Subdivision and Development

Code of Ordinances ▪ Chapter 21

City of Richardson, Texas

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Chapter 21: Subdivision and Development

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Article I.
In General

Sec. 21-1. Title.

This chapter shall be known and may be cited as the City of Richardson Subdivision and Development Ordinance.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

Alley means a public or private way that affords only a secondary means of access to abutting property.

Amenity means an improvement to be dedicated to the public or property owners' association and providing an aesthetic, recreational or other benefit.

Building official means the chief building official for the city or designee.

City means the City of Richardson.

City manager means the city manager for the city or designee.

Commission means the city plan commission for the city.

Council means the City Council for the City of Richardson.

Design standards collectively means the city master transportation plan, master water distribution plan, master wastewater collection plan, standard specifications for public works construction with city special provisions, manual for general procedures for the design of water and sewer lines, storm drainage design manual, design standards and the parking design manual, as may be amended.

Developer means the person, business, corporation or association responsible for the platting and/or the development of land.

Development means the subdivision of land and/or the construction, reconstruction, conversion, or the structural alteration, relocation or enlargement of any buildings or structures; and any use or extension of the use of land.

Development engineer means the individual with the city responsible for the approval and release of civil engineering plans for the construction of projects or designee.

Development plan means a plan that must be approved by the city prior to any improvements to a property. A development plan may include, but is not limited to, a plat, site plan, civil engineering plans or landscape plan.

Development plan application means the executed application forms, other required documents, applicable development plans and fees required by the city.

Development review committee means the committee, comprised by city staff, responsible for reviewing a development plan application.

Development services means the development services department for the city.

Director means the director of the development services department for the city.

Easement means a right of use granted within a tract of land by a property owner to another entity for purposes specified therein.

Escrow means cash or other acceptable security deposited with the city in accordance with city policies or regulations.

Gross floor area means the total area of a building, measured from the exterior surface of all exterior walls, including basements, elevator shafts or stairwells at each floor, interior balconies or mezzanines, and floor space in accessory buildings, or from the centerline of a common wall separating two buildings.

Infrastructure means facilities and services necessary to sustain the land use activity, including, but not limited to: paving, water, sanitary sewer, storm sewer and other utilities.

Lot means a designated parcel tract or area of land established by a plat to be separately owned, used, developed or built upon.

Lot, corner means a lot abutting two or more streets at their intersection or on two parts of the same street.

Lot, double frontage means a lot having frontage on two roughly parallel streets, as distinguished from a corner lot.

Lot, flag means a lot that is predominantly situated behind another lot and having access to a street by means of a narrow portion of the lot generally having a depth greater than its frontage extending out to the street.

Lot orientation means the arrangement or position of the lot in relation to the abutting street.

Manual for general procedures for the design of water and sewer lines means the city's manual for general procedures for the design of water and sewer lines, as adopted by the city, and as amended from time to time.

Master transportation plan means the city's master transportation plan, as adopted by the city, and as amended from time to time.

Master water and sewer plan means the city's master water and sewer plan, as adopted by the city, and as amended from time to time.

Mixed-use means the development of a tract of land, building, or structure that includes multiple uses, including, but not limited to, residential, office, retail, public, or entertainment.

New project means an endeavor over which the city exerts its jurisdiction and for which one or more permit is required to initiate the development in accordance with city regulations.

Nonresidential means a use other than residential including, but not limited to, apartment, commercial, industrial, office, retail, institutional and a religious institution.

Parking design manual means the city's parking design manual, as may be amended from time to time.

Parkway means the area between the property line and the edge of the paving along the adjacent thoroughfare.

Permit means a license, certificate, approval, registration, consent, permit, or other form of authorization required by law, rule, registration, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

Phase means a portion or part of an area covered by a plat.

Plat (includes an *amending plat, final plat* or *replat*) means a legal document that describes a lot or lots both graphically and by metes and bounds and dedicates rights-of-way and easements necessary for development of said lot(s).

Preliminary plat means a plan showing the proposed layout of a residential subdivision, including but not limited to, lot area, infrastructure, existing contours and vegetation.

Private street or alley means a private vehicular access shared by and serving two or more lots, which is not dedicated to the public as a street or alley and is not publicly maintained.

Project means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue or complete an endeavor.

Property manager means a person who, for compensation, has managing control of real property including improvements.

Property owner means any individual(s), firm(s), corporation(s) or other legal entity having legal title to or sufficient proprietary interest in the property, or the property owner's representative that has express written authority to act on behalf of the property owner.

Religious institution means structures, related accessory buildings and parking facilities utilized for regular assembly for worship and those accessory uses which are customarily associated therewith.

Replat means any change to an approved and recorded plat, except as permitted as an amending plat in accordance with the Texas Local Government Code, that affects any street layout or area dedicated for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions or additions. A replat includes the combination of lots into a single lot for purposes of development.

Residential means a use including residential, townhome, patio home and duplex.

Standard construction details means the city's standard construction details, as adopted by the city, and as amended from time to time.

Storm drainage design manual means the city's storm drainage design manual, as adopted by the city, and as amended from time to time.

Street means a dedicated public way for vehicular traffic, whether designated as a street, highway, thoroughfare, throughway, road, avenue, boulevard, private place, or however otherwise designated, other than an alley or driveway.

Subdivision means the division of land situated within the corporate limits, or within the city's extraterritorial jurisdiction, into two or more parts, or the identification of a single tract, for the purpose of laying out land or any addition to the city, or for laying out lots, streets, alleys, squares, parks or other parts intended to be dedicated to public use or for the use of purchasers or property owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for the purpose whether immediate or future, of creating building sites. Subdivision includes resubdivision, reconfiguration or consolidation of land, but it does not include the

division of land into parts greater than five acres, where each part has access to a street and no public improvement is required or dedicated.

Substandard street means an existing street that does not comply with the minimum specifications in the master transportation plan and/or city construction standards.

Surveyor means a registered professional land surveyor, as authorized by state law to practice the profession of surveying.

Three-way contract means a contract between the city, the developer and the contractor for public improvements within city rights-of-way or dedicated easement.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-3. Authority.

(a) This chapter is adopted under the authority of the City Charter, and the Constitution and laws of the State of Texas, including the Texas Local Government Code, as may be amended.

(b) Notwithstanding any other ordinance or provision of this chapter, the commission is the final approving body for a development plan application.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-4. Purpose.

(a) The regulations in this chapter are adopted by the council for persons intending to subdivide and/or develop land located within the corporate limits of the city; and all land outside the corporate limits that the city may annex, and all land within the extraterritorial jurisdiction of the city to the full extent allowed by state law. The exercise of this supervision is in accordance with the City Charter, as may be amended.

(b) The purpose of this chapter is to:

(1) Provide for the orderly, safe and healthy development of the land within the city;

(2) Protect and promote the health, safety, morals and general welfare of the city;

(3) Guide the future growth and development of the city;

(4) Insure the provision of adequate and efficient transportation, streets, storm drainage, water, wastewater, parks, and open space facilities;

(5) Establish procedures for development plans and design standards to promote the orderly layout and use of land, and to insure proper legal descriptions and monumenting of platted land;

(6) Ensure that public infrastructure facilities required by city ordinances are available with sufficient capacity to serve the proposed development; and

(7) Provide the cost of public infrastructure improvements that primarily benefit the proposed development is borne by the property owner.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-5. Applicability.

This chapter shall apply to all land within the corporate limits of the city, all land outside the corporate limits that the city may annex, and all land within the extraterritorial jurisdiction of the city to the full extent allowed by state law.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-6. Filing fees.

(a) The council shall establish, by resolution, filing fees for development plans.

(b) Fees shall be paid to the city at the time of the initial development submittal. The development services department will not process a development application until the applicable fees have been paid.

(c) Fees shall be charged regardless of whether the development plans are approved or denied.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-7. Submittal deadlines and requirements.

(a) The director may establish official submittal deadlines, application forms, submittal requirements, development plan requirements and review procedures for development applications.

(b) Complete development applications submitted after the official submittal deadline shall be processed on the subsequent official submittal deadline.

(c) The commission shall not consider development plans until it has been determined by the director that:

(1) The submittal is complete and in conformance with this chapter;

(2) All required plans and/or documents are submitted in a complete format; and

(3) All required fees, charges, assessments, and taxes established by resolution or ordinance have been paid.

(d) The official filing date when the statutory period requiring approval or disapproval of a plat shall commence when the director determines the submittal is complete as described herein.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-8. Expiration dates.

