SUBDIVISION ORDINANCE OF

THE CITY OF GARRETT, TEXAS

Ordinance 19-104

AN ORDINANCE DEFINING THE GENERAL RULES AND REGULATIONS GOVERNING

PLATS AND SUBDIVISIONS OF LAND FALLING WITHIN THE JURISDICTION OF THE

CITY OF GARRETT FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY, SAFE AND HEALTHFUL DEVELOPMENT OF THE AREA WITHIN THE CITY AND WITHIN THE AREA SURROUNDING THE CITY AND TO PROMOTE THE HEALTH, SAFETY AND GENERAL WELFARE OF THE COMMUNITY; DEFINING TERMS; SETTING FORTH THE GENERAL PURPOSE OF THE ORDINANCE; CITING THE AUTHORITY TO

ADOPT SUCH REGULATIONS; DEFINING THE JURISDICTION OF THE CITY; REQUIRING APPROVAL OF ALL PLATS; PROVIDING GENERAL PROVISIONS RELATING TO SUBDIVISION DEVELOPMENT; ESTABLISHING GENERAL REQUIREMENTS AND DESIGN STANDARDS FOR STREETS, LOTS, BLOCKS, BUILDING LINES, ALLEYS, EASEMENTS, AND FLOOD AREAS; REQUIRING IMPROVEMENTS; PROVIDING FOR RESERVATIONS, VARIANCES AND INSPECTIONS OF CONSTRUCTION AND IMPROVEMENTS, ESTABLISHING PLAT FILING FEES AND CHARGES; REQUIRING A PERFORMANCE BOND, PROVIDING FOR THE WITHHOLDING OF IMPROVEMENTS UNTIL THE SUBDIVISION IS APPROVED, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR THE REPEAL OF FORMER ORDINANCES REGARDING SUBDIVISIONS; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR A GENERAL PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS ($500.00) FOR EACH VIOLATION OF THIS ORDINANCE, EXCEPT ANY INVOLVING ZONING WHICH SHALL BE A FINE NOT TO EXCEED TWO THOUSAND DOLLARS ($2,000.00).

**SUBDIVISION REGULATIONS**

**OF THE CITY OF GARRETT, TEXAS**

WHEREAS, under the provisions of the Constitution and laws of the State of Texas, including particularly Chapters 212, 242, and 43 of the Local Government Code, as heretofore or hereafter amended, hereafter every owner of any tract of land situated within the City limits of Garrett; who hereafter divides the same into two (2) or more tracts described by metes and bounds or otherwise for the purpose of laying out any subdivisions of such tract of land or any addition to said City; or for laying out suburban lots or building lots, or any lots, and purchasers or owners of lots fronting thereon or adjacent thereto, must have a plat of such subdivision or addition for approval by the City Council of the City of Garrett; and

WHEREAS, the rules and regulations of the City established by ordinance, governing plats and subdivisions of the land, be and the same are hereby extended to and shall apply to all the of the area under the extraterritorial jurisdiction of the City, as provided for by Chapter 42 of the Local Government Code.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**

**GARRETT, TEXAS,**

**SECTION 1**. The Recitals to this ordinance are deemed to be true and correct and are hereby adopted into this ordinance as if fully recited.

 **SECTION 2**. The attached Exhibit “A” is incorporated herein by reference as if fully recited. Said Ordinance 08-62, the previously adopted subdivision ordinance is hereby repealed in its entirety and replaced with this new Exhibit “A”.

**SECTION 3**. That all ordinances of the City of Garrett, Texas in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Garrett, Texas not in conflict with the provisions of this ordinance shall remain in full force and effect. Specifically, the previous zoning ordinance is repealed in its entirety and replaced with the herein referenced Exhibit “A”.

**SECTION 4.** If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

 **SECTION 5.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provide.

PASSED AND APPROVED this \_\_\_ day of March 2019.

 APPROVED:

 By:

 Matt Newsom, Mayor

ATTEST:

By:

 Judy Braddock, City Secretary

On and after the passage of this Ordinance, any person, firm, or corporation seeking approval of any plat, plan or replat of any subdivision of land within the City of Garrett, Texas, and its legally established extraterritorial jurisdiction shall be required to comply with the requirements of the Ordinance before such approval may be granted, to-wit:

SECTION 1

**GENERAL**

These regulations shall govern every person, firm, association or corporation owning any tract of land within the corporate limits of the extraterritorial jurisdiction of the City of Garrett who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to the said City, or for laying out suburban lots or building lots, or any lots, streets, alleys, parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

The purposes of this chapter are:

1. To protect and provide for the public health, safety, and general welfare of the City.
2. To guide the future growth and development of the City in accordance with the Comprehensive Plan.
3. To ensure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
4. To guide public and private development in order to provide adequate and efficient transportation, water, sewerage, drainage, and other public requirements and facilities.
5. To provide for the circulation of traffic and pedestrians required for the beneficial use of land and buildings and to avoid congestion throughout the City.
6. To establish reasonable standards of design and procedures for platting to further the orderly layout and use of land, and to ensure proper legal descriptions and to properly monument platted land.
7. To ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or development and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services.
8. To prevent the pollution of streams and ponds; to ensure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources and enhance the stability and beauty of the community and the value of the land.
9. To provide for open spaces through the most efficient design and layout of the land.
10. To remedy the problems associated with inappropriately platted lands, including premature subdivision, incomplete subdivision and scattered subdivision.

SECTION 2

**DEFINITIONS**

2.01 **City** or the **City** shall mean the City of Garrett, Texas; City Engineer means the engineer Representing the City of Garrett.

2.02 **Subdivision** shall mean the divisions of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership with the exception of transfer to heirs of an estate, and shall include re-subdivision.

2.03 **Re-subdivision** shall mean the division of an existing subdivision, or the relocation of any street lines.

2.04 **Subdivider/Developer** shall refer to any person or agent thereof, dividing or proposing to divide land so as to constitute a subdivision. Furthermore, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent to such owner or equitable owner, of land sought to be subdivided.

2.05 **Lots** shall mean land occupied or to be occupied for either residential, commercial, retail, office, industrial educational uses, etc., by a building and its accessory buildings and including such open spaces as required by ordinances of the City of Garrett and having its principal frontage upon a public street or officially approved place.

