CHAPTER 10

SUBDIVISION REGULATION

ARTICLE 10.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 10.02 SUBDIVISION ORDINANCE ADOPTED

The subdivision ordinance governing the platting or replatting of land into subdivisions within the city and within the extraterritorial jurisdiction of the city, as adopted by Ordinance 0903-04 of September 27, 2004, is included in this chapter as exhibit A to this chapter. Due to the technical nature of the subdivision ordinance, it has been printed for inclusion herein exactly as adopted and subsequently amended. References indicating the derivation of the content of specific sections is provided at the end of the sections where appropriate. (Ordinance adopting Code)

ARTICLE 10.03 IMPACT FEES

Division 1. Generally

Secs. 10.03.001–10.03.030 Reserved

Division 2. Water and Wastewater

Sec. 10.03.031 Short title

This division shall be known and cited as the “water and wastewater impact fee division.” (Ordinance 1001-02, sec. 1, adopted 10/28/02)

Sec. 10.03.032 Purpose

This division is intended to impose water and wastewater impact fees, as established in this division, in order to finance public facilities, the demand for which is generated by new development in the designated service area or areas. (Ordinance 1001-02, sec. 2, adopted 10/28/02)

Sec. 10.03.033 Authority

The city is authorized to enact this division by chapter 395 of the Texas Local Government Code, as amended, (“chapter 395”) which authorizes it to enact or impose impact fees on land within its corporate boundaries or extraterritorial jurisdiction, or on land owned by persons with whom it has a water or wastewater service contract, as charges or assessments imposed against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development. The provisions of this division shall not be construed to limit the power of the city to adopt such ordinance pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this division. Guidelines may be developed by resolution or otherwise to implement and administer this division. (Ordinance 1001-02, sec. 3, adopted 10/28/02)

Sec. 10.03.034 Definitions

As applied in this division, the following words and terms shall be used:

Assessment. The levying or charging of the approved impact fee per service unit which can be imposed on new development pursuant to this division.

Building permit. Written permission issued by the city for the construction, repair, alteration or addition to a structure. Written permission herein shall refer to either a building permit or a plumbing permit which is associated with an increase in meter units equivalent on the property.
Capital construction cost of service. Costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), interest charges and other finance costs for bonds, notes or other obligations issued to finance capital improvements identified in the capital improvement plan and not used to reimburse bond funds expended for facilities that are not identified in the capital improvements plan, and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the city.

Capital improvement plan (C.P.). The plan or plans adopted in section 10.03.039 of this division which identify wastewater collection and treatment and water supply, pump and storage facilities capital improvements or facility expansions pursuant to which impact fees may be assessed. The capital improvement plan may be composed of a separate water and wastewater capital improvement plan.

(Ordinance 1001-02, sec. 4, adopted 10/28/02)

Capital improvements advisory committee (CIAC). Advisory committee, appointed by the city council, consisting of the seven (7) voting members of the planning and zoning commission, plus one (1) ad hoc voting member (industry representative) who is not an employee of the city and who is a representative of the real estate, development, or building industry (residency not required), plus one (1) ad hoc voting member (ETJ representative) who is a representative of the extraterritorial jurisdiction area; which committee is appointed to regularly review and update the capital improvement plan in accordance with the requirements of chapter 395. (Ordinance 020-2010, sec. I, adopted 5/17/10)

City. City of Haslet

City council (council). Governing body of the city.

Commercial development. For the purposes of this division, all development which is neither residential nor industrial.

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

Existing development. All development within the service area which has a water or wastewater tap on the city's water or wastewater system, as of the date of the adoption of this division (ordinance adopted October 28, 2002).

Facility expansion. The expansion of the capacity of an existing facility which serves the same function as an otherwise necessary new capital improvement in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

Final plat. The map, drawing or chart meeting the requirements of the city's subdivision ordinance on which is provided a subdivider's plan of a subdivision, and which has received final approval by the planning and zoning commission or city council and which is recorded with the office of the county clerk. A final plat shall not include an amended plat which does not show any lots in addition to those on the original plat.

Impact fees. Fee to be imposed upon new development, calculated based upon the costs of facilities in proportion to development creating the need for such facilities. Impact fees do not include dedication of land for public parks or payment in lieu of the dedication to serve park needs; dedication of rights-of-way or easements, or construction or dedication of site-related water distribution or wastewater collection facilities or internal roadways required by other ordinances of the city code; or lot or acreage fees placed in trust funds for the purpose of reimbursing developers for overriding or constructing water or wastewater mains or lines; or participation fees charged as part of the neighborhood sewer program.

Industrial development. Development which will be assigned to the industrial customer class of the water or wastewater utilities; generally development in which goods are manufactured, or development which is ancillary to such manufacturing activity.

Land use assumptions. Description of the service area and projections of changes in land uses, densities, intensities, and population therein over at least a 10-year period, adopted by the city, as may be amended from time to time, upon which the capital improvement plan is based.

Master land use plan. The comprehensive long-range land use plan, adopted by the city council, which is intended to guide the growth and development of the city regarding land use.

(Ordinance 1001-02, sec. 4, adopted 10/28/02)

Meter unit equivalent (MUE). Basis for establishing equivalency among and within various customer classes and land uses. For water and wastewater uses, a MUE is based upon the relationship of the continuous daily maximum flow rate in gallons per
minute for a water meter of a given size and type and to the continuous daily maximum flow rate in gallons per minute for a 5/8" x 5/8" and 5/8" x 3/4" diameter simple water meter, using American Water Works Association C700–C703 standards. (Ordinance 013-2010, sec. 1, adopted 4/5/10)

**New development.** The subdivision of land; or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units for water or wastewater service or requires the purchase of a new water or wastewater tap. New development includes the purchase of a water tap resulting from the conversion of an individual well to the city's water utility and includes the purchase of a wastewater tap resulting from the conversion of an individual septic or other individual waste disposal system to the city's wastewater utility.

**Offset.** The amount of the reduction of an impact fee designed to fairly reflect the value of system-related facilities, pursuant to rules herein established or administrative guidelines, provided and funded by a developer pursuant to the city's subdivision regulations or requirements.

**Public works director.** Public works director of the city or his designee.

**Residential development.** A lot developed for use and occupancy as a residence or residences, according to the city's zoning ordinance.

(Ordinance 1001-02, sec. 4, adopted 10/28/02)

**Service area.** An area defined in this division within the corporate boundaries or extraterritorial jurisdiction of the city or other areas served by the city for water and wastewater facilities to be served by the capital improvements or facility expansions specified in the capital improvement plan. (Ordinance 013-2010, sec. 1, adopted 4/5/10)

**Service unit.** Standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions. Service units for water and wastewater impact fees are expressed in meter unit equivalents (MUE’s).

**Site-related facility.** Improvement or facility which is for the primary use or benefit of a new development and which is for the primary purpose of safe and adequate provision of water or wastewater facilities to serve the new development, and which is not included in the capital improvements plan, and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.

**System-related facility.** A capital improvement or facility expansion which is designated in the capital improvement plan and which is not a site-related facility. A system-related facility may include a capital improvement which is located offsite, within or on the perimeter of the development site.

**Tap purchase.** The filing with the city of a written application for a water or wastewater tap and the acceptance of applicable fees by the city.

**Wastewater facility.** Improvement for providing wastewater collection and treatment service, including, but not limited to, treatment facilities, lift stations, or interceptor mains and necessary land or easements therefor. Wastewater facility excludes wastewater collection lines or mains which are constructed by developers, the costs of which are reimbursable from charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Wastewater facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site wastewater collection facilities required by valid ordinances of the city and necessitated by and attributable to the new development.

**Wastewater facility expansion.** Expansion of the capacity of any existing wastewater facility for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing wastewater facility to serve existing development.

**Wastewater improvement plan.** Portion of the capital improvement plan, as may be amended from time to time, which identifies the wastewater facilities or wastewater expansions and their associated costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of wastewater impact fees pursuant to this division.

**Water facility.** Improvement for providing water service, including, but not limited to, water supply facilities, treatment facilities, pumping facilities, storage facilities, or transmission mains and necessary land or easements therefor. Water facility excludes water lines or mains which are constructed by developers, the costs of which are reimbursable from charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Water facilities also exclude dedication of rights-of-way or
easements or construction or dedication of on-site water distribution facilities required by valid ordinances of the city and necessitated by and attributable to the new development.

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

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

(Ordinance 1001-02, sec. 4, adopted 10/28/02)

**Sec. 10.03.035  Applicability of impact fees**

(a) This division shall be uniformly applicable to new development which occurs within the corporate limits of the city and its extraterritorial jurisdiction, and other areas served by the city's water and wastewater facilities.

(b) No new development shall be exempt from the assessment of impact fees as defined in this division.

(Ordinance 1001-02, sec. 5, adopted 10/28/02)

**Sec. 10.03.036  Impact fees as conditions of development approval**

No application for new development shall be approved within the city without assessment of impact fees pursuant to this division, and no water and wastewater tap shall be issued and no building permit shall be issued unless the applicant has paid the applicable impact fees imposed by and calculated hereunder. (Ordinance 1001-02, sec. 6, adopted 10/28/02)

**Sec. 10.03.037  Establishment of water and wastewater service areas**

(a) Service areas for water and wastewater impact fees are hereby established as depicted in appendix D to the report entitled “2009 Water and Wastewater Impact Fee Program” dated November 2009 as revised March 3, 2010 by Belcheff & Associates, Inc., hereinafter referred to as “the report” as attached to Ordinance 013-2010, and replace the service areas previously codified in this section. (Ordinance 013-2010, sec. 2, adopted 4/5/10)

(b) The service areas shall be established consistent with any facility service area defined in the C.P. for each utility or facility. Additions or revisions to the service areas may be approved by the city council consistent with the procedures set forth in chapter 395. (Ordinance 1001-02, sec. 7, adopted 10/28/02)

**Sec. 10.03.038  Land use assumptions**

The land use assumptions used in the development of the impact fees, as depicted in section 2 of the report attached to Ordinance 013-2010, are hereby adopted, and replace the land use assumptions previously codified in this section. These assumptions may be revised by the city council according to the procedures set forth in chapter 395. (Ordinance 013-2010, sec. 3, adopted 4/5/10)

**Sec. 10.03.039  Capital improvement plan**

(a) The capital improvement plan for the city is hereby adopted as two separate components, the water capital improvement plan and the wastewater capital improvement plan which are depicted in section 4 of the report attached to Ordinance 013-2010, and replace the capital improvement plans previously codified in this section. (Ordinance 013-2010, sec. 4, adopted 4/5/10)

(b) The water and wastewater capital improvement plan may be amended by the city council from time to time, pursuant to the procedures set forth in chapter 395. (Ordinance 1001-02, sec. 9, adopted 10/28/02)

**Sec. 10.03.040  Service units**

(a) Service units are established in accordance with generally accepted engineering and planning standards. Service units for water and wastewater impact fees are expressed in meter unit equivalents (MUE's).

(b) The city council may revise the service units designation according to the procedures set forth in chapter 395.

(c) Water and wastewater service units. Service units for water and wastewater fees shall be calculated based on meter unit equivalents as determined by the size of the water meter(s) for the development. The meter types used to calculate the number of MUE's shall be simple displacement, compound displacement or turbine meters.
(Ordinance 1001-02, sec. 10, adopted 10/28/02)

(d) The meter unit equivalents used for the calculation of water and wastewater impact fees are set forth in table 6.3 “meter unit equivalency factors” of the report attached to Ordinance 013-2010, and replace the meter unit equivalents previously codified in this section. (Ordinance 013-2010, sec. 5 adopted 4/5/10)

(e) If the public works director determines that the water pressure in the city's transmission main is significantly higher or lower than standard pressure such that the size of the water meter is not indicative of actual service demand, the public works director may adjust the number of MUE's based on a smaller or larger sized meter which more accurately reflects the flow rate and typical system pressure conditions. (Ordinance 1001-02, sec. 10, adopted 10/28/02)

(f) If fire flow demand (tap) is requested for a property, no meter will be physically required to be installed. No water MUE's will be charged against the fire flow demand. No wastewater MUE's will be charged against the fire flow demand request that does not contribute to the facility's wastewater flow. (Ordinance 0801-05 adopted 8/8/05)

(g) Upon wastewater tap purchase for lots for which no water meter has been purchased, service units shall be calculated based on a 5/8" x 5/8" and 5/8" x 3/4" water meter unless other data is submitted by a professional engineer licensed in the state, which is reviewed and approved by the public works director.

(h) The public works director or the city council may approve an alternative calculation of meter unit equivalents for a particular development based upon an engineering report prepared by a qualified professional engineer licensed to perform such engineering services in the state which demonstrates that the number of MUE's for the development will be different than shown in the report. (Ordinance 013-2010, sec. 5 adopted 4/5/10)

(i) City of Fort Worth water impact fees currently in effect at the time of city impact fee assessment shall be calculated and charged upon water tap purchase in addition to city impact fees described herein in accordance with this division. (Ordinance 1001-02, sec. 10, adopted 10/28/02)

Sec. 10.03.041 Impact fees per service unit

(a) Computation. The maximum impact fee per service unit for each service area shall be computed by subtracting fifty percent (50%) of the total projected cost of implementing the capital improvement plan from the capital construction cost in the capital improvement plan for that category of capital improvements, and dividing that amount by the growth-related capital construction cost of service in the service area identified in the capital improvement plan for that category of capital improvement, by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development, based on the land use assumptions for that service area. Maximum assessable impact fees per service unit for each service area shall be established by category of capital improvements and shall be set forth in the maximum impact fee determination by service unit for water and wastewater as listed in table 6.6(b) of the report attached to Ordinance 013-2010, and shall replace the maximum assessable impact fees previously codified in this section. The total impact fee assessed per service unit shall be a combination of the water and wastewater impact fees. Said maximum assessable impact fees may be amended by the city council according to the procedures set forth in chapter 395.

(b) Collection rate.

(1) The amount of impact fees collected within a development shall be 40% of the maximum city water impact fee allowable and 100% of the maximum city wastewater impact fee allowable as listed in table 6.6(b) of the report attached to Ordinance 013-2010 on the date that impact fees are assessed on the property, and shall replace the amount of impact fees collected previously codified in this section.

(2) The total impact fees collected per service unit shall be a combination of the water impact fees, wastewater impact fees and City of Fort Worth water impact fees.

(3) The amount of impact fees collected may be amended by ordinance adopted by the city council from time to time, provided that the amount of impact fees to be collected shall not exceed the maximum assessable impact fees set forth in subsection (a) above.

(Ordinance 013-2010, sec. 6, adopted 4/5/10)

Sec. 10.03.042 Assessment of impact fees

(a) The approval of any subdivision of land or of any new development shall include as a condition the assessment of the impact fees applicable to such development. (Ordinance 013-2010, sec. 7, adopted 4/5/10)
(b) Assessment of impact fees for any new development shall be at the time of recordation of the final plat and shall be the impact fee per service unit then in effect, as set forth in section 10.03.041.

(1) Where a final plat is approved after the effective date of Ordinance No. 013-2010 (April 5, 2010) for a development which had applied for such approval prior to the effective date of the impact fee ordinance amendments dated April 5, 2010, impact fees shall be assessed at the rate in effect on the date of application.

(2) For a development which received final plat approval prior to adoption of impact fees by the city, or for which no plat approval is required, assessment of impact fees shall be at the time of water or wastewater tap purchase in the amount set forth in section 10.03.041.

(3) After a development has been assessed impact fees under this section or any prior ordinances, no new impact fee shall be assessed against that development unless:

(A) The final plat lapses or expires or a new application for final plat approval is submitted on the property; or

(B) The number of service units to be developed on the property increases.

(4) For purposes of this section, a final plat shall not include an amended plat submitted under the city's subdivision ordinance that does not increase the number of lots on the plat being amended.

(Ordinance 010-2018 adopted 5/21/18)

Sec. 10.03.043 Calculation of impact fees

(a) Following a request for a building permit, water or wastewater tap purchase for new development, the city shall compute water and wastewater impact fees due for the new development in the following manner:

(1) The number of MUE's shall be determined by the size of the water meter(s) based on the table set forth in section 10.03.040, or as otherwise determined by the city council or public works director as provided in section 10.03.040 of this division.

(2) MUE's shall be summed for all meters purchased for the development.

(3) The total number of MUE's shall be multiplied by the impact fee per MUE (5/8" x 5/8" and 5/8" x 3/4" water meter) set forth in section 10.03.041.

(4) As an alternative to the inclusive 50% credit accounted for by the fees as set forth in table 6.6(b) of the report attached to Ordinance No. 013-2010, a developer may request fee credits and offsets which may be considered to be subtracted as determined by the process set forth in section 10.03.045 of this division.

(Ordinance 013-2010, sec. 8, adopted 4/5/10)

(b) The value of each impact fee due for a new development shall not exceed a value computed by multiplying the fee assessed per service unit pursuant to section 10.03.042 by the number of service units generated by the development.

(c) Separate impact fees shall be calculated for water and wastewater service.

(Ordinance 1001-02, sec. 13, adopted 10/28/02)

Sec. 10.03.044 Collection of impact fees

(a) No building permit, water or wastewater tap shall be issued until all impact fees have been paid to the city except as provided otherwise by contract.

(b) Except as provided below, impact fees shall be collected at the time of the issuance of the building permit for new development, or if no building permit is required, at the time of tap purchase.

(c) The city may provide for a different date of fee collection under any of the following circumstances:

(1) The city may collect impact fees at the time of platting for any development which will utilize capital improvements which are subject to pro rata reimbursement.

(2) The city may defer collection of impact fees to a later date where service for which the fee is assessed will not be available within a reasonable period of time.
The city may, at its sole discretion, enter into contracts with the owners of tracts of land for which a plat has been recorded to establish a different date and method of payment of the impact fees.

(Ordinance 1001-02, sec. 14, adopted 10/28/02)

Sec. 10.03.045 Offsets and credits against impact fees

(a) The city may offset the present value of any system-related facilities, pursuant to rules established in this section, which have been dedicated to and have been received by the city, including the value of rights-of-way, capital improvements constructed pursuant to an agreement with the city, against the value of the impact fee due for that category of capital improvement.

(b) All offsets and credits against impact fees shall be subject to the following limitations and may be granted based on this division and additional standards promulgated by the city, which may be adopted as administrative guidelines.

(1) No offset or credit shall be given for the dedication or construction of site-related facilities unless such facilities are identified in the capital improvement plan as eligible for impact fee funding.

(2) The unit costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the capital improvement plan for the category of facility within the service area for which the impact fee is imposed.

(3) If an offset or credit applicable to a plat has not been exhausted within ten (10) years from the date of plat filing or within such period as may be otherwise designated by contract, such offset or credit shall expire.

(4) The city will not reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to this division or for any value exceeding the total impact fees due for the development for that category of capital improvement, unless otherwise agreed to by the city.

(c) An applicant for new development must apply for an offset or credit against impact fees due for the development either at or before the time of fee assessment, unless the city agrees to a different time. The applicant shall file a petition for offsets or credits with the city on a form provided for such purpose. The contents of the petition shall be established by administrative guidelines. The city must provide the applicant, in writing, with a decision on the offset or credit request, including the reasons for the decision. The decision shall specify the maximum value of the offset or credit which may be applied against an impact fee, which value and the date of the determination shall be associated with the plat for the new development.

(d) The available offset or credit associated with the plat shall be applied against an impact fee in the following manner:

(1) Such offset or credit shall be prorated equally among all service units, as calculated in section 10.03.040 and remain applicable to such service units, to be applied at time of filing and acceptance of an application for a building permit or tap purchase, as appropriate, against impact fees due.

(2) If the total number of service units used by the city in the original offset or credit calculation described in subsection (1) is eventually exceeded by the number of total service units realized by the actual development, the city may, at its sole discretion, collect the full impact fee exclusive of any associated offset or credits for the excess service units.

(e) At its sole discretion, the city may authorize alternative credits or offsets upon petition by the owner in accordance with guidelines promulgated by the city.

(Ordinance 1001-02, sec. 15, adopted 10/28/02)

Sec. 10.03.046 Establishment of accounts and records

(a) The city shall establish separate interest bearing accounts, in a bank authorized to receive deposits of city funds, for water and wastewater impact fees.

(b) Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds authorized in section 10.03.047.

(c) The city shall maintain and keep adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in section 10.03.047. Disbursement of funds shall be authorized by the city at such times as are reasonably necessary to carry out the purposes and intent of this division; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.
(d) The city shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of uses specified in the capital improvement plan as system-related capital projects. The city shall also maintain such records as are necessary to ensure that refunds are appropriately made under the provision in section 10.03.049 of this division, and such other information as may be necessary for the proper implementation of this division.

(Ordinance 1001-02, sec. 16, adopted 10/28/02)

Sec. 10.03.047 Use of proceeds of impact fee accounts

(a) The impact fees collected pursuant to this division may be used to finance or to recoup capital construction costs of service. Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the city to finance such capital improvements or facilities expansions.

