

ORDINANCE NO. 210B

AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS, AMENDING ORDINANCE 210, THE SUBDIVISION ORDINANCE AS AMENDED BY ORDINANCE 210A BY AMENDING CHAPTER 1, SECTION 1.8 - "BUILDING PERMITS," SECTION 1.10 - "WAIVERS, MODIFICATIONS AND ROUGH PROPORTIONALITY REQUESTS," AND SECTION 1.13 - "AMENDMENTS"; CHAPTER 2, SECTION 2.2 - "WORDS AND TERMS DEFINED"; CHAPTER 3, SECTION 3.1 - "PLAT REQUIRED," SECTION 3.2 - "EXEMPTION FROM PLATTING REQUIREMENTS," SECTION 3.4 - "GENERAL PLATTING PROCEDURES," SECTION 3.7 - "OFFICIAL SUBMITTAL DATES, COMPLETENESS AND EXPIRATION OF APPLICATION," SECTION 3.15 - "PROCESSING PRELIMINARY PLATS," AND SECTION 3.17 - "PROCESSING AND APPROVAL OF FINAL PLATS, AMENDING PLATS, MINOR PLATS OR REPLATS"; CHAPTER 4, SECTION 4.3 - "WATER FACILITY REQUIREMENTS, THE USE OF WELLS," SECTION 4.9 - "STREET RIGHT-OF-WAY DEDICATION," AND SECTION 4.12 - "PERIMETER STREET REQUIREMENTS"; CHAPTER 5, SECTION 5.1 - "PRELIMINARY REQUIREMENTS FOR PLAT SUBMITTAL," SECTION 5.2 - "PLATTING LAND UNDER SAME OWNERSHIP," SECTION 5.3 - "PHASING DEVELOPMENT," AND SECTION 5.9 - REVIEW, PROCESSING AND APPROVAL OF PRELIMINARY PLAT"; CHAPTER 6, SECTION 6.2 - "CONFORMITY WITH PRELIMINARY PLAT"; AND CHAPTER 12, SECTION 12.3 - "ADDITIONAL REQUIREMENTS FOR REPLATS, MINOR PLATS, AMENDING PLATS, AND FINAL PLAT DRAWINGS"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Annetta, Texas is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town has previously adopted Ordinance 210 regulating the subdivision and development of property; and

WHEREAS, the Town Council amended and clarified Ordinance No. 210 with the adoption of Ordinance No. 210A as to when single family property is required to be platted or are exempted from platting, when right-of-way and easements must be dedicated for perimeter streets, the approval process for modifications and waivers, when building permits may be issued for accessory buildings without a plat being required, and the flood

plain verification and Commission approval certification language to be placed on a plat; and

WHEREAS, in 2023, the Legislature of the State of Texas amended Texas Local Government Code Chapter 212 with a number of statutory amendments that affect the platting regulations of the Town of Annetta, and those statutory amendments became effective on September 1, 2023; and

WHEREAS, the Town Council desires to amend and clarify Ordinance No. 210 as amended by Ordinance No. 210A, to bring the platting regulations into compliance with the new statutory amendments; and

WHEREAS, the Town Council has found a number of needed amendments to remedy confusing language or to improve the platting regulations; and

WHEREAS, the Planning and Zoning Commission on February 8, 2024 reviewed these subdivision regulation amendments and recommended their approval; and

WHEREAS, the Town Council held a public hearing on February 15, 2024 with respect to the subdivision regulation amendments adopted herein; and

WHEREAS, the Town Council finds that the subdivision regulation amendments adopted herein promote the health, safety, morals, and general welfare of the Town, and the safe, orderly, and healthful development of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA TEXAS, THAT:

SECTION 1.

