
Article 3: Subdivision Regulations

301 Administration

A. Purpose

It is the purpose of this section to provide for the safe, efficient, and orderly development of the City, and the provision of adequate streets, utilities, services, and facilities, all in accordance with the Comprehensive Plan for the City.

B. Authority and Jurisdiction

1. These subdivision regulations are adopted under the authority of Texas Local Government Code Chapter 212, which chapter is hereby made a part of these regulations.
2. The Director of Planning shall be responsible for interpreting and administering this Article, unless otherwise stated herein.
3. The Director may waive or adjust any of the submittal requirements prior to formal application submittal if such requirements are unnecessary to demonstrate satisfaction of the applicable review criteria.
4. In accordance with Texas Local Government Code §212.0065, the City Council delegates authority to the Director of Planning to approve, approve with conditions, or disapprove a plat submitted to the city. The Director of Planning may, for any reason, elect to present the plat to the municipal authority for action.

C. Applicability

These provisions shall be applicable to any property within the corporate limits of the City and the extraterritorial jurisdiction (ETJ) where the owner or proprietor desires to subdivide the land into two or more parts.

1. Plat or Replat Required

A plat or replat must be submitted:

- a. Prior to subdividing any tract of land into two or more parts any resulting part of which is five acres or less in size;
- b. Prior to subdividing any tract of land into two or more parts that are greater than five acres in size and any of which resulting parts are without access;
- c. Prior to connecting to or commencing any construction activity associated with any public utility or roadway;
- d. Prior to the construction of any streets, utilities, drainage, public improvements, or any related roadway or other public improvements within or adjacent to any tract of land, unless otherwise authorized by the Director of Engineering;
- e. Prior to the City issuing a permit for the construction any building or structure on any tract of land; or
- f. When building additions, alterations, or repairs on a property that is not platted exceed 50 percent of the value of an existing building or structure on that property within any 12-month period.

2. Exemption

From and after September 5, 2017, a plat or replat otherwise required by Section 301C.1 shall not be required prior to the constructing, repair, renovating, or remodeling of one existing or new single-family residential dwelling unit, private utility service lines, or any accessory residential structures, such as a barn, residential storage shed, arbor, gazebo, or swimming pool on a single, undivided tract of land in the ETJ that is not being conveyed or created from a larger tract.

3. Zoning Required

If property located within the City is not zoned, permanent zoning shall be obtained prior to filing a plat for recordation.

D. Plat Expiration

1. Plat Expiration Exceptions

- a. Approvals for all plats or plans of any kind or nature for properties for which a development agreement, annexation agreement, or facilities agreement has been approved and executed by the City prior to September 8, 2014, shall be valid indefinitely.
- b. If the executed development agreement, annexation agreement, or facilities agreement regarding the subject property is terminated, voided for any reason, or otherwise expires, the approvals for affected plats and plans of any kind and nature shall be subject to the expiration timeline described in the specific subdivision application procedure.
- c. The approval expirations contained in these subdivision approval procedures shall not apply to plats or plans approved prior to September 8, 2014. Approval expirations that existed within Chapter 142 of the Code of Ordinances before September 8, 2014, shall apply to any plats or plans approved before September 8, 2014.

2. Plat Expiration Extensions

- a. The Planning and Zoning Commission may grant one expiration extension of up to 1 year for good cause shown by the applicant.
- b. All requests for extensions shall be submitted in writing to the Director of Planning at least 30 days prior to the expiration of approval.
- c. An extension request shall include:
 - I. A narrative stating the reasons for the applicant's inability to comply with the specified deadlines;
 - II. A narrative describing any changes in the character of the neighborhood, the Comprehensive Plan, or this Code that have occurred since approval of the permit or plan, and how any such changes affect the permit or plan; and
 - III. The anticipated time schedule for completing the approved project.
- d. Additional review of the permit, plat, or plan may result in additional conditions, as applicable and to the extent allowed by state law.

3. Modification or Amendment of Approval

Unless otherwise provided in this Code, any substantial modification of an approved plat shall require a new application to be submitted and reviewed in accordance with all procedures and requirements applicable to that particular type of application at the time the new application is submitted.

