CITY OF

BEDFORD

SUBDIVISION REGULATIONS

Ordinance No. 2325

Adopted August 27, 1996

Reformatted April, 2000

Amended by Ord. # 08-2904, October 14, 2008

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Chapter 1. General Provisions

Notes

Section 1.1 Purpose

The regulations contained herein, which were prepared after careful study by qualified members of the City Staff, are for the purpose of promoting the public health, safety and general welfare of the citizens of the City of Bedford.

Section 1.2 Authority

This Ordinance is adopted under the authority of the Constitution and Laws of the State of Texas as specifically provided for in Chapter 212 of the Local Government Code, and under the Charter of the City of Bedford.

Section 1.3 Plat Required

A plat, following the procedures contained in Chapter 2, Preliminary Plat Preparation and Approval, Chapter 3, Final Plat Preparation and Approval, or Chapter 4, Replats, shall be required to be prepared and submitted to the City of Bedford if the following conditions occur:

(1) Division of Land: The owner of a tract of land located within the limits of the City who divides the tract into two or more parts to lay out a subdivision of the tract, including an addition to the City, or to lay out suburban, building, or other lots, and to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared.

(2) Creation of Building Site: No permit for the construction of a building or buildings upon any tract or plot shall be issued until a platted lot of record has been created through the platting process described herein.

Section 1.4 Approval Procedure

(1) Final Plats are to be submitted for the approval of the Commission in accordance with the provisions stated herein. The Commission shall act on a Final Plat within thirty (30) days after the Final Plat is filed with the City. A Final Plat is considered approved by the Commission unless it is disapproved within that period.

(2) A Final Plat may be submitted but will not be considered filed with the City until it has been determined to be a completed application including payment of all fees. An incomplete application will not be considered as being filed with the City, but shall be returned to the applicant for completion and re-submittal.

(3) If a Final Plat is approved, the Commission shall endorse the Final Plat with a certificate indicating the approval. The certificate must be signed by the Commission's presiding officer and attested by the Commission's Secretary, or by a majority of the members of the Commission.

(4) If the Commission fails to act within the prescribed period, the Commission on request shall issue a certificate stating the date the Final Plat was filed with the City and that the Commission failed to act on the Final Plat within the period. A Final Plat has been deemed to be filed with the City on the date it is placed on the official agenda for action by

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the Planning and Zoning Commission. The certificate is effective in place of the endorsement required by Section 1.4,Approval Procedure (C) above.

(5) The Commission shall maintain a record of each application made to the Commission and the Commission's action taken on it. On request of an owner of an affected tract, the Commission shall certify the reasons for the action taken on an application.

(6) The Commission shall approve a Final Plat if it conforms to:

a. the general plan, rules and ordinances of the City and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

b. the general plan, rules and ordinances for the extension of the City and its roads, streets, and public highways within the City and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentality's of public utilities;

c. any other rules adopted by this Ordinance or the Zoning Ordinance of the City to promote the health, safety, morals or general welfare of the City and the safe, orderly and healthful development of the City.

Section 1.5 Dedication and Maintenance of Dedicated Property

(1) Disapproval of a Final Plat by the Commission shall be deemed a refusal by the City to accept the offered dedications shown thereon. Approval of a Final Plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the City concerning the maintenance or improvements of any such dedicated parts until the proper authorities of the City have actually appropriated the same by entry, use, or accepted improvements.

(2) It shall be unlawful for any officer or employee of the City to enter upon or maintain the streets in any subdivision, and the City will not accept or maintain such streets, unless and until such streets have been surfaced, curbed and guttered, and the required utilities and drainage facilities have been installed, and such improvements have been formally accepted by the City.

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Section 1.6 Connection of Public Utilities

It shall be unlawful for any official or employee of the City to allow service or connection of a public utility to any lot or tract until an appropriate Final Plat has been approved by the City and all improvements, such as water, sanitary sewer, paving, and drainage have been constructed and formally accepted by the City. It shall be unlawful for any private utility company to connect any utility without prior approval of the City.

Section 1.7 Modifications and Variations

At the discretion of the Commission, the normal standards and requirements of this Ordinance may also be modified in the case of a Planned Unit Development. Such departures from the standards specified may be made only when the Commission finds that the plan provides for convenience and safe access, adequate space for recreation, and provision for light and air, and offers all essential utility services and necessary public and other facilities, and is in conformance with all provisions of the City Zoning and Subdivision Ordinances which specifically apply to Planned Unit Developments.

Section 1.8 Violations

(1) A violation of any provision of this Ordinance shall be a misdemeanor, punishable by a fine not to exceed the maximum established by law. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a separate offense for each day that such violation shall continue.

(2) Injunctions: The City shall have the right to institute an action in the District Court to enjoin the violation of any provision of such ordinance in its extraterritorial jurisdiction, and the District Court shall have the power to grant any or all types of injunctive relief in such cases.

Section 1.9 Severability of Provisions

(1) It is hereby declared to be the intention of the City Council of the City of Bedford that any word, phrase, clause, sentence, paragraph, section or part in or of this Ordinance shall be severable.

(2) If any court of competent jurisdiction shall judge any work, phrase, clause, sentence, paragraph, section or part in or of this Ordinance to be invalid, such judgement shall not affect any other word, phrase, clause, sentence, paragraph, section or part in or of this Ordinance not specifically included in said judgment.

(3) If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Section 1.10 Definitions

"**Acreage, Gross**": The total acreage included within the boundary line of a subdivision, tract, parcel, lot, etc. including all public ways.

"**Acreage, Net**": The acreage included within the boundary line of a subdivision, tract, parcel, lot, etc. excluding all public ways.

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"**Applicant**": See definition of "*Owner/Applicant*".

"**Building Setback Line**": A line established beyond which no part of a building shall project, except as otherwise provided in the Zoning Ordinance; the minimum distance a building must be from a property line.

"**City**": The City of Bedford, Texas.

"**Commission**": The Planning and Zoning Commission of the City.

"**Council**": The City Council of Bedford.

"**Cul-de-sac**": That street or part of a street having one common entry and exit and no other entry and/or exit.

"**Development**": Any activity that requires the filing of a final subdivision plat, or first increment thereof, or one lot plat.

"**Dwelling**": A building designed primarily to provide living facilities for one or more family units. A family unit may be constituted of one or more persons.

"**Dwelling Unit**": A building or portion thereof designed and used for occupancy by not more than one family unit for living purposes, and having its own sanitary and sleeping facilities.

"**Dwelling, Apartment**": A building containing three (3) or more dwelling units arranged and/or used for rental occupancy, or with ownership by its occupants on a cooperative or condominium basis, and having one or more of the following in common: parking area, service area, utilities or open space.

"**Dwelling, Attached**": A dwelling which is joined to another dwelling at one or more sides by a common wall or walls.

"**Dwelling, Detached**": A dwelling which is entirely surrounded by open space on its building lot.

"**Dwelling, Duplex**": Two attached dwelling units on a single building lot.

"**Dwelling, Multi-family**": A dwelling containing three (3) or more dwelling units.

"**Dwelling, Single Family**": A dwelling containing not more than one dwelling unit.

"**Dwelling, Townhouse**": A single family dwelling on a separate lot which fronts on a street or on a place or court which is attached to one or more similar dwellings by a common wall or walls and which in combination therewith constitute an architectural whole.

"**Engineer**": A person duly authorized under the provisions of the Texas Engineering Registration Act, as here before or hereafter amended, to practice the profession of engineering. The term "City Engineer" shall apply only to such Registered Professional Engineer or firm of Registered Professional Consulting Engineers that has been specifically designated.

"**Escrow**": Money placed in the possession of the City to accomplish the purposes set out in this Ordinance, including, but not limited to, the following: purchase of right-of-way, design and construction of drainage facilities, curb & gutter and pavement.

"**Final Plat**": (Also Record Plat or Filing Plat) The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Registered or Licensed Surveyor with the subdivision location reference to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references, angular measurements and bearings shall be accurate to the nearest second. Distances shall be accurate to the nearest hundredth of a foot.

"**Frontage**": That side of a lot, parcel, or tract abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

"**Land Planner**": Persons other than Surveyors or Engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning.

"**Lot**": An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed on record.

"**Lot, Double Frontage**": Any lot, not a corner lot, with frontage on two streets which are parallel to each other or within forty-five (45) degrees of being parallel to each other.

"**Master Plan**": Those plans adopted by the Council as a guide to the systematic physical development of the City; the Comprehensive Plan of the City.

"**Owner/Applicant**": An all-inclusive term denoting the person, firm, corporation or partnership with primary responsibility toward the City to see that these subdivision rules and regulations and ordinances of the City are complied with. The term includes person, firm, corporation, partnership or agent, attorney-in-fact, manager or director, developer, developer's contractors including engineer, builder, planner, etc. Such term as used herein always includes one or more of the above who own all or any part of the land which is contemplated to be developed.

"**Pavement Width**": The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the face of curbs.

