

PLATTING INFORMATION

Please note that this should not be considered a complete set of rules/requirements for plat application submittal. Please review the City of Newark Code of Ordinance online at www.newarktexas.com Full Subdivision regulations can be found under Chapter

SUBDIVISION FEES

(a) **Plats.**

- (1) **Concept plan: \$250.00.**
- (2) **Preliminary plat: \$1000.00 or actual cost (whichever is greater) for all professional review (e.g., engineering, attorney, or other professional fees).**
- (3) **Final plat: \$500.00.**
- (4) **Replat with public hearing: \$500.00.**
- (5) **Minor plat or plat amendment: \$300.00.**
- (6) **Plat vacation (abandonment): \$200.00.**

(b) **Other matters.**

- (1) **Street and alley vacations: \$250.00 per each street or alley plus all engineering or legal fees.**
- (2) **Easement vacation: \$250.00 plus all engineering or legal fees.**
- (3) **Community facilities contract fee: Legal fees for changes from the standard form.**
- (4) **Request for change in master streets plan: \$500.00 plus all engineering or legal fees.**
- (5) **Street name change: \$150.00.**
- (6) **Planned development site plan: \$650.00.**
- (7) **Annexation:**
 - (A) **75 acres or less: \$500.00.**
 - (B) **More than 75 acres: \$1,000.00, plus \$150.00 per acre.**

(c) **Continuances: Continuance of city council hearing (by request of the applicant after public notice): \$150.00 plus legal and engineering fees as incurred.**

(d) **Application for completeness review: \$500.00 or cost (whichever is greater).**

GENERAL PROVISIONS FOR ALL PLATS

Plat Required

Subdivision Plats. Any person, firm, corporation or organization owning a tract of land located within the corporate limits or extraterritorial jurisdiction of the City of Newark who hereafter divides the tract into two or more parts to lay out a subdivision, to lay out a building lot, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for purposes of development shall have a plat of the subdivision prepared and approved according to these Subdivision Regulations. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or

in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method for purpose of development. A division of land under these regulations does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. No land shall be subdivided for purposes of development until:

- A. A Preliminary Plat, when applicable, in the format as described within these regulations, has received approval from the City Council and a Replat, Final Plat, Minor Plat, or Amending Plat, when applicable, in the format described within these regulations, has received approval from the City Council and has been filed with the County Clerk; or
- B. A Minor Plat or Amending Plat, when applicable, in the format described within these regulations, has received approval of the Mayor and has been filed with the County Clerk.

Exception to Platting Requirements

Nothing herein shall require a plat to be approved and filed as a prerequisite to construction where such construction occurs on land which is within the city limits and is zoned residential or agricultural, or is not within the municipal city limits and therefore is not zoned, and such construction is for any of the following purposes:

- A. Adding to or altering an existing building or structure, provided the value of such addition or alteration does not exceed fifty percent (50%) of the current value of the existing structure;
- B. Adding an accessory building or structure on an unplatted lot provided a primary structure exists on the unplatted lot;
- C. Restoring any building or structure destroyed by fire, explosion, or any other casualty or Act of God, where the extent of the destruction is not more than fifty percent (50%) of the current value of the structure.

Classification of Plat Submittals

Whenever a subdivision or development of land is proposed, the Planning and Zoning Coordinator will advise the applicant whether the review procedures of a Preliminary Plat, Final Plat, Minor Plat, Amending Plat, Replat or Development Plat will apply and supply the applicant with the appropriate application forms.

General Platting Procedures

The procedures for obtaining approval of a subdivision plat for unplatted property include the following steps to be completed in the sequence listed below:

- A. Preliminary Plat - The submission of a Preliminary Plat Application to the City Council, with subsequent approval thereof, is a prerequisite to the submission of a Final Plat. The minimum requirements for a Preliminary Plat submittal are contained in [Chapter 5](#), "Requirements for Submittal of a Preliminary Plat."
- B. Zoning Change - Submission of an Application for a Zoning District Change to the City Council, with subsequent approval thereof, is required where the current zoning classification is not compatible with the type of development being proposed. This procedure may be concurrent with the submittal of the Plat.
- C. Final Plat or Replat - Submission of a Final Plat or Replat Application [to] the City Council, with subsequent approval thereof, is required prior to the filing of a Final Plat or Replat with the Tarrant County or Wise County Clerk's Office (whichever the case may be). The minimum requirements for a Final Plat submittal are contained in [Chapter 6](#). Replat requirements are contained in [Chapter 7](#) hereof.
- D. Minor Plats and Amending Plats may be approved by the City Administrator or may be forwarded to the City Council for approval prior to filing with the Tarrant County or Wise County Clerk's Office (whichever the case may be). Minimum requirements for submittal of Minor Plats and Amending Plats are contained in [Chapters 8](#) and [9](#) hereof.

E. Development Plat - The Planning and Zoning Coordinator shall determine the type of Development Plat required to be submitted for approval, i.e., Preliminary/Final Development Plat, Minor Development Plat, Amending Development Plat, or Development Replat, and shall process the Development Plat in accordance with the applicable requirements and procedures for those plats to the extent they don't conflict with the specific requirements for Development Plats. Specific Development Plat requirements are contained in [Chapter 10](#) hereof.

F. Construction of Public Improvements - Upon approval of the Final Plat by the City Council and authorization from the Director of Public Works, the developer may proceed with the construction of all public improvements. The requirements for public improvements are contained in [Chapter 4](#), "Requirements for Public and Semi-public Improvements."

Approval of Plat Required

No improvements shall be initiated and no permit for the erection of a structure shall be granted until the owner has applied for and obtained approval of a plat from the City Council (or Mayor, when appropriate).

Requirements for Completeness Determination

A. Every application for approval of a preliminary plat, final plat or any other type of plat or development plan submitted after the effective date of this ordinance shall be subject to a determination of completeness by the City Secretary.

B. No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this ordinance. For a determination of completeness to be issued, an application must include the following:

1. A completed application form signed by the owner or the owner's authorized agent;
2. Every item, study and document required by the Subdivision Ordinance for the type of plat being submitted, or required for a development plan; and
3. A nonrefundable application submittal fee, as specified in the fee schedule.

C. The City Secretary or City Engineer may from time to time identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in the Subdivision Ordinance.

D. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Ordinance.

Determination of Completeness; Expiration

A. Not later than the tenth business day after the date an application is submitted, the City Secretary shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by this Subdivision Ordinance for the type of plat being submitted have been submitted. A determination that the application is incomplete shall be mailed to the applicant within such time period by United States Certified Mail at the address listed on the application. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information is not submitted within 45 days after the date the application was submitted.

B. An application for approval of a preliminary or final plat filed on or after the effective date of this ordinance shall be deemed complete on the 11th business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete. For purposes of this Section, the applicant shall be deemed to have been notified if the City has mailed a copy of the determination as provided in subsection D [A].

C. The processing of an application by any City employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing. The incompleteness of an application shall be grounds for denial of the application regardless of whether a

determination of incompleteness was mailed to the applicant. The time period for acting upon a plat shall not commence until the City Secretary has determined an application is complete[.]

D. An application for preliminary or final plat approval or a development application shall be deemed to expire on the 45th day after the application is submitted to the City Secretary for processing if the applicant fails to provide documents or other information necessary to meet the requirements of the Subdivision Ordinance as specified in the determination provided to the applicant. Upon expiration, the application will be returned to the applicant together with any accompanying documents. Thereafter, a new application for approval of the preliminary plat or final plat must be submitted.

E. No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

F. The application fee for an application [for] completeness review shall be in the amount established by [appendix A](#) to this code.

Application Form and Content

The owner shall submit a written application for plat approval to the City on the forms furnished by the Planning and Zoning Coordinator. Written consent shall be required from the legal owner of the premises if the applicant is not the owner of record. The lack of information under any item specified herein, or incorrect information supplied by the applicant, shall be cause for disapproval of the plat.

Official Submittal Dates; Approval Within 30 Days

A. No plat shall be considered by the City Council or Mayor, as applicable, until it has been determined that the submittal is complete and in conformance with the requirements of this Ordinance. For the purpose of these Subdivision Regulations, the date on which all requirements have been met and all applicable fees have been paid shall constitute the official submittal date of the plat from which the statutory period requiring formal approval or disapproval of the plat shall commence. Action shall be taken by the City Council within 30 days of the official submittal date unless a waiver is requested by the developer or Mayor, as applicable.

B. If the plat is not approved, conditionally disapproved or disapproved within 30 days from the date of acceptance, it shall be deemed to have been approved and a certificate, showing said acceptance date and the failure to take action thereon with 30 days from said acceptance date, shall on demand be issued by the City Council and said certificate shall be in lieu of the endorsement herein required.

Coordination of Zoning Application with Subdivision Approval

Every plat shall be consistent with, and conform to, existing zoning regulations and the following criteria:

A. No plat will be submitted to the City Council for approval which contains any inconsistent zoning classification. However, this requirement may be waived when an application for a zoning change, seeking proper zoning classification, has been filed with the City Council.

B. In the event that a change in the zoning classification is required to accommodate the proposed development, it is the intent of these Subdivision Regulations that subdivision review be carried out simultaneously with the review of any zoning application.

C. No lot shall be approved which is bisected by a zoning district boundary, unless said lot contains multiple types of uses.

