.
6. Topography shown by contour lines on a basis of five feet vertical interval in terrain with a slope of two percent or more, and on a basis of two feet vertical interval in terrain with a slope of less than two percent; datum shall be that of the United States Coast and Geodetic Survey.
7. If there is no adjacent subdivision, a map on a small scale shall be included with the preliminary plat, and oriented the same way, to show the nearest subdivision in each direction; it shall show how the streets, alleys, or highways in the subdivision submitted may connect with those in the nearest subdivision, if it affects the subdivision design.

C. Proposed Layout

1. Any major proposed changes in topography shown by contour lines on a basis of five feet vertical interval in terrain with a slope of two percent or more, and on a basis of two feet vertical in terrain with a grade of less than five percent; datum shall be that of the United States Coast and Geodetic Survey.
2. The location, dimensions, description and purpose of all proposed alleys, drainage ways, parks, open spaces, other public areas, easements, streets or other rights-of-way, blocks, lots and other sites within the subdivision.
3. A number or letter to identify each lot or site and each block; and, the proposed name of each street in the subdivision.
4. Data specifying the gross area of the subdivision, the proposed number of residential lots, the area of each lot, the area in residential use, the approximate area in parks, streets, and in other non-residential uses.
5. All building setback lines on all lots and tracts.
6. Before consideration of a preliminary plat by the Planning and Zoning Commission, owners of the tract or subdivision shall submit to the City Engineer, for his approval, a map or plat showing the location of water and sanitary sewer mains which will be required to insure adequate service and fire protection to the lots specified in such proposed tract or subdivision.

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7. A “preliminary drainage study” shall be submitted to the City Engineer concurrent with the submittal of any preliminary plat to the City.

16.1.18 Substantial Changes If substantial changes are made in a Preliminary Plat after its approval by the City, a revised Preliminary Plat shall be prepared and submitted for approval prior to the preparation of the final plat. The Commission shall determine if such a substantial change in the Preliminary Plat has been made.

16.1.19 Effect of Disapproval After disapproval of the Preliminary Plat, the subdivider may at any time submit a new design for City approval following the same procedure as required for the original application. No resubmission, and no new fee, shall be required when City disapproval is for the purpose of further study or hearing by the City; provided, that any such resubmission shall be made within 45 days after disapproval unless a longer resubmission period is specifically authorized by the Commission or Council.

ARTICLE V - FINAL PLATS

16.1.20 Purpose The Final Plat is that instrument which becomes the official accurate, permanent record of the division of land. It shall conform to the preliminary plat, subject to the terms of 16.1.18 hereof. The Final Plat shall be clearly and legibly drawn in ink on reproducible material and shall be certified as hereinafter provided. It may include all or only a portion of the area of the approved Preliminary Plat. No subdivision plat may be recorded and no lot therein may be sold until a Final Plat has been approved. Any plat not clearly and legibly drawn shall be rejected.

16.1.21 Scale The Final Plat shall be drawn to a scale of 1”-100’ or 1” = 50”, provided that under special conditions a smaller or larger scale may be accepted when prior approval of the City Engineer has been obtained.

16.1.22 Contents The Final Plat shall contain the following information:

A. Reference and Identification

1. Title or name of subdivision, written and graphic scale, north arrow, date of plat and key map.
2. Location of the subdivision by city, county and state.

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3. Primary control points or descriptions and ties to such control points, to which dimensions, angles, bearings and similar data on the plat shall be referred. At least one corner of a subdivision shall be tied by course and distance to one or more of the following:
 - (a) A corner of the survey in which the property is located;
 - (b) A corner of a platted lot; or
 - (c) A block corner or subdivision corner of an adjacent or nearby platted subdivision.
 4. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines.
 5. Adequate relocation data in order to reproduce the subdivision on the ground.
 6. Approved name and right-of-way width of each street as measured from centerline.
 7. Locations, dimensions and purposes of any easements or other right-of-way.
 8. Identification of each lot or site and block by letter or number.
 9. Boundary lines and names of open spaces to be dedicated for public use or granted for use of the inhabitants of the subdivision.
 10. Reference to recorded subdivision plats of adjoining platted land by record name, County Clerk's volume and page numbers and reference by record name of ownership of adjoining unplatted property.
 11. Total number of lots and total acreage contained in the subdivision and the area, in square feet, of each lot.
- B. The Final Plat shall also include reproducible acknowledgment, endorsements and certifications in the form shown in the Appendices to this chapter, which include the following:
1. Owner's Certificate - Form of Dedication for Individual or Individuals.

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2. Owner's Certificate - Form of Dedication for Corporations.
3. Surveyor's Certificate.
4. City Approval Statement.
5. Statement Acknowledging Visibility Triangle.
6. Deed Restriction Certification Statement.

16.1.23 Contract conditions precedent to final plat The execution and delivery to the City of development contracts, one or more, in a form approved by the City, together with performance and maintenance bonds acceptable to the City for the full contract amounts, shall be a condition precedent to the approval of a final plat of any property in the City. For the purpose of this section, a "development contract" means a contract for the construction of streets, storm drains, water distribution and sanitary sewer systems as shown on the approved preliminary plat of the same property.

16.1.24 (Reserved)

ARTICLE VI - PLAT REVISION

16.1.25 Purpose A Plat Revision is a revision of existing platted and approved lot lines resulting in not more than two (2) lots for the purpose of creating a more buildable area, when the revision is without change of street location, and without substantial effect on City services, drainage or adjacent properties; or, a plat which in any way revises an existing recorded plat.

16.1.26 Process Chapter 212 of the Texas Local Government Code requires that the City implement certain procedures regarding plat revisions (i.e. any plat that in any way revises an existing recorded plat) as outlined below. The procedures apply only to subdivision plats, i.e. the revision of an original one lot plat which has not been subdivided is not subject to the requirements outlined below.

16.1.27 Plat Revisions Requiring Public Hearing

- A. Replats or revisions involving property zoned SF-1 or SF-2 currently or within the preceding five (5) years, or which do not show an executed deed restrictions statement shall be processed as provided in Section 212.015 of the Texas Local Government Code.

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- B. Plat revisions of property which has not been zoned SF-1 or SF-2 currently or within the last five (5) years and which contain a certification stating that no deed restrictions exist on the property which require one or two dwelling units per lot shall be processed as follows:
 - 1. A public hearing is called.
 - 2. Notice of hearing is published by posting 72 hours in advance for the Planning and Zoning Commission agenda on which the proposed revision is scheduled for hearing. No other publication or notification is required nor does the provision for protest apply.

16.1.28 Plat revisions exempt from public hearing requirements

- A. Plat revisions of an original one lot plat which has not been subdivided are exempt from public hearing requirements.
- B. If the immediately preceding plat or replat of the subdivision has been vacated in accordance with procedures outlined in state law, no public hearing will be required.
- C. If all property owners within the previous subdivision join in the replat by certification on the replat, no public hearing will be required.
- D. If the proposed revision involves only a correction of error as described below, no public hearing will be required:
 - 1. To correct error in course or distance shown on the prior plat.
 - 2. To add any course or distance that was omitted in the prior plat.
 - 3. To correct an error in the description of the real property shown on the prior plat.
 - 4. To indicate monuments set after death, disability or retirement from practice of the engineer or surveyor charged with responsibility for setting monuments.
 - 5. To 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;

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6. To correct any other type of scrivener or clerical error or omission as previously approved by the City Planning Commission or governing body of such City; such errors and omissions may include, but are not limited to, lot numbers, acreage, street numbers, and identification of adjacent recorded plats.
7. To 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.
8. To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement.
9. To 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:
 - (a) attempt to remove recorded covenants or restrictions; or
 - (b) increase the number of lots; or
10. To make necessary changes to the prior plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the prior plat if:
 - (a) the changes do not affect applicable zoning and other regulations of the City;
 - (b) the changes do not attempt to amend or remove any covenants or restrictions; and
 - (c) the area covered by the changes is located in an area that the City Planning Commission or governing body of the City has approved, after a public hearing, as a residential improvement area.

16.1.29 Waiver Prior to Planning and Zoning Commission approval of a plat revision involving three (3) or more lots, a revised preliminary plat meeting the requirements hereof shall be submitted and approved. The Council may waive the

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requirement for a revised preliminary plat when the plat revision is without s Significant change of street right-of-way location or width, does not substantially increase the number of lots and does not have substantial effect on City services, drainage or adjacent properties. When required, the revised preliminary plat shall include all the area within the limits of the original preliminary plat except those areas which have unexpired final plat approval.

16.1.30 Other Requirements All requirements of Article IV and V shall be satisfied in the processing and recording of plat revisions as set forth in this article.

16.1.31 - 16.1.34 (Reserved)

ARTICLE VII - DEVELOPMENT STANDARDS

16.1.35 General In addition to the standards contained in article VIII through X of this chapter, subdivision development shall be done in accordance with the following:

A. Block Length

1. The maximum block length for residential development shall be 1600 feet, measured along the center of the block.
2. The maximum block length along thoroughfares shall be 1600 feet, except under special conditions and upon approval by the City Council.

B. Street Names

1. Street names shall be continuations of existing street names adjacent thereto or on line therewith, if such names are not duplications.
2. Proposed new names must be submitted to the City for checking prior to the plat submittal.

16.1.36 Engineering Data The final plat shall show the following engineering data:

A. For streets:

1. Complete curve data (central angle, L,R,P.C., P.R.C., P.T.) shown on center line or each side of street.

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2. Length and bearings of all tangents.
 3. Dimensions from all angle points and points of curve to an adjacent side lot line.
- B. Complete bearings and dimensions for front, rear, and side lot lines.
- C. Water courses and easements which are adequate to carry water in accordance with the design requirements of the City. Drainage easements shall be dimensioned by distances and bearings; and, where easements shall be dimensioned by distances and bearings; and, where easements cross lot lines, the distance from the lot corners shall be shown.

16.1.37 Lots The lot design of a neighborhood should provide for lots of adequate width and depth to provide open area and to eliminate overcrowding. Lots should be rectangular so far as practicable and should have the side lot lines at right angles to the streets on which the lot faces or radial to curved street lines.

- A. All lots shown on the plat shall comply with all regulations prescribed therefor in the zoning ordinance of the City relating to the zoning district in which said lots are located.
- B. Minimum lot sizes, single family residential:
1. Lots area minimums shall be as provided in the zoning ordinance of the City.
 2. Corner lots with a minimum required width should be at least 5 feet wider than the average interior lots in the block.
 3. Corner lots with a minimum required width siding on a major thoroughfare should be at least 15 feet wider than the average width of interior lots in the block.
 4. Lots facing or backing on a major thoroughfare shall be at least 10 feet deeper than average interior lot depth.
 5. Lot width shall be the average of the front and rear lot line dimensions.
 6. Minimum usable lot depths for lots backing on natural drainage easements shall be 70 feet between front lot line and drainage easement.

