

**EXHIBIT A**

***SUBDIVISION  
REGULATIONS OF THE  
TOWN OF ANNETTA***

**Ordinance No. 210 repealing Ordinance 180 in 2020 and adopting a new subdivision ordinance, amended by Ordinance 210A in 2022, and Ordinance 210B in 2024.**

***The Following Is Not Part of the Ordinance***

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## **CHAPTER 1 - POLICIES, PURPOSES AND ADMINISTRATIVE AUTHORITY**

### **Section 1.1 - Title**

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

### **Section 1.2 - Authority**

These Subdivision Regulations are adopted under the authority of the Constitution and laws of the State of Texas, as promulgated by Chapter 212 of the Texas Local Government Code, as amended.

### **Section 1.3 - Purpose**

These Subdivision Regulations are adopted to promote and encourage the development of high-quality subdivisions by establishing standards for the provision of adequate light, air, open space, storm water drainage, transportation, public utilities, and suitable building lots. Through the application of these regulations, the interests of the public, as well as those of public and private parties, both present and future, having interests in property affected by these regulations, are protected by establishing fair and rational procedures for developing land.

These regulations are designed and intended to achieve the following purposes and shall be administered so as to:

- A. Promote the health, safety, morals, and general welfare of the Town; and
- B. Promote the orderly, safe and healthful development of the Town; and
- C. Provide orderly policies and procedures to guide development of the Town; and
- D. Provide for the establishment of an equitable and expeditious review of plats; and
- E. Realistically and harmoniously relate new development of proximate tracts; and
- F. Provide for establishment of minimum specifications for construction and engineering design criteria for public infrastructure in order to maintain land values, reduce inconveniences to residents of the area, and to reduce unnecessary costs to the Town for correction of inadequate facilities that are designed to serve the public; and
- G. Provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; to prevent overcrowding of the land and undue congestion of population; and to provide minimum width and depth of building lots and building lines; and
- H. Protect and conserve the value of land throughout the Town; and
- I. Provide the most beneficial circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements; and to provide for the proper location and width of streets; and



- J. Establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and documentation of subdivided land; and
- K. Ensure that [public improvements](#) and facilities are available for every building site and with sufficient capacity to serve the proposed subdivision, and to provide [public improvements](#) and facilities for future development; and
- L. Provide proper utilities and services for adequate drainage, water supply, and disposal of sanitary and industrial waste; and
- M. Assure the adequacy of drainage facilities; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community; and
- N. Preserve the topography of the Town and to insure appropriate development with regard to natural features; and
- O. Furnish adequate and convenient sites, for schools, parks and open spaces, playgrounds, and other community services, respecting topography and existing vegetation so that the natural beauty of the land shall be preserved; and
- P. Assure that new development adequately and fairly participates in the dedication and construction of [public improvements](#) and infrastructure that are necessitated by or attributable to the development or that provide value or benefit that makes the development feasible; and
- Q. Address other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources, including wildlife as well as locations of historical significance.

#### **Section 1.4 - Policy**

It is hereby declared to be the policy of the Town to consider the subdivision and development of land, as subject to the control of the Town, in order to carry out the purpose of the Comprehensive Plan and to promote the orderly, planned, efficient and economical development of the Town. Furthermore, it is the policy of the Town that:

- A. Land shall not be subdivided or otherwise developed until proper provision has been made for drainage, water, wastewater, transportation and other facilities required by these Subdivision Regulations.
- B. All public and private facilities and improvements shall be of at least a minimum capacity necessary to adequately serve the development and shall conform to and be properly related to the Comprehensive Plan of the Town and the [Design Manual](#) (Appendix "A" to this Subdivision Ordinance).
- C. These regulations shall supplement, and facilitate the enforcement of, provisions and standards contained in the Zoning Ordinance and building codes adopted by the Town.

### **Section 1.5 - Applicability; Intent**

- A. These Subdivision Regulations shall apply to all tracts of land within the corporate limits of the Town of Annetta and its [Extraterritorial Jurisdiction](#) (ETJ). Wherever this ordinance refers to “Town” or the “Town of Annetta” it shall also be deemed to refer to and shall apply to the Town’s [Extraterritorial Jurisdiction](#). This ordinance is designed, intended and is to be administered in a manner to:
1. not contravene the provisions of the Zoning Ordinance of the Town of Annetta;
  2. implement the adopted Comprehensive Plan, the Master Water and Wastewater Plans, the Master Drainage Plan, the Master Streets Plan, and any other elements of the Town’s Comprehensive Plan.
- B. Where other ordinances of the Town are more restrictive in their requirements, such other ordinances shall control.
- C. These Subdivision Regulations govern the subdivision and platting of land and are intended to require the creation of usable sites that meet minimum standards designed to protect the public health, safety and welfare of the citizens of the Town. Separate and distinct regulations have been adopted by the Town to govern other aspects of development, such as land use, building construction, and other health, safety and welfare issues such as the prohibition of nuisances. Although these other ordinances are designed to complement these Subdivision Regulations and may incorporate similar goals, objectives, and similar means to accomplish these goals and objectives, they are separate and distinct from these Subdivision Regulations. Applications made under these Subdivision Regulations for the approval of subdivision or development sites are not intended to negate the need to make separate applications for different projects or aspects of development.

### **Section 1.6 - Conflicts with Public and Private Provisions**

- A. Except where indicated, these Subdivision Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law.
- B. These regulations are not intended to abrogate any easement, deed restriction, covenant or any other private agreement or deed restriction.

### **Section 1.7 - Impact of Subdivision Regulations**

It is the intent and policy of these Subdivision Regulations that any requirement imposed hereunder as a condition of development be fair and equitable to each development and be based upon the impact the proposed development is projected to have on [public improvements](#) and facilities and services which are necessitated by the proposed development or anticipated benefits derived by the development from compliance with such conditions. Any conditions placed on development shall be designated to assure the orderly growth of the community in accordance with the Comprehensive Plan. Any developer who believes that proposed conditions of development will work a hardship or are in excess of the impacts caused or benefits derived by the development shall, prior to approval of any plat, identify in writing to the [Planning and Zoning Coordinator](#)-any such excessive conditions which the developer believes are being improperly or unfairly imposed, along with any engineering or other evidence supporting the developer’s position. In addition, the developer shall apply for a waiver or modification from such proposed conditions in accordance with the procedures set forth in these

regulations. The failure to submit a request for relief under these procedures prior to the issuance of a building permit shall be deemed to be the developer's consent to the conditions imposed.

### **Section 1.8 - Building Permits**

- A. Public Improvements and Facilities Available - No building permit for a primary building will be issued until all proposed or required [public improvements](#) and facilities have been installed and have been approved by the Town unless specifically authorized by the Developer Agreement after a determination that has been made by the [Director of Public Works](#), adequate security has been provided to assure construction of the public improvements and facilities.
- 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 1.9 - Official Town Map**

The [Planning and Zoning Coordinator](#) shall maintain an Official Town Map which shall indicate all subdivisions, lots and street rights-of-way. Subdivision plats hereafter approved shall be placed on the Official Map in a timely order. The Official Town Map shall include the names of all streets and street suffix classifications. Where street name inconsistencies exist from one subdivision to another, the Planning and Zoning Coordinator shall place on the Official Town Map the generally accepted street name, its proper spelling, and suffix classification. The Planning and Zoning Coordinator shall assign street address ranges for each block and coordinate these with the Parker County 911 office.

### **Section 1.10 - Waivers, Modifications and Rough Proportionality Requests**

- 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)*

- B. Rough Proportionality Waiver or Modification.** The request for a waiver or modification of a dedication or construction requirement must allege that application of the standard relating to the dedication or construction requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the Town's water, wastewater, stormwater, parks, or roadway system, as the case may be, or does not reasonably benefit the proposed development. In accordance with Section 212.904 of the Texas Local Government Code, as amended;
1. The municipality's determination and action by the Town Council shall be completed within thirty days following the submission of the developer's application for determination under this subsection.
  2. The developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as determined by the by the Town Engineer or by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.
  3. A developer who disputes the determination made under Subsection B.2. may appeal to the Town Council. At the appeal, the developer may present evidence and testimony under procedures adopted by the Town Council. After hearing any testimony and reviewing the evidence, the Town Council shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.
- 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 1.11 - Enforcement of Regulations

- A. Appropriate actions may be taken to prevent a violation of these Subdivision Regulations; to prevent unlawful construction; to restrain, correct, or abate a violation; or to prevent illegal occupancy of a building structure or premises. Furthermore, water meters, wastewater taps, or other utilities shall not be made available until the provisions of these Subdivision Regulations have been met.
- B. It shall be the responsibility of the [Planning and Zoning Coordinator](#) to enforce the administrative provisions of these regulations.
- C. It shall be the responsibility of the [Building Official](#) or [Director of Public Works](#) to enforce the development provisions of these regulations.
- D. The subdivision of any lot or any parcel of land by the use of a metes and bounds description for the purpose of sale, transfer, or lease with the intent of creating a building lot by evading these regulations, shall be considered a violation of this Ordinance. All such described subdivisions shall be subject to all of the requirements contained in these Subdivision Regulations.
- E. No building permit shall be issued for the construction of a building or structure, located on a lot or plat subdivided or sold in violation of the provisions of these Subdivision Regulations.
- F. The [Planning and Zoning Coordinator](#) shall be responsible for any interpretation of these Subdivision Regulations and where a determination of these regulations is in conflict with a request by a developer, the Planning and Zoning Commission and Town Council shall rule and decide on these questions.

### Section 1.12 - Conformance with Applicable Rules and Regulations

These Subdivision Regulations shall be held to be the minimum requirements for the development of a subdivision or lot within the corporate limits of the Town in the [Extraterritorial Jurisdiction](#) (ETJ). In addition to the requirements established herein, all plats shall be in conformance with the following:

- A. All applicable State statutory provisions contained in Chapter 212, Texas Local Government Code.
- B. The Zoning Ordinance, building and housing codes, and other applicable laws of the Town for property within the corporate limits of the Town.
- C. Any official plans adopted by the Town under Chapter 213, Texas Local Government Code, including but not limited to the Official Comprehensive Plan, Capital Improvements Program of the Town, Parks Plan, Master Thoroughfare Plan, and any other official plan adopted by the Town Council which has an effect on the development of property in the Town.
- D. Any regulations of the County Health Departments and appropriate state agencies. *(amended by Ordinance 191 adopted February 15, 2018)*
- E. Any applicable regulations of the Texas Commission on Environmental Quality or any other agency related to the installation of water, wastewater, or other facilities.
- F. The regulations of the Texas Department of Transportation, when the subdivision, or any lot contained therein, abuts a state-maintained highway.
- G. The standards, codes and regulations adopted for administration by the [Building Official](#).

### 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 1.14 - Penalties

Any person, firm, or corporation who fails to comply with, or violates any of these regulations shall be subject to a fine of not more than Five Hundred (\$500) Dollars. Each day that such violation continues to exist shall constitute a separate violation.

### Section 1.15 - Vested Rights Petition

- A. **Purpose.** The purpose of a vested rights petition is to determine whether an application should be processed under the terms of a previous ordinance, to provide a process for determination of vested status, and to determine when certain permits are subject to expiration.
- B. **Applicability.** A vested rights petition may be submitted for an application, permit, plan or plat authorized under this Chapter, filed in accordance with the Texas Local Government Code, Chapter 245, as amended and in accordance with the regulations adopted by the Town of Annetta regarding vesting. A vested rights petition may also be submitted prior to expiration of certain permits, plats, or approvals contained in this ordinance. An application for a permit, plan or plat will not be considered complete until a determination is made on a vested rights petition in accordance with Section 3.7 - A.6. of this ordinance.

### Section 1.16 - Dormant Projects

- A. Any application for an initial permit, plan or plat that was not subject to an expiration date but was approved or submitted more than two (2) years before the adoption date of this section (November 19, 2020), and that was subject to the Annetta Zoning Ordinance or Subdivision Ordinance, as amended, or any predecessor zoning, subdivision or development-related ordinance, shall expire in accordance with the vesting regulations adopted by the Town on the effective date of this Section, unless a vested rights petition is submitted in accordance with 1.15 above.

- B. Applications for an initial permit, plan or plat that was approved but not subject to an expiration date within the two (2) years prior to the adoption of this Section (November 19, 2020) shall expire two (2) years after the effective date of this section.
- C. If, during the two year time frames specified in Section 1.16, A and B above, a final permit, plan, plat or certificate of occupancy was approved for all or part of the land subject to the original approval and related expiration date and remained in effect for such land until such expiration date, the approval shall be extended an additional two years in accordance with the vesting statutes of the Texas Local Government Code.

## CHAPTER 2 - DEFINITIONS

### Section 2.1 - General Construction of Language

- A. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "shall" is always mandatory; the word "herein" means "in these regulations"; the word "regulations" means "these Subdivision Regulations."
- B. All definitions of words contained herein shall correspond with the most appropriate definitions appearing in the Webster's New Collegiate Dictionary, unless specifically defined in this Ordinance.

### Section 2.2 - Words and Terms Defined

For purposes of these regulations, certain terms herein are defined 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*)

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

*Applicant* – The owner, authorized representative, or designated agent of land being proposed for subdivision or development.

*Block* – A tract of land bounded by streets, or by a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of water-ways, or boundary lines of municipalities and containing one or more building sites.

*Bond* – A form of security other than a cash deposit to be used as surety or as a guarantee.

*Building* – Any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind. A “building” includes a “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

*Building Official* –

The senior building officer of the Town charged with responsibility for issuing building permits and enforcing the building code. In the event there is not a senior building officer employed by the Town, the term means the person or entity, designated by the Mayor or Town Council, performing the functions of the Building Official as described in this ordinance. (*amended by Ordinance 191 adopted February 15, 2018*)

*Building Set-back Line* – A line established beyond which no part of a building shall project, except as otherwise provided in the Zoning Ordinance.