D. No lot shall be approved which does not meet the minimum size and dimension in the Zoning Ordinance unless:

1. the lot is a nonconforming lot of record under the Zoning Ordinance; or
2. a variance has been approved by the Board of Adjustment.

Taxes and Liens Paid

Prior to the consideration of a final plat by the City Council, any delinquent taxes, fees, and outstanding liens due the City must be paid.

Plat Application Fees

Every applicant requesting approval of a plat shall pay the applicable fee at the time of submittal. Such fee shall include any recording fees required by the Tarrant County or Wise County Clerk's Office (whichever the case may be). Application fees for Preliminary Plats, Replats, Minor Plats, Amending Plats, Final Plats, and Development Plats shall be established by separate ordinance approved by the City Council.

Development and Inspection Fees

From and after the effective date of this Ordinance, the City's development and inspection fees for developments located inside the City and within its extraterritorial jurisdiction shall be four percent (4%) of the construction costs of the water, sewer, street and drainage facilities required by this Ordinance, as determined by the Director of Public Works. Payment shall be made as the construction is incurred or within ten (10) days thereof.

Frontage on Improved Roads Required

No subdivision shall be approved unless the area to be subdivided has a minimum of fifty (50) feet of contiguous frontage on and access to an existing public street, or an acceptable public access approved by the City Council, and such access meets the minimum street construction requirements contained in the Design Manual. Where such street does not meet said minimum standards, the owner shall construct that portion of the street which provides public access and frontage to the subdivision, or provide a cash escrow to the City for the estimated cost of improvement, or provide an alternative which is acceptable to the City Council.

Vacating Plats

All actions for vacating a plat shall be consistent with applicable State statutes as contained in Chapter 212, Texas Local Government Code.

Plats Straddling Municipal Boundaries

Whenever access to a subdivision is required across land situated in an adjacent municipality, written approval is required from the affected city.

Processing Preliminary Plats

A. Upon receipt of a Preliminary Plat, all required documents, and payment of all required filing fees, the Planning and Zoning Coordinator shall check the Preliminary Plat for completeness. No Preliminary Plat shall be processed for review which is determined to be incomplete. The Planning and Zoning Coordinator shall coordinate the review of the Preliminary Plat with the applicable municipal departments, the City Engineer, and public utility companies. Upon determination that the Preliminary Plat does not meet the minimum requirements of these Subdivision Regulations, the Planning and Zoning Coordinator shall give the developer written notice of the revisions required to complete the plat.

B. Upon completion of the staff review and receipt of necessary revisions from the developer, the Preliminary Plat shall be placed on the next available meeting agenda for consideration by the City Council.

C. After the City Council has reviewed the Preliminary Plat, the applicant shall be advised of any changes and/or additions required by the City Council. Upon satisfactory completion of any requirements imposed by the City Council, the applicant may proceed with the submittal of a Final Plat.

Effective Period of Preliminary Plat Approval

The approval by the City Council of a Preliminary Plat shall be effective for a period of one (1) year. If a Final Plat Application has not been submitted on at least a portion of the area covered by the Preliminary Plat within one (1) year from the date of the approval of the Preliminary Plat by the City Council, the Preliminary Plat shall be deemed null and void. If only a portion of the Preliminary Plat has been submitted for Final Plat action, those areas not platted within three (3) years of the date of Preliminary Plat approval shall be declared null and void, unless an extension of time is granted by the City Council. Any portion of a Preliminary Plat not receiving final approval by the City Council within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a Preliminary Plat for approval. Such resubmittal shall be subject to any new subdivision or development regulations and payment of all applicable fees.

Processing Final Plats, Amending Plats, Minor Plats, or Replats

A. Upon receipt of a Replat, Amending Plat, Minor Plat, or Final Plat, all required documents, and payment of all required filing fees, the Planning and Zoning Coordinator shall check the submittal for completeness. No Replat, Amending Plat, Minor Plat, or Final Plat shall be processed for review which is not determined to be complete. No Final Plat shall be processed for review for any area in which a Preliminary Plat has not been previously approved by the City Council. The Planning and Zoning Coordinator shall coordinate the review of all plats with the applicable municipal departments, City Engineer, and public utility companies. Upon determination that the Preliminary Plat does not meet the minimum requirements of these Subdivision Regulations, the Planning and Zoning Coordinator shall give the developer written notice of the revisions required to complete the plat.

B. Upon completion of the staff review and receipt of any necessary revisions from the developer, the Plat shall be placed on the next available meeting agenda for consideration by the City Council.

C. If applicable under these Subdivision Regulations, the City Council shall hold any required public hearing on Replats in conformance with Sections 212.014 and 212.015 of the Texas Local Government Code.

D. In all final plat considerations, City Council may either approve or disapprove. The City Council shall hold a public hearing on Replats. Notice of such hearing shall be advertised in the official newspaper at least 15 days prior to the hearing. The City Council shall approve a Plat, according to Section 212.010 of the Texas Local Government Code, if it conforms to the general plan of the city and to these Subdivision Regulations. However, the City Council may disapprove a plat which does not conform to the general plan or to these Subdivision Regulations. If the City Council determines that additional conditions must be met, the plat shall be disapproved. Any disapproval shall be deemed a refusal by the City to accept the offered dedications shown thereon. Furthermore, the action of the City Council shall be final in the consideration of the proposed plat.

Official Filing and Recording of Final Plats

Upon approval of the plat by the City Council, the Planning and Zoning Coordinator shall proceed with the official filing of record procedures using the following guidelines:

A. The signature showing final approval of the plat shall not be affixed until all taxes, assessment charges and other monetary obligations due to the City have been paid.

B. The Planning and Zoning Coordinator shall obtain the necessary signatures from the Mayor and City Secretary. The Planning and Zoning Coordinator shall verify that all required covenants have been accepted by the applicant prior to submitting the plat to the Tarrant County or Wise County Clerk's Office (whichever the case may be) for filing.

C. To be recorded, the plat must:

1. Describe the subdivision by metes and bounds;
2. Locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part;

3. State the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part; and
 4. Meet all other requirements of these Subdivision Regulations and State law.
- D. The owner of the tract must acknowledge the plat in the manner required for the acknowledgment of deeds.
 - E. The plat must be filed with the Tarrant County or Wise County Clerk's Office (whichever the case may be).
 - F. The plat is subject to the filing and recording provisions of Section 12.002, Texas Property Code.
 - G. Upon receipt of the official filed plat, the Planning and Zoning Coordinator will place a mylar film and a black line copy in the City Plat File showing the official filing notation from the Tarrant County or Wise County Clerk's Office (whichever the case may be).
 - H. Approval of the plat by the City Council authorizes the developer to proceed with the installation of the public facilities in the subdivision provided such plans have been approved by the City Engineer, a Developer Agreement has been executed, and all fees have been paid.

Effect of Approval on Dedication

The approval of a plat is not considered an acceptance of any proposed dedication for public use or use by persons other than the owner of the property covered by the plat and does not impose on the municipality any duty regarding the maintenance or improvement of any purportedly dedicated parts until the municipality's governing body makes an actual appropriation of the dedicated parts by formal acceptance, entry, use, or improvement.

Notice of Noncompliance

For any subdivision existing for which a plat to be filed for record has not been approved or which fails to meet the standards contained or referred to herein, the City Council may adopt a resolution concerning such failure or lack of approval and indicating that same is a violation of the provisions of this ordinance. The City Council may cause a certified copy of such resolution to be filed in the Tarrant County or Wise County Deed Records (whichever the case may be) in which said subdivision or part thereof lies. If compliance and approval are secured following the filing of said resolution, the City Council shall file in the Tarrant County or Wise County Deed Records (whichever the case may be) an instrument which, in effect, rescinds such earlier filed resolution.

REQUIREMENTS FOR PUBLIC AND SEMI-PUBLIC IMPROVEMENTS

General Infrastructure Policy

- A. The developer shall install all water and sewer systems, street and drainage facilities, and any other facilities required by these Subdivision Regulations which are necessary for the proper development of the subdivision. The design, construction and inspection of any public or semi-public improvements, as well as the cost of engineering review, shall be borne by the developer. All such facilities shall be designed and constructed in accordance with the Design Manual and be in conformance with the general layout of the Master Land Use Plan.
- B. Where considered necessary by the City Engineer, the facilities shall be sized in excess of that dictated by the Design Manual to provide for future growth and expansion of the City systems. Where oversizing of public facilities is required, or where the relocation of public facilities is required, or where specific public or semi-public improvements are necessary for the proper development of the subdivision, the developer shall construct or relocate said public or semi-public facilities. City participation, if any, in the cost of oversized lines shall be in accordance with ordinances adopted by the City Council of the City of Newark or as agreed by the City Council.
- C. Where, in the opinion of the City Council, construction of said public or semipublic facilities should be deferred to a future date, the developer shall place in escrow with the City an amount equal to the estimated cost of the improvements as determined by the Planning and Zoning Coordinator.

D. When a tract of land is proposed for development and public improvements are to be installed between or paralleling two or more tracts of land under different ownership and participation is required by both owners, the developer desiring to plat first shall comply with the following:

1. If the public improvements are required for the actual development of the property, then the first developer shall be responsible for obtaining the necessary right-of-way or easements from the adjoining property owner or owners and for installing those improvements at his own expense. Pro rata reimbursement may be authorized in accordance with utility extension ordinances adopted by the City Council of the City of Newark or as agreed by the City Council.

