



ORDINANCE NO. 3585

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING ORDINANCE NO. 1430, AS PREVIOUSLY AMENDED, BY REPEALING SECTION 6 RELATING TO APPROVAL OF PRELIMINARY PLATS; AMENDING SECTIONS 7, AND 8 AND ADDING SECTIONS 8A, 8B, 8C, AND 8D RELATING TO THE PROCEDURES FOR ADOPTION OF FINAL PLATS, REPLATS, MINOR PLATS, AND AMENDING PLATS, AND PROVIDING FOR ADMINISTRATIVE APPROVAL OF CERTAIN REPLATS, MINOR PLATS, AND AMENDING PLATS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Council of the City of Farmers Branch, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that City of Farmers Branch Ordinance No. 1430, as previously amended by Ordinance No. 1606 and Ordinance No. 3469 (collectively “the Subdivision Ordinance”), should be further amended.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. Ordinance No. 1430, as amended by Ordinance Nos. 1606 and 3469 (collectively, the “Subdivision Ordinance”) is amended by repealing and deleting Section 6 “Preliminary Plat.”

SECTION 2. Sections 7 and 8 of the Subdivision Ordinance are amended to read in their entirety as follows:

SECTION 7. FINAL PLAT.

(a) Prior to the subdivision of any land within the City, an application for Final Plat shall be submitted to the Office of the Director of Public Works, which application, once determined by the Director of Public Works to be complete in accordance with these Subdivision Regulations, shall be filed with the Planning and Zoning Commission for consideration.

(b) A pdf. copy, on disc or thumb drive, of the Final Plat application may be submitted informally for administrative review at the time of submittal of detailed engineering plans. Such early submission is encouraged to prevent unnecessary delays at the time the Developer is eligible to file the Final Plat application for consideration by the Commission.

(c) Prior to submission of an application for Final Plat, the Developer shall submit to the Director of Public Works detailed engineering plans prepared, signed and sealed by a Texas Professional Engineer. Such plans shall (i) provide for the construction of all streets required within and/or adjacent to the property described in the Final Plat application; (ii) make adequate provision for all surface and storm drainage within and across the subdivision; (iii) provide for the construction of a water distribution system adequate to serve the subdivision with adequate capacity for fire protection, domestic consumption, and/or industrial use together with such mains as may be required to connect with the City's water distribution system and extend the system across the subdivision; (iv) provide a sanitary sewer system adequate to serve each lot and/or building site within the subdivision and connect with the City sewer system and extend the system across the subdivision; and (v) provide for the construction of such other improvements as may be required to serve the uses for which the subdivision is being developed. No application for Final Plat shall be considered complete until the above-described engineering plans have been delivered and approved by the Director of Public Works or designee.

(d) The Developer shall be required to pay the full cost of all public improvements required to be constructed in association with the development of the subdivision, including but not limited to the cost of the initial installation of street lighting and street name signs and such costs as may be incurred by the Developer pursuant to the requirements of Section 10, "Engineering Requirements" and Section 11, "Special Provisions". The plans and specifications for all required public facilities shall be approved by the Director of Public Works or designee prior to commencement of construction of such public facilities.

(e) An application for Final Plat shall be accompanied by an application fee in the amount set forth in Appendix "A" of the Code of Ordinances as amended from time to time by the City Council, which fee shall be paid for each application for Final Plat whether or not the application is approved, conditionally approved, or denied by the Commission or subsequently withdrawn from consideration by the Developer. An application for Final Plat shall not be complete and shall not be considered by the Commission until the required application fee has been paid.

(f) An application for Final Plat shall not be deemed complete, and shall not be deemed ready to be filed, unless and until the applicable application fee has been paid and the application, inclusive of the proposed Final Plat drawings and required supporting documents, includes all of the following:

(1) Plats/Replats shall comply with the following graphic format and general standards unless the Director of Public Works determines the information does not apply to the specific application:

i. Sheet size shall be 24" x 36", black and white drawing on

bond paper in landscape view. No blue-line copies will be accepted.