(a) A development plan application expires 45 days after the date the application is filed if:

(1) The development plan application is incomplete;

(2) The city provides written notice to the applicant, within ten business days after the application is filed, stating why the application is incomplete and indicates the expiration date for the application; and

(3) The applicant fails to take the necessary action to complete the development application prior to the expiration date specified by the city.

(b) The approval of a preliminary plat expires 12 months after the date of approval unless a final plat is approved for the property within such period, or the commission, upon written request of the property owner, extends the period. If the time period is not extended, or a final plat is not approved by the commission within the 12 months, the preliminary plat approval shall be null and void, and the property owner shall be required to receive approval for a new preliminary plat for the property subject to the then existing zoning, subdivision and other development regulations.

(c) If a final plat has not been submitted and approved on at least a phase of the area covered by the preliminary plat within 12 months after the date of preliminary plat approval, the preliminary plat shall expire and be declared null and void. In the event that only a portion of the preliminary plat has been submitted for final plat approval, then the preliminary plat for those areas not final platted within three years of the date of preliminary plat approval shall expire and be declared null and void, unless the commission, upon written request of the property owner, extends the period. Any portion of a preliminary plat not receiving final plat approval within the period of time set forth herein shall expire and be declared null and void, and the property owner shall be required to submit a new preliminary plat for approval which shall be subject to any new zoning, subdivision and development regulations, and the payment of any applicable fees.

(d) Notwithstanding any other ordinance or provision of this chapter to the contrary, an individual permit shall expire two years after the date of development plan approval by the commission if no progress has been made towards completion of the project.

(e) Notwithstanding any other ordinance or provision of this chapter to the contrary, a project shall expire five years after the date of development plan approval by the commission if no progress has been made towards completion of the project.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-9. Variances.

Where in its judgment the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, upon recommendation by the commission, the council may, in specific cases, at a regular meeting of the council, and subject to appropriate conditions and safeguards, authorize variances to the regulations in this chapter in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship. No written public notice shall be required prior to the granting of the variances provided for in this chapter.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-10. Penalty and enforcement.

(a) Building permits shall not be issued where proposed development plans do not conform to this chapter.

(b) Any person, firm or corporation violating any of the provisions of this chapter shall be punished as provided in the general provisions of the Code of Ordinances.

(c) All property developed under the provisions of this chapter shall be maintained by the property owner so as to comply with the requirements of this chapter at all times. Any such person failing to maintain property so as to comply with the requirements of this chapter shall be punished as provided in the general provisions of the Code of Ordinances.

(d) It shall be unlawful for any property owner, or agent of any property owner, to lay out, subdivide or plat any land into lots, blocks and streets within the city, or to sell property therein and thereby, which has not been subdivided according to the ordinances of the city.

(e) Utility connections for individual lots are not authorized until development plans have been approved in accordance with this chapter.

(f) No building permit shall be issued for the construction of a building upon any lot unless such lot has been officially recorded by an approved plat in accordance with this chapter. No building permit shall be issued for the construction of a building upon any residential lot unless all required public improvements have been constructed and accepted by the city. Notwithstanding the foregoing, the city may, pursuant to administrative policy, issue building permits for residential structures prior to the city's final acceptance of the required public improvements.

(g) No certificate of occupancy shall be issued for a building nor shall the city accept a residential subdivision without an officially recorded plat and until all required improvements have been completed and accepted by the city. Notwithstanding, the city manager may authorize the occupancy of a structure provided that an agreement providing cash escrow, letter of credit, or other sufficient surety is approved by the city for the completion of all remaining public improvements.

(h) The city shall withhold improvements of whatsoever nature, including the furnishing of water and sewer facilities and service, from any development that has not been approved and constructed in accordance with this chapter.

(i) Any person, firm or corporation who shall violate any of the provisions of this chapter or who shall fail to comply with any provisions hereof within the corporate boundaries of the city or the extraterritorial jurisdiction of the city, shall be subject to any appropriate action or proceeding by the city to enjoin, correct, abate or restrain the violation of this chapter including the recovery of damages and civil penalties.

(Ord. No. 3599, § 1, 3-26-07)

Secs. 21-11—21-15. Reserved.

Article II.
Development Procedure

Sec. 21-16. General.

(a) The procedure for processing a development application typically requires three steps by the property owner: mandatory pre-submittal conference, initial development submittal and the final development submittal.

(b) Except as otherwise permitted, the approval of development plans by the city is required prior to the issuance of any permit for the development of any property.

(c) The approval of a preliminary plat is required for single-family residential, patio home and duplex subdivisions. A preliminary plat is not required for townhome, apartment and non-residential subdivisions.

(d) The approval of a site plan is required for townhome, apartment, nonresidential and mixed uses. A site plan is not required for detached single-family residential and duplex uses.

(e) The approval of a landscape plan is required for apartment, nonresidential and mixed uses. A parkway and common area landscape plan is required for detached single-family residential, townhome and duplex uses.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-17. Information required for development plans.

The development services department shall create and update a document entitled "developer's checklist" to assist in the preparation of development plans. This document indicates the sheet format and information that constitute development plans.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-18. Development plan process.

(a) The purpose of development plans is to insure that the proposed development conforms to city regulations and policies.

(b) Prior to submitting development plans, the property owner must schedule a mandatory presubmittal conference with staff. The purpose of this meeting between staff and the property owner is to insure that the appropriate development plans will be prepared in accordance with city requirements and policies.

(c) Should staff determine the development plans are in accordance with city requirements and policies, staff will provide the property owner an initial development submittal authorization form.

(d) After receipt of the initial development submittal authorization form, the property owner may file a development plan application with the development services department in accordance with city policy.

(e) Should staff determine that the development plan application is complete, development services shall distribute the development plans to the development review committee.

(f) Should staff determine the development plan application is incomplete, staff shall provide written notification to the property owner in accordance with this chapter.

(g) Development services will accumulate comments from the development review committee and schedule a meeting with the property owner to discuss the comments. The property owner must make the required corrections and file a final development submittal in accordance with city policy in order for the review process to proceed.

(h) Upon receipt of the final development submittal, staff shall verify that the comments have been addressed. Provided that the comments have been addressed, staff shall place the development plans on the next available commission agenda.

(i) Staff shall provide written background to the commission concerning the development plans.

(j) Following a briefing by staff, the commission shall act on the development plans at the commission meeting.

(k) Approval of development plans shall certify compliance with city regulations.

(l) The city shall distribute the approved and signed development plans to the appropriate city departments and county for record.

(m) Once the development plans have been approved and distributed, permits may be requested by the property owner.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-19. General approval standards.

(a) The commission does not have the authority to waive requirements contained in the comprehensive zoning ordinance or any other ordinance of the city.

(b) Development plans must conform to the design standards, applicable zoning, the subdivision and development ordinance and any other applicable regulations of the city.

(c) All required fees, charges, assessments and taxes established by resolution or ordinance have been paid.

(d) The city has received executed applications and other applicable documents, including but not limited to affidavits, property owners' association covenants and deed restrictions and separate instruments.

(e) If a zoning change is contemplated for the property, the zoning change must be completed prior to the approval of the development plans for the property.

(f) Development plans reflecting a condition not in accordance with city requirements shall not be approved until all necessary variances have been secured.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-20. Additional approval standards for a preliminary plat.

(a) The commission shall, in its action on a preliminary plat, consider the physical arrangement of the subdivision and determine the adequacy of the thoroughfare rights-of-way and alignment and the compliance of the thoroughfares with the master transportation plan, the existing thoroughfare alignment in the area and with any other applicable

provisions of the comprehensive zoning ordinance or other applicable standards. The commission shall also ascertain that adequate easements for proposed or future utility service and drainage are provided, and that the lot sizes and areas comply with the comprehensive zoning ordinance.

(b) The commission may:

(1) Approve the preliminary plat as presented;

(2) Approve the preliminary plat with conditions; or

(3) Disapprove the preliminary plat. If disapproved, the commission upon written request from the property owner shall state the reasons for the disapproval. A conditional approval shall be considered disapproved until the conditions have been satisfied. No final plat shall be accepted for consideration if the commission has disapproved the preliminary plat.

(c) The commission shall not approve a preliminary plat unless the development engineer has approved the preliminary civil engineering plans.

(d) Approval of a preliminary plat by the commission is not approval of the final plat but is an expression of approval of the layout shown subject to satisfaction of specified conditions. The preliminary plat shall serve as a guide in the preparation of a final plat.