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7. Lots fronting on curved streets shall have a minimum Lot width of 80 feet measured at the building line.

C. A panhandle lot is a lot, other than a cul-de-sac lot, a portion of which is not of a buildable width. The following shall govern the platting of panhandle lots:

1. No plat containing a panhandle lot will be approved unless there is no practical way, by reason of the dimensions of all of the contiguous property of the developer, that the property can be developed conventionally - i.e., with a standard minimum lot width
2. Panhandle lots shall not be permitted in non-residential zoning districts.
3. The minimum width of the panhandle shall be 25 feet.
4. Access to the primary building on the lot shall be by means of all-weather surface meeting the minimum standards of 16.1.58 of this chapter.
5. The all-weather access shall have a turning radius meeting the minimum standards of 16.1.49 E 4 of this chapter.

16.1.38 Numbering

- A. Blocks shall be numbered consecutively within the overall plat and/or sections of an overall plat are recorded. Block numbers shall be assigned by the City Engineer.
- B. All lots shall be numbered consecutively within each block.

16.1.39 Building Lines No building lines shall be shown on final plats.

16.1.40 Easements

- A. With reference to drainage easements:
 1. The location and width shall be determined by the City Engineer.
 2. Easements for drainage on or adjacent to lots, tracts, or reserves shall be noted:

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“This easement shall be kept clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility, and abutting property shall not be permitted to drain into this easement except by means of an approved drainage structure.”

The outfall flow line of the easement shall be within an approved drainage structure.

- B. Utility easements shall be coordinated with the needs of public and private utility companies.

16.1.41 Development Plan Review In addition to the other requirements of this chapter, the builder, owner or developer of any non-residential, planned development or multi-family residential development shall, prior to the issuance of any building permit therefor, submit to the City for its review and approval a development plan for the property on which said development is to be located. The plan shall include the developer’s proposed location and size of water, sewer and street facilities and means of accommodating drainage and shall include such other engineering information as may be specified by the City Engineer. This section shall apply to such developments whether or not platting of the property then occurs, but shall not be required when such a plan was previously submitted, reviewed and approved by the City at the time of platting. The submission shall be accompanied by a review fee as prescribed in chapter 3.3 of this code.

16.1.42 Adoption of Standard Specifications The “Standard Specifications for Public Works Construction”, Second Edition, 1987, together with the 1991 Amendments, as published by the North Central Texas Council of Governments, is hereby adopted as the minimum standard for public works construction in the City; provided, that in the event of conflict between the said Standard Specifications and the provisions of this code, the latter shall govern. (93-03)

16.1.43 - 16.1.44 (Reserved)

ARTICLE VIII - STREETS AND OTHER RIGHTS OF WAY STANDARDS FOR SIDEWALKS

16.1.45 Streets, General Requirements The street pattern of a neighborhood should provide adequate circulation within the subdivision and yet discourage excessive through traffic on the local streets. This may be accomplished by providing adequate major thoroughfares spaced at appropriate intervals in accordance with the Thoroughfare

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Plan and collector streets within neighborhoods spaced to provide reasonable access to all points in the neighborhood. The following general requirements shall be applied in any subdivision that involves one or more streets of any classification.

- A. The streets of a proposed subdivision shall conform to the general intent of the Thoroughfare Plan. To insure adequate access to each subdivision, there should be at least two (2) planned points of ingress and egress, except that cul-de-sacs may be permitted when the same comply with paragraph B3 of this section.
- B. Curvilinear design:
 - 1. Subdivisions of lots intended for single-family dwellings shall be designed to provide for all minor and local streets in a curvilinear manner, except when:
 - (a) In the determination of the Planning and Zoning Commission and Council, the shape or topography of the subdivision, existing zoning or the pattern of the adjacent street system would make the provision of such curvilinear streets impractical;
 - (b) The subdivision is part of and conforms to an unexpired preliminary plat approved prior to June 16, 1986; or
 - (c) The subdivision contains ten (10) or less gross acres of land and was not acquired by the subdivider or conveyed out of a larger tract of land without benefit of plat approval and recording in accordance with the provisions of this chapter.
 - 2. The maximum centerline radius for such streets shall be eight hundred feet (800').
 - 3. All cul-de-sacs and blocks having a length of eight hundred feet (800') or less shall be considered as meeting the intent of the curvilinear street standards provided each end of the frontage street terminates at the block's end.
 - 4. The requirements contained herein of curvilinear streets shall be deemed complied with if fifty percent (50%) of the lots fronting on local streets within the subdivision have a curved front lot line for more than fifty percent (50%) of the lot frontage.

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- C. Proposed streets in a subdivision shall be effectively related to the present and future street system and development of the surrounding area. Any proposed streets shall provide for appropriate continuation or completion of any existing streets, whether constructed or dedicated, which project to the limits of the proposed subdivision. In the event that dead-end streets, either dedicated or constructed, are not to be extended, permanent turnaround facilities shall be constructed by the developer not extending such street. Appropriate provision shall be made for access to adjoining un-subdivided land.
- D. Minor or local streets should be planned to serve only local traffic.
- E. All streets should be planned so that all resulting lots shall be of sufficient size and shape to conform to applicable zoning regulations.

16.1.46 Streets, Right-of-Way The Subdivider shall provide for or cause the dedication of right-of-way within the subdivision, as follows:

	<u>Right-of-way</u> <u>Width</u>
Major Streets	As Approved by City Council
Collector	60 feet
Minor or Local Street	50 feet
Alley	20 feet

The right-of-way, in any event, shall be of such width that side slopes, if required, would not be steeper than three (3) horizontal to one (1) vertical within the limits of the dedicated right-of-way.

16.1.47 Streets, Design Construction Costs

- A. The subdivider shall be responsible for design and construction of all streets within the subdivision development, including all costs thereof.
- B. When developing properties abutting state highways, state highway right-of-way, or land owned by the State for the purpose of highway construction, the subdivider shall be, regardless of the zoning classification of his property, responsible for the costs of construction of sidewalks, curbs and gutters, if any of such are required by the City Council.
- C. The subdivider shall construct all internal streets at the time of development unless it is determined by the City Council, on the recommendation of the City Engineer, that it is not then feasible to do so.

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- D. The City shall require the subdivider to construct or improve that portion of existing roadways bordering, abutting, or within a proposed subdivision if such construction is necessary for safe and convenient travel to or through the subdivision.

16.1.48 Streets Access

- A. The subdivision plat shall relate each lot to a public street so that safe and convenient access is assured.
- B. To minimize traffic hazards from numerous points of access onto major streets, where any subdivision of single-family detached residences will abut on or contain an existing or proposed major street, the plat shall preclude direct vehicular access from any lot to such street. Where other means of access are not available or permitted, alleys or private easements for access shall be provided.
- C. Where a subdivision will abut or contain an existing or proposed major street, the plat shall provide a minimum number of access points from each arterial street, so distributed as to afford the safest and most efficient traffic movement.

16.1.49 Design Requirements

- A. The alignment and design of streets should be such that major streets have a safe running speed of 40 miles per hour, collector streets have a safe running speed of 30 miles per hour, and minor streets have a safe running speed of 20 miles per hour.
- B. No street intersecting a major street shall vary from 90 degree angle of intersection by more than 10 degrees.
- C. The number of minor or local street offsets should be minimized but, when approved, should offset a minimum distance of one hundred twenty-five feet (125') on centerlines.
- D. Horizontal Alignment:
 - 1. The following minimum centerline radii shall be used in the design of all street construction:

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<u>Type Street</u>	<u>Minimum Radius</u>
Major	1,000 feet
Collector	600 feet
Minor or local	As approved by City Council after recommendation of City Engineer.

2. Reverse circular curves having a common tangent shall be separated by a tangent section in accordance with the following table:

<u>Type Street</u>	<u>Minimum tangent between curves</u>
Major	200 feet
Collector	100 feet
Minor or local	As approved by City Council after recommendation of City Engineer.

E. Vertical Alignment:

1. No streets shall be designed or constructed to a grade of less than one-half of one percent (0.5).

2. No streets shall be designed or constructed with grades in excess of the following:

<u>Type Street</u>	<u>Maximum grade</u>
Major	6.0%
Collector	8.0%
Local or Minor	As approved by City Council after Recommendation Of the City Engineer.

3. In order to maintain adequate sight distances, the following minimum lengths of vertical curves shall be required:

<u>Type Street</u>	<u>Minimum vertical curve length</u>
Major	50 feet for each algebraic percent difference in grade.
Collector	50 feet for each algebraic percent difference in grade.
Local or Minor	As approved by the City Council after recommendation by the City Engineer.

4. The minimum radius for the back of curb on a cul-de-sac shall be 40.5 feet.

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5. The minimum radius for curb returns at intersections shall be as follows:

<u>Street type</u>	
Major/Major	35 feet
Major/Collector	30 feet
Collector/Collector	30 feet
Major/All Others	30 feet
Collector/All Others	20 feet

- F. In the case of existing topographic features which prohibit the reasonable use of the above-specified design requirements, consideration will be given for a variation. A request for such a variation must be made in writing to the City Engineer for his approval and must include an accurate topographic map of the area in question showing the proposed design.

16.1.50 DeadEndStreets

- A. Dead end streets shall be permitted only where a future extension or connection is to be made. In such cases, the City Council may require an adequate cul-de-sac.
- B. Proper provision shall be made for adequate storm drainage at the ends of dead end streets.
- C. Appropriate barricades and other traffic controls shall be installed by the developer at dead ends.

16.1.51 Visibility Triangles There shall be provided at the intersection of all public streets visibility triangles, each street side thereof having a length of not less than 25'.

16.1.52 Other Access Ways

- A. Private ways: The developer may, upon approval by the City Council, choose to provide private ways in the subdivision plans. Construction and maintenance of private ways shall be the responsibility of the developer and/or subsequent owners of the property and shall comply with applicable provisions of this chapter..

Gates across private ways shall not be permitted in any development planned or built after the date of adoption of this sub-paragraph. (Adopted by Ordinance 01-10 on 12-31-2001.)