"**Preliminary Plat**": The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing existing and proposed drainage features and facilities, such as water distribution, wastewater collection, and fire protection, with notations sufficient to substantially identify the general scope and detail of proposed development.

"**Replat**": A plat that is different from, and is intended for, the replacement of an existing recorded plat or parts thereof.

"**Shall, May**": The word "shall" is always mandatory. The word "may" is merely directory.

"**Sketch plan**": A sketch drawing of initial development ideas superimposed on a topographic map to indicate generally the plan of development and to serve as a working base for noting and incorporating suggestions of the City Manager, Commission, Engineer or others who are consulted prior to the preparation of the preliminary plat.

"**Street**": A public right-of-way however designated, which provides vehicular access to adjacent land:

(1) *Major thoroughfares* (also arterial streets, primary thoroughfares, etc.) provide vehicular movement from one neighborhood to another, to distant points within the urban area or to freeways or highways leading to other communities.

(2) *Collector streets* (also feeder streets, secondary thoroughfares, etc.) provide vehicular circulation within neighborhoods and from minor streets to major thoroughfares. Due to similarity to traffic volume and wheel loadings, streets through commercial and industrial areas are frequently constructed to same design as collector streets.

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(3) *Local Residential streets* (also minor thoroughfares or streets, etc.) are primarily for providing direct vehicular access to abutting residential property.

"**Subdivision**": A division of any tract of land situated within the incorporated limits, or within the extraterritorial jurisdiction of such limits, in two or more parts for the purpose of laying out any subdivision of any tract of land or any addition of any town or city, or for laying out suburban lots or building lots, or any lots or streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision includes re-subdivision, but it does not include the division of land for agricultural purposes in parcels or easement of access.

"**Surveyor**": A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State statutes to practice the profession of surveying.

"**Utilities**": Water, sewer, electric, gas, telephone or any other such item of service either for public or private use.

"**Utility Easement**": An interest in land granted to the City, to the public generally, and/or to a franchised utility company, for installing and maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance Of Said Utilities.

Chapter 2. Preliminary Plat Preparation & Approval

Notes

Section 2.1 General

The owner of land to be subdivided in the City shall have a Surveyor, registered in the state of Texas prepare a Preliminary Plat in accordance with this Ordinance. The Preliminary Plat shall depict all planning factors necessary for the Commission and the City Staff to determine if the Preliminary Plat is in conformance with the purpose and requirement of this Ordinance.

Section 2.2 Filing Requirements

The applicant shall file fifteen (15) blue or black copies, folded to 8 1/2" x 11", of the Preliminary Plat with the City Manager or his/her representative, sixteen (16) days prior to the scheduled Planning and Zoning Commission meetings, which are held on the second (2nd) and fourth (4th) Thursday nights of each month. The applicant will also include the submittal of one reduced 8 1/2" x 11" reproducible copy of the Preliminary Plat. Upon determination that the submitted material constitutes a completed application, including the payment of all fees, the Preliminary Plat shall be placed on the regular agenda for consideration and shall be deemed to be filed with the City.

Section 2.3 Document & Information Exchange

Graphic data, special provisions, general notes and/or specifications shall be provided to the City of Bedford on either (a) 3 1/2" IBM 1.44 MB diskette(s) or (b) 5 1/4" IBM 1.2 MB diskette(s). The data shall be in American Standard Code for Information Interchange (ASCII) format. The graphic data shall be provided to the City in AutoCAD Release 12 or earlier, DWG or DXF formats, or as otherwise requested by the City to be compatible with its computer system.

Section 2.4 Filing Fees

The Preliminary Plat shall be accompanied by a filing fee as specified in Appendix A of this document. The fee is not refundable to the applicant regardless of the action taken on the Preliminary Plat by the Commission.

Section 2.5 Form & Content

The Preliminary Plat shall be presented on sheets 36 inches wide by 24 inches high at a scale of 1" = 100' or 1" = 50' unless prior approval for a variation in size or scale is obtained from the City. The Preliminary Plat shall clearly indicate the following information:

(1) Name of owner/applicant, record and volume and page of record ownership in the Tarrant County Deed Records, and the name of the Registered Public Surveyor preparing the documents.

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(2) Proposed name of the Subdivision. The word "Addition" shall follow the Preliminary Plat name in the main title. The form of the Preliminary Plat title shall be as follows:

Preliminary **CROSSING ADDITION**
to Plat
CANTEBRIA
The City of Bedford
Situated in the W.O. Yantis Survey, A-1752,
Tarrant County, Texas

(3) Key or vicinity location of tract by reference to existing streets or highways.

(4) Date of preparation, scale of Preliminary Plat and North Arrow.

(5) Subdivision boundary lines, indicated by heavy lines, and the computed gross acreage of the subdivision.

(6) Names of the owners of contiguous parcels of un-subdivided land, names of contiguous subdivisions, and the lot patterns, lot and block numbers of these subdivisions shown by dotted or dashed lines.

(7) Location of City limit lines.

(8) The location, dimension, name, and description of all existing or recorded public and private rights-of-way including easements, within the subdivision as well as those intersecting or contiguous with its boundaries or forming such boundaries.

(9) The location, dimensions, identification or name of all existing or recorded residential lots, parks, and public areas within the subdivision.

(10) Permanent structures and uses within the subdivision including location of houses, barns, walls, wells, tanks, and other significant features that will remain.

(11) The location, dimensions, descriptions and flow lines of all existing drainage structures, and the location and projected high water elevations of the flood plain and floodway as defined by the Federal Emergency Management Agency.

(12) Existing utilities on the tract, specifying size of mains, and those which are transmission mains. In addition, the approximate location, dimensions, and sizes of all proposed water, wastewater, stormwater, and paving improvements to be constructed on or off-site, which are relative to the subdivision.

(13) Topography shown by contour lines on a basis of five foot (5') vertical intervals in terrain with a slope of two percent (2%) or more, and on a basis of two foot (2') vertical intervals in terrain with a slope of less than two percent (2%); datum shall be that of the United States Coast and Geodetic Survey. Any proposed major changes in topography shall be indicated with proposed contour lines.

(14) If there is no adjacent subdivision, a vicinity map on a small scale shall be included with the Preliminary Plat, and oriented the same way, to show the nearest subdivision in each direction; it shall show how the streets, alleys, or highways in the subdivision submitted may connect with those in the nearest subdivision, if it affects the subdivision design.

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(15) The location, dimensions, description and purpose of all proposed alleys, drainage ways, parks, open spaces, other public areas, easements, or other rights-of-way, blocks, lots and other sites within the subdivision. Note if not located within floodplain and floodway.

(16) A number or letter to identify each lot or site and each block.

(17) Data specifying the gross area of the subdivision, the proposed number of residential lots, the area in residential use, the approximate area in parks, streets, and in other non-residential uses.

(18) Front building setback lines on all lots and tracts and side setback lines abutting streets.

(19) A "Preliminary Drainage Study" shall be submitted to the City Engineer, concurrent with the submittal of any Preliminary Plat to the City. This information should include, but not be limited to the quantity of water, all points of discharge, and the velocity at each point of discharge.

(20) An Approval Block in the following form:

APPROVED BY PLANNING AND ZONING COMMISSION ON:
_____
Date
_____
Chairperson, Planning and Zoning Commission
_____
Planning and Zoning Secretary

(21) Where the proposed subdivision constitutes a portion of a larger tract owned by the owner/applicant, which will be subsequently subdivided, the preliminary and final plats shall be accompanied by a layout of the entire area showing the tentative proposed layout of streets, blocks, drainage, water, sewerage, and other improvements for such areas.

The overall layout, if approved by the Commission, shall be attached to and filed with a copy of the approved Preliminary Plat in the permanent files of the City. Thereafter, subsequent incremental Final Plats of such subdivision shall conform to such approved overall layout, unless changed by the Commission.

(22) A description of the subdivision by metes and bounds shall be included.

(23) Location of the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part.

Section 2.6 Approval Procedures

(1) Upon receipt of the Preliminary Plat and required filing fees, the City Manager or his/her representative, shall check the Preliminary Plat for conformity with the City's Master Plan, Land Use Plan, Zoning Ordinance, these Subdivision Regulations and other applicable City standards.

(2) The City Manager or his/her representative shall refer a copy of the Preliminary Plat to the City Engineer, City Planner, Chief Building Official, Fire Marshal, and Public Services

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Manager for checking and submission of comments. These comments will be summarized and sent to the owner/applicant (as designated on the application form) for corrections.

(3) The Owner/Applicant or his/her representative will forward a copy of the Preliminary Plat to all Franchise Utility Companies for review as to their requirements for easement.

(4) If all requirements are completed and corrections made, the Planning and Zoning Commission shall act on the Preliminary Plat at the regularly scheduled meeting as specified in Section 2.2, Filing Requirement.

