

**ORDINANCE NO. 2021-05**

**AN ORDINANCE OF THE TOWN OF ANNETTA NORTH, TEXAS ADOPTING UPDATED REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN THE TOWN OF ANNETTA NORTH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the Ordinance 2002-7, the Subdivision Ordinance of the Town of Annetta North, regulates the subdivision of property within the Town and the Town's extraterritorial jurisdiction; and

**WHEREAS**, the Town Council has determined that it is in the best interest of the Town of Annetta North to amend its Subdivision Ordinance to better address orderly development within the Town of Annetta North, and in so doing protect the general health, safety, and welfare of the residents of Annetta North.

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

**SECTION 1.**

Ordinance 2002-7, the Subdivision Ordinance of the Town of Annetta North, is repealed in its entirety and replaced with the following:

**ARTICLE 1. – GENERAL PROVISIONS**

Sec. 1-1. - General provisions.

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

Sec. 1-2. - Jurisdiction and applicability.

These regulations apply to all plats and subdivision of land located within the corporate limits of Annetta North, Texas, and including its extraterritorial jurisdiction as provided by Texas Local Government Code, Chapter 212 (including Subchapter B). The provisions of this subdivision regulations expressly extend to all areas inside the Town limits and throughout the Town's extraterritorial jurisdiction (ETJ), as either may be adjusted in the future.



Sec. 1-3. - Exemptions.

The provisions of this ordinance shall not apply to any developments that satisfy the vested rights provisions of Chapter 245 of the Texas Local Government Code or any divisions of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

Sec. 1-4. - Purpose.

These rules are adopted to promote the health, safety, morals, or general welfare of the Town of Annetta North and the safe, orderly, and healthful development of the Town and its extraterritorial jurisdiction.

Sec. 1-5. - Interpretation.

These subdivision regulations are intended to establish the minimum requirements. If any other provision of law relates to any matter herein, the regulation providing the higher standard shall apply

Sec. 1-6. – Town Engineer.

The Town Engineer or designee, is responsible for taking the following actions with regards to a platting application under these regulations.

- (a) Accepting an application for submittal, determining completeness, filing and processing;
- (b) Reviewing and making recommendations concerning any plat application, preparing reports to and the Town Council,
- (c) Reviewing and making recommendations with regard to public improvement infrastructure and other site preparation activities associated with platting, including without limitation, application for approval of construction and engineering plans, all related construction management tasks, and contracts for public improvements,
- (d) Appeal of a decision on any application for which the Town Engineer is the responsible official, and
- (e) Initial decision-maker, subject to appeal as provided in these regulations, for approval of construction plans, application for a site preparation or public improvement permit, and all related construction management tasks.
- (f) Initiating enforcement actions concerning compliance with the standards applicable to an application and the conditions imposed thereon.

Sec. 1-7. - Town Council.

The Town Council shall have all powers and authority derived from the Texas Local Government Code and as described in these regulations.

- (a) The Town council shall review and approve, approve with conditions, or disapprove with reason preliminary plat and final plat applications, and



- (b) Town council may from time to time amend, supplement, or change by ordinance the text of these regulations on its own initiative or upon petition for a text amendment.

Sec. 1-8. - Platting determinations and delegation of approval responsibility.

- (a) Upon written request, the Town Engineer and Mayor shall decide whether a plat is required for the land. If a plat is required, the Town Engineer shall determine whether it has been prepared, reviewed, and approved, approved with conditions, or disapproved with reason by the authority. If appropriate, the Town Engineer shall issue a certificate in accordance with these regulations.
- (b) The Town Council shall delegate to the Mayor, or designee, the ability to approve or approve with conditions plats generally known as minor plats, amending plats, or minor replats as defined in the Texas Local Government Code. If approval or approval with conditions cannot be granted, the submittal will be referred to the Town Council for consideration.

Sec. 1-9. - Enactment and effective date.

In order that land may be subdivided in accordance with these policies, these subdivision regulations are hereby made effective as of the date of their adoption by ordinance. All applications for plat approval, including final plats, that are pending on the effective date of this ordinance and which have not lapsed shall be reviewed under the regulations in effect immediately preceding the effective date of this ordinance

Sec. 1-10. - Violations and penalties.

Violations of provisions of these regulations or failure to comply with any of its requirements shall constitute a misdemeanor and be punished by a fine not to exceed \$2,000.00 per offense. A violation of these regulations or failure to comply with any of its requirements shall constitute a Class C misdemeanor. Each calendar day such violation continues shall be considered a separate offense

Nothing herein contained shall prevent the Town from taking any other lawful action necessary to prevent or remedy any violation. Appropriate actions and proceedings may be taken by the Town in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described in this section.

Sec. 1-11. - Severability.

If any provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision, and to this end the provisions of this ordinance are hereby declared to be severable

ARTICLE 2. - DEFINITIONS



For the purposes of these rules, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in the section.

*Access road* — This is a general term inclusive of all public street, private street, parking lot, lane, alley, or other access to a lot. Where two access roads are required for a residential subdivision the required area to be served is determined by each separate phase included on a preliminary plat.

*Agricultural activity* — The preparation and maintenance of land for the purpose of farming (the production of food and fiber products), grazing or raising livestock (not including feed lots), aquaculture, sod production, production of trees and plants for landscaping (not including commercial logging and timber harvesting), and other similar customary agribusiness operations. Does not include "grading" for development purposes.

*Alley* — A public or private right-of-way primarily designed to serve as secondary access roadway to the side or rear of those properties whose principal frontage is on some other street.

*Block* — A unit of land bounded by streets or by a combination of street right-of-way and public lands, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities that typically contains individual lots.