(b) Impact fees collected pursuant to this division shall not be used to pay for any of the following expenses:

   (1) Construction, acquisition or expansion of capital improvements or assets other than those identified for the appropriate facility in the capital improvement plan;
   
   (2) Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;
   
   (3) Upgrading, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
   
   (4) Upgrading, expanding or replacing existing capital improvements to provide better service to existing development; provided however, that impact fees may be used to pay the costs of upgrading, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development; or
   
   (5) Administrative and operating costs of the city.

(Ordinance 1001-02, sec. 17, adopted 10/28/02)

Sec. 10.03.048 Appeals

(a) The property owner or applicant for new development may appeal the following decisions of the public works director to the city council:

   (1) The applicability of an impact fee to the development;
   
   (2) The calculation of applicable service units attributable to the development;
   
   (3) The value of the impact fee due;
   
   (4) The availability or the value of an offset or credit;
   
   (5) The application of an offset or credit against an impact fee due;
   
   (6) The amount of the refund due under section 10.03.049, if any.

(b) An appeal to the city council must be filed by the applicant with the city secretary within thirty (30) days following the public works director's decision. The city council shall hear the appeal within 45 days of receipt by the city secretary. Notice of the hearing shall be mailed to the applicant at least seven (7) days prior to the hearing.

(c) At the hearing, the city council shall consider all relevant evidence and shall allow testimony from the applicant, city personnel and other interested persons relevant to the appeal. The hearing may be continued from time to time.

(d) The burden of proof shall be on the appellant to demonstrate that the fee is not applicable or that the determination of service units or the value of the fee or of the offset or credit was not calculated according to the applicable impact fee schedule or the guidelines established in this division. The applicant shall submit an engineering report prepared by a qualified professional engineer licensed to perform such engineering services in the state, which demonstrates that the applicant's burden has been met.

(e) Following the hearing, the city council shall consider all relevant evidence and determine whether the appeal should be granted (in whole or in part) or denied.
If the appeal is accompanied by a bond or other sufficient security satisfactory to the city attorney in an amount equal to the original determination of the impact fee due, the development application or tap purchase or building permit issuance may be processed while the appeal is pending.

(Ordinance 1001-02, sec. 18, adopted 10/28/02)

**Sec. 10.03.049 Refunds**

(a) Any impact fee or portion thereof collected pursuant to this division which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in section 302.002, Texas Finance Code or any successor statute.

(b) If a refund is due pursuant to subsection (a), the city shall prorate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

(c) Upon completion of all the capital improvements or facilities expansions identified in the capital improvements plan upon which the fee was based, the city shall recalculate the maximum impact fee per service unit using the actual costs for the improvements or expansions. If the maximum impact fee per service unit based on actual cost is less than the impact fee per service unit paid, the city shall refund the difference, if such difference exceeds the impact fee paid by more than ten percent (10%). The refund to the record owner or governmental entity shall be calculated by multiplying such difference by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

(d) Upon the request of an owner of the property on which a water or wastewater impact fee has been paid, the city shall refund such fees if:

(1) Existing service is available and service is denied;

(2) Service was not available when the fee was collected and the city has failed to commence construction of facilities to provide service within two years of fee payment; or

(3) Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in no event later than five years from the date of fee payment.

(e) The city shall refund an appropriate proportion of water impact fee payments in the event that a previously purchased water meter is replaced with a smaller meter, based on the MUE differential of the two meter sizes and the per-MUE fee at the time of the original fee payment, less an administrative charge as specified in the city's fee schedule in appendix A to this code.

(f) Petition for refunds shall be submitted to the public works director on a form provided by the city for such purpose. Within one month of the date of receipt of a petition for refund, the public works director must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the public works director shall notify the city secretary and request that a refund payment be made to the petitioner. The petitioner may appeal the determination to the council, as set forth in section 10.03.048.

(Ordinance 1001-02, sec. 19, adopted 10/28/02)

**Sec. 10.03.050 Updates to plan and revision of fees**

The city shall review the land use assumptions and capital improvement plan for water and wastewater facilities at least every five years, the first five-year period to commence from the date of adoption of the capital improvement plan referenced herein. The city council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvement plan or impact fees are needed and shall, in accordance with the procedures set forth in chapter 395, either update the fees or make a determination that no update is necessary. (Ordinance 1001-02, sec. 20, adopted 10/28/02)

**Sec. 10.03.051 Functions and organization of capital improvements advisory committee (CIAC)**

(a) The functions of the advisory committee are those set forth in chapter 395 and shall include the following:

(1) Advise and assist the city in adopting land use assumptions;
(2) Review the capital improvement plan regarding water and wastewater capital improvements and file written comments thereon;

(3) Monitor and evaluate implementation of the capital improvement plan;

(4) Advise the city of the need to update or revise the land use assumptions, capital improvement plan and impact fees; and

(5) Submit to the city council a semiannual report evaluating the progress of the city in achieving the capital improvement plan and identifying any problems in implementing the plan or administering the impact fees.

(b) The city shall make available to the advisory committee any professional reports prepared in the development or implementation of the capital improvement plan.

(c) The city council may adopt procedural rules for the committee to follow in carrying out its duties.

(Ordinance 1001-02, sec. 21, adopted 10/28/02)

(d) The committee will have seven (7) voting members of the planning and zoning commission, plus one (1) ad hoc voting member (industry representative) who is not an employee of the city and who is a representative of the real estate, development, or building industry (residency not required), plus one (1) ad hoc voting member (ETJ representative) who is a representative of the extraterritorial jurisdiction area.

(e) A quorum of the CIAC shall be five (5) members and a majority of the quorum must be planning and zoning commission members.

(f) The members shall be numbered place 1–place 7. Members shall serve 2-year terms. Members serving in odd-numbered places will be appointed in odd-numbered years, and members serving in even-numbered places will be appointed in even-numbered years. The industry representative shall be considered place 8, and the ETJ representative shall be place 9.

(g) The commissioner serving as chair of the planning and zoning commission will serve as chair of the CIAC and the vice-chair of P&Z will serve as vice-chair of CIAC.

(h) Unless removed by city council, the current members of the CIAC will continue to serve after the passage of this section until their current terms expire.

(Ordinance 020-2010, sec. II, adopted 5/17/10)

Sec. 10.03.052 Agreement for capital improvements

(a) The city council may authorize the owner of a new development to construct or finance some of the public improvements identified in the capital improvement plan. In the case of such approval, the property owner must enter into an agreement with the city prior to collection of impact fees. The agreement shall be on a form approved by the city, and shall establish the estimated cost of the improvements, the schedule for initiation and completion of the improvements, a requirement that the improvements shall be completed to city standards, and any other terms and conditions the city deems necessary. The public works director shall review the improvement plan, verify costs and time schedules, determine if the improvements are contained in the C.P., and determine the method and timing of reimbursing the owner for construction costs from impact fee or other revenues. The amount of the applicable credit for such improvement to be credited to the otherwise applicable impact fee shall be calculated before submitting the proposed agreement to the city council for approval.

(b) The city and such owner either may agree that the costs incurred or funds advanced will be credited against the impact fees otherwise due from the new development, or they may agree that the city shall reimburse the owner for such costs from impact fees paid from other new developments which will use such capital improvements or facility expansions.

(Ordinance 1001-02, sec. 22, adopted 10/28/02)

Sec. 10.03.053 Use of other financing mechanisms

(a) The city may finance water and wastewater capital improvements or facilities expansions designated in the capital improvement plan through the issuance of bonds, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.

(b) Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.
Sec. 10.03.054  Impact fees as additional and supplemental regulation

(a) Impact fees established by this division are additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits or the sale of water or wastewater taps or the issuance of certificates of occupancy. Such fees are intended to be consistent with and to further the policies of city's master plans, capital improvement plan, zoning ordinance, subdivision regulations and other city policies, ordinances and resolutions by which the city seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

(b) This division shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the city, which shall be operative and remain in full force and effect without limitation with respect to all such development.

Sec. 10.03.055  Relief procedures

(a) Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the city council to determine whether any duty required by this division has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within sixty (60) days of the request. If the city council determines that the duty is required pursuant to this division and is late in being performed, it shall cause the duty to commence within sixty (60) days of the date of the request and to continue until completion.

(b) The city council may grant a variance or waiver from any requirement of this division, upon written request by a developer or owner of property subject to this division, following a public hearing, upon finding that a strict application of such requirement would, when regarded as a whole, result in confiscation of the property.

Sec. 10.03.056  Certification of compliance

The city shall submit a written certification verifying compliance with chapter 395 to the attorney general not later than September 30th of each year. The certification shall be signed by the mayor and include the statement: “this statement certifies compliance with chapter 395, Local Government Code.”

Sec. 10.03.057  Effective prior ordinances

Ordinance 9-98 shall remain applicable to the assessment and collection of impact fees on properties that are not subject to the assessment and collection of impact fees under this division.

ARTICLE 10.04 DEDICATION OF PUBLIC FACILITIES

Division 1. Generally

Sec. 10.04.001  Definitions

For purposes of this article, the following terms have the following definitions:

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

(1) Dedicate an interest in land for a public infrastructure improvement;

(2) Construct a public infrastructure improvement; or

(3) Pay a fee in lieu of constructing a public infrastructure improvement.

Open space. Land within or related to a development, not individually owned or dedicated for public use, or under lease or easement by private parties, that is designated and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.
Parkland. Land dedicated to the city for public park and recreational use.

(Ordinance 026-2016, sec. 1, adopted 9/19/16)

Public infrastructure improvement. A water, wastewater, roadway, drainage or park facility that is a part of one or more of the city's public facilities systems.

Public facilities system. With respect to water, wastewater, roadway, drainage or parks, the facilities owned or operated by or on behalf of the city to provide services to the public, including existing and new developments and subdivisions. The public facilities system includes improvements to roads owned by the county or the state to the extent such improvements are necessitated by and attributable to a proposed development or subdivision.

Secs. 10.04.002–10.04.030 Reserved

Division 2. Purpose and Policy

Sec. 10.04.031 Purpose

(a) These subdivision regulations of the city are designed and intended to achieve the following purposes and shall be administered so as to:

1. Promote the health, safety and general welfare of the community and the safe, orderly and healthful development of the city;
2. Establish adequate policies and procedures to guide development of the city and its extraterritorial jurisdiction;
3. Provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure improvements to maintain land values, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the city for correction of inadequate facilities that are designed to serve the public;
4. Ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
5. Ensure against the dangers of fires, floods, erosion, landslides, or other such menaces;
6. Preserve the natural beauty and topography of the city and to ensure appropriate development with regard to these natural features;
7. Realistically and harmoniously relate new development of adjacent properties;
8. Provide the most beneficial circulation of traffic throughout the city, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements; and to provide for the proper location and width of streets;
9. Ensure that public facilities for water supply, drainage, disposal of sanitary and industrial waste, whether liquid or solid, and parks are available for every building site and with adequate capacity to serve the proposed subdivision before issuance of a certificate of occupancy or release of utility connections or final inspection within the boundaries of the plat;
10. Assure that new development adequately and fairly participates in the dedication and construction of public infrastructure improvements that are necessitated by or attributable to the development or that provide value or benefit that makes the development feasible;
11. Help prevent pollution, assure the adequacy of drainage facilities, manage stormwater runoff, safeguard the water table, and encourage the wise use and management of natural resources throughout the city and its extraterritorial jurisdiction in order to preserve the integrity, stability, and beauty of the community and the value of the land; and
12. Provide for open spaces through the most efficient design and layout of the land, while preserving the land use intensity as established in the zoning regulations of the city.

(b) To carry out the purposes hereinabove stated, it is declared to be the policy of the city to guide and regulate the subdivision and development of land in such a manner as to promote orderly growth both within the city and where applicable, within its extraterritorial jurisdiction.
(c) Land must not be platted or developed until proper provision has been made for adequate public facilities for roadways, drainage, water, wastewater, public utilities, capital improvements, parks, recreation facilities, and rights-of-way for streets.

(d) Proposed plats or subdivisions which do not conform to the policies and regulations shall be denied, or, in lieu of denial, disapproved conditioned on conformance with conditions.

(e) There shall be an essential nexus between the requirement to dedicate rights-of-way and easements and/or to construct or pay for the construction of public infrastructure improvements in connection with a new subdivision and the need to offset the impacts on the city's public facilities systems created by such new development.

**Sec. 10.04.032 Adequate public facilities**

(a) Land proposed to be subdivided must be served adequately by essential public facilities and services, which may, depending on the circumstances, include water and wastewater facilities, roadway and pedestrian facilities, stormwater management and drainage facilities and park facilities. An application for a plat or development may be denied unless adequate public facilities necessary to support and serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or off site, taking into account existing public facilities and services.

(b) It is necessary and desirable to provide for dedication of rights-of-way and easements for public infrastructure improvements to support new development at the earliest stage of the development process.

(c) The city desires to assure both that impacts of new development are mitigated through contributions of rights-of-way, easements and construction of public infrastructure improvements, and that a new development be required to contribute not more than its proportionate share of such costs.

(d) Proposed public infrastructure improvements serving new development shall conform to and be properly related to the public facilities elements of the city's adopted master plan; other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.

**Sec. 10.04.033 Minimum standards**

(a) The standards established in this chapter for dedication and construction of public infrastructure improvements are based upon engineering studies and historical usages and demands by different categories of development. These regulations identify certain minimum requirements and sizes for utilities, roadways, parks and other facilities that the city council has determined to be necessary in order to provide the minimum level of service necessary to protect or promote the public health, safety, and welfare and to assure the quality of life currently enjoyed by the citizens of the city. It is the intent of these regulations that no development occur until and unless these minimum levels of service are met. Therefore, each subdivision in the city shall be required to dedicate, construct and/or upgrade required facilities and infrastructure to a capacity that meets these minimum levels.

(b) For each category of public infrastructure, a minimum standard of infrastructure, and in some cases, service level, has been developed based upon historic studies and construction projects of the city and other cities. These minimum standards take into consideration the soil conditions and topographic configuration of the city, the use and impact analyses of the North Central Texas Council of Governments in developing standard specifications for public infrastructure installation, and other historical use and performance experiences of the city that reflect the minimum level of facilities and services that must be built to meet the health, safety and welfare of the citizens of the city.

(c) In order to maintain prescribed levels of public facilities and services for the health, safety and general welfare of its citizens, the city may require the dedication of easements and rights-of-way for and/or construction of on-site or off-site public infrastructure improvements for water, wastewater, road, drainage or park facilities to serve a proposed development, or require the payment of fees in lieu thereof. If adequate levels of public facilities and services cannot be provided concurrent with the schedule of development proposed, the city may deny the subdivision until the public facilities and services can be provided, or require that the development be phased so that the availability and delivery of facilities and services coincides with the demands for the facilities created by the development.

(d) Whenever the city council determines that levels of service in excess of those required to serve the proposed development are necessary in order to promote the orderly development of the city, the owner shall qualify for reimbursement for any costs in excess of the levels of service required for the proposed development through city participation, by a pro-rata reimbursement policy or other means adopted by the city.

(e) If the proposed development will utilize public facilities and services that were required to be constructed by a prior development in excess of the levels of service required for the prior development, the proposed development shall be required to reimburse its proportionate cost of the excess public facilities and services pursuant to a pro-rata reimbursement policy or other means adopted by the city.
Sec. 10.04.034 Adequacy of specific facilities

(a) All lots to be platted shall be connected to a public water system which has capacity to provide water for domestic use and emergency purposes, including adequate fire protection.

(b) All lots to be platted shall be served by an approved means of wastewater collection and treatment. The city engineer shall be responsible for determining the approved means of wastewater collection and treatment. The city may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity.

(c) Proposed roads shall provide a safe, convenient and functional system for vehicular, bicycle and pedestrian circulation and shall be properly related to the applicable thoroughfare plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. New subdivisions shall be supported by a thoroughfare network having adequate capacity, and safe and efficient traffic circulation. Each development shall have adequate access to the thoroughfare network.

(d) Stormwater management and drainage facility improvements serving new development shall be designed to prevent overloading the capacity of the downstream drainage system and to protect downstream facilities and properties from flood risk or environmental quality degradation and to maximize the preservation of natural floodplain features. The city may require the phasing of development, the use of control methods such as retention, detention, the construction of off-site drainage improvements, stormwater best management practices or drainage impact fees in order to mitigate the impacts of the proposed development.

(Ordinance 002-2013 adopted 2/19/13)

(e) Dedication for parkland and open space shall be required as set forth in section 3.18 of the subdivision ordinance of the city.

(Ordinance 026-2016, sec. 2, adopted 9/19/16)

Sec. 10.04.035 Improvement of existing adjacent and abutting streets and utilities

In the case of existing adjacent or abutting roadways, the city may require that the entire right-of-way be dedicated and/or improved to the city's design standards, based upon factors including the impact of the proposed development on the road, safety to the traveling public, geometric conflicts, capacity interruptions, current roadway conditions, structural capability of the current roadway, effects on life expectancy and maintenance requirements of the road which may result from the proposed uses, the impact of the proposed development on other roads, the timing of the proposed development in relation to the need for improving the road, and the impact of the traffic from the proposed development on the road and city's roadway system as a whole.

Sec. 10.04.036 Timing of dedication and construction

(a) The city shall require an initial demonstration that a proposed subdivision shall be adequately served by public facilities and services at the time for approval of the first development application that portrays a specific plan of development, including but not limited to an application to establish a planned development zoning district, or other overlay zoning district; a developer's agreement; or an application for a preliminary or final plat.

(b) The obligation to dedicate rights-of-way for or to construct one or more public infrastructure improvements to serve a new subdivision may be deferred until approval of a subsequent phase of the subdivision, at the discretion of the city engineer, upon written request of the property owner, or at the city's own initiative. As a condition of deferring the obligation, the city may require that the subdivider include provisions in the developer's agreement, specifying the time for dedication of rights-of-way for or construction of public infrastructure improvements serving the subdivision.

Secs. 10.04.037–10.04.070 Reserved

Division 3. Rough Proportionality Determination

Sec. 10.04.071 Proportionality determination

(a) Prior to a decision by the planning and zoning commission on a preliminary plat application, or if no preliminary plat application is required, on a final plat application, or any other application for which an exaction requirement is imposed as a condition of approval, the city engineer shall prepare a written statement affirming that each exaction requirement to be imposed as a condition of approval is roughly proportionate to the demand created by the subdivision or development on the applicable public facilities system of the city, taking into consideration the nature and extent of the development proposed. In making this determination, the city engineer may consider:

(1) Categorical findings and recommendations of the North Central Texas Council of Governments in developing standard specifications for public infrastructure improvements and stormwater management;
The proposed and potential use of the land;

The timing and sequence of development in relation to availability of adequate levels of public facilities systems;

Impact fee studies, traffic impact studies, both geometric and capacity oriented, drainage studies; fire protection, consumption and irrigation water needs; solid or liquid waste collection and disposal or other studies or standards that measure the demand for services created by developments and the impact on the city's public facilities system;

The level of service and functionality of both on-site and off-site public infrastructure improvements in serving the proposed subdivision or development;

The degree to which public infrastructure improvements necessary to serve the proposed subdivision are supplied by other developments;

The anticipated participation by the city in the costs of necessary public infrastructure improvements;

The degree to which acceptable private infrastructure improvements to be constructed and maintained by the applicant will offset the need for public infrastructure improvements;

Any reimbursements for the costs of public infrastructure improvements for which the proposed subdivision is eligible; and/or

Any other information relating to the impacts created by the proposed subdivision or development on the city's public facilities systems.

Based upon the proportionality determination, the city engineer shall affirm that the exaction requirements of the subdivision regulations, or other ordinance requiring the permit, as applied to the proposed subdivision or development, do not impose costs on the applicant for public infrastructure improvements that exceed those roughly proportionate to the impact of the proposed subdivision or development.

The city engineer may require that the applicant, at its expense, submit reasonable information or studies that may assist in making the proportionality determination.

Sec. 10.04.072 Consideration by city

(a) The planning and zoning commission and city council shall consider the city engineer's report concerning the proportionality of the exaction requirements in making a decision on a plat or other development application. The commission and the city council may consider the city engineer's report in granting a variance to the requirements of the subdivision regulations.

(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 or to modify or waive an exaction requirement.

Sec. 10.04.073 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 or other development application pursuant to the subdivision ordinance or other city regulations. The procedures for appeal of a rough proportionality determination apply to all city permits.

(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.

Sec. 10.04.074 Appeal 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 planning and zoning commission or the city official responsible for issuing the permit takes action applying the exaction requirement. This may include denial of the permit or plat. The applicant shall submit 5 copies of the appeal.
(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) below, 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 5 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 calculations relating the type of development proposed to the quantity of system capacity to be consumed by the subdivision or development. If the proposed subdivision is to be developed in phases, such information also shall be provided for the entire development, including any phases already developed;

(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 provided by the applicant in support of his appeal and utilizing the same factors considered by the city engineer in making the original proportionality determination.