CHAPTER 1 – “POLICIES, PURPOSES AND ADMINISTRATIVE AUTHORITY”, Section 1.8 – “Building Permits,” Subsection B, paragraphs 1 through 4 of Ordinance No. 210, as amended by Ordinance No. 210A, are amended to read as follows:

“B. Unless otherwise provided for in this ordinance, platting shall be required for all building permit requests for new buildings on unplatted real property except as provided for in Section 3.2 or as follows:

1. Residentially developed property may obtain a building permit for remodeling or maintenance of existing structures and for additions to the main structure if such addition does not exceed twenty-five percent (25%) of the existing square footage of the main structure; or
2. Adding an accessory building or structure, meeting the requirements of an accessory building in the Town of Annetta Zoning ordinance, as amended, on an unplatted residentially developed parcel provided a primary structure exists on the unplatted lot; or”

3. Adding an accessory building or structure, meeting the requirements of an accessory building in the Town of Annetta Zoning ordinance, as amended, on an unplatted residentially or agriculture zoned but undeveloped parcel provided it abuts and shares a property line with the parcel with a primary structure and both properties are owned by the same owner(s); or
4. Restoring any residential building or structure on an unplatted residentially developed lot, destroyed by fire, explosion, or any other casualty or an Act of God where the extent of the destruction is not more than 50 percent of the current value of the structure.

(amended by Ord. 210A, Oct 20, 2022 and Ord. 210B, Feb 15, 2024)

SECTION 2.

CHAPTER 1 – “POLICIES, PURPOSES AND ADMINISTRATIVE AUTHORITY,”
 Section 1.10 – “Waivers, Modifications and Rough Proportionality Requests,” paragraphs A, C, and D of Ordinance No. 210, as amended by Ordinance No. 210A, are amended to read as follows and paragraph E is deleted in its entirety.

- A. “The Planning and Zoning Commission may recommend waivers and modifications of these Subdivision Regulations to the Town Council upon written request from the developer stating the justification for such waiver or modification. A waiver or modification includes an adjustment, offset, credit, or variance of any dedication, construction, or payment requirements where the requirement places an unreasonable burden on the development or does not bear a rough proportionality to the requirements necessary to serve the development. Any request for a waiver or modification must be accompanied by engineering or other evidence supporting the developer’s request for relief. *(amended by Ord. 210A, Oct 20, 2022)*”
- C. “A waiver or modification may be granted by the Town Council, after receiving a recommendation of the Planning and Zoning Commission and upon finding that:
 1. the requirement places an unreasonable burden on the development and the requirement imposed upon the developer is not roughly proportional to the demand for service created by the developer’s project; or
 2. extraordinary hardships or practical difficulties will result from strict compliance with these Subdivision Regulations, and/or the purpose of these regulations may be served to a greater extent by an alternative proposal; and
 - a. the conditions upon which the request for a waiver or modification is based are unique to the property and are not applicable to other properties, or the tract has peculiar physical surroundings, severe topographical conditions or unique environmental qualities worthy of protection; and
 - b. the waiver or modification will not have an adverse effect on the intent of these Subdivision Regulations or the Comprehensive Plan.

(amended by Ord. 210A, Oct 20, 2022 and Ord. 210B, Feb 15, 2024)

- D. If a finding is reached that a waiver or modification should be granted, the Planning and Zoning Commission may recommend, and the Town Council may impose, conditions relating to the waiver or modification as will, in its judgment, substantially secure the objectives of the standards or requirements to which the waiver or modification was granted. (amended by Ord. 210A, Oct 20, 2022)”

SECTION 3.

Chapter 1, Section 1.13 – “Amendments,” of Ordinance 210, as amended by Ordinance No. 210A, is amended to read as follows:

“Section 1.13 – Amendments

Amendments to these regulations can only be made by the Town Council upon recommendation by the Planning and Zoning Commission. The Planning and Zoning Commission and the Town Council shall conduct public hearings on all proposed amendments to these regulations. Amending actions may be initiated in one of the following manners:

- A. Upon a majority vote of the Town Council; or
- B. Upon a majority vote of the Planning and Zoning Commission; or
- C. Upon written request from the [Planning and Zoning Coordinator](#).

