



TOWN OF SHADY SHORES
PLANNING AND ZONING COMMISSION
REGULAR SESSION
JULY 14, 2016 7:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208

AGENDA

1. CALL TO ORDER

2. ROLL CALL

Establish a quorum

3. MINUTES

Consider and act on approval of the June 9, 2016 Planning and Zoning Commission meeting minutes.

Documents:

[PZ MINUTES 06.09.2016.PDF](#)

4. SUBDIVISION ORDINANCE AMENDMENTS:

Conduct a worksession relative to proposed revisions to the Town of Shady Shores Subdivision Ordinance. Consider and take action relative to revision and proposed changes to the Town of Shady Shores Subdivision Ordinance.

Documents:

[PZ SUBDIVISION ORDINANCES.PDF](#)
[SUBDIVISION ORDINANCE REVIEW AND CULVERT SIZING MEMO
06.06.2016.PDF](#)
[SUBDIVISION ORDINANCE.PDF](#)

5. ADJOURN

I, Wendy Withers, Town Secretary of the Town of Shady Shores do hereby certify that the above notice of the Planning and Zoning Commission Meeting was posted on the bulletin board at the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on _____ day of _____, 2016 at _____.

Approved:

Wendy Withers, Town Secretary

IN ADDITION, A QUORUM OF CITY COUNCIL MEMBERS MAY CHOOSE TO ATTEND THE PLANNING AND ZONING MEETING POSTED ABOVE. THEREFORE, THIS IS NOTICE OF A CITY COUNCIL MEETING AT THE SAME TIME AND PLACE, WITH THE SAME AGENDA AS THE P&Z MEETING. IN THE EVENT A QUORUM OF COUNCIL IS PRESENT AT THE MEETING, NO ACTION OF THE COUNCIL WILL BE TAKEN. THIS NOTICE IS POSTED AT THE TIME



**TOWN OF SHADY SHORES
PLANNING AND ZONING COMMISSION
REGULAR SESSION
JUNE 9, 2016 7:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

MINUTES

Allen Lea	Chairman	Present
Rebecca Morgan	Vice-Chairman	Present
Tom Spencer	Commissioner	Present
Jack Nelson	Commissioner	Present
Paul Brown	Commissioner	Present
Tillman Strahan	Commissioner	Present

Also Present: Wendy Withers, Town Secretary; Jim Shepherd, Town Attorney; Richard Arvizu, Town Engineer

1. CALL TO ORDER

Chairman Allen Lea called the meeting to order at 7:00 pm.

2. ROLL CALL

Establish a quorum

Paul Brown made a motion to approve the minutes as presented. Rebecca Morgan seconded the motion.

DISCUSSION: None

AYES: Spencer, Nelson, Lea, Morgan, Brown

NAYS: NONE

ABSTAIN: STRAHAN

The motion passed unanimously.

3. MINUTES

Consider and act on approval of the May 12th Planning and Zoning Commission meeting minutes.

Documents: [PZ MINUTES 05.12.2016.PDF](#)

4. SUBDIVISION ORDINANCE AMENDMENTS:

Conduct a worksession relative to proposed revisions to the Town of Shady Shores Subdivision Ordinance. Consider and take action relative to

revision and proposed changes to the Town of Shady Shores Subdivision Ordinance.

Documents: [SUBDIVISION ORDINANCE REVIEW AND CULVERT SIZING MEMO 06.06.2016.PDF](#), [SUBDIVISONORDPT2016 PART I.PDF](#), [SUBDIVISON REGS PART 2 DISCUSSION DRAFT.PDF](#), [ORDINANCE 130.PDF](#)

Town Attorney Jim Shepherd gave a presentation regarding changes to the Subdivision Ordinance.

5. ADJOURN

The meeting was adjourned at 8; --

Approved:

Allen Lea, Chairman

ATTEST:

s

Secretary

Wendy Withers, Town

At our last meeting we discussed proceeding with a revision of our subdivision ordinances using either of two documents for a “foundation” of our revision process: 1) Existing Shady Shores Subdivision Ordinances or 2) a proposed “starting point” document submitted by Jim Shepherd.