2.06 **Key lot** shall mean a lot which has frontage upon a side street in addition to a front street.

2.07 **Street** shall mean a way for vehicular traffic and other public uses, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

2.08 **Arterial or major streets and highways** shall mean streets used primarily for fast of

heavy traffic.

2.09 **Collector Streets** shall mean those streets which carry traffic from minor streets to major system or arterial streets and highways, including the principal entrance streets of a residential development or business park and those streets for circulation within such a development.

2.10 **Minor, local or residential streets** shall mean those streets which are used primarily for access to abutting properties

2.11 **Marginal access streets** shall mean those minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

2.12 **Cul-de-sac** shall mean a minor street having only one vehicle access to another street and terminated by a vehicular turn-around.

2.13 **Dead end street** shall mean a street, other than a cul-de-sac, with only one outlet.

2.14 **Alleys** shall mean a minor way used primarily for vehicular and/or utility services to the rear or side of properties otherwise abutting on a street.

2.15 **Easement** shall mean a right granted for the purpose of limited public or semi-public use across, over or under private land.

2.16 The word "**shall**" shall be deemed as mandatory. The word "may" shall be deemed as permissive.

2.17 **Plat** shall mean a map or chart of the subdivision. It shall include plan, plat or replat, in both singular and plural.

2.18 **City Council or governing body** shall mean the City Council of the City of Garrett.

2.19 **Extraterritorial jurisdiction** shall mean that area of land lying outside and adjacent to the corporate limits of the City of Garrett over which the City of Garrett has legal control as set forth in Chapter 42 of the Local Government Code.

2.20 **Abandonment**. The relinquishment of property, or a cessation of the use of property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

2.21 **Amending Plat**. A revised plat correcting errors or making minor changes to the original recorded final plat as defined in Tex. Loc. Gov't Code Ann. § 212.016.

2.22 **Building**. Any structure or building for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind.

2.23 **Comprehensive Plan**. The planning document described in Chapter 211 of the Texas Local Government Code and being the Comprehensive Plan of the City and adjoining areas recommended by the Planning and Zoning Commission and approved by the City Council, as may be amended from time to time.

2.24 **Performance Bond**; and/or Surety Bond. Bond required to ensure the completion of a development project pursuant to Texas Local Government Code § 212.073.

2.25 **Preliminary Plat**. The preliminary drawing or drawings, described in these regulations, indicating the proposed layout of the subdivision or development plat to be submitted to the City Council for approval.

2.26 **Replatting**. Any change in an approved or recorded plat, except as permitted as an amended plat, that affects any street layout on the map or area reserved or dedicated thereon 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 developments pursuant to Tex. Local Gov't Code §§ 212.014- .015 or §§ 212.041, et seq. Replatting includes the combination of lots into a single lot for purposes of development.

SECTION 3

**PURPOSE, AUTHORITY, JURISDICTION AND GENERAL REQUIREMENT**

3.01 AUTHORITY

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapters 212, 242, and 43 of the Local Government Code.

3.02 JURISDICTION

Any owner of land located inside the corporate limits of the City of Garrett wishing to subdivide such land shall submit to the City a plan of subdivision which shall conform to the minimum requirements set forth in these regulations. An owner subdividing his land into parcels of not less than five (5) acres each for agricultural use and not involving new streets shall be exempt from these requirements.

Any owner subdividing land outside the corporate limits of the City of Garrett but within its extraterritorial jurisdiction shall submit a plan of subdivision to the City and to Ellis County which shall conform to Chapter 242 and 42 of the Local Government Code (or their successor statutes) and the minimum requirements set forth in these regulations, and which is subject to the approval of both.

3.03 APPROVAL REQUIRED

No subdivision plat shall be filed or recorded and no lot in a subdivision inside the corporate limits of the City of Garrett or within its extraterritorial jurisdiction shall be improved or sold until the plat shall have been approved by the City Council.

3.04 GENERAL REQUIREMENTS FOR SUBDIVISIONS

The rules and regulations attached hereto, including the attached "Appendix A, Specific Requirements, and Design Criteria" is incorporated herein as if copied herein in their entirety and are hereby adopted as the subdivision regulations of the City of Garrett and made a part hereof for all purposes.

SECTION 4

PROCEDURES FOR SUBDIVISION

4.01 In order to allow orderly processing of a proposed subdivision, the procedures discussed in the following sections shall be followed. In general, the steps necessary for the subdivision shall include.

1. Preparation of Sketch Plan, Application and Conference.
2. Approval of a land study by the City Council if required.
3. Approval of preliminary plat and preliminary plans
4. Annexation by the City Council
5. Approval of the final plat and construction plans by the City Engineer.
6. Approval of final plat and plans by City Council.
7. Completion of construction and acceptance of all improvements by the City and submission of as-built drawings.
8. Filing of approved plat with the City of Garrett and the County Clerk and the recording of all executed easements, dedications, and other documents required to be filed of record.

4.02 This procedure may be varied at the discretion of the City Council. For those areas to be subdivided which lie outside the corporate limits, but are being submitted for review and approval to satisfy the requirements of extraterritorial jurisdiction and Chapter 42 of the Local Government Code, the provisions shall remain in force.

SECTION 5

ANNEXATION

If property is not within the City Limits of Garrett and the owner desires that it be annexed so as to be qualified to receive City services, when available, owner must petition the City for annexation.

SECTION 6

PRELIMINARY APPLICATION AND CONFERENCE

6.01 The subdivider shall present such general subdivision information as will outline the existing condition of the site, including utilities and available community facilities. A simple rough sketch shall indicate the location of the proposed subdivision, number of residential lots, typical lot width and depth, commercial areas, park and playground areas, proposed protective covenants or restrictions and proposed utilities and street improvements.

6.02 At the time the sketch plan is presented to the City, a preliminary conference should be held for the general comments and clarifications which are usually necessary. At that time, the subdivider shall purchase copies of all the forms, publications, design criteria and standards available from the City for his reference and for the benefit of his engineer.

6.03 After meeting with the City and/or its representatives, the subdivider may, at his option, request a preliminary hearing with the City Council for clarification of unresolved questions which might affect preparation of the preliminary planning information.