2. If the improvements are not required at the time of development of the subdivision, then the developer shall provide, within his subdivision, the easements or rights-of-way necessary for the future improvements.

E. The developer shall be responsible for the proper design and construction of all public infrastructure required to serve the development in accordance with these Subdivision Regulations and other applicable regulations.

Minimum Standards and Levels of Service

The standards and criteria established in these Subdivision Regulations for dedication and construction of public facilities and infrastructure are based upon engineering studies and historical usages and demands by different categories of development. These Subdivision Regulations identify certain minimum requirements and sizings for utilities, roadways, parks, and other facilities that have been determined by the City Council to be necessary in order to provide the minimum level of service necessary to protect or promote the public health, safety, and welfare and to assure the quality of life currently enjoyed by the citizens of Newark. It is the intent of these Subdivision Regulations that no development occur until and unless these minimum levels of service are met. Therefore, each development in the City shall be required to dedicate, construct or upgrade required facilities and infrastructure to a capacity that meets these minimum levels. Whenever the City Council determines that levels of service in excess of these minimum standards are necessary in order to promote the orderly development of the City, the developer shall qualify for reimbursement for any costs in excess of the minimum levels of service through City participation, a pro rata reimbursement policy or other means adopted by the City.

Water Facility Requirements

The developer shall furnish, install, construct, or extend, at his own expense, water distribution facilities necessary for the proper development of the subdivision. The water system shall provide individual service to every lot in the subdivision. All water mains constructed within a proposed development shall be extended to the perimeter of the proposed development to allow for future extension of the water system into adjacent properties. The water system shall be designed and constructed in accordance with the specifications contained in the Design Manual. Where considered necessary by the City Engineer, the facilities shall be sized in excess of that dictated by the Design Manual to provide for future growth and expansion of the City water distribution system. In addition, the water system shall conform to the City's current Master Water Distribution System Plan.

City Participation in Water System Oversizing

Where oversizing of water system improvements is required by the Water Plan, City participation in any proposed water line shall be in accordance with utility extension ordinances adopted by the City Council of the City of Newark or as agreed by the City Council. City participation will not be available for water lines which are not part of the proposed improvements contained in the Water Plan.

Fire Hydrant Requirements

The developer shall install, at his own expense, a sufficient number of fire hydrants to provide fire protection service to every lot in the development. The fire hydrant system shall be designed according to the specifications contained in the Design Manual. The layout of the system shall be determined by the Director of Public Works and approved by the Fire Chief.

Sewage Facility Requirements

The developer shall furnish, install, construct, or extend, at his own expense, sewage collection facilities necessary for the proper development of the subdivision. The sewage system shall provide individual service to every lot in the development. All sewer mains constructed within the proposed development shall be extended to the perimeter of the proposed development to allow for future extension of the sewer system into adjacent properties regardless of whether or not such extensions are required for service within the development. The sewage system shall be designed and constructed in accordance with the specifications contained in the Design Manual. Where considered necessary by the City Engineer, the facilities shall be sized in excess of that dictated by the Design Manual, to provide for the future growth and expansion of the City sewer systems. All sanitary sewer installations shall be in conformance with the City's Sewer Plan.

City Participation in Sewer System Oversizing

Where oversizing of sewer system improvements is required, City participation in any proposed sewer line shall be in accordance with utility extension ordinances adopted by the City Council of the City of Newark or as agreed by the City Council. City participation will not be available for sewer lines which are not a part of the proposed improvements contained in the Sewer Plan.

Utilities to be Constructed In Rights-of-Way

All public utilities shall be constructed within a public street right-of-way or an appropriate utility easement. When a proposed water or sewer line or a drainage facility will be placed adjacent to a public road maintained by the Texas Department of Transportation, a separate specific use easement shall be provided for each utility or drainage facility. If the developer cannot obtain the necessary easements to make required off-site improvements, he may request the City to institute condemnation proceedings to acquire the easement, provided that the developer shall bear all costs of such proceedings.

Street Right-of-Way Dedication

Each plat shall dedicate public street right-of-way of sufficient width to comply with the standards contained on the Master Streets Plan and the following requirements:

- A. All street rights-of-way shall be integrated with the existing and proposed system of thoroughfares and rights-of-way.
- B. Every lot shall front on a public right-of-way which complies with the width shown on the Master Streets Plan or, when approved by the City, an acceptable public access easement.
- C. Street rights-of-way shall be configured so as to allow for future access to adjacent properties.

Street Improvement Requirements

The developer shall construct, at his own expense, street facilities necessary for the proper development of the subdivision. The street system shall provide access to every lot in the subdivision, and comply with the following:

- A. All street surfaces within or abutting the proposed subdivision shall be paved, with curbs and gutters installed, and otherwise constructed in accordance with the standards and specifications contained in the Design Manual.
- B. All paving shall be constructed to the width specified by the Design Manual.
- C. Permanent dead-end roads shall not be allowed.
- D. Proposed new streets shall be laid out, where possible, so as to eliminate or avoid new perimeter half-streets.

City Participation in Thoroughfare Street Improvements

The City will only participate in the construction costs of a Collector or Arterial street as designated by the Master Streets Plan and located in conventional single-family residential areas. When the Director of Public Works has

determined that the need for additional street capacity is not directly attributable to the traffic pattern of the proposed development, the City may participate in the portion of the roadway in excess of thirty-six (36) feet, measured from curb face to curb face. The developer shall pay for thirty-six (36) feet of roadway, curb and gutter for both sides, and all other costs connected thereto, including engineering costs.

When a street is required to be constructed with extra width, or with special conditions by the City for aesthetic value or special circumstances, the City will participate on the same basis as in thoroughfare considerations. Where the oversizing of the street is at the discretion of the developer for aesthetic purposes or special considerations, no participation will occur.

In non-single-family residential areas, when existing development would require additional strength design or additional width of pavement to accommodate expected traffic use, no City participation will occur.

Perimeter Street Requirements

A. Where an existing perimeter street is adjacent to a proposed new subdivision, the developer shall establish the location of the street centerline and dedicate sufficient right-of-way within his own subdivision to provide one-half of the street right-of-way width shown on the Master Streets Plan, not to exceed the size of right-of-way required to serve the development. The developer shall construct one-half of the required street according to the standards contained in the Design Manual, or approved by the City, [or] deposit with the City an amount equal to his/her computed pro rata share as set by the City Council as a per linear foot fee, before building permits will be issued.

B. Construction on a single residential lot is excluded from the above perimeter street requirements.

Insurance and Bonding

A. Insurance. The owner or contractor will comply with the insurance requirements applicable to the City's public works projects.

B. Performance bond; escrow agreement.

1. Performance and payment bonds will be submitted in an amount, as determined by the City Engineer, to insure completion of all improvements therein; or

2. If the cost of completing the improvements is \$100,000 or less, cash money in the amount of the cost of completing the improvements, as determined by the City Engineer, may be deposited with a bank as escrow agent pursuant to an escrow agreement, the form and provisions thereof to be approved by the City Engineer and City Attorney, to insure completion of the improvements.

C. Maintenance bond. Prior to acceptance by the City of any improvements, a maintenance bond will be furnished in an amount of one hundred percent (100%) of the contract amount of all improvements, insuring the repair and replacement of all defects due to faulty materials and workmanship that appear within a period of two (2) years from the date of acceptance of the improvements by the City. The furnishing of the maintenance bond shall not, however, relieve the developer of responsibility for the proper construction and maintenance of the improvements.

D. Payment bond. Prior to commencing construction of any improvements:

1. A payment bond will be furnished in an amount of not less than one hundred percent (100%) of the approximate total cost of the contract guaranteeing the full and proper protection of all claimants supplying labor and material for the construction of the improvements; or

2. If the total contract amount of all improvements is fifty thousand dollars (\$50,000) or less, as determined by the City Engineer, the owner and contractor may, in lieu of furnishing a payment bond, agree to pay and satisfy all claims, liens, charges, and encumbrances arising from construction of the improvements and furnish a written affidavit, in a form provided by the City Engineer, stating that all charges, accounts, and claims for labor performed and material furnished in connection with, the improvements have been paid in full and that there are no unreleased recorded liens filed against the improvements or land to which they are affixed that are to be dedicated to the public.

E. The City Engineer may require the owner or contractor or both to furnish a list of all contractors and subcontractors who performed labor on or persons supplying material for the improvements and require a written release of all claims from any such persons prior to acceptance of the improvements.

Sidewalk Requirements

A. Every new subdivision, or resubdivision hereafter approved, shall be required to install sidewalks, with appropriate curb ramps, adjacent to all public street rights-of-way. Construction of any sidewalk shall conform to the standards and specifications contained in the Design Manual. Sidewalk placements shall conform to the following:

1. All corner lots shall have sidewalks placed on the two frontages or sides adjacent to the streets.
2. Any triple frontage lots shall have sidewalks placed on the three frontages or sides adjacent to the streets.
3. Any double frontage lots shall have sidewalks placed on the two frontages adjacent to the streets.
4. Construction of all side yard sidewalks and rear yard sidewalks adjacent to perimeter streets shall be the developer's responsibility to construct after plat approval. Front yard sidewalks shall be constructed for each lot prior to completion of any primary structure.

