

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE OF THE CITY OF FORT WORTH, CODIFIED AS CHAPTER 31 "SUBDIVISION ORDINANCE" OF THE CODE OF THE CITY OF FORT WORTH, TO AMEND ARTICLE I, "PLAN COMMISSION", AMEND ARTICLE II, "DEVELOPMENT REVIEW COMMITTEE", AMEND ARTICLE III, "PLATTING", AND AMEND ARTICLE IV, "SUBMISSION AND REVIEW PROCESS", TO CONFORM TO HB 3167; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE.

WHEREAS, on September 12, 2006, the City Council of Fort Worth adopted Ordinance Number 17154 which combined the Subdivision Regulations of Chapter 31 of the City Code and the Plan Commission Rules and Regulations into one revised subdivision ordinance adopted by the City Council as Appendix C, "Subdivision Ordinance" to the City Code; and

WHEREAS, on October 30, 2007, the City Council adopted Ordinance Number 17851 which repealed the contents of Chapter 31 "Subdivision Regulations", replaced with the contents of Appendix C, "Subdivision Ordinance" and repealed Appendix C; and

WHEREAS, the 86th Legislature of the State of Texas passed HB 3167 which was signed by Governor Abbott on June 14, 2019, with an effective date of September 1, 2019 (the "Act"); and

WHEREAS, the Act amended Chapter 212, "Municipal Regulation of Subdivisions and Property Development," of the Texas Local Government Code (TLGC) to set forth that the municipal authority responsible for approving plats shall act on a construction plan or plat within the timeframes set forth in Section 212.009 and Section 212.0095 or the construction plan or plat is considered approved by operation of law and mandated several new processes for the municipal authority's review of construction plans and plats; and

WHEREAS, the Act amended Section 212.009, TLGC to mandate that the municipal authority responsible for approving plats shall approve, conditionally approve or deny a construction plan or plat within thirty (30) calendar after the date a construction plan or plat is filed or the construction plan or plat is considered approved by operation of law; and

WHEREAS, the Act added Section 212.0095, TLGC to require the municipal authority to determine whether to approve or disapprove a previously conditionally approved or denied construction plan or plat not later than the 15th day after a response is submitted by the applicant or the construction plan or plat is considered approved by

10/31/19

operation of law; and

WHEREAS, it is advisable to amend the Subdivision Ordinance to comply with the changes to the subdivision development process in HB 3167; and

WHEREAS, the City Plan Commission has reviewed the proposed amendments and recommends amending the Subdivision Ordinance as proposed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS

SECTION 1.

Chapter 31, "Subdivision Ordinance" of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby further amended by amending Article I, "Plan Commission" to revise subsections 31-1, 31-2, 31-3, and 31-5, to read as follows:

Sec. 31-1 RESPONSIBILITY.

The city plan commission, referred to as "commission," shall exercise all of the powers of approval, disapproval and vacation of plats and plans, as provided by state statutes and the City Charter and ordinances.

Sec. 31-2 ESTABLISHMENT AND PURPOSE.

(a) The city plan commission is created to assist Fort Worth in becoming and maintaining the stature as the most livable city in Texas. The mission is to serve the public and advise the city in the orderly growth and development of the community. This mission is accomplished through the formulation and maintenance of a comprehensive plan and its appendices, recommendations of proposals for annexations, the processing of plats, plans and other tasks as defined by City Council and applicable law.

(b) Incorporated within the duties of the Plan Commission are the responsibilities for the following:

(1) Study and recommend on ~~all~~ proposals for ~~the zoning classification of land submitted for~~ voluntary annexation or limited purpose annexation that are inconsistent with the Comprehensive Plan ~~and submit all proposals in the name of the City Plan Commission;~~

(2) Exercise all the powers of a commission as to the approval or disapproval of plans, plats or replats and vacations of plans, plats or replats as set out in Tex. Local Government Code Chapter 212;

(3) Keep informed with reference to the progress of city planning in Fort Worth and other cities and counties and recommend improvements to the adopted plans of the city; and

(4) Study and recommend on the planning, design, location, vacation, closing or termination of public rights-of-way, bridges, public buildings, parks and other capital improvement projects, considering the design of streets and blocks that promote viable,

10/31/19

safe and sustainable neighborhoods with regard for traffic control and safety, convenient access, and traffic and pedestrian circulation and internal sub-neighborhood area connection and circulation both within the subdivision and between adjacent subdivisions, without the need for utilizing the perimeter arterial streets system for such purpose.