SECTION 7

LAND STUDY

7.01 In the development of any tract to be annexed by the City, either by sections or as one subdivision, the city Engineer can request the Developer to submit a Land Study to the City. Submittal to the City shall include a letter of transmittal requesting review and payment of the required filing fee.

7.02 The purpose of the Land Study is to allow the City to review the impact of development on utilities, drainage, proposed major thoroughfare and collector street patterns, land use, and the property's relationship to adjoining subdivisions or properties. The study shall be prepared as follows:

1. The study shall be drawn to a scale of 1”=200' or larger.
2. The lower right-hand corner shall contain a title block clearly showing the proposed name of the subdivision, name and address of the subdivider and the Engineer or Surveyor responsible for the design or survey, scale, date the drawing was prepared, and the location of the tract according to the abstract and survey records of Ellis, County, Texas.
3. The study shall clearly show the limits of the tract and scale distances. True North shall be clearly indicated.
4. The study shall show the names of adjacent subdivisions or the name of record or owners of adjoining parcels of unsubdivided land within ½ mile of the subject property boundary.
5. The study shall contain the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, and topography with existing drainage channels or creeks, and other important features such as political subdivisions, corporate limits and school district boundaries within ½ mile of the subject property boundary.
6. The study shall show the layout and width of proposed thoroughfares and collector streets and shall show a general configuration of proposed residential streets.

SECTION 8

PRELIMINARY PLAT AND PLANS

* 1. The Developer shall submit ten (10) copies of the preliminary plat of the subdivision to the City Council by filing the same with either the City Secretary, Mayor, or any City Council Member, at least sixty (60) days prior to the regular meeting, at which the preliminary plat will be considered. The preliminary plat shall carry the legend "Preliminary Plat - For Review Only". Submittal shall include a letter of transmittal requesting review and the required filing fees.
	2. The purpose of the submittal is to allow the City Staff, and City Engineer to review overall platting and plan review of the tract, and street patterns within the subdivision for conformance with the requirements of the City. It also provides the City an opportunity to make preliminary estimates of City participation, if any, on street costs in the subdivisions.
	3. The preliminary plat shall be prepared as follows:
1. Preliminary Plat may include several drawings which shall be drawn to a scale of 1”=100' or other legible standard scale.
2. It shall contain the name of the proposed subdivision, the name and address of the subdivider and the Engineer or surveyor responsible for the design or survey, tract designation, and other descriptions according to the abstract and survey records of Ellis County, Texas.
3. North, Point, scale and date.
4. The boundary lines of tract, shown accurate in scale, shall be shown.
5. It shall show the names of adjacent subdivisions or names of record of owners of adjoining parcels, the location, widths, and names of all existing or platted streets, easements or other public ways within or adjacent to the tract, existing railroad rights-of-way, and other important features such as section lines, political subdivision or corporate limits and school district boundaries.
6. It shall show all parcels intended to be dedicated for public use or reserve in the proposed subdivision, together with the purpose and conditions or limitations of such reservations.
7. It shall show the layout, streets, alley and easements names and width of proposed streets, alleys and easements.
8. It shall show the layout numbers and approximate dimensions of proposed lots and all building lines.
9. The location of proposed screening walls shall be clearly indicated.
10. A complete topographic map showing existing structures of the proposed area to be subdivided shall be submitted with the preliminary plat. Contours of the tract shall be intervals of five (5) feet or less, referred to sea level datum.
11. Existing culverts, utilities or other underground structures within the tract and immediately adjacent thereto with pipe sizes and location shall be shown.
12. Preliminary plans of proposed on-site and off-site utility systems, drainage system and street improvements shall be shown.
13. It is to be understood that the approval of the preliminary plat by the City Council does not constitute official acceptance of the proposed subdivision by the City. There shall be no work done in the field on the proposed subdivision until the final plat has been accepted.
14. Following review of the preliminary plat and other materials submitted, the City Council shall, within thirty (30) days (or such a longer period as may be agreed upon by the subdivider and the City), act thereon as submitted, or as modified and, if approved, the City Council shall express its approval as conditional approval and state the conditions of such approval, one of which shall be the filing of a final plat or, if disapproved, shall express its disapproval. Approval of the preliminary plat expires at the end of 12 months unless the final plat has been submitted for approval. The subdivider may apply in writing for an extension of not more than one additional six (6) month period.

SECTION 9

FINAL PLAT AND PLANS

9.01 The Developer shall submit ten (10) copies and two (2) sepia mylars of the final plat sized in compliance with County filing requirements and five (5) complete construction plans, on sheets sized in compliance with County filing requirements, plus seven (7) final plats of the subdivision to the City Council by filing the same with the City Secretary at least sixty (60) days prior to the date of the regular meeting of that body at which consideration is requested and shall tender payment of all required fees on which date such plat shall be deemed filed. This plat shall carry the legend "Final Plat".

9.02 The Final Plat shall show or be accompanied by the following information:

1. Final Plat shall be drawn to a scale of 1” = 100’ or larger.
2. It shall contain the subdivision name or identifying title and name of the city, county and state in which the subdivision is located; the name and address of the record owner or subdivider.
3. The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets interacting with the boundary of the tract.
4. An accurate location of the subdivision with the reference to the abstract and survey records of Ellis County.
5. The exact layout including:
	1. Street names
	2. Length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents.
	3. All easements for the right-of-way provided for public services or utilities and any limitations of the easements.
	4. All lot numbers and lines with accurate dimensions in the feet and hundredths of feet and with bearings and angles to street and alley lines.
6. The accurate location, material and approximate size of all monuments.
7. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and for all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
8. Set back building lines.
9. Private restrictions.
10. North Point, scale and date
11. Certification by a Registered Public Surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exists, and that their location, size, and material description are correctly shown.

THE CERTIFICATE TO BE PLACED ON THE PLAT SHALL BE IN THE FOLLOWING FORM:

Know All Men By These Presents:

That I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Garrett, Texas.

Professional Seal and Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name, Title & Registration No.