*Comprehensive (general) plan* — A plan prepared and adopted by the Town Council, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof, setting forth goals, policies, and guidelines intended to direct the present and future development of the Town.

*Dedication* — The granting of land or use of the land as part of and a condition of development, such as the granting of a right-of-way for a public street. The grantee, typically the Town or county, must accept the dedication before it is complete.

*Development* — Any human-initiated change to improved or unimproved real estate, including, but not limited to, new construction or the enlargement of any exterior dimension of a building or other structure, and the installation of any type of site improvement, including offsite features, such as street median openings and clearing of vegetation, but not including bona fide agricultural activities. When used as a noun within this ordinance, the term "development" shall be construed to also include subdivisions, redevelopments, and land disturbing activities.

*Easement* — A grant by a property owner to the public, a corporation, or persons, of the use of designated land area for specific purposes, such as access of persons, utilities or services within which the owner of the property shall not erect any permanent structures.

*Extraterritorial jurisdiction* — The unincorporated area of a municipality that is contiguous to the corporate boundaries of the municipality and that is located within a given distance of those boundaries, as defined by the State of Texas, where the municipality may adopt rules governing plats and subdivisions of land.



*Improvement* — Street work, utilities, sidewalks, drainage structures and other physical modifications which are installed or constructed by the subdivider/developer for the benefit of the lot owners and for the proper development of the community as a condition precedent to the certification and filing of the final plat.

*Lot* — Generally an individual portion of a subdivision or addition of land intended as a unit for the purpose, of transfer of ownership, or possession or for development.

*Phasing* — The process of dividing a parcel of land into portions as shown on a preliminary plat or other plan whereby each portion can be completed prior to subsequent portions.

*Plat* — The plan or map of a subdivision that is intended to be filed for record.

*Amending* — A revised plat making minor changes to the original recorded final plat.

*Application* — The documents, maps, drawings, and fees submitted to the Town for review.

*Final* — The map of a subdivision or addition to be recorded as a certified subdivision after municipal approval and installation of public improvements.

*Minor* — A subdivision resulting in four or fewer lots and not requiring the creation or dedication of any public right-of-way or easements. Includes the combination of lots for purposes of development resulting in four or fewer lots and not requiring the creation or dedication of any public right-of-way or easements.

*Preliminary* — The preliminary drawing or drawings of the existing conditions of a parcel and proposed development indicating the manner, phasing, or layout of the parcel of land into a subdivision to be submitted for approval, and prior to or simultaneously as the submission of a final plat document.

*Replat* — Any change in a map of a recorded plat, except as permitted as an amended plat.

*Public improvement* — Any drainage way, stormwater management facility, roadway, alley, parkway, sidewalk, utility, pedestrian way, off-street parking area, lot improvement, open space, or other facility for which the Town or other governmental entity will ultimately assume the responsibility for maintenance and operation.

*Subdivider/developer* — A person, firm, corporation, partnership, association, or other entity who causes land to be divided into a subdivision for themselves or for others. The legal or beneficial owner or owners of any land included in a proposed development, the holder of an option or contract to purchase, or any other person or entity having enforceable proprietary interest in such land.

*Subdivision* — The division of any lot, tract, or parcel of land into two or more lots for the purpose, whether immediate or future, of offer, sale, or lease or for the purpose of development. Subdivision includes the division or development of land, whether by deed, metes and bounds



description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision also refers to the land so divided, as the context may indicate.

*Town Engineer* – A licensed professional engineer designated by the Town Council to serve at the Town Engineer. Any authority delegated to the Town Engineer herein may be exercised by the Mayor; provided, however, nothing herein shall be constructed to authorize the Mayor to engage in any activity that is required to be performed by a licensed professional engineer pursuant to state law.

*Tract* — A tract of land is a general term and can define a platted lot of a few acres or square miles or a large identifiable area of land.

### ARTICLE 3. - SUBDIVIDING LAND

#### Sec. 3-1. - Pre-application development review committee meeting.

Prior to the submission of any plat or subdivision of land, the subdivider/developer shall contact Town Engineer to schedule a pre-application conference. The pre-application conference is a non-binding pre-application meeting to assist the subdivider/developer to determine:

- (a) Procedure for filing plats.
- (b) Area subject to these requirements and any areas to be excluded from the plat.
- (c) Provision of public utilities. It is the responsibility of the subdivider/developer to extend utilities to and through the development, according to the Town's adopted standards.
- (d) General plan requirements for improvements such as major streets, land use, parks, schools, and public open space.
- (e) Zoning requirements for the property in question and adjacent properties.
- (f) Floodplain. Development in the floodplain shall be governed by Ordinance 2018-05.
- (g) Stormwater. Generally, the plat will have to meet stormwater standards controlling downstream impacts as outlined in the stormwater criteria and subject to approval by the Town Engineer or the Mayor.
- (h) Right-of-way dedication, easements, and street improvements. The arrangement, right of way, character, extent, width, grade, lighting, signage, screening (where applicable) and location and construction of all streets, sidewalks, and pathways shall conform to the Town's Engineering Design and Construction Manual (EDCM) and the Town's comprehensive/general plan. All new street improvements will be at the subdivider/developer's expense. Existing substandard streets may be required to be improved to current standards.
- (i) The need for studies or detailed analysis that may be required in conjunction with a plat or development, that may include but are not limited to traffic impact analysis, downstream drainage assessment, fire flow analysis, wastewater flow analysis, groundwater availability study, and flood study.

### ARTICLE 4. - PRELIMINARY PLAT APPROVAL PROCEDURES

#### Sec. 4-1. - Preliminary plat exemption for minor plats or amending plats.



Minor plats, amending plats, and plats that do not require the creation or modification of public improvements may be exempted from the requirement for a preliminary plat.