Amendments to the specifications relating to the construction of a street or road or to the specifications to provide adequate drainage for a street or a road in a subdivision will require notice to be published in a newspaper of general circulation in the municipality prior to the public hearings and action being taken in accordance with Section 212.0021 of the Texas Local Government Code, as amended. (amended by Ord 210B, Feb 15, 2024)”

SECTION 4.

Chapter 2, Section 2.2 – “Words and Terms Defined,” of Ordinance No. 210 and 210A, definitions of “Accessory Building” and “Planning and Zoning Coordinator” are amended to read as follows:

“*Accessory Building* – As defined in the Town of Annetta adopted Zoning Ordinance, as amended, an accessory building means a subordinate building located on the same premises as the principal building for exclusive use of accessory uses as defined in “Accessory Use.” Under certain circumstances, if allowed by Town ordinances or in accordance with Section 1.8, “Building Permits,” and Section 3.2, “Exemptions of these regulations,” an accessory building may be located on an unplatted residentially or agricultural zoned but undeveloped parcel. Subordinate means the square footage of the accessory structure is less than fifty (50%)

percent of the main structure or does not cause lot coverage to exceed the maximum allowed in the zoning ordinance. As provided for in the Zoning Ordinance, an accessory building may include but is not limited to detached garages, private workshops, storage sheds or similar uses but may not be used for commercial purposes, may not be rented and may not be habitable. *(amended by Ord. 210A, Oct 20, 2022 and Ord. 210B, Feb 15, 2024)*

“Planning and Zoning Coordinator – A person, appointed by the Town Council, designated with the responsibility of accepting plats for the Town and preparing the necessary documentation for the Planning and Zoning Commission. If no appointment is made, the Town Secretary or their designee is the designated Planning and Zoning Coordinator. In the event there is no person employed by the Town to serve in that position, the term means the Mayor or his or her designee. (amended by Ord. 210B, Feb 15, 2024)”

SECTION 5.

Chapter 3, “General Provisions for All Plats,” Section 3.1 – “Plat Required,” including paragraph A of Ordinance No. 210 and 210A are amended to read as follows:

“Section 3.1 – Plat Required

Subdivision Plats. Any person, firm, corporation or organization owning a tract of land located within the corporate limits or Extraterritorial Jurisdiction of the Town of Annetta who hereafter divides the tract into two or more parts to lay out a subdivision, to lay out a building lot, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use, for purposes of development shall have a plat of the subdivision prepared and approved according to these Subdivision Regulations. A division of a tract 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 for purpose of development. A division of land under these regulations does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated. No land shall be subdivided for purposes of development until: *(amended by Ord. 210A, Oct 20, 2022 and Ord. 210B, Feb 15, 2024)*

- A. A Preliminary Plat, when required in Subsection 3.4.C, in the format as described within these regulations, has received approval from the Planning and Zoning Commission and a Replat, Final Plat, Minor Plat, or Amending Plat, when applicable, in the format described within these regulations, has received approval from the Planning and Zoning Commission and the Town Council and has been filed with the County Clerk; or

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SECTION 6.

Chapter 3, "General Provisions for all Plats, Section 3.2 – "Exemption from Platting Requirements," including paragraph A, B, C and I of Ordinance No. 210 and 210A are amended to read as follows:

"Section 3.2 – Exemption from Platting Requirements

Nothing herein shall require a plat to be approved and filed as a prerequisite to construction where such construction occurs on land which is within the Town limits and is zoned residential or agricultural, or is not within the municipal Town limits and therefore is not zoned, and such construction is for any of the following purposes:

- A. Adding to, remodeling, or altering an existing building or structure, including building, plumbing, electrical, and HVAC work, in accordance with Section 1.8 – "Building Permits," Subsection B. *(amended by Ord. 210B, Feb 15, 2024)*
- B. Adding an accessory building or structure on an unplatted lot in accordance with Section 1.8 – "Building Permits," Subsection B. *(amended by Ord. 210B, Feb 15, 2024)*
- C. Restoring any building or structure destroyed by fire, explosion, or any other casualty or Act of God, in accordance with Section 1.8 – "Building Permits," Subsection B. *(amended by Ord. 210B, Feb 15, 2024)*

- I. In lieu of a plat being required, the Town Council may require any easement or right-of-way dedications that a plat approval would have required to be dedicated as shown on adopted thoroughfare plans, to continue existing roadways or to provide access or connectivity to adjacent properties or subdivisions, in accordance with Section 4.9, Street Right-of-Way Dedication." *(amended by Ord. 210A, Oct 20, 2022)*

SECTION 7.