1. A certificate of ownership and dedication of all streets, alleys, parks and play grounds to public use forever, signed and acknowledged before a Notary Public by the Owner and Lien Holder of the land along with a complete and accurate description of the land subdivided and the streets dedicated.
2. Additional certificates to properly dedicated easements or right-of-ways as may be necessary.
3. Drainage easements, utility easements and public open space restriction statements to be placed on plats:
	1. Drainage Easements Restriction (DER) - No construction, or filling without written approval of the City of Garrett, Ellis County, Texas shall be allowed within drainage easement. No obstruction of the natural flow of water shall occur. All owners of property affected by such construction or filling shall be a party to the request.
	2. Utility Easements (UE) - any public utility, including the City of Garrett, Ellis, County, Texas shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.
	3. Public Open Space Restriction (POSR) - No structure, object or plant of any type may obstruct vision from a height of thirty (30) inches to a height of eleven (11) feet above the crown of the road, including but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the public open space easement as shown on the plat with the exception of one Utility Pole and one Street Sign and or one Fire Hydrant. The easement will remain in effect until vacated by an order issued by the City of Garrett, Ellis County, Texas, and the property is replatted.
4. Proper blanks for certification of approval to be filled out by the City Council.
5. A receipt indicating that all taxes have been paid.
6. Dedication Deed

Accompanying the final plat shall be a dedication deed or certificate of dedication executed by all persons, firms, or corporations owning an interest in the property subdivided and platted, and acknowledged in the manner prescribed by the laws of the State of Texas for conveyance of real property. Two (2) true copies must be furnished with the original. The wife of each married man executing such dedication deed or certificate of dedication shall join her husband therein unless satisfactory proof be provided showing that the property to be subdivided does not constitute any portion of such party's homestead and positively designates and identifies such party's actual homestead. In the case of lien holders, there shall be executed a subordination agreement whereby all lien holders subordinate their liens to all public streets, alleys, parks, school sites and any drainage or utility easement, right-of-ways, or other public areas shown on the final plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:

1. An accurate metes and bounds description of the tract of land subdivided (the description placed on the final plat should be used for this purpose). Also a description of the limits of each owner's land and the lots, plots, and building sites of the subdivision included within the boundary of each owner's land.
2. A statement and express representation that the parties joining in such dedication deed or certificate of dedication are the sole owners of such tract of land.
3. An express dedication to the public for public use forever over the streets, alleys, easements, right-of-ways, parks, school sites and other public places shown on the attached plat.
4. A positive reference and identification of the final plat of such subdivision by the name of such subdivision, date of the plat, and the surveyor who prepared the plat
5. Construction plans for all required utilities such as:
	1. Plan and profile of proposed streets.
	2. Plan and profile of on-site and off-site proposed drainage facilities, including storm sewers where required.
	3. Proposed street lighting plan and any utility pole relocations.
	4. Plan and profile of on-site and off-site proposed sanitary sewer facilities.
	5. Plan of on-site and off-site proposed water facilities.

C. The Construction Plans shall be prepared by or under the supervision of a Registered Professional Engineer in the State of Texas and shall bear his seal on each sheet.

D. The plans shall contain all necessary information for construction of the project, including screening walls. All materials specified shall conform to the specification set forth in Appendix A and the engineering design standards and master plan as adopted by the City.

E. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made.

F. After review of the plat and plans by the City Engineer, the plat shall be submitted to the City Council for their consideration. If approved by those bodies subject to changes, the Engineer for the owner shall make all changes required. The City Engineer or his designated representative will approve all plans to the Engineer for the owner for use by the Contractors. Each contractor shall maintain one (1) set of the plans, stamped with City approval, on the project at all times during construction. If construction has not commenced within one (1) year after approval of the plans, re-submittal of plans may be required by the City Engineer for meeting current standards and engineering requirements.

Section 10:

FRACTIONAL FINAL PLAT

10.01 If desired by the subdivider and approved by the City Council, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop; however, such portion shall conform to all the requirements of this ordinance.

10.02 If final plats are submitted for approval by portions or sections of the proposed subdivision, each portion or section shall carry the name of the entire subdivision but shall bear a distinguishing letter, number or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivision might be finally approved in section.

Section 11:

REPLATTING OR RESUBDIVISION

11.01 No structure shall be placed, constructed, reconstructed or enlarged that extends across a property line, and no building permit shall be issued until such tracts or lots have been replatted or resubdivided and following approval of the City Engineer, council and filed for record with Ellis County. Exceptions may be granted for structures designed for multiple occupancy under one roof and/or where a property line extends along a common wall of separation.

1. In order to replat a tract of land for which a final plat is filed of record in the Records of Ellis County, the tract must be either (a) fully owned by the person desiring to replat, or (b) the person desiring the replat must furnish the City with written acknowledgment and consent by all other property owners.
2. The procedure for replatting (resubdividing) shall be the same as for subdividing as stipulated by this ordinance.

Section 12:

SUBMITTAL REQUIRED FOR CONSTRUCTION

12.01 Prior to authorizing construction, the City Engineer shall be satisfied that the following conditions have been met:

1. The Final Plat shall be complete and in compliance with the City of Garrett Construction Standards and Specifications and Master Plan at the time of approval.
2. All required contract documents shall be completed and filed with the City Engineer.
3. All necessary off-sight easements or dedications required for City maintained facilities not shown on the Final Plat must be conveyed solely to the City of Garrett, Texas, with proper signatures affixed. The original of the documents and filing fees shall be returned to the City Secretary prior to approval and release of the engineering plans.
4. All Contractors participating in the construction shall be presented with a set of accepted plans bearing the stamp of acceptance of the City engineer. These plans shall remain on the job site.
5. If required by the City Engineer, all parties participating in the construction shall meet for a pre-construction conference to discuss the project prior to beginning work.
6. A complete list of the Contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City Engineer.
7. Manufacturers' drawings for all fabricated appurtenances or special construction time shall be submitted to the City Engineer.

SECTION 13:

SUBDIVISION – CONSTRUCTION

13.01 Construction shall be inspected by the City Engineer or City representative. Completion of construction to the approved plans and specifications of the City of Garrett is the responsibility of the Developer and Contractors. The responsibility of the City Engineer is to assure conformance to the accepted plans and specifications. Any change in design required during construction shall be made by the Engineer whose seal and signature are shown on the plans and shall be accepted by the City Engineer prior to making such changes.

13.02 Before beginning construction, subdivider shall direct his contractor(s) to construct all improvements as identified in the approved engineering plans and to provide to the City of Garrett a one (1) year maintenance bond in the amount of 100% of the contract.