Sec. 10.04.075 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 a reasonable amount of time, to present testimony at the city council meeting. The city council shall base its decision on the criteria listed in sections 10.04.071(a) and 10.04.074(f) and may:

(1) Deny the appeal and impose the exaction requirement in accordance with the city engineer's recommendation or the planning and zoning commission's decision on the plat or other development application;

(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 city 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 10.04.071(a) and 10.04.074(f); and

(3) If the property is located within the city's extraterritorial jurisdiction, any recommendations from the county, or if the property abuts a state highway, any recommendations from the state.

d) The city council may require the applicant or the city engineer to submit additional information that it deems relevant in making its decision.

Sec. 10.04.076 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 planning and zoning commission 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 do so 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 planning and zoning commission 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.

e) If the plat application is modified to increase the number of residential dwelling units or the intensity of nonresidential uses, the city engineer may require a new study to validate the relief granted by the city council.

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

Sec. 10.04.077 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 city council issues its final decision. In the event that the applicant prevails in such action, the applicant will be entitled to attorneys’ fees and costs, including expert witness fees.

(Ordinance 002-2013 adopted 2/19/13)

EXHIBIT A

ORDINANCE NO. 0903-04

AN ORDINANCE AMENDING ORDINANCE NO. 0103-01 OF THE CITY OF HASLET, THE SUBDIVISION ORDINANCE, AS AMENDED BY ORDINANCES 0301-02 and 1202-02, BY AMENDING THE PROVISIONS OF SECTION 2.4 THEREOF RELATING TO THE APPROVAL AND EXPIRATION OF PRELIMINARY PLATS; AMENDING THE VARIOUS PROVISIONS OF SECTIONS 2.4, 2.6 AND 2.9 AMENDING THE REQUIREMENTS RELATING TO PAYMENT OF FEES BEFORE RECORDING FINAL PLATS; RESTATING THE SUBDIVISION
ORDINANCE, AS AMENDED; PROVIDING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND A PENALTY CLAUSE; PROVIDING FOR THE REPEAL OF PROVISIONS IN CONFLICT HEREWIT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; DIRECTING PUBLICATION OF THE CAPTION AND PENALTY CLAUSE; DIRECTING THE ENGROSSMENT AND ENROLLMENT OF THE CAPTION AND PENALTY CLAUSE AND THE FILING OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haslet is a type A general law municipality located in Tarrant and Denton Counties, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council has established regulations for the development of subdivisions within the City pursuant to Chapter 212 of the Texas Local Government Code by the enactment of Ordinance No. 0301-01; and

WHEREAS, the City Council of the City of Haslet has determined that it is necessary to amend Ordinance No. 0301-01 to amend the regulations for approval of preliminary plats and expiration of preliminary plats to promote the health, safety, and general welfare of the City and the safe, orderly, and healthful development of the City; and

WHEREAS, public hearings were held before the Planning and Zoning Commission on September 7, 2004, and the City Council on September 27, 2004 regarding the amendments set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASLET, TEXAS:

SECTION 1.

That Ordinance No. 0103-01 of the City Council of the City of Haslet, Texas, as amended by Ordinances No. 0301-02 and 1202-02, the “Subdivision Ordinance of the City of Haslet”, is hereby amended by the amendment of various subsections of Section 2.4 thereof, so that said Ordinance shall read in its entirety as follows:

CITY OF HASLET

SUBDIVISION ORDINANCE

SECTION 1. GENERAL INFORMATION

1.1 GENERAL

A. PURPOSES

This ordinance applies to tracts of land within the corporate limits of the City of Haslet and its extraterritorial jurisdiction. Wherever this ordinance refers to “City” or the “City of Haslet” it shall also be deemed to refer to and shall apply to the City's extraterritorial jurisdiction. This ordinance is designed, intended and is to be administered in a manner to: not contravene the provisions of the Zoning Ordinance of the City of Haslet; implement the Master Land Use Plan, the Master Water and Sewer Plans, the Master Drainage Plan, and Master Thoroughfare Plan; promote uniformity of the application of development-related regulations, policies, ordinances; discourage urban sprawl and prevent neighborhood deterioration; realistically and harmoniously relate new development of proximate tracts; provide for the establishment of necessary improvements, design standards and public spaces required for proper subdivision development; provide for the establishment of an equitable and expeditious review of plats; promote quality, flexibility and innovation in tract design, while assuring the safe, orderly and healthful development of land, and establish adequate and accurate records of land subdivision.

B. SHORT TITLE

This ordinance is known and may be cited as the “Subdivision Ordinance of the City of Haslet, Texas.”

(Ordinance 0903-04 adopted 9/27/04)

C. JURISDICTION AND REQUIREMENTS FOR PLATTING

1. Jurisdiction

a. Applicability. Subject to the provisions of this section, the regulations of this Ordinance shall apply to all land within the corporate limits of Haslet and all land within the City's extraterritorial jurisdiction.
b. **Extraterritorial Jurisdiction.** When land is subdivided or developed within the City's extraterritorial jurisdiction, approval by the City shall be required consistent with the standards and requirements of the Code of Ordinances of the City of Haslet.

c. **Utilities.** The City shall be under no obligation to extend utilities beyond the limits of the area for which the City has a Certificate of Convenience and Necessity (CCN) from the Texas Commission on Environment Quality or its successor. For property located within the City's CCN, the City shall extend utilities pursuant to the City's adopted policies and the Code of Ordinances of the City of Haslet.

2. **Platting Required; Exemptions.**

a. **Platting Required.** Platting is required for the following purposes:

   (1) To create a building site and obtain a building permit on a single lot or tract; or

   (2) To subdivide a lot or tract into two or more parcels for development of the parcels; or

   (3) To combine lots or tracts; or

   (4) To amend a plat.

b. **Exemptions.** The following land divisions are exempt from the requirements of these regulations:

   (1) A division of land created by order of a court of competent jurisdiction; or

   (2) A division of land that results in the creation of two or more parcels, each of which is greater than five acres, when each parcel has direct access to an existing public street and no dedication or extension of public facilities is required; or

   (3) To dedicate land to the City, or the acquisition of land by the City, for public purposes.

(Ordinance 012-2016 adopted 5/16/16)

D. **ADMINISTRATION**

1. **Commission and Council Powers.**

   Acknowledgment is hereby made of the prior creation, establishment and enumeration (by Ordinances of the City of Haslet) of certain powers and responsibilities of the City Planning and Zoning Commission, hereinafter referred to as the “Commission.” Such Commission shall exercise all of the powers of approval or disapproval of plats and vacations of plats, as heretofore or hereafter provided by state statute and City ordinances, including future amendments and revisions thereto, and as provided herein. Within the purview of such authority, the Commission may recommend and the City Council can adopt rules and regulations concerning platting procedures, requirements and development standards.

2. **Commission Duty.**

   It shall be the duty of the Commission to endorse approval upon any plat submitted to it, if same conforms to the Comprehensive Plan of the City of Haslet and its streets, alleys, public transportation facilities, bikeways and walkways, parks, playgrounds, schools and other public facilities, including those which have been or may be laid out, and to the Master Land Use Plan and Master Thoroughfare Plan for the extension of the City of Haslet and of its roads, streets, public highways, public transportation facilities, bikeways and walkways within the City of Haslet and within its extraterritorial jurisdiction, regard being made for access to and extension of sewer and water mains, storm drainage facilities and the instrumentalities of public utilities and if same shall conform to the provisions of this ordinance and rules and regulations of such Commission, including future amendments and revisions thereto.

E. **AUTHORITY OF THE CITY ENGINEER**

   The City Engineer is hereby authorized, subject to the approval of the City Council and/or their designated representative, to promulgate, amend and enforce rules, regulations, standards or specifications for the construction, installation and engineering design of streets, traffic, water, sanitary sewer, curbs, gutters, watercourses, planting strip easements, sidewalks, bicycle/pedestrian ways, culverts, bridges, planting screens, monuments, criteria for drainage easement requirements, drainage facilities and crosswalk ways. Any such rule, regulation, standard or specification
and/or amendment thereof shall be deemed to be in full force and effect upon the filing of three (3) copies of same in the office of the City Secretary, provided that there preceded substantial compliance with the following procedure:

The Commission and representative parties of particular industries or professions primarily concerned were provided written notice of any such proposed rule, regulation, standard or specification and/or amendment thereof and were permitted to submit written objections thereto within thirty (30) days of the mailing of such notice; and further provided that prior to such filing the City Council is advised of any such proposed rule, regulation, standard or specification and/or amendment thereto. No such rules, regulations, standards and specifications shall conflict with this or any other ordinance of the City. All public improvements shall be constructed, installed, designed, located and arranged by the owner or subdivider in accordance with such rules, regulations, standards and specifications.

In this capacity, the City Engineer will review all development and construction plans and plats for concurrence with the City's standards and regulations.

The City Engineer will advise the Commission and the City Council in writing of his review and will specifically denote where he finds any proposed subdivision, lot, or public facility plat or construction plan which does not meet City standards or regulations.

The City Engineer shall have the authority to review and approve minor changes to the final plat, such as franchise easements, utility easements, drainage easements, etc. without Commission and/or City Council approval prior to the filing of the final plat.

F. IMPROVEMENTS

1. Contract for Community Facilities (Developer and City).

In any subdivision or tract of land where community facilities (to include by way of example, but not of limitation, water, sanitary sewer, storm drainage facilities, street lighting or street improvement) are required by this ordinance or by related policy, rule or regulation, no building permit shall be issued and no work shall be commenced for the installation of such community facilities unless and until the owner or developer has contracted with the City to provide for the installation of such improvements. Such contract shall be entered subsequent to approval of adequate subdivision development plans and specifications and preliminary subdivision plat. In preparing such contract, the Mayor or his appointee may require the owner or developer to take bids or otherwise obtain and furnish unit prices of such improvements, which prices shall be acceptable to the City.

2. Contract for Construction (Developer and Contractor).

Any contract providing for the actual construction of such community facilities shall include provisions defining that period within which the required improvements shall be installed; the guarantee against any failure of such improvements due to defective materials and workmanship; performance, payment and maintenance bonds in the amounts and forms prescribed by the City; construction sequence; detours and traffic control; City inspection policy and procedure; the application of City standards and specifications governing construction; the indemnification, defense and holding harmless of the City for any accidents or claims; and rules for public protection.

Where public funds are to be appropriated and expended for the actual construction of such community facilities, any contract between the owner or developer and contractor providing for such construction shall be awarded pursuant to the bid procedure prescribed by law and that City policy concerning the installation of such community facilities.

At least two (2) true and correct executed copies and two (2) conformed copies of such contract shall be supplied to the office of the City Secretary prior to the issuance of any building permit. No work shall be commenced unless and until such contract has been approved by the appropriate City officials.

3. Utilities.

Utilities not owned or operated by the City shall be designed and constructed in accordance with design standards and specifications of the appropriate utilities franchised to serve the area in which the subdivision is located. Should there be no such standards or specifications, then such utilities shall conform to applicable State and/or City laws or regulations.

All City-owned and operated utilities, including, but not limited to, water and sanitary sewers, shall be designed and constructed in accordance with City design standards and specifications.
4. **Sanitary Sewers.**

A sanitary sewerage collection system shall be installed to serve each lot in every subdivision. In subdivisions where connection cannot be made to a community disposal system or a public sewerage system concurrently with development, septic tanks may be installed on an interim basis until such connection can be made. The use of septic systems shall be prohibited without specific written approval of the Health Department of Tarrant County and State Health Department and shall be subject to any and all conditions of such written approval. Such special variance may be granted by the Commission and City Council if accompanied by a reputable Engineering Firm's recommendation containing soil test, analysis and specific design recommendations.

No septic tank may be installed upon any lot unless a plat of the lot has been approved by the Commission and the City Council. If sanitary sewer lines are hereafter constructed on, adjacent to, or within 500 feet of any lot in any subdivision, or any lot required to be platted under this ordinance, or any lot located in any subdivision previously approved by the City Council under prior ordinance or laws, then the owner thereof shall connect to such sanitary sewer line within one year of availability and pay the established tap and impact fees thereof.

5. **Water Lines.**

Water lines adequate for domestic supply and for fire protection needs shall be installed to serve each lot, or tract, in every subdivision in accordance with City design standards and specifications. No water main or appurtenance thereto not in complete conformance with City design standards and specifications shall be permitted. In proposed subdivisions where City water system connection is not within 1,500 feet, the lots in the subdivision may be served by other sources of water or on-site water wells as long as said wells are in compliance with all city, county and state regulations concerning water wells.

No water connection to a water line may be made upon any lot unless a plat of the lot has been approved by the Commission and the City Council. If water lines are hereafter constructed on, adjacent to, or within 500 feet of any lot in any subdivision or required to be platted under this ordinance, or any lot located in any subdivision previously approved by the City Council under prior ordinances or laws, then the owner thereof shall connect to such water line within one year of availability and pay the established tap and impact fees.

6. **Paving and Drainage Facilities.**

All streets, alleys and other improvements within the public right-of-way shall be designed, constructed and paved in accordance with City design standards and specifications.

All drainage facilities shall be designed and constructed in accordance with City design standards and specifications.

7. **Supervision and Inspection of Construction.**

All improvements shall be inspected by the appropriate City officials to determine compliance with all applicable laws, ordinances, rules and regulations of the City pertaining to such improvements. Upon satisfactory completion of the project and such compliance, the City Engineer shall issue a letter of acceptance of the project whereupon the City shall accept the public improvement for ownership and perpetual maintenance subject to the provisions of the developer's maintenance bond.

8. **Financing and Installation.**

The owner or developer shall make appropriate arrangements with the City and/or utility companies for the division, if any, of construction costs of streets and alleys, utility lines and other public improvements. Underground utilities to be located in those portions of streets intended for vehicular traffic shall be installed before such streets shall be paved.

No lot shall be occupied and no municipal services shall be extended thereto unless and until the specified utilities and improvements have been constructed and connected as required.

9. **Withholding of Clearances and Permits.**

Before the issuance of building permits, the owner or developer shall comply with all provisions of this ordinance to include by way of example, but not of limitation, the provisions relating to contracts for community facilities and contracts for construction of community facilities.
The Director of Public Works shall withhold building permits or final clearances until the required public improvements are installed in accordance with such provisions.

No occupancy permit shall be issued for any structure or building on any lot and no structure or building on any lot shall be occupied unless and until all required public improvements have been accepted by the City and such improvements have been installed, connected and are functioning properly.

1.2 DEDICATIONS AND VACATIONS

ACCEPTANCE, REFUSAL OF PROPOSED DEDICATIONS

A. Approval Not Acceptance of Proposed Dedication.

Approval of any plat by the Commission and Council shall not be deemed an acceptance of any proposed dedication and shall not impose any duty upon the City concerning the maintenance or improvement of any such dedication until the proper authorities of the City have made actual appropriation of the same by entry, use or improvement.

B. Refusal of Proposed Dedication.

If any plat is disapproved by the Commission and City Council, such disapproval shall be deemed a refusal by the City of the offered dedication shown thereon.

C. Vacation of Dedication.

All dedications to the City of Haslet, to include by way of illustration but not of limitation streets, alleys, rights-of-way, easements, and park lands, shall be vacated only by written application to the Commission, review of same by those agencies or departments designated by the Commission, Commission approval or conditional approval and City Council approval or conditional approval by ordinance adoption.

1.3 VARIANCES AND RECONSIDERATION

VARIANCES SUBJECT TO CITY COUNCIL APPROVAL

A. Findings Required.

The Commission may, following written request by an applicant detailing justification therefore, recommend to the City Council that the Council grant a variance from the application of the provisions of this ordinance when, in the Commission's opinion, undue hardship will result from requiring strict compliance therewith. Pecuniary hardship, alone, to the applicant shall not be deemed to constitute undue hardship in making the findings herein below required. Commission considerations in making its recommendation to the City Council shall include the general purpose and intent of this ordinance, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of said variance upon traffic conditions. No variances shall be granted unless the Commission finds:

That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land and that such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

That the effect of granting such variance will neither be detrimental to the public health, safety, convenience, welfare nor injurious to other property; and

That the effect of granting of such variance will not prevent the orderly use or development of other tracts of land.

B. Findings, Entered in Minutes.

Such findings, together with the specific fact upon which said findings are based, shall be entered as a part of the official minutes of the Commission meeting at which such variance is considered, as shall be entered as a part of the official minutes of the City Council meeting at which such commission recommendations for variance is heard.

C. Reconsideration.

Applicants or any person directly affected by a final decision of the Commission concerning any plat to be filed of record may initiate within ten (10) days after the date of the decision, an appeal or request for reconsideration as per Commission rules and regulations.
D. Council Hearing of Commission Recommendation.

The City Council shall hear the recommendation of the Commission on a date not less than ten (10) days after the date of the Commission decision.

1.4 VIOLATIONS

A. APPROVAL TO PRECEDE PLAT RECORDING

No party shall file for record or have recorded in the official records of any county, any plat of a subdivision of real estate without first having secured approval thereof as provided by this ordinance. No party so subdividing any real estate shall employ or refer to any description of a subdivision in any deed or conveyance or contract of sale unless and until the map or plat of such subdivision has been so approved and such map or plat has been filed for record with the clerk of each county in which such real estate is situated.

B. 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 Deed Records of the county or counties 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 Deed Records of such county or counties an instrument which, in effect, rescinds such earlier filed resolution.

1.5 AMENDMENT, GENERALLY

A. PERIODIC REVIEW BY COMMISSION.

The Commission shall periodically review the effectiveness of this ordinance in accomplishing the objectives stated herein and those of the Master Land Use Plan, Master Thoroughfare Plan, Master Water and Sewer Plan, and the Master Drainage Plan.

B. PROPOSAL FOR AMENDMENT.

Amendments to this ordinance may be proposed by the City Council, the Commission or by any interested party.

1.6 PROSECUTION FOR VIOLATION

Prosecution and/or conviction pursuant to the provisions of this ordinance shall not constitute a bar to any other remedy or relief for violation of this ordinance, and all pending litigation and existing violations, both civil and criminal, whether pending in court or not, under codes or ordinances of the City of Haslet regulating subdivision development and amendments thereto superseded by this ordinance shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

1.7 REPEAL OF PRIOR ORDINANCES

This ordinance shall and does hereby amend and/or repeal every prior ordinance or rule or regulation or policy in conflict herewith, but as to all other ordinances or rules or regulations or policies or sections of ordinances or rules or regulations or policies not in conflict herewith, this ordinance shall be and is hereby made cumulative.

1.8 SEVERABILITY

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

1.9 FINES

Any person, firm, association of persons, company or corporation, or their agents, servants or employees, who violate, disobey, omit, neglect or refuse to comply with any provision of this ordinance within the corporate limits of the City
of Haslet or its Extraterritorial Jurisdiction shall be punished by a fine not to exceed five hundred dollars ($500.00), and each day that a violation exists is hereby declared to be a distinct and separate offense and punishable as such.

1.10 DISTRIBUTION

The City Secretary is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and this ordinance as so published in book or pamphlet form shall be admissible in evidence.

1.11 PUBLICATION

The City Secretary of the City of Haslet is hereby directed to publish the caption and penalty clause of this ordinance in one issue of the official newspaper of the City of Haslet, which is a weekly paper, as authorized by Section 52.011 of the Texas Local Government Code.

1.12 INCLUSION IN CITY RECORDS

The City Secretary is hereby directed to engross and enroll this ordinance by copying the caption and penalty clause of same in the minutes of the City Council and by filing the ordinance in the ordinance records of said City.

(Ordinance 0903-04 adopted 9/27/04)

SECTION 2. ADMINISTRATIVE RULES AND REGULATIONS

2.1 APPLICATIONS

A. REQUIREMENTS FOR COMPLETENESS DETERMINATION

1. Every application for approval of a plat shall be subject to a determination of completeness by a City staff member as designated by the City Administrator (City Staff).

2. No application shall be deemed complete and accepted for processing unless the City Staff determines it is complete. For a determination of completeness to be issued, an application must include the following:
   a. A signed and completed application packet; and
   b. Every item, study and document as required and detailed in by the application packet and the Subdivision Ordinance for the type of plat being submitted; and
   c. Payment of all fees as required by the Code of Ordinances of the City of Haslet, Appendix A Fee Schedule.

3. City Staff 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.

4. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of the Subdivision Ordinance.

B. DETERMINATION OF COMPLETENESS; EXPIRATION

1. Not later than the tenth business day after the date an application is submitted, City Staff shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by the Subdivision Ordinance or other applicable ordinances have been submitted. A determination that the application is incomplete shall be delivered to the applicant within such time period by one, or more, of the following methods at the address listed on the application:
   a. United States Mail;
   b. Facsimile transmission;
   c. Receipted e-mail; or
   d. Receipted hand-delivery.
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.

