

ORDINANCE NO. 210-A

AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS, AMENDING ORDINANCE 210, THE SUBDIVISION ORDINANCE; BY AMENDING CHAPTER 1, SECTION 1.8 - "BUILDING PERMITS" AND SECTION 1.10 - "WAIVERS, MODIFICATIONS AND ROUGH PROPORTIONALITY REQUESTS;" CHAPTER 2, SECTION 2.2 - "WORDS AND TERMS DEFINED;" CHAPTER 3, SECTION 3.2 - "EXEMPTION FROM PLATTING REQUIREMENTS;" CHAPTER 4, SECTION 4.12 - "PERIMETER STREET REQUIREMENTS;" AND CHAPTER 12, SECTION 12.3 - "ADDITIONAL REQUIREMENTS FOR REPLATS, MINOR PLATS, AMENDING PLATS, AND FINAL PLAT DRAWINGS;" PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the Town Council wishes to amend and clarify Ordinance No. 210 as to when single family property is required to be platted or are exempted from platting, when right-of-way and easements must be dedicated for perimeter streets, the approval process for modifications and waivers, when building permits may be issued for accessory buildings without a plat being required, and the flood plain verification and Commission approval certification language to be placed on a plat; and

WHEREAS, the Planning and Zoning Commission on October 13, 2022 reviewed these subdivision regulation amendments and recommended their approval; and

WHEREAS, the Town Council held a public hearing on October 20, 2022 with respect to the subdivision regulation amendments adopted herein; and

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

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

SECTION 1.

CHAPTER 1 – “POLICIES, PURPOSES AND ADMINISTRATIVE AUTHORITY”,
Section 1.8 – “Building Permits” Subsection B, paragraphs 1 and 2 of Ordinance No. 210
are amended to read as follows:

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

1. Residentially developed property may obtain a building permit for additions to the main structure if such addition does not exceed twenty-five percent (25%) of the existing square footage of the main structure;
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”

SECTION 2.

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

- 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.”
- C. “A waiver or modification may only be recommended by the Planning and Zoning Commission or granted by the Town Council upon findings 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.
- 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.
- E. If the Planning and Zoning Commission does not recommend a waiver or modification sought under subsection B.1. hereof, the applicant may appeal the waiver or modification decision-to the Town Council. If the Town Council finds the waiver or modification-should be granted, it shall be binding upon the Planning and Zoning Commission.

SECTION 3.

Chapter 2, Section 2.2 – “Words and Terms Defined” of Ordinance No. 210, definition of “Accessory Building is amended to read as follows:

“Accessory Building – As defined in the Town of Annetta adopted Zoning Ordinance, as amended, an accessory building means a subordinate building located on the same premises as the principal building for exclusive use of accessory uses as defined in “Accessory Use.” Under certain circumstances, if allowed by City 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 dwelling or 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 is not habitable.”

SECTION 4.

CHAPTER 3 – “GENERAL PROVISIONS FOR ALL PLATS”, Section 3.2 – “Exemption from Platting Requirements” of Ordinance No. 210 is amended by adding new paragraphs H. and I. to read as follows:

- “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.
- I. In lieu of a plat being required, the City 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.”

SECTION 5.

CHAPTER 4 – “PUBLIC AND SEMI-PUBLIC IMPROVEMENT REQUIREMENTS”, Section 4.12 – “Perimeter Street Requirements” paragraph B. is amended to read as follows:

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

SECTION 6.

CHAPTER 12 – “TECHNICAL SPECIFICATIONS FOR PLAT DRAWINGS” Section 12.3 – “Additional Requirements for Replats, Minor Plats, Amending Plats, and Final Plat Drawings” paragraphs G. and K. are amended to read as follows:

- “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:

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)

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.”

SECTION 7.

This ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 8.

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

SECTION 9.

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

SECTION 10.

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

SECTION 11.

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

SECTION 12.

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

PASSED AND APPROVED on this 20th day of October 2022.

TOWN OF ANNETTA



Sandy Roberts, Mayor

ATTEST:



Jamee Long, Town Secretary