SECTION 14:

ACCEPTANCE OF THE SUBDIVISION

1. After completion of all items required in the plans and specifications, the Contractor shall submit to the City a bond in the amount of one hundred percent (100%) of the Contract amount guaranteeing workmanship and materials for a period of one (1) year from the date of final acceptance by the City. The City Engineer shall verify that all items have been completed, including the filing of the plat and all related easements and documents and payment of pro rata fees for streets. The City Engineer, or his designated agent, shall conduct a final inspection of the project and, if all work is found to be acceptable, shall issue a Letter of Acceptance. Any items of exception noted in the acceptance letter shall be immediately satisfied.
2. Acceptance of the subdivision shall mean that title to all improvements is vested in the City of Garrett. The developer and his Contractors shall, however, be bound to the City for a period of one (1) year to repair any defects in the improvements.

SECTION 15:

AS-BUILT PLANS

Prior to final acceptance by the City of the improvements in the subdivision, the Engineer for the Developer shall submit to the City Engineer a complete, reproducible set of drawings of paving, drainage, and other improvements showing all changes made in the plans during construction and containing on each sheet an "As-Built" stamp bearing the signature of the Engineer and the date.

SECTION 16:

FILING OF PLAT

1. *The Final Plat will not be filed with the Ellis County Clerk until all construction is completed and approved.* After approval of the Final Plat by the City Council, City Engineer and correction for the plat as required, the Developer shall submit filing fees and the required number of copies for City to file the plat with the Ellis County Clerk. These copies shall bear all signatures of the City officials. After signature by the City officials, the City shall complete the filing process providing the City Engineer has approved the construction plans and documents and the required bonds have been posted with the City. Said copies shall show the volume and page of the Map and Plat Records into which the plat was filed by the Ellis County Clerk. If the final plat has not been submitted for signatures by City officials within six (6) months after approval by the City Council, the plat shall be deemed null and void, re-submittal shall be required, and current subdivision regulations shall apply.

SECTION 17:

ISSUANCE OF BUILDING PERMITS

Building permits (authorization to build on lots of the subdivision) will not be issued until completion of all improvements within the subdivision and acceptance by the City.

SECTION 18:

WITHHOLDING OF IMPROVEMENTS

The City shall withhold all city services, of whatsoever nature, including the maintenance of streets and the connection of sewer and water services, until the final plat has been approved by the City Council and filed with the County Clerk and all the requirements of these subdivision regulations have been complied with, including the installation and acceptance by the City of all waterworks, sewer and paving improvements for the area designated.

SECTION 19:

FILING FEES

1. The following schedule of fees and charges shall be paid to the City when any plat is submitted to the City. Each of the fees and charges provided herein shall be paid in advance, and no action shall be taken until said fees and charges have been received by the officer designated herein. The City Councilor or their deputies or assistants shall calculate the fees and charges in accordance with the following schedule:
	1. Land Study, if required, shall be $375 plus $15 per acre (for 5 acres or more only).
	2. Preliminary Plat $375 plus $15 per lot.
	3. Final Plat (Non-Residential) $375 plus $15 per acre; (Residential) $375 plus $2 per lot.
	4. Replat $200 plus $15 per lot.

These fees shall be charged on all plats, regardless of the action taken by the City Council and whether the plat is approved or denied by the City Council.

1. Construction Permit

The City Engineer shall compute the Construction Permit Fee for the development of a subdivision, or parts thereof, based on the following schedule:

Complete Subdivision and any

separate projects: 2% of construction cost

Streets, Storm Sewers, etc.

SECTION 20:

MAINTENANCE BOND REGULATIONS

The subdivider shall furnish a good and sufficient maintenance bond with a reputable and solvent corporate surety, in favor of the City, to indemnify the City against any repairs which may become necessary to any part of the construction work performed in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of one year from the date of final acceptance of the entire project. Final acceptance will be withheld until said maintenance bond is furnished to the City Attorney for approval. The maintenance bond shall have attached thereto a copy of the contract for such improvements and such other information and data necessary to determine the validity and enforceability of such bond. When the bond has been examined and approved, the City Attorney shall furnish the City Council with a written certification that the maintenance bond is valid and enforceable as regards all improvements required by subdivisions, which have not been pre-approved as provided by law and further, no permits shall be issued by the City on any piece of property other than an original or a re-subdivided lot in a duly approved and recorded subdivision or on a lot of separate ownership of record prior to the adoption of the subdivision ordinance.

SECTION 21:

CONFLICT WITH OTHER ORDINANCES

Where other ordinances and codes of the City contain regulations which are more restrictive than the regulations contained herein, the ordinances or codes which are most restrictive shall control.

SECTION 22:

SEVERABILITY CLAUSE

If any article, paragraph, or subdivision clause or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 23:

PENALTY CLAUSE

Any person, firm, or corporation in violation of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty or fine not to exceed the sum of Five Hundred Dollars ($500.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense. If such offense is a violation of the City’s zoning ordinance or involves fire or a fire safety hazard, the offense shall be punished by a fine not to exceed two thousand dollars ($2,000.00) for each violation, each and every day such violation continues shall constitute a new and separate offense.

SECTION 24:

GENERAL PROVISIONS

1. There shall be no reserved strips of land except those which are conveyed to the government having jurisdiction.
2. In the event the subdivider or builder cannot complete any provision of this Ordinance pertaining to the preparation of a plat, then upon request of the City Council, a site plan shall be prepared in conjunction with the building permit plans. The form of the site plan shall be sufficient to provide information required by the City to determine if the specific project may be exempt from the platting requirements. The site plan shall be submitted for approval by the City Council. If in the review and approval process it is determined necessary that a plat should be prepared, approved, and recorded, then such standard process will be required. However, if the specific project, as identified in the site plan process clearly identifies that the platting requirement may be exempted, notice will be so given.

The purpose of said site plan is to provide sufficient information to identify the project and its effect upon the area.

The site plan shall contain sufficient information relative to site design considerations, including but not limiting to the following:

1. Location of proposed building(s) and structures.
2. On-site and off-site circulation of traffic.
3. Parking provisions.
4. Grading provisions.
5. Drainage provisions.
6. Landscaping provisions.
7. Placement of utilities.
8. Screening.
9. Engineering for streets, drainage and utilities (if required).