~~(5) — Inspect the property and premises where required in the discharge of the responsibilities of the commission as allowed by the laws of the state and ordinances of the city; and~~

~~(6) — Advise the city zoning commission with respect to zoning districts and development standards and to provide zoning recommendations on applicable subdivision proposals.~~

Sec. 31-3 APPOINTMENT.

(a) The City Plan Commission shall be composed of ~~qualified electors~~ residents of the city. The City Council shall consider for appointment to the commission only those persons who have demonstrated their civic interest; general knowledge of the community; independent judgment; understanding of zoning and planning; availability to prepare for and attend meetings; and who, by reason of diversity of their occupations, constitute a commission which is broadly representative of the community.

(b) The city council shall appoint the city plan commission, which shall consist of nine members, who shall serve in places numbered one through nine, and ~~two~~ five alternate members to serve in the absence of one or more regular members. Preference will be given, where feasible, to prior plan commission members as appointees to serve as alternate members to the commission. After the expiration of the initial members' terms, members shall serve two-year terms. No regular member shall serve more than three consecutive two-year terms and the terms of current members of the commission shall be counted toward the limit of terms to be served, for purposes of this section. At the expiration of three consecutive two-year terms of service as a regular member, the member may be appointed to serve as an alternate member at the discretion of the city council.

...

(d) The executive secretary shall have full care, custody and control of the minutes and official records; shall attend to the correspondence of the commission; and shall give such notices as are required and in the manner prescribed by statute, or ordinance, ~~these rules or vote of the commission.~~

...

Sec. 31-5 DECISIONS.

(a) Continuance. An applicant may request a continuance in accordance with Texas Local Government Code § 212.009(b-2) if received in writing prior to publication of public notice, generally ten days prior to a public hearing. Any request received after public notice is served shall be at the discretion of the commission.

(b) Approval. The commission shall approve any plan or plat that conforms to this chapter, the comprehensive plan as it applies within the city limits (except where it conflicts with existing zoning) and its appendices; master thoroughfare plan; parks and recreation policies, applicable infrastructure policies and manuals; Meacham, Alliance

10/31/19

and Spinks Airport Controls; ~~and~~ other city codes, ordinances, policies, rules or regulations; and applicable state and federal laws.

(c) Conditional approval.

(1) The commission may conditionally approve a plan or plat where there is a master thoroughfare plan amendment, ~~or~~ a rezoning or board of adjustment application is pending or when a plat or plan does not fully conform with this Chapter including all plans, design standards and policy manuals incorporated by reference into the Subdivision Ordinance and other applicable regulations in the City Code and state law. The commission shall not deny or place conditions of approval based upon ~~unregulated issues~~, public protest, private deed covenants and agreements, or allegations that the plan or plat is not in keeping with the character of the neighborhood.

(2) Conditional approval shall constitute disapproval until all the conditions are met. If the plat or plan is approved with conditions, the Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code § 212.0091. ~~The revised plan or plat is subject to review and approval by the executive secretary for conformance with the conditions of approval.~~

(3) The applicant may submit a response to the conditional approval to the Commission in accordance with Texas Local Government Code §212.0093. If submitted in accordance with filing calendar, the Executive Secretary shall file said response with the Commission for consideration within 15 days. The Commission shall approve or disapprove a response submitted in accordance with Texas Local Government Code §212.0093. If the response is disapproved, the Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code §212.0091. ~~Conditional approval by the commission shall not extend beyond two calendar years from the date of conditional approval unless the commission grants an additional extension.~~

(d) Approval with waivers.

(1) The applicant may request a waiver of the provisions of this chapter by filing a written request with the executive secretary at the time of plat or plan application submittal.

(2) The commission may authorize a waiver when, ~~in the commission's opinion~~, reasonable difficulty will result from strict compliance. The commission shall consider the general purpose and intent of this chapter, the applicable infrastructure policies and state law requirements, the nature of the proposed use of the land involved relative to the need for changes in infrastructure and municipal services, existing zoning and uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of the variance upon traffic conditions.

(3) a. No waiver shall be granted unless the commission finds:

1. That the effect of granting the waiver will be neither detrimental to the public health, safety or welfare nor injurious to other property; and

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

b. The findings, together with the specific facts upon which these findings are based, shall be entered as part of the official minutes of the commission meeting.