*Collector Street* – A major road identified on the Master Thoroughfare Plan, as adopted by the Town, intended to move traffic from local roads to minor arterials. A collector road generally surrounds a neighborhood or a group of neighborhoods.

*Comprehensive Plan* – Also known as a General Plan, the written document containing the development policies of the Town including a map of the Town showing a graphic representation of the proposed uses of the various land areas of the Town and, as adopted by the Town Council as the official guide for future development.

*Construction Plans* – The maps or engineering drawings accompanying a plat and showing the specific location and design of improvements to be installed in the development in accordance with the requirements of the [Design Manual](#).

*Crosswalk Way* – A public right of way, usually four (4) feet or more in width, between property lines which provides pedestrian circulation.

*Cul-De-Sac* – A local street with only one outlet and having an appropriate terminal for the safe and convenient turnaround of vehicular traffic.

*Dead-End Street* – A street, other than a cul-de-sac, with only one outlet.

*Design Manual* –

Refers to the design standards for all public improvements in a subdivision, as adopted by the Town of Annetta and available from the [Town Engineer](#), the [Director of Public Works](#) or the [Planning and Zoning Coordinator](#).

*Developer* – The owner, or agent representing the owner, of any land being proposed for subdivision or development.



*Development* – Any activity that requires submission of a plat under this ordinance. A development includes a subdivision.

*Director of Public Works* –

The person designated with the responsibility of overseeing the public works functions of the Town and of carrying out the duties of the Director of Public Works as described in this ordinance. In the event the Director of Public Works position has not been established by the Town or 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 Ordinance 191 adopted February 15, 2018)*

*Drainage Flume* – A concrete drainage way usually centered on lot lines and designed to carry storm water runoff from adjoining lots.

*Easement* – Authorization by a property owner for a designated part of his property to be used by another, and for a specified purpose, such as a drainage easement, utility easement or a public access easement.

*Engineer* – A person duly authorized under the provisions of the Texas Engineering Practices Act, as heretofore or hereafter amended, to practice the profession of Civil Engineering.

*Escrow* – A deposit of cash to guarantee a performance or maintenance bond.

*Extraterritorial Jurisdiction (ETJ)* –

The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the Town of Annetta, the outer limits of which are measured from the extremities of the corporate limits of the Town outward for the distance of one-half mile as stipulated in Chapter 42 of the Texas Local Government Code and in which area the Town may regulate subdivisions and enjoin violation of certain provisions of this Ordinance.

*Frontage* – The side or sides of a lot abutting a street right-of-way.

*Highway, Limited Access* – A freeway, or expressway, providing a traffic way for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no authorized right to access to or from the same, except at such points and in such manner as may be determined by the public agency having jurisdiction over such traffic way.

*Local Street* – A road intended to provide direct access to individual properties and to provide right-of-way for wastewater, water, storm drainage systems, and electric, telephone, gas, and cable TV utilities.

*Lot* – A platted parcel of land having frontage on a public street or approved public access easement and intended to be used as a building site or for purposes of building development and which is designated as a distinct and separate parcel identified by a lot number or symbol in a duly approved subdivision or [Development Plat](#) which has been properly filed and recorded. A lot is not a parcel of unplatted property with an acreage status. *(Amended by Ordinance 201, Adopted April 18, 2019)*

*Master Plan* –

A conceptual plan or drawing used when a subdivision involves a large tract of land from which multiple final plats are proposed to be submitted, or any tract where more than one final plat is to be submitted.

Generally, a master plan shows the development phasing, anticipated land uses and the conceptual street and lotting arrangement, proposed water and sewer layouts and drainage plans.

*Minor Arterial* – A road intended to collect and distribute traffic in a manner similar to principal arterials, except that these roads service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.

*Nonresidential Subdivision* – A subdivision in which the intended use is either commercial or industrial.

*Off-Site* – Any premises not located within the area of the property to be platted, whether or not in the same ownership of the applicant for plat approval.

*Owner* – Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their authorized agent.

*Perimeter Street* – Any street to which the parcel of land to be platted abuts on only one (1) side.

*Person* – Any individual, association, firm, corporation, governmental agency, political subdivision, or any other entity.

*Planning and Zoning Commission* – The body appointed by the Town Council having authority to recommend approval or disapproval of plats in accordance with these regulations and state statutes. Also referred to as the “Commission.”

*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)*

*Plat* – The map, drawing, chart, or plan showing the exact layout of land into lots, blocks, streets, parks, school sites, drainage ways, easements, and/or any other element required by these Subdivision Regulations which a developer is required to submit for approval in accordance with these Subdivision Regulations. A plat includes both a subdivision plat and a [Development Plat](#). *(amended by Ordinance 201, Adopted April 18, 2019)*

*Plat, Amending* – A plat with minor changes to a recorded subdivision as itemized in Section 9.2 “Amending Plat Prerequisites” and as defined and authorized by the Texas Local Government Code, Section 212.016, as amended.

*Plat, Development* –

A plat required whenever a property owner proposes to divide land into tracts or lots each of which is greater than five acres, and for which no [public improvements](#) are proposed.

*Plat, Final* – The authentic map or official plan of record of a subdivision or other development of land prepared from actual field measurement and staking of all identifiable points by a Registered Professional Land

Surveyor with the subdivision location properly referenced to a survey corner or specific landmark reference.

*Plat, Minor* - A plat or replat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities in accordance with Section 8.2, “Minor Plat Prerequisites” and as defined and authorized by the Texas Local Government Code, Section 212.016, as amended.

*Plat, Preliminary* – The preliminary drawing. That illustrates and thereby assures the general layout of a proposed subdivision, the adequacy of [public improvements](#) and facilities needed to serve the proposed subdivision, and the overall compliance of the applicable requirements of this ordinance and all other applicable Town ordinances, policies and requirements. It is submitted to and reviewed for approval by the Planning and Zoning Commission and Town Council prior to approval of a Final Plat. This type of plat is authorized under Sections 3.15, 3.16 and 3.17 of these Regulations.

*Primary Building* – The building which represents the main intended use in that zoning district. Examples are a home in a residential zoning district, a store or business building in a commercial district, or the major plant building in an industrial zoning district. Storage buildings and separate garage structures are examples of secondary (accessory) buildings.

*Principal Arterial* – A road identified on the Master Thoroughfare Plan, as adopted by the Town, intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, major industrial areas, and similar traffic generators within the Town; and/or as a route for traffic between communities or large areas.

*Public Improvement* –

Any public water and wastewater utility, stormwater drain line, drainage ditch, roadway, parkway, sidewalk, pedestrian way, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

*Replat* – A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

*Right-of-Way* – A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm wastewater main, or for another special use. The usage of the term “right-of-way” for land-platting purposes shall mean that every right-of-way hereafter established and shown on a plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary wastewaters, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

*Right-of-Way Width* – The distance between adjacent, shared property lines measured at right angles to the center line of the street.

*Site Plan* – A scaled drawing of a development meeting the requirements set forth in Section 11.2 of this Ordinance.

*Subdivider* – Any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The term “subdivider” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

*Subdivision* –

A division of any tract of land into one or more parts for the purpose of creating lots for sale, for the purpose of identification, and/or to provide for the dedication of streets, alleys and easements. Subdivision includes re-subdivision (replat). It may also refer to a single lot or parcel that is proposed to be developed and was purchased or conveyed after September 1, 1987 without having been platted. The term “subdivision” includes the division of a tract or parcel of land to:

- 1) lay out a subdivision of the tract, including an addition to a municipality,
- 2) lay out suburban, building, or other lots,
- 3) lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or
- 4) to divide a tract regardless of whether the division 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.

*Town* – The Town of Annetta, Texas.

*Town Attorney* –

The licensed attorney or law firm designated by the Town to furnish legal assistance for the administration of these regulations.

*Town Council* – The legislative governing body of the Town having the power to adopt and amend these regulations and constituting the municipal authority responsible for approving plats and changes to the zoning district boundaries and regulations.

*Town Engineer* –

A registered professional engineer on the Town Staff or a consulting firm of registered professional engineers designated to represent the Town.

*Utility Easement* – An interest in land granted to the Town, to the public generally, and/or to a private utility corporation, for installing and maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

## CHAPTER 3 – GENERAL PROVISIONS FOR ALL PLATS

### 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
- B. A **Minor Plat or Amending Plat**, when applicable, in the format described within these regulations, has received approval of the Mayor and has been filed with the County Clerk.

### 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)*
- D. A tract of land that was purchased or conveyed in its entirety prior to September 1, 1987 without having been platted. September 1, 1987 is the date the Texas Local Government Code Chapter 212 was amended to redefine a subdivision and require plats in certain situations. However, a [Development Plat](#) may be required in accordance with Chapter 10, Development Plats prior to issuance of permits.

- E. A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated, in accordance with Texas Local Government Code, Section 212.004, as amended. However, a [Development Plat](#) may be required in accordance with Chapter 10, "Requirements for Submittal and Processing of Development Plats."
- F. The combining of two or more legally recorded lots in their entirety into one parcel will not be required to be replatted into one lot provided:
  - 1. All lots are permanently joined by a structure or improvements built over the property line(s) in accordance with the zoning ordinance; and
  - 2. No additional right-of-way or public right-of-way or public easements must be dedicated, or public utilities or roadways must be constructed to meet the requirements of this ordinance.
- G. The following land divisions are exempt from the platting requirement in accordance with Texas Local Government Code Chapter 212.0045, as amended:
  - 1. Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended, provided however, that prior to construction of improvements, a plat meeting these Regulations shall be completed and recorded.
  - 2. Use of existing cemeteries complying with all State and local laws and regulations.
  - 3. A division of land created by order of a court of competent jurisdiction, provided however, that prior to construction of improvements, a plat meeting these Regulations shall be completed and either recorded or security provided prior to recordation in accordance with these Regulations.
  - 4. Construction of agricultural accessory structures and related agricultural development activities.
- H. Whenever a property owner proposes to divide land into tracts or lots each of which is greater than five acres, and for which no plat is required and no public improvements are proposed within the Annetta municipal limits or its extraterritorial jurisdiction, the property owner shall submit and receive approval of a Development Plat prior to the issuance of any building permit or the connection of any utility in accordance with Chapter 10, DEVELOPMENT PLAT REQUIREMENTS FOR SUBMITTAL AND PROCESSING, of these regulations. *(amended by Ord. 210A, Oct 20, 2022)*
- 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 3.3 - Classification of Plat Submittals**

Whenever a subdivision or development of land is proposed, the [Planning and Zoning Coordinator](#) will advise the applicant whether the review procedures of a Preliminary Plat, Final Plat, Minor Plat, Amending Plat, Replat, or [Development Plat](#) will apply and supply the applicant with the appropriate application forms. *(amended by Ordinance 201, Adopted April 18, 2019)*

### Section 3.4 - General Platting Procedures, Pre-Application Conference

The procedures for obtaining approval of a subdivision plat for unplatted property include the following steps to be completed in the sequence listed below:

#### A. Pre-Application Conference

1. **Purpose** – A pre-application conference is recommended for all plat submissions except minor or amending plats. The pre-application conference is intended to allow for the exchange of non-binding information between the applicant and Town Staff or their representatives to ensure that the applicant is informed of pertinent Town development regulations and processes.
2. Additionally, the pre-application conference provides an opportunity for the applicant and Town Staff to discuss major development considerations such as utilities, roadways, drainage concerns, comprehensive plan elements, specific neighborhood characteristics, and historic information. This exchange of information is intended to promote an efficient and orderly review process.
3. Pre-application conference prior to submission of plans and applications.
  - a. Prior to formal submittal of any required plan, plat or application, the applicant(s) is required to consult with the [Planning and Zoning Coordinator](#), or their designee and any other pertinent Town official(s) in order for the applicant(s) to become familiar with the Town’s development regulations and the development process.
  - b. At the pre-application conference, the developer/applicant may be represented by his/her land planner, engineer, surveyor, or other qualified professional.
  - c. The approval process, submission requirements, fees, dates of all required meetings/approvals and any other draft plats or plans available will be reviewed to ensure compliance with the new statutes approved by the legislature for timely approvals.
  - d. Any platting waivers, modifications or exceptions to be requested and any financial participation or reimbursement shall be reviewed at the pre-application conference and the details/process of such requests shall be identified. If Commission and/or Town Council approval is required of such waivers, modifications, exceptions or participation and cannot be processed concurrently or is not going to be recommended by staff, such approvals may be required to be processed before submission of the actual plat documents.

B. **Zoning Change** - Submission of an Application for a Zoning District Change to the Planning and Zoning Commission and the Town Council, with subsequent approval thereof, is required where the current zoning classification is not compatible with the type of development being proposed. This procedure may be concurrent with the submittal of the Plat but the property must be rezoned to the appropriate zoning district prior to any formal approval action on a plat. In no case, however, will a plat be processed prior to rezoning if the appropriate rezoning has not been applied for.

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."
- D. **Final Plat or Replat** - Submission of a Final Plat or Replat Application to the Planning and Zoning Commission and the Town Council, with subsequent approval thereof, is required prior to the filing of a Final Plat or Replat with the Parker County Clerk's Office. The minimum requirements for a Final Plat submittal are contained in Chapter 6 hereof. Replat requirements are contained in Chapter 7 hereof.
- 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)*
- F. **Development Plat** – The [Planning and Zoning Coordinator](#) shall determine the type of Development Plat required to be submitted for approval, i.e., Preliminary/Final Development Plat, Minor Development Plat, Amending Development Plat, or Development Replat, and shall process the Development Plat in accordance with the applicable requirements and procedures for those plats to the extent they don't conflict with the specific requirements for Development Plats. Specific Development Plat requirements are contained in Chapter 10 hereof.