Chapter 3, "General Provisions for all Plats," Section 3.4 – "General Platting Procedures, Pre-Application Conference," paragraph C and E of Ordinance No. 210 and 210A is amended to read as follows:

- "C. **Preliminary Plat** - The submission of a Preliminary Plat Application to the Planning and Zoning Commission, with subsequent approval thereof, may be required as a prerequisite to the submission of a Final Plat.
 - 1. Vacating, Minor, Amending, Replats and Development Plats are not required to submit a Preliminary Plat prior to approval.
 - 2. The requirement for a Preliminary Plat may be waived by the Planning Coordinator or the designated administrative official if:

- a. The subdivision is less than five (5) acres; or
- b. Contains six (6) or fewer lots; or
- c. No public improvements are being proposed; or
- d. The development has access to a public street; or
- e. The lot(s) being platted are not part of a larger tract with common ownership with the remainder not intended to be platted; or
- f. The subdivision is not being developed in phases or sections; or
- g. The applicant requests and the Planning Coordinator or designated administrative official concurs there will be no benefit or advantage to the applicant and the Town of preparing and approving a preliminary plat prior to approval of a final plat.

(amended by Ord. 210A, Oct 20, 2022 and Ord. 210B, Feb 15, 2024)

- 3. The minimum requirements for a Preliminary Plat submittal are contained in Chapter 5, "Requirements for Submittal of a Preliminary Plat."

"E. Minor Plats and Amending Plats may be approved by the Mayor in accordance with Texas Local Government Code Sec. 212.0065, "Delegation of Approval Responsibility," as amended, and Section 3.17 "Processing and Approval of Final Plats, Amending Plats, Minor Plats, or Replats" of these regulations or may be forwarded by the Mayor to the Planning and Zoning Commission and the Town Council for approval prior to filing with the Parker County Clerk's Office. Minimum requirements for submittal of Minor Plats and Amending Plats are contained in Chapters 8 and 9 hereof. *(amended by Ord. 210A, Oct 20, 2022 and Ord. 210B, Feb 15, 2024)*"

SECTION 8.

Chapter 3, "General Provisions for all Plats," Section 3.7 – "Official Submittal Dates; Completeness and Expiration of Application," paragraph A. 1. of Ordinance No. 210 and 210A is amended to read as follows:

"Section 3.7 – Official Submittal Dates; Completeness and Expiration of Application

- A. No plat shall be considered by the Planning and Zoning Commission, Town Council, or Mayor, as applicable, until it has been determined that the submittal is complete and in conformance with the requirements of this Ordinance. The following procedures shall apply to any application that is required by the Town and is submitted in accordance with this Ordinance:
 - 1. Determination of Completeness - Every required application shall be subject to a determination of completeness in accordance with Chapter 212, as amended, and in particular, Sections 212.004. "PLAT REQUIRED," paragraph b; 212.005.

“APPROVAL BY MUNICIPALITY REQUIRED,” 212.008. “APPLICATION FOR APPROVAL” and any applicable provisions of Chapter 245, Section 245.002 of the Texas Local Government Code (TLGC), as amended, by the Responsible Official for processing the application. (amended by Ord. 210A, Oct 20, 2022 and Ord. 210B, Feb 15, 2024)

- a. No required application shall be accepted by the Responsible Official for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this Section.
- b. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Ordinance.
- c. A determination of completeness shall be made by the Responsible Official in writing to the applicant no later than the tenth (10th) business day by mail, unless otherwise requested by the applicant, after the date that the required application, along with all other required filing materials and fees, is submitted to the Responsible Official.
- d. The notification shall specify the documents or other information needed to complete the application and shall state the date the application will expire in accordance with Subsection 3.7-A.4. below if the missing documents or other information are not provided by the applicant or their consultants within forty-five (45) days of the date of the letter.