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B. Easements:

1. Easements for utilities, drainage, and other comparable purposes shall generally be located along the said or rear lot lines.
2. Utility easements shall be a minimum of fifteen feet (15') in width unless otherwise established by the City Council on the recommendation of the City Engineer.
3. Drainage easements, under normal conditions, shall be measured from the centerline of creeks, ditches or drainage channels, and shall be of a width sufficient to adequately serve the intended purposes.
4. The City Council may require, in order to facilitate access from roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed walkway or bikeway easements.

16.5.53 Engineering and supervision

- A. The owner shall employ a civil engineer, experienced in street design and duly licensed to practice in the State of Texas, for the preparation of street plans and profiles. These plans shall be subject to the review and acceptance of the City Engineer. Construction shall explicitly follow the approved plans unless specific written concurrence is obtained from the City Engineer or his authorized designee for deviations from said plans.
- B. The owner shall employ his own registered public surveyor or civil engineer to provide construction staking for the street facilities. The City shall provide inspection services during the construction; however, such inspection shall be only for the purpose of insuring that the City-approved plans and specifications are complied with. In any event, the owner and the owner's engineer shall retain responsibility for the design and for insuring that construction is completed in accordance with the City-accepted plans and specifications.

16.1.54 Contractors All the streets shall be constructed by a qualified contractor employed by the owner. qualification shall be determined by the City Council based on work history, and qualification requirements shall be equally applicable to all contractors.

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- A. The contractor shall ensure that the City is notified forty-eight (48) hours prior to the start of any construction of street facilities. The Contractor shall also insure that, when applicable, proper authorities of the Texas Department of Highways and Public Transportation, franchised utility companies, railroads or other affected interests are notified of commencement of construction.
- B. The paving contractor shall furnish to the City Engineer, before beginning any of the paving operations, three executed sets of the required three—way contract documents, including payment, performance and maintenance bonds. The form of these documents shall be provided to the contractor by the City.
- C. When no financial participation of the City is involved, a three-party subdivision contract shall be deemed accepted by the City when: (i) the City Engineer has reviewed the subdivision plans and specifications and has determined that the same comply with all applicable City standards; (ii) the City Attorney has approved the contract documents as to form; (iii) the Mayor or Mayor pro tem has signed the contract on behalf of the City; and (iv) the City has given the Contractor notice to commence work.

16.1.55 Participation If the owner chooses to construct a wider street than required by the City or by this chapter, the owner shall pay the entire cost for the street. However, in the event the City is required to participate in the construction costs as provided in this chapter, the City shall reimburse its proportionate share to the owner upon completion and acceptance of the streets and drainage improvements. If applicable, impact fee offsets or credits may be applied as the City's proportionate share is accordance with 16.2.11 in Chapter 16.2 of this code.

16.1.56 Ownership and Maintenance

- A. All street paving constructed in connection with the subdivision or new development within dedicated public right-of-way shall be and shall remain the property of the City and, after expiration of the maintenance bonds, shall be maintained by the City.
- B. If any access ways, open space or recreational areas are to remain private, such areas shall be maintained by and deeded to a homeowners' association or a trustee. No plat or master development plan containing a reservation of private access way, open space or recreational area shall be approved until

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the applicant shall have filed with the City Secretary a declaration of the covenants and restrictions that govern such association or trustee, and shall have received approval of the same from the Planning and Zoning Commission and the City Council. Such instrument shall be approved by the City Attorney as to legal form and effect, and by the Planning and Zoning Commission as to the suitability of the proposed use of the proposed open space and recreational areas. Notwithstanding the foregoing provisions of this paragraph, the City Council may require maintenance of a private access way by means other than those described in this paragraph, after review by the Planning and Zoning Commission and approval by the City Attorney, when the Council deems that such other means are adequate to insure that maintenance is perpetually at private expense.

- C. The covenants and restrictions, when submitted, shall provide: for establishment of the homeowner's association or trust prior to the sale of any part of the property; that open space restrictions and maintenance shall be permanent; that the homeowners are liable for the payment of maintenance fees and capital assessments; that unpaid homeowner's fees and assessments will be a lien on the property of the delinquent homeowners; that the association or trustee shall be responsible for liability insurance, taxes and perpetual maintenance; that membership shall be mandatory for each homeowner and any successive buyer; and, that each homeowner, at the time of purchase, shall be furnished with a copy of the approved restrictions or conditions.
- D. Approved covenants and restrictions will be recorded in appropriate county records by the City concurrent with the recording of the Final Plat of the property subject to such covenants and restrictions.

16.1.57 Construction Requirements

- A. The streets including parkways, shall be excavated to the line and grade shown on the construction plans accepted by the City Engineer.
- B. Sewer services to be located in the street right-of-way shall be constructed to the property line, and water services shall be constructed to a point two feet (2') back of the curb, prior to the preparation of the street subgrade. All trenches shall be backfilled in accordance with the City's standard specifications therefor.

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- C. Standard curb and gutter shall be constructed on both sides of the street, and in medians, where applicable, including all curbs returns where required, in accordance with the standard specifications and to the end of the line and grade shown on the construction plans accepted by the City Engineer.
- D. Standard pavement widths and sections shall be constructed on prepared subgrade in accordance with the standard specifications. Pavement widths shall be measured from back of curb to back of curb. These widths shall be as shown in the Thoroughfare Plan and, where not shown therein, the minimum widths and thicknesses shall be as shown in table 16.1.57 hereof.

TABLE 16.1.57

<u>Street Classification</u>	<u>Minimum pavement width</u>	<u>Minimum pavement thickness</u>	<u>Minimum wheel loadings</u>
Local or Minor	31 feet	6 inches* 5 inches**	5,000 lbs.
Collector	38 feet	7 inches* 6 inches**	9,000 lbs.
Major	Directed by City Council	8 inches* 7 inches**	18,000 lbs.
Alley	20 feet	5 inches**	

* Hot mix asphaltic concrete

** Portland cement concrete

- E. Where the plasticity index of the natural soil is equal to or exceeds twenty (20), lime stabilization shall be required. A minimum of six percent (6%) by weight lime to a depth of eight inches (8") shall be required. Where the plasticity index of the natural soil is less than twenty (20) but equal to or greater than fifteen (15), lime stabilization may be required if, in the opinion of the City Engineer, it is necessary in order to achieve a proper subgrade. Soil samples for determining the plasticity index of the natural soils shall be taken at locations specified by the City Engineer and shall be paid for by the owner. At the owner's option and expense, a lime series may be made by a qualified testing firm, and lime may then be applied at the optimum rate indicated by the test.

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- F. When a proper subgrade cannot be constructed in soils having a low plasticity index, cement stabilization may be required when deemed necessary by the City Engineer.
- G. All construction shall be in accordance with the Standard Specifications of Public works Construction, and all amendments thereto, as adopted by the North Central Texas Council of Governments.

16.1.58 Private Access Ways All private access ways that provide the primary vehicular access to two or more residential lots to be developed as single-family residences shall have: a minimum pavement width of twenty (20) feet; a minimum pavement thickness of five inches (5”) of reinforced portland cement concrete or six inches (6”) hot mix asphaltic concrete over a compacted base; and, a minimum wheel load of five thousand (5000) pounds.

16.1.59 Driveway and Parking Area Standards All private driveways, private access ways, and parking areas shall comply with the following applicable design and construction standards:

A. Design Standards

- 1. Driveways shall be designed and built in compliance with the minimum standards contained in Table 16.1.59-A.

TABLE 16.1.59-A

REQUIREMENTS	STREET CLASS	RESIDENTIAL (SF) DRIVE	APARTMENT (MF) COMMERCIAL DRIVE
Throat width	Local	10-28 feet	24-36 feet
	Collector	10-28 feet	24-36 feet
	Arterial	12-28 feet	30-36 feet
Curb radius	Local	5-10 feet	10-20 feet
	Collector	10-15 feet	15-20 feet
	Arterial	15 feet	20-30 feet
Minimum centerline spacing along roadway	Local	15 feet	100 feet
	Collector	15 feet	150 feet
	Arterial	100 feet	250 feet (Note 1)
Driveway angle (Note 2)		70-90 degrees	90 degrees

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TABLE 16.1.59-A (continued)

REQUIREMENTS DRIVE	STREET CLASS	RESIDENTIAL (SF) DRIVE	APARTMENT (MF) COMMERCIAL DRIVE
Minimum distance from Drive to intersection (Note 3)	Local	30 feet	75 feet
	Collector	50 feet	100 feet
	Arterial	100 feet	1880 feet
Maximum approach Grade (Note 4)	Local & collector	+9%	+6%
	Arterial	+6%	+3%
Minimum approach Length (Note 5)	Local & collector	6 feet	9 feet
	Arterial	9 feet	17 feet

NOTES TO TABLE 16.1.59-A:

1. Driveways on arterials served by deceleration lanes may be spaced at 200 foot minimum intervals.
2. Driveway angle is measured as the intersection of the centerline of driveway with the future street curb line, and extending a minimum of twenty feet (20') from the future curb line.
3. The minimum distance from drive to intersection is the distance measured from intersection of extended property lines to the centerline of the driveway.
4. The Maximum Approach Grade is the percent of slope measured along the centerline of the driveway from the flow line of the future curb line.
5. The Minimum Approach Grade is the minimum distance over which the maximum grade must be maintained measured from the flow line of the present or future curb, as determined by the City Engineer.

2. The requirements for throat width and curb radius may be varied by the Board of Development Review, on the recommendation of the City Engineer, upon a showing by substantial evidence that traffic volumes, truck usage, shared drives and other factors warrant the variance.

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B. Construction Standards

1. All access drives and parking spaces in SF and MF districts shall have an all-weather surface consisting of a minimum of six inches (6") of limestone base course or equivalent (four inches of base over lime or cement treated subgrade) constructed in accordance with Division 4, Standard Specifications for Public Works Construction, North Central Texas, as amended.
2. All non-residential access drives, off-street parking areas, and loading berths, together with aisles and maneuvering areas for vehicles, shall be connected to a public street, and shall have a paved surface of not less than five inches (5") of steel reinforced Portland cement concrete over a subgrade compacted to ninety-five percent (95%) of Standard Proctor, or four inches (4") of hot mix asphaltic concrete over either six inches (6") of limestone base course, or six inches (6") of lime or cement treated subgrade, all in accordance with Division 4 and 5, Standard Specifications for Public Works Construction, North Central Texas, as amended.
3. The minimum dimensions for parking spaces and maneuvering aisles shall be as shown in Table 16.1.59-B. See 17.11.09 for landscaping and island criteria.

TABLE 16.1.59

Minimum Parking Area Requirements for Typical Parking Angles

Note: All parking stalls for angle parking are 18' long. All dimensions are expressed in feet.