The City may require other information and data for a specific site plan. This data may include but is not limited to geologic or archaeological information, water yields, flood data, environmental information, traffic analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevation and perspective drawings, lighting, and similar information. Conditional approval of the site plan may establish certain conditions for construction based on such information.

1. When a subdivider can show that a provision of these regulations would cause unnecessary hardship if strictly adhered to and where, because of some condition peculiar to the site, in the opinion of the Planning and Zoning Commission and/or the City Council a departure may be made without destroying the intent of such provisions, the City Council may authorize a variance.

However any variance thus authorized is required to be entered in writing into the minutes of the City Council and the reason which justified the departure to be set forth.

1. The city shall be given opportunity to inspect all phases of the construction of improvements for subdivisions. The subdivider, or his contractor, shall maintain daily contact with the City Engineer, or his representative, during construction of improvements.

APPENDIX A

SPECIFIC REQUIREMENTS

AND

DESIGN CRITERIA

1. STREETS AND ALLEYS

A. Policy

1. Streets constructed within the City shall be classified according to the following criteria:

Residential 50 - 60 feet right-of-way

Collector 80 feet of right-of-way

Arterial 100+ feet of right-of-way

1. Residential streets shall be so laid out that use for through traffic will be discouraged.
2. Arterial streets intersect at 90 degree angels unless otherwise approved by the city.
3. Half-streets shall be prohibited.
4. Strips of privately owned property reserved for the obvious purpose of controlling access to streets shall be prohibited except where control is definitely placed in the City under conditions approved by the City Council.
5. Street alignments with centerline offsets of less than 125 feet shall be prohibited.
6. A cul-de-sac shall not be longer than 600 feet and at the closed end shall have a-turnaround provided, having a minimum outside roadway diameter of 100 feet and a minimum street property line diameter of 120 feet.
7. Alleys are required in all residential subdivisions with rear access to lots. Alleys shall have a minimum right-of-way width of twenty (20) feet and be paved to the standard of streets.
8. Blocks shall be platted to allow two tiers of lots.
9. All lots shall be adjacent to a dedicated street to which access is allowed. Where a tract of land is subdivided into parcels that are larger than normal building lots, such parcels shall be arranged to permit the opening of future streets and a logical ultimate re-subdivision. Side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots shall have an area not less than 8000 square feet and a width not less than 80 feet at the front lot line or as required by the City’s Zoning Ordinance if applicable.
10. Blocks lengths shall not exceed 800 feet in length as measured from street centerline.
11. Alleys, or loading courts, of a minimum width of 20 feet of paved surface, or in lieu thereof, adequate off-street loading space shall be provided in business blocks.
12. Existing Adjacent Streets
	1. When a proposed subdivision of land abuts either one or both sides of an existing substandard road according to the then existing current City of Garrett standards, the Developer shall be required to improve the existing road at his expense to bring the same to the City of Garrett standards.
	2. Whenever under any of the provisions of this section, funds are required to be escrowed for the cost of future improvements to substandard roads, the form of such escrow shall be cash or its equivalent.
13. The arrangement of streets in a subdivision shall either:
	1. Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
	2. Conform to a plan for the neighborhood approved or adopted by the Council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

Single-entry subdivisions shall be discouraged, and any subdivision containing more than fifteen lots must include two or more connections to public streets outside of the subdivision. Where the Council finds that more than one street connection is not necessary, the Council may require a pedestrian right-of-way containing sidewalk, trail or other subdivision improvements to facilitate pedestrian travel in lieu of multiple street connections.

B. Engineering Design

The engineering design of streets in the City of Garrett shall conform to the then current street standards as adopted by the City of Garrett, but in no case less than 18 feet wide constructed of six inch (6") thick reinforced concrete or six inch (6") thick cement stabilized base topped with 1-1/2” of hot mix asphalt cement. Curb and gutter is required, but may be omitted provided the street right-of-way width is increased to 60 feet or more to allow adequate space for road ditches sloped at not less than four (4) to one (1) slope.

II. STORM SEWERS

A. Policy

An adequate storm sewer system, consisting of inlets, pipes and other drainage structures, shall be constructed to conform to the current drainage requirements of the City of Garrett. If open channels are used, side slopes of 4 : 1 with concrete pilot channels shall be constructed. Areas subject to flood conditions during a 10 year frequency storm event or as established by the city will not be considered for development until adequate drainage has been provided.

B. Engineering Design

No storm water conduits shall be smaller than 15” diameter. All culvert pipes shall end with a headwall or sloped safety ends. Stormwater runoff shall be designed based on the Rational Method or approved equal using a minimum 10 year storm frequency for residential areas.

III. WATER AND WASTEWATER

* + 1. Policy - All subdivisions shall be provided with adequate water and wastewater facilities and appurtenances to serve the subdivision in accordance with the then current standards, specifications and master plan as adopted by the City.
			1. When a Developer undertakes the development of a tract that would require extending or increasing facility capacities of water, and/or wastewater, the expense of all facility improvement shall be borne by the developer. Also, should the Developer be required to oversize water and/or wastewater mains in order to accomplish future development of adjacent tracts, lots or blocks, the expense of the oversizing shall be the responsibility of the Developer
			2. Generally, all subdivisions should have at least two sources of water supply for that subdivision and all interior mains in the subdivision shall be looped.
			3. Developers that provide water and wastewater service lines to lots from street right-of way shall be consistent as to the location of such service lines on all lots in the subdivision and the location of each service line shall be marked at the curb by permanently inscribing in the curb face a ‘W’ indicating water and an ‘S’ indicating the location of wastewater service lines.
			4. Wastewater lift stations should be avoided by constructing gravity facilities. Should a gravity wastewater main be available to the subdivision, the developer shall construct at his expense the necessary off site improvements to connect to the existing wastewater main.
			5. Should the City Engineer determine that wastewater lift station(s) must be installed to serve the subdivision, oversizing such lift stations(s) for future city needs shall be paid for by the developer.
			6. The engineering design or plans for installing on site sewage facilities in the City shall conform to the current standards as adopted by the County of Ellis.

B. Engineering Design

As a minimum, all water and sewer system improvements shall be designed to the current standards of the State regulatory agencies for water, sewer, and fire protection and all areas of development shall be provided with these services.