Sec. 4-2. - Preliminary plat application.

If, after a pre-application conference, a preliminary plat is required, the subdivider/developer may cause a surveyor and/or engineer to prepare the necessary application, preliminary drawings, fees, and supporting documentation for a preliminary plat submittal.

- (a) A completed application form provided by the Town Secretary, supporting documentation, fees, and two paper and one electronic copy in a format acceptable to the Town Engineer of preliminary plat drawings shall be submitted to the Town Engineer for a completeness review, and subsequent filing with the Town Council. The completeness review will be completed within ten calendar days.
- (b) Incomplete applications will be returned to the applicant, with a list of deficient items, and shall not be filed with the Town Council. If an application is resubmitted following a notice of incompleteness, it shall be subject to a completeness review prior to acceptance. The statutory timeline for Town action on a plat shall not begin until the application is determined to be complete. An application that is not determined to be complete by the sixtieth day following initial submittal will be considered void.

Sec. 4-3. - Contents of preliminary plat drawings to be submitted.

The following information shall be included on all sheets, or as part of the set of sheets required.

- (a) All sheets shall be drawn to legible scale as determined by the Town Engineer with a graphic and written scale on the face of the drawings.
- (b) All bearings, distances, and elevations shall have as their basis the State Plane Coordinate System, North American Datum 1983 (NAD 83), Texas North Central Zone 4202. Elevations may be referenced to a Town benchmark on the same datum.
- (c) A north arrow, a vicinity or general location map, and map symbol legend.
- (d) A title block containing:
  - (1) The description of the plat with:
    - a. The words "Preliminary Plat."
    - b. Previous subdivision information.
    - c. Lot and block listing and, if applicable, phase number(s).
    - d. Number of lots within the subdivision, indicating separately the number of lots reserved for purposes other than development (e.g., open space, green space, storm water detention).
    - e. Name of the subdivision, which shall not duplicate or closely match an existing subdivision within Parker County, unless it is a continued phase of a previously filed plat.
    - f. Tract description, including total acreage of the subdivision (i.e., "A 43.21 acres tract being a portion of the Robert Jones Survey, Abstract No 1234, Parker County, Texas.").
  - (2) The date the drawing was produced:



- (e) The name, address, and phone number of the surveyor and/or engineer that produced the plat.
- (f) The name, address, and phone number of the subdivider/developer of the property described in the plat.
- (g) Adjacent corporate boundaries, county line, adjacent extraterritorial jurisdiction boundaries, and any adjacent or relevant boundaries (i.e., utility districts, emergency services districts, or school districts).
- (h) A reference to any filed deed restrictions for the subdivision shall be shown on the plat by note.

Sec. 4-4. - Preliminary plat drawing sheet 1: Proposed subdivision.

The following information shall be included, on a single sheet of appropriate size acceptable to the Town Engineer, to describe the manner in which the tract is proposed to be subdivided and developed.

- (a) Streets, showing the location, width, and names thereof, and showing the relationship of all streets to any projected streets shown on any development plan adopted by the Town.
- (b) Location and width of proposed alleys, sidewalks, trails, and pedestrian ways.
- (c) Location and size in acres of proposed parks, playgrounds, school sites, or other special uses of land to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision, and any conditions of such dedication or reservation.
- (d) Location, width, beneficiary, and purpose of any easements.
- (e) Building setback lines with dimensions.
- (f) The general utility plan of sewage collection, water supply, and storm water facilities (This may be provided on a separate sheet as necessary for legibility).
- (g) Areas contributing drainage to the proposed subdivision shall be shown on small scale supplemental drawings and shall be accompanied by a drainage study. The information to be submitted shall include the area, slope and type of development in the contributing area. (This may be provided on a separate sheet as necessary for legibility.)

Sec. 4-5. - Preliminary plat drawing sheet 2: Existing conditions.

The following information shall be included, on a single sheet of appropriate size acceptable to the Town Engineer, to describe the manner in which the tract exists currently.

- (a) Names and locations of adjacent subdivisions, lots, rights-of-way/streets, and tracts on or within 125 feet of the subject tract.
- (b) All existing easements located on the subject tract.
- (c) All existing stormwater facilities, wastewater facilities, water facilities, gas mains, communication cables and facilities, electric lines and facilities, culverts, and any other above ground or underground installations within or leading to the tract along with size, features, grades and locations shown.



- (d) Permanent structures and other important features such as survey/abstract lines or jurisdictional lines (Town, county, extraterritorial, utility district, emergency services district, etc.).
- (e) Topographical information including contour lines on a basis of not more than two-foot intervals.
- (f) Existing zoning on and surrounding the tract.
- (g) Areas in the effective 100-year floodplain.

Sec. 4-6. - Preliminary plat supporting documents.

The following information shall be included with the preliminary plat application, and where practical included on the face of the plat document. Otherwise, separate statements and/or maps shall accompany the preliminary plat.

- (a) A certificate, or other satisfactory evidence proving ownership of the entire tract to be platted.
- (b) A certificate showing that all taxes and special assessments due and payable have been paid in full.
- (c) Proposed deed restrictions.
- (d) A statement of improvements that will be installed by the subdivider/developer and a timeline when such improvements will be completed. This statement shall be of sufficient detail to permit determination of whether such improvements will comply with these subdivision regulations, and other applicable statutes, ordinances and regulations. The Town may require the applicant file a development agreement with each phase of the development.

Sec. 4-7. - Processing of preliminary plat application for submittal.