It appears to me that the group would be most comfortable using the existing Shady Shores Subdivision Ordinances as our working document for revisions. As we agreed at the last meeting, I’ll ask for your agreement on that when we meet in July. Assuming that is how we proceed, Wendy has attached the current ordinances in PDF format. You may print and mark up your thoughts/changes/deletions/additions by hand or you can make your notes in the PDF, whatever you find easiest. (We are sending in PDF instead of the more editable MSWord so that everyone is using a version with the same pagination) marking it up with your thoughts/suggested changes/additions/deletions. Please use the document that Jim gave us to source additional additions/changes/deletions that you find appropriate. Your effort will be a huge time saver for us.

We will begin working through the Subdivision Ordinances using these notes and gaining consensus on proposed changes. This effort will probably involve at least one or two future special meetings for a workshop.

The greater your familiarity with the existing Subdivision Ordinances AND with Jim’s suggested document, the smoother and faster our discussions will progress.

Thanks in advance for your dedication to this tedious but important task!

Allen Lea

Chairman, Planning and Zoning

Town of Shady Shores.



To: Allen Lea, Chairman and Commissioners
From: Wendy Withers, Town Secretary
CC: Jim Shepherd, Town Attorney
Date: 06/06/2016
Re: Amendments to the Subdivision Ordinance

ACTION REQUESTED: Consider and take action relative to additional amendments to the Subdivision.

BACKGROUND INFORMATION: The Planning and Zoning Commission has been in the process of reviewing the subdivision ordinance at during previous regular meetings. A sample ordinance has been provided for review as well as the Current Subdivision Ordinance.

CHAPTER 10

SUBDIVISION REGULATION

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ARTICLE 10.01 GENERAL PROVISIONS

Sec. 10.01.001 Subdivision regulations extended to extraterritorial jurisdiction

(a) All ordinances of the town establishing rules and regulations governing plats and the subdivision of land shall henceforth apply to all land within the extraterritorial jurisdiction of the town.

(b) Any violation of any provision of any such ordinance outside the corporate limits of the town but within the town's extraterritorial jurisdiction shall not constitute a misdemeanor under any such ordinance nor shall any fine be provided for in any such ordinance be applicable to a violation within such extraterritorial jurisdiction.

(c) The town shall have the right to institute an action in the district court to enjoin the violation of any provision of any such ordinance in such extraterritorial jurisdiction.

(Ordinance 72 adopted 4/5/82)

State law references—Extraterritorial jurisdiction of municipalities in counties that regulate subdivisions, V.T.C.A., Local Government Code, sec. 242.001; extension of subdivision rules to extraterritorial jurisdiction, V.T.C.A., Local Government Code, sec. 212.003.

ARTICLE 10.02 SUBDIVISION ORDINANCE*

Sec. 10.02.001 Adopted

The subdivision ordinance, Ordinance 130, adopted by the town on June 5, 2000, as amended, is included at the end of this chapter as exhibit A. Due to the nature of the subdivision ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended section. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code)

* **State law references**—Regulation of subdivision and property development, V.T.C.A., Local Government Code, ch. 212; extraterritorial jurisdiction of municipalities in counties that regulate subdivisions, V.T.C.A., Local Government Code, sec. 242.001; extension of subdivision rules to extraterritorial jurisdiction, V.T.C.A., Local Government Code, sec. 212.003; recording of plats, V.T.C.A., Property Code, sec. 12.002.

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EXHIBIT A

SUBDIVISION ORDINANCE

ORDINANCE NO. 130

AN ORDINANCE OF THE TOWN OF SHADY SHORES, TEXAS ESTABLISHING AND ADOPTING RULES AND REGULATIONS GOVERNING THE PLATTING AND SUBDIVISION OF LAND WITHIN THE JURISDICTION OF THE TOWN OF SHADY SHORES, TEXAS; PROVIDING METHODS OF ENFORCEMENT, FOR METHODS OF INTERPRETATION OF THE ORDINANCE, DEFINING CERTAIN WORDS; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR AMENDMENTS AND CHANGES IN THE TERMS OF THE ORDINANCE; FURTHER DEFINING AND PRESCRIBING REQUIREMENTS OF LAND WITHIN THE TOWN OF SHADY SHORES, TEXAS; REGULATING PRELIMINARY PLAN EXHIBITS, PROTECTIVE COVENANTS, FINAL PLATS, STREET LOCATION AND ARRANGEMENT, STREET DESIGN, CONSTRUCTION REQUIREMENTS, STREET NAME SIGNS, UTILITIES AND DRAINAGE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, TEXAS:

