



Title XI

Subdivision Regulations

March 22, 2022

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Chapter 1. General Provisions

Sec. 11-1-1. General Provisions

These regulations shall be known, cited and referred to as the Subdivision Regulations of Weatherford, Texas.

Sec. 11-1-2. Jurisdiction and Applicability

Platting is required for all land to be improved for public or private use or subdivided within the corporate limits of Weatherford Texas and including its extraterritorial jurisdiction as provided by Texas Local Government Code, Chapter 212 (including Subchapter B) and the City's charter except as specifically exempted herein. The provisions of these Subdivision Regulations expressly extend to all areas inside the City limits and throughout the City's extraterritorial jurisdiction (ETJ), as either may be adjusted in the future, and as provided in an Interlocal Agreement with Parker County filed of record in the Official Records of Parker County, Texas, Doc. # 791613 (v. 2911, p. 1570).

Sec. 11-1-3. Exemptions

The provisions of this ordinance shall not apply to any of the following:

- (a) Development of land legally platted and approved prior to the effective date of this ordinance, except as otherwise provided for herein.
- (b) Development of one or two family residentially zoned land constituting a single tract, lot, site, or parcel for which a legal deed of record describing the boundary of said tract, lot, site, or parcel was filed of record in the Deed Records of Parker County, Texas on or prior to December 31, 2019.
- (c) Existing cemeteries complying with all state and local laws and regulations.
- (d) Divisions of land created by order of a court of competent jurisdiction.
- (e) When a building permit is requested for unplatted or already platted parcels for one or more of the following activities:
 - (1) Replacement or reconstruction of an existing primary single-family structure;
 - (2) Building additions, such as increasing the square footage of a residence or other structure;
 - (3) Accessory buildings (as defined in the Zoning Ordinance);
 - (4) Remodeling or repair; or
 - (5) Moving a structure off a lot or parcel, or for demolition.

Sec. 11-1-4. Purpose

These rules are adopted to promote the health, safety, morals, or general welfare of the City of Weatherford and the safe, orderly, and healthful development of the City and its extraterritorial jurisdiction.

Sec. 11-1-5. Interpretation

These Subdivision Regulations are intended to establish the minimum requirements. If any other provision of law relates to any matter herein, the regulation providing the higher standard shall apply.

Sec. 11-1-6. Administrative Officials

- (a) Duties of the Planning Director

The Planning Director, or designee, is responsible for taking the following actions with regards to a platting application under these regulations:

- (1) Accepting an application for submittal, determining completeness, filing, and processing;
- (2) Reviewing and making recommendations concerning any plat application, preparing reports to and advising any board, commission, or the City Council that has responsibility for making recommendations on or deciding an application;
- (3) Coordinating with other City departments concerning an application or petition;
- (4) Initial decision-maker for approval of minor plat applications, including certain replat and amending plat applications;
- (5) Promulgating additional or modified policies, standards, and administrative rules that apply to these regulations and applications; and
- (6) Initiating enforcement actions concerning compliance with the standards applicable to an application and the conditions imposed thereon;

(b) Duties of the City Engineer

The City Engineer, or designee, is responsible for taking the following actions with regards to a platting application under these regulations:

- (1) Reviewing and making recommendations with regard to public improvement infrastructure and other site preparation activities associated with platting, including without limitation, application for approval of construction and engineering plans, all related construction management tasks, and contracts for public improvements;
- (2) Considering appeals of and exceptions to decisions pertaining to any standards for which the City Engineer is the responsible official; and
- (3) Initial decision-maker, subject to appeal as provided in these regulations, for approval of construction plans, application for a site preparation or public improvement permit, and all related construction management tasks.

Sec. 11-1-7. Planning & Zoning Commission

The Planning & Zoning Commission shall have the powers and duties as provided for in Title 2, Chapter 2 of the Weatherford Municipal Code, the Charter of the City of Weatherford, Texas and as authorized by Chapters 211, 212, 245, and elsewhere within the Texas Local Government Code. More specifically the Planning & Zoning Commission shall:

- (a) Review and approve, approve with conditions, or disapprove with reason preliminary plat and final plat applications and submitting such recommendation to the City Council; and
- (b) Make such determinations, decisions, or recommendations as may be required from time to time by these regulations, other municipal code, City charter, or state statutes.

Sec. 11-1-8. City Council

The City Council shall have all powers and authority derived from the Texas Local Government Code, the City charter, and as described in these regulations.

- (a) In addition to the Planning & Zoning Commission, the City Council shall review and approve, approve with conditions, or disapprove with reason preliminary plat and final plat applications; and
- (b) City Council may from time to time amend, supplement, or change by ordinance the text of these regulations on its own initiative or upon petition for a text amendment, following review and recommendation by the Planning & Zoning Commission.

Sec. 11-1-9. Platting Determinations and Delegation of Approval Responsibility

Upon request the Planning Director shall decide whether a plat is required for the land. If a plat is required, the Planning Director shall determine whether it has been prepared, reviewed, and approved, approved with conditions, or disapproved with reason by the authority. If appropriate, the Planning Director shall issue a certificate in accordance with these regulations.

City Council shall delegate to the Planning Director, or designee, the ability to approve or approve with conditions plats generally known as minor plats, amending plats, or minor replats as defined in the Texas Local Government Code. If approval or approval with conditions cannot be granted, the submittal will be referred to the Planning & Zoning Commission for consideration.

Sec. 11-1-10. Enactment and Effective Date

In order that land may be subdivided in accordance with these policies, these subdivision regulations are hereby made effective as of the date of their adoption by ordinance. All applications for plat approval, including final plats, that are pending on the effective date of this ordinance and which have not lapsed shall be reviewed under the regulations in effect immediately preceding the effective date of this ordinance.

Sec. 11-1-11. Violations and Penalties

Violations of provisions of these regulations or failure to comply with any of its requirements shall constitute a misdemeanor and be punished by a fine not to exceed two thousand dollars (\$2,000). A violation of these regulations or failure to comply with any of its requirements shall constitute a Class C misdemeanor. Each calendar day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City from taking any other lawful action necessary to prevent or remedy any violation. Appropriate actions and proceedings may be taken by the City in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described in this section

Sec. 11-1-12. Severability

If any provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision, and to this end the provisions of this ordinance are hereby declared to be severable.

Chapter 2. Definitions

For the purposes of these rules, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in the section.

Access Road – This is a general term inclusive of all public street, private street, parking lot lane, alley, or other access to a lot. Where two access roads are required for a residential subdivision the required area to be served is determined by each separate phase included on a preliminary plat.

Agricultural Activity - The preparation and maintenance of land for the purpose of farming (the production of food and fiber products), grazing or raising livestock (not including feed lots), aquaculture, sod production, production of trees and plants for landscaping (not including commercial logging and timber harvesting), and other similar customary agribusiness operations. Does not include “grading” for development purposes.

Alley – A public or private right-of-way primarily designed to serve as secondary access roadway to the side or rear of those properties whose principal frontage is on some other street.

Block - A unit of land bounded by streets or by a combination of street right-of-way and public lands, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities that typically contains individual lots.

