

**TOWN OF ARGYLE, TEXAS
ORDINANCE NO. 2019-20**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS AMENDING THE ARGYLE TOWN DEVELOPMENT STANDARDS BY AMENDING ARTICLE II, SUBDIVISIONS; AND ARTICLE III, ZONING, AS IT RELATES TO ZONING BOARD OF ADJUSTMENT (ZBA), REPLAT PUBLIC HEARING PROCEDURES, PLAT AND PLAN APPROVAL PROCESSES, AND INACTIVE DRC APPLICATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY, CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Argyle is authorized to regulate various aspects of development within the Town and its extraterritorial jurisdiction; and

WHEREAS, the Town of Argyle deems the regulation of development as necessary to protect the health, safety and welfare of the public; and

WHEREAS, the Town of Argyle deems the passage of this Ordinance to be in the best interest of the citizens of Argyle.

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

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That Article III, Part 2 Zoning Procedures and Administration, of the Town of Argyle Town Development Standards is hereby amended by removing Section 14.3.22 in its entirety and adopting a new Section 14.3.22, as it relates to Zoning Board of Adjustment procedures to read as attached in Exhibit "A".

Section 3. That Article II, Part 3, Plats, of the Town of Argyle Town Development Standards is hereby amended by repealing Section 14.2.21 in its entirety and adopting a new Section 14.2.21, as it relates to Replat Public Hearing Procedures to read as attached in Exhibit "B".

Section 4. That Article II, Part 3, Plats, of the Town of Argyle Town Development Standards is hereby amended by repealing Section 14.3.22 in its entirety and adopting a new Section 14.2.24, as it relates to Processing Plats and Construction Plans to read as attached in Exhibit "C".

Section 5. That Article III, Part 2, Zoning Procedures and Administration, of the Town of Argyle Town Development Standards is hereby amended by repealing Section 14.3.25 in its

entirety and adopting a new Section 14.3.25, as it relates to Concept Plan and Site Plan Review Processes to read as attached in Exhibit “D”.

Section 6. That Article II, Part 3, Plats, of the Town of Argyle Town Development Standards is hereby amended by repealing Section 14.3.17 in its entirety and adopting a new Section 14.2.17, as it relates to Preliminary Plats to read as attached in Exhibit “E”.

Section 7. That Article II, Part 3, Plats, of the Town of Argyle Town Development Standards is hereby amended by repealing Section 14.3.18 in its entirety and adopting a new Section 14.2.18, as it relates to Minor Subdivision Plats to read as attached in Exhibit “F”.

Section 8. That Article II, Part 3, Plats, of the Town of Argyle Town Development Standards is hereby amended by repealing Section 14.3.19 in its entirety and adopting a new Section 14.2.19, as it relates to Major Subdivision Plats to read as attached in Exhibit “G”.

Section 9. That Article II, Part 3, Plats, of the Town of Argyle Town Development Standards is hereby amended by repealing Section 14.3.20 in its entirety and adopting a new Section 14.2.20, as it relates to Amended Plats to read as attached in Exhibit “H”.

Section 10. That Article III, Part 2, Zoning Procedures and Administration, of the Town of Argyle Town Development Standards is hereby amended by repealing Section 14.3.23 in its entirety and adopting a new Section 14.3.23, as it relates Zoning Change Processes to read as attached in Exhibit “I”.

Section 11. That Article III, Part 2, Zoning Procedures and Administration, of the Town of Argyle Town Development Standards is hereby amended by repealing Section 14.3.52 in its entirety and adopting a new Section 14.3.52, as it relates Specific Use Permits to read as attached in Exhibit “J”.

Section 12. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

Section 13. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed two thousand dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 14. If any section, subsection, sentence, clause or phase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 15. In addition to and accumulative of all other penalties, the Town shall have the right to seek injunctive relief for any and all violations of this ordinance.

Section 16. In order to protect the public interest, comfort and general welfare, this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE,
TEXAS, ON THIS THE 27th DAY OF AUGUST, 2019.**

APPROVED:

Donald Moser, Mayor

ATTEST:

APPROVED AS TO FORM:

Erika McComis, Town Secretary

Robert Hager, Town Attorney

Part 2. ZONING PROCEDURES AND ADMINISTRATION

SECTION 14.3.22 ZONING BOARD OF ADJUSTMENT (ZBA)

14.3.22-1 CREATION:

There is hereby created a Zoning Board of Adjustment (ZBA), hereafter referred to as the "Board," for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance. The Board shall be composed of members of the Town Council of the Town of Argyle. (Ordinance 2015-23, sec. 4, adopted 11/17/15)

14.3.22-2 MEMBERS; TERMS OF OFFICE:

- A. The Zoning Board of Adjustment shall consist of the five (5) councilmembers currently elected to the Town Council, and shall operate in accordance with Sections 211.008 through 211.011 of the Texas Local Government Code, as amended.
- B. The Mayor shall serve as an alternate member to serve in the absence of one of the regular Board members.
- C. Regular Board members and the Mayor, as an alternate member of the Board, shall serve for a term that is concurrent with the term of their respective offices.
- D. The members of the Board (and the Mayor as an alternate member, as needed) shall regularly attend meeting(s) and public hearings of the Board, shall serve without compensation, and shall not hold any other office or position that would create a conflict of interest or a dual office holding issue, with the Town while serving on the Board.
- E. The Board of Adjustment shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full Board. The Town Manager's designee shall serve as Secretary to the Board of Adjustment, and shall keep minutes of all meetings held by the Board. The Secretary shall also set up and maintain a separate file for each application for hearing by the Board, and shall record therein the names and addresses of all persons/entities to whom notices are mailed, including the date of mailing and the person by whom such notices were delivered to the Post Office. All records and files herein provided for shall be permanent and official records of the Town of Argyle.
- F. The Board of Adjustment shall have the power to make the rules, regulations and bylaws for its own government, which shall conform as nearly as possible to those governing the Town Council.

(Ordinance 2015-23, sec. 5, adopted 11/17/15)

14.3.22-3 PARLIAMENTARY PROCEDURE; QUORUM; VOTING:

- A. The Board will follow the parliamentary procedure adopted by the Town Council, and procedures shall not be in conflict with the laws applicable to the Board on the following:
 - 1. Quorum - A quorum shall consist of 75 percent of the members of the board, as 75 percent of the members are necessary for a decision under the requirements of state law.

Exhibit "A"

2. Voting - All Board members, including the presiding Chairperson, shall be entitled to one vote each upon any question, a quorum being present.
3. Conflict of Interest - If any member has a conflict of interest regarding any item on the Board's agenda, he/she shall remove himself/herself from the room and shall refrain from voting only on the item for which a conflict exists.

14.3.22-4 MEETINGS:

Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public, and minutes shall be kept of all proceedings at Board meetings. Four (4) members of the Board shall constitute a quorum for the conduct of business. All cases to be heard by the Board of Adjustment shall always be heard by at least seventy-five percent (75%) of the members, which constitutes four (4) members.

14.3.22-5 AUTHORITY OF BOARD OF ADJUSTMENT:

- A. The Board of Adjustment shall have the authority, subject to the standards established in state law, including Sections 211.008 through 211.011 of the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:
 1. Hear and decide an appeal that alleges error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance;
 2. Hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;
 3. Authorize, in specific cases, a variance (see Section 14.3.22-6 [14.3.22-7]) from the terms of this Ordinance if the variance is not contrary to the public interest and if, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed and substantial justice is done;
 4. Make interpretations on zoning district boundaries shown on the Zoning Map where uncertainty exists because physical features on the ground differ from those on the Zoning Map or where the rules in Section 14.3.5 [14.3.4] of this Ordinance (Zoning District Boundaries) do not apply or are ambiguous; and
 5. Hear and decide other matters authorized by an ordinance adopted pursuant to chapter 211 of the Texas Local Government Code.
- B. In exercising its authority under Subsection A.1 above, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official.
- C. The concurring vote of at least seventy-five percent (75%), or four (4) members, of the full Board of Adjustment is necessary to:
 1. Reverse an order, requirement, decision or determination of an administrative official;

Exhibit "A"

2. Decide in favor of an applicant on a matter on which the Board is required to review under this Zoning Ordinance;
3. Authorize a variance from a provision of this Zoning Ordinance; or
4. Hear and decide special exceptions to a provision of this Zoning Ordinance (see Section 14.3.22-6E. [sic]).

14.3.22-6 LIMITATIONS ON AUTHORITY OF BOARD OF ADJUSTMENT:

- A. The Board of Adjustment may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided in Section 14.3.22-6 [14.3.22-7].
- B. The Board of Adjustment shall have no power to grant or modify Specific Use Permits authorized under Section 14.3.52 "SUP - Specific Use Permits" of these regulations.
- C. The Board of Adjustment shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the Town Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment by the Commission and the Town Council.
- D. The Board of Adjustment shall not grant a variance for any parcel of property or portion thereof upon which a site plan, construction plat or final plat, where required, is pending on the agenda of the Planning and Zoning Commission and, where applicable, by the Town Council. All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the Board of Adjustment.

14.3.22-7 VARIANCES:

- A. The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. For example, if the subject property substantially differs from other similarly zoned land parcels by being of such restricted area, shape or slope that it cannot reasonably be developed in the same manner as other similarly zoned land parcels, then a variance of the building setback, lot width or depth may be warranted. In granting a variance, the Board shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings hereinbelow required, the Board shall take into account:
 1. The nature of the proposed use of the land involved;
 2. Existing uses of land in the vicinity;
 3. The number of persons who will reside or work within the proposed use; and
 4. The probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.
- B. Conditions Required for Variance - No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with Section 14.3.22-8 [14.3.22-9] of this Ordinance and unless the Board of Adjustment finds:

Exhibit "A"

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land; and
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.

Such findings of the Board of Adjustment, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and that substantial justice may be done.

C. Findings of Undue Hardship - In order to authorize in a specific case a variance from the terms of the zoning Ordinance, the Board of Adjustment must make findings that an undue hardship exists, using the following criteria:

1. The variance is not contrary to the public interest;
2. Due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship;
3. That the spirit of the Ordinance is observed and substantial justice is done;
4. That the situation causing the hardship is not self-imposed and does not generally affect all or most properties in the same zoning district; and
5. That the relief sought will not injure the permitted use of adjacent conforming property.

D. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

E. Special Exceptions for Nonconforming Uses and Structures - Upon written request of the property owner, the Board may grant special exceptions to the provisions of Section 14.3.20 of this Ordinance, limited to the following, and in accordance with the following standards:

1. Expansion of the land area of a nonconforming use, up to a maximum of ten (10) percent; or
2. Expansion of the gross floor area of a nonconforming structure, up to a maximum of ten (10) percent, provided that such expansion does not decrease any existing setback and does not encroach onto adjacent property; or

Exhibit "A"

3. Change from one nonconforming use to another, reconstruction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.
4. In granting special exceptions under this Subsection, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the standards of the Zoning Ordinance.
5. For existing single-family and duplex structures that were constructed prior to the effective date of this Ordinance, the Board may authorize a special exception for any structure that was constructed over a setback line established by this Ordinance.
6. The Board may authorize a special exception for the reconstruction and occupancy of a nonconforming structure, or a structure containing a nonconforming use, where such structure has been damaged by fire or other cause to the extent of more than fifty (50) percent, but less than the total, of the appraised value of the structure, as determined from the records of the Denton County Central Appraisal District, as of the date of the damage. Such action by the Board shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property.
7. The Board may authorize a special exception for the enlargement, expansion or repair of a nonconforming structure if such enlargement, expansion or repair will improve the condition of the structure, if it will bring the structure closer into compliance with this Ordinance, or if it will otherwise improve or enhance public health, safety or welfare.

14.3.22-8 APPEALS TO THE BOARD OF ADJUSTMENT:

A. Authority - In addition to the authorization of variances and special exceptions from the terms of this Ordinance, the Board shall have the authority:

1. To hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance. The Board may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the Board has the same authority as the administrative official.
2. To hear and decide other matters authorized by other Town ordinances regarding land use regulations.

B. Who May Appeal

1. Any of the following persons may appeal to the Board a decision made by an administrative official that is not related to a specific application, address, or project:

Exhibit "A"

- a. A person directly aggrieved by the decision; or
 - b. Any officer, department, or board of the Town affected by the decision.
2. Any of the following persons may appeal to the Board of Adjustment a decision made by an administrative official that is related to a specific application, address, or project:
 - a. a person who:
 - (1) filed the application that is the subject of the decision; or
 - (2) is the owner or representative of the owner of the property that is the subject of the decision; or
 - (3) is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision.
 - b. any officer, department, or board of the Town affected by the decision.

C. Procedure for Appeal

1. The appellant must file with the Board and the official from whom the appeal is taken a written Notice of Appeal specifying the grounds for the appeal. The Notice of Appeal shall be filed not later than the 20th day after the decision has been rendered. Upon receiving the Notice, the official from whom the appeal is taken shall immediately transmit to the Board all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.
 2. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the written request (Notice of Appeal) was received. The Board may reverse or affirm, or modify, in whole or in part, the administrative official's order, requirement, decision or determination from which an appeal is taken.
- D. A member of the Town Council or the Planning and Zoning Commission may not bring an appeal to the Board on behalf of a property owner other than himself/herself. An appeal must be requested by the owner of the property being considered.

14.3.22-9 PROCEDURES:

- A. Application and Fee - An application for a variance, special exception or appeal by the Board shall be made in writing using forms prescribed by the Town, and shall be accompanied by an application fee (as set forth in Town Resolution No. 311, as amended), a site plan, and any other additional information as may be requested in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and other similar documents. All drawings must be to scale.