SECTION 1

ARTICLE 1. GENERAL PROVISIONS AND POLICIES

SECTION 1.1 AUTHORITY

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Subchapter A and B of Chapter 212 of the Local Government Code. (Ordinance 130 adopted 6/5/00)

SECTION 1.2 SHORT TITLE

This Ordinance shall be known as the SUBDIVISION ORDINANCE of the Town of Shady Shores, Texas. (Ordinance 130 adopted 6/5/00)

SECTION 1.3 POLICY STATEMENTS

- A. It is the intent of the Town of Shady Shores to encourage and promote quality development within the Town consistent with the rural atmosphere and quality of life.
- B. Development proposals shall be reviewed for conformance with the Town plan and development policy and nonconformance shall be deemed sufficient for denial of the development proposal.
- C. It is hereby declared to be the policy of the Town of Shady Shores to consider the subdivision of land and the subsequent development of the subdivided lots as subject to the control of the municipality pursuant to a comprehensive plan of the municipality for the orderly, planned, efficient and economical development of the municipality.

D. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be developed until available public facilities and improvements exist and proper provision has been made for drainage, water, sewage, roadways and capital improvements such as schools, recreation facilities, and transportation facilities and improvements.

E. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan or adopted development policies, and the capital budget and program of the municipality. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, the comprehensive plan, adopted development plans, the zoning ordinance, and the capital improvements program of the Town of Shady Shores.

(Ordinance 130 adopted 6/5/00)

SECTION 1.4 PURPOSE

These regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the municipality.
- B. To guide the future growth and development of the municipality, in accordance with the Comprehensive Plan and adopted Development Policies.
- C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of all parts of the Town of Shady Shores.
- E. To protect and conserve the value of land throughout the Town of Shady Shores and the value of buildings and improvements upon the land.
- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, drainage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and to insure proper legal descriptions and monumenting of subdivided land.

- I. To insure that public improvements are available and shall have a sufficient capacity to serve the proposed subdivision.
- J. To prevent the pollution of air, streams, and ponds, to assure the adequacy of drainage facilities; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- K. To preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to trees and other natural features.
- L. To provide for open spaces through the most efficient design and layout of the land.

(Ordinance 130 adopted 6/5/00)

SECTION 1.5 INTERPRETATION, CONFLICT

A. CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

- 1. Public Provisions: These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulations, statute, or other provision of law, except as expressly repealed by this Ordinance. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provision is more restrictive or imposes a higher standard shall control.
- 2. Private Provisions: These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or other private agreement or restriction imposes duties and obligations more restrictive or higher standards than the requirements of these regulations, or where in the determination of the Town Council that such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative.

(Ordinance 130 adopted 6/5/00)

SECTION 1.6 PLATTING REQUIRED

A. Every owner of every tract of land located within the corporate limits or extraterritorial jurisdiction of the Town of Shady Shores who divides the tract into two or more parts as provided in Chapter 212 Subchapter A and B, of the Local Government Code shall cause a plat to be made by a registered public surveyor which shall accurately describe all the said tracts by previously platted lot or block number or by metes and bounds if necessary and locate same as required by this Ordinance. All platted lots shall meet the minimum frontage required by the Zoning Ordinance onto a paved street meeting the right-of-way and pavement requirements of the Thoroughfare Plan to have adequate access to conform to Section 212.004(a) of the Texas Local Government Code.

B. No land shall be subdivided within the corporate limits of the Town of Shady Shores or its extraterritorial jurisdiction until

1. The subdivider/owner has submitted and obtained a review of the Concept Plat by the Planning and Zoning Commission; and
2. The subdivider/owner of property, with any proposed public infrastructure construction, has submitted and obtained a review of the proposal by the Planning and Zoning Commission and
3. The subdivider/owner has obtained approval of the Preliminary Plan (when required) or Final Plat by the Planning and Zoning Commission and Town Council, or Short Form Plat by Planning and Zoning and Town Council; and
4. An approved final plat is filed with the Denton County Clerk.