Comprehensive (General) Plan - A plan prepared and adopted by the City Council, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof, setting forth goals, policies, and guidelines intended to direct the present and future development of the city.

Dedication – The granting of land or use of the land as part of and a condition of development, such as the granting of a right-of-way for a public street. The grantee, typically the City or county, must accept the dedication before it is complete.

Development - Any human-initiated change to improved or unimproved real estate, including, but not limited to, new construction or the enlargement of any exterior dimension of a building or other structure, and the installation of any type of site improvement, including offsite features, such as street median openings and clearing of vegetation, but not including bona fide agricultural activities. When used as a noun within this ordinance, the term “development” shall be construed to also include subdivisions, redevelopments, and land disturbing activities.

Easement – A grant by a property owner to the public, a corporation, or persons, of the use of designated land area for specific purposes, such as access of persons, utilities or services within which the owner of the property shall not erect any permanent structures.

Extraterritorial Jurisdiction - The unincorporated area of a municipality that is contiguous to the corporate boundaries of the municipality and that is located within a given distance of those boundaries, as defined by the State of Texas, where the municipality may adopt rules governing plats and subdivisions of land.

Improvement –Physical modifications which are installed or constructed by the subdivider/developer for the benefit of the lot owners and for the proper development of the land.

Private Improvement - The act of bringing about growth, to construct or alter a structure, to make a change in use or appearance of land, to divide land into parcels, or to create or terminate rights of access.

Public Improvement - Any drainage way, stormwater management facility, roadway, alley, parkway, sidewalk, utility, pedestrian way, off-street parking area, lot improvement, open space, or other facility for which the City or other governmental entity will ultimately assume the responsibility for maintenance and operation as a condition precedent to the certification and filing of the plat.

Lot – A platted parcel of land that is occupied or intended to be occupied by one main building, or a group of main buildings, and any accessory building(s) having principal frontage upon a public street and including parking, landscaping, and open space, as are required by this ordinance.

Phasing – The process of dividing a parcel of land into portions as shown on a preliminary plat or other plan whereby each portion can be completed prior to subsequent portions.

Planning Director - The Development & Neighborhood Services Director or his/her designee.

Plat - The plan or map of a subdivision that is intended to be filed for record.

Amending - A revised plat making minor changes to the original recorded final plat.

Application – The documents, maps, drawings, and fees submitted to the City for review.

Final - The map of a subdivision or addition to be recorded as a certified subdivision after municipal approval and installation of public improvements.

Minor - A subdivision resulting in four or fewer lots and not requiring the creation or dedication of any public right-of-way. Includes the combination of lots for purposes of development resulting in four or fewer lots and not requiring the creation or dedication of any public right-of-way.

Preliminary - The preliminary drawing or drawings of the existing conditions of a parcel and proposed development indicating the manner, phasing, or layout of the parcel of land into a subdivision to be submitted for approval, and prior to or simultaneously as the submission of a final plat document.

Replat - Any change in a map of a recorded plat, except as permitted as an amended plat.

Subdivider/Developer - A person, firm, corporation, partnership, association, or other entity who causes land to be divided into a subdivision for themselves or for others. The legal or beneficial owner or owners of any land included in a proposed development, the holder of an option or contract to purchase, or any other person or entity having enforceable proprietary interest in such land.

Subdivision - The division of any lot, tract, or parcel of land into two or more lots for the purpose, whether immediate or future, of offer, sale, or lease or for the purpose of development. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision also refers to the land so divided, as the context may indicate.

Tract - A tract of land is a general term and can define a platted lot of a few acres or square miles or a large identifiable area of land.

Chapter 3. Pre-Application Meeting

Prior to the submission of any plat or subdivision of land, the subdivider/developer shall contact the Development & Neighborhood Services Department to schedule a non-binding pre-application meeting to assist the subdivider/developer to determine:

- (a) Procedure for filing plats.
- (b) Area subject to these requirements and any areas to be excluded from the plat.
- (c) Provision of public utilities. It is the responsibility of the subdivider/developer to extend utilities to and through the development, according to the City's adopted standards.
- (d) General Plan requirements for improvements such as major streets, land use, parks, schools, and public open space.
- (e) Zoning requirements for the property in question and adjacent properties.
- (f) Floodplain: The Planning & Zoning Commission may, upon recommendation of the City Engineer or when it deems necessary for the health, safety, and welfare of the present and future population of the area, prohibit or otherwise restrict the subdivision or development of any portion of the property that lies adjacent to or within the floodplain.
- (g) Stormwater: Generally, the plat will have to meet stormwater standards controlling downstream impacts as outlined in the stormwater criteria and subject to approval by the City Engineer.
- (h) Right-of-way dedication, easements, and street improvements: The arrangement, right of way, character, extent, width, grade, lighting, signage, screening (where applicable) and location and construction of all streets, sidewalks, and pathways shall conform to the City of Weatherford's Thoroughfare Plan and the City's Engineering Design and Construction Manual (EDCM). All new street improvements will be at the subdivider/developer's expense. Existing substandard streets may be required to be improved to current standards.
- (i) Parks and Open Space Dedication: The subdivider/developer is required to pay a park fee for each new residential lot or multifamily dwelling unit prior to certification and filing of final plat. Credit against the total park fee may be approved for dedication of park land or recreation facilities in accordance with the requirements in these regulations.
- (j) Location of mailboxes or cluster box units (CBU) for residential developments.
- (k) The need for studies or detailed analysis that may be required in conjunction with a plat or development, that may include but are not limited to traffic impact analysis, downstream drainage assessment, fire flow analysis, wastewater flow analysis, groundwater availability study, and flood study.

Chapter 4. Preliminary Plat Approval Procedures

Sec. 11-4-1. Preliminary Plat Exemption for Minor Plats or Amending Plats

Minor plats, amending plats, and plats that do not require the creation or modification of public improvements may be exempted from the requirement for a preliminary plat.

Sec. 11-4-2. Preliminary Plat Application

If, after a pre-application conference, a preliminary plat is required, the subdivider/developer may cause a surveyor and/or engineer to prepare the necessary application, preliminary drawings, fees, and supporting documentation for a preliminary plat submittal.

- (a) A completed application form provided by the office of the Planning Director, supporting documentation, fees, and two paper and one electronic copy in a format acceptable to the Planning Director of preliminary plat drawings shall be submitted to the Planning Director for a completeness review, and subsequent filing with the Planning & Zoning Commission. The completeness review will be completed within ten (10) calendar days.
- (b) Incomplete applications will be returned to the applicant, with a list of deficient items, and shall not be filed with the Planning & Zoning Commission. If an application is resubmitted following a notice of incompleteness, it shall be subject to a completeness review prior to acceptance. The statutory timeline for City action on a plat shall not begin until the application is determined to be complete. An application that is not determined to be complete by the sixtieth (60th) day following initial submittal will be considered void.

Sec. 11-4-3. Contents of preliminary plat drawings to be submitted.