(Ordinance 2010-01, sec. 3, adopted 1/12/10)

Exhibit "A"

- B. Review and Report by the Town - The Town Manager, or his/her designee, shall visit the site where the proposed variance or special exception will apply and the surrounding area, and shall report his/her findings to the Board. (Ordinance 2010-01, sec. 3, adopted 1/12/10; Ordinance 2010-17, sec. 2, adopted 10/26/10)
- C. Notice and Public Hearing - The Board shall hold a public hearing for consideration of the variance or special exception request no later than forty-five (45) calendar days after the date the complete application for action, or an appeal, is filed. Written notice of the public hearing for a variance or special exception shall be provided to all property owners, via U.S. mail, within two hundred feet (200') of the affected property at least ten (10) calendar days prior to the public hearing. Notice shall also be published in the official local newspaper before the fifteenth (15th) calendar day prior to the public hearing.
- D. Action by the Board of Adjustment - The Board shall not grant a variance unless it finds, based upon compelling evidence provided by the applicant, that each of the conditions in Section 14.3.22-7 has been satisfied. The Board may impose such conditions, limitations and safeguards as it deems appropriate upon the granting of any variance or special exception as are necessary to protect the public health, safety, convenience and welfare. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.
- E. Burden of Proof - The applicant bears the burden of proof in establishing the facts that may justify a variance, a special exception, an appeal, or any other action in his/her favor by the Board.
- F. Waiting Period - No appeal to the Board for the same or a related variance or special exception on the same piece of property shall be allowed for a waiting period of one hundred and eighty (180) calendar days following an unfavorable ruling by the Board unless other property in the immediate vicinity has, within the specified waiting period, been changed or acted upon by the Board or the Town Council so as to alter the facts and conditions upon which the previous unfavorable Board action was based. Such changes of circumstances may permit the re-hearing of a variance or special exception request by the Board, but such circumstances shall in no way have any force in law to compel the Board, after a hearing on the matter, to grant a subsequent variance or special exception request. Any subsequent variance or special exception request shall be considered entirely on its own merits and on the specific circumstances related to the subject property.
- G. Timeliness of Application for Building Permit or Certificate of Occupancy - Upon a favorable Board action on a variance or special exception request, the applicant shall apply for a building permit or a certificate of occupancy, as applicable to his/her particular situation, within ninety (90) calendar days following the date of Board action, unless the Board specifies a longer time period in the minutes of its action. If the applicant fails to apply for a building permit or certificate of occupancy, as applicable, within the ninety (90) calendar day time frame, then the variance or special exception shall be deemed to have been waived, and all rights hereunder shall be terminated. Such termination and waiver shall be without prejudice to a subsequent appeal, and such subsequent appeal shall be subject to the same regulations and requirements for hearing as herein specified for the original variance or special exception request.

14.3.22-10 FINALITY OF DECISIONS; JUDICIAL REVIEW:

Exhibit "A"

All decisions of the Board are final and binding. An appeal must be in accordance with the requirements of state law.

SECTION 14.2.21 Replats

A. A Replat replaces part or all of an officially recorded Final Plat. Requirements for the replatting process are the same as the process for approval of a Final Plat. A public hearing may be required for replatting.

B. A public hearing shall be required if the proposed Replat requests a variance in accordance with the Texas Local Government Code.

C. Information to be Submitted with Replats

1. Information to be included on Replats are the same as that required for a Final Plat in Section [14.2.18](#). No Preliminary Plat is required when property is replatted except in the case of Replats that create major changes in infrastructure requirements for a subdivision
2. The Replat of a subdivision shall meet all current requirements of this Ordinance.
3. The title shall identify the document as "Lot(s) of Block _____, being a Replat of Lot(s) of Block of the (Name of Addition) Subdivision".

D. Application Withdrawal and Inactive Cases

1. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal request to the Director of Community Development.
2. If an applicant fails to respond to staff comments within forty-five (45) days, or an application is otherwise determined to be by the Director of Community Development to be inactive for a period of forty-five (45) days, then the application is considered expired and no longer valid.
3. Any new request after application withdrawal or inactive shall be deemed a "new project"; shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section; and shall be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

E. Approval Process for Replats

1. The approval process for a Replat is the same as for Final Plat seen in Section [14.2.18](#).

F. Final File Copies

1. If a proposed Replat does not require a variance or exception, the Town shall, not later than fifteen (15) days after the Replat is approved, provide written notice by mail of the approval of the Replat to each owner in the original subdivision within two-hundred (200) feet of the lots to be replatted.
2. Within thirty (30) days of the Replat's approval by the Community Development Director, the Planning and Zoning Commission and/or Town Council, the applicant must provide to the Development Services Department the following copies:
 - a) One 24" x 36" mylar. b) Two 24" x 36" paper. c) One 18" x 24" mylar. d) One 18" x 24" paper. e) One 11" x 17" paper.

Exhibit "B"

3. The copies of the Final Plat listed above must be submitted exactly as it was approved by the Town, complete with owner's signatures with notarization and surveyor's signature and seal. One of the blackline mylars will be filed with Denton County Deed Records. The others will be kept on file with the Town. A Developer Agreement for the development may not be executed if the mylar copies of the approved Final Plat have not been provided to the Town[.]
4. Final Plats approved in the ETJ shall not be filed with Denton County until all public infrastructure is constructed by the developer and inspected and accepted by the Town of Argyle.
5. Additionally, the applicant must provide current certified original tax receipts on all properties being platted. These are required by state law in order to file the plat with Denton County. The Applicant is also responsible for the filing fees to file the plat with Denton County. Addresses will be assigned for each lot once the plat is recorded with Denton County.
6. Approval of a Replat is effective for two (2) years. At the end of two (2) years, if the Replat has not been filed with Denton County, the plat will be deemed expired and the applicant/developer must go through the entire process again to obtain another one if desired.

(Ordinance 2010-01, sec. 3, adopted 1/12/10; Ordinance 2010-17, sec. 10, adopted 10/26/10)

SECTION 14.2.24 Processing of Plat and Construction Plans

- A. No Preliminary Plat, Final Plat, Amended Plat, Replat or Vacating Plat shall be accepted for processing if it is determined to be administratively incomplete by the Town Secretary or designee or Town Planner. The application and fees shall be returned to the applicant until the application is complete.
 - 1. Applications shall be reviewed for completeness within five (5) business days of initial submittal. If the Town determines that the application is complete, the application shall then be processed. If the Town determines that it is incomplete upon initial submittal, the Town shall notify the applicant of the deficiencies. Only complete applications will be accepted for review and processing. The required time frame for action by an approval body starts once a complete application and documents are submitted. An application that does not have all required documents will not be considered filed with the Town and time periods for review will not begin to run until the application is complete.
- B. Upon receipt of plat applications or construction plans and the required filing fees, the Town Secretary or designee shall check the plat as to its conformity with the Town's Comprehensive Plan, Land Use Plan, zoning districts, lot size requirements, subdivision and street names and other applicable Town standards.
- C. The Town Secretary or designee shall transmit copies of plats or construction plans to the Town Planner and Town Engineer who will check same for conformity with applicable engineering standards and specifications set forth herein as well as with generally accepted engineering principles when not covered specifically herein. The Town Planner and Town Engineer shall submit a written report to the Town Secretary or designee with his/her suggestions as to modifications, additions, alterations or other matters pertinent to the plat.
- D. The Development Review Committee shall review the proposed construction plans and provide comments to the applicant, Planning and Zoning Commission and Town Council as appropriate.
- E. The Planning and Zoning Commission or, when appropriate, Town Staff shall act on a plat within thirty (30) days after the date the plat is filed. The plat is considered filed when formal application has been made for approval to the Planning and Zoning Commission and the requisite fees paid. The plat is considered approved by the Planning and Zoning Commission unless it is disapproved within thirty (30) days after the plat is filed.
- F. The Town Council shall act on a plat within thirty (30) days after the date the plat is approved by the Planning and Zoning Commission or is considered approved by the inaction of the same. The plat is considered approved by the Town Council unless it is disapproved within thirty (30) days after the date the plat is approved by the Planning and Zoning Commission or is considered approved by the inaction of same.
- G. If a plat is disapproved, the Planning and Zoning Commission or Town Council, as the case may be, on request of an owner of an affected tract, shall certify the reasons for the action taken on the application.
- H. If the Planning and Zoning Commission or Town Council, as the case may be, fails to act on a plat within the prescribed period, the Planning and Zoning Commission or Council, as the case may be, on

Exhibit "C"

request shall issue a certificate stating the date the plat was filed and that the Planning and Zoning Commission or Council, as the case may be, failed to act on the plat within the period.

- I. If the plat is approved, the Town Secretary or designee shall have the approval certificate on the plat executed by the Planning and Zoning Chairman or Mayor or Director of Community Development, as the case may be, and attested by the Town Secretary or designee, contingent to the developer paying all inspection fees, impact fees, assessment charges and pro-rata charges.
- J. After the final plat and plans have been approved by the Town Council, but before construction of water, sewer, street or drainage improvements are started, the Subdivider shall furnish the Town with six (6) sets of the completed detailed plans and specifications.
- K. Lot markers shall be iron pins not less than one-half inch (1/2") in diameter and no less than eighteen inches (18") long and shall be set flush with the ground at each lot corner. 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. Elevation benchmarks shall be set as required by the Town Engineer.
- L. The final plat shall be recorded by the Town Secretary or designee in the office of the County Clerk of the County within ten (10) days from and after the date of final acceptance by the Town Council.
- M. Upon filing the plat in the County Records, the Town Secretary or designee shall have two (2) copies showing the Volume and Page where filed. One (1) copy will be placed in the permanent plat record book at the Town Hall.
- N. The final plat shall be accompanied by certificates from the Town, School District and County Tax Collectors showing that all Town, School District and County taxes on the land being subdivided have been paid to the current year. All impact fees, assessments and applicable pro-rata charges shall be paid to the Town Secretary or designee prior to issuance of a Notice to Proceed to commence construction by the Town Engineer.
- O. Construction Plans shall not be accepted for processing if they are determined to be administratively incomplete by the Town Secretary or designee or Town Planner. The application and fees shall be returned to the applicant until the application is complete.
 - 1. Applications shall be reviewed for completeness within five (5) business days of initial submittal. If the Town determines that the application is complete, the application shall then be processed. If the Town determines that it is incomplete upon initial submittal, the Town shall notify the applicant of the deficiencies. Only complete applications will be accepted for review and processing. The required time frame for action by an approval body starts once a complete application and documents are submitted. An application that does not have all required documents will not be considered filed with the Town and time periods for review will not begin to run until the application is complete.
- P. Town Staff shall act on construction plans within thirty (30) days after the date the plans are filed. The plans are considered filed when formal application has been made for approval to Town Staff and the requisite fees paid. The plans are considered approved by The Town unless they are disapproved within thirty (30) days after the plans are filed.

Part 2. ZONING PROCEDURES AND ADMINISTRATION

SECTION 14.3.25 CONCEPT PLAN AND SITE PLAN REVIEW PROCESSES

14.3.25-1 CONCEPT PLAN:

A. Purpose - The purpose of a concept plan is to allow opportunity for the Planning and Zoning Commission and Town Council to preview various development-related aspects of a project, including proposed major thoroughfare and collector street patterns; land use patterns and trends; environmental issues and constraints; building orientation and massing; conformance to the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, Land Use Plan, Thoroughfare Plan, and other applicable plans and guidelines; and the property's relationship to adjoining subdivisions or properties. Review of a concept plan also assists the Town in evaluating the possible impacts of the proposed development in terms of provision of essential public facilities and services, respecting and preserving important natural features and the environment, provision of open space and recreational opportunities, and protecting the general health, safety and welfare of the community.

Submission and approval of a concept plan is the first step in the approval process for a residential development within an SF-20 and SF-10 zoning district and may be the first step in the approval process for any development project in which a Site Plan is required if the applicant prefers to do so.

B. Applicability:

1. Concept Plan review and approval shall be required as follows:
 - a. For any submittal for a Specific Use Permit;
 - b. For any submittal for a Planned Development;
 - c. For any submittal of a petition for an SF-20 zoning district; or
 - d. For any submittal of a petition for an SF-10 zoning district.
2. An applicant may voluntarily decide to submit a Concept Plan. Submission and approval of a concept plan is encouraged (but not required) in the following circumstances:
 - a. In conjunction with a zoning or rezoning request for a property that is intended for development;
 - b. Prior to submission of an application for a site plan and/or plat for a property that is intended for development (particularly large land parcels); or

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c. In conjunction with any project where a road is to be established or realigned.

C. Submission Requirements: An application for Concept Plan approval shall be comprised of the following in order for said application to be considered complete: (incomplete submissions will not be reviewed until all deficient items and information have been received):

1. An application for a Concept Plan with notarized signatures of the owner or his/her designated representative if the applicant is not the owner of the subject property;
2. Application fee as established on the Town of Argyle schedule of fees;
3. Verification that all taxes and assessments on the subject property have been paid;
4. Copies of the Concept Plan, including all information specified by this Ordinance and any applicable sections of the Town of Argyle Subdivision Ordinance, on 24" x 36" sheet (s) drawn to a known engineering scale that is large enough to be clearly legible and other required information, the quantity of which shall be determined by the Town Manager (or his/her designee).
5. General layout for the required public improvements (water, wastewater, grading/storm drainage, streets, water quality, fire lanes and hydrants, screening and landscaping, etc.), the quantity of which shall be determined by the Town Manager, or his/her designee.
6. Reduced copies (11" x 17") of the site plan as required by the Town Manager, or his/her designee.
7. Any additional information/materials (such as plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the Town Manager (or his/her designee), in order to ensure that the development request is understood.
8. If the application is for a single-family subdivision, a preliminary plat may qualify as a concept plan, notwithstanding other information contained herein that may still be deemed as required with the application.

D. Official Submission Date and Completeness of Application: For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for approval of a concept plan (that contains all elements and information required by this Ordinance) is

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submitted to the Town Manager (or designee). No application shall be deemed officially submitted until the Town Manager (or designee) determines that the application is complete and a fee receipt is issued by the Town.

1. Applications shall be reviewed for completeness within five (5) business days of initial submittal. If the Town determines that the application is complete, the application shall then be processed and the thirty (30) day review period shall begin. If the Town determines that it is incomplete upon initial submittal, the Town shall notify the applicant of the deficiencies. Only complete applications will be accepted for review and processing.
2. Concept plan applications that do not include all required information and materials (as outlined above and per other Town development review policies which may change from time to time) will be considered incomplete, shall not be accepted for official submission by the Town.
3. The required time frame for action by an approval body starts once a complete application and documents are submitted. An application that does not have all required documents will not be considered filed with the Town and time periods for review will not begin to run until the application is complete.

E. Supplemental Requirements: The Town's staff may require other information and data for specific concept plans. This data may include but is not limited to geologic information, water yields, flood data and/or hydrological studies, environmental information, traffic impact analysis, road capacities, market information, economic data for the proposed development, hours of operation, and similar information. Approval of a concept plan may establish conditions for construction based upon such information.

F. Principles and Standards for Concept Plan Review and Evaluation: The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the Town of Argyle, and to ensure that all developments are, to the best extent possible, constructed according to the Town's codes and ordinances.

The Town Manager, or his/her designee, shall review the concept plan for compliance with all applicable Town ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of Argyle; for the promotion of the health, safety, order, efficiency, and economy of the Town; and for the maintenance of property values and the general welfare.