(Ordinance 130 adopted 6/5/00)

SECTION 1.7 APPROVAL OF PLAT

A. No plat shall be filed of record, no lot may be sold and no transfer of title to any part of such tract shall be made, and no tract of land within the corporate limits or extraterritorial jurisdiction of the Town of Shady Shores shall be improved until a plat shall have been approved by the Town Council, after a recommendation of the Planning and Zoning Commission, in accordance with these provisions and Subchapter A or B of Chapter 212 of The Texas Local Government Code, or a Short Form Plat that has been reviewed by the City Staff and the Planning and Zoning Commission and approved by the Town Council in accordance with Section 4.3 C of this Ordinance, and filed in the plat records of Denton County, Texas.

B. No plat shall be approved by the Planning and Zoning or Town Council unless the plat contains a dedication of land for public improvements and public purposes in accordance with the minimum requirements and standards set forth in this ordinance. Every owner of property which shall hereafter be subdivided into two or more parts or platted into a single lot, shall be required to dedicate to the City that portion of such property as is necessary for the orderly development of streets, roadways, thoroughfares, utilities, emergency access, or other public purposes, and such dedication requirements, as imposed, shall be a prerequisite to plat approval.

C. No plat shall be recommended for approval by the Planning and Zoning Commission or approved by the Town Council unless it generally conforms and unless each lot, block or tract therein fronts upon a dedicated street.

D. No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Town Council and endorsed on the plat in writing, unless said change, revision or modification is first submitted to and approved by the Town Council.

(Ordinance 130 adopted 6/5/00)

SECTION 1.8 IMPROVEMENTS REQUIRED

A. The subdivider shall furnish, install and/or construct the water and sewerage systems and the street and drainage facilities necessary for the proper development of the subdivision. All

such facilities shall be designed and constructed in accordance with the Design Provisions provided by LCMUA, and other standards, specifications, and drawings as may be hereafter adopted, approved by the Town Council and LCMUA. No new subdivision with lots less than 22,000 square feet shall be approved unless connected to the Town's public sanitary sewer system.

B. When considered necessary by the Town Engineer, and/or as recommended by the Commission or shown on the master plan, the facilities shall be sized in excess of that dictated by the design criteria to provide for future growth and expansion.

(Ordinance 130 adopted 6/5/00)

SECTION 1.9 CONSTRUCTION; BUILDING PERMITS; CERTIFICATES OF OCCUPANCY

A. No construction of any public improvements shall be initiated by the developer/owner until (1) a final plat has been approved by the Planning and Zoning Commission and Town Council; (2) a Subdivider's Agreement has been approved by the Town Council and signed by the Mayor; (3) all performance and maintenance bonds, or their equivalent, have been provided to the Town; (4) all inspection and permit fees in accordance with the Fee Schedule have been paid; and (5) a Notice to proceed is issued by the Town Engineer.

B. No building permit (including plumbing, electrical and mechanical permits), on-site sewage facility permit, final inspection, certificate of occupancy or other such permit or certificate shall be issued on any tract of land within the corporate limits of the Town unless a plat meeting the requirements of Subchapter A or B of Chapter 212 of the Local Government Code, and in accordance with the provisions of the Subdivision Ordinance, is approved and filed in plat records of Denton County, Texas and all public improvements have been accepted by the Town.

C. PERMIT ISSUANCE: No Building permit, or any sewer, plumbing or electrical permit shall be issued by the Town to the owner or any other person with respect to any property in the subdivision until:

1. Such time as the subdivider/owner has fully completed the improvements required to be made by the terms of this ordinance, including the installation of streets with proper paving, drainage structures or improvements, alleys and the installation of water and sanitary sewer mains, all according to the specifications of the Town and any other required public improvements; and/or
2. The construction of public improvements is suspended due to a stop work order issued by the Town; and/or
3. A Subdivider Agreement has been executed in accordance with Article VI, Section 6.1 of this ordinance and the required performance bond, meeting the requirements set forth in Article VI, Section 6.2 sufficient to pay for the cost of such improvements, as approved by the Town, has been furnished to the Mayor or designee.

D. The Town shall not repair, install, maintain, or provide any streets or other public services in a subdivision unless a final plat has been approved in accordance with this ordinance and filed of record, and unless the standards and requirements of this ordinance have been complied with in full.

E. The Town shall require that franchised utilities not sell or supply any water, telephone, electrical, or natural gas service within a subdivision until a final plat has been approved in accordance with this ordinance and filed of record, and until all requirements of this ordinance have been complied with in full except in the event of an emergency upon the approval of the Town Council.