The following information shall be included on all sheets, or as part of the set of sheets required:

- (a) All sheets shall be drawn to legible scale as determined by the Planning Director with a graphic and written scale on the face of the drawings.
- (b) All horizontal bearings and distances shall have as their basis the State Plane Coordinate System, North American Datum 1983 (NAD 83), Texas North Central Zone 4202. Elevations shall reference the North American Vertical Datum of 1988 (NAVD 88) unless they are referenced to a City benchmark on the same datum.
- (c) A north arrow, a vicinity or general location map, and map symbol legend.
- (d) A title block containing:
 - (1) The description of the plat with:
 - a. The words "Preliminary Plat."
 - b. Previous subdivision information.
 - c. Lot and block listing and, if applicable, phase number(s).
 - d. Number of lots within the subdivision (if more than one [1]), indicating separately the number of lots reserved for purposes other than development (e.g., open space, green space, centralized mail collection location, storm water detention).

- e. Name of the Subdivision, which shall not duplicate or closely match an existing subdivision within Parker County, unless it is a continued phase of a previously filed plat.
 - f. Tract description, including total acreage of the subdivision (e.g., “A 43.21 acres tract being a portion of the Robert Jones Survey, Abstract No. 1234, Parker County, Texas.”).
- (2) The date the drawing was produced.
- (e) The name, address, and phone number of the surveyor and/or engineer that produced the plat.
 - (f) The name, address, and phone number of the subdivider/developer of the property described in the plat.
 - (g) A reference to any filed deed restrictions for the subdivision shall be shown on the plat by note.

Sec. 11-4-4. Preliminary Plat Drawing Sheet 1: Proposed Subdivision

The following information shall be included, on a single sheet of appropriate size acceptable to the Planning Director, to describe the manner in which the tract is proposed to be subdivided and developed:

- (a) Lots, numbered within the block or entire development, and including the area of each lot.
- (b) Streets, showing the location, width, and names thereof, and showing the relationship of all streets to any projected streets shown on any development plan adopted by the City.
- (c) Location and width of proposed alleys, sidewalks, trails, and pedestrian ways.
- (d) Location and size in acres of proposed parks, playgrounds, centralized mail collection location, school sites, or other special uses of land to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision, and any conditions of such dedication or reservation.
- (e) Location, width, beneficiary, and purpose of any easements.
- (f) Building setback lines with dimensions.
- (g) The general utility plan of sewage collection, water supply, and storm water facilities. (This may be provided on a separate sheet as necessary for legibility.)
- (h) Areas contributing drainage to the proposed subdivision. The information to be submitted shall include the area, slope and type of development in the contributing area. (This may be provided on a separate sheet at appropriate scale as necessary for legibility.)

Sec. 11-4-5. Preliminary Plat Drawing Sheet 2: Existing Conditions

The following information shall be included, on a single sheet of appropriate size acceptable to the Planning Director, to describe the manner in which the tract exists currently:

- (a) Names and locations of adjacent subdivisions, lots, rights-of-way/streets, and tracts on or within one hundred twenty-five (125) feet of the subject tract.
- (b) All existing easements located on the subject tract.

- (c) All existing stormwater facilities, wastewater facilities, water facilities, gas mains, communication cables and facilities, electric lines and facilities, culverts, and any other above ground or underground installations within or leading to the tract along with size, features, grades and locations shown.
- (d) Permanent structures and other important features such as survey/abstract lines or jurisdictional lines (City, county, extraterritorial, utility district, emergency services district, etc.).
- (e) Topographical information including contour lines on a basis of not more than two (2') foot intervals.
- (f) Areas in the effective one hundred (100) year floodplain.

Sec. 11-4-6. Preliminary Plat Supporting Documents

The following information shall be included with the preliminary plat application, and where practical included on the face of the plat document. Otherwise, separate statements and/or maps shall accompany the preliminary plat.

- (a) A certificate, or other satisfactory evidence proving ownership of the entire tract to be platted.
- (b) A certificate showing that all taxes and special assessments due and payable have been paid in full.
- (c) Proposed deed restrictions.
- (d) A statement of improvements that will be installed by the subdivider/developer and a timeline when such improvements will be completed. This statement shall be of sufficient detail to permit determination of whether such improvements will comply with these Subdivision Regulations, and other applicable statutes, ordinances, and regulations. The City may require the applicant to file a Development Agreement with each phase of the development.

Sec. 11-4-7. Processing of Preliminary Plat Application for Submittal

The Planning Director shall accept the complete application with appropriate fees, shall coordinate required City staff and utility review, and shall place the plat on the next Planning & Zoning Commission agenda. The Planning Director and the City Engineer shall review the preliminary plat application as to its conformity with the comprehensive plan, master plans, major street plans, land use plan, and zoning district(s). The Planning Director shall notify affected utility companies and agencies of the proposed plat and provide seven (7) calendar days for their comments or additional requirements to satisfy franchise agreements or intergovernmental agreements.

The Planning Director shall forward the complete submittal with comments in a staff report listing recommended modifications, additions, or alterations of the proposed preliminary plat, as well as a recommendation to the Planning & Zoning Commission. If the recommended modifications, additions, or alterations, are too extensive, typically ten (10) or more comments, or significant contradictions to the subdivision design standards herein or the Zoning Ordinance, the submittal will be recommended for disapproval with reasons.

Sec. 11-4-8. Planning & Zoning Commission Action on Preliminary Plat Submittal

Within 30 days after an application for preliminary plat is formally submitted to the City and determined to be complete by the Planning Director, the Planning & Zoning Commission shall approve, approve with conditions, or disapprove such plat. In addition to modifications, additions, or alterations recommended by the Planning Director, the Planning & Zoning Commission may attach such conditions to the approval of an

application as are reasonably necessary to ensure compliance with this Subdivision Ordinance and the Comprehensive/General Plan and other adopted plans of the City of Weatherford.

Sec. 11-4-9. City Council Action on Preliminary Plat Submittal

Within 30 days following action by the Planning & Zoning Commission, the City Council shall approve, approve with conditions, or disapprove the plat as forwarded by the Planning & Zoning Commission.

Sec. 11-4-10. Effect of Approval of a Preliminary Plat

Approval of a preliminary plat shall be deemed an expression of approval, subject to any required conditions, and authorizes the applicant to proceed with the preparation of a final plat and the preparation of detailed construction plans required for improvements and utilities. Approval of a preliminary plat shall not be construed as approval or acceptance of the subsequent final plat nor of any public improvements or dedications.

Sec. 11-4-11. Expiration of Preliminary Plat

Approval or conditional approval of a preliminary plat shall be effective for two years from the date the plat receives approval by the City Council. A final plat must be applied for prior to the expiration of the approval of the preliminary plat by the City Council. A final plat shall not be recorded until the final approved copy of the preliminary plat is on file with the City. If the plat has not been granted an extension by the City Council, the preliminary plat shall expire and shall be null and void. The City Council may, upon the application of the subdivider/developer, extend the approval for up to an additional one year if the plat has not expired.

Chapter 5. Final Plat Approval Procedures

Sec. 11-5-1. Final Plat Application

If, after a pre-application meeting, a preliminary plat is not required or a preliminary plat has been approved, the subdivider/developer shall cause a surveyor and/or engineer to prepare the necessary application, final drawings, fees, and supporting documentation for a final plat submittal.