E. Improvements Required

1. Generally

- a. With the exception of conveyance plats, public improvements shall be constructed, at the sole cost of the developer, including all required testing and studies, to, upon, and across the subject property being platted and through to any adjacent properties, as deemed necessary by the Director of Engineering to facilitate the orderly development of the area. These improvements shall satisfy the requirements of the following:
 - I. The Comprehensive Plan;
 - II. Master Thoroughfare Plan;
 - III. The Hike and Bike Trails Master Plan;
 - IV. The Water Distribution System Master Plan;
 - V. The Wastewater Collection System Master Plan;
 - VI. The Engineering Design Manual; and
 - VII. Other requirements as deemed necessary by the Director of Engineering.

- b. No property shall be subdivided or phased in a manner that circumvents the design, acquisition, and construction of any required public improvements, and/or public right-of-way or easement dedications, unless otherwise stated herein. For phased construction, all required public improvements shall be constructed prior to the filing of a final plat which, together with previously filed final plats, contains more than 50 percent of the parent tract's gross developable land area.
- c. The construction of improvements specified in this Article may be deferred, delayed, or waived, or the City may choose to share in the costs for such improvements in certain circumstances, with the approval of a facilities agreement as specified in §302A, *Facilities Agreement*.

2. Acceptance of Public Improvements

Following completion and final inspection of public improvements, the developer shall provide the City with a statement or affidavit specifying the value of street, drainage, and other general fixed assets and the value of water, sewerage, and other utility assets being dedicated to the City together with a "bills paid" affidavit form and a maintenance bond acceptable to the City. The Director of Engineering shall accept such improvements in writing and thereafter make such payments, if any, to the developer as specified in the facilities agreement, if applicable.

3. Acceptance of Residential Screening and Buffering Improvements

- a. A certificate of acceptance shall be required for all screening required by Article 2 of this Code and for all buffering required by this Article for specific residential lots prior to filing of a plat with the County Clerk. Upon completion of construction of the required screening and buffering improvements, the developer shall request an inspection of said improvements from the Director of Planning. If the required screening and buffering is installed per the approved screening and buffering plan, the Director of Planning shall issue a certificate of acceptance.
- b. Exception: Where installation of landscaping is required to occur during a stage 3 or stage 4 drought situation as determined by the City and subject to approval by the Director of Planning, the developer may provide the city with a letter of credit or some other financial assurance deemed acceptable to the Director of Planning that is equal to the cost of installing the landscaping, plus 20 percent, which will remain in effect until the screening and buffering improvements are installed and accepted by the city. Once stage 3 or stage 4 restrictions are lifted, the required landscaping must be installed within 6 months, or the development shall be deemed to be in violation of this section and no additional permits, certificates of completion, or certificates of occupancy will be issued.

4. Maintenance Bond

The subdivider shall furnish a maintenance bond in the amount of 15 percent of the contract price of all public improvements, or in such amount as approved by the Director of Engineering, with a reputable and solvent corporate surety in favor of the City to indemnify the City against any repairs which may become necessary to any part of the construction of public improvements in connection with the subdivision, arising from defective workmanship or materials, for a period of two full years from the date of final acceptance of the improvements. Final acceptance will be withheld until the required maintenance bond is furnished to the City.

5. Final Acceptance

Upon satisfactory completion of the required improvements, the Director of Engineering shall issue a release of covenants to the property owner.

F. Engineering and Construction Standards

- 1. The Director of Engineering is authorized and directed to apply and enforce all standards found in the Engineering Design Manual, Master Thoroughfare Plan, Stormwater Design Manual, Stream Bank Stabilization Manual, Standard Details, Construction Specifications, North Texas Council of Governments (NCTCOG) Public Works Standards and other rules and regulations adopted by the City (collectively "Requirements") to the design and construction of public improvements in the City and in the ETJ.
- 2. The adoption and amendment of such standards shall be carried out in accordance with 212.0021 of the Texas Local Government Code.