(5) The approval of the Preliminary Plat by the Planning and Zoning Commission does not constitute official acceptance of the proposed Subdivision by the City, but does constitute an authorization to proceed with the preparation of the Final Plat. Denial shall constitute complete denial of the Preliminary Plat and will require re-submittal of the Preliminary Plat application in its entirety, including the filing fee.

(6) Preliminary Plat Approval expires at the end of twelve (12) months after the approval date unless a Final Plat or phase of the Final Plat as indicated on the Preliminary Plat has been filed for approval. If the Final Plat is developed in phases, the twelve (12) month expiration date shall be extended for another twelve (12) months after each phase is final platted.

Section 2.7 Short Form Final Plat

A Short Form Final Plat may be submitted on a property when all of the following requirements are met:

(1) The tract(s) to be subdivided are located in "MF", "S", "L", "H", or "I" Zoning Districts and the proposed subdivision will contain six (6) lots or less; or, the tract(s) to be subdivided are located in any "R" or "MD" Zoning District and the proposed subdivision will contain three (3) lots or less.

(2) Maps and documents containing the information required in items J, K, L, H, and S of Section 2.4 Form and Content are submitted to the City Manager or his/her representative at the time of filing the Short Form Final Plat with the City. The Short Form Final Plat shall not be accepted by the City Manager or his/her representative unless and until this required support information is submitted.

(3) The Short Form Final Plat must not propose any vacation of public rights-of-way or easements.

(4) The extension of public facilities, such as streets or utilities, or drainage improvements must not be required for utilization of the property, except for minor extensions of existing water or sewer lines, which shall be deemed to mean extensions of one hundred fifty feet (150') or less.

(5) The proposed subdivision must not create nor contain any major drainage problems and, if contained within the 100 year flood plain, must conform to City Ordinances and other criteria as provided by FEMA regarding floodplain management rules. No lot which encroaches into a floodway may be approved under this procedure.

(6) If in the opinion of the Public Services Manager, the Planning and Zoning Manager, or the Planning and Zoning Commission there is a necessity for Preliminary Plat submittal, this Section 2.7, Short Form Final Plat may not be utilized.

Chapter 3. Final Plat Preparation & Approval

Notes

Section 3.1 General

The owner/applicant, his/her engineer or land planner shall submit a Final Plat prepared by a surveyor, registered in the State of Texas, which is in conformance with the approved Preliminary Plat of the subdivision and shall submit to the City Engineer complete preliminary engineering plans for all public improvements of the subdivision. The engineering plans shall be prepared in accordance with The Design Guidelines of the City of Bedford and City Ordinance No. 985 (Flood Damage Prevention) and all amendments thereto.

Section 3.2 Filing Requirements

The owner/applicant shall file fifteen (15) blue or black line copies, folded to 8 1/2" x 11", of the Final Plat with the City Manager or his/her representative sixteen (16) days prior to the scheduled Planning and Zoning Commission meetings, which are held on the second (2nd) and fourth (4th) Thursday nights of each month. The applicant shall also include the submittal of one reduced 8 1/2" x 11" reproducible copy of the Final Plat. Upon determination that the submitted material constitutes a completed application, including the payment of all fees, the Final Plat shall be placed on the regular agenda for consideration and shall be deemed to be filed with the City.

Section 3.3 Document & Information Exchange

Graphic data, special provisions, general notes and/or specifications shall be provided to the City of Bedford on either (a) 3 1/2" IBM 1.44 MB diskette(s) or (b) 5 1/4" IBM 1.2 MB diskette(s). The data shall be in American Standard Code for Information Interchange (ASCII) format. The graphic data shall be provided to the City in AutoCAD Release 12 or earlier, DWG or DXF formats, or as otherwise requested by the City to be compatible with its computer system.

Section 3.4 Filing Fees

The Final Plat shall be accompanied by a filing fee as specified in Appendix A of this document. The fee is not refundable to the owner/applicant regardless of the action taken on the Final Plat by the Commission.

Section 3.5 Form & Content

The Final Plat shall be drawn upon a permanent reproducible tracing material in black ink at a scale of one inch equals one hundred feet (1" = 100') or one inch equals fifty feet (1" = 50') unless prior approval for a variation in scale is obtained from the City. The Final Plat shall clearly indicate the following:

(1) Title or name of the subdivision preceded by the words "Final Plat" and to include the location of the Final Plat by the City, County and State.

(2) Written and graphic scale, North Arrow, date of preparation and Vicinity Map.

(3) The Final Plat shall indicate the location name and/or purpose of all lots, streets, highways, alleys, easements, emergency access easements, parks, playgrounds and

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other such features, with accurate dimensions given in feet and decimals of a foot and accurate bearings, showing the length of radii, deflection angles, and of all curves, tangent distance and tangent bearings shall be given for each street, all such data being complete and precise enough to permit accurate location upon the ground.

(4) The names of adjoining subdivisions, or the names of the adjoining property owners if not subdivided. The lot and street patterns of adjacent subdivisions shall be accurately shown in dashed or dotted lines, including lot and block numbers.

(5) The boundary of the area being subdivided shall be shown in heavy lines, and shall include all necessary bearings and distances to describe the exact limits of the subdivision.

(6) The location of all permanent monuments and control points to which all dimensions and bearing shall be referred.

(7) Owner's certificate or deed of dedication - The dedication must be provided on both the Final Plat and a separate 8 1/2" x 11" or 8 1/2" x 14" sheet. Both copies must contain original signatures. The dedication deed or certificate of dedication shall be executed by all persons, firms, or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws of the State of Texas for conveyances of real property. Two (2) true copies must be furnished with the original. In the case of lienholders, they may execute a subordination agreement subordinating their liens to all public areas shown on the Final Plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:

a. An accurate metes and bounds description of the tract of land being subdivided.

b. A statement and express representation that the parties joining in such dedication deed or certificate of dedication are the sole owners of such tract of land.

c. An express dedication to the public for public use forever, the streets, alleys, rights-of-way, parks, school sites, and other public places shown on the Final Plat.

d. A positive reference and identification of the Final Plat of such subdivision by the name of such subdivision date of Final Plat, and surveyor.

(8) The surveyor responsible for surveying the subdivision area and preparing the Final Plat shall attest to the accuracy of same in the following form:

> This is to certify that I, _____, a Registered Public Surveyor of the State of Texas, having platted the above subdivision from an actual survey on the ground; and that all lot corners, angle points, and points of curve shall be properly marked on the ground, and that this Final Plat correctly represents that survey made by me or under my direction and supervision.
>
> _____
> (Surveyors signed name)
>
> _____
> (Surveyor's printed name)
>
> R.P.L.S. No. _____

(9) Identification of each lot and block by letter or number.

(10) An Approval Block in the following form:

APPROVAL BY THE PLANNING AND ZONING COMMISSION

_____
Date

_____
Chairperson, Planning and Zoning Commission

_____
Planning and Zoning Secretary

_____
Mayor, City of Bedford

_____
City Secretary, City of Bedford

(11) Minimum Building Setback Lines.

(12) Certificate showing that all taxes have been paid on the tract to be subdivided, and that no delinquent taxes exist against the property.

(13) The total gross acreage of the land being subdivided.

(14) All existing easements on the land being subdivided and on the adjoining tracts and subdivisions.

(15) If desired by the owner/applicant and approved by the Commission, the Final Plat may constitute only that portion of the approved Preliminary Plat which he/she proposes to immediately develop. However, partial development of an approved Preliminary Plat shall be in general accordance with designated phasing as indicated on the Preliminary Plat. In addition, the configuration of the portions selected for such incremental final platting shall not affect adjacent land, whether owned by the owner/applicant or others, in such a way as to render said adjacent land undevelopable in accordance with its current Zoning District classification.

(16) The Final Plat which contains or is adjacent to a creek, channel, or any other form of a tributary, shall establish and show on the face of the drawing, the minimum floor elevation for each tract or lot adjacent to the creek, channel or tributary.

(17) A letter fully outlining any alterations from the Preliminary Plat approved under this Ordinance must accompany the Final Plat.

Section 3.6 Approval Procedures

In addition to the following see Section 2.6 Approval Procedures:

(1) Upon receipt of the Final Plat and required filing fees, the City Manager or his/her representative, shall check the Final Plat for conformity with the City's Master Plan, Land Use Plan, Zoning Ordinance, these Subdivision Regulations and other applicable City standards.

Notes

(2) The City Manager or his/her representative shall refer a copy of the Final Plat to the City Engineer, City Planner, Chief Building Official, Fire Marshal, and Public Service Manager for checking and submission of comments. These comments will be summarized and sent to the owner/applicant (as designated on the application form) for corrections.

(3) The Developer or his/her representative shall forward a copy of the Final Plat to all Franchise Utility Companies for review as to the sufficiency of easement provisions.

(4) If all requirements are completed and corrections made, the Planning and Zoning Commission shall act on the Final Plat at the regularly scheduled meeting as specified in Section 2.2, Filing Requirements.

(5) The approval of the Final Plat by the Planning and Zoning Commission does not constitute official acceptance of the drainage, streets, infrastructure, or other public improvements of the proposed Subdivision by the City.