(e) Denial. The commission may deny any plan or plat or that does not conform to this chapter, the comprehensive plan as it applies within the city limits (except where it conflicts with existing zoning) and its appendices, master thoroughfare plan, parks and

10/31/19

recreation policies, applicable infrastructure policies and manuals, Meacham, Alliance and Spinks Airport controls, and other city codes, ordinances, policies, rules or regulations; and other applicable state and federal laws. If the plat or plan is denied, the Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code § 212.0091. The applicant may submit a response to the denial to the Commission in accordance with Texas Local Government Code §212.0093. If submitted in accordance with filing calendar, the Executive Secretary shall file said response with the Commission for consideration within 15 days. The Commission shall approve or disapprove a response submitted in accordance with Texas Local Government Code §212.0093. If the response is disapproved, the Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code §212.0091.

(f) Recommendations to city council.

(1) The plan commission shall make a recommendation for street closures/vacations to city council for final consideration and action.

(2) The plan commission will make a recommendation to city council for final consideration and action for comprehensive plans, annexations and other tasks as defined by city council.

(g) Changes following commission approval.

(1) a. Plans or plats previously approved at the commission's public hearing may not be changed or altered without a re-hearing, except to bring the plan/plat in conformance with the conditions and requirements stipulated by the commission.

b. Changes in land use, zoning, street classifications, the configuration of street patterns, connections to perimeter streets, an increase in development intensity or extensions to the perimeter boundary of the subdivision to un-subdivided properties require a public hearing. Changes to street classifications, connections to perimeter streets or extensions to the perimeter boundary of the subdivision to un-subdivided properties shall also require the written consent of the adjacent property owner.

(2) The executive secretary may administratively review and approve the following without plan commission approval:

a. Minor alterations to internal streets and/or circulation system and alignments; and

b. A net increase in the overall dwelling unit yield of the plan. The net increase may not exceed ~~3%~~5% of the total residential lots rounded to the nearest whole number.

(h) Other matters of business (OMB).

(1) Requests that are minor in nature may be placed on the commission agenda for review and consideration by the commission under the heading "other matters of business." ~~No public notice shall be required.~~ All such requests shall be posted on the commission's agenda prior to public hearing in the manner prescribed by state law.

(2) Requests eligible as "other matters of business" include the following:

a. Change the subdivision name of a preliminary, short form or final plat;

b. Increase in lot yield of an approved preliminary plat that does not exceed 5% of the total residential lots, rounded to the nearest whole number. In granting a request, the commission shall consider that the increase is the result of a final adjustment in the plan design; adjustment in the size or configuration of public park, other open space or community facility parcels; or the elimination of oil/gas drill sites which would reasonably incur an increase in lot yield;

10/31/19

- c. A one-year extension of the expiration date of an approved concept plan, preliminary plat, final or short form plat;
- d. Vacation of a final recorded plat, where an agreed petition signed by all affected property owners has been submitted; and
- e. Revisions to the subdivision ordinance or commission's rules of procedures.

SECTION 2.

Chapter 31, "Subdivision Ordinance" of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby further amended by amending Article II, "Development Review Committee"; Section 31-24, to read as follows:

Sec. 31-24 MEETINGS AND REPORTS.

The DRC shall hold ~~a~~-bi-monthly meetings to review cases with representatives of cases and compile reports for the next scheduled meeting of the plan commission ~~and zoning commissions.~~

SECTION 3.

Chapter 31, "Subdivision Ordinance" of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby further amended by amending Article III, "Platting"; Section 31-42, to read as follows:

Sec. 31-42 TYPES OF PLANS AND PLATS.

...

(c) *Final plat.*

(1) The final plat shall conform to the approved preliminary plat, approved construction plan and meet all of the requirements of the plan commission.

(2) The final plat may include all or any portion of the area included in the approved preliminary plat.

(3) A final plat that conforms to the approved preliminary plat, approved construction plan and meets all of the requirements of the plan commission does not require a public hearing and ~~is~~may be administratively approved by the plan commission's executive secretary preceding the filing of the plat for record.

(4) A public hearing is required if a final plat requires a waiver. Notice of public hearing shall be in conformance with Section 31-62(c).

(d) *Minor plat (short form final-Final short plat).*

(1) A ~~minor~~ final short plat is permitted for four or fewer lots that have not been previously platted and recorded.

10/31/19

(2) All lots on the ~~minor~~ final short plat must have direct access to and front or abut an existing public street.

(3) All lots must meet the lot size requirements of the zoning district in which they are located.

(4) A ~~minor~~ final short plat that does not require a public hearing—and is administratively approved by the plan commission’s executive secretary preceding the filing of the plat for record.