(e) The preliminary plat shall indicate any proposed phasing of the development with a heavy dashed line. Each phase shall be numbered sequentially and in the proposed order of development. The proposed utility, street and drainage layout for each phase shall be designed in such a manner that the phases can be developed in numerical sequence. Thereafter, subsequent plats shall conform to the approved overall layout and phasing, unless a revised preliminary plat is approved by the city. The commission may impose such conditions upon the filing of the phases as deemed necessary to assure the orderly development of the city. Such conditions may include but are not limited to temporary street and alley extensions, temporary cul-de-sac, turn-around, and temporary and/or off-site utility extensions. Failure to indicate phasing of the proposed development in accordance with this section prohibits the approval of a final plat for such subdivision in phases or sections.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-21. Additional approval standards for a plat.

(a) All property must be subdivided in accordance with this chapter for approval by the commission and no other subdivision shall be recognized by the city.

(b) A plat shall be required for a subdivision, consolidation or the reconfiguration of property. Where applicable, the final plat must conform substantially to the approved preliminary plat.

(c) All surveying shall be done by a public land surveyor registered in the state and in the employ of the property owner.

(d) All subdivisions shall be surveyed on the ground and all lot and block corners staked with iron pins. During construction, pavement, drainage facilities and utilities shall be staked.

(e) The commission shall not approve a plat unless the development engineer has approved the civil engineering plans.

(f) Provision for adequate public facilities must be made under the terms of this chapter.

(g) The owner of the property to be platted must provide an easement or fee simple dedication of all property needed for the construction of streets, alleys, sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, public parks, and any other property necessary to serve the development and to implement the requirements of this chapter. Dedications shown on plats are irrevocable offers to dedicate the property shown. Once the offer to dedicate is made, it may be accepted by an action by the city, by acceptance of the improvements in the dedicated areas for the purpose intended, or by actual use by the city. No improvements may be accepted until they are constructed according to the approved plans, details, and specifications, and the final plat is filed for record.

(h) The commission and council may not table or postpone the consideration of a plat, but may request the property owner to withdraw the plat. The property owner may withdraw a plat with no additional fees if it is rescheduled for consideration within 60 days of the date of withdrawal.

(i) The approval of the plat by the commission shall authorize the commission chairperson to endorse approval on the plat.

(j) The city shall record an approved and signed plat with the appropriate county as a record of the subdivision of land and said plat may be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.

(k) The approval of a plat by the city is not considered an acceptance of any proposed dedication and does not impose on the city any duty regarding the maintenance or improvement of any dedicated parts or obligate the city to finance or furnish any storm sewers, drainage structures, street, water, sewer improvements, or any other improvements within the subdivision.

(l) When a lot for which development plans have been approved is to be subdivided or replatted, revised development plans shall be submitted and approved with the plat for each lot.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-22. Additional approval standards for a plat vacation, replat and amending plat.

(a) *Plat vacation.*

(1) The property owner may vacate a plat any time before any lot in the plat is sold. A plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

(2) If lots have been sold, the plat, or any part of the plat may be vacated on the application of all property owners of the lots in the plat approved and recorded in the manner prescribed for the original plat.

(3) The commission may disapprove any vacating instrument that abridges or removes public rights in any of the public uses and improvements.

(4) Upon approval and recording of the vacating instrument with the appropriate county, the vacated plat is null and void.

(b) *Replat.*

(1) A replat of a subdivision or portion of a subdivision may be recorded and is controlled over the preceding plat without vacation of the preceding plat if the replat:

a. Is signed and acknowledged by only the property owners being replatted;

b. Does not attempt to amend or remove any covenants or restrictions; and

c. Is approved, after a public hearing on the matter, by the commission.

(2) A replat shall be approved and recorded in the manner prescribed for a plat.

(c) *Additional requirements for certain residential replats.*

(1) In addition to compliance with this chapter, a replat without vacation of the preceding 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; and

b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

(2) Notice of the public hearing, as required by this chapter, shall be given before the fifteenth day of the hearing by:

a. Publication in the official newspaper; and

b. By written notice, with a copy of V.T.C.A, Local Government Code § 212.015(c) attached and forwarded to the property owners of the lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved city tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property for which the replat is requested.

(3) If the proposed replat requires a variance and is protested in accordance with this subsection, the replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present at the meeting of the commission. For a legal protest, written instruments signed by property owners of at least 20 percent of the area of the land or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the commission prior to the close of the public hearing.

(4) In computing the percentage of land area under subsection (3) above, the area of streets and alleys shall be included.

(5) Compliance with subsections (3) and (4) is not required for approval of a replat of part of a preceding plat if the area being replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

(d) *Amending plat.*

(1) The commission may approve an amending plat, which may be recorded and is controlled over the preceding plat without vacation of that plat, if the amending plat is signed by all the property owners and is solely for one or more of the following reasons:

a. To correct an error in a course or distance shown on the preceding plat;

b. To add a course or distance that was omitted on the preceding plat;

c. To correct an error in the real property description shown on the preceding plat;

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

e. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

f. To correct any other type of scrivener or clerical error or omission previously approved, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

g. To correct an error in courses and distances of lot lines between two adjacent lots if:

1. The property owners of both lots join in the application for the amending plat;

2. Neither lot is abolished;

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

4. The amendment does not have a material adverse effect on the property rights of the other property owners in the original plat.

h. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement if:

1. The property owners of all lots join in the application for the amending plat; and

2. The amendment does not attempt to remove recorded covenants or restrictions and does not increase the number of lots;

i. To relocate one or more lot lines between one or more adjacent lots if:

1. The property owners of all lots join in the application for the amending plat; and

2. The amendment does not attempt to remove recorded covenants or restrictions and does not increase the number of lots;

j. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or portion of the subdivision if:

1. The changes do not affect applicable zoning and other regulations of the city;
2. The changes do not attempt to amend or remove any covenants or restrictions; and
3. 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; or

k. To replat one or more lots fronting on an existing street if:

1. The property owners of all the lots join in the application for the amending plat;
2. The amendment does not attempt to remove recorded covenants or restrictions;
3. The amendment does not increase the number of lots; and
4. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(2) Notice, hearing and the approval of other property owners are not required for the approval and issuance of an amending plat.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-23. Additional approval standards for a preliminary site plan.

(a) A property owner may submit a preliminary site plan, in accordance with site plan requirements, for commission consideration; however, unless specified by zoning or other regulation, no preliminary site plan shall be required.

(b) Approval of a preliminary site plan by the commission serves as a guide in the preparation of a site plan.

(c) Permits shall not be issued based upon a preliminary site plan.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-24. Additional approval standards for a site plan.

(a) A site plan is a detailed, scaled drawing that indicates existing and proposed site improvements.

(b) The commission consideration shall include conformance with the comprehensive zoning ordinance, the provision of infrastructure, vehicular and pedestrian circulation, parking, screening, landscape area and any other aspect deemed necessary to consider in the interest of providing the public health, safety, order, convenience, prosperity and general welfare of the community.

(c) The property owner is responsible for maintaining the property in accordance with the approved site plan.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-25. Additional approval standards for a revised site plan.

(a) Where changes to a previously approved site plan are proposed, and such changes result in modification to easements or right-of-way, or where the gross building square footage will increase by more than ten percent or 1,000 square feet, whichever is less, a revised site plan shall be approved by the commission.

(b) A revised site plan shall be in prepared and approved in accordance with the requirements of a site plan.

(c) If the proposed changes are minor revisions as determined by the director, administrative approval may be permitted in accordance with this chapter.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-26. Administrative approval standards for minor revisions to an approved site plan.

(a) The director shall be authorized to approve minor revisions to an approved site plan which:

(1) Do not require modification to any easement or right-of-way.

(2) Comply with the comprehensive zoning ordinance and other applicable regulations and policies.

(3) Does not increase the gross building square footage by more than ten percent or 1,000 square feet, whichever is less.

(b) The administrative approval will appear as a consent item on the commission agenda for acknowledgement.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-27. Additional approval standards for civil engineering plans.

(a) Civil engineering plans and specifications for water, sewer, paving, grading and drainage, prepared by a civil engineer registered in the state must be acknowledged as a consent item of the commission agenda after approval by the development engineer.

(b) The development engineer is responsible for releasing the plans for construction. Upon such release, each contractor shall maintain one set of approved plans, with the development engineer's signature and date of approval, at the project site at all times during construction.

(c) If commencement of construction has not occurred within six months after approval of the civil engineering plans, resubmittal of plans may be required by the development engineer to meet current standards and requirements. For purposes of this chapter, commencement of construction shall mean issuance of a construction permit and grading the land.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-28. General approval standards for a landscape plan.