- (a) A completed application form provided by the office of the Planning Director, supporting documentation, fees, and two paper and one electronic copy in a format acceptable to the Planning Director of final plat drawings shall be submitted to the Planning Director for a completeness review, and subsequent filing with the Planning & Zoning Commission. The completeness review will be completed within ten (10) calendar days.
- (b) Incomplete applications will be returned to the applicant, with a list of deficient items, and shall not be filed with the Planning & Zoning Commission. If an application is resubmitted following a notice of incompleteness, it shall be subject to a completeness review prior to acceptance. The statutory timeline for City action on a plat shall not begin until the application is determined to be complete. An application that is not determined to be complete by the sixtieth (60th) day following initial submittal will be considered void.
- (c) A final plat application may be submitted simultaneously with a preliminary plat application.

Sec. 11-5-2. Final Plat Submittal Requirements

The final plat shall include the following information on all sheets, or as part of the set of sheets required. The final plat shall exclude any additional information (e.g., physical features of or on the land) not required by items (a) through (p) below:

- (a) All information shall be drawn on ARCH C, 18 in. x 24 in., size sheets with a three-quarters of an inch (0.75 in.) margin.
- (b) All horizontal bearings and distances shall have as their basis the State Plane Coordinate System, North American Datum 1983 (NAD 83), Texas North Central Zone 4202. Elevations shall reference the North American Vertical Datum of 1988 (NAVD 88) unless they are referenced to a City benchmark on the same datum.
- (c) A space of approximately two and three-quarters of an inch by four and one-quarter of an inch in dimension shall remain unobstructed on the sheet that contains the owner's dedication and approval certificates to allow for placement of the county clerk's recording information.
- (d) All sheets shall contain their sequential sheet number (if more than one sheet) and total number of sheets (e.g., "2 of 4").
- (e) All sheets shall be drawn to scale, one (1) inch equals one hundred (100) feet, with a graphic and written scale on the face of the drawings. A scale of no smaller than one (1) inch equals two (200) hundred feet may be used when necessary to minimize the total number of sheets.
- (f) If more than one sheet is necessary to accommodate the entire area at the required scale, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.
- (g) A north arrow, a vicinity or general location map, and map symbol legend.
- (h) A title block containing:

- (1) The description of the plat (e.g., Final, Amending, Replat) with:
 - a. Previous subdivision information if an amending or replat.
 - b. Lot and block listing and, if applicable, phase number(s).
 - c. Number of lots within the subdivision (if more than one [1]), indicating separately the number of lots reserved for purposes other than development (e.g., open space, green space, centralized mail collection location, storm water detention).
 - d. Name of the Subdivision, which shall not duplicate or closely match an existing subdivision within Parker County, unless it is a continued phase of a previously filed plat.
 - e. Tract description, including total acreage of the subdivision (i.e., “A 43.21 acres tract being a portion of the Robert Jones Survey, Abstract No. 1234, Parker County, Texas.”).
- (2) The date the drawing was produced.
 - (i) The name, address, and phone number of the surveyor and/or engineer that produced the plat.
 - (j) The name, address, and phone number of the subdivider/developer of the property described in the plat.
 - (k) The location of the boundary lines of the subdivision, a description of the subdivision by metes and bounds, a reference locating the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part.
 - (l) The exact location, area (in square feet), dimensions (in linear feet), and number of all lots within the subdivision, clearly indicating parks and other public areas or special-purpose reservations.
 - (m) The exact location, description and name of all proposed right-of-way, and easements within the subdivision with accurate dimensions, centerlines, bearing or deflecting angles with radii, area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate to reproduce the plat on the ground. A note shall be included on the plat stating that all pre-existing easements and/or dedications have been vacated or incorporated into the creation of this plat.
 - (n) The location and type of all monuments found or set as required by the City of Weatherford Engineering Design and Construction Manual.
 - (o) A note indicating the flood zones for the subdivision as provided by the FEMA Flood Insurance Rate Map and, if applicable, the limits of any areas within the 100-year flood plain.
 - (p) A reference to any filed deed restrictions for the subdivision shall be shown on the plat by note.

(q) The following certificates, or a substantially similar certificate for each:

(1) Owner's Dedication (one required for each owner of record).

State of Texas	§
County of Parker	§
Date _____, 20_____	
I (we), the undersigned, owner(s) of the land shown on this plat, and designated herein as the _____ subdivision to the City of Weatherford, Texas, or to its extraterritorial jurisdiction, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.	
This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Weatherford, Parker County, Texas.	
_____ Owner	
State of Texas	§
County of _____	§
Before me, the undersigned authority, a notary public in and for the state of _____, on this day personally appeared _____, known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purpose and considerations therein expressed.	
Given under my hand and seal of office this the _____ day of _____, 20_____.	
_____ Notary Public in and for the state of _____.	{Notary Seal}

(2) Certificate of responsible Surveyor, attesting to the plat document completeness and its accuracy.

I, the undersigned, a registered professional land surveyor in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision.	
_____ Registered Professional Land Surveyor	{Surveyor Seal}

(3) Approval by the Planning & Zoning Commission

This plat has been submitted to and considered by the Planning & Zoning Commission of the City of Weatherford, Texas, and is hereby approved by such Commission and passed to the City Council for its consideration for approval.

Dated this the _____ day of _____, 20_____.

By: _____

Chairman

ATTEST:

Secretary

(4) Approval by City Council.

This plat has been submitted to and considered by the City Council of the City of Weatherford, Texas, and is hereby approved by such City Council.

Dated this the _____ day of _____, 20_____.

By: _____

Mayor

ATTEST:

Secretary

- (5) Approval by the Development & Neighborhood Services Department (in lieu of Commission/Council) for Minor Plats.

This plat has been submitted to and considered by the Development & Neighborhood Services Department of the City of Weatherford, Texas as delegated by the City Council, and is hereby approved by such Department.

Dated this the _____ day of _____, 20_____.

By: _____
Development & Neighborhood Services Staff

ATTEST:

Development & Neighborhood Services Staff

Sec. 11-5-3. Final Plat Supporting Documents

The following additional data shall be submitted with the final plat if requested by Staff, the Planning & Zoning Commission, or the City Council:

- (a) A certificate, or other satisfactory evidence proving ownership of the entire tract to be platted.
- (b) A certificate showing that all taxes and special assessments due and payable have been paid in full.
- (c) A copy of any deed restrictions applicable to the subdivision.
- (d) A copy of homeowner’s association or owner’s agreement verifying ownership and maintenance responsibility for any open space tracts or other land owned in common and any storm water facilities, screening walls, or other private infrastructure.
- (e) A signed letter from the Weatherford Post Office stating that they accept the proposed location and placement of cluster box units (when required for residential development).
- (f) A Development Agreement may be required as a condition of final plat approval depending on the complexity of the project, dedications, financing, utility requirements, phasing, or other conditions.