2. An application for approval of a preliminary or final plat 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 1. above.

3. 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.

4. An application for preliminary or final plat approval shall be deemed to expire on the 45th day after the application is submitted to City Staff 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. All subsequent re-filings will be subject to fees per the City's fee schedule.

5. 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.

(Ordinance 005-2015, sec. 1, adopted 2/2/15)

C. NOTICE

Notice of proposals to vacate a street or alley, or proposals to subdivide lands shall be given to the owners of all abutting properties and to such other persons as the City Secretary determines may be affected by the proposal. Such notice shall be sent to the applicant or his agent and, at the minimum, to the owners of all properties lying within 200 feet of the property in question as said ownership appears on the last approved City Tax Roll. Notice shall be given in writing deposited in the United States Mail, postage prepaid, not less than 10 days prior to the date of Commission meeting. The notice shall advise that a specific proposal has been submitted for review and that it will be on display at the City Hall, where additional information will be available.

D. SUBMISSION OF SUPPORTING INFORMATION

Information supporting the approval or denial of any proposal before the Commission shall be submitted only through the City Secretary or to the Commission at the public meeting.

E. WITHDRAWAL OF PROPOSAL

When an applicant desires to withdraw any proposed subdivision plat, or request to vacate right-of-way, he may do so by filing a written request to that effect with the City Secretary. Such request shall be effective upon the date of its official receipt, provided however, that no such request shall be valid after notices of public hearing have been advertised or mailed, except by action of the Commission. Withdrawal of a proposal at any stage of its processing shall terminate all consideration of it by the City, and the case file thereon shall be closed. If an applicant withdraws a proposal at any time, any fees already paid to the City will be forfeited to the City to cover administrative expenses thereof.

F. RIGHT-OF-WAY VACATION PROCEDURE

Only those right-of-way vacation proposals which have met all requirements and received a recommendation for approval by the Commission shall be so certified by the City Secretary and thereafter transmitted to the City Council for consideration.

A proposal to vacate an easement which is found by the Commission to comply with all the requirements of all the reviewing agencies shall be so certified by the City Secretary and thereafter transmitted to the City Council for consideration.

2.2 PLAT OR REPLAT SUBMISSION

A. STANDARD FORM SUBDIVISION PROCEDURE
The submission and review of all subdivision plats and re-plats shall proceed through the following steps in the order listed unless herein otherwise provided:

Pre-Application Sketches and Conference, if required by the City Engineer; Preliminary Plat approval by the Commission; Preliminary Plat Approval by the City Council; Final Plat approval by the Commission, Final Plat approval by the City Council.

B. VACATION OF PLAT

Any recorded plat or re-plat, or any part thereof, may be vacated at any time before the sale of any lot therein upon application of all the owners of the land covered thereby. Upon approval of the Commission and the City Council, the execution and recordation of the vacation instrument shall operate to destroy the force and effect of the recording of the plat or re-plat so vacated.

Minor plats consisting of no more than two lots and less than 10 acres total and requiring no public improvements may be submitted as a preliminary and final plat and processed simultaneously, first by the Commission, second by the City Council.

2.3 PRE-APPLICATION SKETCHES AND CONFERENCE

A. PRE-APPLICATION SKETCHES

The pre-application procedures may include the development of a sketch plat of the proposed subdivision. The sketch plat may be a free-hand drawing superimposed upon a print of a topographic map, or aerial photograph, and generally includes the following details: location in relation to the rest of the City; boundaries of the proposed subdivision; significant natural features such as rivers, creeks, lakes, hills, woods, etc.; significant man-made features such as railroads, roads, buildings, utilities, etc.; tentative street pattern; proposed land use areas; and existing adjoining development. After the applicant has prepared the sketch plat and has acquired the necessary information, a pre-platting conference may be scheduled with the City staff. The purpose of this pre-platting conference is to review requirements and work out any necessary details for inclusion in the preliminary plat. The discussion at the pre-platting conference is intended to accommodate the development of land with a minimum time loss and minimize necessary corrections in the preliminary plat procedure.

B. CONSULTATION WITH PUBLIC UTILITY COMPANIES

The applicant shall also consult with the public utility companies in reference to the location of utility lines and easements prior to the preparation of a Preliminary Plat.

C. FORMAL APPROVAL OF PRE-APPLICATION SKETCHES NOT REQUIRED

No formal approval of Pre-Application Sketches is required. The applicant may proceed with formal submission of the Preliminary Plat at any time following the conclusion of the Pre-Application Conference.

(Ordinance 0903-04 adopted 9/27/04)

2.4 PRELIMINARY PLAT

A. GENERAL

The Preliminary Plat shall be required when a parcel of land is subdivided into two or more lots or when an extension of City utilities and/or streets is necessary and shall be drawn to show clearly all data. The Preliminary Plat shall include planning for the entire tract that is intended to be subdivided, whether in whole or in part, and shall conform to the City of Haslet Master Plan. (Ordinance 005-2015, sec. 2, adopted 2/2/15)

B. PRELIMINARY ENGINEERING PLANS

Simultaneously with the submission of the Preliminary Plat, adequate engineering data and drawings shall be submitted for review to the City Engineer. This data shall convey sufficient engineering information and data to determine if the following are adequately sized and appropriately located: street and intersection rights-of-way; easements; storm drain structures; sanitary sewers and water lines. Approval of the Preliminary Plat shall be conditioned upon approval of the Preliminary Engineering Data. This data must contain adequate information necessary for the reviewing departments to ascertain the adequacy of the proposed Preliminary Plat to accommodate all proposed site improvements. (Ordinance 0903-04 adopted 9/27/04)

C. DUTIES OF THE CITY ENGINEER
The City Engineer shall:

1. Review the Preliminary Plat, noting application of design principles and standards giving special attention to the items such as: the relationship of proposed traffiways to existing neighborhood circulation patterns and the Master Thoroughfare Plan; the area required for schools, parks and other public facilities including drainageways and floodplains.

2. Summarize and provide comments on the Preliminary Plat to City Staff, noting noncompliance with federal and state law, and with the City's codes, standards, rules, regulations, and Ordinances.

D. DUTIES OF CITY STAFF

City Staff shall:

1. Review the Preliminary Plat for compliance with the requirements of this Ordinance, and for compliance with federal, state and local law.

2. Summarize the recommendations of the reviewing offices on the Preliminary Plat and present such recommendations to the Commission, noting any noncompliance with federal and state law, and with the City's codes, standards, rules, regulations, and ordinances.

(Ordinance 005-2015, sec. 2, adopted 2/2/15)

E. PUBLIC REVIEW

The Commission shall review the Preliminary Plat at its monthly public meeting or at such special meeting as may be called in accordance with the Commission's Rules of Procedure.

F. DECISION OF THE COMMISSION

The decision of the Commission shall be approval, conditional approval, disapproval, or continuance of the Preliminary Plat.

1. Approval of a Preliminary Plat shall provide for approval of a Final Plat subject to compliance with all applicable requirements of the Subdivision Ordinance, pertinent Commission Rules and Regulations and all conditions attached to the approved Plat.

2. Conditional approval shall constitute approval subject to conformity with prescribed conditions, but shall constitute disapproval until such conditions are met.

The Plan Commission may conditionally approve a Preliminary Plat with instructions that the applicant return to the Commission within a specified time period for review to determine compliance with the conditions, and for approval of the Preliminary Plat as a Final Plat.

3. Disapproval constitutes rejection in total of the Preliminary Plat as submitted. Upon written request, the grounds for such disapproval shall be furnished to the applicant within five (5) working days. The Commission, following disapproval, may permit an applicant to then submit a Revised Preliminary Plat at a subsequent meeting without reapplying, or the applicant may choose to re-institute the subdivision approval procedure.

4. If the applicant requests a continuance, the Commission may continue a hearing on a Preliminary Plat. In considering whether to grant a requested continuance, the Commission shall consider whether the applicant has given written notice of his desire to continue at least ten (10) days prior to the hearing in order to allow notice to be sent to adjacent property owners. The City may charge a reasonable fee for continuances.

G. APPROVAL OF PRELIMINARY PLAT

1. An approval or conditional approval of a Preliminary Plat constitutes a recommendation to the City Council to be heard at the next regular scheduled Council Meeting, at which time the Council shall act as follows:

   a. Approve plat as recommended

   b. Approve plat as recommended with conditions

   c. Return plat to Commission for further consideration
d. Disapprove plat.

Both the Commission and the City Council must approve a Preliminary Plat before it is considered to be approved by the City.

2. Approval or conditional approval of a Preliminary Plat shall expire one (1) year after the date of the City Council action. If a Final Plat, consistent with the approved Preliminary Plat, for the property or a portion thereof is not filed within one year from the date of approval of the Preliminary Plat, the Preliminary Plat will be void. If a Final Plat is filed on any portion of the property included in the Preliminary Plat within the one (1) year period, the Preliminary Plat shall continue to be valid for purposes of preparation of a Final Plat for the remainder of the Property for an additional 180 days from the date of filing of the Final Plat on a portion of the property.

3. Where no Final Plat has been filed, the applicant may, prior to the expiration of the one (1) year period, apply to the City for an extension of the Preliminary Plat approval or conditional approval for an additional period of time not to exceed 180 days. To obtain an extension, the applicant shall prove to the satisfaction of the Commission and City Council that the Preliminary Plat is viable, not contrary to the most recent City Plan for the area, and that the plat is properly related to surrounding development.

H. WITHDRAWAL OF APPROVAL

The Planning and Zoning Commission may conduct a public hearing and recommend that the City Council void approval or conditional approval of a Preliminary Plat at any time after public hearing and a finding that there is a material change of conditions. If the City Council concurs with the Commission's recommendation and finds that there has been a material change of conditions, it may void the approval or conditional approval of the Preliminary Plat.

I. REVISED PRELIMINARY PLAT

The Commission may require the applicant to submit a Revised Preliminary Plat to the Commission and the City Council when substantial modifications are required by the Commission relative to the street layout, block design or land use patterns of the original Preliminary Plat, or when significant planning or engineering issues are unresolved on the preliminary plat. No Final Plat shall be accepted for processing until the Revised Preliminary Plat has been submitted and checked by the appropriate City staff and approved by the Commission and the City Council.

(Ordinance 0903-04 adopted 9/27/04)

2.5 FINAL PLAT - COMMISSION AND CITY COUNCIL APPROVAL

A. GENERAL

No plat shall be approved as a Final Plat until:

1. A Preliminary Plat or Revised Preliminary Plat has been submitted and either approved or conditionally approved;

2. A Final Plat has been submitted pursuant to subsections 2.6, 2.7, and 3.10 of this Ordinance along with final engineering plans and specifications and cost estimates;

3. All preliminary and final engineering plans shall have been approved by the affected City departments and the City Engineer;

4. Satisfactory arrangements have been made for the installation of all required community facilities such as water, sanitary sewer, storm drainage, paving, telephone and electricity. Upon receipt of a letter from a qualified Registered Professional Engineer citing unusual circumstances necessitating a variance from the usual procedure and subject to approval by the City Engineer, a Final Plat may be considered for approval and filing prior to approval of final engineering plans.

5. The approval of the final engineering plans and specifications for the subdivision shall be valid for a period of 36 months after the date of approval of the final plat whereupon said plans will be subject to re-review and approval by the City.

(Ordinance 005-2015, sec. 3, adopted 2/2/15)
6. All required parkland dedication or payment in lieu of dedication has been made. (Ordinance 026-2016, sec. 3, adopted 9/19/16)

B. APPLICANT’S DUTIES

The Final Plat shall conform to the approved or conditionally approved Preliminary Plat or approved Revised Preliminary Plat and shall be submitted to City Staff.

C. DUTIES OF CITY STAFF

City Staff shall:

1. Review the Final Plat for compliance with the requirements of this Ordinance, for conformity to the approved or conditionally approved Preliminary Plat or Revised Preliminary Plat, and for compliance with state and local law.

2. Summarize the recommendation of the reviewing offices on the Final Plat and present such recommendations to the Commission and City Council, noting any noncompliance with federal and state law, and with the City's codes, standards, rules, regulations, and ordinances.

(Ordinance 005-2015, sec. 3, adopted 2/2/15)

D. RECORDING OF FINAL PLAT

After the Final Plat has been duly acknowledged by the owners of the land, or by some duly authorized agent of said owners, in the manner required for the acknowledgment of deeds, and has been approved as herein provided by the Commission and the City Council, the City Secretary shall affix thereto the City Seal with the signatures of the Chairperson of the Commission, Secretary to the Commission, Mayor, and the City Secretary. The City shall cause the Final Plat and all supporting instruments to be recorded with the County Clerk of the county in which the subdivision lies at a date as agreed by both the developer and the City.

E. ACTION BY THE COMMISSION

The Commission shall act upon a properly submitted plat within thirty (30) days of the official filing date. If said plat be not approved, conditionally approved, disapproved or continued within thirty (30) days from the official date of submission, it shall be deemed to have been approved by the Commission, and a certificate showing said submittal date and the failure to take action thereon within thirty (30) days from said date shall, on demand, be issued by the Commission, and said certificate shall be sufficient in lieu of the endorsement hereinafter required.

F. ACTION BY THE CITY COUNCIL

The City Council shall act upon a properly submitted plat within thirty (30) days after the date the plat is approved by the Commission or is considered approved by the inaction of the Commission. If said plat be not approved, conditionally approved, disapproved or continued by the City Council within thirty (30) days from said date of approval by the Commission, it shall be deemed to have been approved by the City Council, and a certificate showing the date of approval by the Commission and the failure of the Council to take action thereon within thirty (30) days from said date shall, on demand, be issued by the City Council, and said certificate shall be sufficient in lieu of the endorsement hereinafter required.

2.6 PLAT SPECIFICATIONS AND SUPPORTING INSTRUMENTS

A. PRELIMINARY PLAT

General.

The Preliminary Plat shall be drawn to a scale of one inch to one hundred feet (1”= 100’). If the development contains a large area, the Preliminary Plat may be prepared at a scale of one inch to two hundred feet (1”=200’). The Preliminary Plat shall generally include all of the tract intended to be developed at one time. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The Preliminary Plat shall contain or have attached thereto:

1. Names and addresses of the subdivider, record owners, land planner, engineer and/or surveyor.

2. Proposed name of the subdivision, which should not have the same spelling or be pronounced similarly to the name of any other subdivision located within the City's platting jurisdiction.
3. Names and lot patterns of contiguous subdivisions, approved concept plans or preliminary plats or contiguous parcels of land and the owners of contiguous parcels of un-subdivided land as shown by Tax Office records or other public records.

4. Vicinity map showing location of tract by reference to existing streets or highways.

5. Subdivision boundary lines, indicated by heavy lines, and the approximate area expressed in acres.

6. Location of City limit lines and outer border of the City's extraterritorial jurisdiction if either traverses the subdivision, forms part of the subdivision, or is contiguous to the subdivision boundary as indicated by City records.

7. Dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing records. The distance from the centerline of the roadway of the boundary street to the proposed platted property shall also be shown.

8. The locations, dimensions, names and descriptions of all existing or recorded lots and blocks, parks, public areas and permanent structures within or contiguous to the subdivision which affect the subdivision design.

9. The locations, sizes, and descriptions of existing utilities, to include gas lines, sewer and water mains, water towers and wells, power lines (above and/or below grade), telephone lines, within the subdivision or adjacent thereto as shown by City and utility company records.

10. The approximate location, dimensions, descriptions and names of all existing and proposed streets, alleys, drainage structures, utilities, parks, open spaces, natural features to be preserved, improvements to be installed for beautification, and other public areas; reservations, easements or other rights-of-way; blocks, lots and other sites within the subdivision specifically indicating the connection of improvements to those improvements in adjacent subdivisions.

11. Identification and location of proposed uses within the subdivision to include tracts intended for residential multi-family dwellings, shopping centers, churches, industry or other uses and also indicating existing and proposed zoning classifications for each use.

12. Topographical information extending a minimum of 200 feet beyond the plat boundary based on true datum with 5-foot vertical interval contour maps. United States Geological Survey 7-1/2 Minute Quadrangle maps under certain conditions may be used. Supplemental topographic information may be required if deemed necessary by the City Engineer.

All contours and elevations shall be referenced to vertical control benchmarks approved by the City Engineer. Centerline of water courses, creeks and ravines, existing drainage structures and other pertinent data shall be shown. Areas subject to flooding shall be shown, delineating the floodway and the 100-year fully developed flood limits if applicable. A study will be required to provide information as to the extent of drainage facilities that will be necessary in order to develop the property.

A drainage area map shall be included showing onsite drainage areas and divides and offsite drainage areas contributory to the proposed subdivision, along with drainage calculations related to the proposed subdivision. U.S.G.S. topographic map may be used for the drainage area map if approved by the City Engineer.

13. A number or letter to identify each lot and each block, an indication of the typical lot size, and the area of the smallest lot.

14. Building setback lines on all lots and sites adjacent to streets.

15. Title, date of preparation, scale and north point.

16. Standard Notes per Attachment “A”.

17. Current description of the property to be subdivided that includes survey name and tract numbers from City or County records.

18. The responsible entity for the operation and maintenance of any building, park, equipment, pools, plantings, lawns or other legal interests if it is proposed that they are to be shared by owners of the real property within the subdivision.
Traffic Impact Study

If the proposed development generates more than 2,000 trips per day and the concept plan has been submitted without a traffic impact study, the developer shall submit a traffic impact study at time of preliminary plat submittal. The Plan Commission will not accept a preliminary plat unless the traffic impact study is submitted in accordance with the City Standards. It is the responsibility of the applicant to demonstrate that a traffic impact study is not required.

Review time for the traffic impact study is ten (10) working days from the date of submittal to the City. The Commission hearing for the proposed development can be scheduled at the earliest possible date after the ten (10) working days have expired. Staff comment regarding the traffic impact study shall be provided to the applicant and to the Commission. It is not intended that a formal “approval” be given to the traffic impact study; however, the applicant will be encouraged to discuss concerns City staff may have with the study, allowing the applicant the opportunity to obtain staff approval before the public hearing.

Transportation consultants are strongly urged to discuss projects with the City prior to starting the study. The Guidelines provide adequate scope as to the content of the study. The transportation consultant is required to complete the Traffic Impact Study Assumptions Form in consultation with the City Engineer.

B. FINAL PLAT

General.

The Final Plat shall conform to the Preliminary Plat, as approved by the Commission and City Council and shall be drawn to accurately and legibly show all data at a scale not smaller than one inch equals 100 feet and meets Tarrant County platting requirements. Final engineering plans and specifications shall be submitted with the final plat. The Final Plat shall contain or have attached thereto:

1. Title or name of subdivision, written and graphic scale, north point, date of plat, and a key map at a scale of not less than one inch equals 2,000 feet.

2. Location of the subdivision by City, County and State.

3. A description of the subdivision by metes and bounds and the location of the subdivision with reference to a corner in a recorded subdivision or with respect to a corner of the survey or tract, or an original corner of the original survey of which it is a part. Whenever practical, the proposed subdivision will be referenced to the Texas Coordinate System, North Central Zone under the direction of the City Engineer.

4. Tract boundary lines indicated by heavy lines.

5. Sufficient relocation data in order to reproduce the subdivision on the ground.

6. Approved name and right-of-way width of each street.

7. Locations, dimensions and purposes of all public and private easements, streets, alleys, squares, parks or the areas intended to be dedicated to public use or for the use of purchasers or owners of lots in the subdivision or private utilities serving the subdivision.

8. Identification of each lot or site and block by letter or number and building lines of lots.

9. Boundary lines and names of open spaces to be dedicated for public use or granted for use of the owners of lots in the subdivision.

10. The type of objects set or found to mark lot corners.

11. Reference to recorded subdivision plats or adjoining platted land by record names, and deed record volume and page.

12. The designation/name of the entity responsible for the operation and maintenance of any building, park, equipment, pools, plantings, lawns, waste water treatment facilities, sanitary sewers, private streets, emergency access easements, recreation areas, or other legal interests which are to be shared by the owners of real property in the proposed subdivision designated by appropriate articles of incorporation, contracts, restrictions or other methods. The means of securing payment for maintenance and operating expenses and the method of terminating such provisions shall be stated in the creating documents. The following notes shall be included on the face of all
plats or with accompanying instruments, where it is the expressed intent of the developer that there will be private maintenance of any common areas or facilities in the subdivision:

“The landowners, and any subsequent owners, of lots in the subdivision, jointly and severally, shall be responsible and liable for the construction, operation, and maintenance of any private common areas or facilities in the subdivision, including but not limited to sanitary sewers, waste water treatment facilities, water facilities, private streets, emergency access easements, recreation areas, and open space. The Homeowners Association shall operate and/or maintain the above described facilities. The City of Haslet shall have no responsibility or liability for the construction, operation, or maintenance of said common facilities, and said owners agree to indemnify and hold harmless the City of Haslet from all claims, damages and losses resulting from performance of the obligations of said owners set forth in this paragraph.”