Chapter 4. Replats

Notes

Section 4.1 General

Any revision of any portion of a previously approved Final Plat shall require a request for a Replat. The Replat shall clearly depict all information pertaining to the changes from the previously approved Final Plat and all other information required for the Commission to determine if the Replat is in conformance with the purpose and requirements of this Ordinance.

Section 4.2 Filing Requirements

The applicant shall submit fifteen (15) blue or black line copies, folded to 8 1/2" x 11", of the Replat with the City Manager or his/her representative, thirty (30) days prior to the scheduled Commission meetings, which are held on the second (2nd) and fourth (4th) Thursday nights of each month. The applicant shall also include the submittal of one (1) 8 1/2" x 11" reduction copy of the Replat. Upon determination that the submitted material constitutes a completed application, including the payment of all fees, the Replat shall be placed on the regular agenda for consideration and shall be deemed to be filed with the City.

Section 4.3 Document & Information Exchange

Graphic data, special provisions, general notes and/or specifications shall be provided to the City of Bedford on either (a) 3 1/2" IBM 1.44 MB diskette(s) or (b) 5 1/4" IBM 1.2 MB diskette(s). The data shall be in American Standard Code for Information Interchange (ASCII) format. The graphic data shall be provided to the City in AutoCAD Release 12 or earlier, DWG or DXF formats, or as otherwise requested by the City to be compatible with its computer system.

Section 4.4 Filing Fees

The Replat shall be accompanied by a filing fee as specified in Appendix A to this Ordinance. The fee is not refundable to the applicant regardless of the action taken on the Replat by the Commission or the Council.

Section 4.5 Form & Content

The Replat shall be presented on sheets thirty-six inches (36") wide by twenty-four inches (24") high at a scale of one inch equals one hundred feet (1" = 100') or one inch equals fifty feet (1" = 50') unless prior approval for a variation in size or scale is obtained from the City. The Replat shall clearly depict all information specified in Section 3.5, Form and Content of the Final Plat requirements in addition to the following items:

(1) The letter "R" shall appear after the lot number of all lots that are being revised for the first time.

(2) Where the subdivision being revised has not been divided into lots, then the property being re-subdivided shall be assigned lot numbers beginning with the number "1" and proceeding consecutively.

Notes

(3) The main title of the replat shall be as follows:

REPLAT OF _____ ADDITION CONTAINING LOTS _-R, _-R, ETC., BLOCK_____ and Being a Revision of LOTS _, _, Etc., BLOCK _____ as previously filed in Volume ____ Page _, Tarrant County Records and Being Part of the _____ Survey, Abstract # _____ City of Bedford, Tarrant County, Texas.

(4) All lot lines, easements, streets, and other such features of the previously approved and recorded Final Plat (which is being revised by the Replat) shall be indicated by dashed or dotted lines. If the amount of this information is so great as to cause confusion if shown on the Replat drawing, a smaller scale drawing of the previously approved and recorded Final Plat may be included on the same sheet as the Replat drawing.

(5) Individual lots and/or blocks must be replatted in their entirety; i.e., no Replat request of a portion of a lot and/or block will be accepted.

(6) If the property is not currently zoned or deed-restricted for single or two family dwellings and has not been so zoned or deed-restricted within the last five (5) years, a certification of same, signed by the owner, shall be included on the Replat drawing.

Section 4.6 Replatting Without Vacating Preceding Final Plat

(1) A Replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding Final Plat without vacation of that Final Plat if the Replat:

a. Is signed and acknowledged by only the owner(s) of the property being replatted; and

b. Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the Commission; and

c. Does not attempt to amend or remove any covenants or restrictions.

(2) In addition to compliance with Paragraph (A) above, a Replat without vacation of the preceding Final Plat must conform to the requirements of this Section if:

a. 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

b. Any lot in the preceding Final Plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

(3) Notice of the hearing required under Paragraph (A) above shall be given before the fifteenth (15th) day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in Tarrant County and by written notice, with a copy of Paragraph (D) of this Section attached, forwarded by the Commission to the owners of property in the original subdivision, as indicated on the most recently approved municipal tax roll of the City. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.

(4) If the proposed Replat is protested in accordance with this subsection, the proposed Replat must receive, in order to be approved, the affirmative vote of at least three-fourths

of all members of the Commission. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the areas of the lots or land immediately adjoining the area covered by the proposed Replat and extending two hundred feet (200') from that area, but within the original subdivision, must be filed with the Commission prior to the close of the public hearing. In computing the percentage of land area under this subsection, the area of streets and alleys shall be included.

(5) Compliance with Paragraph (C) and (D) is not required for approval of a Replat or part of a preceding Final 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 Final Plat or in the legally recorded restrictions applicable to the Final Plat.

Section 4.7 Amending Plat

(1) The Commission may approve and issue an Amending Plat, which may be recorded and is controlling over the preceding Final Plat without vacation of that Final Plat, if the Amending Plat is signed by the applicants only and sole purpose of the Amending Plat is to:

a. Correct an error in a course or distance shown on the preceding Final Plat;

b. Add a course or distance that was omitted on the preceding Final Plat;

c. Correct an error in a real property description shown on the preceding Final Plat;

d. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

e. 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 Final Plat;

f. Correct any other type of scrivener or clerical error or omission previously approved by the Commission and Council, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

g. 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 Final 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 Final Plat;

h. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or

i. 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 Final Plat;

ii. The amendment does not attempt to remove recorded covenants or restrictions; and

iii. The amendment does not increase the number of lots.

j. To make necessary changes to the preceding Final Plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding Final Plat if:

Notes

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 Commission has approved, after a public hearing, as a residential improvement area.

(2) Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an Amending Plat.

(3) If the above criteria can be met, then the City will require that an Amending Plat be submitted to conform with the submittal requirements that are established for submittal of Final Plats in Section 3.5, Form and Content of the Bedford Subdivision Regulations. The title "Amending Plat" should be substituted in place of the title "Final Plat" where it appears in Section 3.5, Form and Content.

(4) In addition to the submittal requirements established above, Corrected Plats should be submitted with the following title and explanatory note:

AMENDING PLAT OF _____ ADDITION

Being a Correction of _____ Addition as
filed in Volume ____ , Page __Tarrant County Records and
Being an Addition to the City of Bedford, Tarrant County, Texas

Note: The sole purpose of this Amending Plat is to
_____
(cite from *Section 4.7, Amending Plat* A 1-10)

Section 4.8 Vacation of Approved Final Plat

(1) The proprietors of the tract covered by a Final Plat may vacate the Final Plat at any time before any lot in the Final Plat is sold. The Final Plat is vacated when a signed, acknowledged instrument declaring the Final Plat vacated is approved and recorded in the manner prescribed for the original Final Plat.

(2) If lots in the Final Plat have been sold, the Final Plat, or any part of the Final Plat, may be vacated on the application of all the owners of lots in the Final Plat with approval obtained in the manner prescribed for the original Final Plat.

(3) After the vacation of the Final Plat, the prescribed procedures of Chapter 2, Preliminary Plat and Chapter 3, Final Plat shall be followed in any subsequent subdivision of land effected by the vacated Final Plat.

Section 4.9 Administrative Approval

(1) In accordance with Section 212.0065 of the Local Government Code, the Director of Community Development, or his/her designee is authorized to approve:

a. Amending plats as described by Section 4.7 of this Subdivision Regulation;

b. Minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or

c. A replat under Sections 4.1 through 4.6 of this Subdivision Regulation that does not require the creation of any new street or the extension of municipal facilities.

(2) The Director of Community Development or his /her designee may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission.

(3) The Director of Community Development, or his/her designee, shall not disapprove the plat and is required to refer any plat which they may refuse to approve to the Planning and Zoning Commission within the time period specified in Section 212.009 of the Local Government Code.

(4) Any plat approved administratively shall have the following certificate placed on the face of the plat in place of the certificate of approval by the Planning and Zoning Commission:

ADMINISTRATIVE APPROVAL
(In accordance with Section 212.0065 of the Local Government Code)

_____
Date

_____
Administrative Official

_____
Title

_____
Planning and Zoning Sectretary

Notes

Chapter 5. Subdivision Design Standards

Section 5.1 Streets

Notes

(1) The arrangement, character, extent, width, grade, and location of all streets shall conform to the Master Thoroughfare Plan and other master plans of the City and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(2) Where such is not shown in the Master Thoroughfare Plan, the arrangement of streets in a subdivision shall either:

a. provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

b. conform to a plan for a neighborhood approved or adopted by the Planning and Zoning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(3) Streets constructed within the City shall be classified according to the geometric design standards set forth herein. Minor streets shall be so laid out that their use by through traffic will be discouraged.

(4) Where subdivision abuts or contains an existing or proposed major thoroughfare or collector street, the Planning and Zoning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(5) Strips of privately owned property reserved for the obvious purpose of controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the Planning Commission.

(6) Street alignments with center line offsets of less than one hundred twenty-five feet (125') shall be avoided.