(a) A landscape plan is a detailed, scaled drawing that indicates existing and proposed landscape area and improvements.

(b) There shall be permitted fountains, ponds, sculptures, planters, walkways, flagpoles, light standards and decorative screen-type walls as elements of landscaping in areas designated for landscaping. Decorative-type walls, planters and sculptures shall be 30 inches or less in height. The commission shall be authorized to permit heights in excess of 30 inches where such is in the best interest of landscaping and will not, in the commission's opinion, create a problem relative to public health, safety, convenience, prosperity and general welfare.

(c) Landscape material shall be irrigated by a mechanical underground system with operating rain and freeze sensors.

(d) The commission consideration of a landscape plan shall include conformance with the comprehensive zoning ordinance, city policies, adequacy of the proposed landscaping and any other aspect deemed necessary to consider in the interest of providing the public health, safety, order, convenience, prosperity and general welfare of the community.

(e) Prior to the issuance of a certificate of occupancy or a final building inspection, all approved landscaping must be in place or, if seasonal considerations prohibit the completion of the landscaping, a temporary certificate of occupancy may be issued for such time as is reasonable to complete the landscaping.

(f) The property owner is responsible for maintaining the landscape in accordance with the approved landscape plan and all irrigation systems shall be maintained and operable.

(g) Dying plant material, as determined by the city, shall be replaced in accordance with the approved landscape plan.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-29. Additional approval standards for residential districts landscape plan.

Property that is zoned for residential uses and is developed only as a principal or accessory parking lot, a minimum of ten percent of the property shall be landscaped in accordance with a landscape plan approved by the commission.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-30. Additional approval standards for nonresidential districts landscape plan.

(a) Landscape shall be provided on the same lot, parcel or tract as the building that is being served, and shall be provided in the following ratios:

(1) For a development having a building or buildings with a total gross square footage of less than 75,000 square feet, a minimum of seven percent of the gross land area is required.

(2) For lots, parcels or tracts of land having a building or buildings with a total gross square footage of 75,000 square feet or more, a minimum of ten percent of the gross land area is required.

(b) With respect to landscaping parking areas, a minimum of 20 percent of the required landscaping shall be provided in areas that are internal to the parking areas. In parking lots having only one row of parking, this requirement may be met with perimeter landscaping.

(c) For purposes of establishing compliance with the minimum area requirements for landscaping, no land within the 100-year floodway, as determined by the most recent FEMA study, shall be counted as fulfilling the minimum landscape area requirements.

(d) Properties having frontage along U.S. 75 should refer to the U.S. 75 amenities planning guidelines.

(e) Properties having frontage along President George Bush High[way] should refer to the President George Bush Highway design guidelines.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-31. Additional approval standards for a revised landscape plan.

(a) Where changes to a previously approved landscape plan are proposed, a revised landscape plan must be approved by the commission.

(b) A revised landscape plan shall be prepared and approved in accordance with the requirements of a landscape plan.

(c) If the proposed changes are minor revisions as determined by the director, administrative approval may be permitted in accordance with this chapter.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-32. Administrative approval standards for minor revisions to an approved landscape plan.

(a) The director shall be authorized to approve minor revisions to an approved landscape plan which:

(1) Do not require modification to any easement or right-of-way.

(2) Comply with the comprehensive zoning ordinance and other applicable regulations and policies.

(b) The administrative approval will appear as a consent item on the commission agenda for acknowledgement.

(Ord. No. 3599, § 1, 3-26-07)

Secs. 21-33—21-39. Reserved.

Article III.
Standards and Requirement

Sec. 21-40. Design and construction specifications.

The following design standards, as may be amended, are incorporated by reference into this chapter:

(a) Master transportation plan;

(b) Master water distribution plan;

(c) Master wastewater collection plan;

(d) Standard specifications for public works construction with City of Richardson Special Provisions;

(e) Manual for general procedures for the design of water and sewer lines;

(f) Storm drainage design manual;

(g) Standard construction details;

(h) Parking design manual;

(i) U.S. 75 amenities planning guidelines;

(j) President George Bush Highway design guidelines.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-41. Streets.

(a) The master transportation plan approved by the city council and, as amended from time to time, is hereby adopted as the master transportation plan of the city, and all future streets to be platted or developed within the city shall conform to the requirements of such master transportation plan, as amended. The master transportation plan, as amended from time to time by the city council, is made a part of this chapter the same as if copied in full herein."

(b) All necessary street right-of-way shall be dedicated as part of the platting process and shall be dedicated to the city without cost.

(c) Existing streets shall be continued with the same or greater right-of-way and pavement widths as the existing street being connected where practical, as determined by the development services department.

(d) Proposed streets shall:

(1) Align with existing streets in adjacent developments.

(2) Be named to provide continuity with existing streets.

(3) Avoid dead ends, except for future extension.

(4) Be platted to allow two tiers of lots between streets when possible to avoid double frontage lots.

(5) Be platted with appropriate regard for all topographical features lending themselves to attractive treatment and layout of utilities.

(e) Block lengths in single-family residential subdivisions shall not exceed 1,000 feet without an intersection with another street. Blocks designed for nonresidential and multifamily uses may be of such length and width as determined suitable and appropriate by the commission for the prospective use. In long blocks, the commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian access.

(f) No street may be designed as a dead end without the installation of a cul-de-sac having at least a 50-foot right-of-way radius and a 40-foot paved radius. No cul-de-sac street may exceed 500 feet in length as measured along the street centerline from the projected curb intersection to the farthest curb location.

(g) All paving shall be constructed in accordance with the design standards.

(h) The right-of-way shall be graded full width to provide suitable finish grades for pavement, sidewalks and parkway with adequate surface drainage and convenient access to the lots.

(i) Where a proposed subdivision abuts an existing substandard street according to city requirements, the developer shall be required to improve the existing street, including sidewalks and storm drainage facilities, to bring the same to city standards, or to replace it with a standard city street, at no cost to the city other than as set out in the cost-sharing policy of the city in effect at the time of approval of the plat. Where the proposed subdivision is located along only one side of such substandard street, and where, in the city's judgment, it is not feasible to improve or replace such substandard street at the time of development of the adjacent subdivision, the city may permit the developer to pay into escrow an amount of money to be calculated by the city equal to the developer's share of the cost of such improvements as a condition precedent to approval of such plat of such subdivision.

(j) The city plan commission may consider allowing a subdivision to develop with private streets and alleys.

(Ord. No. 3599, § 1, 3-26-07; Ord. 3736, § 1, 1-12-2009)

Sec. 21-42. Street names and signs.

(a) Proposed street names must be submitted to the development services department for approval as an element of the final plat.

(b) The developer, prior to approval of the final plat, shall pay the city the cost for the installation of the street signs by the city.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-43. Parkways, medians and median openings.

(a) The property owner or mandatory property owners' association is required to maintain the parkway area between the property line and the edge of paving along the adjacent thoroughfare.

(b) Where a parkway occurs between a required screening wall and the curb line of a street, whether such curb line exists or is future, the developer shall landscape such parkway at the time of the development of a subdivision in which such parkway is located. The parkway landscaping shall be in accordance with a plan approved by the commission. Development services is charged with the staff function of reviewing the landscaping plans and making recommendations regarding such to the commission.

(c) When conditions make it impractical to complete such landscaping with the development of a subdivision; an amount may be deposited with the city to cover the cost of such landscaping, including irrigation, retaining walls, etc. The amount of the deposit shall be based on a firm bid from a landscaping firm whose work is acceptable to the city, such bid to be on the approved plans and specifications.

(d) Unpaved medians in streets shall be backfilled and sodded in accordance with the design standards; such requirement also to apply to the nonpaved areas interior to cul-de-sac pavements known as cul-de-sac medians.

(e) The landscaping and maintenance of medians are the responsibility of the city; except that cul-de-sac medians shall be landscaped by the developer at the time of the development of a subdivision in which such cul-de-sac is located. The cul-de-sac median landscaping shall be in accordance with a plan approved by the commission at the time of the consideration and approval of the plat of a subdivision in which such cul-de-sac is located. Development services is charged with the staff function of reviewing the landscaping plans and making recommendations regarding such to the commission.

(f) Median openings shall be designed in accordance with the master transportation plan.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-44. Alleys.