(5) A public hearing is required if a final short plat requires a waiver. Notice of public hearing shall be in conformance with Section 31-62(c).

(e) *Replat.*

(1) A replat does not vacate the previous plat of record governing the remainder of the subdivision. A replat shall contain a note on the plat face attesting that the replat does not amend or remove any covenants or restrictions.

(2) A public hearing is required if a replat requires a waiver. Notice of the public hearing shall be in conformance with Texas Local Government Code §212.015(b).~~additional single family or two family zoned lots are created or if the location or width of interior streets and pedestrian circulation routes are significantly altered.~~

(3) A replat may be administratively approved if no waivers are required or requested. The executive secretary shall provide written notice to each lot owner of record within 200 feet of the lots replatted not later than the 15th day after the date the replat is approved. The notice shall comply with Texas Local Government Code §212.015(g)~~additional single family or two family lots are created and only minor street adjustments that do not alter the previously approved plat or require a vacation of the altered street right of way.~~

SECTION 4.

Chapter 31, “Subdivision Ordinance” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby further amended by amending Article III, “Platting”; Sections 31-43, to delete in its entirety.

Sec. 31-43 ~~APPLICATION OF REGULATIONS.~~

~~Where an application was filed for review prior to October 24, 2006, the city plan commission rules and regulations in effect prior to that date shall apply but the developer may elect to develop the property under this subdivision ordinance. This election shall be made in writing at the time of application and shall be binding for the life of the project. The developer shall not be allowed to select provisions from both the regulations and the commission shall not grant any waiver to this elective requirement.~~

SECTION 5.

Chapter 31, “Subdivision Ordinance” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby further amended by amending Article IV, “Submission and Review Process”; Section 31-61, to read as follows:

Sec. 31-61 PRE-SUBMISSION; PRE- DEVELOPMENT CONFERENCE.

- (a) A pre-development conference may be held between the applicant, his or her consultant, and the DRC staff prior to submission of a preliminary plat, ~~or~~ concept plan, or construction plan application for the purpose of advising the applicant as to the general restrictions, requirements and other planning and engineering matters applicable to the plat. If an issue arises during the pre-development meeting that directly concerns a city department not represented, the appropriate staff will be contacted. This pre-development conference does not constitute a filing under Chapter 212 of the Texas Local Government Code.
- (b) A presubmittal conference may be held between the applicant, his or her consultant, and the DRC staff prior to submission of a plat if the applicant is willing to agree in writing that the conference does not constitute the filing of an application. The purpose of the meeting is to provide the applicant input on areas of the submittal that require additional information to complete the application. This presubmittal conference does not constitute a filing under Chapter 212 of the Local Government Code.
- (c) A presubmittal conference may be held between the applicant, his or her consultant, and the Infrastructure Plan Review Center staff prior to submission of a construction plan if the applicant is willing to agree in writing that the conference does not constitute the filing of an application. The purpose of the meeting is to provide the applicant with assistance in designing construction plans that meet the City’s requirements. This presubmittal conference does not constitute a filing under Chapter 212 of the Texas Local Government Code.
- (d) A postsubmittal conference may be held between the applicant, his or her consultant, and the Infrastructure Plan Review Center staff after the Plan Commission has disapproved or conditionally approved a construction plan. If the applicant chooses to have a postsubmittal conference, the postsubmittal conference must be held before the applicant files a response to the reasons the construction plan was disapproved or conditionally approved. An applicant must agree in writing that the conference does not constitute the filing of an application or a response. The purpose of the meeting is to provide the applicant with assistance in re-designing construction plans to meet the City’s requirements. This postsubmittal conference does not constitute a filing or written response under Chapter 212 of the Texas Local Government Code.

SECTION 6.

Chapter 31, “Subdivision Ordinance” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby further amended by amending Article IV, “Submission and Review Process”; Section 31-62, to read as follows:

Sec. 31-62. SUBMISSION PROCESS.

(a) *Written request.* Every proposal shall be submitted in writing in a format and on application forms provided by the planning and development department or transportation and public works department. All applications and any required supplemental documents shall be submitted to the executive secretary, or their designee. No plat or plan application will be accepted for filing and processing by the executive secretary until all fees are paid, the application the application is complete, meets the requirements of this Chapter, including all necessary studies, plans and supporting information; and supporting documents are accepted and approved by the reviewing department, and ~~and~~ the property is properly zoned for the anticipated use or an application has been submitted for rezoning.