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SECTION 9.

Chapter 3, “General Provisions for all Plats,” Section 3.15 – “Processing Preliminary Plats,” paragraph A of Ordinance No. 210 and 210A is amended to read as follows:

“Section 3.15 – Processing Preliminary Plats

- A. Upon receipt of a Preliminary Plat, when required in Subsection Section 3.4.C, all required documents, and payment of all required filing fees, the Planning and Zoning Coordinator shall check the Preliminary Plat for completeness in accordance with Section 3.7. No Preliminary Plat that is determined to be incomplete shall be processed for review. The Planning and Zoning Coordinator shall coordinate the review of the Preliminary Plat with the applicable municipal departments, the Town Engineer, and public utility companies. Upon determination that the Preliminary Plat does not meet the minimum requirements of these Subdivision Regulations, the Planning and Zoning Coordinator shall give the developer written notice of the revisions required to complete the plat.

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SECTION 10.

Chapter 3, "General Provisions for all Plats," Section 3.17 – "Processing and Approval of Final Plats, Amending Plats, Minor Plats, or Replats," paragraphs A, B, C, D, H, I, J, K, L, and M of Ordinance No. 210 and 210A are added or amended to read as follows:

"Section 3.17 – Processing and Approval of Final Plats, Amending Plats, Minor Plats, or Replats

- A. **Completeness of Submittal** - Upon receipt of a Replat, Amending Plat, Minor Plat, or Final Plat, all required documents, and payment of all required filing fees, the Planning and Zoning Coordinator shall check the submittal for completeness in accordance with Section 3.7. No Replat, Amending Plat, Minor Plat, or Final Plat that is not determined to be complete shall be processed for review. The Planning and Zoning Coordinator shall coordinate the review of all Plats with the applicable municipal departments, Town Engineer, and public utility companies. Upon determination that the Plat does not meet the minimum requirements of these Subdivision Regulations, the Planning and Zoning Coordinator shall give the developer written notice of the revisions required to complete the Plat submission in accordance with Section 3.7 – "Official Submittal Dates, Completeness and Expiration of Application."
- B. **Preliminary Plat Approval Required** - No Final Plat shall be processed for review for any area in which a Preliminary Plat, if required in Subsection Section 3.4.C, has not been previously approved by the Town Council upon action taken by the Planning and Zoning Commission.
- C. Upon completion of the staff review, receipt of any necessary revisions from the developer, and determination that the Plat has officially been submitted in accordance with Subsection 3.7-B., the Preliminary Plat, Final Plat, or any Replats, Amending Plats (if applicable), or Minor Plats (if applicable) requiring Planning and Zoning Commission and Town Council approval shall be placed on the next available meeting agenda for consideration by the Planning and Zoning Commission.
- D. **Replat Public Hearings** - If applicable under these Subdivision Regulations, the Planning and Zoning Commission and Town Council shall hold any required public hearing on Replats in conformance with Chapter 212 of the Texas Local Government Code and Section 7.9, "Residential Replat Public Hearing Notice and Protest Requirements" of this ordinance.

- "H. **Mayor Action within 30 days** – The Mayor or the Town designee shall take action on all Minor Plats in accordance with Section 8.1 and Amending Plats in

accordance with Section 9.1 within 30 days from the submission date in Section 3.7 and either:

1. Approve the Plat as presented;
2. Approve the Plat with conditions that reference the specific ordinance provisions not met; or
3. Disapprove the Plat with reasons for denial that reference the specific ordinance provisions not met.

If the Mayor or the Town designee chooses to ask the Planning and Zoning Commission and Council to review and take action on a Minor or Amending Plat, the Plat shall be acted upon in accordance with paragraphs E, F, and G of this section.