The Town Engineer shall accept the complete application with appropriate fees, shall coordinate required Town staff and utility review, and place the plat on the next Town Council meeting agenda that allows for proper notification. The Town Engineer shall review the preliminary plat application as to its conformity with the Town's comprehensive/general plan. The Town Engineer shall notify affected utility companies and agencies of the proposed plat and provide seven calendar days for their comments or additional requirements to satisfy franchise agreements or intergovernmental agreements.

The Town Engineer shall forward the complete submittal with comments in a staff report listing recommended modifications, additions, or alterations of the proposed preliminary plat, as well as a recommendation to the Town Council. If the recommended modifications, additions, or alterations, are too extensive, the submittal may be recommended for disapproval with reasons.

Sec. 4-8. - Town Council action on preliminary plat submittal.

Within 30 days after an application for preliminary plat is formally submitted to the Town and determined to be complete by the Town Engineer, the Town Council shall approve, approve with conditions, or disapprove the plat as forwarded by the Town Engineer.



Sec. 4-9. - Effect of approval of a preliminary plat.

Approval of a preliminary plat shall be deemed an expression of approval, subject to any required conditions, and authorizes the applicant to proceed with the preparation of a final plat and the preparation of detailed construction plans required for improvements and utilities. Approval of a preliminary plat shall not be construed as approval or acceptance of the subsequent final plat nor of any public improvements or dedications.

Sec. 4-10. - Expiration of preliminary plat.

Approval or conditional approval of a preliminary plat shall be effective for two years from the date the plat receives approval by the Town Council. A final plat must be applied for prior to the expiration of the approval of the preliminary plat by the Town Council. A final plat shall not be recorded until the final approved copy of the preliminary plat is on file with the Town. If the plat has not been granted an extension by the Town Council, the preliminary plat shall expire and shall be null and void. The Town Council may, upon the application of the subdivider/developer, extend the approval for up to an additional one year if the plat has not expired.

ARTICLE 5. - FINAL PLAT APPROVAL PROCEDURES

Sec. 5-1. - Final plat application.

If, after a pre-application conference, a preliminary plat is not required or a preliminary plat has been approved, the subdivider/developer shall cause a surveyor and/or engineer to prepare the necessary application, final drawings, fees, and supporting documentation for a final plat submittal.

- (a) A completed application form provided by Town Engineer, supporting documentation, fees, and two paper and one electronic copy in a format acceptable to the Town Engineer of preliminary plat drawings shall be submitted to the Town Engineer for a completeness review, and subsequent filing with the Town Council. The completeness review will be completed within ten calendar days.
- (b) Incomplete applications will be returned to the applicant, with a list of deficient items, and shall not be filed with the Town Council. If an application is resubmitted following a notice of incompleteness, it shall be subject to a completeness review prior to acceptance. The statutory timeline for Town action on a plat shall not begin until the application is determined to be complete. An application that is not determined to be complete by the sixtieth day following initial submittal will be considered void.
- (c) A final plat application may be submitted simultaneously with a preliminary plat application.

Sec. 5-2. - Final plat submittal requirements.

The following information shall be included on all sheets, or as part of the set of sheets required.



- (a) All information shall be drawn on ARCH C, 18 in. x 24 in, size sheets with a three-quarters of an inch (0.75 in.) margin.
- (b) A space of approximately two and three-quarters of an inch by four and one-quarter of an inch in dimension shall remain unobstructed on the sheet that contains the owner's dedication and approval certificates to allow for placement of the county clerk's recording information.
- (c) All sheets shall contain their sequential sheet number and total number of sheets (i.e., "2 of 4").
- (d) All sheets shall be drawn to scale, which may not be less than one-inch equals 100 feet, with a graphic and written scale on the face of the drawings.
- (e) A north arrow, a vicinity or general location map, and map symbol legend.
- (f) Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.
- (g) A title block containing:
  - (1) The description of the plat (e.g., Final, Amending, Replat) with:
    - a. Previous subdivision information if an amending or replat;
    - b. Lot and block listing and, if applicable, phase number(s);
    - c. Number of lots within the subdivision, indicating separately the number of lots reserved for purposes other than development (e.g., open space, green space, storm water detention);
    - d. Name of the subdivision, which shall not duplicate or closely match an existing subdivision within Parker County, unless it is a continued phase of a previously filed plat;
    - e. Tract description, including total acreage of the subdivision (i.e., "A 43.21 acres tract being a portion of the Robert Jones Survey, Abstract No 1234, Parker County, Texas").
  - (2) The date the drawing was produced.
- (h) The name, address, and phone number of the surveyor and/or engineer that produced the plat.
- (i) The name, address, and phone number of the subdivider/developer of the property described in the plat.
- (j) The location of the boundary lines of the subdivision, a description of the subdivision by metes and bounds, a reference locating the subdivision with respect to a corner of the survey or tract or an original coiner of the original survey of which it is a part.
- (k) The exact location, description and name of all proposed streets, with right-of-way centerline, alleys, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots, and other sites within the subdivision with accurate dimensions, bearing or deflecting angles with radii, area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate to reproduce the plat on the ground.
- (l) The location and type of all monuments found or set.
- (m) A reference to any filed deed restrictions for the subdivision shall be shown on the plat by note.
- (n) The following certificates, or a substantially similar certificate, for the following.
  - (1) Owner's Dedication (one required for each owner of record).



State of Texas §  
County of Parker §

Date \_\_\_\_, 20\_\_

I (we), the undersigned, owner(s) of the land shown on this plat, and designated herein as the \_\_\_\_ subdivision to the Town of Annetta North, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

\_\_\_\_\_  
Owner

State of Texas §  
County of Parker §

Before me, the undersigned authority, a notary public in and for the state of \_\_\_\_, on this day personally appeared \_\_\_\_, known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purpose and considerations therein expressed.