Parking angle-degrees	Stall width	Lane depth	Aisle width	Sum aisle +2	Sum overlapping lane	Curb length for "N" cars
0	a-10	10.0	12.0	32.0	c	N x 21
	b-9	9.0	12.0	31.0	c	N x 21
30	10	17.7	12.0	47.4	38.7	2.82+(Nx20)
	9	16.8	12.4	46.0	38.2	3.82+(Nx18)

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TABLE 16.1.59 (Continued)

Parking angle-degrees	Stall width	Lane depth	Aisle width	Sum aisle +2	Sum over-lapping lane	Curb length for "N" cars
45	10	19.2	15.4	53.8	46.8	7.07+(Nx11.11)
	9	18.5	15.4	52.6	46.2	7.77+(Nx12.24)
60	10	20.0	20.2	60.8	55.8	7.44+(Nx11.56)
	9	19.9	20.2	60.0	55.4	7.40+(Nx10.40)
60 28 2/1 angle	10	20.4	20.0	60.8	55.8	6.70+(Nx11.18)
	9	19.9	20.4	60.2	55.4	6.90+(Nx10.02)
90 right angle	10	18.0	26.0	62.0	c	N x 10
	9	18.0	26.0	62.0	c	N x 9

- a: Minimum stall width for SF and ME accessory parking.
- b: Minimum stall width for parking space provided for other than dwelling units.
- c: Parking lanes do not overlap for parallel or right angle parking.

16.1.60 (Reserved)

ARTICLE IX - DRAINAGE STANDARDS

16.1.61 Purposes This article establishes policies governing storm drainage facilities within the City, in order to protect the general health, safety and welfare of the public by reducing flooding potential, controlling excessive runoff, minimizing erosion and siltation problems, and eliminating damage to public facilities resulting from uncontrolled storm water runoff.

16.1.62 General Requirements

A. Preliminary Plan and Study

1. For any property involved in the platting process, the owner shall provide, at his expense, a preliminary drainage study of the area proposed for development.

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2. The preliminary drainage study shall be submitted concurrently with the submittal of a preliminary plat, or plat revision for review and approval.
 3. The studies shall be prepared by a civil engineer licensed to practice in the State of Texas and experienced in City drainage work. The studies shall include the date, seal and signature of the engineer responsible for the plan.
 4. The study shall include the following:
 - (a) Existing topography shall be shown by contour lines on a basis of five feet (5') vertical interval unless the shape of the terrain, in the opinion of the City Engineer or his authorized designee, warrants two foot (2') vertical intervals; datum shall be that of the United States Coast and Geodetic Survey.
 - (b) Existing and proposed drainage facilities both onsite and on adjacent affected properties.
 - (c) Proposed contours plus flow arrows for each lot.
 - (d) The scale shall not be smaller than one inch (1") = two hundred feet (200') with contour intervals not greater than five feet (5') unless a variation is specifically approved by the City Engineer.
 - (e) Sufficient design calculations showing preliminary sizes of drainage facilities and easement sizes and locations.
- B. Final Plans The owner shall, at his sole expense, provide complete final plans and specifications for the drainage facilities, as follows:
1. The plans and specifications shall be prepared by a Texas licensed civil engineer, meeting the qualifications described in 16.1.62 A3. hereof.
 2. The plans and specifications shall be submitted to the City Engineer for review and concurrence prior to any construction.
 3. The owner and his engineer shall be responsible for the accuracy of the information furnished in the design of the storm drainage facilities as it

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pertains to both the development in question and properties adjacent to the development. Concurrence in the design by the City shall not be construed to relieve the owner or his engineer of any responsibility referred to herein.

16.1.63 Drainage Features and Policies

- A. The three different types of basic drainage features are as follows:
 - 1. Closed system
 - 2. Reinforced-concrete-lined open channels
 - 3. Natural channels

- B. Storm water runoff shall be carried in storm water pipe when either of the following applies:
 - 1. The runoff can be carried in a pipe of sixty inches (60”) in diameter or smaller; or
 - 2. Where it is necessary for the protection of adjacent facilities that the storm water be carried in an enclosed facility.

Headwalls shall be constructed at the outfall of all storm sewer systems. When it is mutually agreeable to both the City Council and the owner, a concrete-lined channel may be used in lieu of a closed pipe.

- C. Reinforced concrete lined open channels should be used when the criteria outlined in 16.1.63 B1 above is exceeded:
 - 1. Reinforced concrete lined channels shall conform to the following:
 - (a) Channels draining an area with a “CA” factor of 250 or less shall be lined with reinforced concrete in a manner which will contain the design frequency storm plus one foot (1’) of freeboard within the concrete lining.
 - (b) Channels draining an area with a “CA” factor of more than 250 but less than 500 shall be concrete lined to contain the runoff from a five (5) year return frequency storm with the balance of the required design frequency storm contained within grassed slopes not steeper than three (3) horizontal to one (1) vertical and with a minimum of one foot (1’) freeboard.

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(c) Channels draining an are with a “CA” factor of more than 500 but less than 2,000 shall be constructed with a reinforced concrete pilot channel not less than twelve feet (12’) in width and having at least six inch (6”) curbs, appropriate edge protection as accepted by the City Engineer. The remainder of the channel shall consist of earthen side slopes with proper vegetative cover on slopes not steeper than 3 to 1.

(d) Channels draining an area having a “CA” factor of more than 2,000 shall be governed by the criteria outlined in D of this 16.1.63.

2. The maximum permissible average velocities in channels shall conform to the velocities as shown in Table IX-1, unless otherwise approved in writing by the City Council, on the recommendation of the City Engineer.

TABLE IX-1

MINIMUM ROUGHNESS COEFFICIENTS AND MAXIMUM PERMISSIBLE VELOCITIES FOR CHANNELS

Channel Description	Coefficient of roughness	Max. Mean (n)	Permissible velocity (fps)
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I. Minor Natural Streams

A. Fairly regular section

1. Some grass and weeds; little or no brush.....	0.030		3 to 8
2. Dense growth of weeds, depth of flow materially greater than weed height.....	0.035		3 to 8
3. Some weeds, light brush on banks.....	0.035		3 to 8
4. Some weeds, heavy brush on banks.....	0.050		3 to 8
5. Some weeds, dense willows on banks.....	0.060		3 to 8
6. For trees within channels with branches submerged at high stage, increase all values above by.....	0.010		

- B. Irregular section with pools, slight channel meander, use 1A to 5A above, and increase all values by.....0.010

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TABLE IX - 1 (Continued)

Channel Description	Coefficient of roughness	Max. Mean (n)	Permissible velocity (fps)
C. Flood Plain - Pasture			
1. Short grass.....	0.030	3 to 8	
2. Tall grass.....	0.035	3 to 8	
D. Flood Plain - Cultivated Areas			
1. No crop.....	0.030	3 to 8	
2. Mature row crops.....	0.035	3 to 8	
3. Mature field crops.....	0.040	3 to 8	
E. Flood Plain - Uncleared			
1. Heavy weeds, scattered brush.....	0.050	3 to 8	
2. Wooded.....	0.120	3 to 8	
II. <u>Major Natural Streams</u> Roughness coefficient is usually less than for minor streams of similar description on account of less effective resistance offered by irregular banks or vegetation of banks. Values of “n” for larger streams of mostly regular Sections, with no bounders or brush may be in the range from			
	0.028 to 0.033	3 to 8	
III. <u>Unlined Vegetated Channels</u>			
Clays (Bermuda Grass).....	0.035	5 to 8	
Sandy and Silty Soils (Bermuda Grass).....	0.035	3 to 5	
IV. <u>Unlined Non-Vegetated Channels</u>			
Sandy Soils.....	0.030	1.5 to 2.5	
Silts.....	0.030	0.7 to 1.5	
Sandy Silts.....	0.030	2.5 to 3.0	
Clays.....	0.030	3.0 to 5.0	
Course Gravels.....	0.030	5.0 to 8.0	
Shale.....	0.030	6.0 to 10.0	
Rock.....	0.025	15	
V. <u>Lined Channels</u>			
Neat Concrete.....	0.015	15	
Riprap (Broken Concrete and Rubble).....	0.030	15	

D. Natural channels may be preserved when the criteria in Cl.(d) of this 16.1.63 are met or when the developer desires to preserve natural channels within his addition for purposes of aesthetics and/or open space. A developer proposing preservation of a natural channel shall submit an application for City Council

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approval, after report and recommendation of the City Engineer, prior to approval of the preliminary plat. This application shall contain the following information:

1. Topographic, hydrologic and hydraulic information sufficient to properly evaluate the proposal and showing that: (i) before any site work has begun, all land having an elevation below the twenty-five (25) year return frequency flood contained within an easement dedicated to the public of the purpose of providing drainage; (ii) the channel easement has a minimum hydraulic capacity to accommodate a twenty-five (25) year return frequency storm based on a fully developed water shed; (iii) that all minor channel improvements, such as reshaping, realignment, etc., are protected with sodding, backsloping, cribbing, or other bank protection that is designed and constructed to control erosion from the twenty-five (25) year return frequency flood. An analysis shall also be made to determine the effects of the 100-year flood as required by 16.1.64 G3.
2. When the natural channel to be preserved is one which has had a Flood Plain Information report prepared on to by the Corps of Engineers, the 100-year return frequency storm shall be as shown in that particular report unless otherwise directed by the City Engineer. All requirements contained in the Chapter 15.5 of this Code concerning hazards shall be applicable in addition to the requirements outlined above.

16.1.64 General Design Requirements

- A. The purpose of this section is to establish standard criteria, principles, procedures and practices for the design of the storm drainage facilities.
 1. The design factors, formulas, graphs and procedures presented or referred to herein are intended for use as engineering guides in the design of drainage facilities and in the solution of drainage problems involving the quantity, method of collection, transportation and disposal of storm water.
 2. Methods of design other than those indicated or referred to herein may be considered in complex and difficult cases where experience clearly indicates they are preferable; however, these deviations in design methods shall not be attempted until approval thereof has been obtained from the City Engineer.

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3. The methods outlined or referred to herein include accepted principle of surface drainage engineering and should be a working supplement to basic design information obtainable from textbooks and publications on drainage.
- B. Determination of Design Discharge: The two (2) methods acceptable for use are:
- Modified Rational method ($Q = CCa IA$) to be used on small watersheds of 1,000 acres or less. Ca value to be used in this formula are shown in Table IX-2.