(a) Townhome lots shall be served by means of an alley. Alleys within or abutting a townhome lot may be used for ingress and egress to parking and service areas, provided a minimum paved alley width of 20 feet is provided from a street to the parking or service area. The commission, giving consideration to adjacent properties and appropriate screening, shall approve such ingress and egress.

(b) Patio home lots shall have access to an alley with a right-of-way width of not less than 15 feet and a paved width of not less than ten feet. In such instances, a six-foot, 45-degree driveway easement shall be provided along the designated zero property line from the alley right-of-way to the zero property line. As an alternative, an alley with a 20-foot right-of-way and a 15-foot paved section may be provided. In such instances, no driveway easement shall be required.

(c) Where provided, alleys in all other single-family detached residential and duplex subdivisions shall have a minimum right-of-way width of 15 feet and a paved width of not less than ten feet.

(d) Where provided, alleys within or abutting an apartment community may be used for ingress and egress to parking and service areas, provided a minimum paved alley width of 20 feet is provided from a street to the parking or service area. The commission, giving consideration to adjacent properties and appropriate screening, shall approve such ingress and egress.

(e) Where provided, a nonresidential subdivision shall have a minimum alley right-of-way and paving width of 20 feet.

(f) Alleys shall be constructed in accordance with the design standards.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-45. Sidewalks.

(a) At the time of development, the developer shall construct a concrete sidewalk in accordance with the design standards along adjacent streets at no cost to the city.

(b) Property adjacent to a residential local or residential collector street must provide a minimum four-foot wide sidewalk along the street frontage, within the right-of-way.

(c) Property adjacent to a nonresidential street must provide a minimum five-foot sidewalk along the street frontage, within the right-of-way.

(d) Where necessary, the required sidewalk or portions thereof may be located within private property provided that a pedestrian easement is dedicated where the sidewalk is not located within the street right-of-way and is subject to city approval.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-46. Lots and blocks.

(a) Minimum area requirements pertaining to lot widths, depths and areas shall be those set forth in the applicable zoning regulations for any property being platted.

(b) All lots shall front on a dedicated public street or an approved private street that meets the applicable minimum street standards.

(c) The area of a lot shall be computed by taking the total area measured on a horizontal plane within the lot lines.

(d) Flag lots shall be prohibited.

(e) Side lot lines for single-family lots shall be configured at right angles to tangent street lines or radial to curved street lines. The commission may grant an exception at the time of the preliminary plat when, in their opinion, the proposed design would provide a more desirable development or topography or other land related conditions suggest such a design.

(f) Double frontage lots shall be avoided within a single-family residential subdivision, except where essential to provide separation from traffic arteries or to overcome specific disadvantages of topography or orientation. In instances where double frontage lot is acceptable, the plat must designate one frontage with a rear building line with no access permitted.

(g) Single-family residential lots shall not back upon a dedicated or proposed street, unless the street upon which the single-family residential lots back shall have a minimum width of 100 feet. Where single-family lots are permitted to back upon a dedicated or proposed street, an alley is required adjacent to such street and screening regulations shall apply as described herein.

(h) Where a subdivision is platted so that lots back up to a dedicated or proposed street, the developer shall improve said street in accordance with the design standards. In the case of an existing substandard street, the requirements in this chapter shall apply.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-47. Screening and open space.

(a) For religious institutions in residential districts, all parking areas shall be screened from the view of adjacent single-family residential districts by a masonry wall, not less than six feet in height, or a living screen within a landscape buffer at least eight feet in width, in conjunction with either a wrought-iron or vinyl-coated chain-link fence, or combination thereof.

(b) In an apartment district and for apartments in areas zoned planned development, all parking and service areas shall be screened from the view of single-family or duplex properties by means of a screening wall not less than six feet in height of clay-fired brick, architectural concrete masonry unit block, stone or other material approved by the city.

(c) Where single-family lots are permitted to back upon a dedicated or proposed street, a masonry wall, not less than six feet in height, or a living screen within a landscape buffer at least 20 feet in width, or combination thereof shall be provided to screen the residential lots from the street. Wrought iron may be used in combination with the masonry wall or living screen to provide a view to a landscape feature such as a landscaped median, common area or cul-de-sac.

(d) In the event a nonresidential use backs or sides upon a residential, duplex, or apartment district, a masonry wall, not less than six feet in height, shall be constructed upon the non-residential property. The construction of this screening wall must be completed prior to a building permit being issued for the principal structure on the non-residential property.

(e) In the event a building in a nonresidential district backs upon a dedicated street, such building shall be separated from the right-of-way by a minimum distance of 20 feet and such building shall be screened by a masonry wall, not less than eight feet in height, or a living screen within a landscape buffer at least eight feet in width, in conjunction with wrought iron, or any combination thereof.

(f) Where a masonry screening wall is required by the city, the area between the curb and the wall shall:

(1) Be backfilled in accordance with the design standards.

(2) If it is not possible to backfill these areas as part of the initial development, the developer shall deposit with the city an amount sufficient to cover the cost of the excavation and placement of such top soil and sod, such cost to be that which the developer would incur at the time of development.

(g) For nonresidential uses, all ground level equipment, including fans, vents, air conditioning units, cooling towers, fuel tanks and generators, should be screened from the view of streets and adjoining properties by means of a masonry wall or living screen not less than the height of the tallest element of the equipment.

(h) The required screening shall be constructed in accordance with plans and specifications approved by the city. The commission shall be responsible for approving the location and

aesthetic characteristics of the masonry wall or living screen, to include color, pattern, texture and/or plant material at the time of development plan approval. Said screening shall not obstruct the vision of motorists at alley, street or drive intersections.

(i) All trash receptacles shall be screened by a minimum six-foot-high masonry enclosure compatible in color with the main structure.

(j) For nonresidential uses, all roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties.

(1) The screen shall be constructed of materials approved by the building official.

(2) Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.

(3) The overall screening height will be the height of the tallest element of roof-mounted equipment.

(4) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.

(5) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.

(k) Outdoor storage, permitted as an accessory use shall be screened in accordance with the following:

(1) Outdoor storage shall not be located within required setbacks or in front of any building unless approved by the City Plan Commission in conjunction with an approved site plan depicting the type and location of screening.

(2) All outdoor storage shall be screened from the view of any adjacent public street or adjacent property by a solid masonry wall of not less than six (6) feet in height measured at the highest finished grade. The masonry wall shall be constructed and installed in accordance with the standards prescribed by this section.

(3) In lieu of a masonry wall, an evergreen, living screen within a landscape buffer may be installed. The species and location of the plant material shall be required to obtain a height of at least six feet and create a solid screen within two years of installation.

(4) Wrought iron or vinyl-coated chain link fence may be used in combination with an evergreen living screen to meet the requirements of this section.

(5) A wood or chain link fence, with or without slat inserts, shall not constitute an acceptable screening device to satisfy the requirements of this section.

(6) Material, equipment or commodities shall be stacked no higher than the height of the screening wall.

(7) Motor vehicles or trailers shall be permitted to exceed the height of the required screening, provided that no motor vehicle or trailer shall be used for, nor constitute permanent storage.

(8) The City Plan Commission may waive the requirements of this section if no public purpose would be served or natural features (i.e. vegetation or topography) exist that sufficiently screen the outdoor storage. A written request to waive the requirements and supporting information must accompany the site plan.

(9) At the time of adoption of this section, existing outdoor storage as indicated on an approved site plan is not required to comply with the requirements of this section. Should new or an expansion of outdoor storage occur, the entire outdoor storage area must comply with the requirements of this section."

(l) In a non-residential district or for non-residential and institutional uses in a Planned Development District, where the rear of any buildings in the development abuts on a residential district, open space to include alley right-of-way shall be a minimum of 60 feet.

(m) In a non-residential district or non-residential and institutional uses in Planned Development District where the side of the building in the development abuts on a residential district, open space to include alley right-of-way shall be a minimum of 46 feet.

(n) All other conditions requiring open space shall be those specified in the Comprehensive Zoning Ordinance and any amendments thereto pertinent to the subject site.

(o) In a non-residential district or for non-residential and institutional uses in a Planned Development District, no loading dock or loading area served by means of a mechanical lift shall be located closer than 100 feet from any residential property. Such loading dock or loading area shall be screened for a minimum distance of 100 feet in each direction along the common property line or alley right-of-way, by means of a living screen in addition to the required masonry wall. The design of the living screen shall be identified on the approved development plans."

(Ord. No. 3599, § 1, 3-26-07; Ord. No. 3731, §§ 1, 2, 11-10-08)

Sec. 21-48. Drainage and storm sewer.