F. The provisions of this Section shall not be construed to prohibit the issuance of any permits or certificates for any lot upon which a residence building was in existence prior to passage of this Ordinance, not [nor] to prohibit the repair, maintenance or installation of any street or public utility services for, to, or abutting any lot and/or any subdivision, recorded or unrecorded, which was in existence prior to the passage of this Ordinance.

G. No building permit shall be issued by the Town for any structure on any lot in a subdivision which is not serviceable by the community sanitary sewerage collection and treatment system, unless a valid septic tank permit or on-site sewage (aerobic) system permit for the specific lot has been obtained from the Town[.]

(Ordinance 130 adopted 6/5/00)

SECTION 1.10 ACCEPTANCE OF DEDICATION

Any dedication of streets, utilities, easements, public areas or other land shown on a plat shall be deemed to be an offer of dedication which may be withdrawn by the subdivider/owner at any time prior to the filing of the plat in the deed records. Withdrawal of any such dedication shall void any previous approval of the plat. Approval of a plat by the Planning and Zoning Commission or Town Council shall not be deemed an acceptance of any proposed dedication and shall not impose any duty on the Town concerning the improvements or maintenance of such dedication until the Town has actually improved the same or has made entry thereon or use thereof.

- A. For any subdivision for which a plat has been filed for record, or where land has been divided by metes and bounds and no plat filed for record, and which has not been approved according to these regulations, or which fails to meet the standards contained or referred to herein, the Planning and Zoning Commission shall recommend to the Town Council, the adoption of a Resolution concerning such failures or lack of approval and indicating that same is in violation of the provisions of this Ordinance. The Town shall cause a copy of such Resolution, signed by the Mayor and attested to and notarized by the Town Secretary or designee, to be filed in the Deed Record of Denton County.
- B. If compliance and approval are secured following the filing of said Resolution, the Planning and Zoning Commission shall file in the Deed Records of Denton County an instrument which, in effect, rescinds such earlier filed resolution.
- C. Disapproval of a plat by the Council shall be deemed a refusal by the Town to accept the offered dedications shown thereon. Approval of a plat shall not impose any duty upon the Town concerning the maintenance or improvement of any such dedicated

parts until the proper authorities of the Town have actually appropriated the same by entry, use, or improvement. Any such dedication, before or after actual appropriation may be vacated by the Council in any manner provided by law.

(Ordinance 130 adopted 6/5/00)

SECTION 1.11 AMENDMENTS

The Town Council may from time to time amend this Ordinance, in accordance with appropriate procedures provided by law. (Ordinance 130 adopted 6/5/00)

ARTICLE II. DEFINITIONS

SECTION 2.1 USAGE

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section. Words and terms not expressly defined herein are to be construed according to their customary usage in the practice of municipal planning and engineering. Words used in the present tense shall include the future, words used in the singular number shall include the plural number and words used in the plural shall include the singular, the word "building" includes the word "structure," the word "lot" includes the words "parcel," "plot," or "tract," the word "shall" is mandatory and not discretionary [and] the word "may" is permissive. (Ordinance 130 adopted 6/5/00)

SECTION 2.2 DEFINITIONS

In the interpretation of this ordinance, the following words and terms are to be used and interpreted as defined hereinafter.

Access: Adequate access is defined as having frontage on a paved road meeting the right-of-way and pavement dimensions set forth in the Official Thoroughfare Plan.

Access Controller: The facility controlling vehicular access to private street developments which may be a mechanism or a manned structure.

Access ramp means a route used to provide entry for vehicles and machinery into a channel.

Access road means a route parallel to and at the top of the bank of a channel used to allow maintenance of channels from the top of the bank.

Acreage, Gross: The total acreage of a subdivision, including areas dedicated to the public use such as street and alley rights-of-way.

Acreage, Net: The total acreage of a subdivision less those areas dedicated to public use such as street and alley rights-of-way. Easements, however, shall be included in net acreage calculations. Retention ponds and detention ponds shall not be included.

Administrative Officers: Any office referred to in this Ordinance by title, i.e., Mayor, City Attorney, Town Secretary, Town Engineer, City Planner, etc. Shall be the person so retained in this position by the Town, or his/her duly authorized representative.