Concept plan review and evaluation by the Town Manager, or his/her designee, shall be performed

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with respect to the following:

1. The plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the Town of Argyle.
2. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
3. The relationship of the development to adjacent uses in terms of harmonious design, setbacks, maintenance of property values, and any possible negative impacts.
4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
6. The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the Town of Argyle, as amended.
7. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
8. The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
9. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
10. Protection and conservation of watercourses and areas that are subject to flooding.
11. Consistency with the Comprehensive Plan of the Town of Argyle, as amended.
12. In approving a concept plan, the Town Council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community. When approving an application for site design and use, the Planning and Zoning Commission and the Town Council may include any or all of the following conditions if they find it necessary to meet the intent and purpose of the standards of this Ordinance:
 - a. Require a maximum increase of twenty percent (20%) in the width or required plant materials for perimeter bufferyards in order to ensure compatibility between

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different land uses.

b. Require retention of significant physical features of a site. Said significant physical features includes, but are not limited to: existing stands of trees, protected trees as specified by the Town's tree preservation standards, bodies of water, watercourses, floodplains and other flood hazard areas, and other natural features.

c. Require pedestrian access, separate pedestrian accessways, sidewalks and protection for rain in new developments.

d. Require developments to provide access to improved streets and, where possible, provide access to the lower order street rather than a major collector or arterial street as designated on the Major Thoroughfare Plan, as amended.

G. Approval Process and Revisions:

1. Pre-Application Conference - The applicant(s) shall avail themselves of the advice and assistance of the Development Review Committee, and shall consult with the Development Review Committee before preparing a concept plan.
Prior to formal application for approval of any concept plan, the applicant(s) shall request and attend a pre-application conference with the Development Review Committee in order to become familiar with the Town's development regulations and the development process. At the pre-application conference, the developer may be represented by his/her land planner, engineer and/or surveyor.
2. Town Staff Review - Upon official submission of a complete application for concept plan approval, the Town shall commence technical review of the development proposal by forwarding a copy of the application to the Development Review Committee.
Development Review Committee team members shall review the application and shall ascertain its compliance with these and other applicable Town regulations. Following Town staff review of the plan and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected plan to the Town Manager (or designee) no later than seven (7) calendar days prior to the Planning

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and Zoning Commission meeting. Failure to resubmit corrected copies of the plan back to the Town in time shall be cause for the Town Manager (or designee) to forward the plan application to the Commission as it was originally submitted rather than the corrected version (corrected copies of the plan resubmitted to the Town less than seven days prior to the meeting date shall not be accepted or forwarded to the Commission). If, upon resubmission of the corrected plan to the Town, the Town Manager (or designee) determines that the application is still incomplete or not correct (i.e., not ripe for consideration), the plan application shall be subject to denial.

3. Application Withdrawal and Inactive Cases

- a. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal request to the Director of Community Development.
- b. If an applicant fails to respond to staff comments within forty-five (45) days, or an application is otherwise determined to be inactive for a period of forty-five (45) days, then the application is considered expired and no longer valid.
- c. Any new request after application withdrawal or inactive shall be deemed a "new project"; shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section; and shall be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

4. Action by the Planning and Zoning Commission and the Town Council - All concept plan applications shall be reviewed by the Planning and Zoning Commission, and if in conformance with the provisions of this Ordinance and all other applicable regulations and codes of the Town, they shall then be considered for approval by the Town Council. The Town Manager, or his/her designee, shall schedule consideration of the concept plan on the regular agenda of the Planning and Zoning Commission within thirty (30) calendar days after the submission is received (or, in the case of an incomplete submission, after the submission is deemed complete). The Planning and Zoning Commission shall review the concept plan and shall recommend approval, approval subject to certain conditions, or disapproval of the concept plan or site plan. If the Planning and Zoning Commission recommends approval (with or without conditions) of the plan, then it will be forwarded to the Town Council for consideration. If the Planning and Zoning Commission recommends disapproval of a plan application, the Commission shall state such disapproval and the reasons therefor. The applicant or property owner may appeal such decision to Town Council by filing a written Notice of Appeal in the office of the Town Manager (or designee) no later than ten (10) calendar days after the date upon which the Commission denied the application. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Town Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date upon which the Notice of Appeal was filed. The Town Council may change the decision of the Commission only by a three-quarters (3/4) vote of the full Town

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Council. The Town Council may also, where appropriate, remand the concept plan or site plan application back to the Commission for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony, etc.). The Town Council shall determine final approval or disapproval of all concept plan or site plan applications.

H. Lapse of Concept Plan Approval:

The approval of a concept plan shall be effective for a period of one hundred and eighty-three (183) calendar days beyond the date that the plan was approved by the Town Council except as provided herein. By 12:01 a.m. on the one hundred and eighty-fourth (184th) calendar day following Council approval of the plan, the applicant must have completed a Town-required "progress benchmark" as set forth below. If this is not accomplished, then the approved concept plan shall be deemed to have expired and shall become null and void. The series of "progress benchmarks" for a project, pursuant to the provisions of this paragraph, are as follows:

Approved Plan Next "Progress Benchmark"

Concept Plan (voluntary, except with PDs & SUPs, SF-20 & SF-10 Zoning Requests)

Approval of the final plan (per Zoning Ordinance) and approval of the construction plat (per Subdivision Ordinance) within one hundred and eighty (183) calendar days following approval of the concept plan; also, continued active engineering review of the engineering/construction plans that were submitted along with the construction plat and final site plan. Site Plan Engineering release and commencement of construction of public improvements, and application for a building permit for at least one of the buildings on the approved site plan, within one hundred and eighty-three (183) calendar days following approval of the site plan.

I. Extension and Reinstatement Procedure:

1. Prior to the lapse of approval for a concept plan, the applicant may submit a written petition [to] the Town to extend the plan approval. Such petition shall be considered at a public meeting before the Planning and Zoning Commission and then Town Council and an extension may be granted by Town Council at such meeting. If no petition for extension of concept plan approval is submitted, then the plan shall be deemed to have expired and shall become null and void. Any new request for concept plan approval shall be deemed a "new project"; shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section;

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and shall be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

2. In determining whether to grant a request for extension, the Town Council shall take into account the following:

- a. The reasons for the lapse,
- b. The ability of the property owner to comply with any conditions attached to the original approval, and
- c. The extent to which development regulations would apply to the concept plan at that point in time.

The Commission and Town Council shall either extend the concept plan or deny the request, in which instance the originally approved plan shall be deemed null and void. The property owner must thereafter submit a new concept plan application for approval as a "new project", and shall conform to the zoning and development regulations then in effect.

J. Concept Plan Requirements:

1. Extent of Area that Should be Included in a Concept Plan - When the overall development project is to be developed in phases, the area to be included in the concept plan area shall be the entire zoned property from which the phases are being developed, as well as an approximate development schedule. Where significant natural or man-made features, such as thoroughfares or creeks, make inclusion of the entire property in the concept plan unnecessary to adequately review the items to be shown on a concept plan, the plan may include a smaller study area. Boundaries such as major thoroughfares (existing or proposed), creeks, political subdivisions, or other such natural or man-made features may be used to delineate the smaller study area.

2. Procedures and Submission Requirements for Concept Plan Approval - Submission of an application for concept plan approval shall be preceded by a pre-application conference with the Town (see Subsection 14.3.25-1.H.1. [14.3.25-1.G.1]). The concept plan shall be prepared at a scale no smaller than one inch equals two hundred feet (1" = 200') or any other such scale specified by the Town Manager or his/her designee, and on

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sheets twenty-four inches by thirty-six inches (24" x 36"), and it shall show the following:

- a. A title block within the lower right-hand corner of the concept plan with the proposed name of the project/subdivision,
- b. The name and address of the owner/developer and the person(s) or entity responsible for preparing the plan,
- c. The scale of the drawing (both written and graphic scale) and north arrow,
- d. The date the drawing was prepared,
- e. Total site acreage and the location of the property according to the abstract and survey records of Denton County, Texas;
- f. A vicinity or location map that shows the location of the proposed development within the Town (or its ETJ) and in relationship to existing roadways;
- g. The boundary survey limits of the tract and scale distances with north clearly indicated;
- h. The names of adjacent subdivisions (or the name of the owners of record and recording information for adjacent parcels of unplatted land), including parcels on the other sides of roads, creeks, etc.;
- i. The existing uses of the subject property;
- j. The general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated;
- k. A generalized circulation plan for the subject property showing the proposed locations and patterns of motor vehicle and pedestrian traffic. Said circulation plan shall contain arrows indicating traffic flow;
- l. The existing zoning and existing/proposed uses on adjacent land;
- m. The location, width and names of all existing or platted streets or other public ways within or adjacent to the tract;
- n. The location, type, size and recording information for any existing easements located on the subject property or within two hundred (200) feet of the subject property. In the event no existing easements have been dedicated, a note to that effect shall be provided;

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- o. Railroad rights-of-way located within two hundred (200) feet of the subject property;
- p. Topography, including contours at ten-foot intervals, with existing drainage channels or creeks;
- q. Any 100-year floodplain as designated on the appropriate Flood Insurance Rate Map (FIRM) located on or within two hundred (200) feet of the subject tract. In the event that a 100-year floodplain is not located on the subject tract or within two hundred (200) feet of the subject tract, a note to that effect must be provided with the reference to appropriate panel number;
- r. Any significant natural features such as rock outcroppings, caves, wildlife habitats, etc.;
- s. All substantial natural vegetation;
- t. Location, type, size, and ownership of all existing water and wastewater lines. Said water and wastewater lines shall include all appurtenances - i.e. valves, hydrants;
- u. Location, type, and size of all drainage and other underground structures;
- v. Proposed connection to all existing water, wastewater, and drainage systems;
- w. Adjacent political subdivisions, corporate limits, and/or school district boundaries;
- x. Identification of forested or treed areas that are to be preserved or left undisturbed;
- y. The layout and width (right-of-way lines) of existing and proposed thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways;
- z. Existing and planned driveways located within two hundred (200) feet of the subject tract, including those located on the opposite side of divided roadways;
- aa. A general arrangement of land uses and buildings, including but not limited to:
 - 1. Proposed nonresidential and residential densities;

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2. Building heights;
3. Building envelopes or general areas of proposed construction;
4. Building massing and orientation;
5. Location of loading/service areas;
6. Location of recycling containers, compactors, dumpsters and their enclosures;
7. Sidewalks and pedestrian walkways;
8. Parking areas;
9. Any proposed sites for parks, schools, public facilities, public or private open spaces; and
- bb. The phasing of development (the anticipated order of development for the overall property).

3. Effect of Review - Developments in which a Concept Plan is required shall be designed and constructed in substantial conformance with the approved Concept Plan and approval shall be deemed a formal authorization to proceed with platting or the next appropriate phase of development.

Where a Concept Plan is presented voluntarily (is not a mandatory submittal), it shall be used solely as an aid to show the anticipated layout of the proposed development and to assess the adequacy of public facilities or services that will be needed to serve the proposed development. Any proposed use or development depicted on the concept plan shall not be deemed a formal authorization or approval by the Town until a final site plan is approved for the development. Concept plan approval is a general acknowledgment by the Town that the proposed layout generally conforms to the Town's Comprehensive Plan and zoning regulations, and that the proposed development can be adequately served by the necessary public facilities or services.

In the event that the applicant chooses to construct only the initial phase(s) of a multi-phase project as designated on a concept plan, a new concept plan may be required for site plan approval of subsequent phases if the proposed

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development layout, character, or other conditions affecting the development substantially change from one phase to the next.

The approved concept plan shall be valid for a period of one hundred and eighty-three (183) calendar days from the date of concept plan approval by Town Council.

14.3.25-2 SITE PLAN:

A. Purpose: This section establishes a Site Plan review process for certain proposed residential, nonresidential, and mixed-use developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with the Comprehensive Plan and other appropriate design standards, safe and efficient vehicular and pedestrian circulation, adequate parking and loading, and adequate water supply, drainage and stormwater management, sanitary sewer facilities, and other utilities and services.

B. Applicability: Site Plan review and approval shall be required as follows:

1. For any development that contains two (2) or more residential dwelling units on a single tract, lot, or parcel of land;
2. For any development that contains single-family attached dwelling units;
3. For any nonresidential development;
4. Any increase in an existing nonresidential structure or a residential structure that contains two (2) or more residential dwelling units that is greater than thirty (30) percent of the existing building square footage;
5. For any Planned Development district or Specific Use Permit.
6. For any single-family residential development that includes a private amenity or facility or a golf course.
7. No building permit shall be issued for any of the above developments until a Site Plan and all other required engineering/construction plans are first approved by the Town. No certificate of occupancy shall be issued until all construction and development conforms to the approved Site Plan and associated engineering/construction plans. The Site Plan review process shall include, but not be limited to, the following steps:
 - a. Pre-application conference;

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- b. Concept Plan review (pursuant to Section 14.3.25-1 above);
- c. Site Plan review and approval; and
- d. Construction of project (after Town approval of required Site Plan and other associated plans, including platting and engineering plans).

C. Submission Requirements: An application for Site Plan approval shall be comprised of the following in order for said application to be considered complete (incomplete submissions will not be reviewed until all deficit items and information has been received):

- 1. An application for a Site Plan with notarized signatures of the owner or his/her designated representative if the applicant is not the owner of the subject property;
- 2. Application fee as established on the Town of Argyle schedule of fees;
- 3. Verification that all taxes and assessments on the subject property have been paid;
- 4. Copies of the Site Plan, including all information specified by this Ordinance and the Town of Argyle Subdivision Ordinance, on 24" x 36" sheet(s) drawn to a known engineering scale that is large enough to be clearly legible and other required information, the quantity of which shall be determined by the Town Manager (or his/her designee).
- 5. General layout for the required public improvements (water, wastewater, grading/storm drainage, streets, water quality, fire lanes and hydrants, screening and landscaping, etc.), the quantity of which shall be determined by the Town Manager, or his/her designee.
- 6. Reduced copies (11" x 17") of the site plan as required by the Town Manager, or his/her designee.
- 7. Landscaping and irrigation plans (with site plan; not required with concept plan), the quantity of which shall be determined by the Town Manager (or his/her designee).
- 8. Any additional information/materials (such as plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the Town Manager (or his/her designee), in order to ensure that the development request is understood.
- 9. If the application is for a single-family subdivision, a preliminary plat may qualify as a site plan, notwithstanding other information contained herein that may still be deemed as

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required with the application.

D. Official Submission Date and Completeness of Application: For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for approval of a site plan (that contains all elements and information required by this Ordinance) is submitted to the Town Manager (or designee). No application shall be deemed officially submitted until the Town Manager (or designee) determines that the application is complete and a fee receipt is issued by the Town.