(7) Street intersections shall be as nearly at right angles as practical.

(8) Street right-of-way widths shall be as shown in the Master Thoroughfare Plan. In no event, however, shall widths be less than fifty feet (50') for local or residential streets, sixty feet (60') for collector streets and eighty feet (80') for major thoroughfares.

(9) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision and these regulations, and where the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(10) Where the proposed subdivision and/or unimproved tract is located along only one side of said substandard street or road, and where, in the City Manager's judgement, it is not feasible to construct or reconstruct said substandard street or road at the time of development of said subdivision and/or unimproved tract, the City shall permit the developer to pay into escrow, for the construction of said street, and abutting sidewalks, an amount of money equal to the developer's share of the cost of said improvements as a

Notes

condition precedent to approval of said utilities and street or streets of said subdivision and/or unimproved tract.

a. The street or road to be constructed, or the amount of money to be placed in escrow will be based on the width of the street as provided by the Master Plan. Curb, gutter and sidewalk costs will also be included.

b. All streets shall be constructed in accordance with the City Standard Street Specifications.

c. The amount of money for escrow shall be determined by the estimates as to cost of the street and sidewalk as provided by the engineer of the City and as adopted by the City Council.

(11) Dead-end streets may be platted where the Planning Commission deems desirable and where the land adjoins property not subdivided, in which case the streets shall be carried to the boundaries thereof.

(12) Dead-end streets, designed to be so permanently, shall not be longer than six hundred feet (600') and shall be provided at the closed end with a turn-around having an outside right-of-way diameter of at least one hundred feet (100') and an outside roadway diameter of at least eighty feet (80'). Parking islands shall be prohibited.

(13) No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to approval of the Planning Commission and shall be in accordance with the City's Street Naming Plan.

(14) At the intersection of a new subdivision street with an existing boulevard arterial, the developer of the subdivision shall construct a median opening in the boulevard, with appropriate left turn lanes, unless otherwise directed by the City.

Section 5.2 Alleys

Alleys, or loading courts, of a minimum width of twenty feet (20') paved surface or, in lieu thereof, off-street loading space, shall be provided in business blocks. Alleys are not required in residential districts except that same shall be provided where alleys of adjacent subdivisions already platted would be closed or dead-ended by failure to provide alleys in the new subdivision.

Section 5.3 Blocks

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

a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

b. Zoning requirements as to lot sizes and dimensions.

c. Needs for convenient access, circulation, control, and safety of street traffic.

d. Limitations and opportunities of topography.

(2) Block lengths, generally, should not exceed twelve hundred feet (1200'), or be less than five hundred feet (500'), except under unusual conditions approved by the Planning and Zoning Commission. Block depths shall not be less than two hundred feet (200').

Section 5.4 Lots

Notes

(1) The lot size, width, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(2) Lot dimensions shall conform to the requirements of the Zoning Ordinance.

(3) Each lot shall front upon a public street. For developments in the Medium Density District of the Zoning Ordinance, a lot is considered to front on a public street if it fronts on a commonly owned private street which opens onto a public street.

(4) Double frontage and reserve frontage lots should be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

(5) Side lot lines shall be substantially at right angles or radial to street lines.

(6) Where the area is divided into larger than normal urban building site lots and, in the opinion of the Planning Commission, any or all of the tracts are susceptible to being re-subdivided, the original subdivision shall be such that the alignment of future street dedication may conform to the general street layout in the surrounding area.

(7) Single-family residential lots shall not face collector or major thoroughfare streets.

(8) Lot corner markers shall be one-half inch (1/2") reinforcing bar, eighteen inches (18") long, or approved equal, and shall be placed at all lot corners flush with, or under the ground, if necessary in order to avoid being disturbed. The lot corner markers shall be established and set on all lot corners prior to the start of any utility work.

Section 5.5 Building Setback Lines

Building Setback Lines shall be shown on all lots and shall comply with the minimum distances required by the Zoning Ordinance.

Section 5.6 Flood Areas

Areas within the jurisdiction of the Planning Commission, subject to flooding conditions as established by the City Engineer, will not be considered for subdivision purposes until adequate drainage improvements have been provided. All areas of a subdivision within the 100 Year Flood Way as established by the Federal Emergency Management Agency, shall be dedicated as Drainage Easements.

Section 5.7 Easements

Except where alleys of not less than twenty feet (20') in width are provided, easements for utilities and enclosed or open drainage ways not less than five feet (5') in width shall be retained on each side of rear lot lines. Where deemed necessary by the Commission, such easements not less than five feet (5') in width on each side of side lot lines shall be retained. Easements for any or all of such purposes shall be required across parts of lots other than as described above as deemed necessary by the Commission. All such easements shall be so aligned as to permit construction of utilities therein at the minimum cost. A ten foot (10') utility easement shall be provided at the rear (or side as required) of lots which abut unplatted property. A five foot (5') utility easement shall be provided at the rear (or side as required) of

Notes

lots which abut platted property on which five feet (5') or one half (1/2) of the utility easement has been provided. No public utility easement shall be less than ten feet (10') wide.

Section 5.8 Sidewalks

(1) A four foot (4') minimum width sidewalk will be required in all residential, commercial, and industrial areas of the City. In residential areas the sidewalks are to be placed four and one half feet (4 1/2') behind the street curb or as directed by the City Engineer.

(2) In commercial and industrial areas, the sidewalks may either be placed four and one half feet (4 1/2') behind the street curb or adjacent to the street curb. If sidewalks are located four and one half feet (4 1/2') behind the street curb, a minimum of four feet (4') is required. If sidewalks are located adjacent to the street curb, a minimum width of five feet (5') is required.

(3) Pedestrian walks not less than six feet (6') wide shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

Section 5.9 Sites for Public Usage

Sites suitable for parks, schools, playgrounds, or other public usage, as required by the City, shall be carefully considered in collaboration with the City Planning and Zoning Commission and so indicated upon the Preliminary Plat so that it can be determined as to site conformity to the recommended locations as are indicated on the Preliminary Plat and so that they can be duly placed upon the Final Plat for dedication. Such sites shall be in conformity to the Master Plan and to the general requirements of the Commission in keeping with modern City planning principals and shall be of adequate size as recommended by the Commission and as may be required by the City under its existing policies and specifications.

Section 5.10 Driveway Requirements

All driveway radii, widths and locations shall conform to the following Driveway Standards:

5.10.A RESIDENTIAL DRIVEWAY APPROACHES:

(1) Width of Driveway Approach: Residential driveway approaches shall not be less than ten feet (10') nor more than twenty feet (20') in width measured at the property line.

(2) Radius: Residential driveway approaches shall be constructed with the return curbs having a rolled face disappearing at the sidewalk and joining the street curb with a five foot (5') minimum radius, and a ten foot (10') maximum radius.

(3) Drive Approaches at Intersections: The drive approach nearest the intersection of two streets (corner lots) shall not be closer than twenty-five feet (25') from the common property right-of-way line.

(4) Provision for Joint Approaches: Driveway approaches shall be located entirely within the frontage of the premises except that joint driveway approaches with adjoining property holders may be permitted, provided joint application is made by all interested parties, and the width of the driveway approach does not exceed thirty-two feet (32').

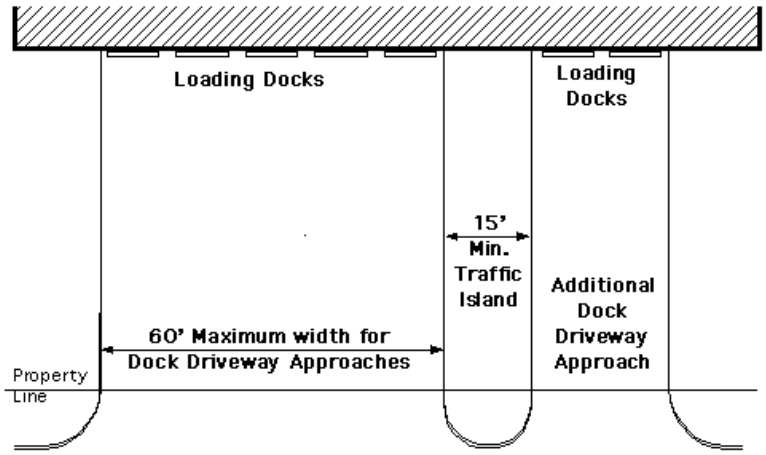
(5) Curb and Gutter to be removed: Where a driveway approach is to be constructed at a location where there exists a curb and gutter, said curb and gutter shall be removed to the

nearest construction joint, or the existing curb shall be saw cut. The driveway approach shall extend from the inside edge of the curb and gutter section to the back side of the existing or future sidewalk.

5.10.B COMMERCIAL DRIVEWAY APPROACHES:

(1) Width of Driveway Approach: The width of any commercial driveway approach shall not be less than fifteen feet (15') nor more than thirty-five feet (35') measured along the property line. If a commercial driveway approach is an entrance for an emergency access easement, it must be a minimum of twenty feet (20') wide.