B. The above sidewalk requirement shall also apply to any Development Plat where sidewalks exist on adjacent property.

Drainage Improvement Requirements

A. The developer shall be required to furnish, install, construct, or extend, at his own expense, all storm sewers and drainage structure facilities necessary for the proper development of the subdivision. Concrete channel improvements shall be required where specified in the Master Drainage Plan and in the Design Manual. Alternate earthen channels may be approved when in accordance with the criteria established in the Design Manual. All public drainage facilities shall be constructed within a public drainage easement or drainage right-of-way as required by the City.

B. With respect to off-site drainage, the following provisions shall apply:

1. The developer shall be responsible for all runoff from fully developed property upstream of the proposed development.
2. The Director of Public Works may require the developer to furnish a drainage study to determine the impact the development will have on adjacent properties. Where a drainage study indicates that additional runoff from the developing property will overload downstream drainage facilities and may result in hazardous conditions, the City may withhold approval of the development until appropriate provisions have been made. These provisions shall include any drainage design or construction plans necessary to accommodate the off-site drainage.

Street Lighting

The developer shall furnish, install, construct, or extend, at his own expense, street lighting facilities necessary for the proper development of the subdivision. The street lighting system shall comply with the location and spacing requirements for street lighting systems contained in the Design Manual.

Developer Agreements

The developer must execute a Developer Agreement in the form contained in Appendix "B" of these regulations.

Editor's note—Appendix "B" is not printed herein.

- A. In developments where, by reason of City policy, the City Council deems it advisable to participate in the public improvements being constructed to the extent of twenty-five thousand (\$25,000) dollars, or more, the contract for such construction shall be advertised for bids in accordance with the State requirements. The developer shall deposit with the City the funds, or acceptable security as required by the applicable City Ordinances, required to pay his portion of the construction costs prior to the construction. It shall be the responsibility of the developer's engineer to prepare all contract

documents for the use of the City and the contractor, as well as all copies of the Engineering Plans for the bidding and construction of the project.

B. On projects not requiring City participation, the Final Plat approval authorizes the Developer to proceed with construction of the water, sewer, street drainage, and traffic facilities required by the Engineering Plans, provided that all fees have been paid and that such plans have been approved by the City Engineer. All construction shall be in accordance with the applicable sections of these Subdivision Regulations and the Design Manual. The developer may choose his own contractor, subject to the contractor executing the necessary bonds with the City and payment of the inspection fees required for each portion of the public facilities; provided however, that the execution of bonds by the developer's contractor shall not relieve the developer of his responsibilities and liabilities to the City under the Developer Agreement.

Temporary Improvements

The developer shall build and pay for all costs of temporary improvements required by the Director of Public Works and shall be responsible for maintaining same for a period specified by the City.

Public Works Construction Permit Required

Construction shall not start on any street, sidewalk, drainage, utility or other public improvement until a Public Works Construction Permit and an acceptable two (2) year maintenance bond has been issued for all facilities in the subdivision or the approved phase of the subdivision.

Inspection of Proposed Public Facilities

The Director of Public Works shall provide for inspection of required public improvements during construction and insure their satisfactory completion. If the Director of Public Works finds upon inspection that any of the required improvements have not been constructed in accordance with City construction standards and specifications, the applicant shall be notified that building permits will not be issued until all inconsistencies have been corrected. All construction debris or waste shall be removed from all areas of the subdivision prior to the issuance of the Letter of Acceptance of Public Improvements by the Director of Public Works.

Final Walk-Through and Construction Debris

The developer shall arrange for a final walk-through inspection with the Director of Public Works. No cut trees, timber, debris, rocks, stones, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of completion of public facilities. Removal of all debris and waste shall be required prior to approval and acceptance of all public improvements and prior to the issuance of any building permit or certificate of occupancy.

Letter of Completion of Public Improvements

A. The City will not accept dedication of required improvements until the Director of Public Works has issued a Letter of Acceptance of Public Improvements as provided in this section.

B. Upon approved completion of the construction of the public facilities, the developer's engineer shall submit to the Director of Public Works a complete set of "as-built" documents for the project along with a complete accounting of all construction units "as-built" and the total project cost. The Director of Public Works will then issue a Letter of Acceptance of Public Improvements to the developer and authorize the issuance of building permits.

Impact Fees

The requirements in this Chapter shall be in addition and not in lieu of any impact fees that may be applicable to development within the City.

Rough Proportionality Determination

- A. The City Council shall consider the City Engineer's report concerning the proportionality of the exaction requirements in making a decision on a plat application. The City Council may consider the City Engineer's report in granting a variance to the requirements of the Subdivision Ordinance.
- B. The City official responsible for issuing a permit for which an exaction requirement is imposed as a condition of approval shall consider the City Engineer's report concerning the proportionality of the exaction requirements in making its decision as to whether to grant the permit.

Rough Proportionality Appeal

- A. An applicant for a preliminary or final plat or for a permit which imposes an exaction requirement as a condition of approval may file an appeal to contest any exaction requirement, other than impact fees, imposed as a condition of approval or in which the failure to comply is grounds for denying the plat application pursuant to the Subdivision Ordinance.
- B. The purpose of a proportionality appeal is to assure that an exaction requirement imposed on a proposed plat or development as a condition of approval does not result in a disproportionate cost burden on the applicant, taking into consideration the nature and extent of the demands created by the proposed subdivision or development on the City's public facilities systems.

Appeals Procedure

- A. An applicant for a preliminary or final plat or an applicant seeking approval for any other permit or zoning for which an exaction requirement is imposed shall file a written appeal with the City Secretary within 10 days of the date the City Council or the city official responsible for issuing the permit takes action applying the exaction requirement. This may include denial of the permit or plat. The applicant shall submit 15 copies of the appeal. (Ordinance A-379 adopted 8/25/11; Ordinance adopting Code)
- B. A separate appeal form shall be submitted for each exaction requirement for which relief is sought. The City Secretary shall forward the appeal to the City Council for consideration.
- C. The applicant may request postponement of consideration of the applicant's plat application by the City Council pending preparation of the study required by subsection (f) [F.], in which case the applicant shall also waive the statutory period for acting upon a plat for the time necessary for the City Council to decide the appeal.
- D. No developer's agreement may be executed by the City until the time for appeal has expired or, if an appeal is filed, until the City Council has made a determination with respect to the appeal.
- E. The appeal shall state the reasons that application of the exaction requirement is not roughly proportional to the nature and extent of the impact created by the proposed subdivision or development on the City's public facilities systems and does not reasonably benefit the proposed subdivision or development.
- F. The appellant shall submit to the City Engineer 15 copies of a study in support of the appeal that includes, with respect to each specific exaction requirement appealed, the following information within 30 days of the date of appeal, unless a longer time is requested:
 - 1. total capacity of the City's water, wastewater, roadway, drainage, or park system, as applicable, to be utilized by the proposed subdivision or development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the subdivision. If the proposed subdivision is to be developed in phases, such information also shall be provided for the entire development, including any phases already developed;
 - 2. total capacity to be supplied to the City's public facilities systems for water, wastewater, roadway, drainage or parks, as applicable, by the exaction requirement. This information shall include any capacity supplied by prior exaction requirements imposed on the development;
 - 3. comparison of the capacity of the applicable City public facilities systems to be consumed by the proposed subdivision or development with the capacity to be supplied to such systems by the proposed exaction requirement. In making this comparison, the impacts on the City's public facilities systems from the entire subdivision or development shall be considered;

4. the amount of any City participation in the costs of oversizing the public infrastructure improvements to be constructed by the applicant in accordance with the City's requirements;
5. comparison of the minimum size and capacity required by City standards for the applicable public facilities systems to be utilized by the proposed subdivision or development with the size and capacity to be supplied by the proposed exaction requirement; and
6. any other information that shows the alleged disproportionality between the impacts created by the proposed development and the exaction requirement imposed by the City.

G. The City Engineer shall evaluate the appeal and supporting study and shall make a recommendation to the City Council based upon the City Engineer's analysis of the information contained in the study and utilizing the same factors considered by the Engineer in making the original proportionality determination.

City Council Decision

A. The City Council shall decide the appeal within 30 days of the date of final submission of any evidence by the applicant. Upon receipt of the final submission of evidence from the applicant, the City Secretary shall schedule a time and date for the City Council to consider the appeal and shall cause the applicant to be notified at the address specified in the appeal form of the time, date and location at which the City Council shall consider the appeal.

B. The applicant shall be allotted time, not to exceed 30 minutes, to present testimony at the City Council meeting. The Council shall base its decision on the criteria listed in [Sections 1.9\(A\)](#) and [4.26\(F\)](#) and may:

- (1) deny the appeal and impose the exaction requirement in accordance with the City Engineer's recommendation or the City Council's decision on the plat or other development application; or
- (2) grant the appeal, and waive in whole or in part an exaction requirement to the extent necessary to achieve proportionality; or
- (3) grant the appeal, and direct that the City participate in the costs of acquiring land for or constructing the public infrastructure improvement.

C. In deciding an appeal, the City Council shall determine whether application of the exaction requirement is roughly proportional to the nature and extent of the impact created by the proposed subdivision on the City's public facilities systems for water, wastewater, roadway, drainage, or park facilities, as applicable, and reasonably benefits the subdivision. In making such determination, the Council shall consider:

1. the evidence submitted by the applicant;
2. the City Engineer's report and recommendation, considering in particular the factors identified in [Sections 1.9\(A\)](#) and [4.26\(F\)](#); and
- (3) if the property is located within the City's extraterritorial jurisdiction, any recommendations from the county.