TABLE IX-2

ANTECEDENT PRECIPITATION FACTOR 'Ca'

Recurrence Interval (Years)	Ca
2 to 10	1.0
25	1.1
50	1.2
100	1.25

NOTE: The product of $CxCa$ should not exceed 1.0

2. Unit hydrograph techniques shall be used for areas greater than 1,000 acres. The technique and the data to be used for the determination of the City Engineer or his authorized designee prior to the calculations being completed. A complete set of all detail calculations must be submitted to the City Engineer for approval prior to completion of the plans for the drainage system.
- C. Drainage Area
1. Area of the watershed shall be determined using the information required by 16.1.61A.
 2. Outline of drainage areas must follow natural drainage features in nonurbanized areas. Consideration shall be given to manmade features in urbanized areas.

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D. Runoff Coefficients

1. Storm drainage shall be designed for ultimate development of the watershed and, therefore, runoff coefficients used shall consider these fully developed conditions. Master plans, zoning maps and land use plans shall be used to determine the ultimate development.
2. Table IX-3 shall the values for runoff coefficients which shall be used in the determination of storm water runoff.

TABLE IX-3

RUNOFF COEFFICIENT "C"

<u>Type Area or Land Use</u>	<u>Radiologic Soil Groups</u>			
	A	B	C	D
Parks and permanent open space	.35	.37	.39	.41
Single-family detached residential zoning	.50	.52	.55	.58
Apartment zoning	.65	.71	.87	.90
Commercial	.95	.96	.98	1.00

SOIL GROUP CLASSIFICATION

Group A Deep sand, aggregated silts

Group B Sandy loam

Group C Clay loam, shallow sandy loam

Group D Heavy plastic clays

E. Time of Concentration

1. Time of concentration is defined as the longest time that will be required for a drop of water to flow from the upper limit of the drainage area to the point of concentration.
2. Time of concentration is a combination of surface flow time and time of flow in the storm drainage facility. For overland flow times, the methods are to be approved by the City Engineer; Kinematic Flow Theory, or the SCS Method in Table IX-3A are acceptable formulas for computing times of concentration.

TABLE IX -3A

	<u>Hydrologic soil groups</u>			
	A	B	C	D
Parks and Permanent Open Space	39	61	74	8)
Residential	77	85	90	92
Apartments	81	88	91	93
Commercial	89	92	94	93
Paved Parking Lot	98	98	98	98

F. Rainfall intensity-duration-frequency curves for this area have been developed using the most current data available. These curves shall be from Technical Paper-40 or Hydro-35 and used in the design of all drainage facilities.

G. Design Storm Frequency:

1. It is general practice to design City storm drainage systems to accommodate the runoff from a storm which, on the average, is equaled or exceeded once every five (5), ten (10) or twenty-five (25) years.
2. Table IX-4 states the design storm frequencies that shall be used in the design of drainage facilities.

TABLE IX-4

<u>Type of Facility</u>	<u>Minimum Design Frequency</u>
Storm sewers (with inlets on grade)	5 years
Storm sewers draining low point inlets	100 years
Culverts, Bridges, Channels, Creeks	100 years

3.

In connection with the design of facilities such as low point inlets, culverts, bridges, channels and creeks shown in Table IX-4, the discharge for a 100-year return frequency storm and the possible consequences therefrom shall be evaluated

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to determine if such consequences are sufficient to warrant the enlargement of the planned facility. In any areas where storm water runoff concentrates at low points of grade or where discharge in excess of the design discharge flows across private property, the following information shall be shown:

- (a) The 100-year design discharge.
 - (b) The depth of inundation of this discharge.
 - (c) An evaluation of possible consequences resulting from the above.
- H. Head Losses The design techniques and methods used in the determination of all head losses shall be approved by the City engineer or his authorized designee.
- I. Flow in Gutters The drainage capacities of streets and gutters shall be determined by Manning's formula using an "n" value of 0.015 for asphalt or 0.013 for concrete streets. Streets shall be designed to flow not more than curb deep during a five (5) year return frequency storm.
- J. Positive Overflow In areas where positive overflow is not provided within the street, a concrete flume with a minimum width of four feet (4') shall be required between lots in a drainage easement, near the low point in the street.
- K. The City Engineer, due to particular drainage characteristics of a subdivision, may require minimum finish floor elevations on certain lots contained within said subdivision to be shown upon the plat. The elevations should be calculated based on the most current flood plain management criteria or other criteria as necessary to avoid damages, as specified in 16.1.64 G3. hereof. The elevations shall be shown on the plat prior to filing with the Plat Records of Tarrant County, Texas. The following note shall be added to any plat upon which the City Engineer requires the establishment of minimum finish floor elevations:
- "The City of Dalworthington Gardens 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 filed and is subject to change. Additional lots, other than those shown, may also be subject to minimum finish floor criteria."

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16.1.65 Construction All construction shall be in accordance with the Standard Specifications for Public Works Construction, and all amendments thereto, as adopted by the North Central Texas Council of Governments.

16.1.66 Offsite Drainage

- A. The owner or developer of property to be developed shall be responsible for all storm drainage flowing on his 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.
- B. Adequate consideration shall be given by the owner in the development of property to determine how the discharge leaving the proposed development will affect downstream property.
- C. When any proposed development requires offsite grading or includes areas of two acres or more where storm water runoff has been collected or concentrated, whether it be by permanent drainage systems or streets, no drainage onto adjacent property shall be permitted except in existing creeks, channels, storm sewers, or street, unless the following is provided:
 - 1. Notarized letter of permission from the affected property owner; or
 - 2. Proper drainage easements are obtained; or
 - 3. If the owner is unable to acquire the necessary offsite easements, he shall provide the City with documentation of his efforts, including evidence of a reasonable offer made to the adjacent property owner. Upon such a written request for assistance, the City shall attempt to acquire these easements through negotiations. If the negotiations are unsuccessful, the request may, at the developer's option, be submitted to Council for consideration of acquisition through condemnation. In either case, the total cost of the acquisition and cost of the easements shall be paid by the owner (developer).
- C. The subdivider shall pay for the cost of all drainage improvements required for the development of the subdivision, including any necessary offsite channels or storm sewers and acquisition of the required easements, in which C2. and C3. above apply. In areas where the proposed offsite improvements are to be made within existing City right-of-way, an estimate of these offsite

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costs shall be subject to Council approval. Costs for such offsite improvements shall be prorated to the extent that the owner pays for a percentage of the offsite cost based on the increase of the discharge originating within the limits of the owner's addition.

- D. Where it is anticipated that additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, whether natural or man-made, and results in hazardous conditions, the Planning and Zoning Commission and/or Council may withhold approval of the subdivision until appropriate provision has been made to accommodate the problem, and plans shall be provided which included all necessary offsite improvement, including storm sewer systems, channel grading, driveway adjustments, culvert improvement, etc.

16.1.67 - 16.1.69 (Reserved)

ARTICLE X - WATER AND SANITARY SEWER REQUIREMENTS

16.1.70 Basic Policy Subdivision within the City shall be connected to and utilize an approved water supply and disposal system. Connection with the City's sanitary sewer system shall be required.

- A. The owner shall pay all costs attributable to the installation of water and sewer facilities as needed to fulfill the basic requirements of the City for service within the subdivision.
- B. All subdivision extensions shall be covered by a written and executed agreement in a form prepared or approved by the City Attorney which clearly defines the scope and details of the proposed extension and particularly regulations of the City and *to* deliver to the City clear and unencumbered title to all the proposed improvements at the time of acceptance by the City, which must be prior to commencing service.

16.1.71 Basis of Extension Where extensions of water and sanitary sewer systems are required to serve property which is to be subdivided or platted for development by an owner, water and sanitary sewer facilities shall be extended to such properties on the following basis:

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- A. Plan to be approved:
1. It shall be unlawful for any person to provide water and/or sewerage service to any lot, or plot of land, tract or any part thereof unless and until a plat of such lot or tract of land has conformed to the platting requirements of the City, and has been approved and filed for record with Tarrant County.
 2. Concurrently with the submittal of a preliminary plat, plat revision or plat showing, the owner of the tract or subdivision shall submit to the City Engineer, for his approval, a map or plat showing the location of water and sanitary sewer mains which will be required to ensure adequate service and fire protection for lots specified in such proposed plat.
 3. At the request of the City Engineer, the owner of the land being platted shall submit a layout showing the proposed location of water meters to ensure adequate access is available for reading and maintaining such prior to the filing of a final plat of record with Tarrant County.
- B. Extensions within property to be developed: Owners of such property will defray the entire cost of water and sanitary sewer systems within their subdivision. Should a lift station and/or force main be required to utilize a provided offsite service location, such lift station and/or force main shall be installed at the owner's cost.
- C. Offsite Extensions Where water and/or sanitary sewer facilities are not available to a tract to be developed, the owner will pay for such facilities to the subdivision property line. Acquisition of the required offsite easements shall be paid by the owner.
- D. Fire Protection: In residentially-zoned districts, approved fire hydrants shall be spaced so that all portions or proposed lots are within five-hundred feet (500') of a proposed fire hydrant, based on actual laying length of fire hose. In all other zoning districts, this distance shall be reduced to three-hundred feet (300'). Fire hydrants shall also be placed at the end of every cul-de-sac. All site-related water mains shall be not less than 8 inches inside diameter; provided, that a 6-inch water main may be approved only when: (i) it is a single fire hydrant lead or dead-end branch less than 500 feet long; or, (ii) it is connected at each end to an 8-inch or larger looped pipe and is located within 450 feet of another 8-inch or larger looped parallel main.

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- E. Impact fee offsets and/or credits for offsite extensions, onsite and offsite oversizing of water or sewer lines, will be determined and applied in accordance with 16.2.11 in Chapter 16.2 of this Code.

16.1.72 Fees Due City for Existing Mains. Lift Stations

- A. When an existing site-related water or sanitary sewer main lies in a street, alley or easement in or adjacent to an area or tract of land to be subdivided, the owner shall pay to the City the applicable pro rata charge for the water main and sanitary sewer main before extensions from or connections to such line or lines are made.
- B. When the subdivision is to be served by an existing site-related lift station lift station, the owner shall pay his pro rata cost of that station.
- C. Treatment plants and lift stations on public property: Where it is necessary to provide a treatment plant or lift station as a part of the sewer service to a development or any part thereof, all portions of such treatment facilities or lift stations, including access roads thereto, shall be on public property or within an easement or right-of-way secured by an appropriate written instrument suitable for filing with the County Clerk.
- D. The fee requirements of this section shall be construed in a manner consistent with state law and Chapter 16.2 of this Code.