(2) Driveway approaches for motor vehicle docks within a building shall not exceed sixty feet (60') in width at the property line. Where more dock space is required, the driveway approaches shall be separated by a traffic island with a minimum width of fifteen feet (15').



(3) Maximum Space to be Occupied by Driveway Approaches: Driveway approaches shall not occupy more than sixty percent (60%) of the frontage of the tract devoted to one (1) use.

(4) Number of Driveway Approaches Allowed: Not more than one (1) driveway approach shall be permitted on any parcel of property with a frontage of seventy-five feet (75') or less.

(5) Separate Ingress/Egress Drives with Islands: When a traffic island separates a driveway with separate ingress/egress approaches, the width of the traffic island at the property line shall be a minimum of twenty feet (20'). Each ingress/egress shall be a minimum of fifteen feet (15') in width and a maximum of twenty feet (20'). If designated as an emergency access easement, each must be twenty feet (20') in width. The ingress/egress will be considered as one driveway approach for distance between driveway requirements.

(6) Angle of Driveway Approach: The angle of the driveway approach with the curb line shall be ninety degrees (90°).

(7) Radius: Commercial driveway approaches shall be constructed with the return curbs having a roll face disappearing at the back side of the existing or future sidewalk and adjoining the street curb with a ten foot (10') minimum radius, and thirty foot (30') maximum radius.

Notes

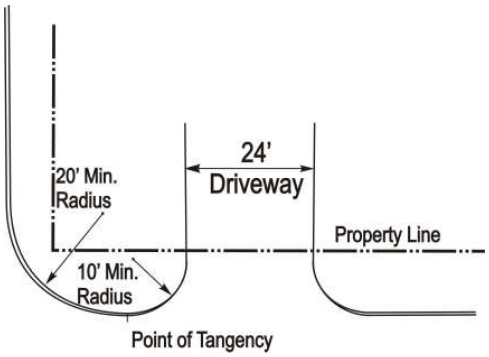
(8) Sidewalk to be Removed: Where a driveway approach is to be built, the sidewalk shall be removed and the entire area replaced as a driveway. The driveway approach shall extend to the back side of the existing or future sidewalk.

(9) Curb and Gutter to be Removed: Where a driveway approach is to be constructed at a location where there exists a curb and gutter, said curb and gutter shall be removed to the nearest construction joint or the existing curb and gutter shall be saw cut. If the curb and gutter is an integral part of a reinforced concrete street, the curb and gutter shall be saw cut and removed twenty-four inches (24") from the back of curb, the full length of the removal section and the reinforced steel tied together.

(10) Driveway Approaches at Intersection: The driveway approach nearest an intersection of two (2) streets shall meet the following minimum requirements:

a. The corner rounding shall have curbs constructed with a minimum radius of twenty feet (20') continuously between the points of tangency of the curb lines of both streets.

b. The first driveway may start from the point of tangency of the curb line and corner radius and be constructed with a ten foot (10') minimum radius.

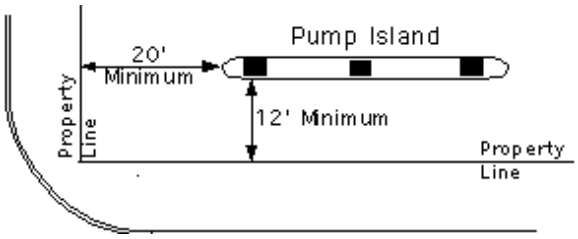


(11) Driveway Approaches at Pedestrian Crossings: Driveway approaches shall not be located in street intersections or at established pedestrian crossings.

(12) Driveway Approaches at Obstructions: Driveways shall be kept at a minimum of five feet (5') away from obstructions such as street light posts, fire hydrants, traffic signal standards, etc.

(13) Driveway Approach not to be Obstructed: Driveway approaches shall not be constructed or designed for use for the standing or parking of vehicles or for use as angle parking.

(14) Vehicle Service Station Pump Islands: Pump islands which are parallel to the street property line shall be located a minimum of twelve feet (12') from the street property line. Pump islands which are not parallel to the street shall be located twenty feet (20') minimum from the street property line measured at right angles to the street property line.



(15) Abandoned Driveway Approaches: Whenever the use of any driveway approach is abandoned and not used for ingress and egress to the property abutting (for a period of two (2) years or more), it shall be the duty of the property owner of such abutting property to restore the curb according to the standards provided in this Chapter. A driveway will be considered to be abandoned when the structure(s) which the driveway served have been demolished or otherwise removed from the site.

(16) The following distances between driveways will be required:

Roadway Speed Limits (mph)	Minimum Spacing (feet)
25	105
30	125
35	150
40	185
45	230
50	275
* Spacing will be measured from the midpoint of each driveway.	

Relief from these distance requirements may be granted by the Planning and Zoning Commission in the event that no other means of access is available.

(17) The use of common shared driveways on a property line between two properties and/or mutual access easements across property lines shall be permitted as follows:

a. Use of common shared driveways and/or mutual access easements must be by agreement of all parties involved and a specific plan submittal must be included.

b. All properties involved will be required to dedicate public ingress and egress easements to cover the common shared driveway and/or mutual access easement area.

(18) Emergency Access Easements: All dedicated emergency access easements must meet the requirements of the City of Bedford Uniform Fire Code and its amendments.

Notes

Section 5.11 Street Name Markers & Traffic Control Devices

Street name markers and traffic control devices shall be installed by the City in accordance with the type currently in use by the City of Bedford, or an approved equal, as approved by the City Manager. Street markers and traffic control devices will be installed at the expense of the developer.

Section 5.12 Street Lighting

A street lighting plan shall become an integral part of the engineering construction plans that will be reviewed and approved by the City Engineer and the Public Services Manager or his/her designee. The lighting to be installed will be of the type currently in use by the City of Bedford, or an approved equal, as approved by the City Manager. Street lights will be placed at each intersection and at mid block if the block is over twelve-hundred feet (1200') long. In no case shall the street lights be placed farther than six feet (600') apart, or as directed by the City Engineer and the Public Services Manager.

Chapter 6. Public Services Development Policies

Notes

Section 6.1 Streets

(1) Residential streets shall have a fifty foot (50') wide right of way and a thirty-one foot (31') wide street paving section from back of curb to back of curb.

(2) Street paving can be either reinforced concrete with monolithic curbs or hot mix asphaltic concrete with thirty inch (30") curb and gutter sections. In either case the design and construction must meet a twenty (20) year life cycle, utilizing the proper subgrade stabilization. Stabilization can be either cement or hydrated lime, depending on the geotechnical analysis.

(3) Cul-de-sacs can be no longer than six hundred feet (600') in length. The right-of-way in the cul-de-sac must be a minimum of a forty foot (40') radius with a right-of-way radius minimum of a fifty foot (50').

(4) If a new development abuts an unimproved street, the developer will be required to place in escrow with the City an amount set by ordinance for the future improvements.

(5) Street markers and traffic control devices shall be installed at the expense of the developer.

Section 6.2 Drainage

(1) Basis of design shall be the rational method.

(2) The storm frequencies shall be as follows:

Storm Frequencies	Number of Years
Streets	5 years
On grade inlets	5 years
Low point inlets	25 years
Culvert, bridges, channels, underpasses and creeks	100 years

(3) All drainage channels listed as designated floodplains must be submitted to FEMA for clearance. A perpetual maintenance agreement from the Homeowners Association shall be prepared and filed at the county courthouse covering all future maintenance responsibility.

(4) A developer must assume all responsibility for surface water coming on site, what is generated by the development, and for not creating a detriment downstream of the development.

Section 6.3 Water

(1) Standard size City main is six-inch (6") diameter (minimum).

(2) Proposed water mains shown on the City's Water Distribution Plan shall be constructed at the developer's expense.

(3) City mains shall be placed between the back of curb and the right-of-way line. Every effort will be made to clear the proposed sidewalks.

Notes

(4) Single or bull-head water services are acceptable. Single services shall be placed in the center of the lot. The bull-head services shall be placed on the common property line between lots. The minimum size water service is 3/4 inch. Bull-head services with two (2) - 3/4 inch services will require a 1 inch tap. Bull head services with two (2) - 1 inch services will require a 1 1/2 inch tap.

(5) Fire hydrants will be placed at intersections and spaced every five hundred 500 feet in residential developments and spaced every three hundred feet (300') in non-residential developments. They should be located three feet (3') from the back of curb in residential developments and five feet (5') from back of curb on collector streets and thoroughfares.

Section 6.4 Sanitary Sewer

(1) Minimum standard City main is six-inch (6") diameter. Other sizes will be required to obtain the minimum of two feet (2') per second velocity.

(2) Manholes will be used at points of angular turn, change in grades, and/or at the ends of sewer systems. Cleanouts are not allowed.

(3) Residential services shall be four inch (4") diameter and placed five feet (5') downstream of the centerline of the lot.