*(amended by Ordinance 201, Adopted April 18, 2019)*

- G. **Construction of Public Improvements** - Upon approval of the Final Plat by the Town Council and authorization from the Mayor, the developer may proceed with the construction of all [public improvements](#). The requirements for public improvements are contained in Chapter 4. "Requirements for Public and Semi-public Improvements".



### **Section 3.5 - Approval of Plat Required**

Subject to the exemptions in Section 1.8 and Section 3.2, no improvements shall be initiated and no permit for the erection of a structure shall be granted until the owner has applied for and obtained approval of a plat from the Planning and Zoning Commission and Town Council (or Mayor, when appropriate).

### **Section 3.6 - Application Form and Content**

The owner shall submit a written application for plat approval to the Town on the forms furnished by the [Planning and Zoning Coordinator](#). Written consent shall be required from the legal owner of the premises if the applicant is not the owner of record. The lack of information under any item specified herein, or incorrect information supplied by the applicant, subject to Section 3.7, shall be cause for disapproval of the plat.

### **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.
  2. **County Coordination of Plats.** Where the land to be platted lies within the [Extraterritorial Jurisdiction](#) of the Town of Annetta, no Minor Plat, Preliminary Plat, Final Plat or Replat application shall be accepted as complete in accordance with this Section for submission by the responsible official unless the application is accompanied by verification that a copy of such Plat has been delivered to Parker County. If the Town has not received a decision from Parker County on matters pertaining to the Final

Plat application which are to be determined by Parker County, the application for Final Plat approval shall be accepted for submission by the Town, but shall either be approved subject to subsequent County approval or be denied, unless a Waiver of Right to 30-day Action is approved. No Final Plat shall be recorded with the County Clerk until the Town of Annetta has approved and the appropriate officials have signed such Plat. The Plat shall also not be recorded until any required Parker County approvals and signatures have been obtained.

3. **Failure to Notify.** If no letter of notification of incompleteness is given to the applicant within ten (10) business days of receipt of the initial submittal, the application shall be determined to be complete as of the date of the application and processed as prescribed by this Section.
  4. **Re-Submittal after Notification of Incompleteness** - If the required application is re-submitted after a notification of incompleteness within the time allotted in subsection 3.7-A.4., the application shall be processed upon receipt of the re-submittal. No additional determination of completeness shall be made thereafter. However, to the extent that the information or documents submitted is not sufficient to enable the decision-maker to apply the criteria for approval, the application may be denied on such grounds.
  5. **Failure to Complete** - If the applicant fails to provide the specified documents or other information and the required application is not completed by the forty-fifth (45th) day after the application is submitted to the Responsible Official, in accordance with TLGC 245.002, as amended, the required application will be deemed to have expired and it will be returned to the applicant together with any accompanying information. An expired application shall not be vested into the standards of the Zoning, Subdivision and other Ordinances in effect at the time of the determination of completeness in accordance with the TLGC Section 245.002.
  6. **Vesting** -
    - a. A final decision on a vested rights petition or appeal by the Town Council on the application, permit, plan or plat required by this ordinance is deemed necessary in evaluating the completeness of any related application. No related application shall be deemed complete without such decision having been made in accordance with this ordinance and other vesting ordinances as adopted by the Town of Annetta.
    - b. Once an application has been determined complete, that application shall be vested into the standards of the Zoning, Subdivision and other Ordinances in effect at the time of the determination of completeness in accordance with the TLGC Section 245.002
  - B. **Official Submittal Date** - For the purpose of these Subdivision Regulations, the date on which the application is complete, all requirements have been met and all applicable fees have been paid shall constitute the official submittal date of the plat from which the statutory period requiring formal approval or disapproval of the plat shall commence. Action shall be taken by the Planning and Zoning Commission within 30 days of the official submittal date unless a waiver is requested by the developer. Action shall be taken by the Town Council within 30 days of the date action is taken by the Planning and Zoning Commission.
  - C. If no action is taken on the plat in accordance with Section 3.17, "Processing and Approval of Final Plats, Amending Plats, Minor Plats or Replats," it shall be considered approved.
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### **Section 3.8 - Coordination of Zoning Application with Subdivision Approval**

Every plat shall be consistent with, and conform to, existing zoning regulations and the following criteria:

- A. No plat will be submitted to the Planning and Zoning Commission for approval which contains any inconsistent zoning classification. However, this requirement may be waived when an application for a zoning change, seeking proper zoning classification, has been filed with the Planning and Zoning Commission in accordance with the zoning regulations of the Town of Annetta.
- B. In the event that a change in the zoning classification is required to accommodate the proposed development, it is the intent of these Subdivision Regulations that subdivision review be carried out simultaneously with the review of any zoning application.
- C. No lot shall be approved which is bisected by a zoning district boundary, unless said lot contains multiple types of uses.
- D. No lot shall be approved which does not meet the minimum size and dimension in the Zoning Ordinance unless:
  1. the lot is a nonconforming lot of record under the Zoning Ordinance; or
  2. a zoning variance has been approved by the Board of Adjustment.

### **Section 3.9 - Reserved**

### **Section 3.10 - Plat Application Fees**

Every applicant requesting approval of a plat shall pay the applicable fee at the time of submittal. Such fee shall include any recording fees required by the Parker County Clerk's Office. Application fees for Preliminary Plats, Replats, Minor Plats, Amending Plats, Final Plats and [Development Plats](#) shall set forth in the Town's Fee Schedule. (*amended by Ordinance 201, Adopted April 18, 2019*)

### **Section 3.11 - Development and Inspection Fees**

From and after the effective date of this Ordinance, the Town's development and inspection fees for developments located inside the Town and within its [Extraterritorial Jurisdiction](#) shall be set forth in the Town's Fee Schedule. Payment of these fees shall be made as the construction occurs or within ten (10) days thereof.

### **Section 3.12 - Frontage on Improved Roads Required**

No subdivision shall be approved unless the area to be subdivided has a minimum of seventy-five (75) feet of contiguous frontage on and access to an existing public street, or an acceptable public access approved by the Planning and Zoning Commission, and such access meets the minimum street construction requirements contained in the [Design Manual](#). Where such street does not meet said minimum standards, the owner shall construct that portion of the street which provides public access and frontage to the subdivision, or provide a cash escrow to the Town for the estimated cost of improvement, or provide an alternative which is acceptable to the [Director of Public Works](#) or Town Council.

### Section 3.13 - Vacating Plats

All actions for vacating a plat shall be consistent with applicable State statutes as contained in Chapter 212, Texas Local Government Code.

### Section 3.14 - Plats Straddling Municipal Boundaries

Whenever access to a subdivision is required across land situated in an adjacent municipality, written approval is required from the neighboring affected town.

### Section 3.15 - Processing Preliminary Plats

- A. Upon receipt of a Preliminary Plat, when required in Subsection 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. *(amended by Ord. 210B, Feb 15, 2024)*
- B. Upon completion of the staff review, and receipt of necessary revisions from the developer, and determination that the Preliminary Plat has officially been submitted in accordance with Subsection 3.7-B., the Preliminary Plat shall be placed on the next available meeting agenda for consideration by the Planning and Zoning Commission.
- C. **Approval of Preliminary Plat** - After the Planning and Zoning Commission has reviewed the preliminary plat, the Commission shall within 30 days from the submission date in Section 3.7 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.
- D. Upon action by the Planning and Zoning Commission, the preliminary plat shall be forwarded to the Town Council for their consideration. Town Council action on the preliminary plat shall follow the same time frames and approval process of a Final Plat as outlined in Section 3.17, "Processing and Approval of Final Plats, Amending Plats, Minor Plats or Replats."

### Section 3.16 - Effective Period of Preliminary Plat Approval

The approval by the Planning and Zoning Commission and Town Council of a Preliminary Plat shall be effective for a period of two (2) years. If a Final Plat Application has not been submitted on at least a portion of the area covered by the Preliminary Plat within two (2) years from the date of the approval of the Preliminary Plat by the Planning and Zoning Commission, the Preliminary Plat shall be deemed null and void. If only a portion of the Preliminary Plat has been submitted for Final Plat action, those areas not platted within five (5) years of the date of Preliminary Plat approval shall be declared null and void, unless an extension of time is granted by the Planning

and Zoning Commission. Any portion of a Preliminary Plat not receiving final approval by the Planning and Zoning Commission and the Town Council within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a Preliminary Plat for approval. Such resubmittal shall be subject to any new subdivision or development regulations and payment of all applicable fees.

### **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.” (*amended by Ord. 210B, Feb 15, 2024*)
- 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.
- E. **Commission Action with 30 Days** - After the Planning and Zoning Commission has reviewed the plat, the Commission shall within 30 days from the submission date in Section 3.7 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.
- F. After the Planning and Zoning Commission has taken action on the plat, it shall be forwarded to the Town Council for consideration.
- G. **Council Action within 30 days** - In all Final Plat considerations, the Town Council shall within 30 days from the date of the action of the Planning and Zoning Commission 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.

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

- 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.I; and
    - 2) may disapprove the plat only for a specific condition or reason provided to the applicant under Subsection 3.17.I.
  - 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 K.2.a. and in accordance with Subsection K.1 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.

- 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 3.18 - Official Filing and Recording of Final Plats

Upon approval of the plat by the Town Council, the [Planning and Zoning Coordinator](#) shall proceed with the official filing of record procedures using the following guidelines:

- A. The signature showing final approval of the plat shall not be affixed until all taxes, liens, assessment charges and other monetary obligations, including application, review and inspection fees due to the Town have been paid. The applicant shall submit to the Planning and Zoning Coordinator, at the time of plat application, a tax certificate available from the Parker County Tax-Assessor Collector indicating that any taxes, or liens due the Town have been paid.
- B. The Planning and Zoning Coordinator shall obtain the necessary signatures from the Mayor, Town Secretary, Planning and Zoning Commission Chairman and Planning and Zoning Commission Secretary. The Planning and Zoning Coordinator shall verify that all required covenants have been accepted by the applicant prior to submitting the plat to the Parker County Clerk's Office for filing.
- C. To be recorded, the plat must:
  1. Describe the subdivision by metes and bounds;
  2. Locate the subdivision with respect to a corner in a previously recorded survey or tract or an original corner of the original survey of which it is a part;
  3. State the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part; and
  4. Meet all other requirements of these Subdivision Regulations and State law.
- D. The owner of the tract must acknowledge the plat in the manner required for the acknowledgment of deeds.
- E. The plat must be filed with the Parker County Clerk's Office.
- F. The plat is subject to the filing and recording provisions of Section 12.002, Texas Property Code.
- G. Upon receipt of the official filed plat, the [Planning and Zoning Coordinator](#) will place a mylar film and a blackline copy in the Town Plat File, as well as submit a copy in an electronic format acceptable to the [Town Engineer](#) that can be integrated into the Town's official mapping system, showing the official filing notation from the Parker County Clerk's Office.
- H. Approval of the plat by the Town Council authorizes the developer to proceed with the installation of the [public improvements](#) and facilities in the subdivision provided such plans have been approved by the [Town Engineer](#), a Developer Agreement has been executed, and all fees have been paid.

### Section 3.19 - Effect of Approval on Dedication

The approval of a plat is not considered an acceptance of any proposed dedication for public use or use by persons other than the owner of the property covered by the plat and does not impose on the municipality any duty regarding the maintenance or improvement of any purportedly dedicated parts until the municipality's



governing body makes an actual appropriation of the dedicated parts by formal acceptance, entry, use, or improvement.

### **Section 3.20 - Notice of Noncompliance**

For any subdivision existing or in the process of being created or developed for which a plat to be filed for record has not been approved or which fails to meet the standards contained or referred to herein, the Commission or Town Council may adopt a resolution concerning such failure or lack of approval and indicating that same is a violation of the provisions of this Ordinance. The Commission or Town Council may cause a certified copy of such resolution to be filed in the Parker County Deed Records in which said subdivision or part thereof lies. If compliance and approval are secured following the filing of said resolution, the Commission shall file in the Parker County Deed Records an instrument which, in effect, rescinds such earlier filed resolution.

## **CHAPTER 4 – PUBLIC AND SEMI-PUBLIC IMPROVEMENT REQUIREMENTS**

### **Section 4.1 - General Infrastructure Policy**

- A. Land proposed for development in the Town and the Town's [Extraterritorial Jurisdiction](#) must be served adequately by essential [public improvements](#), facilities and services, including parks, water and wastewater, roadway, and drainage facilities.
- B. Land shall not be approved for platting or development unless and until adequate [public improvements](#) and facilities necessary to serve the development exist or provision has been made for the improvements, whether the improvements or facilities are to be located within the property being developed or off-site.
- C. The developer shall install all water and wastewater systems, street and drainage facilities, and any other facilities required by these Subdivision Regulations which are necessary for the proper development of the subdivision. The design, construction and inspection of any public or semi-[public improvements](#), as well as the cost of engineering review, shall be borne by the developer. All such facilities shall be designed and constructed in accordance with the [Design Manual](#) and be in conformance with the general layout of the adopted Comprehensive Plan and approved [Master Plan](#) if required.
- D. Where considered necessary by the [Town Engineer](#), the [public improvements](#) and facilities shall be sized in excess of that dictated by the [Design Manual](#) to provide for future growth and expansion of the Town systems. Where over-sizing of [public improvements](#) and facilities is required, or where the relocation of [public improvements](#) and facilities is required, or where specific public or semi-[public improvements](#) are necessary for the proper development of the subdivision, the developer shall construct or relocate said public or semi-public facilities. Town participation, if any, in the cost of oversized lines shall be in accordance with ordinances adopted by the Town Council of the Town of Annetta or as agreed by the Town Council. The Town will not require a developer to bear the costs of over-sizing infrastructure including utility and stormwater lines and roadways unless the Town is willing to pay for the over-sizing costs or the requirement to install the larger line is found to be consistent with the provisions of Section 212.904 of the Local Government Code and Section 1.10 of this ordinance relating to insuring that developers are only required to install infrastructure improvement the need for which is generated by their development in a rough

proportionality analysis. If a request for participation is denied, the applicant may request a waiver or modification of the requirement in accordance with Section 1.10.