13. Minimum finished floor elevation requirements 100-year fully developed flood plain elevations and flood plain boundaries.

14. The City shall not record a final plat until:
   a. All of the above requirements have been fulfilled,
   b. The Commission and the City Council have approved the plat,
   c. The plat conforms to all conditions of approval,
   d. All necessary fiscal agreements have been approved and executed, and
   e. All applicable fees, assessments and taxes have been paid.

2.7 LOCATION STANDARDS AND MONUMENTATION FOR FINAL PLAT

One of the following methods shall be used:

A. SURVEYED SUBDIVISION PLAT

   The minimum surveying requirements shall conform to the accuracy standards set by the Texas State Board of Registration for Public Surveyors, except that in no case shall the requirements be less than the following:

   All final external boundary lines with lengths of courses to hundredths of a foot, bearings to one second, and where curves form portions of such boundary, the bearing of the curves’ tangent shall be shown to one second along with the curve length, central angle, and radius. These boundaries shall be determined by an accurate survey in the field and the unadjusted closure of the boundaries shall not be less than one part in five thousand (1:5000). The surveyed subdivision map shall:

   1. Indicate all corner objects set.
   2. Indicate bearings, dimensions, curve data and other relocation information as determined by survey
   3. Describe all of the subdivision by metes and bounds and the location of the subdivision with reference to a corner in a recorded subdivision or with respect to a corner of the survey or tract, or an original corner of the original survey of which it is a part.
   4. Bear seal and signature of the surveyor responsible for the surveying and/or the preparation of the plat.
   5. Where he deems it appropriate, the City Engineer shall indicate the required locations for concrete reference monuments, or their equal. Position as per the Texas Coordinate System, North Central Zone, shall be placed upon them under the direction of said City Engineer. The subdivision data should be referenced to this system. The City Engineer shall place the coordinate values of the monuments on the Final Plat unless these positions have been determined by the surveyor preparing the plat.

B. COMPILED SUBDIVISION PLAT

   The purpose of the Compiled Subdivision Plat is to serve as a means to permit subdivision development to proceed with all possible economy of time and effort in the necessary surveying and construction of street improvements and utilities; and to be flexible to permit the developers to process the Final Plat for recording at a time most advantageous to them. The data shown thereon shall be the result of a reasonable amount of surveying to permit the pre-calculation
of the subdivision and to mark the block corners and curve points. Surveying to mark all lot corners can be done after the completion of the street and utility construction. The Compiled Subdivision Plat shall be prepared as follows:

1. The boundaries shall be monumented, at the developer's expense, with adequate monuments. Monuments shall be set at all corners, points of curve, and on tangents, and not to exceed 1,000 feet apart.

2. The boundary survey through these monuments shall have an angular closure not to exceed five seconds per angle and the unadjusted closure of the boundary shall be not less than one part in ten thousand (1: 10,000). The boundary shall be adjusted and the bearings shall be shown to seconds and the length to one hundredth (0.01) of a foot.

3. Where it is deemed appropriate, the City Engineer shall indicate on a furnished plat the required locations for concrete reference monuments, or their equal. Position as per the Texas Coordinate System, North Central Zone, shall be placed upon them under the direction of said City Engineer. The subdivision data should be referenced to this system. The City Engineer shall place the coordinate values of the monuments on the Final Plat unless these positions have been determined by the surveyor preparing the plat.

4. All bearings and distances shown on the plat shall be based on boundary monuments and all information necessary to calculate the coordinates of any corner or dimensioned point shall be shown.

5. All of the usual easements, building lines and other items required for Final Plat shall be shown.

6. The seal and signature of the surveyor responsible for the surveying and/or the preparation of the plat shall appear on the plat.

2.8 MONUMENTS AND PROPERTY MARKERS

A. BOUNDARY LINE MONUMENTS

Concrete monuments shall be placed on all corners of boundary lines of a subdivision and in any case not more than fourteen hundred (1,400) feet apart. Such monuments shall be of a design recommended by the City Engineer for permanence and resistance to disturbance.

B. PROPERTY CORNER MARKERS

Intermediate property corners, curve points and angle points shall be marked by iron stakes, not less than twenty-four (24) inches in length, driven flush with the ground or countersunk if necessary in order to avoid being disturbed.

C. INSTALLATION OF MONUMENTS

Monuments shall be installed before recording of the Final Plat, except in those cases where the subdivider certifies that the street will be paved within one (1) year and that at the time of paving he will install monuments, as required herein, and in such cases, the subdivider shall furnish a surety bond therefor in an amount not to exceed the actual cost of installing the monuments. When placing of monuments in the streets is postponed, adequate ties to the boundary line shall be established and shall be shown on the plat in order that monuments may be correctly located and installed following the paving of streets.

2.9 DEVELOPMENT PLATS

A. DEVELOPMENT PLAT REQUIRED PRIOR TO CONSTRUCTION

Pursuant to the requirements of this Ordinance and Subchapter B of Chapter 212 of the Local Government Code, every person who proposes the development or redevelopment of a single tract of land within the corporate limits of the City or within its extraterritorial jurisdiction, shall be required to submit a development plat of said tract and obtain approval of said plat prior to the commencement of construction upon said tract, and no construction shall commence upon said tract prior to the filing of a plat of said property in the County Plat Records. “Development” or “redevelopment” means the new construction or the enlargement of any exterior dimension of any building, structure, or improvement, but does not include the new construction or enlargement of a single-family residence or an accessory building to a single family residence. However, if a person is required under Section 2 of the Subdivision Ordinance of the City of Haslet, or other statute, to file a subdivision plat, a development plat under this Ordinance is not required in addition to the subdivision plat.

B. DEDICATION REQUIREMENTS
1. Every owner of property for which a development plat has been submitted for approval shall be required to dedicate to the City that portion of such property required to serve the property with adequate streets, roadways, thoroughfares, utilities, drainage improvements, or other public purposes, and such dedication requirements, as imposed, shall be a prerequisite to plat approval.

2. Effect of approval/disapproval on dedication: The approval of a plat is not considered an acceptance of any proposed dedication and does not impose on the municipality any duty regarding the maintenance or improvement of any dedicated parts until the municipality makes an actual appropriation of the dedicated parts by entry, use, or improvement. The disapproval of a plat is considered a refusal by the municipality of the offered dedication indicated on the plat.

C. DEVELOPMENT PLAT PROCEDURES

The preparation, submittal, review, and approval of all development plats shall proceed through the following steps:

1. Pre-submission Conference - meeting between developer and City Engineer
2. Preliminary Development Plat - approved by Planning and Zoning Commission and City Council
3. Final Development Plat - approved by Planning and Zoning Commission and City Council

D. PRE-SUBMISSION CONFERENCE

1. This step is intended to be of mutual benefit to the developer and the community by determining the suitability and time of development of a tract of land in relation to availability of services and facilities. This step also involves considerable development planning which precedes actual preparation of the preliminary development plat. The developer's engineer, surveyor, or planner shall present the proposal to the City Engineer, who shall inform the developer's engineer, surveyor or planner of the details regarding platting procedures and requirements.

2. Actions required by the Developer
   a. Sketch plans and ideas regarding land use.
   b. Proposals regarding water supply, sewage disposal, drainage, streets, and other improvements.

3. Actions required of the City Engineer:
   a. Determine existing zoning of the tract if within the City and determine if a zoning change is involved.
   b. Determine the adequacy of, and possible effects on, existing or proposed schools, parks, and other public uses.
   c. Determine the relationship of the proposed development to such existing and proposed facilities as major streets, availability of utility systems, adequacy of accessibility, and any unusual problems such as drainage, topography or flooding.

E. PRELIMINARY DEVELOPMENT PLAT REQUIREMENTS

1. Preliminary Development Plat

   The preliminary development plat phase of land development includes detailed planning, submittal, review, and approval of the preliminary development plat. To avoid delay in processing the application, the developer's engineer or surveyor should provide the City Engineer with all information essential to determine the character and general acceptability of the proposed development.

2. Zoning

   The development should be designed within the requirements for the specific zoning district within which it is located. Any change in zoning required in relation to the preliminary development plat shall have been adopted by the City Council prior to preliminary development plat approval by the Commission. Requirements of the zoning ordinance do not apply to land in the City's extraterritorial jurisdiction.

3. Preliminary Development Plat Submission
Upon an agreeable completion of the pre-application conference step, the developer shall prepare and submit the preliminary development plat to the City Secretary with all applicable fees not less than twenty-one (21) days prior to the Commission meeting at which such plat is to be considered. The following information, certified by a registered professional land surveyor, or registered professional civil engineer, in accordance with the requirements of this Ordinance, shall be submitted:

a. Twenty (20) copies of a preliminary development plat showing the general features of the proposed development.

b. This preliminary development plat shall be drawn on a scale of one (1) inch equals one hundred (100) feet or larger and shall show the following:

   (1) The outline of the tract that is proposed to be developed, with boundary dimensions, and, if the tract is located in the corporate limits of the City, any zoning prefix designation.

   (2) The proposed plan of development, showing streets, sidewalks alleys, easements, parks, building lines, etc., with principal dimensions. The preliminary development plat shall cover all of the tract intended to be developed.

   (3) The location, width, and name of existing streets and any blocks, lots, alleys, easements, building lines, water courses, flood plain, adjacent tracts, boundary of tree cover, or other natural features in the area affected, with principal dimensions, and any other significant information on all sides for a distance of not less than one hundred (100) feet.

   (4) The names of proposed streets.

   (5) The location of the nearest existing sewers, water and gas mains, and other public utilities if any. If none near vicinity, so state.

   (6) A proposed general plan for drainage to include calculation of pre-development and post-development ten-year and 100-year storm flows for any stream, creek, or channel and the limits of any flood plain either as designated by FEMA mapping or limits as may be determined by the owner's registered professional civil engineer.

   (7) The proposed drainage plan shall include: a topographical map in sufficient detail showing all abutting drainage areas contributing to the storm water flows within the proposed development, preliminary plans for drainage improvements and detention facilities for reducing post-development drainage characteristic to pre-development conditions within the proposed development, and all calculations relating to the design of the drainage plan and its impact on the downstream system.

   (8) The north point, scale, and date.

   (9) The name of the owner or owners and the signature, date, and seal of the registered professional land surveyor, or registered professional civil engineer, who has prepared the preliminary development plat.

   (10) A vicinity sketch or key map at a scale of not more than one thousand (1,000) feet to the inch which shall show all existing developments, streets, and tracts of acreage in the area.

   (11) The contours shall be intervals of five (5) feet or less.

   (12) The proposed plan of improvements and utilities, including any perimeter lines as shown on the City's Master Water and Sewer Plans, to be constructed in the development prepared by a registered professional engineer, shall be shown with indication of street widths and utility line sizes. The accurate location of any existing utilities within the development shall be shown on the preliminary development plat.

   (13) The following certificate shall be placed on the preliminary development plat:

   “APPROVED PRELIMINARY DEVELOPMENT PLAT”

___________________________       _________________
Chairman, Planning             Date     Mayor             Date
and Zoning Commission

___________________________        _________________
Secretary, Planning             Date     City Secretary    Date

and Zoning Commission

(14) One copy of the signed plat shall be returned to the developer.

c. The City Secretary shall distribute copies of the preliminary development plat to the following offices for review when appropriate:

(1) City Departments       City Engineer
(2) Public Utilities          Director of Public Works.

d. County Engineer and/or school district (when concerned with a specific plat).

e. On receipt of the preliminary development plat, The City Engineer shall:

Review the preliminary development plat for compliance with public objectives, giving special attention to design principles and standards, to internal circulation streets and Master Thoroughfare Plans, to Master Water and Sewer Plans, and to existing and proposed zoning, if any, and land use of the tract and adjacent tracts. The reviewing offices Director of Public Works will transmit their recommendations to the City Engineer who will then summarize the recommendations of the City Engineer and Director of Public Works and present them to the Planning and Zoning Commission for their consideration and action on the preliminary development plat.

4. Preliminary Development Plat Approval

If the requirements of this Ordinance have been met, the Commission shall render a decision thereon at the next regular meeting of the Commission. Such decision may consist of approval, conditional approval, or disapproval. The recommendation of the Planning and Zoning Commission shall be sent to the City Council for their final approval and acceptance of the preliminary development plat. The Commission shall act on the plat within the thirty (30) day period following the filing of the plat with the City Secretary. The City Council shall act on the plat within thirty (30) days after receiving the recommendation of the Planning & Zoning Commission.

a. The approval or conditional approval of a preliminary development plat by the City Council is the authorization to proceed with the preparation of the final development plat and the application to consider the final development plat. Approval or conditional approval of a preliminary development plat does not constitute the acceptance of a development or the improvements placed therein.

b. The conditional approval of a preliminary development plat by the City Council is the approval of the plat subject to compliance with all conditions prescribed by the City Council. All conditions prescribed by the City Council shall be furnished in writing to the developer within fourteen (14) days of City Council action. Compliance with the conditions imposed shall be reflected on the “approved preliminary development plat” to be submitted following City Council approval, as set forth in paragraph e below, and on the final development plat and related documents required for consideration of the final development plat. Failure to comply with the conditions imposed shall constitute disapproval of the preliminary development plat.

c. The disapproval of a preliminary development plat by the City Council shall be final. Written notice of the reasons for disapproval shall be provided to developer within fourteen (14) days of City Council action.

d. City Council approval or conditional approval shall be valid for a period of twelve (12) months from the date of City Council action. If within the twelve (12) month period no application is made for final development plat consideration, the preliminary development plat shall become null and void. The developer may request and the City Council, at its discretion, may grant an extension of the time limit for a specified period of time.

e. Upon City Council approval of the preliminary development plat, the developer shall provide to the City five (5) copies of the plat, with revisions needed to comply with a conditional approval, (if no revisions are necessary, the five (5) copies of the plat originally submitted will suffice) and bearing the following:
F. FINAL DEVELOPMENT PLAT REQUIREMENTS

This step includes the final design of the development, engineering of public improvements, and submittal of the final development plat by the developer.

1. Final Development Plat Requirements

After the preliminary development plat has been approved by the City Council and all conditions are complied with, the developer's registered professional land surveyor, or registered professional civil engineer, shall prepare and file with the City Secretary not less than twenty-one (21) days prior to the meeting of the Planning and Zoning Commission at which the plat is to be considered a final development plat which shall comply with the requirements of this Code and shall include the following:

a. The original final development plat and five (5) copies printed from the original. The original and copies shall be clearly legible. The original development plat shall be drawn to a scale of one inch equals one hundred feet (1" = 100') or larger in ink or mylar or other acceptable permanent material, with all figure and letters legible. One (1) copy of the original shall be on mylar or other acceptable permanent material.

b. The final development plat shall be proper for filing for record in the Office of the County Clerk of the County where the lot or tract is located with the following information given:

   (1) The name or names of the owner and developer.

   (2) The name of the registered professional land surveyor, or registered professional civil engineer, who prepared the plat.

   (3) The name of the street (to conform whenever possible to existing street names)

   (4) The north point, date, acreage of the lot, and scale.

   (5) An accurate boundary survey of the property, with bearings and distances referenced to the corner of an existing survey of an established development with complete and accurate field notes of said boundaries. The lines with dimensions of all adjacent lands and alleys, and easements in adjacent properties shall be shown in dashed lines.

   (6) Each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement.

   (7) Each easement and right-of-way within or abutting the boundary of the surveyed property.

   (8) 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.

   (9) All necessary dimensions, including linear, angular, and curvilinear, and other surveying information necessary to reproduce the plat on the ground with the linear and curvilinear dimensions shown in feet and decimals of a foot.

   (10) The angular dimensions shall be shown by true bearings. The length of all straight lines, deflection angles, radii, tangents, central angle of curves shall be shown for the centerline of the
street. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc definitions.

(11) All survey monuments shall be shown on the plat.

(12) Certification by a registered professional land surveyor, or registered professional civil engineer, licensed by the State of Texas, placed on the plat as follows:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, _______________, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon shall be properly placed, under my personal supervision, in accordance with the ordinances and regulations of the City of Haslet, Texas.

(SEAL)

(13) The following Certificate of Approval by the Planning and Zoning Commission to be placed on the plat in a manner that will allow the Final Development Plat to be filed for record:

I hereby certify that the above and foregoing Final Development Plat of __________________ was approved this ___ day of ____________, 20____, by the Planning and Zoning Commission of the City of Haslet, Texas.

Chairman _____________ Secretary _____________

Said plat shall be subject to all the requirements of the Subdivision Ordinance and regulations of the City of Haslet.

Witness my hand this ___ day of ____________, 20____.

________________________, City Secretary

(14) An instrument of dedication, signed and acknowledged by the owner or owners and by all other parties who have a mortgage or lien interest in the property, showing all restrictions, reservations, and/or easements if any, to be imposed and reserved in connection with the plat. Such restrictions shall include the following provisions:

No house, dwelling unit, or other structure shall be constructed on this lot by the owner or any other person until:

(a) Such time as the developer and/or owner has complied with all requirements of the Subdivision Ordinance of the City of Haslet regarding improvements within the area so platted, including the actual installation of streets with the required base and paving, curb and gutter, drainage structures, storm sewers, and water and sewer utilities, all according to the specifications of the City of Haslet; or

(b) The developer files with the City Secretary either a corporate surety bond, escrow deposit, or irrevocable letter of credit in a sum equal to the cost of such improvements thereon within the time period established by the City for completion of said improvements. The developer shall execute an agreement authorizing the City to make or complete said improvements in the event the developer fails or refuses to make or complete said improvements within the time so stated for completion thereof. The corporate surety bond, escrow or irrevocable letter of credit shall comply with the following:

(i) The sum equal to the cost of improvements shall include all construction costs, the costs of construction staking, and engineering services related to construction including but not limited to periodic administration, and preparation of as-built plans. The cost estimate for construction and related administration shall be prepared by the developer's engineer based on currently prevailing private commercial rates and approved by the City Engineer.

(ii) The escrow deposit shall be in the form of a cashier's check payable to the “City of Haslet” Escrow Account for ________________. The City shall open an interest bearing escrow account bearing the development name with the City's depository bank or
other authorized investment entity. All interest accrued by said account shall be deposited to the account. The City shall have the right to use the principal of the escrow deposit and all accrued interest to make or complete construction of improvements as provided by this Code. The developer may reduce the amount of escrow deposit equal to the cost, less ten (10) percent thereof, of each major phase of improvements as such phases are completed and satisfactorily pass all applicable test inspections. The major phases are: (1) water and sewer utilities and (2) streets and drainage. The release of any portion of the escrow deposit shall not include any accrued interest and shall not constitute final acceptance of the improvements by the City. Upon final completion and final acceptance of all improvements, the City shall release to the developer the remaining balance of escrow deposit for the development along with interest accrued and paid on the same.

(iii) An irrevocable letter of credit shall be in a form and drawn from a bank satisfactory to the City and in the amount equal to the cost of improvements as defined heretofore. The amount of the irrevocable letter of credit may be reduced by the developer upon completion of each major phase of construction in the same manner applicable to the escrow deposit.

(iv) These restrictions, with respect to improvements, are made to insure the installation of such improvements and to give notice to the owner of the development that no house or other building can be constructed until such improvements are actually made or provided for.

c. A certificate of dedication of all streets, alleys, and other land intended for public use, signed by the owner or owners and by all other parties who have a mortgage or lien interest in the property and acknowledged before a notary public.

d. A waiver of claim for damages against the City occasioned by the establishment of grades or the alternation of the surface of any portion of existing streets and alleys to conform to the grades established in the development.

e. A receipt showing that all taxes and applicable fees are paid. The final development plat submitted to the Planning and Zoning Commission and to be filed for record with the County Clerk shall not show construction or physical features unless so unusual as to be of significance, except that the shoreline of any water areas shall be shown with the date surveyed.

f. Two copies of each of the following:

(1) Construction plans and specifications for public improvements.

(2) Report of soil tests and pavement designs.

(3) Executed copies of paving and utility contract before commencing construction including payment, performance and maintenance bonds.

2. Final Development Plat Review

Upon receipt of the final development Plat, The City Engineer shall check the final development plat for completeness and conformity to the approved preliminary development plat and prepare and submit a written recommendation to the Planning and Zoning Commission.