(b) *Submission Filing deadline date.* ~~The submission filing date deadline for applications submitted for plan commission action shall be established by the executive secretary. is 30 days prior to the next scheduled commission meeting date. If the filing deadline falls on a city holiday, the following workday shall be observed as the submission filing deadline. The filing deadline shall be the official submission filing date for all applications. Any application filed delivered to the City prior to the submission filing date shall be deemed submitted on the official filing deadline date.~~

(c) *Public notices for certain applications.* The following applications shall require notice of a public hearing: application for waivers from Subdivision Ordinance requirements for plats, right-of-way or easement vacations and master thoroughfare plan amendments/waivers. ~~Required n~~Notice of the public hearing shall be sent to the applicant or his or her agent; and to the owners of all properties lying within 200 300 feet of the property (as ownership appears on the last approved county tax roll). Notice may also be sent to the owners of all abutting properties located outside the city limits and to other persons as the executive secretary determines may be affected by the proposal. Notice shall be given in writing, deposited in the United States mail, postage prepaid, not less than ten days prior to the date of commission hearing. The notice shall advise that a specific ~~proposal~~ application as listed above has been submitted for consideration and is available for review in the planning and development department. The notice shall not be deemed a condition precedent to the holding of any public hearing or to any official action concerning the matter before the Plan Commission.

(d) *Withdrawal of application.* Any application may be withdrawn by submitting a request to the executive secretary. The request shall be effective upon the date of receipt by the executive secretary. A request to withdraw the application after public notices have been mailed shall be heard by the plan commission.

SECTION 7.

Chapter 31, "Subdivision Ordinance" of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby further amended by amending Article IV, "Submission and Review Process"; Section 31-63, "Review, Approval and Expiration to

10/31/19

read as follows:

Sec. 31-63 REVIEW, APPROVAL AND EXPIRATION

(a) *Concept Plan.*

(1) Applications. All concept plans shall include the following at the time of filing:

- a. Approved master water study;
- b. Approved master wastewater study; and
- c. Approved master drainage study;

(2) *Review.* The DRC shall review the concept plan to determine the relationship of proposed traffic-ways to existing neighborhood circulation patterns; compliance with this chapter; the master thoroughfare plan; the comprehensive plan; parks and recreation policies; Meacham, Alliance and Spinks Airport controls; and other city codes, ordinances, policies, rules or regulations; and the need for other public facilities.

(3) *Approval.*

- a. The plan commission shall review all concept plans. The decision of the plan commission is final.
- b. Approval by the plan commission shall permit the submission of preliminary plats in stages that are in conformity with the approved concept plan and this Chapter, City of Fort Worth development policies. Approval of a concept plan shall not prevent the plan commission from approving concept plans and plats on adjacent properties that are not consistent with the concept plan, or from disapproving future preliminary plats that do not comply with the approved concept plan. Before any inconsistent concept plan or plat is approved on adjacent property, the plan commission shall give written notice to the current property owner and to the applicant who filed the previously approved concept plan.

~~(4) *Conditional approval.* Concept plans conditionally approved shall follow the process provided in section 31-5(c). Revisions and corrections required by any plan commission “conditionally approved” concept plan shall be submitted in a form prescribed by the planning and development department within seven calendar days from the date of the commission’s conditional approval. The plan shall be verified and stamped “approved” with the signature of the executive secretary for distribution.~~

(5) *Withdrawal of approval by plan commission.* Approval or conditional approval of a concept plan is voidable or subject to amendment at any time, after a public hearing by the plan commission, if the applicant causes a material change in the approved concept plan.

(6) *Expiration.* A concept plan shall expire on the fifth anniversary of the date the plan was approved by the plan commission if no progress has been made towards the completion of the project. Progress towards the completion of the project shall include any one of the following:

- a. An application for a final plat or plan is submitted;
- b. A good-faith attempt is made to file with the city or other regulatory agency for a permit necessary to begin or continue towards completion of the project;

- c. Costs have been incurred for developing the project, including costs associated with roadway, utility and other infrastructure facilities designed to serve the project in the aggregate amount of 5% of the most recent appraised market value of the real property of the project;
- d. Fiscal security is posted; or
- e. Utility connection fees or impact fees for the project have been paid.