(4) Non-residential services shall be a minimum of four inch (4") diameter and may be located at selected locations, to fit the development concept of the tract. If a six inch (6") diameter service is required, a manhole must be used to connect the new service to the City sewer main.

(5) If at all possible, the City main should be placed in the center of the street in order to facilitate the service and the methods for City maintenance.

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Chapter 7. Tree Preservation Ordinance

Notes

Section 7.1 Purpose

The purpose of this Section is to establish rules and regulations governing the protection of trees within the City of Bedford and to encourage the protection of healthy trees.

Section 7.2 Definitions:

"**Buildable area**": That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on a site plan.

"**Drip line**": A vertical line run through the outermost portion of the crown of a tree and extending to the ground.

"**Tree**": Any self-supporting woody perennial plant which has a trunk diameter of three inches (3") or more when measured at the point of four and one-half feet (4 1/2') above ground level and which normally attains an overall height of at least twenty feet (20') at maturity usually with one (1) main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of oak.

"**Yard area**": The front, side and rear yard areas as required under the City of Bedford Zoning Ordinance and the zoning district requirement applicable thereto.

"**Undesirable trees**": Trees that have been evaluated by the City and identified by the Texas Forest Service and/or Texas Agricultural Extension Service as being considered undesirable type trees, for lack of shade and/or aesthetic value.

Undesirable Trees	
Scientific Name	**Common name**
Acer negundo	Box Elder
Ailanthus altissima	Tree of Heaven
Albizia julibrissin	Silktree
Catalpa spp.	Catalpa
Celtis laevigata	Sugarberry
Celtis occidentalis	Common Hackberry
Crataegus spp.	Hawthorns
Eleagnus angustifolius	Russian Olive
Firmiana simplex	Chinese Parasol
Maclura pomifera	Bois d'Arc
Melia azedarach	Chinaberry
Morus rubra	Red Mulberry
Parkinsonia aculeata	Palo Verde
Populus spp.	Cottonwood & Poplar
Prosopis glandulosa	Honey Mesquite
Prunus blireiana	Ornamental Plum
Robinia pseudoacacia	Black Locust
Salix spp.	Willow
Tamarix spp.	Tamarisk
Thuja spp.	Arborvitae
Ulmus pumila	Siberian Elm
Ziyphus jujube	Jujube

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"Desirable trees": All other trees not specifically listed by the city as undesirable.

Section 7.3 Applicability

The terms and provisions of this Section shall apply to real property as follows:

(1) All vacant and undeveloped property.

(2) All unimproved property.

(3) All easements and rights-of-way except those included in a plat approved by the Planning and Zoning Commission.

Section 7.4 Permit Required

No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any tree situated on property described above without first obtaining a tree removal permit unless an exception specified herein is met.

Section 7.5 Application

Permits for removal of trees covered herein shall be obtained by making application on a form prescribed by the City to the Building Department and shall pay a non-returnable fee of five dollars ($5.00) for each acre or fraction thereof for a maximum of two hundred dollars ($200.00). The application shall be accompanied by a preliminary plat showing the exact location, size (trunk diameter and height), common name of all trees to be removed. The application shall also be accompanied by a written document indicating the reasons for removal of trees and two copies of a legible site plan drawn to the largest practicable and shall indicate the following:

(1) Location of all existing or proposed structures, improvements and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.

(2) Existing and proposed site elevations, grades and major contours.

(3) Location of existing and proposed utility easements.

(4) The location of trees on the site to be removed.

(5) Tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal.

(6) Aerial photographs, at an appropriate scale, may be substituted, at the discretion of the Building Official, for a site plan if adequate site information is supplied on the aerial photographs.

Section 7.6 Application Review

Notes

Upon receipt of a proper application, the Building Official shall review the application and consider the effect of the removal or relocation of any tree upon the drainage, topography, safety hazards, health of tree, and the natural resources prior to the granting or denying of any application. Said review may include a field inspection of the site, and the application may be referred to such department as deemed appropriate for review and recommendations. If the application is made in conjunction with a site plan submitted for approval, the application will be considered as part of the site plan, and no permit shall be issued without site plan approval.

Section 7.7 Tree Removal Permits

(1) No tree removal permits shall be issued unless one of the following conditions exist:

a. The tree is located where structures, buildings, utilities, or other improvements are to be placed and the removal of such tree is essential for the proper development of the tract and the relocation of the tree is not feasible.

b. The tree is dead, diseased, injured, in danger of falling, interferes with utility service, creates unsafe vision clearance, dangerously close to existing or proposed structures or buildings, undesirable, or conflicts with other ordinances or regulations.

c. Under no circumstances shall there be clear cutting of trees on a property prior to the issuance of a tree removal permit.

(2) Upon issuance of a tree removal permit, the developer shall be allowed to remove trees located on the buildable area of the property. Desirable trees located in required yard areas, buffers and open space areas shall be maintained. The buildable area shall include sufficient adjacent area to allow the normal operation of construction equipment as determined by the Building Official.

(3) A permit for tree removal not issued in connection with a building permit or a site plan shall become void ninety (90) days after the issue date on the permit. Permits for tree removal issued in connection with a building permit or site plan shall be valid for the period of that building permit's or site plan's validity.

Section 7.8 Replacement

(1) In the event that it is necessary to remove any desirable tree(s) outside the buildable area, the developer, as condition to issuance of a tree removal permit, may be required to replace the desirable tree(s) being removed with comparable trees somewhere within the site.

(2) A sufficient number of trees shall be planted to equal, in caliper, the diameter of the tree removed. Said replacement trees shall be a minimum of three inch (3") caliper and seven feet (7') in height when planted, and shall be a desirable tree as defined herein.

(3) At the time of application review, the person responsible for replacement, time of replacement and location will be determined by the Building Official.

Section 7.9 Tree Protection

(1) During any construction or land development, the developer shall clearly mark all trees to be maintained and all such trees or groups of trees. The developer shall not allow the

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movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any tree.

(2) During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy drip line of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or group of trees to remain.

(3) No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree.

(4) No structure or impervious paving shall be located within a six inch (6") radius of a trunk perimeter of any tree.

Section 7.10 Appeals

Any person aggrieved by a decision of the Building Official under this Section of the Subdivision Ordinance shall have the right to make an appeal to the Building Commission, or any successor thereof, as provided in the City of Bedford Code of Ordinances.

Section 7.11 Exceptions

(1) In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety and require immediate removal without delay, authorization may be given by the Building Official and the tree may then be removed without obtaining a written permit as herein required.

(2) During the period of an emergency such as a tornado, storm, flood, or other act of God, the requirements of this Ordinance may be waived as may be deemed necessary the Building Official.

(3) All licensed plant or tree nurseries shall be exempt from the terms and provision of this Section only in relation to those trees planted and growing on the premises of said licensee which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.

(4) Utility companies franchised by the City may remove trees which endanger public safety and welfare by interfering with utility service, except that where such trees are on owner-occupied properties developed for one-family use, disposal of such trees shall be at the option of the property owner. Utility companies shall file with the Building Official the standards and specifications used by such company for the removal and/or pruning of trees. Such standards and specifications must be filed with the Building Official within thirty (30) days after the enactment of this Ordinance. If such plans and specifications are approved by the Building Official, a utility tree removal permit shall be issued. Such utility removal permit shall be good for any tree removal or pruning work of the utility company for a period of one year from the issuance date.

(5) The provisions and requirements of this Section of the Subdivision Ordinance shall not apply to projects of the City of Bedford, provided, however, that all City of Bedford projects that may affect trees shall preserve, replace, and relocate trees whenever feasible.

Chapter 8. Rules Posting Procedure

Notes

Section 8.1 Adoption of Rules

(1) Purpose and Authority of Departments to Adopt Rules

a. This Chapter is intended to afford minimum standards of uniform practice and procedures in the administration of Engineering Design Standards, provide appropriate public participation in the rule-making process, and provide adequate public notice of rules and/or regulations proposed and adopted by City Departments.

b. Nothing in this Chapter shall be construed to require adoption of a rule before a department may implement, administer, or enforce a provision of the Engineering Design Standards.

(2) Definitions: The following definitions of terms shall be applicable to this Chapter.

a. Rules: Shall represent the rules, regulations, and policies established and presented in the Engineering Design Standards of the City of Bedford.

b. Engineering Design Standards: Shall represent the documentation of appropriate and accepted civil engineering design and practices related to the design and construction of water, wastewater, storm drainage, and roadway facilities. The document includes engineering design practices and specifications that have been deemed applicable by the Manager of the Public Services Department.

(3) Applicability: This Chapter applies to any department with administrative duties under the Engineering Design Standards. If a department establishes a rule to assist in the implementation, administration, or enforcement of a provision of the Engineering Design Standards, the rule shall be adopted in accordance with the requirements of this Chapter. No rule proposed is valid unless adopted in substantial compliance with this Chapter.