3. Final Development Plat Approval

a. Upon receipt of the final development plat by the City Secretary from the developer, the Planning & Zoning Commission shall render a decision thereon within thirty (30) days after the date of receipt. Said decision may consist of approval, disapproval, or conditional approval. Reasons for disapproval or conditional approval shall be stated by the Planning & Zoning Commission in writing within fourteen (14) days. The recommendation of the Planning and Zoning Commission shall be sent to the City Council for their final approval and acceptance of the final development plat. When a final development plat is approved with conditions, ten (10) revised prints shall be submitted showing compliance with the conditions. The City Council shall act on the final development plat within thirty (30) days after receiving the recommendation of the Planning & Zoning Commission.
b. The disapproval of a final development plat by the City Council shall be final. Written notice of the reasons for disapproval shall be provided to developer within fourteen (14) days of City Council action.

c. City Council approval or conditional approval shall be valid for a period of twelve (12) months from the date of City Council action. If within the twelve (12) month period construction has not begun, the final development plat shall become null and void. The developer may request and the City Council, at its discretion, may grant an extension of the time limit for a specified period of time.

d. Upon City Council approval of the final development plat, the developer shall provide to the City five (5) copies of the plat, with revisions needed to comply with a conditional approval, and bearing the following:

   "APPROVED FINAL DEVELOPMENT PLAT"

   ____________________________      _____________________
   Chairman, Planning          Date          Mayor                     Date
   and Zoning Commission

   ____________________________          _____________________
   Secretary, Planning          Date          City Secretary            Date
   and Zoning Commission

e. After the final development plat has been approved and has been fully and properly endorsed and all applicable fees have been paid, the City Secretary shall file the plat with the County Clerk of the County where the lot or tract is located.

G. CREATION OF BUILDING SITE

When applicable, no permit for the construction of a building or buildings upon any lot or tract shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

1. The lot or tract is part of a plat or development plat of record, properly approved by the Planning and Zoning Commission, and filed in the Plat Records of the county where the lot or tract is located.

2. The lot or tract is all or part of a site plan officially approved by the City Council, and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the City's master plans and subdivision standards established for the platting of land.

3. No building hereafter erected, converted or structurally altered in the corporate limits of the City of Haslet shall be used or occupied until a Certificate of Occupancy has been issued by the Building Official which signifies compliance with requirements of the appropriate Zoning District”.

(Ordinance 0903-04 adopted 9/27/04)

2.10 GRADING PERMIT

A. GRADING PERMIT REQUIRED. A person shall not disturb and/or grade any lot, tract or parcel within the City of Haslet or its Extraterritorial Jurisdiction without first obtaining a grading permit. A permit is required for any of the following activities:

1. Excavation, land clearing or any activity precedent to development of open, vacant, or unimproved land greater than 0.5 acres.

2. Dredging, filling, grading, excavation or clearing of land within any Federal Emergency Management Agency (FEMA) designated floodplain areas.

3. Any “improvement” including the construction of a utility, road, parking or drainage system prior to development of a lot, tract or property.
4. The clearance of trees, except as may be permitted by a Tree Preservation Permit or valid agricultural use of the property.

B. **APPLICATION.** An application for a grading permit must contain all information as required by the application form.

C. **ISSUANCE.** A grading permit shall be issued unless:

1. The application submittal fails to provide all the information required in the application form;
2. The City Engineer disapproves the plans for the excavation based on engineering criteria or interference with other utilities or facilities;
3. The proposed activity will substantially interfere with vehicles or pedestrians and no procedures have been proposed, or procedures which are inconsistent with this section have been proposed, to minimize the interference;
4. The proposed activity will interfere another activity for which a permit has been issued;
5. The proposed activity will take place in the 100-year floodplain or floodway and no floodplain development permit has been issued; or
6. The applicant fails to pay the permit fee, if applicable.

D. **RESTRICTIONS.** The City Engineer shall state on the permit the activity for which the permit is issued and any restrictions or requirements which the City Engineer determines are necessary.

E. **INSURANCE REQUIRED.** Proof of insurance shall be submitted with the grading application showing:

1. Surety bond, insurance, or other acceptable proof of financial responsibility that guarantees the work of the applicant or contractor performing the work; and
2. Comprehensive general liability insurance with coverages of at least $1,000,000.00 per occurrence for property damage and bodily injury, including death, and aggregate coverage of at least $2,000,000.00 or acceptable evidence of equivalent self-insurance.

A single lot residentially zoned and used for single-family development is exempt from the insurance and financial responsibility requirements of this subsection.

F. **COMPLIANCE WITH LAWS.** A person issued a permit under this section shall comply with all restrictions and requirements of the permit, this section, and other applicable city ordinances, and state and federal laws.

G. **NOTIFICATION.** A person desiring to perform work pursuant to a grading permit shall notify other utility companies through the Texas One-Call network “811” as required by the Underground Facility Damage Prevention and Safety Act, V.T.C.A. Utilities Code, title 5.

H. **PERMIT FEE REQUIRED.** The fee, if applicable, for a grading permit shall be in accordance with the city fee schedule and other applicable law, including chapter 283 of the Local Government Code.

I. **CITY WORK.** Work performed by city personnel does not require a permit, but must be approved by the City Engineer and shall be in compliance with other requirements of this section.

J. **EARLY GRADING PERMIT.** An early grading permit may be issued subject to compliance with all of the following conditions being fulfilled:

1. Acknowledgment that all grading completed prior to the final plat is at the risk of the developer/applicant and is subject to change based on the approval of any final plat by the City of Haslet City Council.
2. The City Engineer has reviewed the construction plans and released them for grading only. The placement of fill shall be in strict conformance to the plans and specifications approved for the project.
3. A Preliminary Plat has been approved by the City Council.
4. All work will comply with any applicable tree removal permit, floodplain development permit, or utility construction permit.
5. All erosion control and tree protection devices must be in place and properly maintained.
6. No construction shall take place in the 100-year floodplain without a floodplain development permit.
7. A Notice of Intent (N.O.I.) has been obtained from the Texas Commission on Environmental Quality (T.C.E.Q.).
8. No off-site construction shall commence prior to approval by the City of Haslet.

(Ordinance 035-2016 adopted 10/17/16)

SECTION 3. DESIGN STANDARDS FOR URBAN SUBDIVISIONS

3.1 GENERAL

An Urban Subdivision is a subdivision of land or a parcel of land into two or more lots of one half acre minimum size. Urban Subdivisions will provide for moderate density residential neighborhoods. Urban Subdivisions will be provided with the normal infrastructure for urban neighborhoods including but not limited to reinforced concrete streets and curbs, connection to City water and wastewater systems, sidewalks, storm drainage systems, and underground utilities.

In recent years the City has experienced a significant increase in the type and character of development occurring in its corporate limits and Extra Territorial Jurisdiction (ETJ). Changing development patterns and economic conditions have resulted in residential development falling into two broad categories or types. The first type, which has been identified as urban in its character, is the traditional type for which City subdivision regulations have been designed. It envisions moderate density single family residential development with lot sizes of not less than one half (1/2) acre. Such urban subdivisions generally require fully developed public works infrastructure to support the demands of higher residential density. It is essential that they have a fully developed street network, water and waste water systems, surface and subsurface storm water management and supporting park and recreation facilities. Street systems must be designed to accommodate large volumes of traffic including oversized vehicles such as school buses and trash collection on a regular basis. Utility systems must be designed to accommodate the ebb and flow of demand for service consistent with high density residential development. Utility service in these subdivisions must be capable of accommodating the higher incidence of abnormal system demands such as fires which require access to increased water pressure while still servicing the maximum day residential use demands of a fully developed neighborhood. Storm water management systems must be carefully developed to meet a fully developed one hundred year flood design standard. Reliance may be given to on site detention or storage to maintain pre-development run off characteristics. Borrow ditches or open disposal systems are not permitted on individual lots within this type of development. Urban Subdivisions require the use of standup curb and gutter to permit street systems to serve part of the function of storm water diversion, management and disposal. Park and recreation amenities must be designed to provide recreation opportunities not available on urban lots.

3.2 STREET LOCATION AND ARRANGEMENT

The subdivider shall excavate, fill and grade all new alleys and streets, including sidewalk areas so that pavements and sidewalks may be constructed in accordance with City design standards and specifications. Commercial and industrial alleys shall be surfaced at a width of twenty-two (22) feet. The grades for sidewalk areas shall be established so that no extreme or abrupt changes of grade are encountered within blocks and to meet federal and state Americans with Disabilities Act (ADA) requirements. However, grade variations may be allowed by the approving body at the time of the Preliminary Plat approval where soil conditions, topography, or valuable trees would cause undue hardship in establishing grades. The construction of sidewalks shall be completed in accordance with a schedule and criteria established by the City. In establishing said schedule and criteria, the City shall require the construction of sidewalks in such a manner and such a time as to avoid damage to the sidewalks as a result of other construction. No Certificate of Occupancy shall be issued pertaining to a lot within a subdivision unless the sidewalk construction required herein has been completed and approved by the City on said lot.

3.3 GENERAL REQUIREMENTS

A. The arrangement, character, extent, and location of streets shall conform to the Master Thoroughfare Plan and shall be considered in relation to existing and planned streets, to topographical conditions, to drainage in and through the proposed and adjacent subdivisions, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.
B. All streets shall be aligned with existing streets in adjoining subdivisions. Centerline offsets shall be at least one hundred thirty-five (135) feet. Greater centerline offsets as may be required by the City Engineer shall be provided where necessary for traffic safety.

C. Streets shall be named to provide continuity with existing streets.

(Ordinance 0903-04 adopted 9/27/04)

D. Streets designated to be dead-ended permanently shall be platted and constructed with a paved cul-de-sac. Any dead-end street of a permanent or a temporary nature, if longer than two hundred (200) feet, shall have a surfaced turning area one hundred (100) feet in diameter for a cul-de-sac. Temporary dead-end streets shall have provisions for future extension of the street and utilities and, if the temporary cul-de-sac is required, a reversionary right to the land abutting the turnaround for excess right-of-way shall be provided.

E. A street ending permanently in a cul-de-sac shall not be longer than eight hundred (800) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred (100) feet, and a street property line diameter of at least one hundred (100) feet. In cases where physical constraints, property ownership, different land use, or other circumstances create conditions where it is appropriate that the length of the cul-de-sac street be longer, the Commission may grant a variance to permit the length to be increased to meet existing conditions, having due regard for connecting streets, circulation of traffic, and public safety.

(Ordinance 027-2016, sec. 1, adopted 9/19/16)

F. Local streets shall be platted to allow two tiers of lots between streets when possible.

G. The reservation in private ownership of strips of land at the end of proposed or existing streets and intended solely or primarily for the purpose of controlling access to property not included in the subdivision shall be prohibited.

H. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining land is subdivided. The other half of the street shall be dedicated and constructed at the time the land it occupies is platted.

3.4 STREET CLASSIFICATION REQUIREMENTS.

A. Street layout shall provide for continuation of collector streets in areas between arterial streets.

B. Those local streets designated by the Commission shall be extended to the tract boundary to provide future connection with adjoining un-platted lands. In general, these extensions should be at such intervals as necessary to facilitate internal vehicular circulation with adjoining un-platted lands.

C. Where single family or duplex uses abut an existing or proposed principal or minor arterial street, the plat or dedication instrument shall provide:

Lots which border an arterial street shall have a non-access restriction on the arterial street.

(Ordinance 0903-04 adopted 9/27/04)

3.5 STREET CLASSIFICATION DEFINITIONS.

A. ARTERIAL STREET SYSTEM. The primary function of arterial streets is to provide a high degree of vehicular mobility; however, they may also serve a minor role to provide land access. The nature of arterial streets dictates that their designs typically limit property access and on-street parking to improve traffic capacity for through traffic. Arterial streets are used as primary bicycle, pedestrian, emergency response routes and transit routes.

A.1 PRINCIPAL ARTERIAL CHARACTERISTICS.

* Serve major activity centers, highest traffic volume corridors and longest trip demands.

* Carry high proportion of total urban travel on minimum of mileage[.]

* Interconnect and provide continuity for major rural corridors to accommodate trips entering and leaving urban area and movements through the urban area.

* Serve demand for intra-area travel between the central business district and outlying residential areas.
* Serve corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel.

* Connect all or nearly all Urbanized Areas and a large majority of Urban Clusters with 25,000 and over population.

* Provide an integrated network of continuous routes without stub connections (dead ends).

* Average traffic volumes on principal arterial streets should not exceed 36,000 vehicles per day.

### A.2 MAJOR ARTERIAL CHARACTERISTICS.

* Interconnect and augment the higher-level Arterials.

* Serve trips of moderate length at a somewhat lower level of travel mobility than Principal Arterials.

* Distribute traffic to smaller geographic areas than those served by higher level Arterials.

* Provide more land access than Principal Arterials without penetrating identifiable neighborhoods.

* Link cities and larger towns (and other major destinations capable of attracting travel over long distances) and form an integrated network providing interstate and inter-county service.

* Be spaced at intervals, consistent with population density.

* Provide service to corridors with trip lengths and travel density greater than those served by Collectors and Local Roads and with relatively high travel speeds and minimum interference to through movement.

* Average traffic volumes on major arterials should not exceed 28,000 vehicles per day.

### A.3 MINOR ARTERIAL CHARACTERISTICS.

* Serve both land access and traffic circulation in commercial/industrial areas.

* Distribute and channel trips between Collectors and Local Roads, usually over a distance of greater than three-quarters of a mile.

* Operating characteristics include higher speeds and more signalized intersections[.]

* Average traffic volumes on minor arterials should not exceed 20,000 vehicles per day.

### B. COLLECTOR STREET SYSTEM CHARACTERISTICS.

* Provide direct access to adjacent land.

* Provide access to higher systems.

* Penetrate residential neighborhoods, often for significant distances.

* Carry no through traffic movement.

* Provide service to travel over short distances as compared to higher classification categories.

* Constitute the mileage not classified as part of the Arterial and Collector systems.

* Average traffic volumes on collector streets should not exceed 5,000 vehicles per day in residential areas, and 8,000 vehicles per day in commercial or industrial areas.

### C. LOCAL B STREET SYSTEM CHARACTERISTICS.

* Local B streets carry traffic to and from collector streets, Local A streets, cul-de-sacs, and loop streets.

* Local B streets serve low density residential areas, and very limited public facilities.

* Average traffic volumes on Local B streets should not exceed 2,500 vehicles per day.
D. LOCAL A STREET SYSTEM CHARACTERISTICS.

* Local A streets carry traffic directly to and from collector streets or to and from Local B streets and provide access to low density/single-family residences.

* Local A streets are short in length and noncontinuous to discourage through traffic.

* Average traffic volumes on Local A streets should not exceed 1,000 vehicles per day.

E. OLD TOWN DISTRICT STREET CHARACTERISTICS.

* Old Town District streets are limited to the Old Town area as designated by the Future Land Use Plan.

* Old Town District streets should be planned, designed, and function in a way to complement the existing streets within the district.

F. ALLEYS.

Alleys shall be provided in commercial and industrial districts and at the rear of multifamily residential building sites. In lieu of an alley, an emergency access easement shall be dedicated to provide circulation and access for emergency, health, and fire and safety vehicles. Alleys are not permitted in single family residential zoned areas.

Alleys should intersect streets at right angles or radially to curved streets where sharp changes in alignment cannot be avoided; property line corners shall be cut off fifteen (15) feet on each side to permit safe vehicular movement. Dead-end alleys shall be prohibited except where prior development of land adjoining the subdivision permits no other reasonable design; under such circumstances alleys shall be provided with turnaround or back-up facilities at the dead-end adequate to permit clear maneuvering of sanitation trucks, utility service equipment and safety and emergency vehicles.

Alleys shall be not less than the following widths:

1. Twenty-two (22) feet wherever residential development abuts commercial or industrial areas;

2. Twenty-four (24) feet where commercial or industrial development abuts on both sides.

(Ordinance 008-2017, sec. 1, adopted 3/20/17)

3.6 STREET DESIGN.

A. All dedicated streets shall conform to the General Design Criteria provided in Table 1. All proposed streets shall be planned, designed, and constructed based on their anticipated function, traffic volumes, adjacent land use, system continuity, etc.

B. Where there is a question as to the type of street classification required, doubt shall be resolved in favor of the higher street classification.

Traffic studies may be required by the City in order to adequately assess the impacts of a development proposal on the existing and/or planned street system. The primary responsibility for assessing the traffic impacts associated with a proposed development will rest with the developer, with the City serving in a review capacity.

Unless waived by the City Engineer, a written study meeting City criteria at the Preliminary Plat stage will be required for a development proposal when trip generation for a development is expected to exceed 2,000 trips per day or as determined by the City.

This study will be the responsibility of the applicant and must be prepared by a registered professional engineer with adequate experience in transportation engineering.

C. The arterial, collector, and local street sections, as described in Table 1 and the Master Thoroughfare Plan (MTP), will constitute the street system for the City. Alterations such as additional or lessened right-of-way, travel lane width, bike lane or shared use lane variations, and medians can be permitted only with the approval of the City Engineer.

D. Along both sides and on the outside of right-of-way, an additional 10-foot utility easement shall be placed and shall run continuously within every platted street.
E. The collector street system shall be designed to extend to the boundary lines of the land to be subdivided in order to permit the collector system to connect to existing and future developments, unless prevented by topography or other physical constraints.

F. A Local B street, will not be a substitute for a Collector street unless approved by the City Engineer.

G. All dedicated streets should conform to the technical design criteria provided in Table 2.

H. Where streets are platted with curves, the radii of curvature shall be in accordance with the most recently published criteria from the American Association of State Highway and Transportation Officials (AASHTO) for horizontal curve design.

Table 3 provides minimum radii of horizontal curves based on current AASHTO criteria and minimum connection spacing.

I. No street intersecting a principal or minor arterial street shall vary from a 90 degree angle of intersection by more than 5 degrees. Intersections of two collector streets, or a collector and a local B shall not vary from 90 degrees by more than 10 degrees. Intersections of Local B and Local A streets, or two Local A streets, shall not vary from 90 degrees by more than 15 degrees.

J. Where in the judgment of the City Engineer the appropriate use of the neighboring property will not be substantially injured, the City Engineer, may in specific cases, recommend that the Commission authorize a variance to the Technical Design Criteria items, in accordance with the provisions of the paragraph on Waivers and Variances, in order to permit reasonable development and improvement of property where literal enforcement of these criteria would result in an unnecessary hardship.

(Ordinance 008-2017, sec. 2, adopted 3/20/17)

3.7 STREET NAMES AND SIGNS.

A. STREET NAMES. Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.

B. STREET SIGNS. The total cost of street signs shall be furnished by the subdivider for all intersections within or abutting the subdivision. Such signs shall be of a type approved by the City, and shall be installed by the subdivider per city standards.

(Ordinance 0903-04 adopted 9/27/04)

3.8 IMPROVEMENTS TO PERIMETER STREETS AND UTILITIES.

A. GENERAL REQUIREMENTS.

If the subdivision is adjacent to a storm drainage facility not meeting current city standards and specifications, such storm drainage facility shall be reconstructed or installed to current city standards at the developer's sole expense.

If a subdivision is adjacent to a street not meeting current City standards and specifications, the developer shall be responsible for the cost of reconstruction to current City standard as follows:

1. If the subdivision is zoned “Residential,” the developer shall be responsible for a 22-foot width of the reconstructed street along the perimeter of the subdivision.

2. If the subdivision is zoned “Multifamily,” “Commercial,” or “Industrial,” the developer shall be responsible for a 24-foot width of the reconstructed street along the perimeter of the subdivision.

B. ONE LOT RESIDENTIAL SUBDIVISION EXCEPTION. If a subdivision consists of one lot that is to be used only for residential purposes and the developer does not own any contiguous unplatted property, no improvement of streets or storm drainage facilities shall be required. However, no building permit or certificate of occupancy shall be issued on said lot other than for single residential purposes unless the applicant complies with the General Requirements for improvements set out in sections hereof or obtains a waiver as is hereinafter set out.
C. **ESCROW IN LIEU OF CONSTRUCTION.** At the option of the City and in lieu of construction of the street or storm drainage improvements of the general requirements above, the developer may deposit funds with the City in an amount equal to the cost of construction of said facilities, of which costs shall be approved by the City Engineer.

D. **PLANS REQUIRED.** Where the developer is required to construct improvements pursuant to the provisions hereof or where the developer seeks a waiver of said required improvements from the City Council, preliminary plans for the improvement shall be submitted to the Commission for study and approval. Whether the developer is required to install the entire street section or receives a waiver allowing either partial construction or escrow, the developer shall file detailed construction plans of the completed street section with the submission of the Final Plat. Failure to submit said complete street section plans may result in denial of the plat.