(amended by Ord. 210B, Feb 15, 2024)

- I. **Extensions to 30-day Action Requirements-** The 30-day period described by subsections E, F, G, and H of this Section may be extended for one or more periods, each not to exceed 30 days if:

1. Both:
 - a. the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and
 - b. the municipal authority or governing body, as applicable, approves the extension request; or
2. Chapter 2007, Government Code, requires the municipality to perform a takings impact assessment in connection with the plan or plat.

(amended by Ord. 210B, Feb 15, 2024)

- J. **Written Statement to Applicant** - The Planning and Zoning Coordinator shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must:

1. be directly related to the requirements under TLGC CH 212, subchapter 212.0091. APPROVAL PROCEDURE: CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS, as amended; and
2. include a citation to the law, including a statute or the Town ordinance, that is the basis for the conditional approval or disapproval, if applicable.

(amended by Ord. 210B, Feb 15, 2024)

- K. **Failure to Take Action** - If the plat is not approved, approved with conditions, or disapproved with reasons by the Planning and Zoning Commission or by the Town

Council in accordance with this ordinance, it will be processed in accordance with Chapter 212 of the Texas Local Government Code, as amended.

L. Plats Conditionally Approved or Disapproved

1. **Applicant Response to Conditional Approval or Disapproval** - After the conditional approval or disapproval of a plat under subsections 3.17.E, G and H, the applicant may submit to the Planning and Zoning Coordinator, who shall submit to the municipal authority or Town Council that conditionally approved or disapproved the plat, a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.
2. **Approval, Conditional Approval, or Disapproval of Resubmitted Plat –**
 - a. The municipal authority or the Town Council that receives a response under this subsection, shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted.
 - b. The municipal authority or governing body that receives a response under this subsection shall approve a previously conditionally approved or disapproved plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.
 - c. The municipal authority or governing body that conditionally approves or disapproves a plat following the submission of a response under this subsection:
 - 1) must provide a written statement in accordance with Subsection 3.17.J; and
 - 2) may disapprove the plat only for a specific condition or reason provided to the applicant under Section 3.17.J.
 - d. A previously conditionally approved or disapproved plat is approved if:
 - 1) the applicant filed a response that meets the requirements of this subsection; and
 - 2) the municipal authority or governing body that received the response does not disapprove the plat on or before the date required by Subsection L.2.a. in accordance with Subsection L.1 and in accordance with CH 212.009 of the Texas Local Government Code, as amended.

(amended by Ord. 210B, Feb 15, 2024)

- M. Effective Period of Plat Approval** - The approval by the Planning and Zoning Commission and Town Council of a Final Plat, Amending Plat, Minor Plat, or Replat shall be effective for a period of two (2) years. If the plat has not been

recorded within two (2) years from the date of the approval by the Town Council, the Plat approval shall be deemed null and void unless an extension of time is granted by the Planning and Zoning Commission and Town Council. If no extension is granted, the developer shall be required to resubmit the Plat for approval. Such resubmittal shall be subject to any new subdivision or development regulations and payment of all applicable fees. *(amended by Ord. 210B, Feb 15, 2024)*

- N. **Applicant Response to Conditional Approval or Disapproval** - After the conditional approval or disapproval of a plat under Section 212.0091, the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response. *(Amended by Ord. 210B, Feb 15, 2024)*

SECTION 11.

Chapter 4, "Public and Semi-Public Improvement Requirements," Section 4.3 – "Water Facility Requirements, the Use of Wells," is amended by adding D to read as follows:

"D. In accordance with Texas Local Government Code Section 212.0101, "*Additional Requirements: Use of Groundwater*," as amended, a plat application for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land must have attached to it a statement that:

1. is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state; and
2. certifies that adequate groundwater is available for the subdivision and supplies adequate water for the needs of the subdivision for the foreseeable future.