IV. EASEMENTS

A. Policy

Easements shall be provided on subdivision plats when the following criteria indicate that an easement is required. Where not adjacent to a public way, easements at least fifteen (15) feet wide for utility construction, service, and maintenance shall be provided where necessary in locations approved by the City Council. Easements of at least seven and one-half (7-1/2) feet in width shall be provided on each side of all rear lot lines and along side lot lines, where necessary, for utilities such as electric, telephone, street lights and natural gas. Easements having greater width dimensions may also be required along or across lots where engineering design or special conditions make it necessary for the installation of utilities outside public rights-of-way. For lots facing on curvilinear streets, the rear easement should consist of straight lines with a minimum of points of deflection.

B. UTILITY EASEMENTS

Any public utility, including the City of Garrett, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Garrett, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

C. EMERGENCY EASEMENTS

Emergency easements and fire lane easements shall be provided in locations required by the Chief of the Garrett Fire Department. These easements shall have a minimum width of twenty (20) feet and a minimum height clearance of fourteen (14) feet. Any emergency access and fire lane easement more than one hundred (100) feet in length shall either connect at each end to a dedicated public street or be provided with a cul-de-sac having a minimum diameter of one hundred (100) feet with an additional distance of twenty (20) feet on all sides clear of permanent structures. These easements shall be paved to Design Standards and specifications recommended by the City Engineer.

D. PUBLIC OPEN SPACE RESTRICTIONS

No structures, object or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height of eleven (11) feet above the top of the curb, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the public open space easement as shown on this plat. These open space easements will remain in effect until vacated by ordinance adopted by the City Council of Garrett and the property replatted.

The preceding Public Open Space Restrictions may be altered to permit, on commercially zoned lots, the placement within the easement area of one (1) single pole sign and said pole not to exceed twelve (12) inches in diameter and with every portion of said sign allowing a minimum height clearance between it and the ground of eleven (11) feet.

V. UTILITY SERVICES

1. All services for available utilities shall be made available to each lot in such a manner so as to eliminate the necessity for disturbing the street and alley pavement, curb, gutter, sidewalks, and drainage structures when connections are made.
2. All electric, telephone utilities, street lighting, and cable television can either be above or underground. The use of above-ground utilities may be considered on an individual case basis if the services are placed on the rear property line.
3. All support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad-mounted or placed underground, where applicable.
4. Where underground electric utilities are installed at the request of the subdivision developer, the subdivision developer shall pay any charges or costs between actual underground electric utility service construction and the most economical overhead electric utility service installation. All conduits from electric, telephone and cable TV shall be installed and buried at the expense of the developer and in accordance with the City standards and City franchisee specifications.

VI. MISCELLANEOUS

* 1. Street Signs: The Developer shall pay the City for street signs for the subdivision. There shall be one sign for each intersection.

VII. PARKLAND AND OPEN SPACE

1. Intent. New subdivisions adjacent to planned or existing parks, or other public open spaces, or the landscaped grounds of schools, or other public facilities shall maximize visibility and pedestrian access to those areas. Where those facilities are not already provided, the subdivision shall be designed to provide usable public open spaces in the form of parks, linear bicycle and pedestrian trails, gathering spaces, and/or squares and greens, as appropriate.
2. Purpose/Applicability
	1. The purpose of this section is to provide for the adequate provision of parkland and open space to meet the needs of a growing citizen population, including easements or land dedication for recreation and drainage purposes.
	2. It is hereby declared by the City Council that recreational areas in the form of neighborhood parks are necessary and in the public welfare, and that the only adequate procedure to provide for parkland and park improvements is by integrating such a requirement into the procedure for planning and developing property or subdivisions in the City.
		1. It is the policy of the City to require subdividers of residential subdivisions and lots to provide for park land and park facilities at the time of development approval in proportion to the need for such improvements created by the development.
		2. It is the policy of the City to require subdividers of mixed use tracts that will be developed with residential uses to provide common spaces in one or more of the following forms: parks, linear bicycle and pedestrian trails, gathering spaces, squares and greens. Developers building a mixed use project in phases may apply common space requirements across the entire tract. However, common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
		3. The primary cost of neighborhood parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, are the primary beneficiaries of such facilities.
3. The park land dedication and park development requirements of this section shall apply to every residential subdivision developed under the provisions of this Ordinance and approved after the effective date of this Ordinance.
4. Following initial imposition and satisfaction of park dedication and improvement requirements, additional requirements shall apply to revised plat applications for residential subdivisions only if such revised or renewed application results in an increase in the number of dwelling units.
5. Developments less than ten (10) dwelling units in size shall not be required to dedicate parkland.
6. Non-residential developments, while not required to dedicate park land, may be given incentives to encourage the dedication of land for public parks or open space at the discretion of the City Council.
7. Submittal Requirements
8. Plans for parkland dedication or payment of fees in lieu of such dedication must be submitted with the preliminary plat.
9. City staff shall make recommendations based upon the policies adopted by the City to the City Council concerning the amount and location of park land and fees-in-lieu of park land dedication.
10. The City Council shall have final authority on park land dedication.

1. Requirements for Parkland Dedication
2. The subdivision of any parcel or tract of land into a residential subdivision within the city limits or ETJ shall require the subdivider to set aside and dedicate to the public sufficient and suitable lands for the purpose of a park or make an in-lieu financial contribution for the acquisition or development of park land in accordance with the provisions of this section.
	* 1. No area or facility shall be dedicated for parkland purposes unless approved and accepted by the City.
		2. The City Council and subdivider may negotiate the combination of park land dedication, payment of fees-in-lieu of required park land, or any combination thereof, to satisfy these requirements.
		3. Where a subdivider proposes to pay an in-lieu-fee as provided for in this section, the City Council may accept such payment as satisfying the park land dedication requirements of this ordinance.
		4. The City reserves the right to require the dedication of land for park purposes in conformance with the provisions of this section rather than payment of fees-in-lieu of such parkland when one (1) or more acres of land would be required to satisfy the park land dedication requirements.
		5. The subdivider shall improve all dedicated public park land with improvements approved by the City, in an amount prorated to equal at least $30,000 per acre. Construction of the improvements must be completed within three (3) years of the City’s approval of the first final plat of the subdivision.
3. Formula for Calculating Area of Park Land

The acreage to be donated prior to final plat approval by the Council of any residential subdivision shall be pro-rated in an amount equal to dwelling units delineated in Table 6.1. However, no park shall be less than 15,000 square feet in size.