(b) **Preliminary Plat.**

(1) *Applications and engineering documents.* All preliminary plat applications shall include the following at the time of ~~filingsubmittal~~:

- a. An approved drainage plan and study, including the 100-year floodplain, and any existing or proposed drainage easements affecting the plan;
- b. An approved comprehensive water study ~~General water extension and layout plan;~~
- c. An approved comprehensive wastewater study ~~General sanitary sewer extension and layout plan;~~
- d. Preliminary location of water wells serving the site, if not served by a public domestic water supply and distribution system. Subdivisions with three or more lots may show a typical location detail on the plat, with dimensions to the nearest proposed sanitary waste disposal field or facility. The county health department and city transportation and public works department shall each receive a copy of planned locations. Documentation of approved well sites and on-site waste disposal acres shall be provided from the county health department; ~~and~~
- e. An approved Traffic Impact Assessment Study; ~~and~~
- f. Proof that the property is properly zoned for the project or a copy of the application for a zoning change or board of adjustment application;
- g. Approved Master Thoroughfare Plan amendments or a copy of the application for approval;

~~Copies of the preliminary plat and the documents listed above shall be submitted to the planning and development department at the time of preliminary plat submission.~~

(2) *Review.* The DRC shall review the preliminary plat to determine the relationship of proposed traffic-ways to existing neighborhood circulation patterns; compliance with this chapter; the master thoroughfare plan; the comprehensive plan; parks and recreation policies; Meacham, Alliance and Spinks Airport controls; and other city codes, ordinances, policies, rules or regulations; and the need for other public facilities.

(3) *Approval.*

a. The plan commission shall review ~~all~~ preliminary plats requesting a waiver. The decision of the plan commission is final.

b. The plan commission shall determine that the plat meets the following city requirements prior to preliminary plat approval:

- 1. City's subdivision regulations;
- 2. Conformance with the zoning ordinance and district regulations governing the plat, including proper zoning of the plat to be in place prior to final plat approval;

3. Conformance with the latest adopted comprehensive plan of the City of Fort Worth, with regards to current and future streets, alleys, parks, playgrounds and public utility facilities;

4. Conformance with the latest adopted master thoroughfare plan and related street standards as determined by the city traffic engineer;

5. Conformance with city adopted park dedication policies;

6. Conformance with the city and/or county regulations (whichever is applicable) for the safe and adequate provision of water supply and sanitary waste collection and disposal;

7. Conformance with adopted federal, state, county and city stormwater management regulations;

8. Conformance with the city's latest adopted airport controls and master plans for Spinks, Alliance and Meacham Airports; and compliance with related Federal Aviation Regulations (FAA) to mitigate potential adverse safety impacts to other nearby surrounding regional satellite airports; and with the U.S. Government Naval Air Station/Joint Reserve Base (aka Carswell AFB); and

9. Conformance with a previously approved concept plan.

~~(4) *Conditional approval.* Preliminary Plats conditionally approved shall follow the process provided in section 31-5(c). Revisions and corrections required by any plan commission "conditionally approved" preliminary plat shall be submitted in a form prescribed by the planning and development department within seven calendar days from the date of the commission's conditional approval. The plat shall be verified and stamped "approved" with the signature of the executive secretary for distribution.~~

(5) Changes or alterations to approved plat.

a. No previously approved plat may be changed or altered, except to bring the plat in conformance with the conditions and requirements stipulated by the commission. Minor changes as outlined below shall be permitted at the discretion of the executive secretary.

1. The proposed internal street and/or circulation system and alignments may be altered if minor in nature. Changes to street classifications, connections to perimeter streets, or extensions to the subdivision's perimeter to un-subdivided property shall not be considered minor alterations.

2. A net increase, not to exceed ~~5%~~3% of the total residential lots (rounded to the nearest whole number) in the overall lot yield of the approved preliminary plat may be made, except as elsewhere prohibited by these regulations.

b. If the executive secretary determines that the proposed changes are minor, a revised preliminary plat may be approved administratively. A revised preliminary plat shall include all property within the boundary of the original preliminary plat. A revision to a revised preliminary plat shall not affect the expiration date of the plat and shall carry the same expirations as outlined below.

(6) Expiration.

a. A preliminary plat shall expire two years from the date the plat was approved by the city plan commission unless progress towards completion of the project has been demonstrated prior to that expiration date, or a request for an extension has been made in accordance with subsection (b)(7) below.