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APPENDIX A - OWNER'S CERTIFICATE - DEDICATION FOR INDIVIDUALS

STATE OF TEXAS }
 }
COUNTY OF TARRANT }

WHEREAS, I, _____, am the sole owner (or we, _____ are all of the owners) of a tract of land situated in the _____ Survey, Abstract No. _____, County of Tarrant, according to the deed recorded in Volume____, Page ____, DRTCT and more particularly described as follows: (insert legal description; if platted lot is reference, the recording information should be included)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, being the sole owner (or we, _____ being all of the owners) do hereby adopt this plat designating the hereinabove-described property as the _____ Addition to the City of Dalworthington Gardens, Texas and I (we) do hereby dedicate to the public's use the streets, (alleys, parks) and easements shown thereon.

WITNESS my (our) hands(s) this _____ day of _____, 20_____ .

STATE OF TEXAS }
 }
COUNTY OF _____ }

This instrument was acknowledged before me on the ____ day of _____, 20 ____, by _____.

Notary Public, State of Texas
Notary name (printed)

My commission expires: _____

Chapter 16.1 - SUBDIVISIONS

APPENDIX C - SURVEYOR'S CERTIFICATE

The surveyor responsible for surveying the subdivision area shall attest to the accuracy of same in the following form:

"THIS is to certify that I, _____, a Registered Public Surveyor of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all lot corners, angle points, and points of curve shall be properly marked on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision."

Surveyor
Texas Registration No. _____

APPENDIX D - CITY APPROVAL STATEMENT

APPROVED: City [Secretary][Council], City of Dalworthington Gardens
_____, 20_____
By: _____
[City Secretary][Mayor]

NOTE: The title on the approval statement should read "City Secretary" on all plats except Final Plat.

APPENDIX E - STATEMENT ACKNOWLEDGING VISIBILITY TRIANGLES

"There shall be provided at the intersection of all public streets, visibility triangles as required by Section 16.1.51 of the Subdivision Ordinance of the City."

APPENDIX F - DEED RESTRICTION CERTIFICATION STATEMENT

"I hereby certify that the area of this plat does not include any lots of a prior subdivision limited by deed restriction to residential use for not more than two residential units per lot."

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____.

Owner

Notary Public, State of Texas
Notary name (printed)

My commission expires: _____

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APPENDIX G - PLAT ADOPTION (REPLAT) - CORPORATION FORMAT

STATE OF TEXAS }
 }
COUNTY OF TARRANT }

THAT _____, by and through the undersigned, its duly authorized officer or agent, does hereby adopt this plat designating the hereinabove described property as _____, an Addition to the City of Dalworthington Gardens, Texas and it DOES HEREBY CERTIFY THAT IT IS THE CURRENT OWNER OF _____ AND HAS NO OBJECTION TO THIS REPLAT.

(Lot, Block, Addition)

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 20____.

Notary Public, State of Texas
Notary name (printed)

My commission expires: _____

APPENDIX H - PLAT ADOPTION (REPLAT) - INDIVIDUAL FORMAT

STATE OF TEXAS }
 }
COUNTY OF TARRANT }

THAT I, _____, being the sole owner (or, we _____, being all of the owners) do hereby adopt this plat designating the hereinabove described property as _____, an Addition to the City of Dalworthington Gardens, Texas AND DO HEREBY CERTIFY THAT I AM (WE ARE) THE CURRENT OWNER(S) OF _____ AND HAVE NO OBJECTION TO THIS REPLAT.

(Lot, Block, Addition)

WITNESS MY HAND AND SEAL OF OFFICE on this _____ day of _____, 20____.

Notary Public, State of Texas
Notary name (printed)

My commission expires: _____

TITLE 16: LAND DEVELOPMENT

Chapter 16.2 - IMPACT FEES

- 16.2.01 Purpose
- 16.2.02 Authority
- 16.2.03 Definitions
- 16.2.04 Applicability
- 16.2.05 Impact fee as condition of development approval
- 16.2.06 Land use assumptions
- 16.2.07 Impact fees per service unit
- 16.2.08 Assessment of impact fees
- 16.2.09 Computation and collection of impact fees
- 16.2.10 Suspension of fee collection
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- 16.2.12 Establishment of accounts
- 16.2.13 Use of proceeds of impact fee accounts
- 16.2.14 Appeals
- 16.2.15 Refunds
- 16.2.16 Updates to plan and revision of fees
- 16.2.17 Functions of advisory committee
- 16.2.18 Agreement for capital improvements
- 16.2.19 Use of other financing mechanisms
- 16.2.20 Impact fee as additional and supplemental regulation
- 16.2.21 Relief procedures
- 16.2.22 Exemption from chapter
- 16.2.23 (Reserved)
- 16.2.24 (Reserved)
- 16.2.25 Water benefit area
- 16.2.26 Water Improvement Plan
- 16.2.27 Water facilities fees
- 16.2.28 Sanitary sewer benefit area
- 16.2.29 Sanitary Sewer Improvement Plan
- 16.2.30 Sanitary sewer facilities fees

APPENDIX A - Land Use Assumptions

APPENDIX B - Water and Wastewater Impact Fee Assessment Schedule

TITLE 16: LAND DEVELOPMENT

Chapter 16.2 - IMPACT FEES

History:

<u>Ordinance</u>	<u>Date of adoption</u>	<u>Effect</u>
90-05	2/19/90	Initial adoption
91-02	3/18/91	Amended Appendix C
93-02	2/18/93	Amended Appendix B
93-10	12/16/93	Amended Appendix C
04-09	9/16/04	Amended Appendix B
05-20	12/8/05	Amended Appendix B

TITLE 16: LAND DEVELOPMENT

Chapter 16.2 - IMPACT FEES

16.2.01 Purpose This chapter is intended to assure the provision of adequate public facilities to serve new development in the City by requiring each development to pay its pro rata share of the costs of such improvement necessitated by and attributable to such new development.

16.2.02 Authority This chapter is adopted pursuant to Chapter 395 of the Texas Local Government Code. The provisions of this chapter shall not be construed to limit the power of the City to utilize other methods authorized under State law to accomplish the purposes set forth herein, either in substitution for or in conjunction with the provisions of this chapter. The City may promulgate guidelines by resolution or otherwise to implement and administer this chapter.

16.2.03 Definitions In this chapter:

“Advisory Committee” means the City’s duly appointed Planning and Zoning Commission.

“Area-related facility” means a capital improvement or facility expansion which is designated in the Impact Fee Capital Improvements Plan and which is not a site-related facility. Area-related facility may include a capital improvement which is located offsite, within, or on the perimeter of the development site.

“Assessment” means the determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this chapter.

“Capital Improvement” means either a roadway facility, a water facility or a sanitary sewer facility, with a life expectancy of three (3) or more years, to be owned and operated by or on behalf of the City.

“Credit” means the amount of the reduction of an impact fee for fees, payments or charges for the same type of capital improvements for which the fee has been assessed.

“Facilities expansion” means either a roadway expansion, a water facility expansion or a sanitary sewer facility expansion.

“Fee Schedule” means the schedule of impact fees adopted pursuant to this chapter, as from time to time amended, contained in Appendix B to this chapter.

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“Final plat approval” or “approval of a final plat” means the point at which the applicant has complied with all conditions of approval and the plat has been sent for filing to the County Clerk of Tarrant County.

“Impact fee” means a fee for either roadways facilities, water facilities or sanitary sewer facilities; imposed on new development by the City pursuant to this chapter in order to fund or recoup the costs of capital improvements or facilities expansions necessitated by and attributable to such new development. Impact fees do not include the dedication of rights-of-way or easement for such facilities, or the construction of such improvements. Impact fees also do not include charges imposed pursuant to Chapter 16.1 of this Code such as pro rata charges or acreage charges for sanitary sewer improvements, front footage charges for sanitary sewer and water lines; or funds deposited in escrow for the construction of roadway improvements.

“Impact fee capital improvements plan” means either a roadway improvements plan, water improvements plan or a sanitary sewer improvements plan adopted or revised pursuant to this chapter

“Land use assumptions” means the projections of population and employment growth and associated changes in land uses, densities and intensities in the City, upon which the impact fee capital improvements plans are based, contained in Appendix A to this chapter.

“New development” means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of land, which has the effect of increasing the requirements for capital improvements or facility expansions, measured by the number of service units to be generated by such activity, and which requires either the approval and filing with Tarrant County of a plat pursuant to the City’s subdivision regulations, the issuance of a building permit, or connection to the City’s water or sanitary sewer system.

“Offset” means the amount of the reduction of an impact fee designated to fairly reflect the value of area-related facilities or other roadway facilities, pursuant to rules herein established, provided by a developer pursuant to the City’s subdivision regulations or requirements.

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“Recoupment” means the imposition of an impact fee to reimburse the City for capital improvements which the City has previously oversized to serve new development.

“Residential Unit Equivalent” (“RUE”) means a single unit of service as defined by continuous duty maximum flow rate in gallons per minute for a 3/4” water meter. The sanitary sewer “Residential Unit Equivalent” is an estimate at 66 percent for the normally expected sewer flow relationship to water’s RUE.

“Roadway facility” means an improvement or appurtenance to a roadway which includes, but is not limited to: design, rights-of-way, whether conveyed by deed or easement; intersection improvements; traffic control devices; turn lanes; drainage facilities associated with the roadway; street lighting or curbs, and also including any improvement or appurtenance to an intersection with a roadway officially enumerated in the federal or Texas highway system. The term “roadway facility” excludes those improvements or appurtenances to a roadway which are site-related facilities.

“Roadway improvements plan” means the adopted plan, as may be amended from time to time, which identifies the roadway facilities or roadway expansions and their costs for each roadway benefit area, which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of roadway facilities fees pursuant to this chapter.

“Service area” means either a roadway benefit area, a water benefit area or a sanitary sewer benefit area within which impact fees for capital improvements or facilities expansions will be collected for new development occurring within such area and within which fees so collected will be expended for those types of improvements or expansions identified in the type of capital improvements plan applicable to the service. The service area shall mean the entire City.

“Service unit” means the applicable standard unit of measure shown on the conversion table in the Impact Fees Capital Improvements Plan which can be converted either to a vehicle mile in p.m. peak hour or three-fourths inch (3/4”) water meter equivalents, which serves as the standardized measure of consumption, use or generation attributable to the new unit of development.

“Sanitary sewer facility” means an improvement for providing sanitary sewer service, including, but not limited to, land or easements, treatment facilities, lift stations, or interceptor mains, but excluding sanitary sewer lines or mains which are

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constructed by developers, the costs of which are reimbursed from pro rata charges paid by subsequent users of the facilities, and excluding also site-related facilities.