(a) Design and construction of storm sewer systems shall be in accordance with the design standards.

(b) Major creeks shall remain in an open natural condition; smaller tributaries or drainage ways may be channelized or enclosed.

(c) An open or enclosed channel storm sewer system shall be designed to accommodate the fully developed watershed. The runoff coefficients used for the fully developed watershed shall be based on current zoning, subject to the approval by the development engineer.

(d) The owner's engineer shall prepare a study of the effect of the storm runoff on the existing downstream drainage facility for approval by the development engineer. Where it is determined that the existing capacity is not available immediately downstream, the owner's engineer shall design a drainage system to mitigate the deficiency.

(e) In general, drainage shall be provided in an underground system constructed in a dedicated easement or right-of-way. At the discretion of the development engineer, the owner shall provide, at no expense to the city, a drainage easement of sufficient width to

permit excavation and maintenance of an open channel. This channel shall be sodded, concrete lined or armored to prevent erosion.

(f) Lakes, detention ponds and retention ponds may be constructed to accommodate drainage.

(g) Other drainage concepts may be considered, subject to review and approval by the development engineer.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-49. Water and sanitary sewer.

(a) All public water main lines must comply with the master water distribution plan.

(b) All public sewer main lines must comply with the master wastewater collection plan.

(c) All water and sewer utilities shall be required to extend across the full width of the platted lot, in an alignment that will allow for extension to the adjacent property in accordance with city regulations and the master water and sewer plan. Properties already served by water and sewer shall not be required to install additional facilities unless the current lines are not of adequate capacity to serve the proposed development, in which case the developer shall be required to install adequate facilities.

(d) Design shall be in accordance with the manual for general procedures for the design of water and sewer lines. Materials and construction shall conform to the design standards.

(e) No water or sewer main shall be less than eight inches in diameter.

(f) All water meters shall be located within dedicated right-of-way or an easement adjacent to public streets, alleys or access easements.

(g) Paving cuts for installation of utility service in easements shall be repaired in accordance with the design standards.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-50. Electrical service.

(a) All electrical, telecommunication and street lighting (lateral and/or service distribution) lines and wires must be placed underground.

(b) All electrical and telecommunication support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad-mounted or placed underground, screened as required herein but shall not obstruct the vision of motorists at alley, street or drive intersections.

(c) The location of overhead utility poles being replaced must be approved by the city.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-51. Easements.

(a) The property owner shall provide easements required to serve the development.

(b) A utility easement shall be granted wherever a public sewer line other than a house lateral or a public water line other than a service is installed. The minimum width of the utility easement shall be ten feet.

(c) A floodway and drainage easement shall be provided as required for the installation of and access to approved drainage facilities, whether an open or enclosed channel."

(Ord. No. 3599, § 1, 3-26-07; Ord. No. 3739, § 1, 3-9-09)

Sec. 21-52. Off-street parking.

(a) Notwithstanding any other ordinance or provision of this chapter to the contrary, the required off-street parking spaces shall be provided on the same platted lot as the use they are to serve.

(b) The Main Street revitalization area is hereby created for purposes of this chapter. The boundaries of the Main Street revitalization area include the area bounded by: the south property line of the Original Town of Richardson, lot 6A, block 26, extending to Interurban Street along the north; Greenville Avenue along the east; Polk Street along the south; and, Interurban Street along the west. The off-street parking provided for any property within the Main Street revitalization area existing at the time of passage of this chapter shall be deemed conforming and in compliance with the off-street parking requirement for any use permitted by the zoning, provided, however, such use does not require any new construction or zoning change, including a special use permit. The off-street parking requirements set forth in this chapter shall apply to any property in the Main Street revitalization area for which a change in zoning or special use permit is required, or if new construction is required even for a permitted use within the zoning district.

(c) Upon written application to the commission and at a regularly scheduled meeting, the commission shall be authorized to consider requests to allow the joint use of parking facilities which serve complimentary land uses; provided, such uses are located within the planned development district. When considering such requests, the commission shall consider hours of operation, proximity of such complimentary uses and any other criteria it deems necessary in reaching a decision on the approval or denial of such requests. Each request shall be based on its individual merits and circumstances.

(d) The parking design manual shall govern the design for off-street parking and corner clip requirements.

(e) Off-street parking shall be constructed in accordance with the design standards.

(f) Construction plans sufficient for review to ensure compliance with development and drainage requirements shall be submitted and approved by the development engineer prior to the construction of the parking area improvement.

(g) All parking areas shall be maintained to minimum construction specifications and shall be free of holes and other defects which would collect water or other debris and cause further deterioration of the parking surface or would in any way impair the movement of a vehicle using said parking area. Repairs shall be done in accordance with the design standards.

(h) Where an existing parking area is constructed of asphalt, the parking lot may be maintained and repaired in accordance with the city's asphalt repair procedure detail so long as the minimum amount of repair required to meet the minimum construction standard is, in the opinion of the development engineer, less than 50 percent of the total area of the parking area.

(1) Where the minimum amount of repair required to meet the minimum construction standard is, in the opinion of the development engineer, 50 percent or more of the total area of the parking area, the parking lot shall be reconstructed to conform to the design standards.

(2) In instances where improvements are required for asphalt lots requiring 50 percent or more repair or rehabilitation of the paved area, and no building expansion is requested, provision of landscaping improvements shall be limited to those areas adjacent to the parking lot and/or visible from the adjacent street, without regard to compliance with minimum landscape area requirements of the zoning ordinance. The director shall be authorized to determine appropriate limits of paving area and landscape improvements in order for a property to achieve compliance with this section.

(i) The number of required off-street parking spaces shall be determined by the gross floor area or other measures as follows:

(1) *Retail/commercial uses.*

a. *Bowling alleys.* Six spaces per bowling alley.

b. *Childcare center.* One space per 300 square feet of gross building square footage.

c. *Furniture, home furnishings, and appliance sales.* One space per 500 square feet of building floor area.

d. *Hotel--Full service.* One and one-fourth spaces per guestroom.

e. *Hotel--Limited service; suite or motel.* One space per guestroom.

f. *Motor vehicle repair facilities and service stations.* Five spaces, plus two spaces per service bay.

g. *Motor vehicle sales and service center.*

1. Showroom, sales and administrative office areas shall provide parking in accordance with the retail sales and service facilities ratio.

2. Service facilities shall provide parking in accordance with the motor vehicle repair facilities and service station ratio.

3. Thirty percent of the required parking shall be designated as customer parking and shall not be used for storage or display of vehicles for sale.

h. *Movie theaters, theaters conducting live performances and dinner theaters.* One space per three seats in the facility.

i. *Private recreation facilities, including dance studios, health studios, martial arts schools, and weight training facilities.* One space per 100 square feet of activity

area, excluding those areas used for locker rooms, bathing areas, offices, and other ancillary uses.

j. *Restaurants and establishments for the sale and/or consumption of food and/or drink on or off the premises, with seating provided for patrons.* One space per 100 square feet of building floor area.

k. *Retail nurseries and greenhouses.* One space for each 200 square feet of building floor area (including covered or greenhouse areas), plus one space per 1,500 square feet of outdoor sales and storage area.

l. *Retail sales and service facilities.*

1. Buildings of less than 10,000 square feet. One space per 333 square feet of building floor area.

2. Buildings of 10,000 square feet or more. 30 spaces, plus one space per 200 square feet of building floor area in excess of 10,000 square feet.

3. [Allowable reduction.] Retail buildings or centers having a combined gross building floor area of 100,000 square feet or greater on a single platted lot shall be allowed to reduce the overall number of required parking spaces by ten percent. The approved site plan for the retail center shall indicate the total number of spaces required for the property by use (office, retail, restaurant, etc.) and the total number required with the application of the ten percent reduction.

m. *Tennis, racquetball and squash facilities.* Six spaces per game court, plus parking that may be required for exercise and weight room areas, excluding locker rooms, bathing areas and other ancillary uses.

(2) *Office uses, including banks, financial institutions, medical offices, and areas designated for office use within industrial buildings.*

a. *For buildings of less than 75,000 square feet.* One space per 250 square feet of building floor area.

b. *For buildings of 75,000 square feet or more.* One space per 300 square feet of building floor area.

(3) *Industrial uses.*

a. *Areas designated for assembly, manufacturing, or research laboratory.* One space per 400 square feet of building floor area.

b. *Areas designated for showroom or warehouse.* One space per 1,000 square feet of building floor area.

c. *Self-storage warehouses.* One space per 20 units plus parking required for office areas in accordance with the ratio for office uses. In no case shall fewer than five customer spaces be provided and indicated on the approved site plan.

d. *Technical training school.* One space per 100 square feet of classroom floor area.

