

Subdivision Regulations

Code of Ordinances - Chapter 21



RICHARDSON

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Note: Chapter 21, Subdivision and Development, is a reproduction of a portion of the Richardson Code of Ordinances as published by the Municipal Code Corporation

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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 Regulations.
(Ord. No. 4331, § 1, 2-10-20)

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 or civil engineering plans.

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.

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.

Minor plat means a plat or replat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.

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, replat or minor plat**) 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 mean 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 re-subdivision, 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. 4331, § 1, 2-10-20)

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 submitted pursuant to and governed by this chapter, except for administrative approval of certain plats as provided herein.

(Ord. No. 4331, § 1, 2-10-20)

Sec. 21-4. Purpose.

- (a) The regulations in this chapter are adopted by the council for persons, firms, corporations or other legal entities 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) Ensure 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 ensure 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. 4331, § 1, 2-10-20)

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. 4331, § 1, 2-10-20)

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 filing of a development application 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. 4331, § 1, 2-10-20)

Sec. 21-7. Submittal deadlines and requirements.

- (a) The city manager or designee 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 city manager or designee determines the submittal is complete as described herein and as required by Section 212.009 of the Texas Local Government Code, as amended.

(Ord. No. 4331, § 1, 2-10-20)

Sec. 21-8. 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. 4331, § 1, 2-10-20)

Sec. 21-9. Penalty and enforcement.

- (a) 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.
- (b) 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.
- (c) 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.

- (d) Utility connections for individual lots are not authorized until development plans have been approved in accordance with this chapter.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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. 4331, § 1, 2-10-20)

Secs. 21-10—21-15. Reserved.

(Ord. No. 4331, § 1, 2-10-20)

End of Article I

Article II. Development Plan Procedure

Sec. 21-16. General.

- (a) The procedure for processing a development plan application pursuant to this chapter typically requires three steps by the property owner: mandatory review conference, initial development plan review and development plan application 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.

(Ord. No. 4331, § 1, 2-10-20)

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. 4331, § 1, 2-10-20)

Sec. 21-18. Process.

- (a) The purpose of development plans is to ensure that the proposed development conforms to city regulations and policies.
- (b) Prior to submitting development plans, the property owner must schedule a mandatory review conference with staff. The purpose of this meeting between staff and the applicant and/or property owner is to ensure 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 plan review form.
- (d) After receipt of the development plans required on the initial development plan review form, development services shall distribute the development plans to the development review committee.
- (e) Should staff determine the development plans required on the initial development plan review form are incomplete, staff shall provide written notification to the applicant and/or property owner.
- (f) Development services will accumulate comments from the development review committee and schedule a meeting with the applicant and/or property owner to discuss the comments. The property owner must make the required corrections and return the corrected development plans for review in order for the review process to proceed.
- (g) Upon receipt of the revised development plans, staff shall verify that the comments have been addressed. Provided that the comments have been addressed, the property owner may submit a development plan application and staff shall place the development plans on the next available commission agenda.

- (h) Staff shall provide written background to the commission concerning the development plans.
- (i) Following a briefing by staff, the commission shall act on the development plans at the commission meeting in accordance with Section 212.009 and Section 212.0091 of the Texas Local Government Code, as amended.
- (j) Approval of development plans shall certify compliance with city regulations.
- (k) The city shall file the plat with the appropriate county for recording and distribute the approved and signed development plans to the appropriate city departments.
- (l) Once the development plans have been approved and distributed, permits may be requested by the property owner.

(Ord. No. 4331, § 1, 2-10-20)

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 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 shall have 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. 4331, § 1, 2-10-20)

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 act on the preliminary plat in accordance with Section 212.009 of the Texas Local Government Code, as amended:
- (c) 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.

- (d) 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. 4331, § 1, 2-10-20)

Sec. 21-21. Expiration of preliminary plat

- (a) 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.
- (b) 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.