1. Applications shall be reviewed for completeness within five (5) business days of initial submittal. If the Town determines that the application is complete, the application shall then be processed and the thirty (30) day review period shall begin. If the Town determines that it is incomplete upon initial submittal, the Town shall notify the applicant of the deficiencies. Only complete applications will be accepted for review and processing.
2. Site plan applications which do not include all required information and materials (as outlined above and per other Town development review policies which may change from time to time) will be considered incomplete, shall not be accepted for official submission by the Town.
3. The required time frame for action by an approval body starts once a complete application and documents are submitted. An application that does not have all required documents will not be considered filed with the Town and time periods for review will not begin to run until the application is complete.

E Supplemental Requirements: The Town's staff may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data and/or hydrological studies, environmental information, traffic impact analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, signage, and similar information. Approval of a site plan may establish conditions for construction based upon such information.

F. Principles and Standards for Site Plan Review and Evaluation: The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the Town of Argyle, and to ensure that all developments are, to the best extent possible, constructed according to the Town's codes and ordinances.

The Town Manager, or designee, shall review the site plan for compliance with all applicable Town ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range

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plans for the future development of Argyle; for the promotion of the health, safety, order, efficiency, and economy of the Town; and for the maintenance of property values and the general welfare.

Site plan review and evaluation by the Town Manager, or designee, shall be performed with respect to the following:

1. The plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the Town of Argyle.
2. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
3. The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
6. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
7. The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the Town of Argyle, as amended.
8. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
10. The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.

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12. Protection and conservation of watercourses and areas that are subject to flooding.
13. Provision of the adequate capacity of public or private facilities for water, sewer, paved access to and through the development, electricity, storm drainage, and adequate traffic management.
14. Consistency with the Comprehensive Plan of the Town of Argyle, as amended.
15. In approving a site plan, the Town Council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community. When approving an application for site design and use, the Planning and Zoning Commission and the Town Council may include any or all of the following conditions if they find it necessary to meet the intent and purpose of the standards of this Ordinance:
 - a. Require a maximum increase of twenty percent (20%) in the width or required plant materials for perimeter bufferyards in order to ensure compatibility between different land uses.
 - b. Require such modifications in the landscaping plan as will ensure proper screening and aesthetic appearance.
 - c. Require plantings and ground cover to be predominant, not accessory, to other inorganic or dead organic ground cover.
 - d. Require retention of significant physical features of a site. Said significant physical features includes, but are not limited to: existing stands of trees, protected trees as specified by the Town's tree preservation standards, bodies of water, watercourses, floodplains and other flood hazard areas, and other natural features.
 - e. Require the modification or revision of the placement, design or remodeling of structures, signs, accessory buildings, etc. to be consistent with the standards of this Ordinance.
 - f. Specify the type and placement or shielding of lights for outdoor circulation, parking, and security.
 - g. Require new developments that produce more than one thousand (1,000) vehicle trips per day to provide traffic mitigation by means of traffic signals, traffic controls, turning islands, landscaping or any other means necessary to insure the viability,

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safety, and integrity of existing and proposed thoroughfares, based upon the results of a Traffic Impact Assessment.

h. Require pedestrian access, separate pedestrian accessways, sidewalks and protection for rain in new developments.

Require developments to provide access to improved streets and, where possible, provide access to the lower order street rather than a major collector or arterial street as designated on the Major Thoroughfare Plan, as amended.

G. Approval Process and Revisions:

1. Pre-Application Conference - The applicant(s) should avail themselves of the advice and assistance of the Development Review Committee, and should consult with the Development Review Committee before preparing a site plan.

Prior to formal application for approval of site plan, the applicant(s) shall request and attend a pre-application conference with the Development Review [Committee] in order to become familiar with the Town's development regulations and the development process. At the pre-application conference, the developer may be represented by his/her land planner, engineer and/or surveyor.

2. Town Staff Review - Upon official submission of a complete application for site plan approval, the Town shall commence technical review of the development proposal by forwarding a copy of the application to the Development Review Committee.

Development Review Committee members shall review the application and shall ascertain its compliance with these and other applicable Town regulations. Following Development Review Committee review of the plan and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected plan to the Town Manager (or designee) no later than seven (7) calendar days prior to the Planning and Zoning Commission meeting. Failure to resubmit corrected copies of the plan back to the Town in time shall be cause for the Town Manager (or designee) to forward the plan application to the Commission as it was originally submitted

rather than the corrected version (corrected copies of the plan resubmitted to the Town less than seven days prior to the meeting date shall not be accepted or forwarded to the Commission). If, upon resubmission of the corrected plan to the Town, the Town Manager (or designee) determines that the application is still incomplete or not correct (i.e., not ripe for consideration), the plan application shall be subject to denial.

3. Application Withdrawal and Inactive Cases

- a. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal request to the Director of Community Development.
- b. If an applicant fails to respond to staff comments within forty-five (45) days, or an application is otherwise determined to be by the Director of Community Development to be inactive for a period of forty-five (45) days, then the application is considered expired and no longer valid.
- c. Any new request after application withdrawal or inactive shall be deemed a "new project"; shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section; and shall be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

4. Action by the Planning and Zoning Commission and the Town Council - All site plan applications shall be reviewed by the Planning and Zoning Commission, and if in conformance with the provisions of this Ordinance and all other applicable regulations and codes of the Town, they shall then be considered for approval by the Town Council.

- a. The Planning and Zoning Commission shall act on a site plan within thirty (30) days after the date the site plan is filed. The site plan is considered filed when formal application has been made for approval to the Planning and Zoning Commission and the requisite fees paid. The site plan is considered approved by the Planning and Zoning Commission unless it is disapproved within thirty (30) days after the site plan is filed.
- b. The Town Council shall act on a site plan within thirty (30) days after the date the site plan is approved or disapproved by the Planning and Zoning Commission or is considered approved by the inaction of the same. The site plan is considered approved by the Town Council unless it is disapproved within thirty (30) days after the date the site plan is approved or disapproved by the Planning and Zoning Commission or is considered approved by the inaction of same.
- c. The Town Manager, or his/her designee, shall schedule consideration of the site plan on the regular agenda of the Planning and Zoning Commission within thirty (30) calendar days after the submission is received (or, in the case of an incomplete submission, after the submission is deemed complete). The Planning and Zoning Commission shall review

the site plan and shall recommend approval, approval subject to certain conditions, or disapproval of the site plan. If the Planning and Zoning Commission recommends approval (with or without conditions) of the plan, then it will be forwarded to the Town Council for consideration. If the Planning and Zoning Commission recommends disapproval of a plan application, the Commission shall state such disapproval and the reasons therefor. The applicant or property owner may appeal such decision to Town Council by filing a written Notice of Appeal in the office of the Town Manager (or designee) no later than ten (10) calendar days after the date upon which the Commission denied the application. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Town Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date upon which the Notice of Appeal was filed. The Town Council may change the decision of the Commission only by a three-quarters (3/4) vote of the full Town Council. The Town Council may also, where appropriate, remand the site plan application back to the Commission for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony, etc.). The Town Council shall determine final approval or disapproval of all site plan applications.

5. Revisions to the Approved Site Plan:

- a. Minor revisions/amendment - It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the Town Manager, or his/her designee, shall have the authority to approve minor modifications to an approved site plan (which shall be submitted as an "amended site plan" that substantially conforms to the previously approved site plan), provided that such modifications do not significantly change traffic circulation, building location(s) on the site, proximity of building(s) to nearby residential areas, increase the size or height of building(s), or any other conditions specifically attached as part of the Town Council's approval of the site plan. Submission materials and requirements for approval of an amended site plan shall be as determined by the Town Manager, or his/her designee. If the Town Manager, or his/her designee, refuses to approve an amended site plan, then the applicant shall resubmit the amended site plan as a "revised site plan" as described in Subsection b. below, whereupon the revised site plan shall be scheduled for consideration by the Planning and Zoning Commission and Town Council.
- b. Major revisions - In the event of revisions that are more extensive in nature and

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do not conform to the description for minor amendments above, a "revised site plan" must be resubmitted, reviewed by the Town Manager (or his/her designee), and reconsidered by the Planning and Zoning Commission and the Town Council in accordance with the site plan review and approval procedures set forth in this Section.

H. Lapse of Site Plan Approval:

1. The approval of a site plan shall be effective for a period of one hundred and eightythree (183) calendar days beyond the date that the plan was approved by the Town Council except as provided herein. By 12:01 a.m. on the one hundred and eighty-fourth (184th) calendar day following Council approval of the plan, the applicant must have completed a Town-required "progress benchmark" as set forth below. If this is not accomplished, then the approved site plan shall be deemed to have expired and shall become null and void. The series of "progress benchmarks" for a project, pursuant to the provisions of this paragraph, are as follows:

Approved Plan Next "Progress Benchmark"

Site Plan Engineering release and commencement of construction of public improvements, and application for a building permit for at least one of the buildings on the approved site plan, within one hundred and eighty-three (183) calendar days following approval of the site plan.

I. Extension and Reinstatement Procedure:

1. Prior to the lapse of approval for a site plan, the applicant may submit a written petition to the Town to extend the plan approval. Such petition shall be considered at a public meeting before the Planning and Zoning Commission and then Town Council and an extension may be granted by Town Council at such meeting. If no petition for extension of site plan approval is submitted, then the plan shall be deemed to have expired and shall become null and void. Any new request for site plan approval shall be deemed a "new project"; shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section; and

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shall be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

2. In determining whether to grant a request for extension, the Town Council shall take into account the following:

- a. The reasons for the lapse,
- b. The ability of the property owner to comply with any conditions attached to the original approval, and
- c. The extent to which development regulations would apply to the site plan at that point in time.

The Commission and Town Council shall either extend the site plan or deny the request, in which instance the originally approved plan shall be deemed null and void. The property owner must thereafter submit a new site plan application for approval as a "new project", and shall conform to the zoning and development regulations then in effect.

J. Site Plan Requirements:

1. Applicability and Purpose - Submission and Town approval of a site plan is required as stated in this Section. The purpose of final site plan approval is to ensure that a development project is in compliance with all applicable Town ordinances and guidelines prior to commencement of construction. Approval of the site plan, required platting, landscape plan, building facade plan, and engineering plans are required prior to site construction.

2. Extent of Area That Should Be Included In A Site Plan - When the overall development project is to be developed in phases, the site plan area shall include only the portion of the overall property that is to be developed/constructed.

3. Procedures and Submission Requirements for Site Plan Approval - Submission of an application for site plan approval shall be preceded by a pre-application conference with the Town (see Subsection 14.3.25-2.I.1. [14.3.25-2.G.1]). The site plan shall be prepared by a qualified civil engineer, land planner, architect or surveyor, at a scale of one inch equals one hundred feet (1" = 100') or any other such scale as approved by the Town

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Manager, or his/her designee, and on sheets twenty-four inches by thirty-six inches (24" x 36"), and it shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). The site plan shall include, but not be limited to the following:

- a. A title block within the lower right-hand corner of the concept plan with the proposed name of the project/subdivision,
- b. The name and address of the owner/developer and the land planner, engineer[,], architect or surveyor responsible for the design or survey,
- c. The scale of the drawing (both written and graphic scale) and north arrow,
- d. The date the drawing was prepared,
- e. Total site acreage and the location of the property according to the abstract and survey records of Denton County, Texas;
- f. A vicinity or location map that shows the location of the proposed development within the Town (or its ETJ) and in relationship to existing roadways;
- g. The boundary survey limits of the tract and scale distances with north clearly indicated;
- h. The names of adjacent subdivisions (or the name of the owners of record and recording information for adjacent parcels of unplatted land), including parcels on the other sides of roads, creeks, etc.;
- i. The existing uses of the subject property;
- j. The general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated;
- k. A generalized circulation plan for the subject property showing the proposed locations and patterns of motor vehicle and pedestrian traffic. Said circulation plan shall contain arrows indicating traffic flow;
- l. The existing zoning and existing/proposed uses on adjacent land;
- m. The location, width and names of all existing or platted streets or other public ways within or adjacent to the tract;
- n. The location, type, size and recording information for any existing easements

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located on the subject property or within two hundred (200) feet of the subject property. In the event no existing easements have been dedicated, a note to that effect shall be provided;

o. The location and building footprints of existing buildings located on the property. Existing buildings shall be noted as to those that are to remain and those that are to be removed;

p. Railroad rights-of-way located within two hundred (200) feet of the subject property;

q. Topography, including contours at five-foot intervals, with existing drainage channels or creeks;

r. Any 100-year floodplain as designated on the appropriate Flood Insurance Rate Map (FIRM) located on or within two hundred (200) feet of the subject tract. In the event that a 100-year floodplain is not located on the subject tract or within two hundred (200) feet of the subject tract, a note to that effect must be provided with the reference to appropriate panel number;

s. Any significant natural features such as rock outcroppings, caves, wildlife habitats, etc.;

t. All substantial natural vegetation;

u. Location, type, size, and ownership of all existing water and wastewater lines. Said water and wastewater lines shall include all appurtenances - i.e. valves, hydrants;

v. Location, type, and size of all drainage and other underground structures;

w. Proposed connection to all existing water, wastewater, and drainage systems;

x. Adjacent political subdivisions, corporate limits, and/or school district boundaries;

y. Proposed strategies for tree preservation (showing individual trees or tree masses that will [be] preserved, and the techniques that will be used to protect them during construction);

z. The layout and width (right-of-way lines) of existing and proposed

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thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways;

aa. Existing and planned driveways located within two hundred (200) feet of the subject tract, including those located on the opposite side of divided roadways;

bb. A general arrangement of land uses and buildings, including but not limited to:

1. Proposed nonresidential and residential densities;
2. Building footprints for each proposed structure;
3. Building heights;
4. Building square footages for each proposed structure. For multi-tenant or multi-purpose buildings, show the square footage for each intended use;
5. Building massing and orientation;
6. Location of loading/service areas;
7. Location of recycling containers, compactors, dumpsters and their enclosures;
8. Sidewalks and pedestrian walkways;
9. Parking plan showing the proposed on-site parking stalls with dimensions and driveway aisles with dimensions;
10. Retention/detention ponds with proposed aesthetic treatments;
11. Screening walls;
12. Fences;
13. Signage;
14. Fire lanes with dimensions for fire lane aisles and turnarounds;
15. A lighting plan for all external lighting demonstrating that the Town's lighting standards have been met. Said lighting plan shall include the following:
 - a. The location and type of all lighting fixtures including the height of all pole lights,
 - b. A photometric analysis showing the estimated illumination at the property line,

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- c. The type of illumination fixtures to be utilized, and
- d. The type and method of shielding proposed;
- e. Visibility easements;
- f. Any proposed sites for parks, schools, public facilities, public or private open spaces;
- cc. A landscape plan meeting the Town of Argyle Standards for landscape plans as specified in Section 14.3.67 of this Ordinance;
- dd. An irrigation plan meeting the Town of Argyle Standards for irrigation plans as specified in Section 14.3.67 of this Ordinance;
- ee. Building facade (elevation) plans showing the type and color of the exterior materials to be utilized for each building or structure and each screening wall. Said building elevations shall be drawn to a scale of one inch equals twenty feet (1" = 20') or any such scale as designated by the Town Manager, or his/her designee; and
- ff. A traffic impact analysis as specified in meeting the specifications and requirements of the Town of Argyle Subdivision Regulations.