- ii. Plat/Replat is clear and legible. Use a variety of line types and line weights. Do not screen information. Indicate plat/replat boundary/limits with heavy/bold solid line weight. Do not use grey-scale shading. Abandonments may be indicated by stipple or crosshatch shading.
- iii. Permissible scale for plat/replat are engineer scales 1" = 10', 20', 30', 40', or 50'. A 1" = 60' or 100' scale may be used with prior approval. Architectural scales are not acceptable.
- iv. Title block shall be in the lower, right-hand corner of the plat/replat. The title block shall contain: plat/replat type; project name (subdivision name, lot and block designations); gross acreage; city, county and state name; survey and abstract name; and date of preparation.
- v. Title for replats shall reference subdivision name and recording information of the plat being revised
- vi. For nonresidential and multifamily developments, title states lot and block designations.
- vii. For single-family and two-family residential development, title states number of residential lots developed at zoning district standards and number of common open space lots.
- viii. Provide 2" x 4" blank area above title block for county recording sticker.
- ix. Label company name, preparer name, address, and phone number of plat/replat preparer (e.g., surveyor, engineer, etc.) in the vicinity of the title block.
- x. Label company name, contact name, address, and phone number of current property owner in the vicinity of the title block.
- xi. Orient plat/replat so that north is to the top or left-hand side of sheet.
- xii. Provide north arrow, graphic scale, and written scale in close proximity to each other.

- xiii. Provide a vicinity map in the same orientation of plat/replat showing subject property, north arrow, scale (or labeled “not to scale”), and adjacent thoroughfares within a one mile radius of site.
- xiv. Point of beginning tied to abstract corner if not previously platted or subdivision corner if platted. Indicate on graphic and/or in legal description.
- xv. For property boundary lines, provide distances (to nearest hundredth of feet) and bearings (to nearest second).

(2) The following information relating to the site shall be required unless the Director of Public Works determines the information does not apply to the specific application:

- i. For property boundary curves, provide curve lengths, curve radii, and chord lengths (to nearest hundredth of feet), and internal angle and chord bearing (to nearest second).
- ii. Provide legend for abbreviations and line types used.
- iii. Label boundary monuments as to type and size and whether found or set for all property corners, points of intersection, and points of curvature/tangency.
- iv. If replat, state purpose of revision (e.g., “The purpose of this replat is _____”).
- v. Provide the following note: “Notice: Selling a portion of this addition by metes and bounds is a violation of city subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building certificates.”
- vi. Provide the following note: “Setbacks are set in accordance with current zoning

(3) The following additional site information shall be included (or not included, if indicated) on the drawing of the Plat/Replat unless the Director of Public Works determines the information does not apply to the specific application:

- i. Plat/Replat is consistent with valid plans and approved detailed site plans.

- ii. Plat/Replat integrates with approved detailed site plan and plats for adjacent contiguous sites.
- iii. Plat/Replat depicts proposed layout of lots, streets, easements, and rights-of-way (R.O.W.).
- iv. Do not show or label existing or proposed improvements including buildings, landscape areas, parking areas, etc.
- v. Do not show or label existing or proposed topography.
- vi. Do not show, label, or dimension (width) required landscape edge.
- vii. Show the subdivision boundary in heavy solid line. Label line and curve data to match legal description.
- viii. Show current and proposed property boundaries/lot lines. Label line and curve data. Provide ties and/or intermediate distances as appropriate, using tick marks where necessary.
- ix. Label proposed lot and block designations.
- x. Label lot area for each lot in acres and square feet for non-single-family residential development. For single-family residential development, label lot area in square feet only.
- xi. Show and label existing easements. Provide line and curve data for easement boundaries and tie down easements. Provide recording information. If all or portion of an existing easement is to be abandoned, label "To be abandoned by this plat."
- xii. Show and label easements for Public water, sanitary sewer, and storm sewer utilities. Provide line and curve data for easement boundaries and tie down easements.
- xiii. Show and label floodway and drainage easements including access and maintenance easements. Provide line and curve data for easement boundaries and tie down easements.
- xiv. For lots adjacent to or containing floodway and drainage easements, label minimum finish floor elevation.
- xv. Show and label storm water quality easements for structural and nonstructural storm water controls/best management

practices. Provide line and curve data for easement boundaries and tie down easements.