Sec. 11-5-4. Processing of Final Plat Application for Submittal

- (a) The Planning Director shall accept the complete application with appropriate fees, shall coordinate required City staff and utility review, and place the plat on the next Planning & Zoning Commission agenda that allows for proper notification.
- (b) The Planning Director and the City Engineer shall check the final plat application as to its conformity with the prior preliminary plat submittal and any conditions required. Note that at the discretion of the Planning Director and City Engineer the final plat submittal may vary by up to ten percent (10%) from the approved preliminary plat without requiring the resubmittal of a revised

preliminary plat.

- (c) If a preliminary plat was not required, such as for a minor plat, the plat shall be reviewed for conformity with existing master plans, major street plans, land use plan, and zoning districts. The Planning Director shall notify affected utility companies and agencies of the proposed plat and provide seven (7) calendar days for their comments or additional requirements to satisfy franchise agreements or intergovernmental agreements.
- (d) The Planning Director shall forward the complete submittal with comments and a staff report listing recommended modifications, additions, or alterations of the proposed final plat, as well as a recommendation for approval, or approval with conditions to the Planning & Zoning Commission or delegated approval authority. If the recommended modifications, additions, or alterations are too extensive, typically ten (10) or more comments, or significant contradictions to the subdivision design standards herein or the Zoning Ordinance, the submittal will be recommended for disapproval with reasons.

Sec. 11-5-5. Action on a Minor Plat

Within 30 days after the minor plat is formally submitted to the City through a complete application, the approval authority shall approve, approve with conditions, or recommend for disapproval such plat. If a plat is recommended for disapproval it will be forwarded to the Planning & Zoning Commission for action.

Sec. 11-5-6. Planning & Zoning Commission Action on Final Plat Submittal

Within 30 days after the final plat is formally submitted to the City through a complete application, the Planning & Zoning Commission shall approve, approve with conditions, or disapprove such plat.

Sec. 11-5-7. City Council Action on Final Plat Submittal

Within 30 days following approval by action or by inaction the Planning & Zoning Commission, the City Council shall approve, approve with conditions, or disapprove the plat as forwarded by the Planning & Zoning Commission.

Sec. 11-5-8. Effect of Approval of a Final Plat

Approval of a final plat shall be deemed an expression of approval, subject to any required conditions, of the final plat document as an acceptable form for recording in the public record. The approval of a plat is not considered an acceptance of any proposed dedication or improvement by the City.

- (a) Approval or conditional approval of a final plat shall be effective for two years from the date the plat receives final approval. If the plat has not been certified and recorded within two years, nor granted an extension, the plat shall expire and shall be null and void.
- (b) If no development has occurred which would affect the proposed plat, after two years of effective approval the City Council may, upon the application of the subdivider/developer, extend the approval for up to an additional two years.

Sec. 11-5-9. Certification and Recording of a Final Plat

Following final plat approval, the subdivider/developer shall provide to the Planning Director:

- (a) Original signature copy of the final plat on polyester film material suitable for filing.
- (b) Original tax certificate(s) from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property. Note that certificates more than thirty days old may not be accepted for filing by the county clerk's office.

- (c) If the final plat involves the dedication, installation, or modification of public improvements any combination of the following documents shall, in a form acceptable to the City Attorney, be provided to the Planning Director prior to certification.
 - (1) Official letters of acceptance and completion for any municipal public improvements.
 - (2) Surety in the form of a bond, deposit of cash, a letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee in an amount determined by the City to be adequate to ensure the proper construction or installation of the public improvements remaining to service the subdivision.
 - (3) An executed development agreement that has been filed with the City, if applicable.
- (d) A letter sealed by the surveyor confirming that all required markers and monuments have been set by the surveyor and are placed according to the standards provided in the City of Weatherford Engineering Design and Construction Manual.
- (e) For residential development, payment of all park fees and/or documentation of acceptance of park land or other dedication to meet the requirements of Sec. 11-6-7 below.
- (f) The Planning Director and the City Engineer shall ensure that all conditions of approval and required documentation have been satisfied prior to certification by the authority responsible for approval of the final plat.
- (g) Upon certification of the final plat the Planning Director shall have the plat recorded with the County Clerk's Office.

Chapter 6. Subdivision Design Standards

Sec. 11-6-1. Lots and Blocks.

Proposed lots and blocks within a subdivision shall meet the following requirements.

- (a) Lots shall conform to the minimum requirements of the established zoning district, if located within the City's corporate limits. Corner lots in the R-1, SF 7.5, and SF 8.5 shall be 15 feet wider than the minimum lot width of the established zoning district.
- (b) Irregularly shaped lots shall have sufficient width at the building line to meet the lot width and frontage requirements of the applicable zoning district and shall provide a reasonable building pad without encroachment into any setbacks or easements. In general, triangular, severely elongated or tapered, flag or panhandle lots shall be avoided. The Planning Director may recommend disapproval of, and the Planning & Zoning Commission and City Council may disapprove, any lot which is an obvious attempt to circumvent the purpose of lot configuration, lot width, zoning district, or other development minimums or standards, or which is so oddly shaped as to detract from the existing or future conditions or prospective lot layout or surrounding properties.
- (c) Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from arterial streets or to overcome a specific disadvantage imposed by topography or other factors.
- (d) Reserve strips controlling access to streets are prohibited except where required by the City Engineer and Planning Director.
- (e) To the greatest extent possible, the number of lots fronting along residential collector streets shall be minimized in order to ensure adequate traffic safety and efficiency.
- (f) Block lengths shall typically range from 400 feet to 1,600 feet.

Sec. 11-6-2. Right-of-way.

Right-of-way shall be dedicated in order to provide for streets, sidewalks, pathways, and other required public facilities and shall be configured in accordance with the following standards:

- (a) The right-of-way for a City of Weatherford street shall be a minimum of fifty (50) feet and a maximum of one hundred twenty (120) feet. The right-of-way for an alley shall be a minimum of fifteen (15) feet or as otherwise determined by the City Engineer and Planning Director.
- (b) Minimum right-of-way shall be determined based upon the street classification. Classification of a street shall be determined by reference to the Comprehensive/General plan and the Thoroughfare Plan; or, if the classification is not designated on any such document, the City Engineer shall determine the street classification by reference to existing or planned land uses of abutting properties and the Comprehensive/General Plan, the Thoroughfare Plan, and, when required, the Traffic Impact Analysis.
- (c) Right-of-way dedication for perimeter streets shall be equal to one-half (1/2) of the total right-of-way requirements established for such street classification. In some instances, more than half of the required width shall be required when a half street is impractical or unsafe and depending upon the actual or proposed alignment of the street, such as in the case of a curved street, as may be required by the City Engineer.
- (d) Where the property lies on both sides of the proposed public street or existing street, the right-of-way dedication shall be equal to the amount set forth in the aforementioned documents or as determined by the City Engineer and Planning Director.

Sec. 11-6-3. Streets.