Provision of the above items shall conform to the principles and standards of this Ordinance and the Comprehensive Plan. To ensure the submission of adequate information, the Town is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the Town Manager (or his/her designee) shall have the authority to update such requirements for site plan and development review applications. It is the applicant's responsibility to be familiar with, and to comply with, these requirements.

3. [4.] Effect of Review - The site plan shall be considered authorization to proceed with construction of the site provided all other required Town approvals are obtained (such as construction plat, engineering plans, landscape plan, building facade plans, building permits, etc.). The approved site plan shall be valid for a period [of] one hundred and eighty-three (183) calendar days from the date of approval by the Town Council.

SECTION 14.2.17 Preliminary Plats

A Preliminary Plat is an overall preliminary development plan for a tract of land. A Preliminary Plat is intended to show the infrastructure requirements for developing property. A Preliminary Plat must be prepared by a Texas-Registered Civil Engineer.

A. Preliminary Plat Required

1. A Preliminary Plat is required on all unplatted tracts:
 - a. That are larger than ten (10) acres, or
 - b. That do not conform with tract dimensions shown on Denton Central Appraisal District Maps, or
 - c. That the development of which involves dedication or construction of streets, drainage ways, or utilities.
2. The purpose of a Preliminary Plat is to allow the Planning and Zoning Commission and Town Staff to review the property’s proposed major thoroughfares and collector street patterns, land use, environmental issues, drainage patterns, availability of utilities, conformance to the Comprehensive Plan, and relationship to adjoining subdivisions or properties.
3. A Preliminary Plat shall include all contiguous property that is under the ownership or control of the applicant. It may contain more than one phase, but each phase must contain improvements that do not depend on future construction in order to meet Town standards.

B. Application

A complete Preliminary Plat application consists of the application form, fee, ten (10) collated and folded copies of the Preliminary Plat including proposed Drainage and Utility Plans, and all information listed below. When a complete application is submitted, the Preliminary Plat and accompanying documents are distributed to Development Review Committee (DRC) members. The Development Review Committee will review the application within five (5) working days. Following review, comments and requested revisions are forwarded to the applicant. The applicant must then return revised copies along with all markups made by staff to the Development Services Department. The Development Review Committee will review the revised documents and will provide comments again within five (5) working days. Larger projects (Fifty [50] lots or more for single-family residential or five [5] acres for non-residential) may require additional review time. Staff will provide a specific time frame for review at time of submittal. Once all comments are addressed, the project will be scheduled on the Planning and Zoning Commission agenda. Preliminary Plats may be approved by the Planning and Zoning Commission if they meet all applicable requirements of this Ordinance. Any changes, variances, or alternatives to the Town’s requirements must be noted on the Preliminary Plat, which can only be approved by Town Council.

C. Information to be Submitted with Preliminary Plat Applications

Exhibit "E"

The review process will not begin until a Preliminary Plat that includes at least the information on the following list is submitted with a completed application form and filing fee. The applicant must submit to the Development Services Department ten (10) 22" x 34" or 24" x 36" copies of the Preliminary Plat and Proposed Utility and Drainage Plans, collated and folded to 9" x 12" size paper, no later than Tuesday at noon four (4) weeks prior to the Planning and Zoning Commission meeting at which the applicant wishes to appear. Rolled documents will not be accepted. Scale used should be 1" = 100' or larger.

1. Preliminary Plat sheet should contain the following information:

a. Title block in lower right hand corner of plat to include:

- 1) Project's name.
- 2) Address and/or legal description of the project, total number of lots and/or phases, total acreage, and zoning.
- 3) Name, address, and telephone number of the property owner.
- 4) Name, address, and telephone number of the applicant.
- 5) Name, address, and telephone number of contact person of the developer.
- 6) Name, address and telephone number of the preparer (Engineer).
- 7) Date of preparation and dates of revisions, if any (As plats are revised, add dates of revision to each submittal).

b. For all single-family residential subdivisions, a plan summary table to include:

- 1) Total number of lots.
- 2) Number of lots per zoning category.
- 3) Total acreage per phase.
- 4) Number of lots per phase.
- 5) Minimum lot size.
- 6) Minimum dwelling unit size.
- 7) Density per acre.

c. Graphic Scale labeled with scale used.

d. North arrow oriented to the top or right of the sheet.

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- e. Vicinity map with scale of 1" = 1000' with site location shaded.
- f. Length and bearing of all straight lines; radii, arc length, tangent length, and central angles of all curves, indicated along the lines of each lot or in tables.
- g. Diagram of a typical corner clip and visibility easement.
- h. Cross-section of proposed streets and alleys, showing the width and type of pavement and the location and width of sidewalks.
- i. Park Dedication requirements.
- j. A list of requested variances from development requirements, if applicable.
- k. Signature block as follows:

"Preliminary Plat Approved by the Town of Argyle Planning and Zoning Commission for the Preparation of a Final Plat".
Chairman: _____
Secretary: _____
Approval Date: _____
- l. Signature block if variance are requested, as follows:

"Preliminary Plat Approved by the Town of Argyle Town Council and Planning and Zoning Commission for the Preparation of a Final Plat"
Mayor: _____
Town Secretary: _____
P&Z Chairman: _____
Date of P&Z Approval: _____
Date of Town Council Approval: _____
- m. Names and boundary lines of abstracts and surveys of the land being platted.
- n. Description and location of all survey monuments placed or found.
- o. Lines delineating the proposed phases of development, if applicable.
- p. Property lines, including lot and block numbers and date recorded if applicable, of land within the area being platted.
- q. The layout and approximate dimensions of proposed lots and blocks, with:
 - 1) Building setback lines.
 - 2) Lot number and block letter designations.
 - 3) Acreage or square footage of each lot.

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4) Zoning designation.

r. Existing and/or proposed streets and alleys, showing proposed street names and the widths of right-of-way and pavement. Where a development abuts a street shown on the Town's Thoroughfare Plan, the Preliminary Plat shall include a proposed dedication of right-of-way in accordance with the requirements of the Thoroughfare Plan.

s. Median openings, turning lanes, acceleration lanes, deceleration lanes, and proposed driveway locations with dimensions.

t. Traffic control signals, devices, and striping, if applicable.

u. Other features that impact the land being platted - including, but not limited to, buildings, cemeteries, parks, landfills, and monuments.

v. Easements, deed restrictions, or other encumbrances that impact development of the property.

w. Names and recording information of adjoining subdivisions, municipalities, counties, special districts, and parcels of unsubdivided land, including:

1) Names of owners of record.

2) Boundary lines.

3) Zoning designations.

4) Names and accurate location of all adjacent streets.

5) Dimensions of all abutting lots.

6) Reference ties to courses and distances of at least one recognized land corner.

7) Easements on all abutting lots.

x. Land proposed for dedication to public use, or for reservation for the common use of property owners, including parks and linear trails, labeled with a separate lot and block designation. Also include a list of the conditions of or limitations on the use of this land.

y. Traffic study or drainage study, if required to further clarify the needs of the project.

z. The Development Services Coordinator, Planning and Zoning Commission, or Town Council may require additional information or drawings, operations data, or expert evaluation when considering the application, including traffic studies and drainage studies.

2. Drainage Plan sheet showing existing and proposed systems, including:

Exhibit "E"

- a. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed development.
- b. Location of lines and inlets.
- c. Location of all existing and proposed utility and/or drainage easements, or right-of-way and detention/retention structures.
- d. Proposed drainage rights-of-way.
- e. Delineation of the 100-year floodplain, if applicable.
- f. Easements, deed restrictions, or other encumbrances that impact development of the property.
- g. Contours at intervals of five feet (5') or less, referred to the latest USC or GS sea level datum, including benchmark.

3. Utility Plan sheet showing existing and proposed systems, including:

- a. Location and size of all existing and proposed water systems and sanitary sewer lines shown for the distance which impacts the land being platted.
- b. Location and size of other existing and/or proposed utility lines which may impact the land development.
- c. Identification of proposed lots that will be served by on site sanitary sewer facilities, if applicable.
- d. Easements, deed restrictions, or other encumbrances that impact development of the property.

4. Aerial photo with overlay of plan in accordance with Article V - Tree Preservation, as applicable.

5. Town Development Standards Variance Request, if applicable.

D. Application Withdrawal and Inactive Cases

- 1. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal request to the Director of Community Development.
- 2. If an applicant fails to respond to staff comments within forty-five (45) days, or an application is otherwise determined to be by the Director of Community Development to be inactive for a period of forty-five (45) days, then the application is considered expired and no longer valid.
- 3. Any new request after application withdrawal or inactive shall be deemed a "new

Exhibit "E"

project"; shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section; and shall be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

E. Approval Process for Preliminary Plats

1. Once all comments are addressed, the project will be scheduled on the Planning and Zoning Commission agenda. Preliminary Plats may be approved by the Planning and Zoning Commission if they meet all applicable requirements of this Ordinance. Any changes, variances, or alternatives to the Town's requirements must be noted on the Preliminary Plat, which can only be approved by Town Council. Variances to only the lot width and/or depth requirements may be considered on the plat by the Planning and Zoning Commission if the lot meets the area requirements of the zoning district it is located in. Preliminary Plat applications will be scheduled for a Planning and Zoning Commission meeting if they are considered complete by Friday at noon ten (10) days prior to the meeting. The Development Services Department must receive thirteen (13) collated and folded copies of the documents on 11" x 17" size paper and one (1) collated and folded copy on 22" x 34" or 24" x 36" size paper for the Planning and Zoning Commission meeting. Based on the Development Review Committee's review, staff will prepare a report and recommendation for the Planning and Zoning Commission. A copy of this information and an agenda for the Planning and Zoning Commission meeting at which the application will be discussed will be available to the applicant on the Friday prior to that Planning and Zoning Commission meeting. The Planning and Zoning Commission shall consider approval or approval with conditions of the Preliminary Plat that conforms to all Town regulations.
2. If alternatives or variances are requested, the Preliminary Plat will be forwarded to the Town Council along with the Planning and Zoning Commission's recommendations within thirty (30) days of the last Planning and Zoning Commission meeting. In such case, the Development Services Department must receive thirteen (13) collated and folded copies of the documents on 11" x 17" size paper and one (1) collated and folded copy on 22" x 34" or 24" x 36" size paper at least ten (10) days prior to the Town Council meeting.
3. Alternatively, the Planning and Zoning Commission may table the request and ask the applicant to make revisions and/or provide additional information on the Preliminary Plat before it approves the plat. In such cases, the Development Services Department must receive thirteen (13) revised, collated, and folded copies of the documents on 11" x 17" size paper and one (1) collated and folded copy on 22" x 34" or 24" x 36" size paper at least two (2) weeks prior to the next Planning and Zoning Commission meeting. Staff will provide to the applicant a copy of the staff report and recommendations, according to the review-and-comment process described above, and the approval process will begin again.

F. Final File Copies

1. Within thirty (30) days of a Preliminary Plat's approval by the Planning and Zoning Commission and/or Town Council, the applicant must submit to the Development Services Department five (5) blueline or blackline 22" x 34" or 24" x 36" copies of the

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Preliminary Plat (including Drainage and Utility Plans) exactly as it was approved by the Planning and Zoning Commission and/or Town Council. The final copies must be received before an application for a Final Plat will be accepted.

2. Approval of a Preliminary Plat is effective for two (2) years. At the end of two (2) years, if no development or change in requirements that affects the Preliminary Plat has occurred, the applicant may request a one-time one (1) year extension which may be granted by the Development Services Coordinator. No filing fee is required for such extensions. If an extension is not requested or if Town regulations have significantly changed since the approval of the Preliminary Plat, the plat or any portion that has not been constructed or has not received Final Plat approval will be deemed invalid and a new application shall be submitted for development.

SECTION 14.2.18 Minor Subdivision Final Plats

A Minor Subdivision Plat is a Final Plat that creates no more than four (4) lots and does not require the creation of a new street or a major extension of municipal facilities. A Preliminary Plat is not required prior to preparation of a Minor Subdivision Plat. Minor Subdivision Plats may be approved for residential and nonresidential properties. The Community Development Director may approve Minor Subdivision Plats or refer them to the Planning and Zoning Commission for their action. All Final Plats must be prepared by a Texas Registered Professional Land Surveyor.

(Ordinance 2010-01, sec. 3, adopted 1/12/10; Ordinance 2010-17, sec. 10, adopted 10/26/10)

A. Minor Subdivision Final Plat Requirements

1. A minor platting procedure is applicable if the subdivision meets the following requirements:
 - a. No more than four (4) lots are contained within the subdivision plat and are fronting on an improved existing street or an approved access easement.
 - b. The proposed lots meet all the requirements of the existing zoning district.
 - c. The plat proposes no vacation of public rights-of-way or easements.
 - d. The extensions of public facilities, such as streets or utilities, are not required for utilization of the property except for minor extensions of existing water or sewer lines (less than 300 feet), construction plans of which shall be submitted at the time of application.
 - e. The proposed development does not create nor contain any drainage problem, it conforms to FEMA floodplain management rules, and it is not within the floodway.
2. If the applicant proposes to plat less than all of its property, a preliminary plat shall be required. Once the preliminary plat is approved, the lot(s) desired for platting may follow the minor platting process if all requirements listed in Section 14.2.18 (A.1) are met.

B. Application

A complete Minor Subdivision Plat application consists of the application form, fee, and ten (10) collated and folded copies of the Final Plat that includes all information listed below. When a complete application is submitted, the Final Plat and accompanying documents are distributed to Development Review Committee (DRC) members. DRC will review the application within five (5) working days. Following review, comments and requested revisions are forwarded to the applicant. The applicant must then return revised copies along with all markups made by staff to the Development Services Department. The Development Review Committee will review the revised documents and will provide comments again within five (5) working days.

