

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES, APPENDIX B – SUBDIVISIONS, SECTION IV (PROCEDURES FOR SUBDIVISION), SECTION X (FILING OF PLAT), SECTION XI (SUBMITTALS REQUIRED FOR CONSTRUCTION) AND SECTION XVI (GENERAL REQUIREMENTS) TO PROVIDE THAT THE PLANNING AND ZONING COMMISSION IS GRANTED FINAL PLAT APPROVAL AUTHORITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Town of Addison, Texas (the “City”) is a home rule municipality having full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

**WHEREAS,** the City Council of the Town of Addison, Texas (the “City Council”) currently approves all final plats submitted for its review based upon the recommendation of the City Planning and Zoning Commission (the “Planning and Zoning Commission”); and

**WHEREAS,** the City Council has the authority to delegate final plat approval to the Planning and Zoning Commission;

**WHEREAS,** the City Council has investigated and determined that it is in the best interest of the City to delegate final plat approval authority to the Planning and Zoning Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS THAT:**

**Section 1.** The Code of Ordinances (the “Code”) of the Town of Addison, Texas Appendix B (Subdivision), Section IV (Subdivisions) is hereby amended as follows:

**Section IV. – Procedures for Subdivision**

In order to allow orderly processing of proposed subdivisions, the procedures discussed in the following sections shall be used. In general, the steps necessary for subdivision include:

...

E. Approval of the final plat by the planning and zoning commission.

...

**Section 2.** The Code of Ordinances (the “Code”) of the Town of Addison, Texas Appendix B (Subdivisions), Section X (Filing of Plat) is hereby amended to read in its entirety as follows:

**Section X. – Filing of Plat**

After approval of the final plat by the planning and zoning commission, and correction of the plat as required by those bodies and the development services department, the developer or his engineer shall submit to the development services department the required number of copies for filing, along with all tax certificates required for recording by the county clerk. These copies shall bear all signatures but those of the town officials. After signature by the town officials, the development services department shall complete the filing process and return two filed copies to the developer or his engineer. Said copies shall show the volume and page of the map and plat records into which the plat was filed by the county clerk.

**Section 3.** The Code of Ordinances (the “Code”) of the Town of Addison, Texas Appendix B (Subdivision), Section XI (Submittals Required for Construction) is hereby amended to read as follows:

**Section XI. – Submittals Required for Construction**

Prior to authorizing construction, the town engineer shall be satisfied that the following conditions have been met:

A. The final plat shall be completed to the requirements of the planning and zoning commission at the time of approval.

...

**Section 4.** The Code of Ordinances (the “Code”) of the Town of Addison, Texas Appendix B (Subdivision), Section XVI (General Requirements) is hereby amended to read as follows:

**Section XVI. – General Requirements.**

...

*G. Filing of Subdivision Plans and Final Plats*

1. That all subdivision plats filed with and submitted to the planning and zoning commission for approval shall:
  - a. Set forth a full and accurate description of the land subdivided.
  - b. Set forth a full and accurate description of all streets and other areas dedicated.
  - c. Contain a certificate of ownership.
  - d. Dedicate all streets, alleys, parks and playgrounds to public use forever.

e. Grant required easements for utilities, drainage floodway, fire lanes and other appropriate purposes with applicable language for responsibility for maintenance of the easements by owners of the property or properties traversed by the easements or adjacent thereto.

f. Be signed by the owner of the land.

The final plan to be submitted to the planning and zoning commission shall also indicate, on the mylar sepia copy, easement locations.

...

**Section 5. Recitals.** The above and foregoing recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 6. Savings; Repealer.** This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or an penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

**Section 7. Severability.** The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 8. Penalty.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense and each and every such day such offense shall continue shall be deemed to constitute a separate offense.

**Section 9. Effective Date.** This Ordinance shall take from and after its adoption and publication as required by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Todd Meier, Mayor

Town of Addison, Texas

ATTEST:

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Laura Bell, City Secretary

APPROVED AS TO FORM:

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Brenda N. McDonald, City Attorney