

ORDINANCE NO. 117

AN ORDINANCE PROVIDING FOR THE ORDERLY, SAFE AND HEATHFUL DEVELOPMENT OF THE AREA WITHIN THE TERRITORIAL AND EXTRA-TERRITORIAL JURISDICTIONS OF THE TOWN OF WILLOW PARK, TEXAS; REQUIRING THAT SUBDIVISION PLATS BE SUBMITTED TO TIE TOWN FOR APPROVAL AS A PREREQUISITE TO PLAT RECORDATION AND RECOGNITION BY THE TOWN; STIPULATING THE CONDITIONS UNDER WHICH PERMITS AND AUTHORIZATIONS SHALL BE WITHHELD; STIPULATING SUBMITTAL PROCEDURE AND FEES; ESTABLISHING FORM AND CONTENT OF PLATS; REQUIRING STANDARDS AND SPECIFICATIONS BE MET; REQUIRING DEDICATIONS AND PROVISIONS FOR PUBLIC SPACES; ESTABLISHING PENALTIES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF WILLOW PARK, TEXAS, that this subdivision ordinance be passed, approved and adopted:

ARTICLE I.

PURPOSE: To provide for the orderly, safe and heathful development of the area within the city and within the one-half mile extra-territorial jurisdiction of the City and to promote the health, safety, morals and general welfare of the community. Accordingly, all property under the jurisdiction of the City and not previously subdivided, shall hereafter be laid out under the general direction of the City Planning Board and approved by the City Commission, and no other subdivision will be recognized by the City.

ARTICLE II.

DEFINITIONS

Block: Any single row of contiguous lots or tracts fronting on one side of a street and extending from one dedicated side street, or other such dividing boundary intersecting the front street, to the next such dedicated street or boundary.

Board: The Planning Board of the City, appointed by the Commission, that performs overall City planning and administers the planning of subdivisions by subdividers in accordance with the requirements of this ordinance. In the absence of an appointed Board, the Commission shall constitute the Board.

City: The Town of Willow Park, Texas.

Commission: The governing body of the City.

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

Person: Any individual, association, firm, corporation, governmental agency, or political subdivision.

Subdivider: Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivision: The division of any tract of land situated within the corporate limits, or within one-half (1/2) mile of such limits, into two or more parts for the purpose of laying out any development of any tract of land or any addition of any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys, or parts of other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision includes re-subdivision, but it does not include the division of land for agricultural purposes in parcels or tracts of ten acres or more and not involving any new street, alley or easement of access.

ARTICLE III.

ISSUANCE OF BUILDING, MOVING AND OCCUPANCY PERMITS

Within any subdivision for which a final plat has not been approved by the City and filed for record, or within any subdivision in which the City has not acknowledged completion of all improvements on which final plat approval has been made conditional, or within any subdivision in which any other requirements and standards contained or referred to herein have not been complied with in full:

1. The City shall not issue any building permit, moving permit or occupancy permit;
2. The City shall neither do, nor cause to have done, any repair, maintenance or installation of any street or public utility service;
3. The City shall not sell or supply, nor cause to be sold or supplied, any water, gas, electricity, sewerage or other utility service.

The provisions of this Article shall not be construed to prohibit:

1. The issuance of a permit for any lot on which a residence building exists and was in existence at the time of passage of this subdivision ordinance;
2. The issuance of a permit for any lot fronting on a dedicated, improved street within any recorded subdivision existing at the time of passage of this Ordinance, wherein said improved, dedicated street existed at the time of passage of this Ordinance;
3. The repair, maintenance, or installation of any street or public utility service for, to, or abutting any lot, the last recorded conveyance of which prior to passage of this Ordinance was by metes and bounds;
4. The repair, or maintenance of any street or public utility service for, to, or abutting any lot in any subdivision existing at the time of incorporation of the City, or approved by the city and filed for record prior to the passage of this Ordinance.

ARTICLE IV

PRELIMINARY PLAT

General: The subdivider shall cause to be prepared a preliminary plat properly certified by a Texas State licensed surveyor or a Texas State registered professional engineer, in accordance with this Ordinance. The preliminary plat with its accompanying data are to show the intentions of the subdivider for the development of the subdivision, and the feasibility of that development. This work, as well as the preparation of the data to accompany the plat, shall be done under the general direction of the City Planning Board.

Filing of Preliminary Plat: The subdivider shall file three positive copies of the plat and accompanying data, together with a reproducible copy and the plat filing fee, with the Board at least 10 days prior to the date of the City Commission meeting at which formal application for Commission approval of the preliminary plat will be made.

Formal Application for Commission Approval: The subdivider shall present, in person or by mail, a written request for preliminary plat approval to the Commission at an official meeting of the Commission.

Filing Fee: At the time of filing, the preliminary plat shall be accompanied by a filing fee of \$15.00 per plat, plus \$1.00 per lot, plus \$1.00 per acre for each acre within the subdivision. Said fee shall be payable by check drawn to the order of the Town of Willow Park. No action by the Commission shall be valid unless the filing fee has been paid. This fee shall not be refunded.