10/31/19

b. Progress must be demonstrated by the applicant in writing 30 calendar days prior to preliminary plat expiration. Progress towards the completion of the project shall include any one of the following:

1. An application for a final plat or plan or a portion thereof is submitted;
2. A good-faith attempt is made to file with the city or other regulatory agency for a permit necessary to begin or continue towards completion of the project;
3. Costs have been incurred for developing the project, including costs associated with roadway, utility and other infrastructure facilities designed to serve the project in the aggregate amount of 5% of the most recent appraised market value of the real property of the project;
4. Fiscal security is posted; or
5. Utility connection fees or impact fees for the project have been paid.

c. A final plat that is not recorded in accordance with subsection (c)(2) of this section will not constitute progress.

d. An acceptable demonstration of progress, as determined by the executive secretary, will result in the project being extended five years from the point of progress.

e. Subsequent progress made towards completion of the project, if documented prior to plat expiration, will extend the life of the project for an additional five years from the point of progress.

f. If a new preliminary plat is submitted, a new application and fees will be required and a new maximum two-year period shall begin upon the commission's approval of the newly submitted preliminary plat.

(7) *Extension.* The applicant may, within 30-calendar days prior to the preliminary plat expiration date, request commission approval for an extension up to a maximum one-year period, provided no plat changes have been made from the original approved plat. Such written request shall be placed on the commission's regular monthly agenda as an "other matters of business" item and no additional application shall be required. If approved, the commission shall set the expiration date of the requested extension for a period of time up to, but not exceeding, one calendar year. Extensions shall not exceed five years total from date of original approval.

(c) ***Plats (final plats, short form final plats, replats, vacated plats, conveyance plats, and amended plats).***

(1) ***Approval.***

a. If the executive secretary determines that the final plat complies with the requirements of this Chapter or previously approved preliminary plat, then the executive secretary shall certify the final plat and it shall be recorded. All final plats shall be administratively approved by the executive secretary, except that a public hearing and plan commission action shall be required for a vacated plat and for any replat that creates additional single family or two-family zoned lots or if the location or width of interior streets and pedestrian circulation routes are significantly altered.

b. No final plat shall be ~~deemed~~certified as approved until:

1. All conditions required by ~~these regulations~~ this Chapter including all plans, design standards and policy manuals incorporated by reference into the Subdivision Ordinance and other applicable regulations in the City Code and the commission have been met;

2. All approvals of outside governmental entities, state agencies, or public utilities are provided to the City;

23. Construction of community facilities necessary to serve the property; execution of a community facilities agreement or similar agreement approved by the City and providing the City with an acceptable financial guarantee, other than a completion agreement; providing the City with any financial guarantee required by the county having jurisdiction in the ETJ per an interlocal agreement under State Senate Bill No. 1445; or the execution of a future improvements agreement and delivering to the City a check for the cost of the public infrastructure covered by the future improvements agreement;

34. The dedication instrument is completed and signed;

45. Any related documents are reviewed and approved;

and

56. The commission chairperson's and commission executive secretary's attesting signatures have been placed on the face of the plat.

(d) Construction Plans.

(1) Applications. All construction plans shall include the following at the time of filing:

a. IPRC application form and payment of the application fee;

b. Construction plans that are signed and sealed by the engineer of record;

c. Drainage study approved by the City or a copy of the City's determination that the drainage study is not required;

d. Traffic impact assessment study approved by the City or a copy of the City's determination that a traffic impact assessment study is not required;

e. water and sanitary sewer studies approved by the City, or a copy of the City's determination that a water or sanitary study is not required;

f. Draft horizontal control plan;

g. Approved alignment walks for water, sanitary sewer and stormwater infrastructure or a copy of the City's determination that an alignment walk is not required;

g. Geotechnical report;

h. Proof that the property is properly zoned for the project or a copy of the application for a zoning change;

i. Approved Master Thoroughfare Plan amendments or a copy of the application for approval;

j. Approved street vacations or a copy of the application for approval;

k. Approvals of outside governmental entities or a copy of all applications for approval;

l. Construction plan waivers that have been granted or a copy of the application for each waiver; and

m. A copy of the currently public City construction specifications applicable to the construction plans

(2) Review. The Infrastructure Plan Review Center shall review the construction plan to determine compliance with: this chapter; other city codes, ordinances, policies, rules or regulations; and county, state, and federal laws.

(3) Approval.

a. The plan commission shall review construction plans requesting a waiver that requires the approval of the plan commission. The decision of the plan commission is final.

b. The plan commission shall determine that construction plans meet the following requirements prior to approval:

1. City's subdivision regulations;
2. Conformance with any approved preliminary plat or final plat;
3. Conformance with City codes, ordinances, policies, rules and regulations;
4. Conformance with county, state, and federal laws.
5. Approval of proper zoning, street vacations, and Master Thoroughfare Plan amendments; and
6. Approval of other governmental entities, when required, have been obtained.