### TABLE 1: GENERAL DESIGN CRITERIA

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Min. ROW Width</th>
<th>Min. Road Width (F-F)</th>
<th>No. of Lanes and Widths</th>
<th>Curb Offset</th>
<th>Median Width (F-F)</th>
<th>Bike Lane Width (Both Directions)</th>
<th>Parkway Width (FOC to ROW)</th>
<th>Parkway Type</th>
<th>Curb Radius at Intersection*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle Arterial</td>
<td>120'</td>
<td>99' 95'</td>
<td>(2) lanes @ 14' + (2) lanes @12'</td>
<td>1' 19'</td>
<td>Shared Use Lane 19'-20'</td>
<td>(2)-10.5' (2)-12.5'</td>
<td>Planting strip and Sidewalk Multi-Use Path</td>
<td>30'</td>
<td></td>
</tr>
<tr>
<td>Major Arterial</td>
<td>110'</td>
<td>75' 71'</td>
<td>(2) lanes @ 12'</td>
<td>1' 19'</td>
<td>Shared Use Lane 19'-20'</td>
<td>(2)-17.5' (2)-19.5'</td>
<td>Planting strip and Sidewalk Multi-Use Path</td>
<td>30'</td>
<td></td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>80'</td>
<td>49' 36'</td>
<td>(2) lanes @ 12'</td>
<td>- 13'</td>
<td>6'</td>
<td>(2)-15.5' (2)-20'</td>
<td>Planting strip and Sidewalk Multi-Use Path</td>
<td>20'</td>
<td></td>
</tr>
<tr>
<td>Collector Street</td>
<td>60'</td>
<td>37' 36'</td>
<td>(2) lanes @ 12'</td>
<td>- 13'</td>
<td>-</td>
<td>(2)-11.5' (2)-12.0'</td>
<td>Multi-Use Path Planting strip and Sidewalk</td>
<td>20'</td>
<td></td>
</tr>
<tr>
<td>Old Town District Streets</td>
<td>68'</td>
<td>39' 24'</td>
<td>(2) lanes @ 14'</td>
<td>- 11'</td>
<td>Shared Use Lane 19'-20'</td>
<td>(2)-14.5' (2)-15.5'</td>
<td>Planting strip and Sidewalk Multi-Use Path</td>
<td>20'</td>
<td></td>
</tr>
<tr>
<td>Local B</td>
<td>56'</td>
<td>36'</td>
<td>(2) lanes @ 10'</td>
<td>- -</td>
<td>-</td>
<td>(2)-10'</td>
<td>Sidewalk</td>
<td>20'</td>
<td></td>
</tr>
<tr>
<td>Local A</td>
<td>50'</td>
<td>28'</td>
<td>(1) lane @ 12'</td>
<td>- -</td>
<td>-</td>
<td>(2)-11'</td>
<td>Sidewalk</td>
<td>20'</td>
<td></td>
</tr>
</tbody>
</table>

*NOTE:* Table 1 See Master Thoroughfare Plan for Graphical Representations

NOTE:
Additional right-of-way will be required at major intersections and may be required at high volume driveways to provide for left and right turn lanes in order to maintain traffic volume capacities through the intersections. Also additional utility easements may be required beyond the right-of-way.

*In areas zoned “Industrial,” curb radius at intersections shall be increased to 50’

**TABLE 2: TECHNICAL DESIGN CRITERIA**

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Minimum Design Speed (MPH)</th>
<th>Minimum Grade (Percent)</th>
<th>5-year Storm Frequency Clear Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle Arterial</td>
<td>45 mph</td>
<td>6%</td>
<td>0.50%</td>
</tr>
<tr>
<td></td>
<td>40 mph</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major Arterial</td>
<td>45 mph</td>
<td>6%</td>
<td>0.50%</td>
</tr>
<tr>
<td></td>
<td>40 mph</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>45 mph</td>
<td>6%</td>
<td>0.50%</td>
</tr>
<tr>
<td></td>
<td>40 mph</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collector Street</td>
<td>35 mph</td>
<td>8%</td>
<td>0.50%</td>
</tr>
<tr>
<td>Old Town District Streets</td>
<td>35 mph</td>
<td>10%</td>
<td>0.50%</td>
</tr>
<tr>
<td>Local B</td>
<td>35 mph</td>
<td>10%</td>
<td>0.50%</td>
</tr>
<tr>
<td>Local A</td>
<td>20 mph</td>
<td>10%</td>
<td>0.50%</td>
</tr>
</tbody>
</table>

**TABLE 3: MINIMUM RADII FOR HORIZONTAL CURVE DESIGN AND CONNECTION SPACING**

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Minimum Roadway Centerline Radius</th>
<th>Minimum Connection Spacing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle Arterial</td>
<td>1100'</td>
<td>360'</td>
</tr>
<tr>
<td>Major Arterial</td>
<td>1100'</td>
<td>360'</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>1100'</td>
<td>360'</td>
</tr>
<tr>
<td>Collector Street</td>
<td>450'</td>
<td>305'</td>
</tr>
<tr>
<td>Old Town District Streets</td>
<td>200'</td>
<td>200'</td>
</tr>
</tbody>
</table>
3.9 **SIDEWALKS AND SHARED USE PATHS.** Sidewalks or shared use paths are required in the following situations:

A. On both sides of the streets adjacent to or leading to schools and school sites, extending no less than 1,500 feet from such schools and sites, unless otherwise recommended by the school district or City officials.

B. In front of and, in case of corner property, on the street side of any residential or commercially zoned property.

C. On both sides of streets having rights-of-way dedication of 50 or more feet.

D. At any place where, at the time the construction plans for other public improvements are considered, it appears that sidewalks are desirable for safe pedestrian traffic, especially for children going to and from parks and schools.

3.10 **EASEMENTS.** Easements shall be provided on subdivision plats when the following criteria indicate that an easement is required.

A. Where not adjacent to a public way, easements at least 10 feet wide for utility location, service, and maintenance, shall be provided where necessary in locations approved by the Plan Commission. Easements of at least five (5) feet in width shall be provided on each side of all rear lot lines and along side lot lines, where necessary, for utilities such as electric, telephone, street lights and gas. Easements having greater width dimensions may also be required along or across lots where engineering design or special conditions make it necessary for the installation of utilities outside public rights-of-way. Where utility easements are required, the following full statement of restrictions shall be placed in the dedication instrument of the subdivision plat:

> “UTILITY EASEMENTS

Any public utility, including the City of Haslet, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on any of the easements shown on the plat; and any public utility, including the City of Haslet, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.”

B. Emergency access and fire lane easements shall be provided in locations required by the City. These easements shall have a minimum width of twenty-six (26) feet and a minimum height clearance of fourteen (14) feet. Any emergency access and fire lane easement more than one hundred fifty (150) feet in length shall either connect at each end to a dedicated public street or be provided with a cul-de-sac having a minimum diameter of one hundred (100) feet. These easements shall be paved to Design Standards and Specifications recommended by a Registered Professional Engineer. (Ordinance 027-2016, sec. 2, adopted 9/19/16)

C. A 20-foot by 20-foot triangular street easement dedication is required on corner lots at the intersection of two streets. A 15-foot by 15-foot triangular street easement dedication is required on corner lots at the intersection of an alley and a street. In addition, at the intersection of a driveway or turnout section and a dedicated alley, a 10-foot by 10-foot triangular street easement dedication is to be provided on each side at the driveway or turnout at the time the driveway and/or alley is constructed. In all such cases the following full statement of restriction shall be placed in the dedication instrument or on the face of the plat:

D. Easements for storm drainage facilities shall be provided at locations containing proposed or existing drainage ways.
1. Storm drainage easements of 15-feet minimum width shall be provided for existing and proposed enclosed drainage systems. When the underground system exceeds 36-inches or when the depth of the system or the soil conditions dictate additional width, additional easement width shall be provided.

2. Storm drainage easements along proposed or existing open channels shall provide sufficient width for the required channel and such additional width as may be required to provide ingress and egress of maintenance equipment; to provide clearance from fences and space for utility poles; to allow maintenance of the channel bank; and to provide minimum 4:1 slopes along the bank. Such widths shall conform with those specifications as determined and required by the City Engineer.

3. Storm drainage easements shall be provided for emergency overflow drainage ways of sufficient width to contain within the easement storm water resulting from a fully developed drainage area 100 year frequency storm, less the amount of storm water carried in an enclosed system of a capacity required by the City of Haslet Storm Drain Policy, and/or as determined and required by the City Engineer. The width of the easements described above shall be substantiated by a drainage study and drainage calculations or other criteria submitted to and approved by the City Engineer.

E. Floodplain easements shall be provided along natural or improved drainage ways and lakes or reservoirs. Floodplain easements shall encompass all areas beneath the water surface elevation resulting from a storm whose design frequency is 100-years for a fully developed drainage area, plus such additional width as may be required to provide ingress and egress to allow for maintenance of the banks and for the protection of adjacent property, as determined and required by the City Engineer.

The following full statement of restriction shall be placed in the dedication instrument on the subdivision plat unless the City Council agrees to waive this requirement, or the City Council agrees to assume maintenance of the Floodplain/drainage way.

“FLOODPLAIN RESTRICTION

No construction shall be allowed within the Floodplain easement, without the written approval of the City Engineer. In order to secure approval, detailed engineering plans and/or studies for the improvements, satisfactory to the City Engineer, shall be prepared and submitted by the party(ies) wishing to construct within the Floodplain. Where construction is permitted, all finished floor elevations shall be a minimum of two (2) feet above the latest existing FEMA 100-year flood elevation.

FLOODPLAIN/DRAINAGE WAY MAINTENANCE

The existing creek, stream, river, or drainage channel traversing along or across portions of this addition, will remain unobstructed at all times and will be maintained by the individual lot owners whose lots are traversed by, or adjacent to, the drainage ways. The City of Haslet will not be responsible for the maintenance, erosion control, and/or operation of said drainage ways. Property owners shall keep the adjacent drainage ways traversing their property clean and free of debris, silt or other substances which would result in unsanitary conditions, and the City shall have the right of entry for the purpose of inspecting the maintenance work by the property owners. The drainage ways are occasionally subject to storm water overflow and/or bank erosion that cannot be defined. The City of Haslet shall not be liable for any damages resulting from the occurrence of these phenomena, nor the failure of any structure(s) within the drainage ways. The drainage way crossing each lot is contained within the Floodplain easement line as shown on the plat.”

F. When floodway easements, within a floodplain easement, are proposed, they shall be provided along a natural or improved drainage way. Floodway easements are the unobstructed portion of the floodplain consisting of the stream channel and overbank areas capable of conveying the 100-year frequency discharge for a fully developed water shed without increasing the 100-year fully developed flood elevation.

If a floodway easement is proposed, the following full statement of restriction shall be placed in the dedication instrument of the subdivision plat:

“FLOODWAY RESTRICTION

No construction shall be allowed within a floodway easement, without the written approval of the City Engineer, and then only after detailed engineering plans and/or studies show that the capacity of the floodway is unaffected and the 100-year flood heights are not increased. Construction within a floodway easement is also subject to all owners of the property affected by such construction (as determined by the City Engineer) becoming a party to the request.”
G. A dam and lake easement shall be provided, where appropriate, so as to encompass the proposed dam and the area of the 100-year frequency impounded lake. No construction, without the written approval of the City Engineer, shall be allowed within the dam and/or lake easement, and then only with approved engineering plans and/or studies for the improvements.

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

“DAM AND LAKE EASEMENT

The owner of any dam or spillway shall comply with all federal, state and local statutes, ordinances, rules, and regulations relating to the construction, maintenance, use, and location of dams, spillways, and the impounding of water caused by said dams. Owner shall be solely responsible for all costs, liability, maintenance and repair of said dam, the spillway, the bed and banks of the lake created thereby, and all appurtenances related thereto, and same shall not be the responsibility or liability of the City of Haslet, its officers, agents, employees, contractors or subcontractors. In this connection, owner shall indemnify, hold harmless and defend the City of Haslet, its officers, agents, servants, and employees, from and against any and all claims or suits for property damage or loss and/or personal injury, including death, arising out of or in connection with the design, construction, maintenance, use or location of said dam or dams, the spillways, the impoundment of waters resulting therefrom, and the failure of said dam or dams to retain said waters; and owner hereby assumes all liability and responsibility for same.”

In addition to the above statement, a separate Dam Maintenance Agreement acceptable to the City of Haslet shall be provided by the owner.

H. A levee easement shall be provided, where appropriate, so as to encompass the proposed levee with a minimum of 20-feet of additional width from the land side toe of the levee, to allow for operation and maintenance of the levees. No construction, alteration or modification may be made to the levee or its water control structure without the written consent of the City Engineer.

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

“LEVEE EASEMENT

The owner of any levee shall comply with all federal, state and local statutes, ordinances, rules, and regulations relating to the construction, maintenance, use and location of levees, and the impounding of water caused by said levees. Owner shall be solely responsible for all costs, liability, maintenance and repair of said levee, and all appurtenances related thereto, and same shall not be the responsibility or liability of the City of Haslet, its officers, agents, servants and employees, contractors or subcontractors. In this connection, owner shall indemnify, hold harmless and defend the City of Haslet, its officers, agents, servants and employees, from and against any and all claims or suits for property damage or loss and/or personal injury, including death, arising out of or in connection with the design, construction, maintenance, use or location of said levee, the impoundment of waters resulting therefrom, and the failure of said levee to retain said waters, and owner hereby assumes all liability and responsibility for same.”

In addition to the above statement, a separate Levee Maintenance Agreement acceptable to the City of Haslet shall be provided by the owner.

3.11 BLOCKS

A. The length of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face of greatest dimension, or on which the greatest number of lots face.

The width of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face of least dimension, or on which the fewest number of lots face.

The length, width and shapes of blocks shall be determined with due regard to:

1. provision of adequate building sites suitable to the special needs of the type of use contemplated;
2. zoning requirements as to lot sizes and dimensions;
3. needs for convenient access, circulation, control and safety of street traffic.
B. In general, intersecting streets should be provided at such intervals as to serve traffic adequately and to meet existing streets or customary subdivision practices. Where no existing subdivision controls, the block lengths should not exceed one thousand three hundred twenty (1,320) feet. Where no existing subdivision controls, the blocks should not be less than four hundred (400) feet in length; however, in cases where physical barriers, property ownership, or industrial usage creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet existing conditions, having due regard for connecting streets, circulation of traffic and public safety.

C. Where long blocks in the vicinity of a school, park or shopping center are platted, the Commission may require a public crosswalk near the middle of long blocks or opposite a street that terminates between the streets at the ends of the block. If required, the crosswalk shall be six (6) feet in width, and shall have a concrete walk of a minimum width of four (4) feet through the block from sidewalk to sidewalk, or curb to curb, or if no street, to the property line adjacent to school, park or shopping center. The crosswalk shall be centered in a 15-foot wide public access easement dedicated on the plat.

3.12. LOTS

A. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development. Lots intended for residential development shall not be less than one half acre per residence (21,780 square feet).

B. All side lines of lots shall be at approximately right angles to straight street lines and radial to curved street lines: Perpendicular lot lines shall generally range between a 1:1 and 2:1 ratio.

C. No lot shall have less area or width at the building line than is required by the zoning regulations that apply to the area in which it is located.

D. In subdivisions where a variance is granted for buildings to be served by septic tanks, the size of lots shall be sufficiently large to accommodate adequate drainage fields and to meet the standards set forth by the County Health Department, the Texas State Department of Health and shall not be less than one acre in size.

E. Lots shall be consistent with zoning regulations. When the specific proposed use of a lot or tract depends upon future action by the City Council or other properly designated authority, lot lines shall also be shown on the preliminary plat appropriate to a use which does not require such action. Proposed uses shall be shown on the preliminary plat.

3.13 RESIDENTIAL BUILDINGS LINES

Building lines may be shown on all lots in the subdivision but not less restrictive than the zoning ordinance, or building lines may be defined by a note on the plat stating:

“All building lines shall comply with the Haslet Zoning Ordinance”.

3.14. LAND UNSUITABLE FOR SUBDIVISION

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

3.15 FENCING

For durability purposes, any fence surrounding a subdivision shall be constructed of brick, masonry, stone or other material approved by the Commission. Wooden fences or fences with wooden panels are not allowed.

3.16 DRIVEWAYS AND PARKING

A. GENERAL

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

1. During widening and/or reconstruction of streets, the driveways will be brought into conformity with the present standards and head-in parking will be eliminated if practical to do so.
During new building construction or major additions and remodeling of existing buildings, all driveways and parking requirements will be brought into conformity with the present standards.

When in his professional judgment the literal enforcement of any part of this Section would result in poor engineering design or in an unnecessary hardship, the City Engineer may recommend variances to these requirements, subject to appropriate conditions and safeguards, in order to permit reasonable development and improvement of property.

B. RESIDENTIAL DRIVEWAYS

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

Residential driveways to serve single car garages, carports, and/or storage areas shall be not less than twelve (12) feet nor more than fifteen (15) feet in width, measured at the property line. Residential driveways to serve two car garages, carports, and/or storage areas shall be not less than twelve (12) feet nor more than twenty-four (24) feet in width, measured at the property line. When residential driveways are required to serve three or more car garages, carports, and/or storage areas, the size and location of the driveway/s shall be subject to the approval of the City Engineer, after an adequate engineering analysis of the parking, maneuvering and access requirements. A driveway should not begin less than five (5) feet from the point of tangency of the corner radius of an intersection.

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

C. MULTI-FAMILY RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DRIVEWAYS

The location of ingress and egress and the size of all multi-family residential, commercial, and industrial driveways shall be subject to the approval of the City Engineer under curb cut permit procedures. Multi-family residential, commercial and industrial driveways shall have a minimum width of fifteen (15) feet for one-way traffic and twenty-five (25) feet for two-way traffic. The maximum width of any driveway shall be thirty-five (35) feet. Widths of all driveways shall be measured at the property line. A minimum of ten (10) feet of tangent curb shall be maintained between driveways.

The radius of driveway returns shall be 10 feet for “Multi-Family”, 15 feet for “Commercial” and 20 feet for “Industrial” properties.

D. Off-street parking and loading requirements shall be in accordance with the City of Haslet zoning ordinance currently in effect.

3.17 NATURAL TREE COVER AND SCREENING WALLS

A. Natural tree cover shall be preserved whenever possible.

B. Where residential, commercial or industrial buildings back up to a collector or arterial street, screening shall be provided on the private property which is compatible with the surrounding neighborhood.

(Ordinance 0903-04 adopted 9/27/04)

3.18 PARKLAND DEDICATION REQUIREMENTS AND IMPROVEMENTS

A. PURPOSE.

1. This section is adopted to provide parks, open spaces, and recreational areas in accordance with the Haslet Parks, Recreation, and Open Space Master Plan (2012–2022), and the 2016 Haslet Comprehensive Plan, in the form of parks, open spaces, and/or trails as a function of land development in the City of Haslet. The City Council has determined that parks, open spaces, and recreational areas in the form of parks, open spaces, and trails are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedures for planning and developing property in the City.

2. Parks include public areas providing for a variety of outdoor recreational opportunities within convenient distances from a majority of the residences to be served thereby. Open spaces include preservation and conservation of land for wildlife habitat or areas of natural significance. Trails include a public Citywide system
of off-road hike and bike trails and equestrian trails. Proposed parks, open spaces, and trail systems established by the City Council and shown in the Haslet Parks, Recreation and Open Space Master Plan (2012–2022) and the 2016 Haslet Comprehensive Plan shall be prima facie proof that any parks and/or trails located therein is within such a convenient distance from any residence location therein.

B. GENERAL REQUIREMENTS.

1. These requirements shall apply to all single-family, and multifamily residential developments in the City of Haslet:

   a. Whenever a final plat is filed on record with the County Clerk of Tarrant County for development of a residential area in accordance with this Ordinance of the City, such plat shall contain a clear fee simple dedication of an area of land to the City for park and/or open space purposes in accordance with the Haslet Parks, Recreation and Open Space Master Plan (2012–2022) and the 2016 Haslet Comprehensive Plan. Parkland shall be dedicated to the City at the ratio of one (1) acre of parkland for every thirty (30) residential dwelling units or prorated portion thereof. Any proposed plat submitted to the City for approval shall identify the proposed parkland to be dedicated and designate the area with a lot and block number. The required dedication herein may be met by a payment of money in lieu of land as provided in this Section.

   b. The obligation of the applicant/developer to dedicate parkland or make payments in lieu thereof shall be in addition to and independent of the requirements of the applicant/developer to provide open space with a Planned Development (PD) zoning case. However, if the open space in the Planned Development (PD) exceeds twenty percent (20%) of the project area and is dedicated and accepted by the City as public parkland, the required dedication or payment in lieu of may be reduced by the amount of excess acreage.

   c. The City Council has determined that development of an area smaller than five (5) acres for a public park is impractical. Therefore, if fewer than one hundred fifty (150) units are proposed by a plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land provided by this Section. An exception may be made if the dedication will increase the size of an existing park adjacent to the proposed plat or provide a trail location and/or connection.

   d. In instances where land is required to be dedicated, the City Council shall have the right to accept the dedication for approval on the final plat, or to refuse same, after consideration of the recommendation of the City Administrator. The City may refuse the land dedication if the City determines that sufficient park area is already in the public domain in the area of the proposed development, if the proposed dedication is subject to frequent flooding or of topography by expanding or improving existing parks. If the City refuses the land dedication, the applicant/developer is required to make a payment of cash in lieu of land as provided in this Section.

   e. The dedication required by this Section shall be made by filing of the final plat or contemporaneously by separate instrument unless additional dedication is required subsequent to the filing of the final plat. If the actual number of completed dwelling units exceed the figure upon which the original dedication was based, such additional dedication shall be required, and shall be made by payment of the cash in lieu of land or by the dedication of additional parkland to the City.

