

ORDINANCE NO. 2020 1 14

AN ORDINANCE OF THE CITY OF ANNETTA SOUTH AMENDING ORDINANCE NO. 71, THE SUBDIVISION ORDINANCE, BY ADDING SUBSECTION 3(6) TO PROVIDE FOR A SUBDIVISION PROCESS CALENDAR, ADDING SUBSECTION 3(7) TO REQUIRE CONSISTENCY IN APPLICATIONS, ADDING SUBSECTION 3(8) REGULATING SUBMISSIONS OF DOCUMENTS, REVISING SECTIONS 7 AND 17 AND ADDING DEFINITIONS TO SECTION 34 TO COMPLY WITH NEW STATE LAW REQUIREMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Annetta South 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, in June of 2011 the City enacted Ordinance No. 71 establishing subdivision regulations; and

WHEREAS, Ordinance No. 71 requires that plat applications must be submitted and process; and

Whereas, a public hearing was duly held by the City Council on January 14, 2020 with respect to the ordinance changes described herein; and

WHEREAS, changes in state law require an update to certain administrative processes within the subdivision regulations; and

WHEREAS, the City deems it necessary and appropriate to amend the Subdivision Ordinance to update to certain administrative processes; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNETTA SOUTH, TEXAS, THAT;

SECTION 1

Section 3 "Rules, Regulations, Standards and Design Standards" of Ordinance No. 71, the Subdivision Ordinance, is hereby amended to add subsections (6), (7) and (8) as follows:

- (6) The City Council shall approve a Subdivision Process Calendar for every calendar year. Such calendar shall prescribe at a minimum the "application deadline date"

for submission of plats, the date applications are deemed accepted and Filed, and the meeting date on which plats will be considered.

- (7) Any plat applications and supporting required documents thereto and the information contained therein shall be consistent with each other. A failure to be consistent between one or more required documents shall be deemed a violation of this subsection as to all documents affected.
- (8) All plat submission must be made to the City Secretary in order to be processed. The City Council shall approve the physical address where submission shall be sent as well as the necessary number of physical copies of required documents that must be submitted. The City Council may approve any method of electronic submission they deem appropriate for submission to be made in lieu of physical submissions.

SECTION 2

Section 7 "Processing of Preliminary Planning Information" of Ordinance No. 71, the Subdivision Ordinance, is hereby amended to read as follows:

Section 7: Processing of Preliminary Planning Information

An applicant shall file a preliminary plat application with the City Secretary on or before the "application deadline date" in accordance with the approved Subdivision Process Calendar. In addition, such preliminary plat application shall be accompanied the preliminary plat document and preliminary drainage study. The initial filing fee is due with the application.

If any application is incomplete, meaning missing any required documents, the City Secretary shall notify the applicant in writing within ten business days of the date of the application that the application is incomplete. An incomplete application will not be accepted as filed, as provided in the Subdivision Process Calendar.

The City Secretary shall forward the preliminary plat documents to the City Engineer, who shall process the preliminary plat and ensure that it is checked for conformance to this and other city ordinances. The City Engineer shall check the preliminary data as to its conformity with the master plan, major street plan, land use plan, zoning districts and as to whether or not the information heretofore specified has generally been submitted. The City Engineer shall return the preliminary plat to the City Secretary with any suggestions as to modifications, additions or alterations of the proposed preliminary plat for streets, drainage, water and sewer. The City Secretary shall make these suggestions available to the Planning and Zoning Commission.

Within thirty (30) days after the application is Filed, the Planning and Zoning Commission shall review and recommend approval, approval with conditions, or disapproval of the preliminary plat. Failure to act within thirty (30) days shall be deemed a recommend approval of the preliminary plat. After Planning and Zoning Commission action on the preliminary plat, it shall

be sent to the City Council for review. Such review shall be completed within 30 days after Planning and Zoning Commission action.

The City Council may review the preliminary plat and may approve, approve with conditions, or deny with or without comment within 30 days of the date the Planning and Zoning Commission approves or denies. The City shall provide the reasons for any such denial or approval with conditions, in writing to the applicant. Approval of a preliminary plat shall not constitute approval of the final plat. Any associated required third-party review fees are due at this time prior to the City providing an applicant with an approved preliminary plat.