- E. Where, in the opinion of the Planning and Zoning Commission or Town Council, construction of said public or semi-[public improvements](#) and facilities should be deferred to a future date, the developer shall place in escrow with the Town [Planning and Zoning Coordinator](#) an amount equal to the estimated cost of the improvements as determined by the [Town Engineer](#). The Planning and Zoning Commission may recommend alternate arrangements to the Town Council when appropriate.
- F. When a tract of land is proposed for development and [public improvements](#) are to be installed between or paralleling two or more tracts of land under different ownership and participation is required by both owners, the developer desiring to plat first shall comply with the following:
  - 1. If the [public improvements](#) are required for the actual development of the property, then the first developer shall be responsible for obtaining the necessary right-of-way or easements from the adjoining property owner or owners and for installing those improvements at his own expense. Pro rata reimbursement may be authorized in accordance with utility extension ordinances adopted by the Town Council of the Town of Annetta or as agreed by the Town Council.
  - 2. If the improvements are not required at the time of development of the subdivision, then the developer shall provide, within his subdivision, the easements or rights-of-way necessary for the future improvements. The owner must provide a cash escrow to the Town for the estimated cost of their share of the improvement or provide an alternative which is acceptable to the [Director of Public Works](#) or Town Council.
- G. The developer shall be responsible for the proper design and construction of all public infrastructure required to serve the development in accordance with these Subdivision Regulations and other applicable regulations.

## **Section 4.2 - Minimum Standards and Levels of Service**

The standards and criteria established in these Subdivision Regulations for dedication and construction of [public improvements](#), facilities and infrastructure are based upon engineering studies and historical usages and demands by different categories of development. These Subdivision Regulations identify certain minimum requirements and sizings for utilities, roadways, parks, and other facilities that have been determined by the Town Council to be necessary in order to provide the minimum level of service necessary to protect or promote the public health, safety, and welfare and to assure the quality of life currently enjoyed by the citizens of Annetta. It is the intent of these Subdivision Regulations that no development occurs until and unless these minimum levels of service are met. Therefore, each development in the Town shall be required to dedicate, construct or upgrade required facilities and infrastructure to a capacity that meets these minimum levels. Whenever the Town Council determines that levels of service in excess of these minimum standards are necessary in order to promote the orderly development of the Town, the developer shall qualify for reimbursement for any costs in excess of the minimum levels of service through Town participation, a pro rata reimbursement policy or other means adopted by the Town.

**Section 4.3 - Water Facility Requirements, the Use of Wells**

- A. The developer shall furnish, install, construct, or extend, at his own expense, water distribution facilities necessary for the proper development of the subdivision. The water system shall provide individual service to every lot in the subdivision. All water mains constructed within a proposed development shall be extended to the perimeter of the proposed development to allow for future extension of the water system into adjacent properties. The water system shall be designed and constructed in accordance with the specifications contained in the [Design Manual](#). Where considered necessary by the [Town Engineer](#), the facilities shall be sized in excess of that dictated by the Design Manual to provide for future growth and expansion of the Town water distribution system. In addition, the water system shall conform to the Town's current Master Water Distribution System Plan. The water distribution facilities in the Town's current Master Water Distribution Plan must be provided for prior to development by:
1. Dedicating any necessary right-of-way or utility easements at the time of platting of the subdivision, regardless of whether a water line is to be installed as part of the development; and
  2. Construction of the water line, in accordance with this ordinance, if water service is available within 200 feet. The water line shall be extended through and to the perimeter of the proposed development and fire hydrant(s) installed to provide fire protection to the subdivision, regardless of whether the lots actually utilize the water line or individual wells;
  3. Providing a cash escrow, if a water line is not available within 200 feet, to the Town for the estimated cost of their share of the improvement to extend water lines through and to the perimeter of their development or provide an alternative which is acceptable to the Director of Public Works or Town Council.
- B. If a plat is not required in accordance with Section 1.8, "Building Permits" or Section 3.2, "Exemption from Platting Requirements," the right-of-way or easements shown on the Master Water Distribution Plan shall be dedicated and the other provisions of this section may still be required by the Town Engineer or the [Director of Public Works](#) in lieu of platting and as a part of issuance of a building permit and the providing of fire protection.
- C. Individual parcels may utilize a well for water, regardless of whether they connect to a water system, provided that the well is permitted by Parker County and any other regulatory agencies that permit and inspect wells.
- 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 4.4 - Town Participation in Water System Over-sizing**

Where over-sizing of water system improvements is required by the Water Plan, Town participation in any proposed water line shall be in accordance with utility extension ordinances adopted by the Town Council of the Town of Annetta or as agreed by the Town Council. A developer will not be required to bear the cost of over-sizing facilities beyond those necessary to support the specific development in question after an analysis pursuant to the requirements of Section 212.904 of the Local Government Code determining that the requirement is roughly proportional to the impact on the water system created by the developer's project, and a rough proportionality waiver is approved in accordance with Section 1.10, "Waivers, Modifications and Rough Proportionality."

#### **Section 4.5 - Fire Hydrant Requirements**

The developer shall install, at his own expense, a sufficient number of fire hydrants to provide fire protection service to every lot in the development. The fire hydrant system shall be designed according to the specifications contained in the [Design Manual](#). The layout of the system shall be determined by the [Director of Public Works](#) and approved by the Parker County Fire Chief or his official designee. An alternative method that provides sufficient water supply to meet the same requirements as the provision of fire hydrants may be approved by the Director of Public Works or the Town Council.

#### **Section 4.6 - Wastewater Facility Requirements**

The developer shall furnish, install, construct, or extend, at his own expense, wastewater collection facilities necessary for the proper development of the subdivision. The wastewater system shall provide individual service to every lot in the development. All wastewater mains constructed within the proposed development shall be extended to the perimeter of the proposed development to allow for future extension of the wastewater system into adjacent properties regardless of whether or not such extensions are required for service within the development. The wastewater system shall be designed and constructed in accordance with the specifications contained in the [Design Manual](#). Where considered necessary by the [Town Engineer](#), the facilities shall be sized in excess of that dictated by the Design Manual, to provide for the future growth and expansion of the Town wastewater systems. All wastewater installations shall be in conformance with the Town's Wastewater Plan.

#### **Section 4.7 - Town Participation in Wastewater System Over-sizing**

Where over-sizing of the wastewater system improvements is required, Town participation in any proposed wastewater line shall be in accordance with utility extension ordinances adopted by the Town Council of the Town of Annetta or as agreed by the Town Council. A developer will not be required to bear the cost of over-sizing facilities beyond those necessary to support the specific development in question after an analysis pursuant to the requirements of Section 212.904 of the Local Government Code determining that the requirement is roughly proportional to the impact on the wastewater system created by the developer's project.

#### **Section 4.8 - Utilities to be Constructed Underground and in Rights-of-Way**

All public utilities shall be constructed within a public street right-of-way or an appropriate utility easement meeting the width requirements set forth in the [Design Manual](#). When a proposed water or wastewater line or a drainage facility will be placed adjacent to a public road maintained by the Texas Department of Transportation, a separate specific use easement shall be provided for each utility or drainage facility. If the developer cannot obtain the necessary easements to make required off-site improvements, he may request the Town to institute condemnation proceedings to acquire the easement, provided that the developer shall bear all costs of such proceedings. All existing overhead utilities and all new utility extensions shall be placed underground in conjunction with the development or redevelopment of property.

#### **Section 4.9 - Street Right-of-Way Dedication**

Each plat shall dedicate public street right-of-way, or easements when acceptable to the [Town Engineer](#) or [Public Works Director](#), of sufficient width to comply with the standards contained on the Master Thoroughfare Plan and the following requirements:

- A. All street rights-of-way shall be integrated with the existing and proposed system of thoroughfares and rights-of-way.
- B. Every lot shall front on a public right-of-way which complies with the width shown on the Master Thoroughfare Plan or, when approved by the Town, an acceptable public access easement.
- 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
    - b. a similar plan adopted by Parker County or the state.

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

#### **Section 4.10 - Street Improvement Requirements**

The developer shall construct, at his own expense, street facilities necessary for the proper development of the subdivision. The street system shall provide access to every lot in the subdivision, and comply with the following:

- A. All street surfaces within or abutting the proposed subdivision shall be paved, with curbs and gutters installed, and otherwise constructed in accordance with the standards and specifications contained in the [Design Manual](#).
- B. All paving shall be constructed to the width specified by the [Design Manual](#).

- C. Permanent dead-end roads shall not be allowed.
- D. Temporary dead-end roads may be allowed in the discretion of the Town if the terminal point of the road is designed to accommodate U-turn access by emergency service vehicles. Easements may be required for temporary dead-end roads where the terminal area falls outside the platting limits.
- E. Proposed new streets shall be laid out, where possible, so as to eliminate or avoid new perimeter half-streets.

#### **Section 4.11 - Town Participation in Thoroughfare Street Improvements**

- A. The Town will only participate in the construction costs of a Collector or Arterial street as designated by the Master Thoroughfare Plan and located in conventional single-family residential areas. When the [Director of Public Works](#) has determined that the need for additional street capacity is not directly attributable to the traffic pattern of the proposed development, the Town may participate in the portion of the roadway in excess of thirty-six (36) feet, measured from curb face to curb face. The developer shall pay for thirty-six (36) feet of roadway, curb, and gutter for both sides, and all other costs connected thereto, including engineering costs.
- B. When a street is required to be constructed with extra width, or with special conditions by the Town for aesthetic value or special circumstances, the Town will participate on the same basis as in thoroughfare considerations. Where the over-sizing of the street is at the discretion of the developer for aesthetic purposes or special considerations, no participation will occur.
- C. In non-single-family residential areas, when new development, combined with the existing development, would require additional strength design or additional width of pavement to accommodate expected traffic use, no Town participation will occur. A geotechnical report or a traffic impact analysis may be required at the sole cost of the developer in accordance with the requirements of the [Design Manual](#).

#### **Section 4.12 - Perimeter Street Requirements**

- A. Where an existing perimeter street is adjacent to a proposed new subdivision, the developer shall establish the location of the street centerline and dedicate sufficient right-of-way within his own subdivision to provide one half of the street right-of-way width shown on the Master Thoroughfare Plan, not to exceed the size of right-of-way required to serve the development. The alignment and dedication of the right-of-way may be required to be adjusted to provide transitions at property corners or accommodate physical features. The developer shall construct one half of the required street according to the standards contained in the [Design Manual](#), or if approved by the Town, deposit with the Town an amount equal to his/her computed pro-rata share as determined by the Director of Public Works or set by the Town Council as a per linear foot fee, before building permits will be issued.
- 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." *(amended by Ord. 210A, Oct 20, 2022 and Ord. 210B, Feb 15, 2024)*

### Section 4.13 - Insurance and Bonding

- A. **Insurance.** The owner or contractor will comply with the insurance requirements applicable to the Town's public works projects.
- B. **Performance bond; escrow agreement.**
1. Performance and payment bonds will be submitted in an amount, as determined by the [Town Engineer](#), to insure completion of all improvements therein; or
  2. If the cost of completing the improvements is \$100,000 or less, cash money in the amount of the cost of completing the improvements, as determined by the Town Engineer, shall be deposited with a bank as escrow agent pursuant to an escrow agreement, the form and provisions thereof to be approved by the Town Engineer and [Town Attorney](#) to insure completion of the improvements.
- C. **Maintenance bond.** Prior to acceptance by the Town of any improvements, a maintenance bond will be furnished in an amount of one hundred percent (100%) of the contract amount of all improvements, insuring the repair and replacement of all defects due to faulty materials and workmanship that appear within a period of two (2) years from the date of acceptance of the improvements by the Town. The furnishing of the maintenance bond shall not, however, relieve the developer of responsibility for the proper construction and maintenance of the improvements.
- D. **Payment bond.** Prior to commencing construction of any improvements:
1. A payment bond will be furnished in an amount of not less than one hundred percent (100%) of the approximate total cost of the contract, less any Town participation, guaranteeing the full and proper protection of all claimants supplying labor and material for the construction of the improvements; or
  2. If the total contract amount of all improvements is fifty thousand dollars (\$50,000) or less, as determined by the [Town Engineer](#), the owner and contractor may, in lieu of furnishing a payment bond, agree to pay and satisfy all claims, liens, charges, and encumbrances arising from construction of the improvements and furnish a written affidavit, in a form provided by the Town Engineer, stating that all charges, accounts, and claims for labor performed and material furnished in connection with, the improvements have been paid in full and that there are no unreleased recorded liens filed against the improvements or land to which they are affixed that are to be dedicated to the public.
- E. The [Town Engineer](#) may require the owner or contractor or both to furnish a list of all contractors and subcontractors who performed labor on or persons supplying material for the improvements and require a written release of all claims from any such persons prior to acceptance of the improvements.

### Section 4.14 - Sidewalk Requirements.

- A. Every new subdivision, or re-subdivision hereafter approved, may, in the discretion of the Planning and Zoning Commission, be required to install sidewalks, with appropriate curb ramps, adjacent to all public street rights-of-way. Construction of any sidewalk shall conform to the standards and specifications contained in the [Design Manual](#). Sidewalks, if required, shall conform to the following:
1. All corner lots shall have sidewalks placed on the two frontages or sides adjacent to the streets.