Table 7.1 Park Land Dedication Requirements

|  |  |
| --- | --- |
| Type of Development | Land Requirement |
| Single family | 1 acre/50 dwelling units |
| Multifamily | 1 acre/70 dwelling units |
| Fewer than 10 units | None |

1. The following areas shall not be included in the calculation of common open space areas:
2. Private lot areas.
3. Street and highway rights-of-way, public or private.
4. Railway and utility rights-of-way.
5. Parking areas.
6. Fee-In-Lieu of Park Land Dedication
7. When the amount of land required in this section is less than one (1) acre, the City Council may require the subdivider, or the subdivider may select at his option, to pay a fee-in-lieu of park land dedication or a combination of park land dedication and fees-in-lieu, in order to satisfy the requirements of this section.
8. The appropriate fee shall be imposed by the City at the time of approval of the preliminary plat and shall be paid prior to the release by the City of each final plat for filing in the deed records of the County.
9. The City shall reserve the fees contributed in lieu of parkland dedication in a separate account from the general funds of the City, along with any accrued interest.
	* 1. The funds shall be used to complete acquisition or improvement of parkland located within a distance not to exceed one (1) mile from the subdivision for which the fees were collected.
		2. If any or all of the funds are not spent for such purposes within ten (10) years from the date that they are collected, the subdivider shall have the right to request repayment by the City, and the City shall refund the principal amount of all unexpended funds that were collected from the subdivider.
10. Where the fee in lieu of park land is required or acceptable to the Council as provided for in this Ordinance, such fee shall be equal to:

Parkland In-lieu-fee

|  |  |
| --- | --- |
| Type of Development | Required Fee |
| Single Family | $300/dwelling unit |
| Multifamily | $200/dwelling unit |
| Fewer than 10 units | None |

1. Public Access and Park Land Dedication Required
2. All park land and improvements thereto shall be dedicated to the public, except that private parkland may be approved as provided below.
3. When the subdivider chooses to dedicate land that meets all of the design standards in this section and is one (1) acre or more in size, the City shall be obligated to accept the land as park land.
4. Parkland Standards
5. Any land to be dedicated to meet the requirements of this section shall be reasonably located and adaptable for use as park land and/or recreation facility, consistent with the policies of the City and park plans as may be adopted by the City Council.
6. The location, access, size, shape, topography, natural drainage, utilities, parking facilities, and wooded areas and other vegetative cover of the parcel or tract of land to be dedicated shall be appropriate for public parks and recreation purposes.
7. All parkland or open space in subdivisions with residential lots shall be located within one-half mile of residential lots. Park or open space to be dedicated shall be shown on the preliminary and final plat with a ½-mile catchment, (or buffer) to provide a visual drawing of its location in relation to residential lots.
8. The common open space shall maximize common boundaries with existing or future open space on adjacent lands, as shown in the Comprehensive Plan or applicable plan(s) of an adjacent municipality or other jurisdiction.
9. Street access: Unless specifically exempted elsewhere in this section, access to recreation park land designated on a subdivision plat shall be provided by the dedication of at least 200 feet of street frontage, in a manner satisfactory to the City.
	* + 1. A 200 foot by 200 foot corner site at the intersection of two streets is preferred.
			2. When the land abutting the designated parkland is developed, the subdivider of such abutting land shall furnish and pay for paving of all abutting street frontage and shall provide water and sewer access to the boundary of one side of the delineated park land area.
10. Grade/Slope: At least fifty (50) percent of the dedicated land should not exceed five (5) percent grade.
11. Utilities: Minimum service connections of two (2) inch water line, six (6) inch gravity sewer line or two (2) inch pressurized sewer line, and electricity line shall be provided and located along at least one property line of the dedicated land.
12. Boundaries: The boundaries of common open space shall be marked by natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other landscape features should be added to enable residents or the public, if applicable, to distinguish where common open space ends and private lot areas begin. Where structural demarcations, such as fences, are used, they shall be the minimum needed to accomplish this objective.
13. Permanent Property Boundary Markers/Monuments: Above-ground, grade level survey markers are required to be permanently installed on all property lines of the dedicated land.
14. Floodplains
15. Areas falling within the 100-year floodplain may be dedicated in fulfillment of the dedication requirements, subject to approval by the City Council.
16. Said dedication will include, at a minimum, a strip two-hundred fifty (250) feet wide on each side measured from the center of the creek channel.
17. Property within the 100-year floodplain may be dedicated at a ratio of three-to-one (3:1) measured in acres of floodplain in lieu of non-floodplain property.
18. At least 50% of the dedicated park land must be outside the 100-year floodplain.
19. In no case will the width and/or breadth of dedicated park land located outside of the 100-year floodplain be less than 30 feet.
20. Parking shall be provided in a manner deemed acceptable by the City Council.
21. Requirements for Greenbelt dedication
22. Up to 50 percent of the parkland dedication requirement may be met in the form of a linear park or green belt that runs through the subdivision property
23. Street access requirements stated herein do not apply to greenbelts/ linear parks.
24. Trails in common open space that are located within 50 feet of homes in cluster groups shall be identified by plantings, fences, or other landscape features.
25. Parkland Condition for Dedication
26. The park site shall be free of trash and debris.
27. If the condition of the dedicated park land is disturbed during construction of subdivision improvements then the subdivider shall be responsible for returning the dedicated land to its previous condition prior to or at the time of final plat filing.
28. Prior to dedication of park land, the subdivider shall make full disclosure of the presence of any hazardous substances and/or underground storage tanks (U.S.T.'s) of which the subdivider has knowledge.
29. The City, at its discretion, may proceed to conduct such initial environmental tests and surveys on the land as it may deem appropriate, and the subdivider shall grant to the City and its agents such reasonable access to the land as is necessary to conduct such surveys and tests.
30. If the results of such surveys and tests indicate a reasonable possibility of environmental contamination or the presence of U.S.T.s, the City may require further survey and tests to be performed at the subdivider’s expense as the City may deem necessary prior to its acceptance of the dedication, or in the alternative, the subdivider may be required to identify alternative property or pay the fees in lieu of such park land dedication.