- xvi. Show and label wall maintenance easements for required screening walls. Provide line and curve data for easement boundaries and tie down easements.
- xvii. For sidewalks not within R.O.W., show and label sidewalk easements. Provide line and curve data for easement boundaries and tie down easements.
- xviii. For electrical/communications utilities not within R.O.W., show and label electrical/ communications easements. Provide line and curve data for easement boundaries and tie down easements
- xix. Show public street and alley R.O.W. Label as existing or proposed. Dimension R.O.W. width. Show street centerline and provide line and curve data.
- xx. Label street names (as approved by City of Farmers Branch) and show street name breaks with a diamond shape.
- xxi. Show and label corner clip R.O.W. dedications. Provide line and curve data for dedications.
- xxii. Show, label, and provide line and curve boundary data for park land dedications. Label area of dedications.

(4) For properties contiguous to the site and for properties across on the other side of the ROW that is contiguous to the site, provide the following information within 50 feet of the site boundary and 50 feet of R.O.W. contiguous to the site boundary unless the Director of Public Works determines the information does not apply to the specific application:

- i. Show and label properties. For platted properties, show lot lines and label subdivision name, lot and block designation, and plat record information for each lot. For unplatted properties, show parcel lines and label record owner and deed record information for each parcel.
- ii. Do not show or label existing or proposed improvements including buildings, utilities, landscape areas, and parking areas.
- iii. Show all easements. Label as existing or proposed. If

existing, provide recording information.

- iv. Show public street and alley R.O.W. Label as existing or proposed. Dimension R.O.W. width and show center lines.
- v. Label street names.
- vi. Show and label city limit lines, county limit lines, and/or survey (abstract) lines.

(5) The following information relating to the description of the land to be subdivided is required unless the Director of Public Works determines the information does not apply to the specific application:

- i. Name of record owner and corresponding deed reference.
- ii. Name of survey, abstract, county, and state.
- iii. Metes and bounds legal description for subdivision boundary. Calls and monumentation match plat/replat graphic.
- iv. Total area of the plat/replat in acres and square feet.

(6) The following certificates, dedications, and other language in the form approved by the Director of Public Works and appearing on the City's website, with such modifications necessary to apply to the particular property and owner, must be included on the plat drawing:

- i. General owner's certificate and dedication language.
- ii. Owner signature block and notary block for owner signature.
- iii. Certificate of approval language with signature block and notary block.
- iv. Surveyor certificate language with signature block and notary block.
- v. Specific dedication language for access, visibility access maintenance (VAM), and/or floodway and drainage easements.

(7) The following additional information must be provided unless the Director of Public Works determines the information does not apply to the specific application:

- i. If public utilities have not been constructed and accepted, provide subdivision improvement agreement and associated surety.
- ii. Submit a list of proposed street names to the Fire Department if street names have not been previously approved by the Fire Department in association with approval of a detailed site plan for the property as required by the Comprehensive Zoning Ordinance or other City ordinance. Street names must be approved prior to final plat/replat approval.
- iii. For offsite easement and/or R.O.W. dedication (as approved by the City Engineer), provide field notes and other documents necessary for dedication or conveyance.
- iv. Closure sheet showing the difference between the beginning coordinate and the ending coordinate in the legal description. The closure sheet should include the coordinate geometry (COGO) data for all of the calls as well as any error of closure. Provide the error of closure to no more than six decimal places. Typical error should be between 0.00 to 0.02 feet.
- v. For residential plats/replats proposing common open space lots and/or common property improvements, provide homeowners association (HOA) conditions, covenants, and restrictions (CCR) for review by the City Attorneys and signed and recorded in the Official Public Records of Dallas County, Texas, prior to approval of the plat or replat, as applicable.
- vi. Provide for review and approval by the City Attorney the form of certificate of formation and bylaws of the HOA to be created in association with the development of the property, which shall include a provision that the HOA may not be dissolved without the prior consent of the City Council. The certificate of formation must be filed with and approved by the Texas Secretary of State prior to approval of the plat or replat, as applicable

(g) Following approval of the Final Plat by the Commission and the certificate of approval affixed to the official copy of the Final Plat, the Developer

is authorized by the Director of Public Works, or assignee, to file the Final Plat approved by the Commission once all City authorized signatures have been obtained. The Developer is required to take the Final Plat to be recorded and pay any fees required for filing with the Dallas County Clerk's office. The filed and recorded Final Plat along with any other recorded documents requested at the time of filing, must be returned to the City of Farmers Branch Public Works Department not later than ten (10) business days after approval by the Commission of the Final Plat.