Form and Content of Preliminary Plat: The plat shall be drawn to a scale of 200

feet to one inch or larger. The required information on or accompanying the plat shall include the following:

1. Name of subdivision.
2. Names of the record owner, subdivider and engineer or surveyor responsible for the survey and design.
3. Boundary lines, building set-back lines, and width, location and name of platted streets and alleys, within and adjacent to the property. Key points on the subdivision boundary line shall be described in terms of North Central Texas Zone Lambert Projection coordinates.
4. Width, depth and location of proposed lots, and the computed acreage of the subdivision.
5. Contours sufficient to show the topology. Contours and all grades in the subdivision shall be referred to a State Highway Bench Mark. Contours at one- or two-foot intervals are preferred.
6. Map showing existing physical features of the property, including location of easements, reservations, water courses, culverts, bridges, roads, streets and other structures.
7. Designation of the proposed uses to which the land within the subdivision will be dedicated.
8. Proposed location of all intended features such as streets, alleys, easements, parks and reservations; proposed location of storm drain lines, ways and structures, and other such sites or structures.
9. Off-street parking provisions on those lots designated for business or commercial purposes.
10. Information showing how the streets, alleys, easements, storm sewers, sanitary sewers and water supply systems in the subdivision submitted may connect with those in the nearest subdivisions, and how they may be extended to serve adjacent areas when subdivided or otherwise developed.
11. The protective covenants proposed for the subdivision. Such covenants shall be designed to regulate land use in the subdivision, ensure off-street parking for non-residential purposes, prohibit nuisances, and otherwise provide for the protection of the proposed development. Covenants shall also include enforcement provisions.

Commission Approval or Disapproval of Plat: Within thirty (30) days after formal

application for preliminary plat approval is filed with the City Commission, and provided the preliminary plat filing fee has been paid, the Commission shall approve the plat, shall approve the plat subject to the Commission's proposed modifications to the plate, or shall disapprove the plat. Approval of the preliminary plat shall not constitute or imply approval of the final plat when presented, but is merely an authorization to proceed with the preparation of the final plat.

Expiration of Preliminary Plat Approval: Approval of a preliminary plat shall expire at the end of six (6) months unless the final plat has been submitted, approved by the Commission and recorded. At the end of this period, and provided no developments have occurred which would affect the continued acceptability of the approved preliminary plat, the Commission may, upon application by the subdivider, extend the approval an additional six (6) months.

ARTICLE V.

FINAL FLAT

General: The subdivider shall cause to be prepared a final plat properly certified by a Texas State licensed surveyor or a Texas State registered professional engineer, in accordance with this Ordinance. The final plat with its accompanying data are to show the complete engineering design and specifications for the subdivision at least to the extent described herein. The final plat and accompanying data shall conform to the preliminary plat as approved by the Commission and incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the Commission.

Filing of Final Plat: The subdivider shall file three positive copies of the final plat and accompanying data, together with a reproducible copy and the plat filing fee with the Board at least 10 days prior to the date of the City Commission meeting at which formal application for Commission approval of the final plat will be made. Where fewer copies are required, it is so noted below.

Formal Application for Commission Approval: The subdivider shall present, in person or by mail, a written request for final plat approval to the Commission at an official meeting of the Commission. The final plat filed for approval shall be considered for approval by the Commission only in the event it meets the submittal requirements of this Article at the time of formal application and prior to the expiration date of the preliminary plat approval.

Filing Fee: At the time of filing, the final plat shall be accompanied by a filing fee. Except as noted below, the filing fee shall be \$100.00 per plat, plus \$1.00 per lot, plus \$1.00 per acre for each acre within the subdivision. Exception: in the event a single tract consisting of less than 10 acres and located within a recorded subdivision is to be resubdivided into no more than two (2) lots, or is to be dedicated in whole or in part for street easement or any other public use, a final plat filing fee of \$10.00 shall be required. The filing fee shall be payable by check drawn to the order of the Town of

Willow Park. No action by the Commission shall be valid unless the filing fee has been paid.

Form and Content of Final Plat: The plat shall be drawn to a scale of 200 feet to one inch or greater. The final plat and accompanying data shall contain all of such features as are required for the preliminary plat; in addition it shall include or be accompanied by the following:

1. All data required for the preliminary plat, plus the accurate location, dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance, and length of all curves where appropriate, for all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots, monuments, and other sites in the subdivision.
2. The following site improvement data;
 - a. Construction plans for all proposed streets, alleys, and sidewalks;
 - b. Construction plans for all proposed sanitary sewer lines and structures, all proposed water lines and fire hydrants, all proposed storm drainage sewers, channels, and easements;
 - c. Plans for proposed installation of street signs and street lights.
3. The following written and notarized statements:
 - a. A statement describing the minimum improvements which the subdivider agrees to provide, conditional upon City approval of the final plat.
 - b. A statement that all property taxes and assessments have been paid for past years and up to current date. This statement shall be signed by the owner or owners.(Original and one copy)
 - c. An acknowledgement of the dedication to public use of streets, alleys, parks, water courses, drains, easements and other such public places as shown on the plat, and of payments in lieu of certain public dedications. Property designated for schools, churches, hospitals, municipal purposes, and other such uses, shall be noted, as well as the conditions and procedures by which such property, and moneys shall be made available to prospective purchasers or governing bodies. This statement shall be signed by the owner or owners, and all persons having a mortgage or lien interest in the property.