“Sanitary sewer facility expansion” means the expansion of the capacity of any existing sanitary sewer improvement for the purpose of serving new development, but does not include the repair, maintenance, modernization, or expansion of an existing sanitary sewer facility to serve existing development.

“Sanitary sewer improvements plan” means the adopted plan, as may be amended from time to time, which identifies the sanitary sewer facilities or sanitary sewer expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of sanitary sewer facilities fees pursuant to this chapter.

“Single-family residential lot” means a lot platted to accommodate a single—family dwelling unit, as authorized under the City’s zoning regulations.

“Site-related facility” means an improvement or facility which is for the primary use or benefit of a new development and/or for the primary purpose of safe and adequate provision of roadway, water or sanitary sewer facilities to serve the new development, and which is not included in the impact fee capital improvements plan and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.

“Water facility” means an improvement for providing water service, including, but not limited to, land or easements, water treatment facilities, water supply facilities or water distribution lines, but excluding water lines or mains which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by subsequent users of the facilities and also excluding site-related facilities.

“Water facility expansion” means the expansion of the capacity of any existing water facility for the purpose of serving new development, but not including the repair, maintenance, modernization, or expansion of an existing water facility to serve existing development.

“Water improvement plan” means the adopted plan, as may be amended from time to time, which identifies the water facilities or water expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, and which are to be finished in whole or in part through the imposition of water facilities fees pursuant to this chapter.

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The definitions contained in this section are cumulative of and shall be read in conjunction with the terms and definitions thereof contained in Chapter 395 of the Texas Local Government Code.

16.2.04 Applicability The provisions of this chapter apply uniformly to all new development within the City, which shall be deemed a single service area.

16.2.05 Impact Fee as Condition of Development Approval No application for new development shall be approved within the City without the assessment of an impact fee pursuant to this chapter, and no building permit shall be issued unless the applicant has paid the impact fee.

16.2.06 Land Use Assumptions

- A. The land use assumptions for the City are contained in the Appendix A to this chapter, which is incorporated herein by reference.
- B. The land use assumptions for the City shall be updated as required by Chapter 395 of the Local Government Code.
- C. Amendments to the land use assumptions shall incorporate projections of change in land uses, densities, intensities and population therein over at least a ten (10) year period.

16.2.07 Impact Fees Per Service Unit

- A. The maximum impact fee per service unit shall be computed by dividing the total costs of capital improvements necessitated by and attributable to new development in the service area identified in the impact fee capital improvements plan for that category of capital improvements by the total number of service units anticipated within the service area, based upon the land use assumptions for that service area. Maximum impact fees per service unit shall be established by category of capital improvements and shall be as set forth in the fee schedule.
- B. The impact fee per service unit which is to be paid by each new development shall be that established by this chapter, and shall be an amount less than or equal to the maximum impact fee per service unit established in subsection A. hereof.

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- C. The fee schedule may be amended from time to time utilizing the amendment procedure set forth in Chapter 395 of the Local Government Code.

16.2.08 Assessment of Impact Fees

- A. The approval of any new development shall include as a condition the assessment of the impact fee applicable to such development.
- B. Assessment of the impact fee for any new development shall be made as follows:
 - 1. For a development which is submitted for approval pursuant to the City's subdivision regulations following the effective date of this chapter, assessment shall be at the time of final plat approval, and shall be the amount of the maximum impact fee per service unit then in effect, as set forth in the fee schedule, as computed by the procedures set forth in 16.2.07 A hereof. The City may provide the subdivider with a copy of the fee schedule prior to final plat approval, but such shall not constitute assessment within the meaning of this chapter.
 - 2. For a development which has received final plat approval prior to the effective date of this chapter and for which no replatting is necessary prior to issuance of a building permit, assessment shall be on the effective date of this chapter, and shall be the amount of the maximum impact fee per service unit set forth in the fee schedule.
- C. Following assessment of the impact fee pursuant to subsection B, the amount of the impact fee per service unit for that development cannot be increased, unless the owner proposes to change the approved development by the submission of a new application for final plat approval, in which case new assessment shall occur at the fee schedule rate then in effect.
- D. Following the lapse or expiration of approval for a plat, a new assessment must be performed at the time a new application for such development is filed.
- E. An application for an amending plat made pursuant to Texas Local Government Code, Section 212.016 and Chapter 16.1 of this Code is not subject to reassessment for an impact fee.

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16.2.09 Computation and Collection of Impact Fees

- A. The impact fees due for a development shall be assessed and collected in accordance with Chapter 395 of the Texas Local Government Code.
- B. Following a request for a building permit or a connection to the City's water or sanitary sewer system, the City shall compute the impact fees due for the new development in the following manner:
 - 1. The amount of each impact fee due shall be determined by multiplying the number of service units generated by the new development by the impact fee due per service unit using the fee schedule. The number of service units shall be determined by using the conversion table contained in the impact fee capital improvements plan.
 - 2. The amount of each impact fee due shall be reduced by any allowable offsets or credits for that category of capital improvements, in the manner provided in 16.2.11 hereof.
 - 3. The total amount of the impact fees due for the new development shall be calculated and attached to the development application or request for connection as a condition of approval.
- C. The amount of each impact fee due for a new development shall not exceed an amount computed by multiplying the fee assessed per service unit pursuant to 16.2.07 by the number of service units generated by the development.
- D. If the building permit for which an impact fee has been paid has expired, and a new application is thereafter filed, the impact fee due shall be computed using the fee schedule then in effect, with credits for previous payment of fees being applied against the new fees due.
- E. Whenever the property owner proposes to increase the number of service units for a development, the additional impact fees collected for such new service units shall be determined by using the fee schedule then in effect.
- F. In its sole discretion, the City may permit the developer or property owner, upon written application, to pay impact fees for all or a portion of single-family residential lots at the time of final plat recording for such development, in the amounts provided in subsection B of this section.

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16.2.10 Suspension of Fee Collection

- A. For any new development which has received final plat approval prior to February 19, 1990, in accordance with Texas Local Government Code, Chapter 212, or pursuant to Chapter 16.1 of this Code, or for which an application for final plat approval has been made prior to the effective date of this chapter, the City may assess, but shall not collect any impact fee as herein defined, on any service unit for which a valid building permit is issued within one (1) year subsequent to the effective date of this chapter.
- B. If the building permit which is obtained within the period provided for in subsection A subsequently expires, and no new application is made and approved within such period, the new development shall be subject to the payment of an impact fee.

16.2.11 Offsets and credits against impact fees

- A. The City shall offset the reasonable value of any area-related facilities pursuant to the rules established in this section and which have been dedicated to and have been received after final acceptance by the City on or after February 19, 1985, including the value of rights-of-way for roadways or capital improvements constructed pursuant to an agreement with the City, against the amount of the impact fee due for that category of capital improvement.
- B. The City shall credit pro rata charges which have been paid for area-related facilities pursuant to Chapter 16.1 of this Code prior to the effective date of this chapter, and during the one (1) year period following adoption of this chapter, during which impact fees established herein may not be collected for certain new developments pursuant to 16.2.10, against the amount of an impact fee due for that category of capital improvement.
- C. All offsets and credits against impact fees shall be subject to the following limitations and shall be granted based on this chapter and additional standards promulgated by the City, which may be adopted as administrative guidelines.
 - 1. No offset or credit shall be given for the dedication or construction of site-related facilities.
 - 2. The unit costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the impact fees capital improvements plan for the category of facility for which the impact fee is imposed.

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3. No offsets shall be given for roadway facilities which are not identified within the applicable impact fees capital improvements plan, except that offsets may be given for the value of dedicated rights-of-way or the value of constructed capital improvements for roadways designated in the City's thoroughfare development plan, built to City standards and finally accepted by the City. Offsets may only be given for dedications or construction made and finally accepted after February 19, 1985.
4. No credit shall be given for roadway facilities which are not identified within the applicable impact fees capital improvements plan, except that credit may be given for money deposits (other than impact fees) paid to the City toward the costs of rights-of-way or the costs of constructing capital improvements for eligible roadways designated in the City's thoroughfare development plan built to City standards and finally accepted by the City. Credit may only be given for rights-of-way acquired or construction completed and finally accepted after February 19, 1985.
5. Offsets or credits given for new developments which have received final plat approval prior to the effective date of this chapter, or offsets or credits acquired for new developments during the one (1) year period specified in 16.2.10 hereof, shall be reduced by subtracting an amount equal to the impact fees which would have been due for the number of existing service units using the fee schedule.
6. If an offset or credit applicable to a plat has not been exhausted within ten (10) years from the date of the acquisition of the first building permit issued or connection made after the effective date of this chapter or within such period as may be otherwise designated by contract, such offset or credit shall lapse.
7. In no event will the City reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to this chapter or for any amount exceeding the total impact fees due for the development for that category of capital improvement, unless otherwise agreed to by the City.

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- D. An applicant for new development must apply for an offset or credit against impact fees due for the development either at the time of application for final plat approval or (1) if for a roadway facility fee, at the time of building permit application, and (2) for water and sewer fees, at the time of connection, unless the City agrees to a different time. The applicant shall file a petition for offsets or credits with the City on a form provided by the City for such purpose. The City must provide the applicant, with a decision in writing on the offset or credit request, including the reasons for the decision. The decision shall specify the maximum value of the offset or credit which may be applied against an impact fee, which amount and the date of the determination shall be associated with the plat for the new development.
- E. The available offset or credit associated with the plat shall be applied against an impact fee in the following manner:
 - 1. For single-family residential lots in a new development consisting only of single-family residential lots which have received final plat approval, such offset or credit shall be prorated equally among such lots and shall remain applicable to such lots, to be applied at the time of filing and acceptance of an application for a building permit or connection, as appropriate against impact fees due.
 - 2. For all other types of new development, including those involving mixed uses, which have received final plat approval, the offset or credit applicable to the plat shall be applied to the impact fee due at the time of issuance of the first building permit or connection to which the offset or credit is applicable, and thereafter to all subsequently issued building permits or connections, until the offset or credit has been exhausted.
 - 3. At its sole discretion, the City may authorize alternative credit or offset agreements upon petition by the owner in accordance with guidelines therefor promulgated by the City.

16.2.12 Establishment of Accounts

- A. The City shall establish an account to which interest is allocated for each category of capital facility for which an impact fee is imposed pursuant to this chapter. Each impact fee collected shall be deposited in such account.