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

\_\_\_\_\_  
Notary Public in and for the state of \_\_\_\_ {Notary Seal}

- (2) Certificate of responsible surveyor, attesting to the plat document completeness and its accuracy.

I, the undersigned, a registered professional land surveyor in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision.

\_\_\_\_\_  
Registered Professional Land Surveyor {Surveyor Seal}

- (3) Approval by Town council.

This plat has been submitted to and considered by the Town Council of the Town of Annetta North, Texas, and is hereby approved by such Town Council

Dated this the \_\_\_\_ day of \_\_\_\_, 20\_\_

By \_\_\_\_\_  
Mayor  
ATTEST

-



\_\_\_\_\_  
Secretary

- (4) Approval by the Mayor (in lieu of Council) for Minor Plats.

This plat has been submitted to and considered by the Town Engineer for the Town of Annetta North, Texas as delegated by the Town Council, and is hereby approved by such Town Engineer

Dated this the \_\_\_ day of \_\_\_, 20\_\_\_

By \_\_\_\_\_  
Mayor

ATTEST

\_\_\_\_\_  
Secretary

Sec. 5-3. - Final plat supporting documents.

The following additional data shall be submitted with the final plat if requested by the Town Engineer or the Town Council.

- (a) A certificate, or other satisfactory evidence proving ownership of the entire tract to be platted.
- (b) A certificate showing that all taxes and special assessments due and payable have been paid in full.
- (c) A copy of any deed restrictions applicable to the subdivision.
- (d) A copy of homeowner's association or owner's agreement verifying ownership and maintenance responsibility for any open space tracts or other land owned in common and any storm water facilities, screening walls, or other private infrastructure.
- (e) A development agreement may be required as a condition of final plat approval depending on the complexity of the project, dedications, financing, utility requirements, phasing, or other conditions.

Sec. 5-4. - Processing of final plat application for submittal.

- (a) The Town Engineer shall accept the complete application with appropriate fees, shall coordinate required Town staff and utility review, and place the plat on the next Town Council agenda that allows for proper notification.
- (b) The Town Engineer shall check the final plat application as to its conformity with the prior preliminary plat submittal and any conditions required. Note that at the discretion of the Town Engineer the final plat submittal may vary by up to ten percent from the approved preliminary plat without requiring the resubmittal of a revised preliminary plat.
- (c) If a preliminary plat was not required, such as for a minor plat, the plat shall be reviewed for conformity with existing comprehensive/general plan and zoning districts.



- (d) When Town Council approval of a final plat is required, the Town Engineer shall forward the complete submittal with comments and a staff report listing recommended modifications, additions, or alterations of the proposed final plat, as well as a recommendation for approval, or approval with conditions Town Council. If the recommended modifications, additions, or alterations are too extensive, the submittal may be recommended for disapproval with reasons outlined for such disapproval.

Sec. 5-5. - Action on a minor plat.

Within 30 days after the minor plat is formally submitted to the Town through a complete application, the Mayor shall approve, approve with conditions, or recommend for disapproval such plat. If a plat is recommended for disapproval it will be forwarded to the Town Council for action.

Sec. 5-6. - Town council action on final plat submittal.

Within 30 days after the final plat is formally submitted to the Town through a complete application, the Town Council shall approve, approve with conditions, or disapprove the plat.

Sec. 5-7. - Effect of approval of a final plat.

Approval of a final plat shall be deemed an expression of approval, subject to any required conditions, of the final plat document as an acceptable form for recording in the public record. The approval of a plat is not considered an acceptance of any proposed dedication or improvement by the Town.

- (a) Approval or conditional approval of a final plat shall be effective for two years from the date the plat receives final approval. If the plat has not been certified and recorded within two years, nor granted an extension, the plat shall expire and shall be null and void.
- (b) If no development has occurred which would affect the proposed plat, after two years of effective approval the Town council may, upon the application of the subdivider/developer, extend the approval for up to an additional two years.

Sec. 5-8. - Certification and recording of a final plat.

Following final plat approval, the subdivider/developer shall provide to the Town Engineer:

- (a) Original signature copy of the final plat on polyester film material suitable for filing.
- (b) Original tax certificate(s) from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property. Note that certificates more than 30 days old may not be accepted for filing by the county clerk's office.
- (c) If the final plat involves the dedication, installation, or modification of public improvements any combination of the following documents shall, in a form acceptable to the Town Attorney, be provided to the Town Engineer prior to certification.



- (1) Official letters of acceptance and completion for any municipal public improvements.
  - (2) Surety in the form of a bond, deposit of cash, a letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee in an amount determined by the Town to be adequate to ensure the proper construction or installation of the public improvements remaining to service the subdivision.
  - (3) An executed development agreement that has been filed with the Town, if applicable.
  - (4) A letter confirming that all required markers and monuments have been set by the surveyor and are placed according to the standards provided in the Town of Annetta North Engineering Design and Construction Manual.
- (d) The Town Engineer shall ensure that all conditions of approval and required documentation have been satisfied prior to certification by the authority responsible for approval of the final plat.
  - (e) Upon certification of the final plat the Town Engineer shall have the plat recorded with the county clerk's office.

#### ARTICLE 6. - SUBDIVISION DESIGN STANDARDS

##### Sec. 6-1. - Lots and blocks.

Proposed lots and blocks within a subdivision shall meet the following requirements.