(4) *Religious institution.* One space for each three seats in the main sanctuary.

a. All religious institution parking shall be provided on the same lot as the sanctuary or on an adjacent lot, except that parking in excess of that required to meet the minimum city codes may be provided on school premises with the authorization of the appropriate school district authorities. Parking on a lot which abuts the lot upon which the main structure is located, but is separated from said lot by a dedicated street or alley, is permitted only in accordance with the provisions of the comprehensive zoning ordinance.

b. Parking for a religious institution in residential districts shall not be permitted within any above-grade structure nor shall any parking lot configuration isolate eight or fewer lots from any other adjacent single-family lots.

c. If such parking area is to be illuminated, an illumination plan shall be approved by the commission prior to the installation of such lighting. All light standards shall be installed to direct glare away from adjacent residential properties.

(5) *Apartment.* Off-street parking spaces shall be provided behind the front building line, in the side or rear setback in accordance with the following requirements:

a. Off-street parking spaces shall be provided to meet the requirements of the residents and their guests at a ratio of at least two spaces per apartment unit in the project.

b. Every apartment project shall provide enclosed garages or covered carports within the development. Garages and carports may be attached or detached and must be provided at a ratio of one-half garages and/or carports per dwelling unit within the development. Attached garages shall be constructed as an integral part of the apartment building. Detached garages shall be compatible with the apartment buildings in design and building materials, including roof coverings. Carports, whether attached or detached, shall be compatible with the main structure in design and building materials, including roof coverings. Where carports are constructed they may not be built parallel to any street.

c. The parking of boats, trailers and recreational vehicles shall be prohibited, except where storage area is provided for this purpose. Where such a storage area is provided, it shall accommodate the boats, trailers and other recreational vehicles owned by residents of the development only. The storage area shall not be located adjacent to any street or within any required front yard area and shall be screened from any abutting single-family or duplex property by means of a masonry screening wall. Parking provided in this storage area shall not count toward the required parking for the apartment development.

d. No parking area or vehicle storage space shall be used for the storage or parking of any truck, truck trailer or van, house trailer, except one panel or pickup truck, not exceeding one-ton capacity may be kept on the premises if used in connection with maintenance and management of the apartment project.

e. If such parking area is to be illuminated, an illumination plan shall be approved by the commission prior to the installation of such lighting. All light standards shall be installed to direct glare away from adjacent residential properties

(6) *Miscellaneous.* For residential, residential attached, patio home and duplex district parking regulations, refer to the comprehensive zoning ordinance.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-53. Access for nonresidential and apartment uses.

(a) The standards set forth in the parking design manual shall serve as a guide to the director in approving access for nonresidential districts.

(b) Insofar as possible, major driveway access for nonresidential districts on the opposite side of a street shall be aligned with each other.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-54. Fire access.

(a) Refer to the Developer's Checklist for appropriate design standards.

(b) Alternate designs or methods from the requirements of this section only, shall require approval by the Fire Marshal or designee."

(Ord. No. 3599, § 1, 3-26-07; Ord. No. 3739, § 1, 3-9-09)

Sec. 21-55. Trash receptacles.

Trash receptacles for nonresidential and apartment uses shall meet the following criteria:

(a) A concrete pad in accordance with standard details shall be provided for each trash receptacle.

(b) All trash receptacles shall be oriented perpendicular to the principal means of access to such receptacle and located in such a manner as to provide a minimum turning radius of 40 feet for the collection vehicle.

(c) Any trash receptacle not perpendicular to the principal means of access to such receptacle shall be oriented at a 30-degree angle from the fire lane, alley or other means of access.

(d) Alternative design standards must be approved by the director.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-56. Provision of amenities.

(a) When amenities are proposed as a part of a subdivision which will be owned and maintained by property owners in common or through an association of property owners, or where the amenities are to be dedicated to the city and are to be maintained publicly or privately through agreement with the city, the city may require the following:

(1) Plans and illustration of the proposed amenities;

(2) Cost estimates of construction, maintenance and operating expenses;

(3) Association documents, deed restrictions, contracts and agreements pertaining to the amenities; and

(4) Provision of surety as required for maintenance and other expenses related to the amenities.

(b) The design of amenities shall conform to the applicable city guidelines.

(c) All amenities to be placed on land dedicated to the city, or involving the potential use of public funds for maintenance and/or operation, shall require commission approval at the time of approval of the plat. The commission may deny any such amenities at its sole discretion.

(d) All amenities must be completed and in place prior to acceptance of the public improvements and prior to final release of a certificate of occupancy for the occupancy of the first residential structure.

(e) Any subdivision creating an area or amenity to be owned in common by the owners of lots within the subdivision shall require the establishment of a mandatory property owners' association prior to the approval of the plat.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-57. Mandatory property owners' association.

(a) When a subdivision contains streets, sewers, sewage treatment facilities, water supply systems, drainage systems or structures, parks, landscaping systems or features, irrigation systems, screening walls, living screens, buffering systems, subdivision entryway features (including monuments or other signage), or other physical facilities or grounds held in common that are not to be maintained by the city, the city may require the establishment and creation of a mandatory property owners' association to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities or grounds.

(b) The city is not responsible for enforcing any private deed restrictions or for the supervision of any property owners' association.

(c) A property owners' association shall be established and created to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of landscape systems, features or elements located in parkways, common areas between screening walls or living screens and adjacent curbs or street pavement edges, areas adjacent to drainage ways or drainage structures or at subdivision entryways, open space, common areas or properties including but not limited to: landscape features and irrigation systems, subdivision entryway features and monuments, private amenity center, playgrounds, pavilions, ponds, detention ponds, off-street parking for a private amenity center, swimming pool, exercise trail, private neighborhood park and related amenities. Subdivision entryway treatments or features shall not be allowed unless a mandatory property owners' association as required herein is established and created.

(d) All open space and common properties or areas, facilities, structures, improvements, systems, or other property that are to be operated, maintained and/or supervised by the property owners' association shall be dedicated by easement or deeded in fee simple ownership interest to the property owners association after construction and installation as

applicable by the owner and shall be clearly identified on the record final plat of the property.

(e) A copy of the agreements, covenants and restrictions establishing and creating the property owners' association must be approved by the city attorney prior to the approval of the final plat of the subdivision and must be filed of record with said final plat in the plat records of the county. The plat shall clearly identify all common areas or grounds that are to be operated, maintained and/or supervised by the property owners' association.

(f) At a minimum, the agreements, covenants and restrictions establishing and creating the property owners' association required herein shall contain and/or provide for the following:

(1) Definitions of terms contained therein;

(2) Provisions acceptable to the city attorney for the establishment and organization of the mandatory property owners' association and the adoption of bylaws for said property owners' association, including provisions requiring that the owner(s) of any lot or lots within the applicable subdivision and any successive purchaser(s) shall automatically and mandatorily become a member of the property owners' association;

(3) The initial term of the agreement, covenants and restrictions establishing and creating the property owners' association shall be for a 25-year period and shall automatically renew for successive ten-year periods, and the property owners' association may not be dissolved without the prior written consent of the city;

(4) Provisions acceptable to the city attorney to ensure the continuous and perpetual use, operation, maintenance and/or supervision of all facilities, structures, improvements, systems, open space or common areas that are the responsibility of the property owners' association and to establish a reserve fund for such purposes;

(5) Provisions prohibiting the amendment of any portion of the property owners' association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, area or grounds that are the responsibility of the property owners' association without the prior written consent of the city;

(6) The right and ability of the city or its lawful agents, after due notice to the property owners' association, to maintain the common areas, to remove any landscape systems, features or elements that cease to be maintained by the property owners' association; to perform the responsibilities of the property owners' association and its board of directors if the property owners' association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the property owners' association or of any applicable city codes or regulations; to assess the property owners' association for all costs incurred by the city in performing said responsibilities if the property owners' association fails to do so; and/or to avail itself of any other enforcement actions available to the city pursuant to state law or city codes or regulations; and

(7) Provisions indemnifying and holding the city harmless from any and all costs, expenses, suits, demands, liabilities or damages including attorney fees and costs of suit, incurred or resulting from the city's maintenance of the common areas and/or

removal of any landscape systems, features or elements that cease to be maintained by the property owners' association.