(Ord. No. 4331, § 1, 2-10-20)

Sec. 21-22. 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 approval of the plat by the commission shall authorize the commission chairperson to endorse approval on the plat with a certificate of approval shall be issued in accordance with Section 212.009 of the Texas Local Government Code, as amended.
- (i) 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.
- (j) 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.
- (k) When a lot for which development plans have been approved is to be subdivided or replatted, revised civil plans may be required to be submitted and approved with the plat for each lot.

(Ord. No. 4331, § 1, 2-10-20)

Sec. 21-23. Additional approval standards for a plat vacation, replat and amending plat.

- (a) *Plat vacation.* A plat may be vacated in accordance with Section 212.013 of the Texas Local Government Code, as amended.
- (b) *Replat.* 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 in accordance with Section 212.014 of the Local Government Code, as amended.
- (c) *Additional requirements for certain residential replats.* In addition to compliance with Section 212.014 of the Texas Local Government Code, certain residential replats may be replatted in accordance with Section 212.015 of the Texas Local Government Code, as amended.
- (d) *Amending plat.* The commission may approve an amending plat, which may be recorded and is controlled over the preceding plat without vacation of that plat, in accordance with Section 212.016 of the Texas Local Government Code, as amended.
- (e) *Administrative approval of certain plats.* As authorized by Section 212.0065 of the Texas Local Government Code, the Director of Development Services may act on certain amending plats, minor plats and replats in accordance with Section 212.0065 of the Texas Local Government Code, as amended.

(Ord. No. 4331, § 1, 2-10-20)

Sec. 21-24. Additional approval standards for civil engineering plans.

- (a) The development engineer is responsible for approving and 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.
- (b) 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. 4331, § 1, 2-10-20)

Secs. 21-25—21-39. Reserved.

(Ord. No. 4331, § 1, 2-10-20)

End of Article II

Article III. Standards and Requirements

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.
- (k) The most recent edition of the *Post Construction Storm Water Control Minimum Standards* approved by the city manager or designee, the official copy of which is maintained on file in the Office of Development Services.

(Ord. No. 4331, § 1, 2-10-20)

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 of continuously reinforced concrete.
- (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 which shall be designed and constructed in accordance with design standards.

(Ord. No. 4331, § 1, 2-10-20)

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. 4331, § 1, 2-10-20)

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 the approved landscape plan. The city manager or designee is charged with the function of reviewing and approving landscaping plans.

- (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 the approved landscape plan of a plat of a subdivision in which such cul-de-sac is located. The city manager or designee is charged with the function of reviewing and approving landscaping plans.
 - (f) Median openings shall be designed in accordance with the master transportation plan.
- (Ord. No. 4331, § 1, 2-10-20)

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. 4331, § 1, 2-10-20)

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. 4331, § 1, 2-10-20)

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. 4331, § 1, 2-10-20)

Sec. 21-47. Screening and open space.

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.

(Ord. No. 4331, § 1, 2-10-20)

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. 4331, § 1, 2-10-20)

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. 4331, § 1, 2-10-20)

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. 4331, § 1, 2-10-20)

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. 4331, § 1, 2-10-20)

Sec. 21-52. 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. 4331, § 1, 2-10-20)

Sec. 21-53. 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. 4331, § 1, 2-10-20)

Sec. 21-54. Post Construction Storm Water Controls and Maintenance.