(4) Notice by mail: Any notice posted on a central bulletin board at City Hall by the City Secretary in accordance with this Chapter shall also be mailed to any person who makes a timely request for notice by mail and pays the fee established by ordinance for such notice. Notice pursuant to this Section shall be mailed no later than five (5) days after the date notice is required to be posted.

(5) Notice of proposed rule:

a. Rule may not be adopted before a notice of the proposed rule is filed with the City Secretary. The City Secretary shall post the notice on a central bulletin board at City Hall not later than one day after its receipt and shall note the date and time the notice was posted.

b. The notice of a proposed rule required by Subsection (1) shall be signed by the Public Services Manager or his/her designee and shall include the following:

i. a brief explanation of the proposed rule;

ii. the text of the proposed rule, prepared in a manner to indicate changes from the current text, if any, except for any portion omitted in accordance with Subsection (3);

iii. a concise explanation of the particular Engineering Design Standard provision or other authority under which the rule is proposed for adoption, and a certification that the proposed rule has been reviewed by the City Attorney;

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iv. a request for comments on the proposed rule from the public, listing the name, address, and telephone number of the person to whom comments should be submitted and the last date by which comments may be submitted pursuant to Subsection (4); and

v. any other statement required by law.

c. The Public Services Manager or his/her designee proposing a rule may omit from the notice any information otherwise required under Subsection 2 (b) if the Manager deems the information to be too cumbersome, expensive, or otherwise inexpedient to include in the notice. Any information omitted from the notice shall be prepared in a manner to indicate changes from the current text, if any, and shall be available in printed or processed form by the department on request. The notice of a proposed rule shall state the general subject matter of the omitted information and the manner and cost of obtaining a copy of the omitted information.

d. Before a proposed rule may be adopted, a period of no less than thirty (30) days shall be provided after the rule is posted by the City Secretary for public comment on the proposed rule. Informal conferences and consultations as a means of obtaining the viewpoints and advice of the public concerning a proposed rule may also be used.

(6) Adoption of a proposed rule:

a. The Public Services Department may adopt a rule as proposed, may adopt a modified version of a proposed rule, or may adopt severable portions of a rule as proposed or modified without adopting all provisions of a proposed rule. No earlier than thirty (30) days after the notice of a proposed rule is posted by the City Secretary, the Public Services Department may adopt a rule by filing a notice of rule adoption with the City Secretary. The City Secretary shall post the notice on a central bulletin board at City Hall no later than one day after its receipt, shall note the date and time the notice was posted, and shall deliver a copy of the posted notice to the City Council.

b. The notice of rule adoption required by Subsection (1) shall be signed by the Manager of the Public Services Department or his/her designee shall include the following:

i. the text of the adopted rule, prepared in a manner to indicate changes from the text of the proposed rule included in the notice required by Subsection E. Notice of Proposed Rule if any, except for any portion omitted in accordance with Subsection (3);

ii. if the adopted rule is different than the proposed rule, a brief explanation of the reasons for the changes;

iii. a reasoned justification of the adopted rule, including a summary of any written comments received from the public, listing the name of any person providing written comments on the rule, whether the person was for or against adoption of the rule as proposed, and the reasons why the department may have disagreed with any written comments it received;

iv. a certification that the adopted rule has been reviewed by the City Attorney;

v. the effective date of the adopted rule; and

vi. a statement that the adopted rule may be appealed to the City Manager in accordance with the procedures set forth in G. Appeal of Adopted Rule to City Manager, with a brief explanation of that appeal procedure.

c. The Manager of the Public Services Department may omit from the notice of rule adoption any information otherwise required under 2 b. if the Manager deems the information to be too cumbersome, expensive, or otherwise inexpedient to include in the notice. Any information omitted from the notice shall be prepared in a manner to

indicate changes from the text of the proposed rule, if any, and shall be available in printed or processed form by the department on request. The notice of rule adoption shall state the general subject matter of the omitted information and the manner and cost of obtaining a copy of the omitted information.

d. A proposed rule or portion thereof not adopted in accordance with this Section is automatically withdrawn ninety (90) days after notice of the proposed rule was posted if the rule has failed within that time to be adopted, adopted as amended, or withdrawn. A proposed rule which is withdrawn shall not be adopted until a new notice is provided in accordance with the requirements of E. Notice of Proposed Rule.

(7) Appeal of adopted rule to City Manager:

a. Any person may appeal the adoption of a rule to the City Manager by filing a written appeal containing the information required by Subsection 2 with the City Secretary no later than thirty (30) days after the notice of rule adoption was posted by the City Secretary. The City Secretary shall forward a copy of the appeal to the City Manager, to the department adopting the rule being appealed, and to the City Council.

b. Each appeal shall contain the name, mailing address, and telephone number of the person appealing a rule. The appeal shall specifically identify each rule being appealed and include a statement of specific reasons why the rule should be modified or withdrawn.

c. The City Manager shall suspend the adoption of the rule pending a decision on the appeal.

d. The City Secretary shall post a notice that an adopted rule has been appealed on a central bulletin board at City Hall not later than one (1) day after receipt of the appeal and shall note the date and time the appeal was received by the City Secretary.

e. The City Manager shall act on the appeal by modifying, affirming, or withdrawing the adopted rule. Notice of the City Manager's decision shall be filed with the City Secretary and delivered to the City Council no later than five (5) days after the City Manager acts on the appeal. The City Secretary shall post the notice on a central bulletin board at City Hall no later than one (1) day after its receipt and shall note the date and time the notice was posted. If the City Manager does not act on the appeal on or before sixty (60) days after the notice of rule adoption is posted, the rule is automatically withdrawn.

f. The notice of the City Manager's decision on the appeal of an adopted rule shall be signed by the City Manager and shall include the following:

i. A statement of the decision made in response to the appeal of an adopted rule;

ii. a reasoned justification of the decision made in response to the appeal of the adopted rule, including a summary of the specific reasons included in the appeal as to why the rule should be modified or withdrawn, the City Manager's statement of why he or she may have disagreed with any of those reasons;

iii. if the text of the adopted rule was modified, the text of the modified adopted rule, prepared in a manner to indicate words added or deleted from the text of the adopted rule included in the notice required by F. Adoption of a Proposed Rule, except for any portion omitted in accordance with Subsection 7;

iv. if the text of the adopted rule was modified, a certification that the modified adopted rule has been reviewed by the City Attorney and found to be a valid exercise of the City Manager's administrative authority;

v. if the text of the adopted rule was modified, the effective date of the modified adopted rule.

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g. No later than fifteen (15) days after notice of the City Manager's decision is posted by the City Secretary, the City Manager may reconsider the decision on the appeal by providing written notice of his or her intent to reconsider the decision to the City Secretary and to the City Council. In reconsidering the decision, the City Manager shall act no later than thirty (30) days after giving notice of intent to reconsider and the decision made on reconsideration shall be in accordance with Subsection 5.

h. The City Manager may omit from the notice of his or her decision on the appeal of an adopted rule any information otherwise required under Subsection 6 (c) which the City Manager deems cumbersome, expensive, or otherwise inexpedient to include in the notice. Any information omitted from the notice shall be prepared in a manner to indicate changes from the text of the adopted rule, if any, and shall be available in print or processed form by the department on request. The notice shall state the general subject matter of the omitted information and the manner and cost of obtaining a copy of the omitted information.

(8) Adoption of rule on emergency basis:

a. If the City Manager finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule on less than thirty (30) day's notice and states in writing his or her reasons for that finding, or that a rule is necessary or desirable to implement, administer, or enforce an ordinance which first becomes effective no later than thirty (30) days before emergency adoption of the rule, the City Manager may adopt an emergency rule without prior notice or with any abbreviated notice that he or she finds practical to adopt an emergency rule. An emergency rule may be effective for a period of not longer than one hundred and twenty (120) days, renewable once for a period not to exceed sixty (60) days. The adoption of an identical rule in accordance with the other requirements of this Chapter is not required or precluded by adoption of an emergency rule. An emergency rule is adopted and becomes effective when notice of the emergency rule is filed with the City Secretary and delivered to the City Council. The City Secretary shall post the notice on a central bulletin board at City Hall no later than one (1) day after its receipt and shall note the date and time the notice was posted.

b. Notice of the adoption of an emergency rule required by Subsection 1 shall be assigned by the City Manager and shall include the following:

i. the text of the emergency rule;

ii. the City Manager's statement of reasons why adoption of the emergency rule is authorized, in accordance with the requirements of Subsection 1;

iii. a concise statement of the particular provision under which the rule is adopted and of how the City Manager interprets these provisions as authorizing or requiring the rule; and

iv. certification by the City Attorney that the adopted rule has been reviewed and found to be a valid exercise of the City Manager's authority.

Appendix A. Filing Fees

Notes

Filing Fees (Ordinance No. 930)	
Final Plat	$100.00 plus 25.00 an acre
Preliminary Plat	$100.00 plus 25.00 an acre
Replat	$100.00 plus 25.00 an acre
Site Plan	$205.00 plus 205.00 for each acre over one
Zoning Application	$150.00 plus 75.00 for each acre over one