- (a) Lots shall conform to the minimum requirements of the established zoning district, if located within the Town's corporate limits. Corner lots shall meet the minimum lot depth of the established zoning district on any side which fronts on a public street.
- (b) Irregularly shaped lots shall have sufficient width at the building line to meet the lot width and frontage requirements of the applicable zoning district and shall provide a reasonable building pad without encroachment into any setbacks or easements. In general, triangular, severely elongated or tapered, flag or panhandle lots shall be avoided.
- (c) Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from arterial streets or to overcome a specific disadvantage imposed by topography or other factors.
- (d) Reserve strips controlling access to streets are prohibited except where required by the Town Engineer.
- (e) To the greatest extent possible, the number of lots fronting along residential collector streets shall be minimized in order to ensure adequate traffic safety and efficiency.
- (f) Block lengths shall typically range from 400 feet to 1,600 feet.
- (g) Street right-of-way shall not be included within any platted lot.

##### Sec. 6-2. - Right-of-way.

Right-of-way shall be dedicated in order to provide for streets, sidewalks, pathways, and other required public facilities and shall be configured in accordance with the following standards.



- (a) The right-of-way for a Town of Annetta North street shall be a minimum of 50 feet and a maximum of 120 feet. The right-of-way for an alley shall be a minimum of 15 feet or as otherwise determined by the Town Engineer.
- (b) Minimum right-of-way shall be determined based upon the street classification. Classification of a street shall be determined by reference to the comprehensive/general plan or, if the classification is not designated on any such document, the Town Engineer shall determine the street classification by reference to existing or planned land uses of abutting properties and the comprehensive/general plan, and, when required, the traffic impact analysis.
- (c) Right-of-way dedication for perimeter streets shall be equal to one-half of the total right-of-way requirements established for such street classification. In some instances, more than half of the required width shall be required when a half street is impractical or unsafe and depending upon the actual or proposed alignment of the street, such as in the case of a curved street, as may be required by the Town Engineer.
- (d) Where the property lies on both sides of the proposed public street or existing street, the right-of-way dedication shall be equal to the amount set forth in the aforementioned documents or as determined by the Town Engineer.

#### Sec. 6-3. - Streets.

The arrangement, character, extent, width, grade, lighting, signage, screening (where applicable) and location and construction of all streets, sidewalks, and pathways shall conform to the Town of Annetta North the Town's Engineering Design and Construction Manual (EDCM). Where the subdivision or any lot therein abuts a state or county highway, road, or right-of-way, additional standards or review may apply subdivisions shall be supported by a street network having adequate capacity, ingress/egress, and circulation. The subdivider/developer shall be responsible for the cost of street improvements to serve the development, subject to the Town's cost participation policies on oversized facilities.

The Town Engineer may recommend disapproval of any street layout which will not provide for the safe and efficient configuration of streets, sidewalks, and pathways in accordance with all applicable plans, design standards, and the following requirements.

- (a) For single-family developments, a minimum of two public access points to a public street are required, however, developments with 30 or fewer lots may request a variance from the minimum two access points. The two required access points or roads shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between access points. For subdivisions with multiple phases, the area to be served means each final plat.
- (b) Residential collector streets and minor residential streets shall be laid out such that their use by through traffic will be discouraged, such as via circuitous routes or multiple turns or offsets, but such that access is provided to adjacent subdivisions.
- (c) Where a subdivision abuts or contains an existing or proposed arterial street, the Town Engineer may require such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.



- (d) At least 50 percent of the total centerline length of all streets within a residential subdivision shall be curvilinear in design, unless otherwise approved by the Town Council.
- (e) A cul-de-sac street shall not be longer than 600 feet, except as approved by the Town Council.
- (f) Intersecting, undivided streets with centerline offsets of less than 150 feet shall be avoided.
- (g) Streets intersecting onto an existing or future divided roadway shall be configured such that the centerline offset will accommodate the appropriate median opening and left-turn lanes (with required transition and stacking distances) on each divided roadway, and shall be aligned with any existing or proposed streets or driveways on the opposite side of the divided roadway (in order to share the median opening).

#### Sec. 6-4. - Easements.

For new development, all necessary onsite easements shall be established on the subdivision plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity if other than the Town, for which they are being provided.

All easements required for the installation and maintenance of utility facilities, drainage, vehicle or pedestrian access, screening wall maintenance, slopes adjacent to right-of-way, or as otherwise needed to serve the development shall be no less than the minimum width provided in the EDCM and are subject to approval by the Town Engineer.

Typically, a minimum ten-foot wide (or as otherwise approved by the Town Council) utility easement shall be provided along the front of all lots in a residential subdivision, adjacent to and flush with the street right-of-way line for the potential placement of utility facilities. Alleys may be provided as an alternative to this requirement.

Where development or construction will require easements and/or right-of-way dedications outside the subdivision plat boundaries, no approval of construction plans for developments will be granted until verification of the recording of all easements and right-of-way dedications has been received unless otherwise approved by the Town Council.

#### Sec. 6-5. - Water and wastewater facility design.

The design and construction of all water and wastewater facilities shall conform to the EDCM and state and federal requirements. The subdivider/developer shall be responsible for the costs of easements and water and wastewater improvements to serve the development, subject to the Town's cost participation policies on oversized facilities

#### Sec. 6-6. - Storm water collection and conveyance systems.

The design and construction of all storm water facilities shall conform to the EDCM and state and federal requirements. The subdivider/developer shall be responsible for the costs of easements and storm water improvements to serve the development, subject to the Town's cost participation policies on oversized facilities.