The arrangement, character, extent, width, grade, lighting, signage, screening (where applicable), location and construction of all streets, sidewalks, and pathways shall conform to the City of Weatherford Thoroughfare Plan and the City's Engineering Design and Construction Manual (EDCM). Where the subdivision or any lot therein abuts a state or county highway, road, or right-of-way, additional standards or review may apply. Subdivisions shall be supported by a street network having adequate capacity, ingress/egress, and circulation. The subdivider/developer shall be responsible for the cost of street improvements to serve the development, subject to the City's cost participation policies on oversized facilities.

The City Engineer and Planning Director may recommend disapproval of any street layout which will not provide for the safe and efficient configuration of streets, sidewalks, and pathways in accordance with all applicable plans, design standards, and the following requirements:

- (a) For single-family developments, a minimum of two (2) public access points to a public street are required; however, developments with thirty (30) or fewer lots may request a variance from the minimum two (2) access points from the City Engineer and Planning Director. The two (2) required access points or roads shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between access points. For subdivisions with multiple phases, the area to be served means each final plat.
- (b) Residential collector streets and local streets shall be laid out such that their use by through traffic will be discouraged, such as via circuitous routes or multiple turns or offsets, but such that access is provided to adjacent subdivisions.
- (c) Where a subdivision abuts or contains an existing or proposed arterial street, the City Engineer and Planning Director may require such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (d) At least 50 percent of the total centerline length of all streets within a residential subdivision shall be curvilinear in design, unless otherwise approved by the City Engineer and Planning Director.
- (e) A cul-de-sac street shall not be longer than six hundred (600) feet, except as approved by the City Engineer and Planning Director.
- (f) Intersecting, undivided streets with centerline offsets of less than one hundred fifty (150) feet shall be avoided.
- (g) Streets intersecting onto an existing or future divided roadway shall be configured such that the centerline offset will accommodate the appropriate median opening and left-turn lanes (with required transition and stacking distances) on each divided roadway, and shall be aligned with any existing or proposed streets or driveways on the opposite side of the divided roadway (in order to share the median opening).

Sec. 11-6-4. Easements.

For new development, all necessary onsite easements shall be established on the subdivision plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity if other than the City, for which they are being provided.

All easements required for the installation and maintenance of utility facilities, drainage, vehicle or pedestrian access, screening wall maintenance, slopes adjacent to right-of-way, or as otherwise needed to serve the development shall be no less than the minimum width provided in the EDCM and are subject to approval by the City Engineer.

Typically, a minimum ten-foot wide (or as otherwise approved by the City Engineer) utility easement shall be provided along the front of all lots in a residential subdivision, adjacent to and flush with the street right-of-way line for the potential placement of utility facilities. Alleys may be provided as an alternative to this requirement.

Where development or construction will require easements and/or right-of-way dedications outside the subdivision plat boundaries, no approval of construction plans for developments will be granted until verification of the recording of all easements and right-of-way dedications has been received unless otherwise approved by the City Engineer.

Sec. 11-6-5. Water and Wastewater Facility Design.

- (a) Subdivisions within the City and its extraterritorial jurisdiction shall be provided with an approved water supply and distribution system, and with an approved sewage collection and disposal system.
- (b) If a subdivision is located within the City's extraterritorial jurisdiction and desires to be served by the city's water and/or wastewater services, such requests shall be considered in accordance with the City's Water and Wastewater Service Policy.
- (c) The design and construction of all water and wastewater facilities shall conform to the EDCM and state and federal requirements. The subdivider/developer shall be responsible for the costs of easements and water and wastewater improvements to serve the development, subject to the City's cost participation policies on oversized facilities.

Sec. 11-6-6. Storm Water Collection and Conveyance Systems.

The design and construction of all storm water facilities shall conform to the EDCM and state and federal requirements. The subdivider/developer shall be responsible for the costs of easements and storm water improvements to serve the development, subject to the City's cost participation policies on oversized facilities.

Sec. 11-6-7. Parks and Open Space Dedication.

The requirements contained in this section are intended for the purpose of assuring open space and community park facilities are available and adequate to meet the needs created by such development while maintaining current and proposed park and recreation standards pursuant to the current Weatherford Park and Recreation Open Space Master Plan.

It is the policy of the City that a park fee is hereby imposed on residential development, and all fees collected shall be used solely and exclusively for the purpose of acquisition and development of new community parks and existing park facilities intended for access and use by the community.

It is also the policy of the City to allow any acceptable park land, parks, or recreational facilities that meet the criteria as outlined by these regulations to be applied as credit towards the total imposed park fee.

- (a) *Total park fee.* A park fee shall be imposed on all residential development in the city and the ETJ.

Calculation of total park fee

The total park fee is calculated by adding together the park land fee and park development fee and then multiplied by the total number of dwelling units. Any approved credits applied (up to fifty [50] percent) will then be subtracted from the total park fee amount.

- (b) *Park land fee. (Cash in lieu of dedicated land).* The park land fee is established for the procurement of future land and areas to be developed for recreational use by the citizens of the city and ETJ.

Calculation of park land fee (Ref. adopted Fee Schedule for current fee amounts)

Using assumed value of 1 acre at \$14,000 (capped at current amount but may be revised every year by the City as necessary) and 1 acre of park land per 98 people (based on 305 acres of neighborhood and community parks in Weatherford, and estimated population of 30,000 people). Assumed PPH (persons per household) is 2.8 for single-family and 2.28 for multifamily

Single family: 98 people divided by 2.80 PPH = 35 = 1 acre of park land per 35 dwelling units

Set value of 1 Acre divided by 35 = amount per dwelling unit

Multifamily: 98 people divided by 2.28 PPH = 43 = 1 acre of park land per 43 dwelling units

Set value of 1 Acre divided by 43 = amount per dwelling unit

- (c) *Park development fee.* The park development fee is established for the development and maintenance of parks, land, and recreational facilities designated for use by the citizens of the city and ETJ.

Calculation of park development fee (Ref. adopted Fee Schedule for current fee amounts)

The average park in Weatherford serves approximately 2307 people based on an estimated population of 30,000 people. A typical neighborhood park costs an average of \$630,000, for an estimated cost of \$273 per person.

Single family: \$273 x 2.80 PPH = amount per dwelling unit

Multifamily: \$273 x 2.28 PPH = amount per dwelling unit

- (d) *Subdivider/ developer contributions by land dedication.*
- (1) In lieu of the *park land fee*, the subdivider/developer of any area zoned and to be used for single-family, duplex, or multi-family residential purposes within the city may elect to apply a contribution of dedication of community park land acceptable to the City at the rate of not less than one (1) acre of land per thirty-five (35) single family units or forty-three (43) multifamily units of such residential subdivision.
 - (2) The subdivider/developer shall propose dedication of park land in conjunction with approval of the preliminary plat. Dedicated area shall be shown on the final plat as “Park land dedicated to the City of Weatherford.”
 - (3) The dedicated land required hereby shall be well drained, relatively level in areas that are proposed for active park uses, accessible to public streets, and suitable for appropriate recreational and leisure activities as defined in a community park. All park land offered for dedication under this section shall meet the requirements for location and for physical land characteristics outlined in the current

Weatherford Park and Recreation Open Space Master Plan. Areas having environmentally sensitive ecosystems, attractive views, topographical interests, or unique natural features shall be preferred and encouraged for park land dedication. Areas which have been stripped or are relatively featureless, barren of natural trees and vegetative cover, and which are not physically attractive in some other way, are not typically acceptable. Additionally, dedicated park lands should typically not be within the 100-year floodplain, of unusual topography, or have a slope greater than three percent (3%) unless approved by the Parks and Recreation Director of the City of Weatherford.