(h) The Commission shall take action on the completed application of the Final Plat within 30 days of the filing date as noted on the written acknowledgement of completed application for Final Plat. The Developer or his agent shall be notified at least 5 days prior to the meeting at which the Plat is to be considered.

(i) The Commission shall either approve, conditionally approve, or disapprove the Final Plat. If the Final Plat is conditionally approved or disapproved, the Commission shall provide written notice to the Developer of the conditions that must be satisfied in order to obtain an approval without conditions, citing the statute, ordinance, or regulation that is the basis for the conditional approval.

(j) The procedures for review, reconsideration, approval, conditional approval, and disapproval of an application for Final Plat after being conditionally approved or disapproved by the Commission shall be in accordance with Tex. Loc. Govt. Code §§212.0091, 212.0093, and 212.0095.

SECTION 8. REPLATTING WITHOUT VACATING PRECEDING PLAT.

(a) The purpose of a Replat is to re-subdivide part or all of any property for which a Final Plat has been previously approved and recorded and which does not require the vacation of the entire preceding plat. Replats shall apply only if a property owner seeks to change any portion of a Final Plat that has been previously recorded in the map or plat records of Dallas County.

(b) A Replat of all or a portion of a recorded plat may be approved in accordance with state law without vacation of the recorded plat if the Replat:

- (1) Is signed and acknowledged by only the owners of the property being replatted;
- (2) Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.

- (c) In addition to compliance with Subsection 8(b), above, a Replat without vacation of the preceding plat must conform to the requirements of this Section 8 if:
 - (1) During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - (2) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
- (d) If a proposed Replat described by Subsection 8(c), above, requires a variance or exception, a public hearing must be held by the Commission prior to approval of the Replat application.
- (e) If the conditions described in Section 8(d) exist, then the following is required:
 - (1) Notice of the hearing shall be given 15 days before the day of the hearing by:
 - (i) Publication in the City's officially designated newspaper; and
 - (ii) By written notice, with a copy of the specific language contained in the following Section 8(e)(2) attached thereto, forwarded to the owners of property in the original subdivision located within 200 feet of the property upon which the Replat is requested, as such owners are indicated on the most recently approved city tax roll or, in the case of a subdivision within the extraterritorial jurisdiction of the City, the most recently approved county tax roll. The written notice may be delivered by depositing the notice, properly addressed with the postage prepaid, in a post office or postal depository within the municipal boundaries of the City.
 - (2) If the proposed Replat requires a variance and is protested in accordance with this Section 8(e), the proposed Replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members of the Commission. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed Replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Commission prior to the close of the public hearing.

- (3) In computing the percentage of land area under Section 8(e)(2), the area of streets and alleys shall be included.
- (4) Compliance with Section 8(e)(2) and Section 8(e)(3) is not required for approval of a Replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
- (f) If a proposed Replat described by Section 8(b) above does not require a variance or exception, not later than the 15th day after the date the Replat is approved, written notice by mail of the approval of the Replat will be provided to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent city or county tax roll. This Section 8(f) does not apply to a proposed Replat if the Commission holds a public hearing and gives notice of the hearing in the manner provided by Section 8(e).
- (g) The notice of replat approval required by Section 8(f) above must include:
 - (1) The zoning designation of the property after the Replat; and
 - (2) A telephone number and e-mail address that an owner of a lot may use to contact the City about the Replat.
- (h) Except as may otherwise be indicated in this Section 8, an application for Replat shall comply with the provisions of Section 7 relating to a request for approval of a Final Plat, including the determination of the completeness of such application, the date such application is deemed to be filed for purposes of determining the time for consideration of the Replat application by the Commission, and the procedures relating to approval, conditional approval, and disapproval of an application for Replat.
- (i) An application for Replat shall be accompanied by an application fee in the amount set forth in Appendix “A” of the Code of Ordinances as amended from time to time by the City Council, which fee shall be paid for each application for Replat whether or not the application is approved, conditionally approved, or denied by the Commission or subsequently withdrawn from consideration by the Developer.