C. Information to be Submitted with Minor Subdivision Plats:

The final plat application shall not be considered filed and the review process will not begin until a Final Plat that includes the complete information on the following list is submitted with a required application

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form and filing fee. The applicant must submit to the Development Services Department ten (10) 22" x 34" or 24" x 36" copies of the Final Plat, collated and folded to 9" x 12" size paper. When more than one sheet is required to show a subdivision, a 24" x 36" index sheet must be filed showing the entire subdivision and all dedications, attests, dates, titles, and seals on one sheet. Rolled documents will not be accepted. Scale used should be 1" = 100' or larger.

1. Final Plat sheet should contain the following information:

a. Title Block in lower right-hand corner of plat to include:

- 1) Project's name.
- 2) Address and/or legal description of the project, total number of lots and/or phases, total acreage and zoning.
- 3) Name, address, and telephone number of the property owner.
- 4) Name, address, and telephone number of the applicant.
- 5) Name, address, and telephone number of contact person of the developer.
- 6) Name, address, and telephone number of the preparer (Surveyor).
- 7) Date of preparation and dates of revisions, if any (As plats are revised, add dates of revision to each submittal).

b. For all single-family residential subdivisions, a plan summary table to include:

- 1) Total number of lots.
- 2) Number of lots per zoning category.
- 3) Total acreage per phase.
- 4) Number of lots per phase.
- 5) Minimum lot size.
- 6) Minimum dwelling unit size.
- 7) Density per acre.

c. Graphic Scale labeled with scale used.

d. North arrow oriented to the top or right of the sheet.

e. Vicinity map with scale of 1" = 1000' with site location shaded.

f. Length and bearing of all straight lines; radii, arc length, tangent length, and central angles of all curves, indicated along the lines of each lot or in tables.

g. Diagram of a typical corner clip and visibility easement.

h. Park Dedication requirements.

i. A list of variances from development requirements, if applicable.
(Ordinance 2010-01, sec. 3, adopted 1/12/10)

j. Signature block as follows:

"Approved by the Town of Argyle Development Services Department"

Community Development Director: _____

Town Secretary: _____

Date of approval: _____

(Ordinance 2010-01, sec. 3, adopted 1/12/10; Ordinance 2010-17, sec. 10, adopted 10/26/10)

k. Signature block if variance to lot width or lot depth is requested, as follows:

Exhibit "F"

"Approved by the Town of Argyle Planning and Zoning Commission"

Chairman: _____

Secretary: _____

Date of Approval: _____

l. Signature block if variance other than lot width or lot depth is requested, as follows:

"Approved by the Town of Argyle Town Council and Planning and Zoning Commission"

Mayor: _____

Town Secretary: _____

P&Z Chairman: _____

Date of P&Z Approval: _____

Date of Town Council Approval: _____

m. The following statement when Town sewer will not be utilized: "This subdivision is subject [to] the Texas Health and Safety Code, Chapter 366 and the Texas Water Code Subsections 5.012 and 5.013 in regards to On-Site Sewage Facilities. Additionally, an On-Site Sewage Facility (OSSF) Permit shall be obtained from the Town of Argyle in accordance with Ordinance 2007-10 as amended. The property owner shall connect to sanitary sewer at such time as the Town makes it available and adjacent to subject property."

n. An Owner's Certificate stating the following:

OWNER'S CERTIFICATE

STATE OF TEXAS

COUNTY OF DENTON

WHEREAS, John Doe and Jane Doe are the Owner(s) of a tract of land situated in the (Survey Name), Abstract Number (Survey Number), Denton County, Texas and being that same tract of land described in (Name and Recording Information), and being more particularly described by metes and bounds as follows:

(Metes and bounds description of subdivision with exact acreage and the volume and page of the County Deed Records of the deed for the land being platted and description and location of all survey monuments placed or found)

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That we, John Doe and Jane Doe, Owners, do hereby adopt this plat designating the hereinabove described property as (Plat Name, include lot and blocks), an addition to the Town of Argyle and do hereby dedicate to the public use forever the streets and alleys shown thereon and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easement strips and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing,

Exhibit "F"

inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the Town of Argyle, Texas.

Witness our hands at Denton County, Texas, this ____ day of _____, (year).

John Doe, Owner Jane Doe, Owner

- o. Notary Public's Certificate with a signature line, the Notary Public's stamp, and stating the following:

STATE OF TEXAS
COUNTY OF DENTON

Before me, the undersigned authority, a Notary Public in and for said County and State on this date personally appeared John Doe and Jane Doe, Owners, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, (year).

Notary Public in and for the State of Texas

- p. Surveyor's Certificate with a signature line, the Surveyor's seal, and stating the following:

KNOW ALL MEN BY THESE PRESENTS:

That I, (Surveyor's Name), do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the platting rules and regulations of the Town of Argyle, Texas.

Registered Professional Land Surveyor

- q. Names and boundary lines of abstracts and surveys of the land being platted.
- r. The layout and exact dimensions of proposed lots and blocks, with:
 - 1) Building setback lines.
 - 2) Lot number and block letter designations.
 - 3) Acreage or square footage of each lot and minimum finished floor elevation (minimum finished floor elevation is required only if lot is located within 100-year floodplain or near natural drainage feature).
 - 4) Zoning Designation.
- s. Land proposed for dedication to public use or for reservation for the common use of property owners, labeled with a separate lot and block designation. Also include a list of the conditions of or limitations on the use of this land.
- t. Deed restrictions or other encumbrances that impact development of the property.

Exhibit "F"

- u. Rights-of-way and public property to be abandoned should be identified on the plat, but information is to be provided separately for the creation of an abandonment certificate (see Section 14.2.23 - Abandonment of Easements or Rights-of-Way for procedures).
- v. Existing and/or proposed streets and alleys, showing street names and the widths of rights-of-way and pavement. Where a development abuts a street shown on the Town's Thoroughfare Plan, the Final Plat must include the dedication of rights-of-way in accordance with the requirements of the Thoroughfare Plan.
- w. Location and size of all existing and proposed utility, access, and/or drainage easements for electric, telephone, gas, cable, and solid waste disposal, with a note regarding responsibility for maintenance.
- x. Delineation of the 100-year floodplain, if applicable.
- y. Names and recording information of adjoining subdivisions, municipalities, counties, special districts, and parcels of unsubdivided land, including:
 - 1) Names of owners of record.
 - 2) Boundary lines.
 - 3) Zoning designations.
 - 4) Names and accurate location of all adjacent streets.
 - 5) Dimensions of all abutting lots.
 - 6) Reference ties to courses and distances of at least one recognized land corner.(Ordinance 2010-01, sec. 3, adopted 1/12/10)
- z. The Community Development Director, Planning and Zoning Commission, or Town Council may require additional information or drawings, operations data, or expert evaluation when considering the application, including traffic studies and drainage studies.

(Ordinance 2010-01, sec. 3, adopted 1/12/10; Ordinance 2010-17, sec. 10, adopted 10/26/10)

2. Exhibit of Existing Conditions sheet showing existing and proposed systems, including:

- a. Location of all existing above-ground structures, driveways, sheds, fences, etc., if applicable.
- b. Location and size of all existing and proposed utility, access, and/or drainage easements, with a note regarding responsibility for maintenance.
- c. Location and size of all other utilities existing and/or proposed, underground or overhead, including private transmission lines.
- d. Location and size of all public and private service lines and meters for water and sanitary sewer or septic tanks, if applicable.
- e. Location and distance of nearest existing fire hydrant.
- f. Proposed grading, and a description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed development.
- g. Delineation of the 100-year floodplain, if applicable.

3. Tree survey and aerial photo with overlay of plan in accordance with Article V – Tree Preservation, as applicable.

4. Town Development Standards Variance Request, if applicable. (Ordinance 2010-01, sec. 3, adopted 1/12/10)

Exhibit "F"

D. Application Withdrawal and Inactive Cases

1. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal request to the Director of Community Development.
2. If an applicant fails to respond to staff comments within forty-five (45) days, or an application is otherwise determined to be inactive for a period of forty-five (45) days, then the application is considered expired and no longer valid.
3. Any new request after application withdrawal or inactive shall be deemed a "new project"; shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section; and shall be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

E. Approval Process For Minor Subdivision Final Plats

1. The Community Development Director may approve a Minor Subdivision Final Plat if it meets all requirements of this Ordinance. The Community Development Director shall make final approval or disapproval of a Minor Subdivision Final Plat application within thirty (30) days of a complete application filing. The Community Development Director's decision may be appealed to the Planning and Zoning Commission and Town Council.
2. Variances to only the lot width and/or depth requirements may be considered on the plat by the Planning and Zoning Commission if the lot meets the area requirements of the zoning district it is located in.
3. Based on the Development Review Committee's review, staff will prepare a report and recommendation for the Planning and Zoning Commission and/or Town Council if variances are requested. A copy of this information and an agenda for the Planning and Zoning Commission and/or Town Council meeting at which the application will be discussed will be available to the applicant on the Friday prior to that Planning and Zoning Commission and/or Town Council meeting. The Planning and Zoning Commission and/or Town Council votes on approval, approval with conditions, or disapproval.

F. Final File Copies

1. Within thirty (30) days of the Minor Subdivision Final Plat's approval by the Community Development Director, the Planning and Zoning Commission, or Town Council, the applicant must provide to the Development Services Department the following copies:
 - a) One 24" x 36" mylar.
 - b) Two 24" x 36" paper.
 - c) One 18" x 24" mylar.
 - d) One 18" x 24" paper.
 - e) One 11" x 17" paper.

Exhibit "F"

2. The copies of the Final Plat listed above must be submitted exactly as it was approved by the Town, complete with owner's signatures with notarization and the surveyor's signature and seal. One of the copies will be filed with Denton County Plat Records, and the other copies will be kept on file with the Town. A Development Agreement for the development or a Building Permit shall not be executed if the mylar copies of the approved Final Plat have not been provided to the Town.
3. Final Plats approved in the ETJ shall not be filed with Denton County until all public infrastructure is constructed by the developer and inspected and accepted by the Town of Argyle.
4. Additionally, the applicant must provide current certified original tax receipts on all properties being platted. These are required by state law in order to file the plat with Denton County. The Applicant is also responsible for the filing fees to file the plat with Denton County. Addresses will be assigned for each lot once the plat is recorded with Denton County.
5. Approval of a Minor Subdivision Final Plat is effective for two (2) years. At the end of two (2) years, if the Minor Subdivision Final Plat has not been filed with Denton County, the plat will be deemed expired and the applicant/developer must go through the entire Minor Subdivision Final Plat process again to obtain another one if desired. A Preliminary Plat shall be deemed expired after two (2) years and/or after the extension of one (1) year unless a Final Plat is approved by the Town for the entire Preliminary Plat or a portion of the Preliminary Plat.

(Ordinance 2010-01, sec. 3, adopted 1/12/10; Ordinance 2010-17, sec. 10, adopted 10/26/10)

SECTION 14.2.19 Major Subdivision Final Plats

A. Major Subdivision Final Plat Requirements

1. Major Subdivision Final Plat involves the creation of new streets, the extension of municipal facilities or the creation of more than four lots. Major Subdivision plat may be applicable for residential and non-residential properties. The procedure for approving a major subdivision plat shall require an approved Preliminary Plat. All Final Plats must be prepared by a Texas Registered Professional Land Surveyor.
2. Major Subdivision Final Plats shall substantially conform with approved Preliminary Plats, or a revised Preliminary Plat shall first be submitted for formal approval. The Major Subdivision Final Plat shall include a complete set of Construction Plans for all public improvements.
3. Except as otherwise permitted, the Planning and Zoning Commission's approval of a final plat is required prior to the construction of public improvements on the property. Following the approval of a plat, any sufficient changes require reapproval by the Planning and Zoning Commission.

B. Application

A complete Major Subdivision Final Plat application consists of the application form, fee, ten (10) collated and folded copies of the Final Plat along with three (3) sets of Detailed Engineering Construction Plans, and all information listed below. Detailed construction plans may be rolled. When a complete application is submitted, the Final Plat and accompanying documents are distributed to Development Review Committee (DRC) members. The Development Review Committee has five (5) working days to review the application. Following review, comments and requested revisions are forwarded to the applicant. The applicant must then return revised copies along with all markups made by staff to the Development Services Department. The Development Review Committee will review the revised documents and provide comments again within five (5) working days. Larger projects (Fifty [50] lots or more for single-family residential or fifty [50] acres for non-residential) may require additional review time. Staff will provide a specific time frame for review at time of submittal.

C. Information to be Submitted with Major Subdivision Final Plats

The final plat application shall not be considered filed and the review process will not begin until a Plat that includes at least the information on the following list is submitted with a completed application form and filing fee. The applicant must submit to the Development Services Department ten (10) 22" x 34" or 24" x 36" copies of the Plat, collated and folded to 9" x 12" size paper no later than Tuesday at noon four (4) weeks prior to the Planning and Zoning Commission meeting at which the applicant wishes to appear. When more than one sheet is required to show a subdivision, a 24" x 36" index sheet must be filed showing the entire subdivision and all dedications, attests, dates, titles, and seals on one sheet. Rolled documents will not be accepted. Scale used should be 1" = 100' or larger.

