

ORDINANCE NO. 050602-A

AN ORDINANCE AMENDING ORDINANCE NO. 122000-A, AS AMENDED, SETTING FORTH REQUIREMENTS AND OBLIGATIONS FOR SUBDIVISIONS IN THE CITY OF NIEDERWALD, TEXAS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Niederwald desires to amend Ordinance No. 122000-A in accordance with and as authorized by Chapter 212 of the Texas Local Government Code; Now Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIEDERWALD, TEXAS:

I.

That Section 9.B. of Ordinance No. 122000-A is hereby amended to read as follows:

- B. Time for Filing and Copies Required.** After the preliminary conference has been held, formal application for preliminary plat approval shall be made by the subdivider in writing to the City Secretary at least fifteen (15) working days prior to the official meeting of the Commission for consideration. At that time, the subdivider shall also submit twenty (20) copies of the preliminary plat, along with all accompanying data and exhibits.

I.

That Section 10.A.3. of Ordinance No. 122000-A is hereby amended to read as follows:

- 3. Number of Copies, Inclusion of Construction Plans and Supporting Data, and Timing of Submittal.** Twenty (20) copies of the final plat along with complete construction plans, construction cost estimates, and other supporting data and information as required by this Ordinance shall be submitted to the City Secretary at least fifteen (15) working days prior to the Council meeting at which final plat approval is sought.

III.

That Section 10.B.3. of Ordinance No. 122000-A is hereby amended to read as follows:

- 3. Submittal of the Final Plat Application.** A complete, formal application for final plat approval shall be made by the subdivider in writing to the City Secretary at least fifteen (15) working days prior to the official meeting of the Council at which approval is sought. Twenty (20) copies of the final plat, together with all the accompanying plans and exhibits, shall be filed. The City Secretary or the entity responsible for reviewing the proposed final plat shall determine whether the proposed plat and all required plans and exhibits are complete and fees paid. The fifteen (15) working day period specified in this Paragraph and the thirty (30) day period specified in Section 10.B.1, of this Ordinance shall not commence until the proposed plat and plans and exhibits are complete.

IV.

That Section 10.B.5. of Ordinance No. 122000-A is hereby amended to read as follows:

5. Council Approval or Disapproval of Final Plat. The Council shall disapprove the proposed final plat unless:

- a. The plat complies with the provisions of this Ordinance; and
- b. The uses proposed for the property being subdivided are consistent with its zoning; and
- c. It conforms to the Master Plan of the City and its current and future streets, alleys, parks, playgrounds, and public utility facilities.
- d. It conforms to the Flood Damage Prevention Ordinance of the City.

Disapproval of the final plat shall indicate refusal to accept any offered dedications. Approval of the plat shall not be deemed acceptance of such dedications until such time as the City has appropriated same by entry, use, or maintenance, and by the approval of the construction improvements therein. Approval of the final plat, plans, and specifications required herein shall not prevent the Council or the entity responsible for reviewing such documents from thereafter requiring the correction of errors in said plans and specifications and in the construction of the associated improvements.

V.

That Section 12.A. of Ordinance No. 122000-A is hereby amended to read as follows:

Section 12. Standards and Specifications

No preliminary or final plat shall be approved by the Council, and no completed improvements shall be accepted by the Council unless they conform to the following standards and specification:

A. General

1. **Conformity with a Master Plan.** The subdivision shall conform to any Master Plans, Codes, Regulations, and Ordinance of the City.
2. **Conformity with the City of Niederwald Zoning Ordinance.** For subdivisions or portions of subdivisions inside the corporate limits of the City of Niederwald, the development standards and specifications of the respective zoning districts covering that subdivision or portion thereof shall supersede any conflicting standards in this Subdivision Ordinance.