Alley: A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

Applicant: The owner of land proposed to be subdivided or his representative when written consent is obtained from the legal owner of the premises. The terms “applicant,” “developer,” and “subdivider” are used interchangeably in these Rules, Regulations and Procedures.

Area, Lot: The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

Authorized Agent: A person empowered by another by notarized statement or power of Attorney to represent, act for and transact business with the Town.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year. Also known as the one-hundred-year flood.

Benchmark, Elevation: A permanent benchmark that identifies the vertical elevation above mean sea level or other approved level.

Block: An area bounded by streets, or a combination of streets, public parks, railroad rights-of-way, or corporate limits; or if said word is used as a term for measurement, it shall mean the distance along a side of a street between the nearest two streets which enters said street on the said side. When necessary, the City Planner shall determine the outline of the block in cases where platting is incomplete or disconnected.

Bond or Surety: An instrument wherein the principal (developer or his authorized agent) and Surety Company bind themselves to perform all covenants, conditions and agreements by the principal to the Town of Shady Shores. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit wherein the principal (developer or his authorized agent) and surety Company bind themselves to perform all covenants, conditions and agreements by the principal to the Town of Shady Shores in an amount and form satisfactory to the Town. All bonds shall be approved by the Town Council wherever a bond is required by the Subdivision Ordinance.

Building: Any structure built for the support, shelter, and/or enclosure of persons, animals, chattels or moveable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building Setback Line: A line parallel or approximately parallel to the street right-of-way line at a specific distance therefrom marking the minimum distance from the street right-of-way line that a building may be erected.

Building Site: Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this Ordinance and having direct access to a public street.

Capital improvements: Facilities of a permanent nature, such as streets, drainage, sanitary sewer, etc.

Carport means a roof open to the elements on at least three (3) sides for the storage of vehicles. May be freestanding. And should be constructed with materials and in such a way so as to architecturally coordinate with the main structure.

Channel means an open conduit, both natural and man-made, in which water flows with a free surface.

City: The Town of Shady Shores, Texas, together with all its governing and operating bodies.

City Council: The Town Council of the Town of Shady Shores, Texas. (See also Town Council)

City Engineer: “City Engineer” shall apply only to such Registered Professional Engineer or firm of Registered Professional Consulting Engineers that has been specifically designated as such by Resolution of the Town Council. (See also Town Engineer)

City Inspector: The firm or person that has been specifically retained by the Town Council to provide inspection services for public improvements or buildings. (See also Town Inspector)

City Planner: The firm or person that has been specifically retained by the Town Council to provide planning service. (See also Town Planner)

City Secretary: The person duly approved by the Town Council and charged with the responsibility of administering the Town’s various departments. (See also Town Secretary).

Collector Street: See Street, Collector.

Commission: The Planning and Zoning Commission of the Town of Shady Shores.

Comprehensive Plan: Policies in graphic and text form adopted by the Town Council to govern the general location recommended for land uses, transportation routes, public and private buildings, streets, alleys, squares, parks, and other public and private development and improvements. One plan may cover the entire Town and all of its functions and services, or the comprehensive plan may consist of a combination of plans governing specific geographic areas which together cover the entire Town and all of its functions and services. The Comprehensive Plan includes, but is not limited to, the Zoning Ordinance, the Land Use Plan, Thoroughfare Plan, and Floodplain Map.

Concept Plan: A sketch drawing of initial development ideas superimposed on a topographic map to indicate generally the plan of development and to serve as a working base for noting and incorporating suggestions of the Planning and Zoning Commission, Engineer, or others who are consulted prior to the preparation of the preliminary plat.

Conduit means an open or closed device for conveying flowing water.

Construction Plans: The maps or construction drawings accompanying a subdivision plat that show the specific location and design of all required or proposed improvements to be installed in the subdivision.

Covenant: An agreement to do or refrain from doing certain acts.

Crosswalk: A public right-of-way, four (4) feet or more in width between property lines, which provides pedestrian circulations.

Cul-de-sac: A street having but one outlet to another street, and terminated on the opposite end by a vehicular turn-around.

Culvert means a traverse [transverse] conduit beneath streets and driveways connecting channels.

Dead-End Street: A street, other than a cul-de-sac, with only one outlet.

Dedication: A gift or donation of property or interest in property by the owner to the public.

Density: The number of dwelling units per gross acre of subdivision, excluding any areas that are nonresidential in use.