1. Final Plat sheet should contain the following information:

Exhibit "G"

- a. Title Block in lower right hand corner of plat to include:
 - 1) Project's name.
 - 2) Address and/or legal description of the project, total number of lots and/or phases, total acreage and zoning.
 - 3) Name, address, and telephone number of the property owner.
 - 4) Name, address, and telephone number of the applicant.
 - 5) Name, address, and telephone number of contact person of the developer.
 - 6) Name, address, and telephone number of the preparer (Surveyor).
 - 7) Date of preparation and dates of revisions, if any (As plats are revised, add dates of revision to each submittal).
- b. For all single-family residential subdivisions, a plan summary table to include:
 - 1) Total number of lots.
 - 2) Number of lots per zoning category.
 - 3) Total acreage per phase.
 - 4) Number of lots per phase.
 - 5) Minimum lot size.
 - 6) Minimum dwelling unit size.
 - 7) Density per acre.
- c. Graphic Scale labeled with scale used.
- d. North arrow oriented to the top or right of the sheet.
- e. Vicinity map with scale of 1"=1000' with site location shaded.
- f. Length and bearing of all straight lines; radii, arc length, tangent length, and central angles of all curves, indicated along the lines of each lot or in tables.
- g. Diagram of a typical corner clip and visibility easement.
- h. A note that a Park Dedication Agreement exists, if applicable.
- i. A list of variances from development requirements, if applicable.
- j. Signature block as follows:

Exhibit "G"

"Approved by the Town of Argyle Planning and Zoning Commission"

Chairman: _____

Secretary: _____

Date of Approval: _____

k. Signature block if variance is requested, as follows:

"Approved by the Town of Argyle Town Council and Planning and Zoning Commission"

Mayor: _____

Town Secretary: _____

P&Z Chairman: _____

Date of P&Z Approval: _____

Date of Town Council Approval: _____

l. The following statement when Town sewer will not be utilized: "This subdivision is subject the Texas Health and Safety Code, Chapter 366 and the Texas Water Code Subsections 5.012 and 5.013 in regards to On-Site Sewage Facilities. Additionally, an On-Site Sewage Facility (OSSF) Permit shall be obtained from the Town of Argyle in accordance with Ordinance 2007-10 as amended. The property owner shall connect to sanitary sewer at such time as the Town makes it available and adjacent to subject property."

m. An Owner's Certificate stating the following:

OWNER'S CERTIFICATE

STATE OF TEXAS

COUNTY OF DENTON

WHEREAS, John Doe and Jane Doe are the Owner(s) of a tract of land situated in the (Survey Name), Abstract Number (Survey Number), Denton County, Texas and being that same tract of land described in (Name and Recording Information), and being more particularly described by metes and bounds as follows:

(Metes and bounds description of subdivision with exact acreage and the volume and page of the County Deed Records of the deed for the land being platted and description and location of all survey monuments placed or found)

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That we, John Doe and Jane Doe, Owners, do hereby adopt that plat designating the hereinabove described property as (Plat Name, include lot and blocks), an addition to the Town of Argyle and do hereby dedicate to the public use forever the streets and alleys shown thereon and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the

Exhibit "G"

construction, maintenance or efficiency of its respective systems on any of these easement strips and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat

_____ approved subject to all platting ordinances, rules, regulations, and resolutions of the Town of Argyle, Texas.

Witness our hands at Denton County, Texas, this ____ day of ____, (year).

John Doe, Owner Jane Doe, Owner

n. Notary Public's Certificate with a signature line, the Notary Public's stamp, and stating the following:

STATE OF _____
COUNTY OF DENTON

TEXAS

Before me, the undersigned authority, a Notary Public in and for said County and State on this date personally appeared John Doe and Jane Doe, Owners, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of ____, (year).

Notary Public in and for the
State of Texas

o. Surveyor's Certificate with a signature line, the Surveyor's seal, and stating:

KNOW ALL MEN BY THESE PRESENTS:

That I, [Surveyor's Name], do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the platting rules and regulations of the Town of Argyle, Texas.

Registered Professional Land Surveyor

p. Names and boundary lines of abstracts and surveys of the land being platted.

q. Lines delineating the proposed phases of development, if applicable.

r. The layout and exact dimensions of proposed lots and blocks, with:

1) Building setback lines.

Exhibit "G"

- 2) Lot number and block letter designations.
 - 3) Acreage or square footage of each lot and minimum finished floor elevation (minimum finished floor elevation is required only if lot is located within 100-year floodplain or near natural drainage feature).
 - 4) Zoning designation.
- s. Land proposed for dedication to public use or for reservation for the common use of property owners, labeled with a separate lot and block designation. Also include a list of the conditions of or limitations on the use of this land.
- t. Deed restrictions or other encumbrances that impact development of the property.
- u. Rights-of-way and public property to be abandoned should be identified on the plat, but information is to be provided separately for the creation of an abandonment certificate (see Section 14.2.23 - Abandonment of Easements or Rights-of-Way for procedures).
- v. Existing and/or proposed streets and alleys, showing street names and the widths of rights-of-way and pavement. Where a development abuts a street shown on the Town's Thoroughfare Plan or a proposed Thoroughfare is within the development, the Final Plat shall include the dedication of rights-of-way in accordance with the requirements of the Thoroughfare Plan.
- w. Location of all existing and proposed utility, access, and/or drainage easements, with a note regarding responsibility for maintenance.
- x. Delineation of the 100-year floodplain, if applicable.
- y. Names and recording information of adjoining subdivisions, municipalities, counties, special districts, and parcels of unsubdivided land, including:
- 1) Names of owners of record.
 - 2) Boundary lines.
 - 3) Zoning designations.
 - 4) Names and accurate location of all adjacent streets.
 - 5) Dimensions of all abutting lots.
 - 6) Reference ties to courses and distances of at least one recognized and corner.
- z. The Development Services Coordinator, Planning and Zoning Commission, or Town Council may require additional information or drawings, operations data, or expert evaluation when considering the application, including traffic studies and drainage studies.

Exhibit "G"

2. Exhibit of Existing Conditions (if Construction Plans are not required) showing the following:
 - a. Location of all existing and proposed utility, access, and/or drainage easements, with a note regarding responsibility for maintenance.
 - b. Proposed grading, and a description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed development.
 - c. Delineation of the 100-year floodplain, if applicable.
 - d. Location of all public and private service lines for water and sanitary sewer or septic tanks, if applicable.
3. Tree survey and aerial photo with overlay of plan in accordance with Article V - Tree Preservation, as applicable.
4. Town Development Standards Variance Request, if applicable.

D. Application Withdrawal and Inactive Cases

1. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal request to the Director of Community Development.
2. If an applicant fails to respond to staff comments within forty-five (45) days, or an application is otherwise determined to be by the Director of Community Development to be inactive for a period of forty-five (45) days, then the application is considered expired and no longer valid.
3. Any new request after application withdrawal or inactive shall be deemed a "new project"; shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section; and shall be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

E. Approval Process for Major Subdivision Final Plats

1. Major Subdivision Final Plat applications will be scheduled for a Planning and Zoning Commission meeting if they are considered complete by Friday at noon ten (10) days prior to the meeting. The Development Services Department must receive thirteen (13) collated and folded copies of the documents on 11" x 17" size paper and one (1) collated and folded copy on 22" x 34" or 24" x 36" size paper for the Planning and Zoning Commission meeting. Based on the Development Review Committee's review, staff will prepare a report and recommendation for the Planning and Zoning Commission. A copy of this information and an agenda for the Planning and Zoning Commission meeting at which the application will be discussed is available to the applicant on the Friday prior to that Planning and Zoning Commission meeting. The Planning and Zoning Commission shall consider approval or approval with conditions of the Major Subdivision Final Plat that conforms to all Town regulations.

Exhibit "G"

2. Variances to only the lot width and/or depth requirements may be considered on the plat by the Planning and Zoning Commission if the lot meets the area requirements of the zoning district it is located in.
3. If alternatives or variances are requested, the Major Subdivision Final Plat shall be forwarded to the Town Council along with the Planning and Zoning Commission's recommendations within thirty (30) days of the last Planning and Zoning Commission meeting. In such case, the Development Services Department must receive thirteen (13) collated and folded copies of the documents on 11" x 17" size paper at least two (2) weeks prior to the Town Council meeting.

F. Final File Copies

1. Within thirty (30) days of the Major Subdivision Final Plat's approval by the Planning and Zoning Commission and/or Town Council, the applicant must provide to the Development Services Department the following copies:
 - a) One 24" x 36" mylar.
 - b) Two 24" x 36" paper.
 - c) One 18" x 24" mylar.
 - d) One 18" x 24" paper.
 - e) One 11" x 17" paper.
2. The copies of the Final Plat listed above must be submitted exactly as it was approved by the Town, complete with owner's signatures with notarization and surveyor's signature and seal. One of the blackline mylars will be filed with Denton County Deed Records. The others will be kept on file with the Town. A Development Agreement for the development may not be executed if the mylar copies of the approved Final Plat have not been provided to the Town.
3. Final Plats approved in the ETJ shall not be filed with Denton County until all public infrastructure is constructed by the developer and inspected and accepted by the Town of Argyle.
4. Additionally, the applicant must provide current certified original tax receipts on all properties being platted. These are required by state law in order to file the plat with Denton County. The Applicant is also responsible for the filing fees to file the plat with Denton County. The Development Services Department will assign addresses for each lot once the plat is recorded with Denton County.
5. Approval of a Major Subdivision Final Plat is effective for two (2) years. At the end of two (2) years, if the Major Subdivision Final Plat has not been filed with Denton County, the plat will be deemed expired and the applicant/developer must go through the entire process again to obtain another one if desired. A Preliminary Plat shall be deemed expired after two (2) years and/or after the extension of one (1) year unless a Final Plat is approved by the Town for the entire Preliminary Plat or a portion of the Preliminary Plat.

Exhibit "G"

SECTION 14.2.20 Amending Plats

Amending Plats can be filed to correct an error in the real property description on part of all of an officially recorded Plat. Amending plats can be filed only to correct the errors specifically listed in Section 212.016 of Texas Local Government Code.

A. Amending Plat Requirements

An Amending Plat shall meet all of the informational requirements set forth for a Final Plat in Section [14.2.18\(C\)](#). The Community Development Director may approve and issue an Amending Plat, which may be recorded and is controlling over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

1. Correcting an error in a course or distance shown on the preceding plat.
2. Adding a course or distance that was omitted on the preceding plat.
3. Correcting an error in a real property description shown on the preceding plat.
4. Indicating monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.
5. Showing the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat.
6. Correcting any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats.
7. Correcting an error in courses and distances of lot lines between two adjacent lots if:
 - a. Both lot owners join in the application for amending the plat.
 - b. Neither lot is abolished.
 - c. The amendment does not attempt to remove recorded covenants or restrictions.
 - d. The amendment does not have a material adverse effect on the property rights of the owners in the plat.
8. Relocating a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
9. Relocating one or more lot lines between one or more adjacent lots if:
 - a. The owners of all those lots join in the application for amending the plat.
 - b. The amendment does not attempt to remove recorded covenants or restrictions.
 - c. The amendment does not increase the number of lots.
10. Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

B. Application Withdrawal and Inactive Cases

1. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal request to the Director of Community Development.
2. If an applicant fails to respond to staff comments within forty-five (45) days, or an application is otherwise determined to be by the Director of Community Development to be inactive for a period of forty-five (45) days, then the application is considered expired and no longer valid.
3. Any new request after application withdrawal or inactive shall be deemed a "new project"; shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section; and shall be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

C. Approval Process for Amending Plats

Other than noted above, the procedure for approval of an amending plat shall be the same as for approval of a Minor Subdivision Final Plats seen in Section 14.2.18.

D. Final File Copies

1. Within thirty (30) days of the Amended Plat's approval by the Community Development Director, the applicant must provide to the Development Services Department the following copies:
 - a) One 24" x 36" mylar.
 - b) Two 24" x 36" paper.
 - c) One 18" x 24" mylar.
 - d) One 18" x 24" paper.
 - e) One 11" x 17" paper.
2. The copies of the Final Plat listed above must be submitted exactly as it was approved by the Town, complete with owner's signatures with notarization and surveyor's signature and seal. One of the blackline mylars will be filed with Denton County Deed Records. The others will be kept on file with the Town. A Development Agreement for the development may not be

Exhibit "H"

executed if the mylar copies of the approved Final Plat have not been provided to the Town.

3. Final Plats approved in the ETJ shall not be filed with Denton County until all public infrastructure is constructed by the developer and inspected and accepted by the Town of Argyle.
4. Additionally, the applicant must provide current certified original tax receipts on all property being platted. These are required by state law in order to file the plat with Denton County. The Applicant is also responsible for the filing fees to file the plat with Denton County. Addresses will be assigned for each lot once the plat is recorded with Denton County.
5. Approval of an Amended Plat is effective for two (2) years. At the end of two (2) years, if the Amended Plat has not been filed with Denton County, the plat will be deemed expired and the applicant/developer must go through the entire process again to obtain another one if desired.

**SECTION 14.3.23 AMENDMENTS TO ZONING ORDINANCE AND DISTRICTS,
ADMINISTRATIVE PROCEDURES, AND ENFORCEMENT**

14.3.23-1 DECLARATION OF POLICY AND REVIEW CRITERIA:

A. The Town declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

1. To correct any error in the regulations or map;
2. To recognize changed or changing conditions or circumstances in a particular locality;
3. To recognize changes in technology, the style of living, or manner of conducting business;
or
4. To change the property to uses in accordance with the Town's adopted Comprehensive Plan.

B. In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the Town Council shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the Town as a whole;
2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;
3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the Town, and any special circumstances that may make a substantial part of such vacant land unavailable for development;
4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
5. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved; and
6. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

14.3.23-2 AUTHORITY TO AMEND ORDINANCE: A. The Town Council may from time to time, after receiving a recommendation thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning Map. Any amendment to the Zoning Ordinance text or to zoning district boundaries may be ordered for consideration by the Town Council, may be initiated by the Planning and Zoning Commission, or may be requested by the

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owner of real property (or his/her authorized representative).

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B. Consideration for a change in any zoning district boundary line or special zoning regulation may be initiated only by the property owner or his/her authorized agent (proof of such authorization must be submitted with the zoning application, per Section [14.3.23-3](#)), or by the Planning and Zoning Commission or the Town Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown in Town records are different, the applicant shall submit proof of ownership and verification that he/she is acting as an authorized agent for the property owner.

(Ordinance 2010-01, sec. 3, adopted 1/12/10)

14.3.23-3 APPLICATION:

A. Each application for zoning, rezoning, Specific Use Permit (SUP), or for a text amendment to a provision(s) of this Zoning Ordinance, shall be made in writing on an application form available in the Town Secretary's office. The application shall be delivered to the Town at least thirty (30) days prior to the date of the public hearing before the Planning and Zoning Commission, and shall be accompanied by the following:

1. Payment of the appropriate fee;
2. An accurate metes and bounds description of the subject property (or other suitable legal description);
3. A survey exhibit and other appropriate exhibits as deemed necessary by the Town Manager (or designee). Said exhibits shall include but not be limited to site plans, maps, architectural elevations, and information about proposed uses; and
4. A concept plan as prescribed in Section [14.3.25](#) of this Ordinance with any zoning request involving a Specific Use Permit (SUP) request or a Planned Development (PD) district.

B. All zoning change requests involving real property (including PD and SUP requests) shall be accompanied by a notarized statement verifying land ownership and, if applicable, authorization of land owner's agent to file the zoning change request.

C. Official Submission Date and Completeness of Application:

1. For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for a zoning change request (that contains all elements and information required by this Ordinance) is submitted to the Town Manager (or designee). No application shall be deemed officially submitted until the Town Manager (or his/her designee) determines that the application is complete and a fee receipt is issued by the Town.
2. Zoning applications that do not include all required information and materials as specified herein or by any other policy, ordinance, regulation or requirement of the Town of Argyle will be considered incomplete, shall not be accepted for official submission by the Town, and shall not be scheduled on a Planning and Zoning Commission agenda until the proper

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information is provided to the Town.