D. The City Council may require the applicant or the City Engineer to submit additional information that it deems relevant in making its decision.

Action Following Decision of City Council

A. If the City Council finds in favor of the applicant and waives the exaction requirement as a condition of plat approval, or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the plat application to the City Council or City Official responsible for issuing the permit within 30 days of the date the City Council takes action, with any modifications necessary to conform the plat with the City Council's decision. The applicant shall not be deemed to have prevailed in the event that the City Council modifies the exaction requirement.

B. If the City Council finds in favor of an applicant for any other permit and waives the exaction requirement as a condition of permit approval, or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the permit application to the responsible official within 30 days of

the date the City Council takes action, with any modifications necessary to conform the application with the City Council's decision. Failure to meet the date will result in the expiration of any relief granted by the City Council.

C. If the City Council denies the appeal and the applicant has executed a waiver of the statutory period for acting upon a plat, the City shall place the plat application on the agenda of the City Council within 30 days of the City Council's decision.

D. If the rough proportionality appeal was submitted appealing the imposition of an exaction requirement for a plat application, and City Council grants relief to an applicant but the applicant fails to conform the plat to the City Council's decision within the 30-day period provided, the relief granted by the City Council on the appeal shall expire.

F. If the plat application is modified to increase the number of residential dwelling units or the intensity of nonresidential uses, the City Secretary or City Engineer may require a new study to validate the relief granted by the City Council.

G. If the plat application for which relief was granted is denied on other grounds, a new appeal shall be required on any subsequent application.

Appeal of City Council Decision

An applicant may appeal the decision of the City Council to the county or district court of the county in which the development is located within 30 days of the date that the Council issues its final decision. In the event that the applicant prevails in such action, the applicant will be entitled to attorneys' fees and costs, including expert witness fees.

REQUIREMENTS FOR SUBMITTAL OF A PRELIMINARY PLAT

Preliminary Plat Approval Required

All applicants seeking approval of a Preliminary Plat shall comply with the requirements of this Chapter and the following:

A. Every Preliminary Plat shall require approval of the City Council.

B. The procedures contained in this Chapter shall be used when the property being proposed for development is considered "an unplatted tract" and which is not currently developed into platted lots and blocks, and filed for record in the Tarrant County or Wise County Clerk's Office (whichever the case may be) as a previously platted subdivision of record.

C. When previously platted property is being combined with unplatted property and the redevelopment plan is substantially different from the existing lot configuration, the procedures for a Preliminary Plat will be used for the review of the proposal. Any public hearing requirements associated with previously platted property must comply with the provisions of Sections 212.014 and 212.015 of the Texas Local Government Code, as amended.

D. The developer shall show all factors necessary to enable the City Council to determine whether the proposed subdivision is satisfactory from the standpoint of the public interests and be consistent with the Comprehensive Land Use Plan, the Zoning Ordinance, and these Subdivision Regulations.

Platting Land Under Same Ownership

Every Preliminary Plat shall include all the land which the applicant proposes to subdivide and all contiguous tracts owned under the same ownership. This requirement will enable the City Council to, (1) determine the need for public improvements or easements which may be required on portions of the land and make future subdivisions uneconomical to develop if the improvements are not installed as a part of the land being proposed for development, and (2) plan for or require reservations for future rights-of-way. This requirement may be waived by the City Council when the proposed subdivision appears to have no impact on, or from, the contiguously owned property which is not being developed.

Phasing Development

A. The Preliminary Plat shall indicate any phasing of the proposed development with a heavy dashed line. Each phase shall be numbered sequentially and in the proposed order of development. The proposed utility and drainage layout for each phase shall be designed in such a manner that the phases can be developed in numerical sequence. Thereafter, plats of subsequent units of such subdivision shall conform to the approved overall layout and phasing, unless a Preliminary Plat is submitted. However, a subsequent reduction of a phase may be considered provided that it conforms to the original street arrangement.

B. The City Council may impose reasonable conditions upon the filing of the phases as it may deem necessary to assure the orderly development of the City.

Preliminary Plat Documents Required

The application packet shall include all documents listed below and no Preliminary Plat will be reviewed by the City until all required documents are submitted in a completed format and all fees have been paid. A letter requesting any variances from these regulations shall be submitted in accordance with the provisions of [Section 1.10](#), hereof.

- Preliminary Plat Application (See [Section 5.5](#))
- Preliminary Plat Drawing (See [Section 5.6](#))
- Preliminary Drainage Analysis (See [Section 5.7](#))
- Preliminary Utility Layout (See [Section 5.8](#))

Preliminary Plat Application

The applicant shall submit a written Preliminary Plat Application to the Planning and Zoning Coordinator not less than thirty-five days (35) prior to the regular meeting of the City Council for which approval is being sought. Written authorization from the owner shall be furnished when the applicant is not the owner of record.

Preliminary Plat Drawing

The applicant shall submit the seven (7) copies of the Preliminary Plat Drawing as indicated by the Preliminary Plat Application. The Preliminary Plat Drawing shall contain at a minimum, all the information listed in the “Requirements for All Plat Drawings” contained in [Section 11.1](#) and include all the information listed as “Additional Requirements for Preliminary Plat Drawings” contained in [Section 11.2](#) of these Subdivision Regulations.

Preliminary Drainage Analysis

The applicant shall submit a Preliminary Drainage Analysis of the subdivision area to determine the need for drainage facilities within the area being considered for development or off-site on adjacent properties. The Preliminary Drainage Analysis shall conform to the technical specifications contained in the Design Manual.

Preliminary Utility Layout

The applicant shall submit a Preliminary Utility Layout to show the general location and approximate sizes of all existing and proposed public utilities. The size of all proposed water and sewer lines shall be determined using methods prescribed in the Design Manual.

Review, Processing and Approval of Preliminary Plat

Every Preliminary Plat shall be reviewed for conformity with the Comprehensive Land Use Plan, these Subdivision Regulations and any other applicable ordinance according to the procedures established for “Processing Preliminary Plats” as contained in Section 3.14 [\[3.15\]](#) of these Subdivision Regulations.

Grading of Site Prior to Final Plat Approval

Subsequent to Preliminary Plat approval, the developer may request written approval from the Director of Public Works to commence construction to the grades and elevations required by the construction plans.

REQUIREMENTS FOR SUBMITTAL OF A FINAL PLAT

Final Plat Approval Required

All applicants seeking approval of a Final Plat shall comply with the requirements of this Chapter. Every Final Plat shall require approval of the City Council. The Mayor may approve Minor Plats and Amending Plats.

Conformity with Preliminary Plat

The Final Plat and accompanying data shall substantially conform to the Preliminary Plat, as approved by the City Council, incorporating any and all changes, modifications, alterations, corrections and stipulations imposed by the City Council. Any submittals of a Final Plat which do not constitute a full phase as shown on the Preliminary Plat must be consistent with the Preliminary Plat in design and layout. Additional review time may be required where a Final Plat does not constitute a full phase as shown on the Preliminary Plat.

Final Plat Documents Required

The application packet shall include all documents listed below and no Final Plat will be reviewed by the City until all required documents are submitted in a completed format and all fees have been paid.

- Final Plat Application (See [Section 6.4](#))
- Final Plat Drawing (See [Section 6.5](#))
- Drainage Study (See [Section 6.6](#))
- Engineering/Construction Drawings (See [Section 6.7](#))
- Taxes and Liens Paid Certificates (See [Section 6.8](#))
- Developer Agreement (See Appendix A)

Editor's note—Appendix A is not printed herein.

Final Plat Application

The applicant shall submit a written Final Plat Application to the Planning and Zoning Coordinator not less than thirty-five (35) days prior to the regular meeting of the City Council for which approval is being sought.

Final Plat Drawing

The applicant shall submit four (4) copies of the Final Plat Drawing as indicated on the Final Plat Application. The Final Plat Drawing shall contain, at a minimum, all the information listed in the "Requirements for All Plat Drawings" contained in [Section 11.1](#) and include all the information listed as "Additional Requirements for Final Plat Drawings" contained in [Section 11.3](#) of these regulations. (Ordinance A-379 adopted 8/25/11)

Drainage Study

When the Preliminary Drainage Analysis has determined that drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with engineering drawings which shall conform to the technical specifications contained in the Design Manual. The City Council shall not recommend for approval any Final Plat which does not provide adequate facilities to accommodate storm or flood water runoff.

Engineering/Construction Drawings

When the City has determined that public improvements are required, the applicant, or his engineer, shall submit construction plans for all public improvements along with the Final Plat for approval by the City. The engineering drawings shall conform to the requirements of the Design Manual and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

Taxes and Liens Paid Certificates

The applicant shall submit a certificate, available from the Planning and Zoning Coordinator, indicating that any delinquent taxes or liens due the City have been paid.

Review, Processing and Approval of Final Plat

Every Final Plat shall be reviewed for conformity to the Comprehensive Land Use Plan, these regulations and any other applicable ordinances according to the procedures established for “Processing Final Plats, Amending Plats, Minor Plats, or Replats” as contained in [Section 3.17](#) of this Ordinance.