2. Any triple frontage lots shall have sidewalks placed on the three frontages or sides adjacent to the streets.
  3. Any double frontage lots shall have sidewalks placed on the two frontages adjacent to the streets.
  4. Construction of all side yard sidewalks and rear yard sidewalks adjacent to perimeter streets shall be the developer's responsibility to construct after plat approval. Front yard sidewalks shall be constructed for each lot prior to completion of any primary structure.
- B. The above sidewalk requirement may also apply, in the discretion of the Planning and Zoning Commission, to any [Development Plat](#) where sidewalks exist on adjacent property." (*amended by Ordinance 201, Adopted April 18, 2019*)

### **Section 4.15 - Drainage Improvement Requirements**

- A. The developer shall be required to furnish, install, construct, or extend, at his own expense, all storm drains and drainage structure facilities necessary for the proper development of the subdivision. Concrete channel improvements shall be required where specified in the Master Drainage Plan and in the [Design Manual](#). Alternate earthen channels may be approved when in accordance with the criteria established in the Design Manual. All public drainage facilities shall be constructed within a public drainage easement or drainage right-of-way as required by the Town.
- B. With respect to off-site drainage, the following provisions shall apply:
1. The developer shall be responsible for demonstrating to the Town that the development will be served by a stormwater drainage system adequate to accommodate or manage runoff from fully developed property upstream of the proposed development.
  2. The [Director of Public Works](#) may require the developer to furnish a drainage study to determine the impact the development will have on adjacent properties. Where a drainage study indicates that additional runoff from the developing property will overload downstream drainage facilities and may result in hazardous conditions, the Town may withhold approval of the development until appropriate provisions have been made. These provisions shall include any drainage design or construction plans necessary to accommodate the off-site drainage.

### **Section 4.16 - Street Lighting**

The developer may be required, in the discretion of the Planning and Zoning Commission, to furnish, install, construct, or extend, at his own expense, street lighting facilities necessary for the proper development of the subdivision. In the event street lighting is required, a street lighting study must be furnished, and the street lighting system shall comply with the location and spacing requirements for street lighting systems contained in the [Design Manual](#).

### **Section 4.17 - Developer Agreements**

The developer must execute a Developer Agreement in a form available from the [Town Engineer](#) and acceptable to the [Town Attorney](#).



- A. In developments where, by reason of Town policy, the Town Council deems it advisable to participate in the [public improvements](#) being constructed to the extent of twenty-five thousand (\$25,000) dollars, or more, the contract for such construction shall be advertised for bids in accordance with the State requirements. The developer shall deposit with the Town the funds, or acceptable security as required by the applicable Town Ordinances, required to pay his portion of the construction costs prior to the construction. It shall be the responsibility of the developer's engineer to prepare all contract documents for the use of the Town and the contractor, as well as all copies of the Engineering Plans for the bidding and construction of the project.
- B. On projects not requiring Town participation, the Final Plat approval authorizes the developer to proceed with construction of the [public improvements](#) including water, wastewater, street drainage, and traffic facilities required by the Engineering Plans, provided that all fees have been paid and that such plans have been approved by the [Town Engineer](#). All construction shall be in accordance with the applicable sections of these Subdivision Regulations and the [Design Manual](#). The developer may choose his own contractor, subject to the contractor executing the necessary bonds with the Town and payment of the inspection fees required for each portion of the [public improvements](#) and facilities; provided however, that the execution of bonds by the developer's contractor shall not relieve the developer of his responsibilities and liabilities to the Town under the Developer Agreement.
- C. Prior to commencement of construction, all contractors must register with the Town by filing an application with the [Director of Public Works](#) and paying the applicable fee as set forth in the Town's fee schedule.

#### **Section 4.18 - Temporary Improvements**

The developer shall build and pay for all costs of temporary improvements required by the [Director of Public Works](#) and shall be responsible for maintaining same for a period specified by the Town.

#### **Section 4.19 - Public Works Construction Permit Required**

Construction shall not start on any street, sidewalk, drainage, utility or other [public improvement](#) until a Public Works Construction Permit and an acceptable two (2) year maintenance bond has been issued for all facilities in the subdivision or the approved phase of the subdivision.

#### **Section 4.20 - Inspection of Proposed Public Improvements and Facilities**

The [Director of Public Works](#) or [Town Engineer](#) shall provide for inspection of required [public improvements](#) during construction and insure their satisfactory completion. If the Director of Public Works or Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with Town construction standards and specifications, the applicant shall be notified that building permits will not be issued until all inconsistencies have been corrected. All construction debris or waste shall be removed from all areas of the subdivision prior to the issuance of the Letter of Acceptance of Public Improvements by the Director of Public Works or Town Engineer.

### **Section 4.21 - Final Walk-Through and Construction Debris**

The developer shall arrange for a final walk-through inspection with the [Director of Public Works](#) or [Town Engineer](#). No cut trees, timber, debris, rocks, stones, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of completion of [public improvements](#) and facilities. Removal of all debris and waste shall be required prior to approval and acceptance of all [public improvements](#) and prior to the issuance of any building permit or certificate of occupancy.

### **Section 4.22 - Letter of Completion of Public Improvements**

- A. The Town will not accept dedication of required improvements until the [Director of Public Works](#) or [Town Engineer](#) has issued a Letter of Acceptance of Public Improvements as provided in this section.
- B. Upon approved completion of the construction of the [public improvements](#) and facilities and the delivery of any required maintenance bond, the developer's engineer shall submit to the [Director of Public Works](#) or [Town Engineer](#) a complete set of "as-built" documents for the project along with a complete accounting of all construction units "as-built" and the total project cost. The Director of Public Works or Town Engineer will then issue a Letter of Acceptance of Public Improvements to the developer and authorize the issuance of building permits.

### **Section 4.23 - Impact Fees**

The requirements in this Chapter shall be in addition and not in lieu of any impact fees that may be applicable to development within the Town. All stormwater impact fees shall be based on impervious areas certified by the developer's engineer of record and approved by the [Town Engineer](#).

## **CHAPTER 5 – PRELIMINARY PLAT REQUIREMENTS FOR SUBMITTAL**

### **Section 5.1 - Preliminary Plat Approval Required**

All applicants seeking approval of a Preliminary Plat shall comply with the requirements of this Chapter and the following:

- A. Every Preliminary Plat, if required in Subsection Section 3.4.C of this ordinance, shall require approval of the Planning and Zoning Commission and Town Council, in accordance with Section 3.15.
- B. The procedures contained in this Chapter shall be used when the property being proposed for development is considered "an unplatted tract" and which is not currently developed into platted lots and blocks, and filed for record in the Parker County Clerk's Office as a previously platted subdivision of record.
- C. When previously platted property is being combined with unplatted property and the redevelopment plan is substantially different from the existing lot configuration, the procedures for a Preliminary Plat will be used for the review of the proposal. Any public hearing requirements associated with previously platted property must comply with the provisions of Sections 212.014 and 212.015 of the Texas Local Government Code, as amended.

- D. The developer shall show all factors necessary to enable the Planning and Zoning Commission and Town Council to determine whether the proposed subdivision is satisfactory from the standpoint of the public interests and be consistent with the adopted Comprehensive Plan, the Zoning Ordinance, and these Subdivision Regulations.

### **Section 5.2 - Platting Land Under Same Ownership**

Every Preliminary Plat, if required in Subsection 3.4.C of this ordinance, 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 5.3 - Phasing Development**

- 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.
- B. When the subdivision involves a large tract of land from which multiple final plats are proposed to be submitted, or any tract where more than one final plat is to be submitted, then the subdivider may be required to have a [master plan](#) prepared of their proposed development. The master plan shall show the development phasing, anticipated land uses and the conceptual street and lotting arrangement, proposed water and sewer layouts and drainage plans. Processing, handling, and approval shall be the same as for a preliminary plat. Once the master plan has been approved, preliminary plats of proposed subdivision increments with appropriate plans for improvements can be submitted for approval.
- C. The Planning and Zoning Commission or Town Council may impose reasonable conditions upon the filing of the phases as it may deem necessary to assure the orderly development of the Town.

### **Section 5.4 - Preliminary Plat Documents Required**

The application packet shall include all documents listed below and no Preliminary Plat will be reviewed by the Town until all required documents are submitted in a completed format and all fees have been paid. A letter requesting any waivers or modifications from these regulations shall be submitted in accordance with the provisions of Section 1.10, hereof.

Preliminary Plat Application (See Section 5.5)

Preliminary Plat Drawing (See Section 5.6)

Preliminary Drainage Analysis (See Section 5.7)

Preliminary Utility Layout (See Section 5.8)

### **Section 5.5 - Preliminary Plat Application**

The applicant shall submit a written Preliminary Plat Application to the [Planning and Zoning Coordinator](#) not less than fourteen days (14) prior to the regular meeting of the Planning and Zoning Commission for which approval is being sought. Written authorization from the owner shall be furnished when the applicant is not the owner of record.

### **Section 5.6 - Preliminary Plat Drawing**

The applicant shall submit the required number of copies of the Preliminary Plat Drawing as indicated by the Preliminary Plat Application. The Preliminary Plat Drawing shall contain, at a minimum, all the information listed in the "Requirements for All Plat Drawings" contained in Section 12.1 and include all the information listed as "Additional Requirements for Preliminary Plat Drawings" contained in Section 12.2 of these Subdivision Regulations.

### **Section 5.7 - Preliminary Drainage Analysis**

The applicant shall submit a Preliminary Drainage Analysis of the subdivision area to determine the need for drainage facilities within the area being considered for development or off-site on adjacent properties. The Preliminary Drainage Analysis shall conform to the technical specifications contained in the [Design Manual](#).

### **Section 5.8 - Preliminary Utility Layout**

The applicant shall submit a Preliminary Utility Layout to show the general location and approximate sizes of all existing and proposed public utilities. The size of all proposed water and wastewater lines shall be determined using methods prescribed in the [Design Manual](#).

### **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 5.10 - Grading of Site Prior to Final Plat Approval**

Subsequent to Preliminary Plat approval, the developer may request written approval from the [Director of Public Works](#) to commence construction to the grades and elevations required by the construction plans. However, any grading performed prior to final approval of the plat shall be at developer's sole risk, and developer shall be

solely responsible for the costs of any changes to the grading necessitated by or resulting from an action or requirement of the Town prior to final plat approval.

## **CHAPTER 6 – FINAL PLAT REQUIREMENTS FOR SUBMITTAL AND PROCESSING**

### **Section 6.1 - Final Plat Approval Required**

All applicants seeking approval of a Final Plat shall comply with the requirements of this Chapter. Every Final Plat shall require approval of the Town Council, but only after approval has been previously obtained from the Planning and Zoning Commission.

### **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 6.3 - Final Plat Documents Required**

The application packet shall include all documents listed below and no Final Plat will be reviewed by the Town until all required documents are submitted in a completed format and all fees have been paid.

Final Plat Application (See Section 6.4)

Final Plat Drawing (See Section 6.5)

Drainage Study (See Section 6.6)

Engineering Construction Drawings (See Section 6.7)

Taxes and Liens Paid Certificates (See Section 6.8)

Developer Agreement (See Appendix A)

### **Section 6.4 - Final Plat Application**

The applicant shall submit a written Final Plat Application to the [Planning and Zoning Coordinator](#) not less than fourteen (14) days prior to the regular meeting of the Planning and Zoning Commission for which approval is being sought.

### **Section 6.5 - Final Plat Drawing**

The applicant shall submit the required number of hard copies of the Final Plat Drawing as indicated on the Final Plat Application and shall submit an electronic copy of the Final Plat Drawing as indicated by the Final Plat Application. The Final Plat Drawing shall contain, at a minimum, all the information listed in the "Requirements for All Plat Drawings" contained in Section 12.1 and include all the information listed as "Additional Requirements for Final Plat Drawings" contained in Section 12.3 of these regulations.

### **Section 6.6 - Drainage Study**

When the Preliminary Drainage Analysis has determined that drainage facilities and related improvements are required, the applicant shall submit a Drainage Study with engineering drawings including a preliminary grading plan which shall conform to the technical specifications contained in the [Design Manual](#). The Planning and Zoning Commission shall not recommend for approval any Final Plat which does not provide adequate facilities to accommodate storm or flood water runoff.

### **Section 6.7 - Engineering and Construction Plans/Drawings**

When the Town has determined that [public improvements](#) are required, the applicant, or his engineer, shall submit construction plans for all improvements along with the Final Plat for approval by the Town. The engineering drawings for all improvements shall conform to the requirements of the [Design Manual](#) and shall be prepared and sealed by a Registered Professional Engineer, licensed to practice in the State of Texas.

### **Section 6.8 - Reserved**

### **Section 6.9 - Review, Processing and Approval of Final Plat**

Every Final Plat shall be reviewed for conformity to the Comprehensive Plan, these regulations and any other applicable ordinances according to the procedures established for "Processing and Approving Final Plats, Amending Plats, Minor Plats, or Replats" as contained in Section 3.17-of this Ordinance.

## **CHAPTER 7 – REPLAT REQUIREMENTS FOR SUBMITTAL AND PROCESSING**

### **Section 7.1 - Replat Approval Required**

- A. All applicants seeking approval of a Replat shall comply with the requirements of this Chapter. Every Replat, other than Minor Plats or Amending Plats, shall require approval of the Town Council, but only after action has been taken by the Planning and Zoning Commission. A Replat is required when a previously approved subdivision, or portion thereof, is proposed to be subdivided into smaller lots or, to combine existing smaller lots into a development with larger lots, and the proposed changes do not meet the criteria of Amending Plats or Minor Plats. The procedures contained in this Chapter shall be used when the tract being proposed for redevelopment, or portion thereof, is currently platted into lots and blocks, and filed for record in the

Parker County Clerk's Office as a platted subdivision of record, and the owner is requesting to redevelop the property into a new configuration.

- B. **Minor Plat and Amending Plat in Lieu of Replat**—In the case of revisions to plats that were not limited by deed restrictions or by an interim or permanent zoning classification to residential use for not more than two residential units per lot, a minor plat (Chapter 8) or amending plat (Chapter 9) may also be utilized if allowed by these regulations. Single-family or duplex lots residential lots may utilize an amending plat if they meet the criteria including the creation of no additional lots.

## **Section 7.2 - Replat Documents Required**

The application packet shall include all documents listed below and no Replat will be reviewed by the Town until all documents are submitted in a completed format and all fees have been paid.

