

SECTION 1 GENERAL PROVISIONS

1.1 Title

This chapter shall be known and may be cited as "the City of Ladonia Subdivision and Property Development Regulations."

1.2 Purpose

The purposes of this chapter are:

- A. To protect and provide for the public health, safety, and general welfare of the City.
- B. To guide the future growth and development of the City in accordance with the Comprehensive Plan.
- C. To ensure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To guide public and private development in order to provide adequate and efficient transportation, water, sewerage, drainage, and other public requirements and facilities.
- E. 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.
- F. 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 monumenting of platted land.
- G. 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.
- H. 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.
- I. To provide for open spaces through the most efficient design and layout of the land.
- J. To remedy the problems associated with inappropriately platted lands, including premature subdivision, incomplete subdivision and scattered subdivision.

1.3 Authority

This chapter is adopted under the authority of the Constitution and Laws of the State of Texas, including particularly and without limitation Chapter 212, subchapters A and B, of the Texas Local Government Code. The rules and regulations herein adopted apply equally to the subdivision and development of land within the corporate limits and within the extraterritorial jurisdiction of the City.

1.4 Jurisdiction

A. Duty of Landowner to Plat Property

1. Subdivision Plats

- a. Plat Required. Except as expressly exempted by these subdivision and property development regulations under subsection A.1.b the owner of a tract of land located within the corporate limits or in the extraterritorial jurisdiction of the City of Ladonia who divides the tract into two or more parts to lay out a subdivision or any addition, building or lot, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
- b. Exemptions. The following divisions of land do not require approval by the City of Ladonia:
 - (1) The creation of a leasehold for a space within a multi-occupant building or a commercial building site which does not abut a public street, provided that the property is a part of an approved subdivision or development plat and regulated in accordance with the site plan requirements of the City, and such plat has been amended as may be required to add easements or otherwise serve the leasehold. For purposes of this section, a leasehold abuts a public street if it is immediately adjacent to a public street or if it is so close to a public street that no usable property lies between the leasehold and the public street.
 - (2) The creation of a leasehold for agricultural use of the subject property, provided that the use does not involve the construction of a building(s) to be used as a residence or for

any purpose not directly related to agricultural use of the land or crops or livestock raised thereon.

- (3) The division of property through inheritance, the probate of an estate, or by a court of law and not for purposes of development.
 - (4) The division of land into parts each of which is greater than five (5) acres in size for which no public improvement is to be dedicated and where each part has access from a public street.
 - (5) Remainder tracts, except to the extent required for purposes of supplying information needed for evaluation of the proposed development.
- B. Subsequent Divisions. Approval of a subdivision plat pursuant to Section 1.4.A, 1 shall be required prior to sale, lease or development of any tract for which a development plat has been previously approved and for which division into two or more parts subsequently is proposed by the property owner.
- C. Remainders. The owner of a tract or parcel who seeks to divide the land into two or more parts for purposes of sale, lease or development may designate one part which is not be developed as a remainder tract. Such tract shall be clearly identified by the term "remainder" and shall be deemed not to be part of the subdivision or development plat.
- D. Platting Information. A written request may be directed to the Commission for information concerning whether a plat is required under these regulations, in accordance with Section 212.0115, as amended, of the Texas Local Government Code.
- E. Legal Description. Except as provided above, no land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the Council in accordance with these regulations.
- F. Prohibition. Except as provided above, no land shall be divided for purposes of sale, lease, or transfer, nor shall land be developed until the property owner has obtained approval of a final subdivision plat or development plat as required by these regulations.
- G. Withholding Public Improvements. The City shall withhold all public improvements and utilities, including the maintenance of streets and the provision of sewage facilities and water service, from all tracts, lots or additions, the platting of which has not been officially approved and for which a certificate of compliance has not been issued.

- H. Limitation on Permits. No building permit or certificate of occupancy shall be issued for any parcel or tract of land until such property has received final plat or development plat approval and is in substantial conformity with the provisions of these subdivision and property development regulations, and no private improvements shall take place or be commenced except in conformity with these regulations.

1.5 Interpretation, Conflict and Separability

- A. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
- B. Conflict with Other Laws. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations, or other provision of law, the provision, which is more restrictive or imposes higher standards shall control.
- C. Separability. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application, which is judged to be invalid.

1.6 Amendment to Subdivision and Property Development Regulations

For the purpose of protecting the public health, safety and general welfare, the Council may from time to time propose amendments to these regulations, which shall then be approved or disapproved by the Council at a public hearing.

1.7 Effect on Pending Plats

All applications for subdivision or development plat approval, including final plats, pending on the effective date of these regulations, together with any subsequently filed plat applications which are deemed to be vested, shall be reviewed under subdivision and property development regulations in effect immediately preceding the date of adoption of these regulations, and such regulations shall be kept in effect for such purpose.

1.8 Enforcement

- A. Violations and Penalties. Any person who violates any of these regulations for lands within the corporate boundaries of the City shall be subject to a fine of not more than \$2000 per day, pursuant to the Texas Local Government Code 54.001 - 2, et. seq. as amended of Acts 1987, ch. 680.
- B. Civil Enforcement. Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose additional penalties, to restrain, correct, or abate a violation of these regulations, whether such violation occurs with respect to land within the corporate boundaries of the City or within the City's extraterritorial jurisdiction. These remedies shall be in addition to the penalties described above.

1.9 Filing Fees

A schedule of filing fees for the City of Ladonia may be obtained from the City Secretary or a designated assistant and may be found in the fee schedule in the Appendix of this Code. All filing fees and charges must be paid in advance and no action of the Planning and Zoning Commission or the City Council shall be valid until the fees shall have been paid to the officer designated herein.

1.10 Incorporation of Design Manuals

The following design standards and specifications are incorporated by reference into this ordinance: All manuals referred to in the City of Ladonia Code of Ordinances, Building and Construction Codes, the North Central Texas Council of Governments (NCTCOG) Standard Specifications for Public Works Construction, and the attached City Design Criteria.