

ORDINANCE NO. 201

AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS, AMENDING ORDINANCE NO. 180, THE SUBDIVISION ORDINANCE, BY ADOPTING PROVISIONS RELATING TO DEVELOPMENT PLAT REGULATIONS AND CRITERIA; 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 No. 180 regulating subdivision and development of property; and

WHEREAS, the Town Council wishes to amend Ordinance No. 180 for the purpose of adopting provisions relating to development plat regulations and criteria; and

WHEREAS, a public hearing was held by the Town Council in compliance with section 212.044 of the Texas Local Government Code; and

WHEREAS, the Town Council does hereby deem it advisable and in the public interest to amend the Town's subdivision ordinance as described herein.

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

SECTION 1.

Section 2.2 "Words and Terms Defined" of Chapter 2 "Definitions" of Ordinance No. 180 is amended by revising the definitions for following terms to read as follows:

"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.

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."

SECTION 2.

Section 3.3 “Classification of Plat Submittals” of Chapter 3 “General Provisions for all Plats” of Ordinance No. 180 is amended to read as follows:

“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.”

SECTION 3.

Section 3.4 “General Platting Procedures” of Chapter 3 “General Provisions for all Plats” of Ordinance No. 180 is amended by revising subsection E. read as follows:

- “E. 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.”

SECTION 4.

Section 3.10 “Plat Application Fees” of Chapter 3 “General Provisions for all Plats” of Ordinance No. 180 is amended to read as follows:

“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.”

SECTION 5.

Section 4.14 “Sidewalk Requirements” of Chapter 4 “Requirements for Public and Semi-Public Improvements” of Ordinance No. 180 is amended to add subsection B. to read as follows:

- “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.”

SECTION 6.

Chapter 10 "Reserved" of Ordinance No. 180 is amended to read as follows:

"CHAPTER 10 REQUIREMENTS FOR SUBMITTAL OF A DEVELOPMENT PLAT

Section 10.1 Development Plat Approval Required.

All applicants seeking approval of a Development Plat shall comply with the requirements of this Chapter.

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 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."

SECTION 7.

Section 12.1 "Requirements for all Plat Drawings" of Chapter 12 "Technical Specifications for Plat Drawings" of Ordinance No. 180 is amended by revising subsection T. to read as follows:

- T. 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.

SECTION 8.

Chapter 12 "Technical Specifications for Plat Drawings" of Ordinance No. 180 is amended by adding Section 12.4 to read as follows:

“Section 12.4 Additional Requirements for Development Plats

In addition to other requirements set forth in these Subdivision Regulations, every Development Plat shall be prepared as a boundary survey showing:

- A. each existing or proposed building, structure, or improvement or proposed modification to the external configuration of the building, structure, or improvement involving a change to the building, structure, or improvement;
- B. each easement and right-of-way within or abutting the boundary of the surveyed property; and
- C. 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 9.

Chapter 13 “Subdivision Design Criteria” of Ordinance No. 180 is amended by adding Section 13.2 to read as follows:

“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.”

SECTION 10.

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 11.

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 12.

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 13.

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 14.

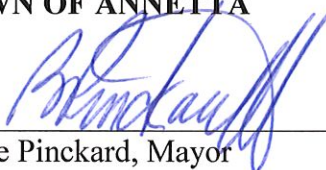
The Town Secretary of the Town of Annetta is hereby directed to publish in the official newspaper of the Town of Annetta, the caption, penalty clause, and effective date clause as required by law.

SECTION 15.

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

PASSED AND APPROVED on this 18th day of April, 2019.

TOWN OF ANNETTA



Bruce Pinckard, Mayor

ATTEST:



Jamee Long, Town Secretary