Commission Approval or Disapproval of Final Plat: Within thirty (30) days after

formal application for final plat approval is filed with the City Commission, and provided all submittal requirements of this article are met, the Commission shall approve or disapprove said plat.

1. Approval of the final plat by the Commission constitutes authorization for the subdivider to record the plat and to proceed with the installation of subdivision improvements.
2. If the final plat is disapproved, the Commission shall inform the subdivider in writing of the reasons at the time such action is taken, and shall return that portion, if any, of the filing fee paid in excess of \$100.00.

ARTICLE VI

SUBDIVISION STANDARDS AND SPECIFICATIONS

No preliminary or final plat shall be approved by the City Commission unless the plat and accompanying data conform to the standards and specifications contained within the City Ordinance on Subdivision Standards and Specifications, as well as to the requirements of this City Ordinance on Land Subdivision.

ARTICLE VII

CITY ACKNOWLEDGEMENT OF COMPLETION OF IMPROVEMENTS

After completion of all the improvements which the subdivider has agreed in writing to make, the subdivider shall submit to the Board a written request for City Acknowledgment of the satisfactory completion of said improvements. Failure of the subdivider either to submit this request or to complete the aforementioned improvements as agreed, within eighteen (18) months of final plat approval shall result in automatic revocation of the City's approval of the final plat.

Following the request for City acknowledgment of improvements, the Board shall determine whether or not the subdivider did, at the least, complete the improvements in accordance with his written agreement to provide. The Commission shall then issue a written statement to the subdivider acknowledging completion, or the failure to complete, the required improvements.

ARTICLE VIII

RECREATIONAL, MUNICIPAL, EDUCATIONAL, AND OTHER PUBLIC SPACE DEDICATIONS AND PROVISIONS

The Board may require that adequate, convenient and suitable areas be set aside for parks, playgrounds, municipal purposes, schools, hospitals, and other such public uses. Those areas required shall be shown on the plat as dedicated or as reserved for such

uses, whichever is appropriate. Areas reserved for school districts, hospital districts, the City, or other such governing bodies granted an option to purchase shall have that option for a period of at least two years after recordation of final plat.

To provide adequate areas for parks, playgrounds, other recreational purposes and municipal purposes, and for only these purposes, land shall be dedicated at least in the amount of One-thirtieth (1/30) of an acre per lot within the subdivision plus one percent (1%) of the total subdivision acreage. Such lands shall be located suitably, in the opinion of the Board, for their intended purposes, and lands intended for recreational purposes shall be in blocks preferably not less than four (4) acres each. In lieu of such a dedication, a fee in the amount of \$40.00 per lot plus \$10.00 per acre within the entire subdivision may be required of the subdivider. Complementary portions of the required land dedication and the monetary fee (for example, 65% land dedication and 35% fee) may also be arranged with the Board. In general, a fee should be expected in a subdivision involving less than 30 lots or 30 acres. In a larger subdivision, land dedication or some combination of land dedication and fee should be expected more often than fee. A monetary fee may be paid to the City for the subsequent purchase of needed public sites; alternatively, a fee may be applied directly by the subdivider toward the procurement of land more suitably sized or located for the intended purpose and dedication. The Board shall retain the right of final decision, within the guidelines and limitations herein stated, concerning the amounts of fee and dedicated land to be required of the subdivider.

ARTICLE IX

SEPARABILITY

Should any article, section, sentence, clause, phrase, or other portion of this Ordinance be held for any reason invalid or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE X

PENAL PROVISIONS

Any person violating any provision of this Ordinance within the corporate limits or the extra-territorial jurisdiction of the City of Willow Park, Texas, shall be deemed guilty of a misdemeanor, and upon conviction shall, for each and every violation, be fined an amount not exceeding two hundred dollars (\$200.00), and each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of the Ordinance.

ARTICLE XI

EFFECTIVE DATE

The fact that there now exist no regulations governing the subdivision of lands under the jurisdiction of the Town of Willow Park, Texas, creates an urgency and emergency for the immediate preservation of the public peace, health, safety and general welfare, and requires that this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED, this the 5th day of July, 1967.

G W Stevens

Mayor, Town of Willow Park, Texas

ATTEST:

Hover G. Knutson

Town Secretary