REQUIREMENTS FOR SUBMITTAL OF A REPLAT

Replat Approval Required

A. All applicants seeking approval of a Replat shall comply with the requirements of this Chapter. Every Replat, other than Minor Plats or Amending Plats, shall require approval of the City Council. A Replat is required when a previously approved subdivision, or portion thereof, is proposed to be subdivided into smaller lots or, to combine existing smaller lots into a development with larger lots, and the proposed changes do not meet the criteria of Amending Plats or Minor Plats. The procedures contained in this Chapter shall be used when the tract being proposed for redevelopment, or portion thereof, is currently platted into lots and blocks, and filed for record in the Tarrant County or Wise County Clerk’s Office (whichever the case may be) as a platted subdivision of record, and the owner is requesting to redevelop the property into a new configuration.

B. Minor Plats and Amending Plats may be approved by the Mayor as provided in Texas Local Government Code, Sections 212.0065 and 212.016.

Replat Documents Required

The application packet shall include all documents listed below and no Replat will be reviewed by the City until all documents are submitted in a completed format and all fees have been paid.

- Replat Application (See [Section 7.3](#))
- Replat Drawing (See [Section 7.4](#))
- Taxes and Liens Paid Certificates (See [Section 7.5](#))
- Preliminary Drainage Analysis or Drainage Study (See [Section 7.6](#))
- Utility Layout or Engineering Drawings (See [Section 7.7](#))

Replat Application

The applicant shall submit a written Replat Application to the Planning and Zoning Coordinator not less than thirty-five (35) days prior to the regular meeting of the City Council for which approval is being sought.

Replat Drawing

The applicant shall submit the required number of copies of the Replat Drawing as indicated by the Replat Application. The drawing shall contain, at a minimum, all the information listed in the “Requirements for All Plat Drawings” contained in [Section 11.1](#) and include all the information listed as “Additional Requirements for Replats, Minor Plats, Amending Plats, and Final Plat Drawings” contained in [Section 11.3](#) of these Subdivision Regulations. No Replat may be approved which does not contain the signatures of the owners of the property being replatted.

Taxes and Liens Paid Certificates

The applicant shall submit a certificate, available from the Planning and Zoning Coordinator, indicating that any taxes or liens due the City have been paid.

Preliminary Drainage Analysis or Drainage Study

Due to the variable conditions of a Replat, the Director of Public Works will review the submittal and may require the applicant to submit a Preliminary Drainage Analysis or a Drainage Study of the subdivision area, which shall conform to the technical specifications contained in the Design Manual. The applicant may be exempt from this requirement when the Director is satisfied that no drainage facilities are necessary or where a Drainage Study for the area has been approved within the previous four-year period.

Utility Layout or Engineering Drawings

The applicant shall submit a Utility Layout to show the location and sizes of all existing and proposed public utilities to verify easement requirements. However, when the Director of Public Works has determined that the proposed redevelopment of the subdivision will require public improvements, the applicant or his engineer, shall submit engineering plans for all public improvements for approval by the City as a prerequisite to the approval of the Replat by the City Council. Furthermore, when a Replat results in the reconfiguration of lots so as to impact the location of any existing water or sewer tap locations, the developer shall submit sufficient information regarding the location of the existing taps and provide for any utility adjustments so as to assure the availability of utility services to each lot. Any engineering drawings associated with a Replat shall conform to the requirements of the Design Manual.

Review, Processing and Approval of Replats

Every Replat shall be reviewed for conformity with the Comprehensive Land Use Plan, these requirements and any other applicable ordinance in accordance with the procedures established for “Processing Final Plats, Amending Plats, Minor Plats, or Replats” in [Section 3.17](#) of these Subdivision Regulations. Replats may not amend or remove any recorded covenants or restrictions. If the proposed replat requires a variance and is protested in accordance with Section 212.015 of the Texas Local Government Code, in order to be approved, the proposed replat must receive the affirmative vote of at least three-fourths of the members present of the City Council.

Replat Public Hearing Requirements

Certain replats are required to comply with the public hearing regulations contained in Section 212.014 and Section 212.015 of the Texas Local Government Code. The required public hearing for Replats under State law shall be held by the City Council.

REQUIREMENTS FOR SUBMITTAL OF A MINOR PLAT

Minor Plat Approval Required

All applicants seeking approval of a Minor Plat shall comply with the requirements of this Chapter. Every Minor Plat shall require approval of the Mayor. The Mayor, in his discretion, may forward any Minor Plat to the City Council for review and approval in lieu of granting approval.

Minor Plat Prerequisites

The procedures contained in this Chapter apply to a plat containing four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal utilities.

Minor Plat Documents Required

The application packet shall include all documents listed below and no Minor Plat will be reviewed by the City until all required documents are submitted in a completed format and all fees have been paid.

- Minor Plat Application (See [Section 8.4](#))
- Minor Plat Drawing (See [Section 8.5](#))
- Preliminary Drainage Analysis (See [Section 8.6](#))

- Tax and Liens Paid Certificates (See [Section 8.7](#))

Minor Plat Application

The applicant shall submit a written Minor Plat Application to the Planning and Zoning Coordinator not less than fourteen (14) days prior to the regular meeting of the City Council for which approval is being sought.

Minor Plat Drawing

The applicant shall submit the required number of copies of the Minor Plat Drawing as indicated by the Minor Plat Application. The Minor Plat Drawing shall contain, at a minimum, all the information listed in the “Requirements for All Plat Drawings” contained in [Section 11.1](#) and all the information listed as “Additional Requirements for Replats, Minor Plat, Amending Plats, and Final Plat Drawings” contained in [Section 11.3](#).

Preliminary Drainage Analysis

The Director of Public Works will review each request for a Minor Plat and determine whether the applicant shall be required to submit a Drainage Analysis or Drainage Study. When required, the Drainage Analysis or Drainage Study shall conform to the technical specifications contained in the Design Manual. The applicant may be exempt from this requirement when the Director is satisfied that no drainage facilities are necessary.

Taxes and Liens Paid Certificates

The applicant shall submit a certificate available from the Planning and Zoning Coordinator indicating that any taxes or liens due the City have been paid.

Review and Processing of Minor Plats

Every Minor Plat shall be reviewed for conformity with the Comprehensive Land Use Plan, these regulations, and any other applicable ordinance according to the procedures established for “Processing Final Plats, Amending Plats, Minor Plats, or Replats” in [Section 3.17](#) hereof. If the Mayor declines to approve the proposed plat, the Minor Plat shall be placed on the agenda for the next regular meeting of the City Council for their consideration.

REQUIREMENTS FOR SUBMITTAL OF AN AMENDING PLAT

Amending Plat Approval Required

All applicants seeking approval of an Amending Plat shall comply with the requirements of this Chapter. An Amending Plat may be approved by the Mayor. The Mayor, in his discretion, may forward the Amending Plat to the City Council for review and approval in lieu of granting approval. The procedures contained in this Chapter shall be used to correct, or modify, a subdivision plat which has been previously filed in the Tarrant County or Wise County Clerk’s Office (whichever the case may be).

Amending Plat Prerequisites

An Amending Plat submittal may be submitted on a property when it conforms to the requirements of Section 212.016 of the Texas Local Government Code.

Amending Plat Documents Required

The application packet shall include all documents listed below and no Amending Plat will be reviewed by the City until all required documents are submitted in a completed format and all fees have been paid.

- Amending Plat Application (See [Section 9.4](#))
- Taxes and Liens Paid Certificates (See [Section 9.5](#))
- Final Plat Drawing (See [Section 9.6](#))

Amending Plat Application

The applicant shall submit a written Amending Plat Application to the Planning and Zoning Coordinator at least fourteen (14) days prior to the regular meeting of the City Council for which approval is being sought.

Taxes and Liens Paid Certificates

The applicant shall submit a certificate available from the Planning and Zoning Coordinator indicating that any taxes or liens due the City have been paid.

Final Plat Drawing

The applicant shall submit the required number of copies of the Amending Plat Drawing as shown on the Amending Plat Application. The Amending Plat Drawing shall contain, at a minimum, all the information listed in the “Requirements for All Plat Drawings” contained in [Section 11.1](#) and include all the information listed as “Additional Requirements for Replats, Minor Plats, Amending Plats and Final Plat Drawings” contained in [Section 11.3](#).

Review, Processing and Approval of Amending Plat

Every Amending Plat shall be reviewed for conformity to the regulations contained in Section 212.016 of the Texas Local Government Code. If the Mayor declines to approve the proposed plat, the Amending Plat shall be placed on the agenda for the next regular meeting of the City Council.

REQUIREMENTS FOR SUBMITTAL OF A DEVELOPMENT PLAT

Development Plat Approval Required

All applicants seeking approval of a Development Plat shall comply with the requirements of this Chapter.

Development Plat Prerequisites

A Development Plat submittal may be submitted when property is proposed to be developed in conformity to the requirements of Subchapter B of Chapter 212 of the Texas Local Government Code.

Development Plat Documents Required

The Planning and Zoning Coordinator shall determine whether the proposed development conforms to the requirements of a Preliminary/Final Plat, a Replat, a Minor Plat or an Amending Plat. Based upon this determination, the application packet for a Development Plat shall include those documents required to be submitted for that type of plat. No development plat will be reviewed by the City until all required documents are submitted in a completed format and all fees have been paid.

Review of Development Plat

The Development Plat shall be processed and reviewed according to applicable procedures set forth for the type of Development Plat submitted.

TECHNICAL SPECIFICATIONS FOR PLAT DRAWINGS

Requirements for all Plat Drawings

Every plat drawing shall include the information contained in this Chapter 11.