Replat Application (See Section 7.3)

Replat Drawing (See Section 7.4)

Taxes and Liens Paid Certificates (See Section 7.5)

Preliminary Drainage Analysis or Drainage Study (See Section 7.6)

Utility Layout or Engineering Drawings (See Section 7.7)

## **Section 7.3 - Replat Application**

The applicant shall submit a written Replat Application to the [Planning and Zoning Coordinator](#) not less than fourteen (14) days prior to the regular meeting of the Planning and Zoning Commission for which approval is being sought.

## **Section 7.4 - Replat Drawing**

The applicant shall submit the required number of hard copies of the Replat Drawing as indicated by the Replat Application and shall submit an electronic copy of the Replat Drawing as indicated by the Replat Application. The drawing shall contain, at a minimum, all the information listed in the "Requirements for All Plat Drawings" contained in Section-12.1 and include all the information listed as "Additional Requirements for Replats, Minor Plats, Amending Plats, and Final Plat Drawings" contained in Section 12.3 of these Subdivision Regulations. No Replat may be approved which does not contain the signatures of the owners of the property being replatted.

## **Section 7.5 - Reserved**

## **Section 7.6 - Preliminary Drainage Analysis or Drainage Study**

Due to the variable conditions of a Replat, the [Town Engineer](#) or [Director of Public Works](#) will review the submittal and may require the applicant to submit a Preliminary Drainage Analysis or a Drainage Study of the subdivision area, which shall conform to the technical specifications contained in the [Design Manual](#). The applicant may be

exempt from this requirement when the Director is satisfied that no drainage facilities are necessary or where a Drainage Study for the area has been approved within the previous four-year period.

### **Section 7.7 - Utility Layout or Engineering Drawings**

The applicant shall submit a Utility Layout to show the location and sizes of all existing and proposed public utilities to verify easement requirements. However, when the [Town Engineer](#) or [Director of Public Works](#) has determined that the proposed redevelopment of the subdivision will require [public improvements](#), the applicant or his engineer, shall submit engineering plans for all public improvements for approval by the Town as a prerequisite to the approval of the Replat by the Planning and Zoning Commission and Town Council. Furthermore, when a Replat results in the reconfiguration of lots so as to impact the location of any existing water or wastewater tap locations, the developer shall submit sufficient information regarding the location of the existing taps and provide for any utility adjustments so as to assure the availability of utility services to each lot. Any engineering drawings associated with a Replat shall conform to the requirements of the [Design Manual](#).

### **Section 7.8 - Review, Processing and Approval of Replats**

- A. Every Replat shall be reviewed for conformity with the Comprehensive Plan, these requirements and any other applicable ordinances in accordance with the procedures established for "Processing and Approval of Final Plats, Amending Plats, Minor Plats, or Replats" in Section 3.17 of these Subdivision Regulations.
- B. A Replat of all or a portion of a recorded Plat may be approved in accordance with State law without vacation of the recorded Plat, if the Replat:
  1. is signed and acknowledged by only the owners of the property being replatted; and
  2. is approved by the Municipal Authority responsible for approving plats; and
  3. does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded Plat.
- C. **Minor Replat Approval.** The Mayor or designee is authorized to approve or approve with conditions a Minor Replat provided such Replat meets all requirements of these Regulations, involves four or fewer lots fronting on an existing street and does not require the creation of any new street or the extension of municipal facilities. If the Mayor declines to approve the proposed plat, the Minor Replat must be placed on the agenda for the next regular meeting of the Planning and Zoning Commission for their consideration and forwarding to the Town Council for a decision.
- D. **All other Replats** must be approved, approved with conditions or denied for reasons listed in accordance with Section 3.17 by the Planning and Zoning Commission and Town Council.
- E. **Additional Requirements for Certain Residential Replats** – In addition to compliance with the requirements of this section, approval of a replat without vacation of the preceding plat, in accordance with State law, must conform to the requirements of Section 7.9, "Replat Public Hearing, Notice and Protest Requirements," if:
  1. during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or



2. any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot

### **Section 7.9 - Residential Replat Public Hearing, Notice and Protest Requirements**

In addition to the other requirements for a Replat in Chapter 7 of this ordinance, replats involving property either zoned or deed restricted to less than two residential units per lot during the previous five years as described in Subsection 7.8-E, are required to comply with the public hearing regulations contained in Section 212.014 and Section 212.015 of the Texas Local Government Code, as amended, and outlined below, regardless of whether a variance, waiver, modification, or exception is requested. The required public hearing for Replats under State law shall be held by the Planning and Zoning Commission. An additional public hearing will be held by the Town Council as provided in Section 3.17.

- A. **Notice** of the hearing required shall be given before the 15th day before the date of the hearing by:
  1. **Publication** in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and
  2. **Written notice**, including a copy of Subsection B below for replats involving a variance, waiver or modification, forwarded by the municipal authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the [Extraterritorial Jurisdiction](#), the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.
- B. **Protest of Replat requiring Variance, Waiver or Modification.** If the proposed replat requires a variance, waiver or modification, and is protested in accordance with this subsection and Section 212.015 of the Texas Local Government Code, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the municipal planning commission or governing body, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the municipal planning commission or governing body, or both, prior to the close of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included. There is no three-fourths voting requirement for replats not requiring waivers or modifications.

## **CHAPTER 8 – MINOR PLAT REQUIREMENTS FOR SUBMITTAL AND PROCESSING**

### **Section 8.1 - Minor Plat Approval Required**

All applicants seeking approval of a Minor Plat shall comply with the requirements of this Chapter. Every Minor Plat shall require approval of the Mayor, in accordance with Section 3.7. The Mayor, in his discretion, may forward any Minor Plat to the Planning and Zoning Commission and Town Council for review and approval in lieu of granting approval.

### **Section 8.2 - Minor Plat Prerequisites**

The procedures contained in this Chapter apply to a plat that meets all of the following conditions:

- A. The proposed division results in four (4) or fewer lots;
- B. All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Subdivision Ordinance or any other ordinance; and
- C. The Plat does not require the extension of any municipal facilities to serve any lot within the subdivision, however, right-of-way widening, and easements shall be permitted as part of a Minor Plat.
- D. The replatting of existing platted lots must comply with Section 7, "Requirements for Submittal and Processing of a Replat."

### **Section 8.3 - Minor Plat Documents Required**

The application packet shall include all documents listed below and no Minor Plat will be reviewed by the Town until all required documents are submitted in a completed format and all fees have been paid.

Minor Plat Application (See Section 8.4)

Minor Plat Drawing (See Section 8.5)

Preliminary Drainage Analysis (See Section 8.6)

Tax and Liens Paid Certificates (See Section 8.7)

### **Section 8.4 - Minor Plat Application**

The applicant shall submit a written Minor Plat Application to the [Planning and Zoning Coordinator](#) not less than fourteen (14) days prior to the regular meeting of the Planning and Zoning Commission for which approval is being sought.

### **Section 8.5 - Minor Plat Drawing**

The applicant shall submit the required number of hard copies of the Minor Plat Drawing as indicated by the Minor Plat Application and shall submit an electronic copy of the Minor Plat Drawing as indicated by the Minor Plat Application. The Minor Plat Drawing shall contain, at a minimum, all the information listed in the "Requirements for All Plat Drawings" contained in Section 12.1 and all the information listed as "Additional Requirements for Replats, Minor Plat, Amending Plats, and Final Plat Drawings" contained in Section 12.3 .

### **Section 8.6 - Preliminary Drainage Analysis**

The [Director of Public Works](#) or [Town Engineer](#) will review each request for a Minor Plat and determine whether the applicant shall be required to submit a Drainage Analysis or Drainage Study. When required, the Drainage Analysis or Drainage Study shall conform to the technical specifications contained in the [Design Manual](#). The applicant may be exempt from this requirement when the Director or Town Engineer is satisfied that no drainage facilities are necessary.

### **Section 8.7 - Reserved**

### **Section 8.8 - Review, Processing and Approval of Minor Plats**

Every Minor Plat shall be reviewed for conformity with the Comprehensive Plan, these regulations, and any other applicable ordinance according to the procedures established for “Processing and Approval of Final Plats, Amending Plats, Minor Plats, or Replats” in Section 3.17. The Mayor or designee is authorized to approve or approve with conditions a Minor Plat provided such Plat meets all requirements of these Regulations, in accordance with Section 3.17. If the Mayor declines to approve the proposed plat, the Minor Plat shall be placed on the agenda for the next regular meeting of the Planning and Zoning Commission for their consideration and forwarding to the Town Council. If the Mayor declines to approve the proposed plat, the Minor Plat shall be placed on the agenda for the next regular meeting of the Planning and Zoning Commission for their consideration and forwarding to the Town Council.

## **CHAPTER 9 – AMENDING PLAT REQUIREMENTS FOR SUBMITTAL AND PROCESSING**

### **Section 9.1 - Amending Plat Approval Required**

The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded Plat consistent with Section 212.016 of the Texas Local Government Code and any other provisions of State law, as amended. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat. All applicants seeking approval of an Amending Plat shall comply with the requirements of this Chapter. An Amending Plat may be approved by the Mayor, in accordance with Section 3.17, “Processing and Approval of Final Plats, Amending Plats, Minor Plats or Replats.” The Mayor, in his discretion, may forward the Amending Plat to the Planning and Zoning Commission and Town Council for review and approval in lieu of granting approval. The procedures contained in this Chapter shall be used to correct, or modify, a subdivision plat which has been previously filed in the Parker County Clerk's Office.

### **Section 9.2 - Amending Plat Prerequisites**

An Amending Plat submittal may be submitted on a property when it conforms to the requirements of Section 212.016 of the Texas Local Government Code. The procedures for Amending Plats shall apply only if the plat is signed by the owners of the lots being amended, the plat does not attempt to remove recorded covenants or restrictions and if the sole purpose of the Amending Plat is to achieve one of the following:

- A. Correct an error in a course or distance shown on the preceding Plat;
- B. Add a course or distance that was omitted on the preceding Plat;
- C. Correct an error in a real property description shown on the preceding Plat;
- D. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- E. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding Plat;
- F. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving Plats, including lot numbers, acreage, street names, and identification of adjacent recorded Plats;
- G. Correct an error in courses and distances of lot lines between two adjacent lots, if;
  - 1. Neither lot is abolished; and
  - 2. The amendment does not have a material adverse effect on the property rights of the other owners in the plat.
- H. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- I. Relocate one or more lot lines between one or more adjacent lots if and the amendment does not increase the number of lots;
- J. Make necessary changes to the preceding Plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding Plat provided;
  - 1. The changes do not affect applicable zoning and other regulations of the municipality; and
  - 2. The area covered by the changes is located in an area that the Commission or Council has approved, after a public hearing, as a residential improvement area.
- K. Replat one or more lots fronting on an existing street including lots zoned, used or deed restricted to single-family and duplex residential, provided;
  - 1. The amendment does not increase the number of lots; and
  - 2. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- L. The combining of two or more legally recorded lots into one lot or of one lot and a portion of another lot that allows construction meeting zoning setbacks for lot lines is considered expansion of a lot or lots and shall require a replat. Replats meeting the requirements listed in K. above may utilize an amending plat in accordance with this section.

### **Section 9.3 - Amending Plat Documents Required**

The application packet shall include all documents listed below and no Amending Plat will be reviewed by the Town until all required documents are submitted in a completed format and all fees have been paid.

Amending Plat Application (See Section 9.4)

Taxes and Liens Paid Certificates (See Section 9.5)

Final Plat Drawing (See Section 9.6)

### **Section 9.4 - Amending Plat Application**

The applicant shall submit a written Amending Plat Application to the [Planning and Zoning Coordinator](#) at least fourteen (14) days prior to the regular meeting of the Planning and Zoning Commission for which approval is being sought.

### **Section 9.5 - Reserved**

### **Section 9.6 - Final Amending Plat Drawing**

The applicant shall submit the required number of hard copies of the Amending Plat Drawing as shown on the Amending Plat Application and shall submit an electronic copy of the Amending Plat Drawing as indicated by the Amending Plat Application. The Amending Plat Drawing shall contain, at a minimum, all the information listed in the "Requirements for All Plat Drawings" contained in Section 12.1 and include all the information listed as "Additional Requirements for Replats, Minor Plats, Amending Plats and Final Plat Drawings" contained in Section 12.3.

### **Section 9.7 - Review, Processing and Approval of Amending Plat**

Every Amending Plat shall be reviewed for conformity to the regulations contained in Section 212.016 of the Texas Local Government Code. The Mayor or designee is authorized to approve or approve with conditions an Amending Plat provided such Plat meets all requirements of these Regulations, in accordance with Section 3.17. If the Mayor declines to approve the proposed plat, the Amending Plat shall be placed on the agenda for the next regular meeting of the Planning and Zoning Commission for their consideration and forwarding to the Town Council.

## **CHAPTER 10 – DEVELOPMENT PLAT REQUIREMENTS FOR SUBMITTAL AND PROCESSING**

### **Section 10.1 - Development Plat Approval Required**

- A. Whenever a property owner proposes to divide land into tracts or lots each of which is greater than five acres, and for which no plat is required and no [public improvements](#) are proposed within the Annetta municipal limits or its extraterritorial jurisdiction, he/she shall submit an application for approval of a [Development Plat](#) prior to the issuance of any building permit or the connection of any utility. Alternatively,

the property owner may apply for plat approval pursuant to Chapters 5 through 9 of this ordinance in lieu of applying for Development Plat approval. All applicants seeking approval of a Development Plat shall comply with the requirements of this Chapter.