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- B. Interest earned on the account into which the impact fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized in 16.2.13 hereof.
- C. The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in 16.2.13 hereof. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this chapter; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.
- D. The City shall maintain financial records for impact fees, which shall show the source and disbursement of all fees. The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

16.2.13 Use of Proceeds of Impact Fee Accounts

- A. The impact fees collected pursuant to this chapter may be used to finance or to recoup the costs of any capital improvements or facilities expansions identified in the impact fee capital improvements plan, including the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the impact fee capital improvements plan who is not an employee of the political subdivision. Impact fees may also be used to pay the principal and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such capital improvements or facilities expansions.
- B. Impact fees collected pursuant to this chapter shall not be used to pay for any of the following expenses:
 - 1. Construction, acquisition or expansion of capital improvements or assets other than those identified in the applicable impact fee capital improvements plan;

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2. Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;
3. Upgrading, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
4. Upgrading, expanding or replacing existing capital improvements to provide better service to existing development; provided, however, that impact fees may be used to pay the costs of upgrading, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development;
5. Administrative and operating costs of the City; or
6. Any other expense, the payment of which is prohibited by Chapter 395 of the Local Government Code.

16.2.14 Appeals

- A. The property owner or applicant for new development may appeal the following decisions to the City Council: (1) the applicability of an impact fee to the development; (2) the amount of the impact fee due; (3) the availability or the amount of an offset or credit; (4) the application of an offset or credit against an impact fee due; (5) the amount of a refund due, if any.
- B. The burden of proof shall be on the appellant to demonstrate that the amount of the fee or the amount of the offset or credit was not calculated according to the applicable schedule of impact fees or the guidelines established for determining offsets and credits.
- C. The appellant must file a notice of appeal with the City Secretary within thirty (30) days following the decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the original determination of the impact fee due, the development application may be processed while the appeal is pending.

16.2.15 Refunds

- A. Any impact fee or portion thereof collected pursuant to this chapter, which has not been expended within the service area within ten (10) years from the date

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of payment, shall be refunded, upon application, pursuant to the provisions therefor contained in Chapter 395 of the Texas Local Government Code. Interest shall be calculated from the date of collection to the date of refund at the statutory rate as set forth in Article 1.03, Title 79, Revised Statutes (Article 5069-1.03, Vernon's Texas Civil Statutes), or any successor statute.

- B. If a refund is due pursuant to subsection A, the City shall pro-rate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed for the period to determine the refund due per service unit. The refund to the record owner shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.
- C. If the building permit for a new development for which an impact fee has been paid has expired, and a modified or new application has not been filed within six (6) months of such expiration, the City shall, upon written application, refund the amount of the impact fee to the applicant.

16.2.16 Updates to Plan and Revision of Fees

- A. The City shall update its land use assumptions and impact fees capital improvements plans and shall recalculate its impact fees not less than once every three years in accordance with the procedures set forth in Chapter 395 of the Texas Local Government Code.
- B. The City may review its land use assumption, impact fee capital improvements plans, and other factors such as market conditions more frequently than provided in subsection A hereof to determine whether the land use assumptions and impact fee capital improvements plans should be updated and the impact fee recalculated accordingly, or whether the fee schedule collection rates should be increased, decreased, or otherwise changed.

16.2.17 Functions of Advisory Committee The Advisory Committee shall perform the functions provided in Chapter 395 of the Texas Local Government Code, and such other functions as the City Council may assign consistent therewith.

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16.2.18 Agreement for Capital Improvements

- A. An owner of a new development may construct or finance a capital improvement or facility expansion designated in the impact fee capital improvements plan, if required or authorized by the City, by entering into an agreement with the City prior to the issuance of any building permit for the development. The agreement shall be in a form approved by the City, and shall identify the estimated cost of the improvement or expansion, the schedule for initiation and completion of the improvement or expansion, a requirement that the improvement be designated and completed to City standards and such other terms and conditions as deemed necessary by the City. The agreement shall provide for the method to be used to determine the amount of the offset to be given against impact fees due for the development.
- B. In the event that the City elects to reimburse an owner for the dedication, construction or financing of a capital improvement or facility expansion designated in the impact fee capital improvements plan, the terms of reimbursement shall be incorporated in the agreement required by subsection

16.2.19 Use of Other Financing Mechanisms

- A. The City may finance capital improvements or facilities expansions designated in the impact fee capital improvements plan through the issuance of bonds, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.
- B. Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.
- C. The City may pay all or part of impact fees due for a new development taking into account available offsets and credits pursuant to duly adopted criteria.

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Impact Fee as Additional and Supplemental Regulation Impact fees established by this chapter are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or issuance of building permits or certificates of occupancy. Such fees are intended to be consistent

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with and to further the policies of the City comprehensive plan, the impact fee capital improvements plan, the zoning ordinance, subdivision regulations and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

16.2.21 Relief Procedures

- A. Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the City Council to determine whether any duty required by this chapter has not been performed within the time prescribed by law. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within sixty (60) days of the request. If the City Council determines that the duty is required pursuant to this chapter and is late in being performed, it shall cause the performance of the duty to commence with sixty (60) days of the date of the request and to continue until completion.
- B. The City Council may grant a variance or waiver from any requirement of this chapter, upon written request by a developer or owner of property subject to the chapter, following a public hearing, and only upon a finding that a strict application of such requirement would, when regarded as a whole, result in confiscation of the property.
- C. The City Council may grant a waiver from any requirement of this chapter on other grounds, as may be set forth in administrative guidelines.
- D. If the City Council grants a variance or waiver to the amount of the impact fee for a new development under this section, it shall cause to be appropriated from other City funds the amount of the reduction in the impact fee to the account for the service area in which the property is located.

16.2.22 Exemption From Chapter Any building permit application which was duly accepted for filing prior to the effective date of this chapter and which is subsequently granted, shall be exempt from the assessment and payment of an impact fee, unless such application thereafter expires.

16.2.23 - 16.2.24 (Reserved)

16.2.25 Water Benefit Area There is hereby established a water benefit area, consisting of the entire City.

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- 16.2.26 Water Improvement Plan The Water Improvement Plan for the City of Dalworthington Gardens is hereby adopted as Appendix C to this chapter, and is incorporated by reference herein. The Water Improvement Plan may be amended from time to time, pursuant to the procedures therefor contained in Chapter 395 of the Texas Local Government Code.
- 16.2.27 Water Facilities Fees The impact fees per service unit for water facilities are hereby adopted and incorporated in the fee schedule. Such fees may be amended from time to time, pursuant to the procedures therefor contained in Chapter 395 of the Texas Local Government Code.
- 16.2.28 Sanitary Sewer Benefit Area There is hereby established a sanitary sewer benefit area, consisting of the entire City.
- 16.2.29 Sanitary Sewer Improvements Plan The Sanitary Sewer Improvement Plan for the City is hereby adopted as Appendix D to this chapter, and is incorporated by reference herein. Such plan may be amended from time to time, pursuant to the procedures therefor contained in Chapter 395 of the Texas Local Government Code.
- 16.2.30 Sanitary Sewer Facilities Fees The impact fees per service unit for sanitary sewer facilities are hereby adopted and incorporated in the fee schedule. Such fees may be amended from time to time pursuant to the procedures therefor contained in Chapter 395 of the Texas Local Government Code.

APPENDIX A

Area 4: Transitional (31.7 acres) Located south of non-residential areas 2 & 3 described above, this area north of the municipal center and east of the municipal park and lake, and north of Clover Lane, is appropriate for mixed-use planned development utilizing low-density residential as a buffer to low-intensity commercial uses and careful site planning to take advantage of lakefront amenities.

Area 5: Non-Residential (51 developed acres) Located in the central business district along S.H. 303, and the Michigan, Roosevelt, and Corzine arteries off Arkansas Lane, this area is distinguished as a redevelopment district for existing development which may have deteriorated substantially and does not meet current standards of development for proposed new land uses or does not incorporate urban design standards expected to be implemented upon adoption of this plan. Medium-density commercial is appropriate for this area with more intense uses located along thoroughfares and at intersections.

Area 6: Transitional (36.4 acres) Located along proposed improved Bowen Road, upon construction as a major north-south arterial, this corridor will experience heavy traffic impact; thus, it is designated for low-density residential/low-intensity commercial development. Noting that land east of Bowen Road located in Arlington is existing single-family and duplex residential, it is also noted that lot sizes are considerably smaller thus creating a higher density residential environment than allowed in our City. Thus, an appropriate compatible use for this area is limited-access, planned mixed-use development allowing for clustered housing and office, retail, and personal services unified in architectural design of a residential character and preserving natural wooded terrain.

Area 7: Transitional (49 acres) Located along the intersection of Bowen Road and Pleasant Ridge Road, upon construction of proposed expansion of both arterials and close proximity to 1-20 with commercial use on adjacent Arlington properties, this area is appropriate for mixed-use planned development to protect and enhance the natural features of numerous reservoirs and creeks while assuring land use compatibility between low-intensity commercial offices and buffered low-density residential development.

Area 8: Residential (85 acres) Designated as flood-prone land, this area which transverses the city from the western to the southeastern boundaries, is appropriate as open space, for neighborhood parks, reserves or may be utilized in planned residential developments as common areas which protect and preserve the environment while serving as natural buffer areas for land use compatibility

Unnumbered Area: Residential (1156.6 acres) Designated as balance of the city, this area is appropriate for low-density residential use, either as single-family detached dwellings on minimum one-half acre lots, or planned developments of clustered single-family dwellings that average not more than one unit per half acre, and which utilize common areas to buffer dwellings sites and preserve the natural terrain.

APPENDIX B
to
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WATER AND WASTEWATER IMPACT FEE ASSESSMENT SCHEDULE

<u>Meter Size</u>	<u>Equivalency Factor</u>	<u>*Water Impact Fee</u>	<u>*Wastewater Impact Fee</u>	<u>*Total Impact Fee</u>
5/8"	0.67	\$524	\$185	\$709
3/4"	1.00	\$782	\$276	\$1058
1"	1.67	\$1306	\$461	\$1767
1-1/2"	3.33	\$2604	\$918	\$3255
2"	5.33	\$4168	\$1470	\$5638
3"	11.67	\$9126	\$3219	\$12345
4"	21.00	\$16422	\$5792	\$22214
6"	46.67	\$36496	\$12872	\$49368
8"	80.00	\$62560	\$22064	\$84624
10"	126.67	\$99056	\$34936	\$133992

*Water impact fee is calculated at 42.5% and Wastewater impact fee is calculated at 35% of the total maximum assessable amount.