(4) Conditional approval. Construction Plans conditionally approved shall follow the process provided in section 31-5(c).

(5) Changes or alterations to approved construction plans. No previously approved construction plan may be changed or altered, except to bring the construction plan in conformance with the conditions and requirements stipulated by the commission. Minor field changes shall be permitted at the discretion of the Infrastructure Plan Review Center and the Construction Inspector as long as the field changes do not conflict with the City codes, ordinances, policies, rules, and regulations.

(6) Expiration.

a. A construction plan shall expire two years from the date the construction plan was approved by the city plan commission.

b. If a new construction plan is submitted, a new application and application fee will be required and a new maximum two-year period shall begin upon the commission's approval of the newly submitted construction plan.

(de) Closure or vacation of public or private streets, alleys and access easements. Plan Commission Review Process-Vacation or Closure of Streets and Alleys

(1) Eligibility. All applications must conform to the requirements of the city for vacating public or private streets and alley rights of way or public access easements serving more than one property.

(2) Traffic study.

a. As a condition for vacation or closure approval and prior to the commission's public hearing, the director of transportation and public works may require the applicant to submit a traffic study prepared by a professional civil engineer to determine whether or not the requested closure or vacation would have an adverse impact on nearby or neighborhood through traffic and circulation.

b. The study shall be performed and completed in a format as required by the transportation and public works department. The study shall be submitted not less than two calendar weeks prior to the commission's scheduled public hearing. Copies of an executive summary of the traffic study shall also be simultaneously transmitted to the planning and development department for distribution to applicable city departments and the plan commission.

10/31/19

(3) *Review.* The DRC shall review and make a recommendation to the plan commission on all applications for closure or vacation.

(4) *Plan commission approval.* After approval by the city plan commission and upon receipt of the required purchase payment for the rights-of-way or access easement established by the property management department, and an acceptable replat has been submitted, the findings and actions shall be certified by the executive secretary and transmitted to the city council for final consideration and action.

(5) *Plan commission denial and appeal.* If the plan commission recommends denial, the applicant may appeal the decision to the city council by filing a written appeal with the executive secretary of the commission within 12 days after the commission's action. If no appeal is filed, the recommendation of the plan commission shall be final.

(6) *Expiration/extension.*

a. If a replat application that incorporates the area to be vacated is not submitted within 180 days of the city plan commission recommendation, the commission's recommendation shall expire and be deemed withdrawn.

b. Any city plan commission's recommendation to city council to vacate a public or private street, alley right-of-way or public access easement made prior to June 1, 2010 must be incorporated into a replat recorded by December 31, 2012 or the recommendation of the commission shall expire and be deemed withdrawn.

c. For the expiration of the replat that incorporates the land area to be vacated, see subsection (c), final plats, above.

(e) *Vacation and abandonment of public utility, public open space and drainage easements.* An application to vacate a public utility, public open space or drainage easement may be vacated by one of the following actions.

(1) *Vacation by plat.* Unless created by separate instrument, a drainage, public open space or utility easement may be vacated by submitting a plat.

(2) *Vacation by separate instrument.* Drainage, public open space and/or utility easements may be vacated or abandoned by separate deed instrument approved and executed by the city and recorded in the applicable deed records of the county. The procedures shall be as follows.

a. *Application.* A completed application shall be submitted to the property management department for review.

b. *Accompanying exhibits.* Proper exhibits as required by the property management department shall be provided.

c. *Abandonment concurrence.* All adjacent contiguous property owners that may be affected by the vacation or abandonment of the easement shall provide evidence of concurrence with the vacation.

d. *Processing and investigation.* The property management department shall notify and provide a copy of the application and exhibits to any affected department, agency or franchised public utility company. After all affected parties have been notified and endorsements received from reviewing city departments and franchised utility companies, the division administrator shall initiate approval by the city council.

e. *Recording of instrument.* Upon approval, the property management department shall record the abandonment document in the county deed records.

SECTION 8.

10/31/19

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 9.

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

SECTION 10.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Code of the City of Fort Worth which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 11.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 12.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 13.

This ordinance shall take effect after adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

Melinda Ramos
Senior Assistant City Attorney

Mary Kayser
City Secretary

ADOPTED: _____

EFFECTIVE: _____