- A. Adjacent Properties - All property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed subdivision shall be shown for an area extending one hundred (100) feet of the perimeter with the names of the owners as shown in the most current

Tax Assessor's files. If the adjacent properties are platted, the names of adjoining subdivisions and the names of adjoining streets are to be shown.

B. City Limit Lines - The location of the Corporate Limit boundaries of the City or any adjacent city shall be shown on the plat drawing where applicable.

C. Date - The date on which the drawing was prepared shall be shown on the plat drawing.

D. Easements - The location and dimension of all existing or proposed easements shall be shown on the plat drawing indicating whether such easement is for any specific purpose. Utility easements for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided along each side of all rear property lines or on the contained side of perimeter lots. If necessary, for the extension of water or sewer mains, storm drainage or other utilities, easements of greater width may be required, or additional easements may be required, along lot lines or across lots. In all cases, easements shall connect with easements already established in adjoining properties or extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.

E. Lot and Block Numbering - All lots and blocks shall be consecutively numbered, or lettered in alphabetical order. The blocks in subdivisions bearing the same name shall be numbered or lettered consecutively through the several sections or phases. Lettering for blocks shall be larger and bolder than lot numbers or circled to make identification clear. Any lot or block which is planned as an "out-parcel" shall be numbered and designated on the plat with notation regarding any development restrictions.

F. Map Sheet Size - Map sheets shall be of such size as are acceptable for filing in the office of County Clerk and shall not exceed twenty-four by thirty-six (24" x 36") inches, but may be eighteen by twenty-four (18" x 24") inches, with a binding margin of not less than one and one-half (1-1/2") inches on the left side of the sheets. Sheets shall be numbered in sequence if more than one (1) sheet is used and an index sheet provided with match lines.

G. North Arrow - A north arrow indicating the approximate true north shall be predominantly placed near the scale.

H. Ownership/Developer - The name, address, and telephone number of the current legal owner, and the name, address, and telephone number of the developer, if other than the owner, shall be shown on the plat drawing.

I. Plat Notes and Conditions - When appropriate, the drawing shall contain a listing of any Plat Notes and Plat Conditions in a readily identifiable location with each note numbered consecutively.

J. Public Use Areas - The location and dimensions of all property proposed to be set aside for park use, or other public or common reservation shall be shown on the plat drawing, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

K. Scale - The drawing shall be prepared at a numerical scale no greater than one (1") inch equals one hundred (100') feet. At the discretion of the Director of Public Works, the plat may be drawn at a numerically smaller scale, i.e. 1" = 50', 1" = 40', etc. if the plat can still be drawn on the required sheet size. A graphic scale symbol shall be placed on the drawing.

L. Street Names - All existing and proposed street names shall be shown on the plat drawing. New street names shall be sufficiently different in sound and in spelling from other road names in the City so as to not cause confusion. A road which is, or is planned as a continuation of, an existing road shall bear the same name.

M. Street Right-of-Way - The width of all existing and proposed public street rights-of-way shall be shown on the plat drawing and be consistent with the minimum requirements contained in the Design Manual and the Master Streets Plan. Dimensions shall be shown for all curves. The distance from the centerline of any existing roadway of a boundary street to the proposed subdivision shall be shown to determine the adequate [adequacy] of right-of-way along the route and to determine if additional right-of-way is necessary to accommodate the proposed street. Sufficient iron pins shall be

found or set and shown on the drawing together with dimensions to adequately describe all perimeter streets.

N. Subdivision Boundary - The proposed subdivision boundary lines shall be shown in heavy lines so as to provide a differentiation with the internal features of the area being proposed for platting. The location and dimensions of all boundary lines of the property shall be expressed to the nearest hundredth foot.

O. Subdivision Name - The name of the proposed subdivision with predominantly larger letters than those used elsewhere shall be shown on the drawing within the Title Block. The proposed name of the subdivision shall not be a duplication of any existing subdivision name, whether by spelling or pronunciation, or similar to any other subdivision within the City unless the proposed subdivision is contiguous with a subsequent filing or a replat of an existing subdivision. The City Council shall have final authority to require a change in the proposed name of the subdivision.

P. Title Block - In addition to the name of the subdivision shall be an entry indicating whether the plat is a Preliminary Plat, Final Plat, Replat, Minor Plat, Amending Plat, or Development Plat.

Q. Vicinity Location Map - A small vicinity location map shall be shown on the plat drawing. The vicinity location map shall be drawn at an approximate scale of 1" = 2000' and show sufficient streets, Collector and Arterial Street names, and major features of the surrounding area to locate the area being subdivided.

R. Surveyor's Certification - Every final plat drawing shall contain a Surveyor's Certification of Compliance by a Professional Land Surveyor registered in the State of Texas. The Certification of Compliance shall not be less than one and one-half inches high and four inches wide and contain the following information:

KNOW ALL MEN BY THESE PRESENTS

That I, _____, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground.

Signature

Date

Phone Number: _____

(Affix Seal)

Additional Requirements for Preliminary Plat Drawings

In addition to the minimum information required of all plat drawings contained in [Section 11.1](#) of these Subdivision Regulations, every Preliminary Plat Drawing shall include the information contained in this section.

A. Permanent and Temporary Structures - The location and general outline of any existing permanent or temporary structures with sufficient dimensions to determine building line encroachments shall be shown on the plat drawing.

B. Sectionalizing or Phasing of Plats - The plat drawing shall indicate any sectionalizing or phasing of the proposed subdivision. Thereafter, plats of subsequent units of such subdivision shall conform to the approved overall layout and phasing, unless a new Preliminary Plat is submitted. However, a subsequent reduction of a phase may be considered provided that it conforms to the original street arrangement.

C. Zoning Classification - The plat drawing shall indicate the current zoning classification of the proposed subdivision and all adjacent properties.

D. Lot Dimensions - The approximate dimensions of all proposed or existing lots with sufficient detail to verify compliance with the specific requirements of the Zoning Ordinance shall be shown on the plat drawing.

E. Floodplain Features - The location of the 100-year flood limits, if applicable, shall be shown on the Preliminary Plat drawing. If the subdivision or a portion thereof is located in a 100-year floodprone

area, the developer will be required to comply with the Design Manual and the Flood Damage Prevention Ordinance.

F. Certificate of Approval - Every Preliminary Plat Drawing shall contain a Certificate of Approval by the City Council. The Certificate of Approval shall not be less than one and one-half inches high and four inches wide and contain the following information:

The City Council of the City of Newark, Texas voted affirmatively on this _____ day of _____, 20____, to approve this Preliminary Plat.

Mayor

Attest:

City Secretary

Additional Requirements for Replats, Minor Plats, Amending Plats, and Final Plat Drawings

Every Replat, Minor Plat, Amending Plat, or Final Plat drawing shall include the following information in addition to the minimum information required of all plat drawings contained in [Section 11.1](#) of these regulations.

A. Metes and Bounds Description - A written metes and bounds description of the property shall be shown on the plat drawing that will readily determine the location, bearing and length of all perimeter boundary lines, and be capable of reproducing such lines upon the ground with a closure error of less than 1:25,000. The Legal Description shall include reference to an original survey or subdivision corner, and the Texas NAD83 State Plane Coordinate System. The Legal Description shall include the acreage of the total area of the proposed subdivision and be consistent with the subdivision boundary, and information to show the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantee and land records references. The Legal Description will also be shown in its entirety on a separate 8-1/2 x 11 or 8-1/2 x 14-inch sheet of bond paper to meet the filing requirements of the Tarrant County or Wise County Clerk's Office (whichever the case may be).

B. Lot Dimensions - The exact dimensions of all proposed or existing lots and the perimeter boundary of the subdivision shall be shown on the plat drawing.

C. Lot Areas - The area for each lot expressed in square feet shall be shown on the plat drawing. (This information may be shown in tabular form on the plat or on a separate sheet.)

D. Irregular Side Lot Lines - Side lot lines which are not perpendicular to the street right-of-way shall be indicated with bearing and distance.

E. Permanent Structure Encroachments - Any permanent structures which encroach any building setback lines and will remain after completion of the development shall be shown on the drawing with appropriate dimensions.

F. Drainage Easements - The location of any drainage easements, if applicable, shall be shown on the plat drawing. If the subdivision or a portion thereof is located in the 100-year flood prone area, the developer will be required to comply with the provisions of the Design Manual and the Flood Damage Prevention Ordinance.

G. City Council Approval Certification - Every Replat or Final Plat shall contain a Certificate of Approval by the City Council as will Amending and Minor Plats when appropriate. The Certificate of Approval by the City Council shall not be less than two inches high and four and one-half inches wide and contain the following information:

The City Council of the City of Newark, Texas voted affirmatively on this _____ day of _____, 20____, to approve this Plat.

Mayor

Attest:

City Secretary

H. Tarrant County or Wise County Certification - Any Certification block required by the Tarrant County or Wise County Clerk's Office (whichever the case may be) for filing shall be shown on the plat drawing.

I. Dedication Certificate - Every Replat, Amending Plat, Minor Plat, or Final Plat shall contain an Owner's Certificate of Dedication as follows:

KNOW ALL MEN BY THESE PRESENTS:

That I, (owner's name) do hereby certify that I am the legal owner of the above described tract of land and do hereby convey to the public or public use, the streets, alleys, rights-of-way, easements, and any other public areas shown on this plat.