3. **Provision for Future Subdivisions.** If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.
4. **Reserve Strips Prohibited.** There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.
5. **Driveways.** Each lot shall have a separate driveway.
6. **Housing.** All housing shall comply with the following standards:
 1. The structure shall be secured on a permanent foundation as defined in this ordinance.
 2. The main roof shall be pitched, rather than flat.
 3. The house shall appear to face the street and have a gabled entry or other such break in the façade of equivalent proportions.
 4. The exterior walls shall look like wood or masonry, regardless of the actual composition.
 5. The foundation shall form a complete enclosure under exterior walls.
 6. Size shall be consistent with other houses in the neighborhood.
7. **Conformity with Flood Damage Prevention Ordinance.** The subdivision shall conform to the Flood Damage Prevention Ordinance of the City. A subdivider that is required by the Flood Damage Prevention Ordinance to submit a development permit application shall pay to the City of Niederwald a fee of \$750.00 for review of the development permit application. Said fee must accompany the application, and the application shall be considered incomplete until said development review fee is paid. Said fee is in addition to any other fee that may be required by this or any other ordinance of the City of Niederwald.

VI.

That Section 13 of Ordinance No. 122000-A is hereby amended to read as follows:

Section 13. Summary of Fees

- A. **Variances:** \$50.00 per variance requested.
- B. **Preliminary Conference:** \$300.00 per conference.
- C. **Preliminary Plat Filing Fee:** Filing fee of \$395.00 plus \$42.00 per acre or any fractional part thereof.
- D. **Final Plat Filing Fee:** \$15.00 per acre or any fractional part thereof, with a minimum fee of \$750.00 per plat.
- E. **Construction Plan Review Fee:**
 1. **Outside City Limits:** 1.0% of estimated construction costs, with a \$750 minimum.
 2. **Inside City Limits:** 0.8% of estimated construction costs, with a \$750 minimum.

- F. **Construction Inspection Fee.**
1. **Outside City Limits:** 5% of estimated construction costs, with a \$500 minimum.
2. **Inside City Limits:** 3% of estimated construction costs, with a \$500 minimum.
- G. **Park Land Dedication:** 5% of total property to be subdivided or, at the City's option, \$250 per residential lot or a 5% raw land value for commercial lot.
- H. **Plat Vacation:** \$500.00 per plat.
- I. **Replat Filing Fee:** Same as for final plat.
- J. **Plat Correction Fee:** \$ 500.00 per plat.
- K. **Fine for Violations:** Up to \$500.00 per offense per day for as long as the violation continues.
- L. **Flood Damage Prevention Ordinance;** \$750.00 per development permit application review submitted to the City pursuant to the Flood Damage Prevention Ordinance.

VII.

That Section 18.B. of Ordinance No. 122000-A is hereby amended to read as follows:

- B. **Procedure** Twenty (20) copies of the request for waiver shall be submitted in writing to the City Secretary no less than eight (8) working days prior to the meeting at which the Planning Commission is to consider the waiver request.

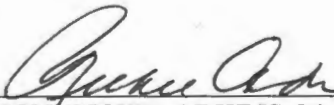
VIII.

That should any of the various clauses, sentences, paragraphs, sections or parts of this Ordinance be held for any reason invalid, unconstitutional, or unenforceable as applied to a subdivision or a particular property, building, or structure therein, the same shall not be construed to affect any other valid portion of this Ordinance; but all valid portions hereof shall remain in full force and effect.

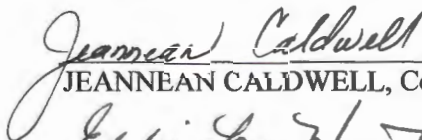
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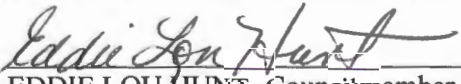
That this Ordinance shall become effective on the 7 day of May, 2002.

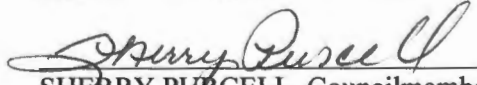
PASSED AND APPROVED this the 6 day of May, 2002.


HON. RICKIE ADKINS, Mayor
City of Niederwald, Texas


SHIRLEY WHISENANT, Mayor Pro-Tem


JEANNEAN CALDWELL, Councilmember


EDDIE LOU HUNT, Councilmember


SHERRY PURCELL, Councilmember

ATTEST:


EVA E. WHITE, City Secretary