The recommended approval of the preliminary plat by the Planning and Zoning Commission shall be effective for a period of one hundred eighty (180) calendar days after the approval date, unless reviewed by the City Council in the light of new or significant information, which would necessitate the revision of the preliminary plat, such revision being subject to the same procedures as the original preliminary plat. If a final plat for the subdivision, or a portion thereof, has not been submitted, or if a change in requirements has not occurred which would affect the preliminary plat, at the end of the 180 calendar days after approval, then the preliminary plat shall become null and void, unless the subdivider has requested and received and extension of time from the City Council.

No construction shall be commenced on the subdivision prior to acceptance of the final plat.

SECTION 3

Section 17 "Processing of Final Plat and Construction Plans" of Ordinance No. 71, the Subdivision Ordinance, is hereby amended to read as follows:

Section 17: Processing of Final Plat and Construction Plans

An applicant shall file a final plat application with the City Secretary on or before the "application deadline date" in accordance with the approved Subdivision Process Calendar. In addition, such final plat application shall be accompanied by the required final plat document and construction plans. The initial filing fee is due with the application.

If any application is incomplete, meaning missing any required documents, the City Secretary shall notify the applicant in writing within ten business days of the date of the application that the application is incomplete. An incomplete application will not be accepted as filed, as provided in the Subdivision Process Calendar.

The City Secretary shall forward the final plat documents to the City Engineer, who will check same for conformity with applicable engineering standards and specifications set forth herein. The City Engineer shall return the final plat to the City Secretary with any suggestions as to modifications, additions, alterations or other matters pertinent to the plat. The City Secretary shall make these suggestions available to the Planning and Zoning Commission.

Within thirty (30) days after the application is Filed, the Planning and Zoning Commission shall review and recommend approval, approval with conditions or disapproval the final plat. Failure to act within thirty (30) days shall be deemed a recommendation of approval of the final plat. After Planning and Zoning Commission action on the final plat, it shall be sent to the City Council for review. Such review shall be completed within 30 days after Planning and Zoning Commission action.

The City Council shall review the final plat and may approve, approve with conditions, or deny with or without comment within 30 days of the date the Planning and Zoning Commission approves or denies. The City shall provide the reasons for any such denial or approval with conditions, in writing to the applicant.

No construction shall be commenced on the subdivision prior to City Council approval of the final plat and construction plans, and the applicant providing any required bonds, and payment of any third party review fees.

If the final plat is approved, the Mayor shall execute the approval certificate on the plat and have it attested by the City Secretary. Any associated required third-party review fees are due at this time prior to the City providing an applicant with an approved final plat.

After the final plat and plans have been approved by the City Council, but before construction of water, sewer, street or drainage improvements as stated, the subdivider shall furnish the City with six (6) sets of the completed detailed plans and specifications.

Block corners shall be set prior to construction of public facilities and all lot corners shall be set prior to the issuance of any building permits.

The final plat shall be recorded by the City Secretary in the office of the County Clerk of the County only when the detailed plans and specifications for construction of required public improvements have been filed with the City, and the performance bond required by Section 17 hereof has been provided to the City.

Upon filing the plat in the County Records, the City Secretary shall have three (3) photostatic copies made by the County Recording Clerk on standard 18 inch by 25-inch sheets showing the Volume and Page where filed. One (1) copy will be placed in the permanent plat record book at the City Hall, one will be furnished to the City Engineer and one will be furnished to the surveyor.

SECTION 4

Section 31 "Definitions" of Ordinance No. 71, the Subdivision Ordinance, is hereby amended to add following defined terms:

FILED: The date a plat application is deemed filed according to the Subdivision Process Calendar. Such a date will be the date filed subject to Chapter 212 of the Texas

SUBDIVISION PROCESS CALENDAR: The City Council approved calendar proscribing the process for plat review and approval.

SECTION 5 ORDINANCE CUMULATIVE

This ordinance shall be cumulative of all provisions of ordinances of the City of Annetta South, Texas, 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 6 PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may be subjected to such civil penalties as authorized by law.

SECTION 7 SAVINGS

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Subdivision Ordinance, as amended, or any other ordinances affecting subdivision regulations 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 8 SEVERABILITY

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

SECTION 9

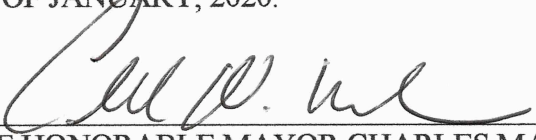
PUBLICATION

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

**SECTION 10
EFFECTIVE DATE**

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 14th DAY OF JANUARY, 2020.



THE HONORABLE MAYOR CHARLES MARSH

ATTEST:



ELLEN WOODWARD, CITY SECRETARY

EFFECTIVE DATE: January 14, 2020