SECTION 3. The “Subdivision Ordinance” is amended by adding Section 8A “Minor Plats,” Section 8B “Amending Plats” and Section 8C “Administrative Approval of Certain Amending Plats, Minor Plats and Replats” to read in their entirety as follows:

SECTION 8A. MINOR PLATS.

- (a) The purpose of a Minor Plat is to simplify divisions of land under certain circumstances outlined in state law. An application for approval of a Minor Plat may be filed only in accordance with state law, when all of the following circumstances apply:
 - (1) The proposed division results in four or fewer lots;
 - (2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Ordinance; and
 - (3) Except for right-of-way widening and easements, the Minor Plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
- (b) Unless otherwise specified, application and all related procedures, including recordation, shall be the same as specified for a Final Plat. Review and approval shall be in accordance with Section 7 and other applicable provisions of this Ordinance.

SECTION 8B. AMENDING PLATS.

- (a) The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of Tex. Loc. Govt. Code § 212.016. Procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following:
 - (1) Correct an error in a course or distance shown on the preceding plat;
 - (2) Add a course or distance that was omitted on the preceding plat;
 - (3) Correct an error in a real property description shown on the preceding plat;
 - (4) Indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

- (6) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- (7) To correct an error in courses and distances of lot lines between two adjacent lots if:
 - (i) Both lot owners join in the application for amending the plat;
 - (ii) Neither lot is abolished;
 - (iii) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (iv) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- (8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9) To relocate one or more lot lines between one or more adjacent lots if:
 - (i) The owners of all those lots join in the application for amending the plat;
 - (ii) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (iii) The amendment does not increase the number of lots;
- (10) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - (i) The changes do not affect applicable zoning and other regulations of the municipality;
 - (ii) The changes do not attempt to amend or remove any covenants or restrictions; and
 - (iii) The area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or

- (11) To replat one or more lots fronting on an existing street if:
 - (i) The owners of all those lots join in the application for amending the plat;
 - (ii) The amendment does not attempt to remove recorded covenants or restrictions;
 - (iii) The amendment does not increase the number of lots; and
 - (iv) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (b) Unless otherwise specified, application and all related procedures, including recordation of an Amending Plat shall be the same as specified for a Final Plat. Review and approval shall be in accordance with Section 7 and other applicable provisions of this Ordinance.

SECTION 8C. ADMINISTRATIVE APPROVAL OF CERTAIN AMENDING PLATS, MINOR PLATS AND REPLATS.

- (a) The Director of Public Works is authorized to approve the following:
 - (1) Minor Plats described in Section 8A;
 - (2) Amending Plats described in Section 8B; and
 - (3) Replats described in Section 8 that also qualify as a Minor Plat pursuant to Section 8A, but only if such Replat does not require the granting of a variance.
- (b) The Director of Public Works may for any reason elect to present an application for Minor Plat, Replat or Amending Plat to the Commission for action.

Any Minor Plat, Replat, or Amending Plat which the Director of Public Works fails or refuses to approve shall be submitted to the Commission for action.

SECTION 8D. APPLICATION FEES FOR REPLATS, MINOR PLATS AND AMENDING PLATS.

An application for approval of a Replat, Minor Plat or Amending Plat shall be accompanied by an application fee in the amount set forth in Appendix "A" of the Code of Ordinances as amended from time to time by the City Council, which

fee shall be paid for each application for a Replat, Minor Plat or Amending Plat, whether or not the application is approved, conditionally approved, or denied by the Director of Public Works or Commission, as applicable, or subsequently withdrawn from consideration by the Developer. An application for Replat, Minor Plat or Amending Plat shall not be complete and shall not be considered by the Commission until the required application fee has been paid.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 5. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. This ordinance shall become effective immediately upon final approval of this Ordinance and publication as required by charter and state law, but shall be applicable only to applications for a final plat, replat, minor plat, or amending plat received on or after September 3, 2019; provided, however, the authority of the Planning and Zoning Commission to consider and approve applications for final plats and replats as set forth in the amendments to the Subdivision Ordinance enacted by this Ordinance shall be effective immediately with respect to all pending and subsequently submitted applications.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 3RD OF SEPTEMBER 2019.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:8/27/19:109886)