A groundwater adequacy certificate shall be included on the plat for a subdivision relying on groundwater in accordance with 12.3.N.

(Amended by Ord. 210B, Feb 15, 2024)

SECTION 12.

Chapter 4, "Public and Semi-Public Improvement Requirements," Section 4.9 – "Street Right-of-Way Dedication," paragraph C is amended, and paragraph D is added to read as follows:

- "C. Street rights-of-way shall be configured so as to allow for future access to adjacent properties. In lieu of constructing a street as part of the subdivision approval, the developer may enter into a Developer Agreement to dedicate the rights-of-way and

delay or waive the construction of the public improvements to be dedicated.
(Amended by Ord. 210B, Feb 15, 2024)

D. In accordance with TLGC CH 212 and in Sec. 212.010.c., as amended, a dedication will not be required for a future street or alley that is:

1. not intended by the owner of the tract; and
2. not included, funded, and approved in:
 - a. a capital improvement plan adopted by the municipality; or
 - c. a similar plan adopted by Parker County or the state.

(Amended by Ord. 210B, Feb 15, 2024)”

SECTION 13.

Chapter 4, “Public and Semi-Public Improvement Requirements,” Section 4.12 – “Perimeter Street Requirements” paragraph B. is amended to read as follows:

“B. Construction requirements for a road as part of a plat approval for one single-family residential lot are hereby waived, and the plat is excluded from the above perimeter street construction requirements. However, right-of-way or easement dedications in accordance with these and other Town regulations are still required.”

SECTION 14.

Chapter 5, “Preliminary Plat Requirements for Submittal,” Section 5.1 – “Preliminary Plat Approval Required,” paragraph A is amended to read as follows:

“A. Every Preliminary Plat, if required in Subsection 3.4.C of this ordinance, shall require approval of the Planning and Zoning Commission and Town Council, in accordance with Section 3.15.”

SECTION 15.

Chapter 5, “Preliminary Plat Requirements for Submittal,” Section 5.2 – “Platting Land Under Same Ownership,” is amended to read as follows:

“Section 5.2 – Platting Land Under Same Ownership

Every Preliminary Plat, if required in Subsection Section 3.4.C, shall include all the land that the applicant proposes to subdivide, and all contiguous tracts owned under the same ownership. This requirement will enable the Planning and Zoning Commission or Town Council to:

1. determine the need for public improvements or easements that may be required on portions of the land and make future subdivisions uneconomical to develop if the improvements are not installed as a part of the land being proposed for development; and

2. plan for or require reservations for future rights-of-way.

This requirement may be waived by the Planning and Zoning Commission or Town Council when the proposed subdivision appears to have no impact on, or from, the contiguously owned property that is not being developed.”

SECTION 16.

Chapter 5, “Preliminary Plat Requirements for Submittal,” Section 5.3 – “Phasing Development,” paragraph A is amended to read as follows:

“A. The Preliminary Plat, if required in Subsection Section 3.4.C, shall indicate any phasing of the proposed development with a heavy dashed line. Each phase shall be numbered sequentially and in the proposed order of development. The proposed utility and drainage layout for each phase shall be designed in such a manner that the phases can be developed in numerical sequence. Thereafter, plats of subsequent units of such subdivision shall conform to the approved overall layout and phasing, unless a Preliminary Plat is submitted. However, a subsequent reduction of a phase may be considered provided that it conforms to the original street arrangement.

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SECTION 17.

Chapter 5, “Preliminary Plat Requirements for Submittal,” Section 5.9 – “Review, Processing, and Approval of Preliminary Plat” is amended to read as follows:

“Section 5.9 – Review, Processing, and Approval of preliminary Plat

Every Preliminary Plat, if required in Subsection Section 3.4.C, shall be reviewed for conformity with the Comprehensive Plan, any approved Master Plans, these Subdivision Regulations, and any other applicable ordinance according to the procedures established for “Processing Preliminary Plats” as contained in Section 3.15 of these Subdivision Regulations.”

SECTION 18.