- (4) The location and size of public parks within the city shall be determined in all instances by the Parks and Recreation Director of the City of Weatherford. That determination shall be based upon existing circumstances at the time and shall be in accordance with the current Weatherford Park and Recreation Open Space Master Plan adopted by the City.
- (5) Park land shall be easily accessible to the public, enhance the visual character of the city, and minimize conflict with adjacent land uses.

(e) *Processing and collection of park fees.*

(1) Park fee payment.

- a. The subdivider/developer has the duty to submit with the preliminary plat the information concerning the number of dwelling units and on each subsequent final plat.
- b. The City shall calculate the amount of the applicable park fee due with each final plat application.
- c. The applicable park fee shall be collected prior to certification and filing of the final plat.

(2) Credit against park fee for subdivider/developer contributions to park land and recreation land or facilities.

- a. Park land, privately owned park, or recreation facility dedication in lieu of park fee shall be reviewed by the Parks and Recreation Director and is subject to approval by the City Council of the City of Weatherford.
- b. In lieu of dedicated land and/ or park fees up to fifty (50) percent of the total park dedication requirement may be fulfilled by privately owned and maintained park and recreation facilities.

In determining the amount of credit, the following criteria shall be used:

- Exceeding open space requirement of a development agreement or zoning district by more than twenty-five percent: ten (10) percent credit.
- Providing swimming pool(s): ten (10) percent credit.
- Providing playgrounds: ten (10) percent credit.
- Providing volleyball, basketball, and/or tennis courts: ten (10) percent credit.
- Providing walking, bike, or jogging trails: ten (10) percent credit.

- c. Where review of development applications has resulted in the acceptance of land dedication such land dedication shall be shown on a final plat and shall contain clear fee simple dedication of that land to the City. Credit shall be granted upon approval of the final plat by the City Council.

(3) Use of park fees.

- a. A special fund known as the park development fund will be established for the deposit of all fees under this ordinance.
- b. Fees collected shall be used for the purpose of acquisition and development of new community parks and existing park facilities intended for use and access by the entire city. Fees collected may be used for site preparation, the extension of utilities to or within sites, the installation of landscaping, play equipment, or recreation improvements and attendant engineering and planning costs associated with such park development.
- c. All expenditures of fees collected shall be made in accordance with the current Weatherford Parks and Recreation Open Space Master Plan and approved by the City Council to best benefit the citizens of Weatherford.
- d. Any monies paid into this park development fund must be expended by the City of Weatherford within ten years following final plat approval. If such funds are not expended within ten years following final plat approval, the payor shall be entitled to a refund of such funds upon written request, less any amounts expended for such purposes.

References:

- Parkland Dedication Ordinances in Texas.* University of Texas A&M Agrilife Extension Service.
AgriLifeExtension.tamu.edu
- City of Weatherford Parks and Recreation Master Plan*

Chapter 7. Requirements for Acceptance of Subdivisions by the City

Sec. 11-7-1. Acceptance of Improvements.

The City hereby defines its policy to be that the City will withhold all City services and improvements of whatsoever nature, including the maintenance of streets and the furnishing of all other City services from any subdivision or property until all of the street, utility, storm drainage and other public improvements, as well as lot improvements such as retaining walls and grading and installation of improvements required for proper lot drainage and prevention of soil erosion on the individual residential lots, are properly constructed according to the approved engineering plans and to City standards, and until such public improvements are dedicated to and accepted by the City.

Sec. 11-7-2. Developer's Guarantee of Public Improvements.

Developer's Guarantee: Before final acceptance of a subdivision located all or partially within the city or its extraterritorial jurisdiction, the city must be satisfied that all required public improvements have been constructed in accordance with the approved engineering plans and with the requirements of these regulations unless otherwise specified within a development agreement.

- (a) Development agreements and guarantee: The development agreement shall contain such terms and conditions to ensure the development of the plat as agreed upon by both the subdivider/developer and the City.
- (b) Whenever the City permits an applicant to enter into a development agreement, it shall require the applicant to provide sufficient financial security, covering the completion of the public improvements. The security shall be in the form of cash escrow or, where authorized by the City, a performance bond or letter of credit or other security acceptable to the City Council and the City Attorney, as security for the promises contained in the improvement agreement.
- (c) Development agreement required for oversize reimbursement. The City shall require a development agreement pertaining to any public improvement for which the subdivider/developer shall request reimbursement from the City for oversize costs on a case by case basis. The City Manager (or designee) is authorized to sign an improvement agreement on behalf of the City. The improvement agreement shall contain such other terms and conditions as are agreed to by the subdivider/developer and the City.
- (d) Financial Security shall be in an amount equal to 100 percent of the estimated cost of completion of the required public improvements and lot improvements. The issuer of any surety bond and letter of credit shall be subject to the approval of the City Manager and the City Attorney.
- (e) Performance bond. The performance bond shall comply with the following requirements:
 - (1) All performance bonds must be in the forms acceptable to the City Manager and the City Attorney.
 - (2) All performance bonds must be executed by such sureties as are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", as published in Circular 570, as may be amended, by the Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury.

- (3) All performance bonds must be signed by an agent and must be accompanied by a certified copy of the authority for him or her to act.
- (4) All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized in the State of Texas to issue performance bonds for the limits and coverage required.

If the surety on any performance bond furnished by the applicant is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the State of Texas, or the surety ceases to meet the requirements listed in Circular 570, the subdivider/developer shall, within 20 calendar days thereafter, substitute another performance bond and surety, both of which must be acceptable to the City.

- (f) Letter of credit. If the City Council authorizes the applicant to post a letter of credit as security for its promises contained in the improvement agreement, the letter of credit shall:
 - (1) Be irrevocable;
 - (2) Be for a term sufficient to cover the completion, maintenance and warranty periods, but in no event less than two years; and
 - (3) Require only that the City present the issuer with a sight draft and a certificate signed by an authorized representative of the City certifying to the City's right to draw funds under the letter of credit.
- (g) If the City Manager is satisfied that such portion of the improvements has been completed in accordance with City standards, he or she may, but is not required to, cause the amount of the security to be reduced by such amount that he or she deems appropriate, so that the remaining amount of the security adequately insures the completion of the remaining public improvements.
- (h) Upon acceptance by the City of all required public improvements and the required security for maintenance and warranty is otherwise provided by the contractors or by others, the City will release the entire amount of the subdivider/developer's security.

Sec. 11-7-3. Temporary Improvements.

No temporary improvement will be required or approved by the City until the final plat has been approved, and a performance bond or other security in an amount determined by the City Engineer is submitted.