Detention Pond: A pond or impoundment designed to store stormwater runoff for controlled release during or immediately following the design storm event.

Developer: An individual, partnership, corporation, or governmental entity undertaking the subdivision or improvement of land and other activities covered by the Subdivision Ordinance, including the preparation of a subdivision Plat showing the layout of the land and the public improvements involved therein. The term “developer” is intended to include the term “subdivider” even though personnel in successive stages of a project may vary.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Drainage area or basin means the land area upon which all rainfall that falls on that area is directed towards or flows to a given point or stream.

Drainage Design Manual means the latest Denton Drainage Design Criteria as amended.

Drainage facilities or system means one (1) or more conduits, channels, ditches, swales, pipes, detention devices or any other device, work or improvement, natural or man-made, which is used, designed or intended to be used to carry, direct, detain or otherwise control stormwater.

Drainage Plan: An engineering study evaluating stormwater runoff and flows that recommends drainage improvements necessary to comply with design standards adopted by the Town.

Drainage Requirements and Design Standards: See Article V of this Ordinance

Drainageway means an existing river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.

Easement: The word “easement” shall mean an area for restricted use on private property upon which 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 easements. Any public utility shall at all times have the right of ingress and egress to and

from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

Emergency: Response by the appropriate Town Department to an alarm or call requiring immediate action in the interest of the public health and safety.

Engineer: A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of Engineering and who is specifically qualified to design and prepare construction plans and specifications for subdivision development.

Entry turnaround: An opening or other accommodation provided at the entrance to a private street development in order to allow vehicles denied access to re-enter the public street with a forward motion without unduly disturbing other vehicles at the entrance.

Erosion Control: Structural and nonstructural techniques to prevent the erosion and sedimentation of soil from rainfall and/or runoff.

ETJ - Extraterritorial Jurisdiction: That property which lies within the Jurisdiction of the Town of Shady Shores for enforcing subdivision plat regulations.

Final Plat: The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor with the subdivision location references to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. Angular measurements and bearings shall be accurate to the nearest tenth of a foot. The Final Plan of any lot, tract, or parcel of land shall be recorded in the Records of Denton County, Texas.

Flood boundary and Floodway map (FBFM) means an official map of a community, issued by the Federal Emergency Management Agency, where the areas within the boundaries of areas of special flood hazard have been designated.

Flood Insurance Rate Map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Emergency Management Agency containing flood profiles, the water surface elevation of the base flood and the flood hazard boundary map.

Floodplain: An area identified by the Federal Emergency Management Agency as a one percent or greater chance of flooding (the 100-year floodplain). The channel of a river or other watercourse and the adjacent land as that must be reserved in order to discharge the base flood. The issuance of building permits for construction of any structure within such floodplain is regulated by a separate ordinance governing the safeguards, actions to prevent flooding, types of uses permitted in floodprone areas, etc.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood as defined by the Federal Emergency Management Agency without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe: The area within the floodplain but outside of the floodway.

Force Main: A pipe which conveys water or wastewater under pressure.

Freeboard means the vertical distance between the design water surface level (base flood) and the top of an open conduit left to allow for wave action, floating debris or any other condition or emergency without overtopping the structure.

Geotechnical Testing: Testing by a qualified professional testing laboratory to determine the engineering characteristics of soil, rock and/or fill material.

Government Employees In Pursuit Of Their Official Duties: A government employee, such as the following, but not necessarily limited to; police, fire code enforcement, public works, city engineer, planning, building inspections, and other local, county, state and/or Federal employees; i.e., postal workers, school districts (e.g. school buses), and/or their designee/contractor in the process of addressing functions and activities that relate to the public health, welfare, and safety.

Grade means the inclination or slope of a conduit, channel or natural ground surface, usually expressed in terms of the percentage of number of feet of vertical rise or fall per one hundred (100) feet horizontal distance.

Gravity Flow Main: A pipe which conveys water or wastewater by gravity.

Greenbelt: An open space area consisting of primarily natural features, that may be located in a floodplain or along a creek channel or be used as a buffer between land uses or be used as an open space linkage between various land uses.

Head-in Parking: Parking in which the vehicle must back out into a public right-of-way in order to exit the parking stall.

Hydrograph means a graph showing stage, flow, velocity or other property of water versus time at a given point on a stream or conduit.