Signature of Owner

STATE OF TEXAS

COUNTY OF

Before me, the undersigned Notary Public in and for said county and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

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

Notary Public Signature

Printed Name

My commission expires: _____

Additional Requirements for Development Plats

In addition to other requirements set forth in these Subdivision Regulations, every Development Plat shall be prepared as a boundary survey showing:

- A. each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
- B. each easement and right-of-way within or abutting the boundary of the surveyed property; and
- C. the dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part.

SUBDIVISION DESIGN CRITERIA

General Design Criteria

Every Subdivision Plat shall be reviewed by the City for conformance with the design criteria contained in this Chapter. The City recognizes that suitability characteristics vary from site to site and the City Council shall provide oversight in their interpretation, application and enforcement of these criteria.

- A. Access from Major Thoroughfares - Where a residential subdivision borders or contains an existing or proposed thoroughfare, as shown on the Master Streets Plan, residential lots shall not in general, where possible, have frontage onto or derive access directly from an existing or proposed Collector Street, or larger. Nonresidential lots which have frontage onto or derive access directly from an existing or proposed Collector Street, as shown on the Master Streets Plan, shall have driveway locations which comply with the spacing requirements contained in the Design Manual.

B. Block Depths - Blocks should have sufficient depth to provide for two (2) rows of lots of appropriate depths. Exceptions to this prescribed block depth may be permitted in blocks adjacent to major streets, railroads, waterways or city limit lines. The use of a public alley shall be limited to nonresidential subdivisions.

C. Block Lengths - Block lengths in residential areas shall not exceed fifteen (15) times the minimum lot width required in the zoning district or 1,000 feet long (whichever is less) without an intersection with another street. Blocks designed for industrial uses may be of such length and width as determined and appropriate by the City Council for the prospective use. In long blocks, the City Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, fire apparatus access, or pedestrian traffic. When such an easement is required, additional width shall be included in the adjacent lots.

D. Buildable Area - Every residential lot proposed for development shall contain a buildable area which contains, at a minimum, 125 percent of the minimum structure square footage required for the applicable zoning district. The buildable area shall be situated out of the 100-Year Special Flood Hazard Area and drainage easements or drainage rights-of-way.

E. Character of the Land - Land which the City Council finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed until adequate methods are formulated by the developer and approved by the City Council to solve the problems created by the unsuitable land conditions.

F. Conformity with Comprehensive Land Use Plan - Every subdivision plat shall conform to the City's Comprehensive Land Use Plan, Zoning Ordinance, Subdivision Ordinance, and other applicable City standards.

G. Corner Lots - Additional lot width should be considered for corner lots to allow for one full size and one-half size front yard setback areas.

H. Cul-de-sac Length - No street may be designed to be dead-ended without the installation of a cul-de-sac with a fifty (50) foot right-of-way radius and a forty (40) foot pavement radius back to back of curb. No cul-de-sac street may exceed six hundred (600) feet in length, as measured along the street centerline from the projected curb intersection to the farthest curb location and no cul-de-sac shall exceed five hundred (500) feet unless the water main is looped.

I. Double Frontage Lots - Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from Collector or Arterial Streets or to overcome specific disadvantages of topography and orientation. The City Council may require that a restriction be placed on the plat to limit the facing of main structures or limit driveway access from any Collector or Arterial Street.

J. Drainage Easements - The City will advise the developer when to utilize either a drainage easement or a drainage right-of-way to accommodate drainage facilities in the subdivision. When a drainage easement is utilized, lot lines shall normally be drawn to the center of the drainage easement and the drainage easement shown with a dashed line. Areas within drainage easements and drainage rights-of-way shall not be included within the required buildable area that is, at a minimum, 125 percent of the minimum square footage required for the proposed structure in the applicable zoning district.

K. Grading and Lot Drainage - Residential lot grading shall be conducted in a manner which will not allow runoff to cross more than two lots, including the lot on which the drainage originates, before it enters a street or drainage easement. If this is not possible, then a drainage easement must be provided and any necessary facilities shall be constructed and installed by the developer. Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Grading which will result in the need

for earth restraining structures greater in height than four (4) feet will require installation of an engineered retaining wall constructed in accordance with the current building code.

L. Intersection Angles - Spacing of intersections along major streets shall conform to the Design Manual. Not more than two (2) streets shall intersect at any one point unless specifically approved by the City Council. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Streets shall be laid out so as to intersect as nearly as possible at right angles. Intersections which are not right angles shall use the following criteria:

1. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street intersection or curved street approaching an intersection should be approximately at right angles for at least fifty (50) feet from the intersection.
2. Street jogs with centerline offsets of less than one hundred and seventy-five (175) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection.

M. Lot Dimensions - Lot dimensions shall be consistent with the minimum standards of the Zoning Ordinance. Conventional design practices for subdivision planning requires that side lot lines be at right angles to street lines or as a radial. However, lot lines which are not at right angles to street lines, or shown as a radial, shall contain a bearing notation. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front and side yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

N. Masonry Screening Walls - For residential subdivisions and the rear property line of nonresidential subdivisions, masonry screening walls shall be constructed adjacent to any street designated as Thoroughfare, or larger, on the Master Thoroughfare Plan. No screening wall shall be constructed within the street right-of-way.

O. Multiple Entrance and Exit Locations - The use of two or more entrance and exit locations is required when the subdivision contains forty (40) or more lots. However, the City Council may waive this requirement when alternative proposals are determined to be practical and sound planning principles have been considered.

P. Rights-of-Way - Right-of-way widths shall be consistent with those shown on the Master Streets Plan. Right-of-Way widths in excess of the standards designated on the Master Streets Plan shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Furthermore, street right-of-way widths in commercial, industrial and similar high-intensity land use areas shall be appropriate for the type of development being proposed, but no street in such area shall be less than the minimum required for a Collector Street.

Q. Water bodies - If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among adjacent lots. The City Council may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. If a water body is intended to be situated on its own lot, the lot shall be numbered according to the numbering sequence of the subdivision. Furthermore, any lot intended to be used as a buildable lot which includes a water body shall contain a buildable area that is, at a minimum, 125 percent of the minimum square footage required for applicable zoning district.

Application to Development Plats

Recognizing that Development Plats are routinely utilized in connection with the development of properties that have been previously created or recorded and are therefore of limited size or dimensions, the design criteria set forth in [Section 12.1](#) are generally intended to be applicable to subdivision plats only. However, to the extent that

compliance would not create an unnecessary hardship on the development of a Development Plat, the above design criteria shall apply.

STREET AND EASEMENT VACATIONS

In General

A. A petition requesting the proposed closing or vacation must be presented to the Planning and Zoning Coordinator together with the appropriate filing fee. Such petition must contain the names, addresses, phone numbers, and signatures of all property owners owning property adjacent to the portion of the street or easement which is proposed to be vacated. The applicant must submit a metes and bounds legal description and a graphic exhibit of the portion of the right-of-way to be abandoned which must be signed and sealed by a Registered Professional Land Surveyor. In addition, a Standard Form of Vacation Acknowledgment shall be completed and submitted for each utility currently located within the right-of-way or easement.

B. The Planning and Zoning Coordinator will set a public hearing regarding the proposed closing before the City Council at a regularly scheduled meeting. Public notices will be mailed to all property owners affected by the proposed closing or vacation at least fifteen (15) days prior to the scheduled meeting.

C. The City staff will perform the following:

1. Secure an appraisal of the value of the physical property involved in the closure. The appraisal may be performed by an employee of the City who is knowledgeable of property values, or by an independent appraiser hired by the City.
2. Prepare and submit for City Council approval, recommendations for the proposed sale and/or lease based upon the estimated value and the best interests of the City and owners of the adjacent property.
3. Prepare an ordinance and appropriate documents for transfer or lease of the property involved in the vacation or closure.

D. The proposed closing or vacation will then be set for public hearing before the City Council by the following notices:

1. The hearing will be advertised by the publishing of a legal notice in the official newspaper of the City at least fifteen (15) days prior to the scheduled hearing.
2. Adjacent property owners will be notified by mail of the proposed public hearing at least fifteen (15) days prior to the scheduled hearing.
3. Notice of the proposed hearing before the City Council will be posted in a public place within the City at seventy-two (72) hours prior to the scheduled hearing.

E. The City Council will conduct the public hearing on the proposed closing or vacation allowing the opportunity for all interested parties to express their opinions on the matter. At the close of the public hearing, the City Council will make a determination as to whether the evidence presented at the hearing provides sufficient justification for proceeding with the closure or vacation. The closure or vacation of street right-of-way shall be approved by ordinance.

INSTALLATION OF PERMANENT FIELD MONUMENTS

General

The applicant shall place permanent reference monuments in the subdivision or development as required herein and under the direction of a Registered Land Surveyor or Professional Engineer. All such monuments shall be set flush with or below the ground and planted in such a manner that they will not be generally disturbed.

Subdivision Boundaries

The external boundaries of a subdivision shall be documented in the field by monuments of not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded; or by iron rods or pipes not less than eighteen (18) inches in length and one-half (1/2) inch in diameter. These monuments shall be placed at all corners of the subdivision boundary, at each end

of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along a meandering line.

Internal Block Corners

All internal block corners, intersections, street angle points and curves tangents shall receive permanent monuments in the field by iron rods or pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter.

Lot Corners

All corners of all lots shall receive monuments in the field by iron rods eighteen (18) inches long and one-half (1/2) inch in diameter.