## ARTICLE 7. - REQUIREMENTS FOR ACCEPTANCE OF SUBDIVISIONS BY THE TOWN

### Sec. 7-1. - Acceptance of improvements.

The Town hereby defines its policy to be that the Town will withhold all Town services and improvements of whatsoever nature, including the maintenance of streets and the furnishing of all other Town services from any subdivision or property until all of the street, utility, storm drainage and other public improvements, as well as lot improvements such as retaining walls and grading and installation of improvements required for proper lot drainage and prevention of soil erosion on the individual residential lots, are properly constructed according to the approved engineering plans and to Town standards, and until such public improvements are dedicated to and accepted by the Town.

### Sec. 7-2. - Developer's guarantee of public improvements.

Before final acceptance of a subdivision located all or partially within the Town or its extraterritorial jurisdiction, the Town must be satisfied that all required public improvements have been constructed in accordance with the approved engineering plans and with the requirements of these regulations unless otherwise specified within a development agreement.

- (a) The development agreement shall contain such terms and conditions to ensure the development of the plat as agreed upon by both the developer and the Town.
- (b) Whenever the Town permits an applicant to enter into a development agreement, it shall require the applicant to provide sufficient financial security, covering the completion of the public improvements. The security shall be in the form of cash escrow or, where authorized by the Town, a performance bond or letter of credit or other security acceptable to the Town Council and the Town Attorney, as security for the promises contained in the improvement agreement.
- (c) The development agreement shall contain such other terms and conditions as are agreed to by the subdivider/developer and the Town.
- (d) The Town shall require a development agreement pertaining to any public improvement for which the subdivider/developer shall request reimbursement from the Town for oversize costs on a case-by-case basis. The Mayor is authorized to sign an improvement agreement on behalf of the Town after Town Council approval of such an agreement. The improvement agreement shall contain such other terms and conditions as are agreed to by the subdivider/developer and the Town.
- (e) Financial security shall be in an amount equal to 100 percent of the estimated cost of completion of the required public improvements and lot improvements. The issuer of any surety bond or letter of credit shall be subject to the approval of the Mayor and the Town attorney.
- (f) The performance bond shall comply with the following requirements.
  - (1) All performance bonds must be in the forms acceptable to the Town Attorney,
  - (2) All performance bonds must be executed by such sureties as are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties



on Federal Bonds and as Acceptable Reinsuring Companies", as published in Circular 570, as may be amended, by the Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury,

- (3) All performance bonds must be signed by an agent, and must be accompanied by a certified copy of the authority for him or her to act,
- (4) All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized in the State of Texas to issue performance bonds for the limits and coverage required.

If the surety on any performance bond furnished by the applicant is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the State of Texas, or the surety ceases to meet the requirements listed in Circular 570, the subdivider/developer shall, within 20 calendar days thereafter, substitute another performance bond and surety, both of which must be acceptable to the Town.

- (g) Letter of credit. If the Town Council authorizes the applicant to post a letter of credit as security for its promises contained in the improvement agreement, the letter of credit shall.
  - (1) Be irrevocable,
  - (2) Be for a term sufficient to cover the completion, maintenance and warranty periods, but in no event less than two years, and
  - (3) Require only that the Town present the issuer with a sight draft and a certificate signed by an authorized representative of the Town certifying to the Town's right to draw funds under the letter of credit.
- (h) If the Mayor is satisfied that such portion of the improvements has been completed in accordance with Town standards, he or she may, but is not required to, cause the amount of the security to be reduced by such amount that he or she deems appropriate, so that the remaining amount of the security adequately insures the completion of the remaining public improvements.
- (i) Upon acceptance by the Town of all required public improvements and the required security for maintenance and warranty is otherwise provided by the contractors or by others, the Town will release the entire amount of the subdivider/developer's security.

#### Sec. 7-3. - Temporary improvements.

No temporary improvement will be required or approved by the Town until the final plat has been approved, and a performance bond or other security in an amount determined by the Mayor is submitted.

- (a) The applicant shall build and pay for all costs of temporary improvements required by the Town and shall maintain those temporary improvements for the period specified by the Town. Prior to construction of any temporary facility or improvement, the applicant shall file with the Town a separate improvement agreement and escrow or, where authorized, a letter of credit, in an appropriate amount for temporary facilities, which agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained and removed.



- (b) Any temporary public improvement (e.g., a temporary cul-de-sac, alley turnout, drainage swale, erosion control device, etc.) shall be placed within an easement established specifically for that purpose. The recording information of the instrument establishing the temporary easement shall be clearly shown on the final plat for the subdivision prior to approval of the final plat. A temporary easement for a required public improvement shall not be abandoned without the Mayor's approval and without written consent by the Town.

Sec. 7-4. - Governmental units.

- (a) Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agents authorized to act in their behalf, agreeing to comply with the provisions of this section.

Sec. 7-5. - Failure to complete improvements.

- (a) For plats for which no improvement agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the Town, the plat approvals shall be deemed to have expired. In those cases where an improvement agreement has been executed and security has been posted, and the required public improvements have not been installed within the terms of the agreement, the Town may:
  - (1) Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default,
  - (2) Suspend final plat approval until the public improvements are completed, and may record a document to that effect for the purpose of public notice,
  - (3) Obtain funds under the security and complete the public improvements itself or through a third party,
  - (4) Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the property, or
  - (5) Exercise any other rights or remedies available under the law.

Sec. 7-6. - Acceptance of dedication offers.

- (a) Acceptance of formal offers for the dedication of streets, public areas, easements or parks shall be by authorization of the Mayor. The approval by the Town Council of a preliminary or final plat shall not, in and of itself, be deemed to constitute or imply the acceptance by the Town of any street, public area, easement or park shown on the plat. The Town may require the plat to be endorsed with appropriate notes to this effect.