- (a) The applicant shall build and pay for all costs of temporary improvements required by the City and shall maintain those temporary improvements for the period specified by the City. Prior to construction of any temporary facility or improvement, the applicant shall file with the City a separate improvement agreement and escrow or, where authorized, a letter of credit, in an appropriate amount for temporary facilities, which agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained and removed.

- (b) Any temporary public improvement (e.g., a temporary cul-de-sac, alley turnout, drainage swale, erosion control device, etc.) shall be placed within an easement established specifically for that purpose. The recording information of the instrument establishing the temporary easement shall be clearly shown on the final plat for the subdivision prior to approval of the final plat. A temporary easement for a required public improvement shall not be abandoned without the City Engineer's approval and without written consent by the City.

Sec. 11-7-4. Governmental Units.

Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agents authorized to act in their behalf, agreeing to comply with the provisions of this section.

Sec. 11-7-5. Failure to Complete Improvements.

For plats for which no improvement agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the City, the plat approvals shall be deemed to have expired. In those cases where an improvement agreement has been executed and security has been posted, and the required public improvements have not been installed within the terms of the agreement, the City may:

- (a) Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- (b) Suspend final plat approval until the public improvements are completed, and may record a document to that effect for the purpose of public notice;
- (c) Obtain funds under the security and complete the public improvements itself or through a third party;
- (d) Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the property; or
- (e) Exercise any other rights or remedies available under the law.

Sec. 11-7-6. Acceptance of Dedication Offers.

Acceptance of formal offers for the dedication of streets, public areas, easements or parks shall be by authorization of the City Engineer. The approval by the City Council of a preliminary or final plat shall not, in and of itself, be deemed to constitute or imply the acceptance by the City of any street, public area, easement or park shown on the plat. The City may require the plat to be endorsed with appropriate notes to this effect.

Sec. 11-7-7. Maintenance and Guarantee of Public Improvements.

The subdivider/developer shall maintain all required public improvements for a period of two years following acceptance of the subdivision by the City, and shall also provide a security that all public improvements will be free from defects for a period of two years following such acceptance by the City. The maintenance bond shall be in the form of a bond, letter of credit, or escrow as approved by the City Engineer and City Attorney.

Sec. 11-7-8. Construction Procedures.

A site development permit is required from the City prior to beginning any site development-related work in the City or its extraterritorial jurisdiction that affects erosion control, storm drainage, vegetation or tree removal, or a flood plain.

- (a) Preconstruction conference. Prior to scheduling the preconstruction conference, the engineering plans must be approved and an inspection fee equal to four percent of the public infrastructure construction cost must be submitted with an executed copy of the contract and an itemized cost for the public infrastructure portion of the improvements. The itemized cost shall be broken down into water, sanitary sewer, streets, and drainage and sidewalk improvements. The City shall require that all contractors participating in the construction meet for a preconstruction conference to discuss the project prior to release of a grading permit and before any filling, excavation, clearing or removal of vegetation and any protected trees that are larger than six-inch caliper. All contractors shall be familiar with, and shall conform to, applicable provisions of the City's landscape ordinance and tree protection/preservation ordinance.
- (b) Conditions prior to authorization. Prior to authorizing release of a site development permit, the City Engineer shall be satisfied that the following conditions have been met:
 - (1) The final plat has been approved by the City Council (and any conditions of such approval have been satisfied);
 - (2) All required engineering documents are completed and approved by the City Engineer;
 - (3) All necessary offsite easements and dedications required for City-maintained facilities and not shown on the plat must be conveyed solely to the City, such as by filing of a separate instrument, with the proper signatures affixed. The original of the documents and the appropriate fees for filing the documents at the county (per Parker County requirements and the City's submission guidelines, as may be amended from time to time) shall be returned to the City Secretary prior to approval and release of the engineering plans by the City Engineer;
 - (4) All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the City Engineer and Utility Director, as appropriate, and at least one set of these plans shall remain on the job site at all times;
 - (5) 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; and
 - (6) All applicable fees must be paid to the City.
- (c) Nonpoint source pollution controls and tree protection. All nonpoint source pollution controls, erosion controls, and tree protection measures and devices shall be in place, to the City Engineer's satisfaction, prior to commencement of construction on any property.

Sec. 11-7-9. Inspection and Acceptance of Public Improvements.

- (a) General procedure. Periodic construction inspections as required by the City shall be conducted by City staff. Said inspections shall ensure that construction is in accordance with the approved construction plans and the EDCM of the City of Weatherford (and other applicable codes and ordinances). Certain inspections (e.g., of retaining walls or of materials) shall be conducted by an independent, duly qualified firm engaged by the subdivider/developer. Upon completion of these inspections, a written report shall be forwarded to the City that fully documents the inspection conducted, the tests completed, specific items that are in compliance or noncompliance, actions that must be taken to bring the construction into compliance, and any other information required by the City Engineer. The City of Weatherford may either require reinspection by the applicant's independent firm or conduct its own independent inspection as required by the City Engineer.
- (b) Letter of satisfactory completion and submission of record drawings. The City will not deem required public improvements satisfactorily completed until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed record drawings of the property which indicate all public improvements and their locations, dimensions, materials and other information required by the City Engineer, and until all required public improvements have been completed. The record drawings shall be sealed drawings of the paving, drainage, water, sanitary sewer and other public improvements, showing that the layout of the lines and grades of all public improvements are in accordance with engineering plans for the plat, and showing all changes made in the plans during construction, and containing on each sheet a "record drawing" stamp bearing the signature of the licensed professional engineer and the date. The record drawings shall be submitted in the form required by the EDCM. When such requirements have been met to the City Engineer's satisfaction, the City Engineer shall issue the letter of acceptance of the improvements.

Acceptance of the development shall mean that the subdivider/developer has transferred all rights to all the public improvements to the City for use and maintenance. If the remaining public improvements are greater than \$10,000.00 and are not completed within the determined length of time, the City will impose a penalty that equals ten percent of the performance bond, letter of credit, or cash bond. The obligation to complete the improvements remains with the subdivider/developer, and all future building permits or certificates of occupancy will be withheld until the improvements are complete. If the remaining public improvements are less than \$10,000.00, the subdivider/developer shall pay the actual dollar amount. The length of time may be extended due to inclement weather or unforeseen delays by mutual agreement between the subdivider/developer and the City.

Sec. 11-7-10. Deferral of Required Improvements.

- (a) The City Council may, upon petition of the subdivider/developer and favorable recommendation of the City Engineer, defer at the time of final plat approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not required in the immediate interests of the public health, safety and general welfare.

- (b) Whenever a petition to defer the construction of any public improvements required under this ordinance is granted by the City Council, the subdivider/developer shall deposit in escrow his or her share of the costs in accordance with City participation and oversizing policies of the future public improvements with the City prior to approval of the final plat, or the subdivider/developer may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit guaranteeing completion of the deferred public improvements upon demand of the City.

Sec. 11-7-11. Issuance of Building Permits and Certificates of Occupancy.

No building permit shall be issued for a lot, building site, building, or use unless the lot or building site has been officially recorded by a final plat as approved by the City Council, and unless all public improvements have been installed and approved, as required by this ordinance for final plat approval.