2. Payments in Lieu of Land Dedication for all single-family, two-family, and multifamily residential developments in the City of Haslet.

   The dedication requirement shall be met by a payment in lieu of land at a per dwelling unit price set by the City Council, sufficient to acquire land and provide for adjacent streets and utilities for a park to serve the park zone in which such development is located. The parkland development fee in lieu of dedication is established in Article 7.000(e) of Appendix A to the Code of Ordinances, the City Fee Schedule. Cash payments may be used only for park, open space, and/or trail acquisition, development, and/or improvements. Such payment shall be made prior to final plat recording with the County.

C. SUITABILITY AND DESIGN STANDARDS.

1. Any land dedicated to the City under this Section, must be suitable for park and recreation purposes. In instances where land is required to be dedicated, the City Council shall have the right to accept the dedication for approval on the final plat, or to refuse same, after consideration of the recommendation of the City Administrator on the need of either open space or recreational space as established in the Haslet Parks, Recreation and Open Space Master Plan (2012–2022) and the 2016 Haslet Comprehensive Plan.
2. Drainage areas may be accepted as part of a park if the channel is constructed in accordance with City engineering standards, and if no significant area of the park is cut off from access by such channel.

3. Each park shall have ready access to a public street.

4. Unless provided otherwise herein, an action by the City shall be by the City Council, after consideration of the recommendations of the Parks Board and the Planning and Zoning Commission respectively.

5. All park dedication shall be consistent with the standards as set forth in the Haslet Parks, Recreation and Open Space Master Plan (2012–2022) and the 2016 Haslet Comprehensive Plan, or approved exceptions by the City Council.

6. For more than five (5) acres of land, an environmental study (at minimum, a Phase I), audit or assessment may be required demonstrating that the property is in good condition that would allow the City to utilize the property for park purposes without expenditures to remove environmental waste or hazardous materials, that the property is suitable and safe for use as a park and is free from environmentally-related problems. Additionally, the applicant/developer shall permanently mark each corner of the park site with a three-quarter inch (3/4") iron pin set in concrete.

7. All rubbish, trash, junk and other offensive materials shall be removed from all dedicated lands and the property returned to its natural condition except as to approved construction and improvements thereon.

(Ordinance 026-2016, sec. 4, adopted 9/19/16)

3.19 PUBLIC IMPROVEMENTS FOR URBAN SUBDIVISIONS

A. CONSTRUCTION PLANS

Construction plans for public improvements to be installed shall be prepared by a registered professional engineer approved by the City and submitted in accordance with the requirements and specifications of the City Engineer. No public improvements shall be installed until and unless said plans shall have been received and approved by the City Engineer. Construction plans shall include but are not limited to those items specified in paragraph B below.

The review process of Engineering Plans shall be as follows:

Preliminary conference between consultant and City Engineer.

One or more conferences may be held between the consulting engineer and City Engineer or his authorized representative to discuss the preliminary engineering plans and proposed specifications.

Final plans and specifications prepared in accordance with accepted engineering practice are submitted for detail check for errors, adequacy and conformity with City Standards and ordinances. At the time of final plat submittal, review of plans and specifications shall be conducted as soon as possible and not later than ten (10) working days from date of submission.

The information should be conveyed to the applicant, or his engineer, by written comments on a copy of the plans and specifications, letter or other acceptable written form, a copy of which may be retained by the official until the completion of the project.

The consulting engineer shall submit final plans and specifications for approval when all comments, changes or corrections are made. The final plans shall be signed and dated by the City Engineer, or the authorized representative upon approval. Final approved plans will be transmitted to the consultant by letter stating approval subject to any additional changes or comments.

B. CITY DESIGN STANDARDS AND SPECIFICATIONS

The City of Haslet adopted version of the North Central Texas Council of Governments Standard Specifications for Public Works Construction is made a part of these regulations which shall be controlling in design, construction and installation of street paving, curbs and gutters, sidewalks, utilities and other public improvements required herein. All reference to City Design Standards and Specifications shall mean and include those design and construction standards issued by the City Engineer and construction standards and specifications contained in the manual, together with all exhibits, charts, drawings and diagrams pertaining thereto, which have been approved by the officials having jurisdiction and placed on file in the offices of said officials.

C. WATER AND SEWER
GENERAL

In order to protect the public health, safety and welfare it shall be the policy of the City of Haslet to require and ensure that the utility systems designed to provide water and waste water service to residential development fully comply with all health and safety regulations including The City adopted Standards or the State of Texas regulations for on site waste disposal systems, whichever applies, and approved by the City Engineer. The current development standards for water and sewer improvements to be installed in urban type residential subdivisions are designed to ensure the safe delivery of potable water to all residential units for residential purposes in quantities sufficient to meet normal residential needs and fire fighting requirements. These same regulations ensure that a sanitary sewer system has been designed in such a manner as to efficiently remove waste water in a controlled manner to sites where it can be properly treated prior to release in the waterways in the State of Texas.

D. PAVING AND DRAINAGE FACILITIES

1. All streets shall be paved with reinforced concrete with reinforced concrete curbs and shall be designed and constructed in accordance with City Design Standards and Specifications.

2. The right-of-way shall be graded to provide suitable finish grades for pavement, sidewalks, and planting strips with adequate surface drainage and convenient access to the lots.

3. All sidewalks or bicycle/pedestrian ways and driveways shall be constructed in accordance with current City Design Standards and Specifications.

4. All drainage facilities shall be designed and constructed in accordance with City Design Standards and Specifications and shall not increase downstream surface, discharge rate, velocity, or quality from pre-development conditions unless concurrent provisions are made downstream to accommodate resulting changes in runoff characteristics. All open channels or natural channels shall be designed to minimize erosion by limiting velocity and by installing appropriate channel linings.

5. An adequate storm sewer system consisting of inlets, pipes, and other underground structures with approved outlets shall be constructed where runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions as established by the City will not be considered for development until adequate drainage has been provided.

E. STREET LIGHTING

Street lighting shall be provided on all streets and shall conform to all applicable City policies concerning street lighting, and shall be approved by the City Engineer. All necessary easements for street light installation and maintenance shall be shown on both the preliminary and final plats.

Before final acceptance of streets, alleys, sewers and other utilities, street light locations and installations shall be coordinated by the developer with the power company and the City. It shall be the subdividers responsibility to install street lights with metal poles (or approved similar material and sky pollution-free down lighting) at intersections and at a maximum distance of six hundred feet (600') apart. The developer shall pay for the electricity until building permits are issued for eighty percent (80%) of the lots, after which the City shall pay for the electricity.

F. SITE IMPROVEMENT DATA

The following site improvement data, including all plans and specifications and engineering calculations, shall be submitted, bearing the seal and signature of an engineer, proficient in civil engineering, and registered in the State of Texas. The number of copies and a mylar reproducible shall be furnished as required by the City Engineer.

1. Plans and profiles of all streets, sidewalks, crosswalk ways, and detailed cost estimates.

2. The location and dimensions of existing sanitary sewer lines; plans and profiles of proposed sewer lines, indicating depths and grades of lines, detailed design information and cost estimates.

3. The location and size of existing water lines and fire hydrants; plans and proposed water lines and fire hydrants, showing depths and grades of the lines; detailed design information and cost estimates.

4. All street widths and grades shall be indicated; runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm drains, and at all points in the street at changes of grade or where the water enters another street or storm sewer or drainage ditch. Drainage easements shall be indicated.
5. Calculations and map showing the anticipated storm water flow during five year and one hundred year storm events, including watershed area, runoff coefficient, and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing basis for design. A drainage area map shall be included showing onsite and offsite drainage areas.

6. When a drainage channel or storm sewer is proposed, completed plans, profiles and specifications shall be submitted, showing complete construction details and detailed cost estimate.

7. When conditions upstream from a proposed channel or storm drain outside the limits of the ownership of the developer do not permit maximum design flow, the drainage facilities shall be designed based on potential and fully developed conditions.

When conditions downstream from a proposed channel or storm drain outside the limits of the ownership of the developer do not permit maximum design flow, water surface elevations for a 100 year fully developed watershed design frequency shall be indicated on the plat or construction plans considering the downstream condition in order to resolve the potential flood hazards. Solutions to protect the downstream property shall be developed and constructed which shall include on site retention of the difference between pre and post development storm water runoff.

All drainage improvements shall be designed to an acceptable outfall.

G. DEVELOPER CONSTRUCTION AGREEMENTS

For all subdivisions which require public improvements (i.e. streets, water, sewer, storm sewer, etc.), the developer shall enter into an agreement with the City of Haslet to ensure proper construction and completion of the subdivision. The agreement to be executed shall include the following:

1. City-developer agreement, letter of credit (LOC), bond completion agreement, or other instrument agreed to by the City plus but not limited to, street and drainage participation, oversizing agreements, fees which may include inspections, impact, parks or street signs, and also may include phasing requirements.

2. General Contractor's performance bond.

3. Contractor's maintenance bond for one hundred percent (100%) of the construction cost for a period of two (2) years after acceptance by the City or until eighty percent (80%) of the lots are developed, whichever is greater. Bonds are to be submitted prior to issuance of any permits.

4. The developer shall pay a construction inspection fee in the amount of four percent (4%) of the developer's share of the public improvement cost. The four percent (4%) amount shall be paid to the City prior to issuance of any permits.

5. The agreement and applicable attachments shall be approved prior to the final plat being filed by the City. The agreement shall be executed on forms available from the City. The letter of credit, bond completion agreement or other instrument agreed to by the City, and appropriate fees shall be paid prior to the issuance of any permits.

H. WITHHOLDING SERVICES AND IMPROVEMENTS UNTIL PLAT APPROVED

1. It shall be the City's policy to withhold ALL CITY SERVICES OR IMPROVEMENTS of whatsoever nature, including the maintenance of streets and the furnishing of sewage facilities and water service, from all additions, the platting of which has not been approved by the City Council.

2. No construction work shall begin on the proposed improvements in any proposed subdivision prior to approval of the final plat.

3. The electric, cable, gas and telephone companies shall install service lines “drops” before the City of Haslet accepts the subdivision.

I. FINAL ACCEPTANCE - NEW SUBDIVISIONS

When the street, alley, drainage, water and sanitary sewer improvements provided by the Developer have been completed by the CONTRACTOR, the CONTRACTOR shall notify the City that the improvements are ready for final inspection. The City will then make such final inspections, and if the work is satisfactory and in accordance with the approved engineering plans, and the specifications included herein, then the City will give a letter of acceptance to the
SECTION 4. LARGE LOT RURAL TYPE DEVELOPMENTS

4.1 PURPOSE AND INTENT

The large-lot rural type development is a development pattern characterized by one (1) acre or larger lots developed for single family residential usage. These types of developments are frequently marketed as residential estates or ranchettes. These developments emphasize very low residential density and the preservation of a natural and open environment. Individuals choosing to reside in these developments do so with a clear acceptance and understanding that they are seeking a non-urban environment and therefore, anticipate a much lower basis of infrastructure support. These developments have relatively low volumes of vehicular traffic, limited utility demands for water and waste water service and are usually provided with waste water service through on site disposal facilities. These developments also possess large open areas capable of assisting in storm water management through ground absorption.

The design standards for urban subdivisions, coupled with the public works improvements standards and the water and waste water extension policy, contain adequate description and explanation of the development standards applicable to urban type subdivisions. The purpose of this section is to define the level of standards and development requirements applicable to large-lot rural type developments. Unless herein addressed, the standards and requirements for large-lot rural type developments shall be the same as for urban subdivisions.

4.2 LOT ARRANGEMENTS

Lots in large lot rural type developments shall be arranged and designed in accordance with Subdivision Ordinance rules and regulations and shall be approved by the City Engineer.

4.3 LOT SIZES

Lot sizes in large-lot rural type developments shall be a minimum of one (1) acre. The Preliminary Plat shall be accompanied by a study and report reflecting the technical information to insure good and adequate on-site waste water disposal. Such study and report must be approved and recommended by the City Engineer.

4.4 CONSTRUCTION INSPECTION FEES

Within the City of Haslet or its Extraterritorial Jurisdiction, the developer shall pay a construction inspection fee in the amount of four percent (4%) of the developer's share of the cost of public improvements. The fee shall be paid to the City prior to the start of construction.

4.5 PAVING REQUIREMENTS

A. STREETS

Streets in new large-lot rural type developments shall be designed and constructed in accordance with the following:

1. Pavement depth and design shall be required in accordance with City of Haslet's adopted Standards and approved by the City Engineer.

2. Streets shall be of reinforced concrete with or without reinforced concrete curbs at a minimum roadway width of twenty-four (24) feet.

3. Sufficient right-of-way and/or easement shall be dedicated to encompass the pavement width and the appropriate drainage facilities to accommodate the storm water runoff resulting from a 100-year storm for a fully developed watershed, including any other appropriate utilities, as required and shall not be less than sixty (60) feet in width.

B. CONSTRUCTION

The following requirements shall apply to the construction of streets in new large-lot rural type developments:

City design standards for construction shall govern projects. The City will provide construction inspection, except for the setting of line and grade stakes for streets on all projects regardless of size. The setting of line and grade stakes
for streets shall be the responsibility of the developer except that the City reserves the right to pre-qualify persons and/or firms that are hired to provide this surveying and to check the accuracy of the surveying and the conformance of the stakes to the approved plans.

4.6 STORM WATER MANAGEMENT

A. DESIGN

Design standards for construction of storm drainage facilities for new large-lot rural type developments shall be as follows:

1. Streets shall be designed to accommodate storm water runoff resulting from a design storm of 100-year frequency event within a fully developed watershed. The 100-year storm runoff from a fully developed watershed shall be contained within the available right-of-way and/or drainage easement(s). The capacity of the street and right-of-way and/or easement must be designed for a capacity which will safely accommodate the 100 year design storm for a fully developed watershed for both pedestrian and vehicular traffic. The maximum width of a borrow ditch shall be thirty feet (30') beginning at the shoulder of pavement and the maximum depth shall be four feet (4') below the crown of the road. Maximum side slopes allowed are 6:1 immediately adjacent to the road and 4:1 on the side slope away from the road.

2. Collector streets shall be designed to allow at least one 12' wide lane to be open to traffic and free of storm water (using the 5-year storm) at all times. Arterial streets if located in rural developments shall be developed to full City standards, as their presence will change the character of the development. Arterial streets must be designed to allow at least one 12' wide lane to be open to traffic in each direction and free of storm water (using the 5-year storm) at all times. Arterial streets bordering a development shall be provided for in accordance with standard City policy.

3. Culverts and bridges shall be designed for a design storm frequency of 100 years for a fully developed watershed. Bridges shall require a one-foot freeboard between the low point of the bridge and the 100 year water surface elevation for a fully developed watershed. Where the drainage facility crossing a street is an open channel or natural creek, a culvert or a bridge, as determined by the City Engineer to be the most desirable, shall be constructed. Low water crossings shall not be allowed. Where a culvert is determined to be the most effective option, the headwater shall be a minimum of one (1) foot below the adjacent top of curb. Backwater zones shall be plotted as floodplain easements. Construction materials shall meet full City standards, e.g., corrugated metal pipes (CMP's) shall not be allowed.

4. The design of open channels shall comply with the Drainage Policy.

B. CONSTRUCTION

1. City design standards shall govern on all projects in large-lot rural type developments.

2. The City will provide construction inspection, except for the setting of line and grade stakes for streets and storm drains on all projects regardless of size. The setting of line and grade stakes for streets and storm drains shall be the responsibility of the developer except that the City reserves the right to pre-qualify persons and/or firms that are hired to provide this surveying and to check the accuracy of the surveying and the conformance of the stakes to the approved plans.

4.7 STREET LIGHTING

Street lighting shall be required at the intersection of all public streets in large-lot rural type developments. All lighting shall conform to all applicable City policies, and shall be approved by the City Engineer. All easements necessary for street light installation and maintenance shall be shown on both the preliminary and final plats.

Before final acceptance of streets, alleys, sewers and other utilities, street light locations and installations shall be coordinated by the developer with the appropriate power companies and the City. It shall be the subdivider's responsibility to install street lights with metal poles. The developer shall pay for the electricity until building permits are issued for eighty percent (80%) of the lots, after which the City shall pay for the electricity.

4.8 DRIVE APPROACHES

Residential drive approaches in large-lot rural type developments shall be designed in accordance with the City adopted Standards and approved by the City Engineer, except as noted below.
Twenty-four inch (24") minimum reinforced concrete pipe(s) (R.C.P.) with sloping head walls (4:1) where speed limits are less than 45 MPH and (6:1) greater than 45 MPH shall be used for all driveway crossings. The minimum grade for the borrow ditch and pipe shall be that required to produce a minimum velocity of two feet per second (fps) for a 5 year storm but not less than 0.6 percent (0.6%) grade. The developer's engineer shall provide culvert sizing information for each lot where culverts may exceed 24 (twenty-four) inches.

4.9 WATER AND SEWER

A. DESIGN REQUIREMENTS

In large lot rural type developments the Commission, at its discretion, may permit the use of alternate systems for the provision of water and waste water disposal services. Any property owner or developer who desires to utilize a water or waste water system not in full conformance with City standards for water and sewer systems in an urban subdivision shall prepare a report including a written description of the proposed alternate system and how the system will meet the requirements of the appropriate state agency. The County Health Department must approve all on site waste water disposal systems. If a community water system is proposed, the City Engineer and TNRCC must approve the system.

Any property owner or developer who desires to utilize a water or waste water system not in full conformance with the City standards for water and waste water systems in an urban subdivision shall prepare a written description of the proposed alternate system and submit said proposal to the City staff for a full review after obtaining approval from the appropriate state or county agency as follows:

2. State Standards. The water/sewer systems must meet State requirements for design, materials, and construction when the City standards do not apply.

B. ALTERNATIVE ON-SITE WASTE WATER SYSTEM

The City staff will review the proposed alternative system or systems and prepare a recommendation on the proposal and forward it to the Commission for consideration in conjunction with the preliminary plat of the proposed large-lot rural type development. The application for large lot rural type developments, which proposes on-site sewer systems, shall be accompanied by a signed statement from an engineer registered as a professional engineer in the State of Texas and a statement from the Tarrant County Health Department that the land in question has been examined and the land has sufficient absorption qualities to support such on-site sewer systems. In evaluating the alternative system the Plan Commission considers the following factors:

1. The size of the individual lots or tracts.
2. The character of development projected for the area.
3. The soil structure of the area in which the development will take place.
4. The geologic substrata in the area in which the development will take place.
5. The presence or absence of ground water or aquifers for recharge zones in the area in which the development will take place.
6. The presence of wells, stock tanks or raw water holding facilities in the immediate area of the proposed development or in its logical and immediate surface runoff drainage basin.
7. The type and character of developments immediately surrounding the site of the proposed large lot rural type development.
8. The type of alternate system proposed and its design and operating characteristics including:
   a. The difficulty in designing the specific alternate system for each lot or tract.
   b. The cost of developing the operative design.
   c. The cost of installing the alternate system.
   d. The cost of operating the alternate system on a month-by-month and year-by-year basis.
e. The average design life of the alternate system.

f. The historic operating life of the proposed alternate system.

g. The amount and character of ongoing maintenance required to ensure that the alternate system continues to perform in a satisfactory manner.

h. Experience reports and case history on similar systems utilized under comparable circumstances.

i. Reports on system suitability received from health and environmental agencies or organizations charged with evaluating and approving water and waste water systems in the area.

9. The Commission shall also be entitled to consider the effect that the utilization of alternate systems would have on the overall utility extension plan of the City of Haslet for the development of public works and utility infrastructure within the corporate limits of the City and the Extra Territorial Jurisdiction of the City.

10. In large-lot rural type developments where such alternate water and/or sewer systems have been approved, at such time as City water or sewer facilities become available to the lot, the owner of the lot must abandon the alternate system and make connection to the City facility within one year of the availability of the connection to the city system. Such connection must be made at the expense of the lot owner. Subdivisions that have Final Plat approval at the time of the passage of this ordinance are exempt from this paragraph.

SECTION 5. IMPACT FEES

The City shall charge impact fees for new development in accordance with the impact fee ordinance in effect.

SECTION 6. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.


____________________________
Mayor

ATTEST:

____________________________
City Secretary

APPROVED AS TO FORM AND LEGALITY

____________________________
City Attorney