Chapter 6, “Final Plat Requirements for Submittal and Processing,” Section 6.2 – “Conformity with Preliminary Plat” is amended to read as follows:

“Section 6.2 – Conformity with Preliminary Plat

The Final Plat and accompanying data shall substantially conform to the Preliminary Plat, if required in Subsection Section 3.4.C, and as approved by the Planning and Zoning Commission and Town Council, incorporating any and all conditions, changes, modifications, alterations, corrections, and stipulations imposed by the Planning and Zoning Commission and Town Council. Any submittals of a Final Plat that contain only part or portions of the area as shown on the Preliminary Plat are considered phases and

must be consistent with the Master Plan (if required) and the Preliminary Plat, as approved, in design and layout. Additional review time may be required where a Final Plat does not constitute a full phase as shown on the Preliminary Plat.”

SECTION 19.

Chapter 12, “Technical Specifications for Plat Drawings,” Section 12.3 – “Additional Requirements for Replats, Minor Plats, Amending Plats, and Final Plat Drawings” is amended by amending and renumbering current paragraph N, and adding a new paragraph N and paragraph P to read as follows:

- “N. Groundwater Supply Statement (If Applicable) – A certification signed by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state certifying that adequate groundwater is available to supply water for the subdivision. *(Amended by Ord. 210B, Feb 15, 2024)*

<p>KNOW ALL MEN BY THESE PRESENTS</p> <p>That I, _____, an Engineer (or Geoscientist if applicable) licensed in the State of Texas, do hereby certify that there is adequate groundwater available for this subdivision.</p> <p>_____</p> <p>Signature and Date</p> <p>Phone Number: _____ (Affix Seal)</p>

- O. Town Council Approval Certification - Every Replat or Final Plat shall contain a Certificate of Approval by the Town Council as will Amending and Minor Plats when approved by the Town Council. The Certificate of Approval by the Town Council shall not be less than two inches high and four inches wide and contain the information shown below. A similar certificate without the voting statement will be provided for the Mayor’s approval of Amending and Minor Plats when appropriate.

The Town Council of the Town of Annetta, Texas voted affirmatively on this ____ day of _____, 20____, to approve this Plat for filing of record.

Mayor, Town of Annetta

ATTEST:

Town Secretary

- P. Mayor Approval Certification - Every Minor or Amending Plat approved by the Mayor in accordance with Section shall contain a Certificate of Approval by the Mayor. The Certificate of Approval by the Mayor shall not be less than two inches high and four inches wide and contain the information shown below. *(Amended by Ord. 210B, Feb 15, 2024)*

The Mayor of the Town of Annetta, Texas on this ____ day of _____, 20____, approved this Minor/Amending (use only one) Plat for filing of record.

Mayor, Town of Annetta

ATTEST:

Town Secretary

SECTION 20.

This ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta, Texas, as amended, except where the provisions of this ordinance are in direct

conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 21.

All rights and remedies of the Town of Annetta, Texas, are expressly saved as to any and all violations of the provisions of any other ordinances of the Town of Annetta which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 22.

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Town Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 23.

Any person who commits an offense under this ordinance shall be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day any such violation shall be allowed to continue shall constitute a separate offense.

SECTION 24

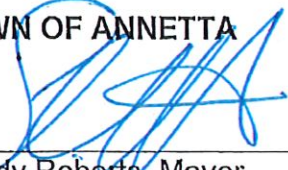
The Town Secretary of the Town of Annetta is hereby directed to publish in the official newspaper of the Town of Annetta, the caption, penalty clause, and effective date clause once as authorized by Chapter 52 of the Local Government Code.

SECTION 25.

This ordinance shall be in full force and effect from and after its passage and publication as required by state law and it is so ordained.

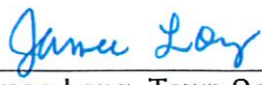
PASSED AND APPROVED on this 15th day of February 2024.

TOWN OF ANNETTA



Sandy Roberts, Mayor

ATTEST:



Jamee Long, Town Secretary