- B. Restriction on Issuance of Building and Other Permits by the Town of Annetta, Parker County or Official of Other Governmental Entity.** The municipality, a county, or an official of another governmental entity may not issue a building permit or any other type of permit for development on lots or tracts subject to this subchapter until a [Development Plat](#) is filed with and approved by the municipality in accordance with Section 212.047.
- C. New Development.** New development may not begin on the property until the [Development Plat](#) is filed with and approved by the municipality in accordance with Section 212.047.
- D. Development Plat Not Required.** If a person(s) is required under Subchapter A of Chapter 212 of the Texas Local Government Code or by this ordinance to file a subdivision plat, a [Development Plat](#) is not required in addition to the subdivision plat.

### Section 10.2 - Development Plat Prerequisites

A [Development Plat](#) submittal may be submitted when property is proposed to be developed in conformity to the requirements of Subchapter B of Chapter 212 of the Texas Local Government Code.

### Section 10.3 - Development Plat Documents Required

The [Planning and Zoning Coordinator](#) shall determine whether the proposed development conforms to the requirements of a Preliminary/Final Plat, a Replat, a Minor Plat or an Amending Plat. Based upon this determination, the application packet for a [Development Plat](#) shall include those documents required to be submitted for that type of plat. No Development Plat will be reviewed by the Town until all required documents are submitted in a completed format and all fees have been paid.

### Section 10.4 - Development Plat/Survey Requirements

- A. A [Development Plat](#) must be prepared by a registered professional land surveyor as a boundary survey.
- B. The boundary survey, in addition to the requirements in Section 10.3 above, must show:
  - 1. each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
  - 2. each easement and right-of-way within or abutting the boundary of the surveyed property;
  - 3. the dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part.

**Section 10.5 - Review of Development Plat.**

The [Development Plat](#) shall be processed and reviewed according to applicable procedures set forth for the type of Development Plat submitted. (*Chapter 11, Development Plats amended by Ordinance 201, Adopted April 18, 2019*)

**Section 10.6 - Approval of Development Plat**

- A. The municipality shall endorse approval on a [Development Plat](#) filed with it if the plat conforms to:
1. The adopted comprehensive and related master plans, rules, and ordinances of the Town of Annetta concerning its current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities;
  2. The adopted comprehensive and related master plans, rules, and ordinances for the extension of the municipality or the extension, improvement, or widening of its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and
  3. Any general plans, rules, or ordinances adopted under Section 212.044 of the Texas Local Government Code, as amended.
- B. The [Development Plat](#), upon approval, shall be filed with the Town Secretary of Annetta and remain in the official files. Any amendments, new construction or development that is not shown on the boundary survey required in Section 10.4 shall require a resubmission and reapproval of an amended developer plat in accordance with this ordinance.
- C. **Effect of Approval on Dedication.** The approval of a [Development Plat](#) is not considered an acceptance of any proposed dedication for public use or use by persons other than the owner of the property covered by the plat and does not impose on the Town of Annetta any duty regarding the maintenance or improvement of any purportedly dedicated parts until the municipality's governing body makes an actual appropriation of the dedicated parts by formal acceptance, entry, use, or improvement.
- D. Enforcement of these provisions shall be in conformance with Section 212.050 of the Texas Local Government Code and may include refusal to issue building permits and injunctive relief as provided.

**CHAPTER 11 – SITE PLAN REQUIREMENTS FOR SUBMITTAL**

Any required site plans shall be prepared and processed in accordance with the adopted Zoning Ordinance of the Town of Annetta.

## CHAPTER 12 - TECHNICAL SPECIFICATIONS FOR PLAT DRAWINGS

### Section 12.1 - Requirements for all Plat Drawings.

Every plat drawing shall include the information contained in this Chapter 12.

- A. **Parent Tracts and Adjacent Properties** - All property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed subdivision shall be shown for an area extending one hundred (100) feet from the perimeter with the names of the owners as shown in the most current Tax Assessor's files, along with the parcel tax account number or the volume and page recording information of the parcel's deed, if available. If the adjacent properties are platted, individual parcel or lot ownership information is not required to be shown but the names of adjoining subdivisions and the names of adjoining streets are to be shown.
- B. **Town Limit Lines** - The location of the Corporate Limit boundaries of the Town or any adjacent city shall be shown on the plat drawing where applicable.
- C. **Building Setback Lines** – A note relating the location of all building setback lines if different from the Town's Zoning Ordinance or required to fit a unique platting issue or to note the developer's more restrictive setback lines in his restrictive covenants.
- D. **Date** - The date on which the drawing was prepared shall be shown on the plat drawing.
- E. **Easements** - The location and dimension of all existing or proposed easements shall be shown on the plat drawing indicating whether such easement is for any specific purpose. Utility easements for the use of public utilities of not less than seven and one-half (7.5') feet in width shall be provided along each side of all rear property lines or on the contained side of perimeter lots. If necessary for the extension of water or wastewater mains, storm drainage or other utilities, easements of greater width may be required, or additional easements may be required, along lot lines or across lots. Mutual access easements may be required by the Town to facilitate the proper access to public roadways. In all cases, easements shall connect with easements already established in adjoining properties or shall extend to connect with a public right-of-way. No lot shall be shown with an easement which prevents proper development and full utilization of the lot as a suitable building site for the intended zoning district.
- F. **Lot and Block Numbering** - All lots and blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in subdivisions bearing the same name shall be numbered or lettered consecutively through the several sections or phases. Lettering for blocks shall be larger and bolder than lot numbers or circled to make identification clear. Any lot or block which is planned as an 'out-parcel' shall be numbered and designated on the plat with notation regarding any development restrictions.
- G. **Map Sheet Size** - Map sheets shall be of such size as are acceptable for filing in the office of the Parker County Clerk and shall not exceed twenty-four by thirty-six (24"x 36") inches, but may be eighteen by twenty-four (18" x 24") inches, with a binding margin of not less than one and one-half (1½ ") inches on the left side of the sheets. Sheets shall be numbered in sequence if more than one (1) sheet is used and an index sheet provided with match lines.
- H. **North Arrow** - A north arrow indicating the approximate true north shall be predominantly placed near the scale.



- I. **Engineer/Surveyor** – The name, address and telephone number of the developer’s engineer or surveyor who prepares the Plat.
- J. **Ownership/Developer** - The name, address, and telephone number of the current legal owner, and the name, address, and telephone number of the developer, if other than the owner, shall be shown on the plat drawing.
- K. **Plat Notes and Conditions** - When appropriate, the drawing shall contain a listing of any Plat Notes and Plat Conditions in a readily identifiable location with each note numbered consecutively.
- L. **Public Use Areas** - The location and dimensions of all property proposed to be set aside for park use, or other public or common reservation shall be shown on the plat drawing, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- M. **Scale** - The drawing shall be prepared at a numerical scale of one (1") inch equals one hundred (100') feet. At the discretion of the [Director of Public Works](#) or [Town Engineer](#), the plat may be drawn at a numerically smaller scale, i.e. 1" = 50', 1" = 40', etc. if the plat can still be drawn on the required sheet size and the required notations are legible. A graphic scale symbol shall be placed on the drawing.
- N. **Street Names** - All existing and proposed street names shall be shown on the plat drawing. New street names shall be sufficiently different in sound and in spelling from other road names in the Town so as to not cause confusion. A road which is, or is planned as a continuation of, an existing road shall bear the same name. In choosing the names of proposed streets in a proposed subdivision, the Town would prefer that the developer choose names that adhere to a common theme, e.g., Oak St, Pecan St, Maple St., and Willow St.
- O. **Street Right-of-Way** - The width of all existing and proposed public street rights-of-way shall be shown on the plat drawing and be consistent with the minimum requirements contained in the [Design Manual](#) and the Master Thoroughfare Plan. Dimensions shall be shown for all curves. The distance from the centerline of any existing roadway of a boundary street to the proposed subdivision shall be shown to determine the adequacy of the right-of-way along the route and to determine if additional right-of-way is necessary to accommodate the proposed street. Sufficient iron pins shall be found or set and shown on the drawing together with dimensions to adequately describe all perimeter streets.
- P. **Subdivision Boundary** - The proposed subdivision boundary lines shall be shown in heavy lines so as to provide a differentiation with the internal features of the area being proposed for platting. The location and dimensions of all boundary lines of the property shall be expressed to the nearest hundredth foot.
- Q. **Floodplain and Base Flood Elevation** – The boundary and elevation of the 100-year floodplain and the base flood elevation with a minimum finished floor at least two feet above the base flood elevation.
- R. **Subdivision Name** - The name of the proposed subdivision with predominantly larger letters than those used elsewhere shall be shown on the drawing within the Title Block. The proposed name of the subdivision shall not be a duplication of any existing subdivision name, whether by spelling or pronunciation, or similar to any other subdivision within the Town unless the proposed subdivision is contiguous with a previous filing or a replat of an existing subdivision. The Planning and Zoning Commission or Town Council shall have final authority to require a change in the proposed name of the subdivision.

- S. **Title Block** - In addition to the name of the subdivision there shall be an entry indicating whether the plat is a Preliminary Plat, Final Plat, Replat, Minor Plat, Amending Plat or Development Plat. (amended by Ordinance 201, Adopted April 18, 2019)
- T. **Vicinity Location Map** - A small vicinity location map shall be shown on the plat drawing. The vicinity location map shall be drawn at an approximate scale of 1"= 2000' and show sufficient streets, Collector and Arterial Street names, and major features of the surrounding area to locate the area being subdivided.
- U. **Surveyor's Certification** - Every final plat drawing shall contain a Surveyor's Certification of Compliance by a Professional Land Surveyor registered in the State of Texas. The Certification of Compliance shall not be less than one and one-half inches high and four inches wide and contain the following information:

<p style="text-align: center;"><b>KNOW ALL MEN BY THESE PRESENTS</b></p> <p style="text-align: center;"><b>That I, _____, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground.</b></p> <hr style="width: 50%; margin-left: 0;"/> <p><b>Signature and Date</b></p> <p><b>Phone Number: _____ (Affix Seal)</b></p>
---

**Section 12.2 - Additional Requirements for Preliminary Plat Drawings**

In addition to the minimum information required of all plat drawings contained in Section 12.1 of these Subdivision Regulations, every Preliminary Plat Drawing shall include the information contained in this section.

- A. **Permanent and Temporary Structures** - The location and general outline of any existing permanent or temporary structure, including any existing or proposed improvements, with sufficient dimensions to determine building line encroachments shall be shown on the plat drawing.
- B. **Sectionalizing or Phasing of Plats** - The plat drawing shall indicate any sectionalizing or phasing of the proposed subdivision. Thereafter, plats of subsequent units of such subdivision shall conform to the approved overall layout and phasing, unless a new Preliminary Plat is submitted. However, a subsequent reduction of a phase may be considered provided that it conforms to the original street arrangement. If possible, phases should be limited to one printed page per phase.

- C. **Zoning Classification** - The plat drawing shall indicate the current zoning classification of the proposed subdivision and all adjacent properties.
- D. **Extraterritorial Jurisdiction Lines** – If any portion of the property which is the subject of the plat abuts or crosses the Extraterritorial Jurisdiction line of the Town, such line must be shown on the plat.
- E. **Lot Dimensions** - The approximate dimensions of all proposed or existing lots with sufficient detail to verify compliance with the specific requirements of the Zoning Ordinance shall be shown on the plat drawing.
- F. **Flood Plain Features** - The location of the 100-year flood limits, if applicable, shall be shown on the Preliminary Plat drawing. If the subdivision or a portion thereof is located in a 100 year flood-prone area, the developer will be required to comply with the requirement of the [Design Manual](#) and the Flood Damage Prevention Ordinance.
- G. **Detention** – The location of any detention or retention ponds and earthen channels.
- H. **Certificate of Approval** - Every Preliminary Plat Drawing shall contain a Certificate of Approval by the Planning and Zoning Commission and Town Council. The Certificate of Approval shall not be less than one and one-half inches high and four inches wide and contain the following information:

**The Planning and Zoning Commission of the Town of Annetta, Texas voted affirmatively on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, to approve this Preliminary Plat.**

\_\_\_\_\_

**Chairman, Planning and Zoning Commission**

\_\_\_\_\_

**Mayor, Town of Annetta**

**Attest:**

\_\_\_\_\_

**Secretary, Planning and Zoning Commission**

### **Section 12.3 - Additional Requirements for Replats, Minor Plats, Amending Plats, and Final Plat Drawings**

Every Replat, Minor Plat, Amending Plat, or Final Plat drawing shall include the following information in addition to the minimum information required of all plat drawings contained in Section 12.1 of these regulations.

- A. **Metes and Bounds Description** - A written metes and bounds description of the property and all proposed easements shall be shown on the plat drawing that will readily determine the location, bearing and length of all perimeter boundary lines, and be capable of reproducing such lines upon the ground with a closure error of less than 1:25,000. The Legal Description shall include reference to an original survey or subdivision corner, and the Texas NAD83 State Plane Coordinate System. The Legal Description shall include the acreage of the total area of the proposed subdivision and be consistent with the subdivision boundary, and information to show the last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantee and land records references. The Legal Description will also be shown in its entirety on a separate 8 1/2 x 11 or 8 1/2 x 14-inch sheet of bond paper to meet the filing requirements of the Parker County Clerk's Office. A closure report must be submitted with the Final Plat.
- B. **Lot Dimensions** - The exact dimensions of all proposed or existing lots and the perimeter boundary of the subdivision shall be shown on the plat drawing.
- C. **Lot Areas** - The area for each lot expressed in square feet shall be shown on the plat drawing. (This information may be shown in tabular form on the plat or on a separate sheet.)
- D. **Irregular Side Lot Lines** - Side lot lines which are not perpendicular to the street right-of-way shall be indicated with bearing and distance.
- E. **Permanent Structure Encroachments** - Any permanent structures which encroach any building set-back lines and will remain after completion of the development shall be shown on the drawing with appropriate dimensions.
- F. **Drainage Easements** - The location of any drainage easements, if applicable, shall be shown on the plat drawing. If the subdivision or a portion thereof is located in the 100-year flood-prone area, the developer will be required to comply with the provisions of the [Design Manual](#) and the Flood Damage Prevention Ordinance.