(g) Builders are required to post notice in a prominent place in all model homes and sales offices stating that a property owners' association has been established and membership is mandatory for all property owners. The notice shall state at a minimum that the builder shall provide any person upon their request the association documents and a five-year projection of dues, income and association expenses.

(h) Prior to the transfer of the control of the property owners' association to the lot owners, the developer must provide a reserve fund equivalent to two months' dues based on full property owners' association membership.

(i) Concurrent with the transfer of the property owners' association, the developer must transfer to the property owners' association control over all utilities related to property and amenities to be owned by the property owners' association. The developer must also disclose to the property owners' association the total cost to date related to the operation and maintenance of common property and amenities.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-58. Additional special requirements for apartments.

(a) All apartment developments shall have roof coverings applied in accordance with the Richardson Building Code and/or in accordance with manufacturer's recommendations. The following materials shall be permitted: slate, concrete or clay roofing tile, copper, steel or aluminum, laminated asphalt shingles of at least 300 pounds per square, or other material approved by the building official. Wood shingles are expressly prohibited.

(b) Each apartment complex shall be enclosed by a perimeter fence. Where the fence is adjacent to a street or within any front yard area or adjacent to any street, it shall be constructed of masonry, native stone, wrought iron or other material approved by the city engineer as being at least equivalent to the above and shall provide at least 50 percent through vision. Where the fence is within a side or rear yard area, it may be constructed of masonry material, native stone, wrought iron, chain link with a landscape hedge material which will reach at least the height of the fence at maturity. Said perimeter fence may include access control features at the entrances to the development. Access control shall be in conformance with city policies for such devices.

(c) Exterior front doors on all structures except garages shall be constructed of metal a minimum of 20 gauge in thickness with an insulated core or fiberglass with an insulated core. Glass inserts to allow light shall be permitted. Patio doors may be of a French or sliding glass type with metal or solid wood frames. Garage doors shall be constructed of metal a minimum of 24-gauge thickness. No hollow core or wooden doors shall be permitted.

(d) All balcony and stairway surfaces shall be constructed of noncombustible materials. The structural elements may be constructed of noncombustible materials or decay-resistant wood or as required by the Standard Building Code. All handrails and guardrails shall be constructed or noncombustible materials. Trim on balconies and stairways may be constructed on noncombustible or combustible materials.

(e) For purposes of this section, "apartment communities" shall be defined as multifamily developments with a maximum of 250 dwelling units that share common access and circulation, parking areas, recreational areas and other facilities. Any new multifamily developments or substantial redevelopment of existing multifamily developments shall be determined to be apartment communities and shall be designed in such a way so that a maximum of 250 dwelling units share common access and circulation, parking areas, recreational areas and other facilities. Physical separation between apartment communities shall be required by means of permanent perimeter fencing with no openings for vehicular or pedestrian traffic.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-59. Combination self-service gasoline facilities.

(a) Gas pumps and any related facilities shall be located other than in a designated parking area, a parking area being defined as the parking space or spaces, and the drive and maneuvering area necessary to use the parking spaces. Gas pumps and related facilities shall not be located in any required driveway or accessway necessary for normal ingress and egress to the property, or in any driveway which might be required for normal traffic movement through the property.

(b) There shall be an area designated for the location of pumps and pump islands which shall be paved with six-inch reinforced concrete at least 30 feet by 30 feet. Should there be more than one pump island, the designated area shall be designed to allow 22 feet between pump islands (interior) and 12 feet on the exterior side of each pump island. Pumps shall be located so that the pumps will be visible from the checkout stand, such that the gasoline sales operation shall be supervised at all times.

(c) Pumps may be located so as to provide adequate parking spaces for one vehicle at each pump and one vehicle waiting behind those using the pumps (waiting space). There shall be a minimum of three feet between such spaces.

(1) All of these spaces must be located so that no conflict is created with traffic to and from a parking area or with the general ingress and egress to the development or with the development's maneuvering and parking spaces.

(2) All parking or waiting spaces using the pumps shall be clearly marked with paint or other appropriate means.

(d) There also shall be a minimum of 12 feet exterior to the pump island(s) and the designated pump island area and waiting spaces to allow free access of movement around such pump island areas. If 12-foot driveway access is used, such driveway shall be designated as one-way. Two-way movement shall require a minimum of 24 feet in width.

(e) No pump islands shall be approved if a blind corner will be created by the pumps or by automobiles using the pumps.

(f) All pumps shall be located on a six-inch raised concrete island, surrounded by a No. 12 gauge, commercial quality, steel edge.

(g) Guard posts or rails will be located as necessary around the pumps and shall be shown with specific construction detail on the site plan.

(h) A system to light the area of the gas pumps shall be provided. Such lighting shall be designated to light the pump area adequately without becoming an unnecessary nuisance to traffic or citizens' nearby property.

(i) Gasoline pumps or canopies shall be considered as structures and no portion of any pump, pump island or canopy shall be located nearer than 46 feet from any residential, duplex or apartment district. Fuel storage tank location and fill opening location shall be subject to the approval of the fire marshal.

(Ord. No. 3599, § 1, 3-26-07)

Secs. 21-60--21-64. Reserved.

Article IV.
Completion and Maintenance of Public Improvements

Sec. 21-65. Construction procedure.

(a) Construction shall not commence until all of the following are completed:

(1) Approval of and filing for record of the plat and deeds;

(2) Approval of the development plans; and

(3) Execution of a three-way agreement between the property owner, the contractor and the city.

(b) Three-way agreement shall generally consist of: a one-year guarantee against any failure due to defective materials and workmanship; defining the city's inspection policies and sequence of construction; defining the property owner's and contractor's obligation to hold the city harmless for any accidents or claims and general rules for public protection; and, defining the city's cost participation and estimated amounts in accordance with the city's current cost participation policies.

(c) After the three-way agreement has been fully executed by all parties, a mandatory preconstruction conference must be scheduled with the city's development services department and the city's construction manager prior to commencement of site construction.

(d) Applicants shall be required to complete, in accordance with the city's direction and to the satisfaction of the development engineer, all public improvements.

(e) Prior to the city's acceptance of the required public improvements, as-built plans must be submitted to the development engineer. Plans must be submitted in both digital-process white mylar print form (not sepia) and in the required digital format.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-66. Inspection of public improvements.

(a) All improvements required by this chapter shall be inspected under the direction of the city engineer to determine that the improvements are in accordance with the approved plans, design standards, applicable laws, ordinances and the regulations of the city pertaining to such improvements. Upon satisfactory completion of the project and compliance with all applicable ordinances and regulations, the city engineer will issue a letter of acceptance of the project.

(b) Acceptance of the project shall mean that the developer has transferred all rights to all public improvements to the city for use and maintenance, subject to the maintenance bond as required by this chapter.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-67. Maintenance.

The developer shall maintain, repair or reconstruct the project in whole or in part for a period of 12 months after acceptance of the project by the city engineer, in the event of any failure due to

defective materials or workmanship. The developer shall sign an agreement concerning the above maintenance requirements. If the city deems it necessary, the developer shall furnish the city 100 percent maintenance bond on all improvements for the above-required maintenance.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-68. Bond.

Precedent to the issuance of building permits, the city may, at its option, require the posting with the city of a bond guaranteeing the installation of the improvements within a specified time, or may require the deposit with the city of copies of executed contracts covering the installation of the improvements.

(Ord. No. 3599, § 1, 3-26-07)

Sec. 21-69. Escrow.

(a) In lieu of construction by the property owner under these regulations, the city may accept escrow from the property owner in an amount equal to the developer's share of the costs of design and construction. Such amount shall be paid prior to final plat approval. In lieu of such payment at such time, the city may permit the property owner to contract with the city and shall agree in such contract that no building permit shall be issued for any lot included within said plat, or increment thereof, until the full amount of the escrow is paid, or a pro rata part thereof for the full increment if developed incrementally. The obligations and responsibilities of the property owner shall become those of the property owner's transferees, successors and assigns; and the liability therefore shall be joint and several.

(b) The amount of the escrow shall be determined using current market value of construction as determined by an estimate by the development engineer. Such determination shall be made as of the time the escrow is due hereunder.

(c) Any escrow that has been placed with the city under this chapter that remain after construction of the required facilities shall, upon written request, be returned to the property owner.

(d) If any public improvements for which escrow is deposited, is constructed or reconstructed by another governmental authority at no cost to the city, the escrowed funds and accrued interest shall be refunded, upon written request, to the property owner or developer after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the city and the other portion of the cost by another governmental authority, the difference between the property owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.

(Ord. No. 3599, § 1, 3-26-07)