Sec. 7-7. - Maintenance and guarantee of public improvements.



- (a) The subdivider/developer shall maintain all required public improvements for a period of two years following acceptance of the subdivision by the Town, and shall also provide a security that all public improvements will be free from defects for a period of two years following such acceptance by the Town. The maintenance bond shall be in the form of a bond, letter of credit, or escrow as approved by the Town Engineer and Town Attorney.

Sec. 7-8. - Inspection and acceptance of public improvements.

- (a) Periodic construction inspections as required by the Town shall be conducted by Town staff. Said inspections shall ensure that construction is in accordance with the approved construction plans and the EDCM of the Town of Annetta North (and other applicable codes and ordinances). Certain inspections (e.g., of retaining walls or of materials) shall be conducted by an independent, duly qualified firm engaged by the subdivider/developer. Upon completion of these inspections, a written report shall be forwarded to the Town that fully documents the inspection conducted, the tests completed, specific items that are in compliance or noncompliance, actions that must be taken to bring the construction into compliance, and any other information required by the Town Engineer. The Town of Annetta North may either require reinspection by the applicant's independent firm or conduct its own independent inspection as required by the Town Engineer.
- (b) The Town will not deem required public improvements satisfactorily completed until the applicant's engineer or surveyor has certified to the Town Engineer, through submission of detailed record drawings of the property which indicate all public improvements and their locations, dimensions, materials and other information required by the Town Engineer, and until all required public improvements have been completed. The record drawings shall be sealed drawings of the paving, drainage, water, sanitary sewer and other public improvements, showing that the layout of the lines and grades of all public improvements are in accordance with engineering plans for the plat, and showing all changes made in the plans during construction, and containing on each sheet a "record drawing" stamp bearing the signature of the licensed professional engineer and the date. The record drawings shall be submitted in the form required by the EDCM. When such requirements have been met to the Town Engineer's satisfaction, the Town Engineer shall issue the letter of acceptance of the improvements.
- (c) Acceptance of the development shall mean that the subdivider/developer has transferred all rights to all the public improvements to the Town for use and maintenance. If the remaining public improvements are greater than \$10,000.00 and are not completed within the determined length of time, the Town will impose a penalty that equals ten percent of the performance bond, letter of credit, or cash bond. The obligation to complete the improvements remains with the subdivider/developer, and all future building registration permits will be withheld until the improvements are complete. If the remaining public improvements are less than \$10,000.00, the subdivider/developer shall pay the actual dollar amount. The length of time may be extended due to inclement weather or unforeseen delays by mutual agreement between the subdivider/developer and the Town.

Sec. 7-9. - Deferral of required improvements.

- (a) The Town Council may, upon petition of the subdivider/developer and favorable recommendation of the Town Engineer, defer at the time of final plat approval, subject to



appropriate conditions, the provision of any or all public improvements as, in its judgment, are not required in the immediate interests of the public health, safety and general welfare.

- (b) Whenever a petition to defer the construction of any public improvements required under this ordinance is granted by the Town Council, the subdivider/developer shall deposit in escrow his or her share of the costs of the future public improvements with the Town prior to approval of the final plat, or the subdivider/developer may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit guaranteeing completion of the deferred public improvements upon demand of the Town.

Sec. 7-10. - Issuance of building registration permits.

No building registration permit shall be issued for a lot, building site, building or use unless the lot or building site has been officially recorded by a final plat as approved by the Town Council, and unless all public improvements have been installed and approved, as required by this ordinance for final plat approval, unless otherwise approved through a development agreement.

## ARTICLE 8. - DEVIATIONS

Sec. 8-1. Basis for deviation.

Deviations from the specific rules and regulations stated in the ordinance may be granted by the Town Council when, in its judgment, conditions warrant such deviations; however, such action by the Town Council shall have not the effect of subverting the spirit or intent of the aforementioned requirements.

Sec. 8-2. Financial hardship.

Financial hardship to an applicant shall not be deemed sufficient reason for granting a deviation.

Sec.8-3. Facts supporting deviation.

Any deviation granted shall be described in a statement which shall also contain all the specific facts upon which the deviation was based, and that statement will be recorded in the official minutes of the Council.

### SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta North, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed. Ordinances 2018-05, 2002-3 and 2002-1 are not repealed hereby and remain in full force and effect.

### SECTION 3.



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

**SECTION 4.**

Any person, firm or corporation violating any provision of the Subdivision Ordinance of the Town of Annetta North as amended hereby shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Two Thousand Dollars (\$2,000.00). Each day any such violation shall be allowed to continue shall constitute a separate violation and punishable hereunder.

**SECTION 5.**

All rights and remedies of the Town of Annetta North are expressly saved as to any and all violations of the provisions of any ordinances governing subdivisions that 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 6.**

The Town Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance two times.

**SECTION 7.**

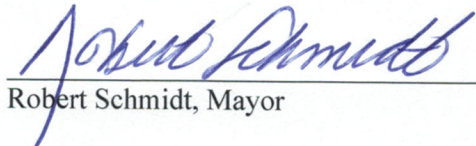
This ordinance shall be in full force and effect immediately after passage.

**AND IT IS SO ORDAINED.**

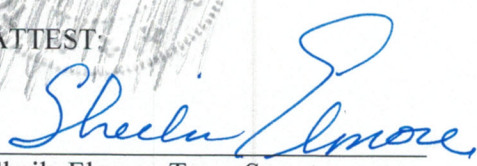
PASSED AND APPROVED on the 9th day of March, 2021.

**TOWN OF ANNETTA NORTH**

By:

  
Robert Schmidt, Mayor

ATTEST:

  
Sheila Elmore, Town Secretary