- (a) All owners or operators of new development or redevelopment sites shall install post-construction storm water control(s) in accordance with the Post-Construction Storm Water Control Minimum Standards approved and incorporated in accordance with Section 2 I-40(k).
- (b) The owner or operator of any new development or redevelopment site on which is installed or constructed one or more post-construction storm water controls shall be solely responsible for the perpetual operation and maintenance of such controls to ensure proper function.
- (c) The owner or operator of any new development or redevelopment site shall prepare and implement a Post-Construction Storm Water Maintenance Plan addressing the on-going maintenance of all post construction storm water controls installed or constructed on the site. Such maintenance plan must be reviewed by the City and show conformance with the recommended maintenance procedures published by the manufacturer of the post construction storm water control and/or in conformance with the iSWM Technical Manual if no manufacturer maintenance guide exists for the installed post construction storm water control.
- (d) All Post Construction Storm Water Maintenance Plans required by Section 21-54(c) must be filed in the real property records in the county in which the post-construction storm water control is located prior to the issuance of a Certificate of Occupancy for the property. If use of the property does not require a Certificate of Occupancy, then the maintenance plan must be filed prior to the completion of the final inspection by the City or acceptance of any public improvements associated with the development or redevelopment.
- (e) The owner or operator of any development or redevelopment site on which is constructed or installed one or more post construction storm water controls shall maintain all documents regarding operation of and maintenance performed on such control(s). Such documents shall be maintained in offices located on the development or redevelopment site; provided, however, if the main business office of the owner or operator of the development or redevelopment site are not located on the development or redevelopment site where the control(s) are located, the owner or operator of the development or redevelopment site must notify the City in writing the address where such records are kept and must maintain such records in an electronic format such that they may be digitally reviewed by City representatives. Such documentation must be made available for review by the City upon demand.

(f) Not later than March 31, 2020, the owner or operator of a property on which is located a post-construction storm water control that was installed or constructed prior to September 23, 2019, shall record a Post-Construction Storm Water Maintenance Plan with the appropriate county in accordance with Section 21-54(e) and thereafter maintain compliance with this Section 21-60 and all other applicable regulations and requirements.

(g) As used in this Section 21-54, the following words and phrases shall have the following meanings:

Common Plan of Development or Sale means construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development or sale is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public hearing or notice, zoning requests, or other similar documentation and activities.

Development means construction activity that results in either (i) a disturbance of at least one (1) acre of land, or (ii) disturbance of less than one (1) acre of land if the disturbance of such land is part of a larger common plan of development or sale and such larger common plan will ultimately disturb at least one (1) acre of land.

iSWM Technical Manual means the most recent edition of the integrated Stormwater Management (iSWM) Technical Manual published by the North Central Texas Council of Governments.

Municipal Separate Storm Sewer System (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) owned or operated by the City of Richardson.

Post Construction Storm Water Control means any structure, device or installation intended to prevent or reduce the discharge of pollutants conveyed via storm water runoff within the City. Post construction storm water controls may include, but are not limited to: wet ponds, bioretention, infiltration basins, storm water wetlands, earthen dikes, drainage swales, vegetative lined ditches, vegetation filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and sediment basins.

Post Construction Storm Water Control Maintenance Plan means a written document that describes the procedures, work tasks, techniques and schedules established for the sustainability and functioning of a post construction storm water control component or system. Such maintenance plans may include, but are not limited to, periodic inspections, debris removal and disposal, replanting of trees, maintaining vegetation, removal of silt, and repair of manmade components in conformance with the manufacturer's recommended maintenance procedures and/or in conformance with the iSWM Technical Manual if no manufacturer maintenance guide exists.

Post Construction Storm Water Control Minimum Standards means the City's document adopted pursuant to Section 21-40(k) establishing the minimum standards for the treatment of storm water runoff on a development or redevelopment site by construction or installation of permanent post construction controls in compliance with the Texas Pollutant Discharge Elimination System (TPDES) requirements.

Redevelopment means alterations of a property that changes the footprint of a site or building in such a way that there is a disturbance of at least one (1) acre of land. The term does not include such activities as exterior remodeling, routine maintenance activities and linear utility installations.

(Ord. No. 4331, § 1, 2-10-20)

Secs. 21-55—21-64. Reserved.

(Ord. No. 4331, § 1, 2-10-20)

End of Article III

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 two-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 digital format.

(Ord. No. 4331, § 1, 2-10-20)

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. 4331, § 1, 2-10-20)

Sec. 21-67. Maintenance.

The developer shall maintain, repair or reconstruct the project in whole or in part for a period of 24 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 furnish the city 100 percent maintenance bond on all improvements for the above-required maintenance.

(Ord. No. 4331, § 1, 2-10-20)

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. 4331, § 1, 2-10-20)

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. 4331, § 1, 2-10-20)

End of Article IV