(Ordinance 2010-01, sec. 3, adopted 1/12/10; Ordinance 2010-17, sec. 2, adopted 10/26/10)

D. Application Withdrawal and Inactive Cases:

1. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal request to the Director of Community Development.
2. If an applicant fails to respond to staff comments within forty-five (45) days, or an application is otherwise determined to be inactive for a period of forty-five (45) days, then the application is considered expired and no longer valid.
3. Any new request after application withdrawal or inactive shall be deemed a "new project"; shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section; and shall be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

14.3.23-4 NOTICE OF PUBLIC HEARING:

A. For zoning and rezoning petitions involving real property, including adoption of or any amendment to a Specific Use Permit or a Planned Development, the Planning and Zoning Commission shall hold at least one public hearing on each zoning application, as per Texas Local Government Code Chapter 211, as amended. For proposed changes to zoning district boundaries, including rezoning requests, notice of the public hearing to occur prior to the Planning and Zoning Commission shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the Town before the fifteenth (15th) calendar day prior to the date of the public hearing. Written notice of the public hearing shall also be sent to all owners of property, as indicated by the most recently approved Town tax roll, that is located within the area of application and within two hundred feet (200') of the property line of the property subject to the application, said written notice to be sent before the tenth (10th) calendar day prior to the date such hearing is held. Such notice shall describe the zoning petition, describe the property or area subject to the petition, indicate the dates of the scheduled Planning and Zoning and Town Council hearings, provide an area for the property owner to specify their support or opposition to the petition, provide a signature line for the addressee, and describe the addressee's rights as a property owner within two hundred (200) feet of the zoning petition pursuant to the Texas Local Government Code, Subsection 211.006(d). Notice to property owners within two hundred (200) feet may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the United States mail. (Ordinance 2010-01, sec. 3, adopted 1/12/10; Ordinance 2017-19 adopted 8/22/17)

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B. For zoning and rezoning petitions as specified in subsection A, above, a notice of the time and place of the hearing will be published in an official newspaper or newspaper of general circulation in the Town at least 15 days calendar days before the Town Council hearing.

C. For requests involving proposed changes to the text of the Zoning Ordinance, notice of the Planning and Zoning Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the Town before the fifteenth (15th) calendar day prior to the date of the public hearing. Changes to the text of this Ordinance that do not change zoning district boundaries does not require written notification to individual property owners.

D. The Town may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and development proposals (e.g., site plans, plats, etc.). Knowledge of and adherence to such rules and procedures, if so established by the Town, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

E. The applicant for a zoning or rezoning petition shall erect at least one (1) sign provided by the Town on the site subject to said zoning or rezoning petition. Said sign(s) shall, if possible, be located adjacent to a public thoroughfare in a visible location. The applicant shall remove and return such sign(s) to the Town within five (5) calendar days after action by the Town Council or immediately upon the withdrawal of the petition, whichever comes first. The sign shall contain a notice of the rezoning and the agency and telephone number from which information relative to the zoning or rezoning petition may be obtained.

(Ordinance 2010-01, sec. 3, adopted 1/12/10)

F. A written courtesy notice of the public hearing shall also be sent to all owners of property, as indicated by the most recently approved Town tax roll, that is located within the area of application and within one thousand feet (1,000') of the property line of the property subject to the application, said written notice to be sent before the tenth (10th) calendar day prior to the date such hearing is held. Such notice shall describe the zoning petition, describe the property or area subject to the petition, indicate the dates of the scheduled Planning and Zoning and Town Council hearings, provide an area for the property owner to specify their support or opposition to the petition, [and] provide a signature line for the addressee,.[.] Notice to property owners within one thousand (1,000) feet may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the United States mail. (Ordinance 2017-19 adopted 8/22/17)

14.3.23-5 FAILURE TO APPEAR:

A. Failure of the applicant or authorized representative to appear before the Planning and Zoning Commission or the Town Council for more than one (1) hearing without an approved delay by the Town Manager, or his/her designee, shall constitute sufficient grounds for the Planning and Zoning Commission or the Town Council to table or deny the application unless the Town is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. (Ordinance 2010-01,

sec. 3, adopted 1/12/10; Ordinance 2010-17, sec. 2, adopted 10/26/10)

14.3.23-6 PLANNING AND ZONING COMMISSION CONSIDERATION AND RECOMMENDATION:

A. The Planning and Zoning Commission shall function in accordance with Section [14.3.21](#) of this Ordinance and with applicable provisions in the Town's Code of Ordinances.

B. Planning and Zoning Commission Action on Zoning, Rezoning or Text Amendment Requests - The Commission shall hold a public hearing on all zoning or rezoning, including any proposed amendments to the text of this Ordinance. After all public input has been received and the public hearing has been closed, the Commission shall make its recommendations on the proposed zoning request stating its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the Town's Comprehensive Plan. The Planning and Zoning Commission may, on its own motion or at the applicant's request, defer its decision/recommendation for not more than ninety

(90) calendar days from the time the public hearing was first opened, or until it has had an opportunity to consider other information or proposed modifications to the request that may have a direct bearing thereon. If the Commission elects to table the request, such tabling shall specifically state the time period of the tabling by citing the meeting date whereon the request will reappear on the Commission's agenda, and further notice in the newspaper and to surrounding property owners shall not be required.

If the Planning and Zoning Commission recommends denial of the request, the Planning and Zoning Commission may specify whether the recommendation for denial is with prejudice or without prejudice. In the event the Planning and Zoning Commission recommendation for denial with prejudice is upheld by the Town Council, then no other zoning application may be filed for all or part of the subject tract of land for a waiting period of three hundred and sixty-five (365) calendar days following the hearing date upon which the zoning request was denied with prejudice by the Town Council. In the instance that the Planning and Zoning Commission recommendation for denial without prejudice was upheld by the Town Council or the petition was initiated by the Town and involved a proposed amendment to the text of the Zoning Ordinance, then no waiting period shall be required before the request can be reconsidered.

C. When the Commission is ready to act upon a zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions, disapproval of the request with prejudice, or disapproval of the request without prejudice as specified in Subsection B, above. Each of the Commission's recommendations shall be automatically forwarded to the Town Council for a second public hearing thereon unless the applicant specifically requests otherwise. Any such request shall be submitted via a written request that is signed by the original applicant.

14.3.23-7 TOWN COUNCIL CONSIDERATION:

A. Applications Forwarded from the Planning and Zoning Commission to the Town Council Every zoning application that has been considered and received a recommendation from the Planning and

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Zoning Commission shall be automatically forwarded to the Town Council for a second public hearing thereon following appropriate public hearing notification as prescribed in Section [14.3.23-4](#) above. The Town Council may then approve the request, approve it with conditions, or disapprove it by a single majority vote of the Council members present and voting.

Ultimate approval of any zoning request which was recommended for denial by the Planning and Zoning Commission will require a three-fourths (3/4) majority vote of the full Town Council. No zoning change, however, shall become effective until after the adoption of an ordinance by the Town Council for same and its publication as required by law.

B. Town Council Action on Zoning, Rezoning or Text Amendment Requests -After a public hearing is held before the Town Council regarding the zoning application, the Town Council may approve the request in whole or in part, deny the request in whole or in part, table the application to a future meeting, or refer the application back to the Planning and Zoning Commission for further study.

1. If the Town Council approves the request, then Subsection [14.3.23-7.F](#) will apply.
2. If the Town Council denies the request, the Town Council shall specify whether the petition is denied with prejudice or without prejudice. In the event the Town Council denies a petition with prejudice, then no other zoning application may be filed for all or part of the subject tract of land for a waiting period of three hundred and sixty-five (365) calendar days following the hearing date upon which the zoning request was denied with prejudice. In the instance that the request was denied without prejudice or was initiated by the Town and involved a proposed amendment to the text of the Zoning Ordinance, then no waiting period shall be required before the request can be reconsidered.
 - a. The Town Council may, at its option, waive the specified waiting period for a petition denied with prejudice if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon

erroneous or omitted information, or if substantial new information pertaining to the request is discovered.

C. Notice of the Town Council Hearing for Zoning Changes - Notice of the Town Council public hearing for a zoning, rezoning or Zoning Ordinance text amendment request shall be given in the same manner as that for the public hearing before the Planning and Zoning Commission (see Subsection [14.3.23-4](#)).

D. Protests - For zoning and rezoning requests involving real property, including the consideration of or any amendment to a Specific Use Permit or a Planned Development, a favorable vote of three-fourths (3/4) of all members of the Town Council shall be required to approve any change in zoning when written objections are received from twenty percent (20%) or more of the land area covered by the proposed change, or of the land area within two hundred feet (200') of the subject property, in accordance with the provisions of Section 211.006 of the Texas Local Government Code. If a protest against such proposed zoning change has been filed with the Town Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the land included in such a proposed change or those owners of property immediately adjacent to the subject property and extending two hundred feet (200') therefrom, such zoning change shall not become effective except by a three-fourths (3/4) vote of the full Town Council.

E. Joint Public Hearings -The Town Council may hold a joint public hearing on a zoning, rezoning or Zoning Ordinance text amendment request along with the Planning and Zoning Commission, but the Town Council shall not take action on the request until it has received a final recommendation from the Commission. Notification for the Town Council's public hearing, whether held separately or jointly with the Commission, may be accomplished simultaneously with the public notification given for the public hearing to be held before the Planning and Zoning Commission.

(Ordinance 2010-01, sec. 3, adopted 1/12/10)

F. Final Approval and Ordinance Adoption -Upon approval of the zoning request by the Town Council, the applicant shall submit all related material with revisions, if necessary, to the Town Manager (or his/her designee) for the preparation of the amending ordinance. The zoning request shall be deemed approved at the time the Town Council makes a decision to approve the request as submitted or with certain conditions. However, the amending ordinance will not be prepared for adoption until a correct description and all required exhibits have been submitted to the Town Manager (or his/her designee), and the amending ordinance shall not be formally adopted until it is adopted by the Town Council, signed by the Mayor, and attested by the Town Secretary. (Ordinance 2010-01, sec. 3, adopted 1/12/10; Ordinance 2010-17, sec. 2, adopted 10/26/10)

14.3.23-8 ADMINISTRATION AND ENFORCEMENT:

A. A designated Town of Argyle official shall be authorized by the Town Council to administer and enforce the provisions of this Ordinance. If such designated official finds upon his/her own personal observation, or upon receipt of a complaint, that the provisions of this Ordinance are being violated, he/she shall immediately investigate and, when necessary, give written notice to the person

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(s) responsible to cease or correct such violation(s) immediately. Notice may be delivered in person or by certified mail to the violator(s) or to any person owning or leasing a property where the violation is occurring. The designated Town official, or his/her authorized representative, shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises that may be necessary to carry out the duties in the enforcement of this Ordinance.

B. Stop Work Orders - Whenever any building or construction work is being conducted contrary to the provisions of this Ordinance, the designated Town official, or his/her authorized representative, shall have the authority to order the work stopped by notice in writing served on the property owner or the contractor conducting the work or causing such work to be done, and any such person shall forthwith stop such work until authorized in writing by the Town to proceed with such work. Failure to immediately stop work as provided herein shall constitute a violation of this Ordinance, in accordance with Section [14.3.88](#) (Penalty for Violations), and may incur penalties for such violation.

14.3.23-9 SCHEDULE OF FEES, CHARGES AND EXPENSES:

A. Until all applicable fees, charges and expenses have been paid in full; no action shall be taken on any zoning or development application or on any appeal.

B. The Town Council shall determine and adopt a fee schedule for the purpose of recovering all or a portion of the administrative costs associated with processing zoning and development requests, including public hearings that are called for in this Ordinance. Such fees shall be paid by the applicant and shall not be designed to in any way restrict the applicant's ability to seek and receive a hearing or to generate revenue for other than recovery of actual administrative costs incurred by the Town in the review and processing of applications. Immediately upon receipt of a complete submission for a zoning change or other development plan approval (in accordance with Subsection [14.3.23-3C](#) above), the Town Secretary (or his/her designee) shall issue a fee receipt and shall create a case file as a permanent Town record thereof.

(Ordinance 2010-01, sec. 3, adopted 1/12/10)

SECTION 14.3.52 SUP - SPECIFIC USE PERMITS

14.3.52-1 PURPOSE AND INTENT:

A. Nature of Conditional Use - A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving Specific Use Permit applications.

B. Permit Required - No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within any zoning district until a Specific Use Permit (SUP) is issued in accordance with the provisions of this Section. An application for an SUP shall be accompanied by a concept plan or a detailed site plan prepared in the manner described in Section

14.3.25. The concept plan or site plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in Section

14.3.25.

14.3.52-2 STATUS OF CONDITIONALLY PERMITTED USES:

The following general rules apply to all conditional uses:

A. The designation of a use in a zoning district as may be permitted by SUP of this Ordinance does not constitute an authorization or assurance that such use will be approved.

B. Approval of an SUP shall authorize only the particular use for which the SUP is issued.

C. No use authorized by an SUP shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new Specific Use Permit in accordance with the procedures set forth in this Section and Section 14.3.23 of this Ordinance.

D. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the Town Code of Ordinances, and any permits that may be required by regional, State or Federal agencies.

14.3.52-3 APPLICATION FOR SPECIFIC USE PERMIT:

A. Application Requirements - An application for a Specific Use Permit may be submitted by the property owner or by the property owner's designated representative to the Town. The application shall be accompanied by a concept plan or site plan prepared in accordance with the requirements of Section 14.3.25. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a Specific Use Permit.

B. Subdivision Approval -If the proposed use requires a division of or the platting of land, an application for the first step in subdivision approval shall be submitted in conjunction with the application for a Specific Use Permit (see Subdivision Ordinance). Approval of the Specific Use Permit shall not become effective until final approval of the subdivision application provided that, if the land is to be divided and developed in phases, the approval of the

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Specific Use Permit shall take effect upon construction plat approval of the phase of the subdivision containing the property on which the conditional use is to be located.

C. Application Withdrawal and Inactive Cases

1. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal request to the Director of Community Development.
2. If an applicant fails to respond to staff comments within forty-five (45) days, or an application is otherwise determined to be inactive for a period of forty-five (45) days, then the application is considered expired and no longer valid.
3. Any new request after application withdrawal or inactive shall be deemed a "new project"; shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section; and shall be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.