- G. **Planning and Zoning Commission Approval Certification** - Every Replat or Final Plat shall contain a Certificate of Approval by the Planning and Zoning Commission as will Amending and Minor Plats when appropriate. The Certificate of Approval by the Planning and Zoning Commission shall not be less than two inches high and four and one-half inches wide and contain the following information: *(amended by Ord. 210A, Oct 20, 2022)*

**The Planning and Zoning Commission of the Town of Annetta, Texas voted affirmatively on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, to approve this \_\_\_\_\_ Plat.**

  

\_\_\_\_\_

**Chairman, Planning and Zoning Commission**

  

**ATTEST:**

  

\_\_\_\_\_

**Secretary, Planning and Zoning Commission**

(Insert type of plat – Final, Minor, Amending or Replat)

- H. **Parker County Certification** - Any Certification block required by the Parker County Clerk's Office for filing shall be shown on the plat drawing.

- I. **Dedication Certificate** - Every Replat, Amending Plat, Minor Plat, or Final Plat shall contain an Owner’s Certificate of Dedication as follows:

**KNOW ALL MEN BY THESE PRESENTS:**

That I, (owners name) do hereby certify that I am the legal owner of the above described tract of land and do hereby convey to the public or public use, the streets, alleys, rights-of-way, easements, and any other public areas shown on this plat.

\_\_\_\_\_

**Signature of Owner**

**STATE OF TEXAS            §**

**COUNTY OF PARKER       §**

Before me, the undersigned Notary Public in and for said county and State on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

**Notary Public in and for Parker County**

\_\_\_\_\_

**Printed Name**

- J. **Dedication Statement** – A statement that all easements, alleys, streets and other right-of-ways that are to be dedicated to the public are dedicated to the public by this Plat.
- K. **Flood Verification Statement** – A statement signed by the surveyor verifying that a portion of the platted property does or does not lie within the boundaries of the 100 year floodplain, including a citation to the applicable FEMA Flood Insurance Rate Map Panel ID for the property. *(amended by Ord. 210A, Oct 20, 2022)*
- L. **Corner Clips and Site Distance Easements** – Corner clips and site distance easements should be included where required by the [\*Design Manual\*](#).
- M. **Maintenance Agreement** – A statement that approval of the Plat is subject to a separate maintenance agreement governing the maintenance of all detention ponds and drainage and detention easements.
- 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 for the subdivision. *(Amended by Ord. 210B, Feb 15, 2024)*

<p><b>KNOW ALL MEN BY THESE PRESENTS</b></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><b>Signature and Date</b></p> <p><b>Phone Number:</b> _____ <b>(Affix Seal)</b></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 of 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 12.4 – Reserved****CHAPTER 13 - SUBDIVISION DESIGN CRITERIA****Section 13.1 - General Design Criteria**

Every Subdivision Plat shall be reviewed by the Town for conformance with the design criteria contained in this Chapter. The Town recognizes that suitability characteristics vary from site to site and the Planning and Zoning Commission and Town Council shall provide oversight in their interpretation, application and enforcement of these criteria.

- A. **Access from Major Thoroughfares** - Where a residential subdivision borders or contains an existing or proposed thoroughfare, as shown on the Master Streets Plan, residential lots shall not in general, where possible, have frontage onto or derive access directly from an existing or proposed Collector Street, or larger. Non-residential lots which have frontage onto or derive access directly from an existing or proposed Collector Street, as shown on the Master Streets Plan, shall have driveway locations which comply with the spacing requirements contained in the [Design Manual](#).
- B. **Block Depths** - Blocks should have sufficient depth to provide for two (2) rows of lots of appropriate depths. Exceptions to this prescribed block depth may be permitted in blocks with just one row of lots adjacent to major streets, railroads, waterways or town limit lines.
- C. **Public Alley** - The use of a public alley shall be limited to non-residential subdivisions, unless otherwise approved as part of a Planned Development.
- D. **Block Lengths** - Block lengths in residential areas shall not exceed fifteen (15) times the minimum lot width required in the zoning district or 1,000 feet long (whichever is less) without an intersection with another street. Blocks designed for multifamily, retail, commercial or industrial uses may be of such length and width as determined to be appropriate by the Planning and Zoning Commission for the prospective use. In long blocks, the Planning and Zoning Commission or Town Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, fire apparatus access, or pedestrian traffic. When such an easement is required, additional width shall be included in the adjacent lots. A waiver or modification to this requirement in large lot residential areas may be considered when due to topography, creeks or other physical features such as railroads, intersecting streets cannot be provided. However, the density on such a street should not exceed 50 dwelling units and turnarounds or street bulbs should be provided at approximately 1,000-foot intervals for emergency vehicle turnaround and to avoid having to use private driveways for maneuvering.
- E. **Buildable Area** - Every residential lot proposed for development shall contain a buildable area which contains, at a minimum, 125 percent of the minimum structure square footage required for the applicable zoning district. The buildable area shall be situated out of the 100 Year Special Flood Hazard Area and drainage easements or drainage rights-of-way.
- F. **Character of the Land** - Land which the Planning and Zoning Commission or Town Council finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the

subdivision and/or its surrounding areas, shall not be subdivided or developed until adequate methods are formulated by the developer and approved by the Planning and Zoning Commission or Town Council to solve the problems created by the unsuitable land conditions.

- G. **Conformity with the Comprehensive Plan** - Every subdivision plat shall conform to the Town's Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and other applicable Town standards.
- H. **Corner Lots** - Additional lot width should be considered for corner lots to allow for one full size and one-half size front yard set-back areas, in accordance with the Town of Annetta adopted zoning ordinance, as amended.
- I. **Cul-de-sac Length** - No street may be designed to be dead-ended without the installation of a cul-de-sac with a sixty (60) foot right-of-way radius and a forty (40) foot pavement radius back to back of curb. No cul-de-sac street may exceed six hundred (600) feet in length, as measured along the street centerline from the projected curb intersection to the farthest curb location and no cul-de-sac shall exceed five hundred (500) feet unless the water main is looped. Cul-de-sacs should have no more than 25 dwelling units. In multifamily, retail, and commercial areas the use of cul-de-sacs shall be discouraged. A waiver or modification to this requirement in large lot residential areas may be considered when due to topography, creeks or other physical features such as railroads, intersecting streets cannot be provided. However, the density on such a street should not exceed 25 dwelling units and turnarounds or street bulbs should be provided at approximately 1,000-foot intervals for emergency vehicle turnaround and to avoid having to use private driveways for maneuvering.
- J. **Double Frontage Lots** - Double frontage and reversed frontage lots shall be avoided except here necessary to provide separation of residential development from Collector or Arterial Streets or to overcome specific disadvantages of topography and orientation. The Planning and Zoning Commission or Town Council may require that a restriction be placed on the plat to limit the facing of main structures or limit driveway access from any Collector or Arterial Street.
- K. **Drainage Easements** - The Town will advise the developer when to utilize either a drainage easement or a drainage right-of-way to accommodate drainage facilities in the subdivision. When a drainage easement is utilized, lot lines shall normally be drawn to the center of the drainage easement and the drainage easement shown with a dashed line. Areas within drainage easements and drainage rights-of-way shall not be included within the required buildable area that is, at a minimum, 125 percent of the minimum square footage required for the proposed structure in the applicable zoning district.
- L. **Grading and Lot Drainage** - Residential lot grading shall be conducted in a manner which will not allow runoff to cross from one lot to another before it enters a street or drainage easement. If this is not possible, then a drainage easement must be provided and any necessary facilities shall be constructed and installed by the developer. Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Grading which will result in the need for earth restraining structures greater in height than four (4) feet will require installation of an engineered retaining wall constructed in accordance with the current building code.
- M. **Intersection Angles** - Spacing of intersections along major streets shall conform to the requirements of the [Design Manual](#). Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning and Zoning Commission or Town Council. Proposed new intersections along one side of an

existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Streets shall be laid out so as to intersect as nearly as possible at right angles. Intersections which are not right angles shall use the following criteria:

1. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street intersection or curved street approaching an intersection should be approximately at right angles for at least fifty (50) feet from the intersection.
  2. Street jogs with center-line offsets of less than one hundred and seventy-five (175) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection.
- N. **Lot Dimensions** - Lot dimensions shall be consistent with the minimum standards of the Zoning Ordinance. Conventional design practices for subdivision planning requires that side lot lines be at right angles to street lines or as a radial. However, lot lines which are not at right angles to street lines, or shown as a radial, shall contain a bearing notation. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front and side-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.
- O. **Masonry Screening Walls** - For residential subdivisions and the rear property line of non-residential subdivisions, masonry screening walls shall be constructed adjacent to any street designated as Thoroughfare, or larger, on the Master Thoroughfare Plan. No screening wall shall be constructed within the street right-of-way.
- P. **Multiple Entrance and Exit Locations** - The use of two or more entrance and exit locations is required when the subdivision contains forty (40) or more lots. However, the Planning and Zoning Commission may recommend a waiver of this requirement when alternative proposals are determined to be practical and sound planning principles have been considered.
- Q. **Rights-of-Way** - Right-of-way widths shall be consistent with those shown on the Master Streets Plan. Right-of-Way widths in excess of the standards designated on the Master Streets Plan shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Furthermore, street right-of-way widths in commercial, industrial and similar high intensity land use areas shall be appropriate for the type of development being proposed, but no street in such area shall be less than the minimum required for a Collector Street.
- R. **Water bodies** - If a tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among adjacent lots. The Planning and Zoning Commission or Town Council may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. If a water body is intended to be situated on its own lot, the lot shall be numbered according to the numbering sequence of the subdivision. Furthermore, any lot intended to be used as a buildable lot which includes a water body shall contain a buildable area that is, at a minimum, 125 percent of the minimum square footage required for applicable zoning district.

## Section 13.2 - Application to Development Plats

Recognizing that [Development Plats](#) are routinely utilized in connection with the development of properties that have been previously created or recorded and are therefore of limited size or dimensions, the design criteria set forth in Section 12.1 are generally intended to be applicable to subdivision plats only. However, to the extent that compliance would not create an unnecessary hardship on the development of a Development Plat, the above design criteria shall apply. *(amended by Ordinance 201, Adopted April 18, 2019)*

## CHAPTER 14 - STREET AND EASEMENT VACATIONS

### Section 14.1 - In General

- A. A petition requesting the proposed closing or vacation of a street or easement must be presented to the [Planning and Zoning Coordinator](#) together with the appropriate filing fee. Such petition must contain the names, addresses, phone numbers, and signatures of all property owners owning property adjacent to the portion of the street or easement which is proposed to be vacated. The applicant must submit a metes and bounds legal description and a graphic exhibit of the portion of the right-of-way to be abandoned which must be signed and sealed by a Registered Professional Land Surveyor. In addition, a Standard Form of Vacation Acknowledgment shall be completed and submitted for each utility currently located within the right-of-way or easement.
- B. The [Planning and Zoning Coordinator](#) will set a public hearing regarding the proposed closing before the Planning and Zoning Commission at a regularly scheduled meeting. Public notices will be mailed to all property owners affected by the proposed closing or vacation at least fifteen (15) days prior to the scheduled meeting.
- C. The Town staff will perform the following:
  1. Secure an appraisal of the value of the physical property involved in the closure. The appraisal may be performed by an employee of the Town who is knowledgeable of property values, or by an independent appraiser hired by the Town.
  2. Prepare and submit for Town Council approval, recommendations for the proposed sale and or lease based upon the estimated value and the best interests of the Town and owners of the adjacent property.
  3. Prepare an ordinance and appropriate documents for transfer or lease of the property involved in the vacation or closure.
  4. The Planning and Zoning Commission will conduct a public hearing allowing the opportunity for interested parties to present their opinions of the proposed closing or vacation. At the close of the Public Hearing the Commission will make a recommendation to the Town Council as to the advisability of approving the proposed closing or vacation.
- D. The proposed closing or vacation will then be set for public hearing before the Town Council by the following notices:
  1. The hearing will be advertised by the publishing of a legal notice in the official newspaper of the Town at least fifteen (15) days prior to the scheduled hearing.

2. Adjacent property owners will be notified by mail of the proposed public hearing at least fifteen (15) days prior to the scheduled hearing.
  3. Notice of the proposed hearing before the Town Council will be posted on the Town's website and in a public place within the Town at least seventy-two (72) hours prior to the scheduled hearing.
- E. The Town Council will conduct the public hearing on the proposed closing or vacation allowing the opportunity for all interested parties to express their opinions on the matter. At the close of the public hearing, the Town Council will make a determination as to whether the evidence presented at the hearing together with the recommendation of the Planning and Zoning Commission provide sufficient justification for proceeding with the closure or vacation. The closure or vacation of street right-of-way shall be approved by ordinance.

## **CHAPTER 15 – PERMANENT FIELD MONUMENT INSTALLATION**

### **Section 15.1 - General**

The applicant shall place permanent reference monuments in the subdivision or development as required herein and under the direction of a Registered Land Surveyor or Professional Engineer. All such monuments shall be set flush with or below the ground and planted in such a manner that they will not be generally disturbed.

### **Section 15.2 - Subdivision Boundaries**

The external boundaries of a subdivision shall be documented in the field by monuments of not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded; or by iron rods or pipes not less than eighteen (18) inches in length and one-half (½) inch in diameter. These monuments shall be placed at all corners of the subdivision boundary, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along a meandering line.

### **Section 15.3 - Internal Block Corners**

All internal block corners, intersections, street angle points and curves tangents shall receive permanent monuments in the field by iron rods or pipes at least eighteen (18) inches long and one-half (½) inch in diameter.

### **Section 15.4 - Lot Corners**

All corners of all lots shall receive monuments in the field by iron rods eighteen (18) inches long and one-half (½) inch in diameter.