Infrastructure: Facilities and services needed to sustain manufacturing, residential, commercial and all other land use activities. Infrastructure includes water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire stations, parks, schools, and other similar type uses.

Inlet means an opening into a storm drain system for the entrance of surface storm runoff.

Lane means a driving surface of a street with a width as specified in the street standards.

Land Use Map: Part of Comprehensive Plan showing current land use.

Land Use Plan: Part of Comprehensive Plan showing future land use.

Landscape Plan: A plan showing the proposed landscape improvements to be made on a site.

Lane Width: Street right-of-way required for vehicular traffic.

Lift Station: A pumping facility which conveys water or wastewater vertically or under pressure through a force main.

Lot: An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

Master Plan: The phrase “Master Plan” shall be the comprehensive plan of the Town and adjoining areas as adopted by the Town Council and the Planning and Zoning Commission, including all its revisions. This plan indicates the general location recommended for various land uses[,] transportation routes, public and private buildings, streets, parks, water, sewer, and other public and private developments and improvements.

Notice to Proceed: A written authorization permitting the developer to proceed with construction of the approved public facilities.

Off-site means located outside the boundary of a development[.]

On-site means located within the boundary of a development.

Open Space, Private: Within a subdivision, private open space is private property under common ownership designated for recreational area, private park (for use of property owners within the subdivision), play lot area, plaza area, building setbacks (other than those normally required), and ornamental areas open to the general view within the subdivision. Private open space does not include streets, alleys, utility easements, public parks or required setbacks. Private open space within a specific lot is the area included in any side, rear or front yard or any unoccupied space on the lot that is left open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.

Open Space, Public: Within a subdivision, public open space is property which has been designated for park land, recreation, or wildlife conservation areas which have been dedicated to and accepted by, the Town of Shady Shores or other Federal, State, or Municipal governmental entity.

Owner of Record: Legal owner or owners of the land.

Park: Land dedicated to, or purchased by, the Town or other Federal, State, or Municipal governmental entity for the purpose of providing public recreation or open space areas.

Party-in-interest: Owner of record or authorized agent.

Pavement Width: The portion of a street available for vehicular traffic.

Person: Any individual, association, firm, corporation, governmental agency, or political subdivision.

Petition: A written request.

Phased Development: A plat presented by the developer that proposes that only part of the tract is to be developed and presented to the Planning and Zoning Commission, the remainder of the tract to be developed at a later date.

Pipe means a closed conduit through which water flows.

Planned Development: A subdivision that consists of a variety of land use types, incorporating a single or variety of types of residential dwelling units, public open spaces, and common open space and recreational areas, adequate to service the needs of the tract when fully developed and populated, which is to be developed as a single entity, under unified control. In tracts within a single zoning district, the planned development suffix allows for flexibility in subdivision while preserving the overall density.

Planning and Zoning Commission: Same as Commission.

Plat: A plan of a subdivision of land creating lots or tracts and showing all essential dimensions and other information necessary to comply with the subdivision standards of the Town of Shady Shores, and subject to approval by the Town in accordance with this Ordinance.

Policy: A statement or document which has been enacted by the governing body of the Town that forms the basis for enacting legislation or making decisions.

Preliminary Plat: A formal document showing the detailed concept of the subdivision, presented with the required accompanying material to the Planning and Zoning Commission for approval. The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan existing and proposed drainage features and facilities street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of proposed development.

Private Access Amenity Plan: A detailed plan to be submitted by the applicant that contains all of the key elements for the private access development, including, but not limited to, private access control mechanisms, screening wall(s), signage, and landscaping.

Private Access Permit Process: The entire process culminating in Town Council approval, based upon recommendations of the Planning & Zoning Commission.

Private Deed Restrictions: Written stipulations which the developer imposes on buyer of property in the subdivision, such as, but not limited to, lot size, setback lines, building size, accessory buildings permitted and land use.

Private Streets: A platted street providing limited local traffic circulation among adjacent lots which is privately owned and maintained, contained within a private street lot, and constructed in accordance with the requirements of this Ordinance.

Private Street Lot: A separate lot owned by the property owners' association whereupon a private street is constructed.

Property Owners' Association: An organization established for the ownership, care, and maintenance of private streets and other private facilities.

Public facilities: Any facilities such as streets or drainage systems which are dedicated for public use.

Public Open Space Easement: An easement that restricts construction or plantings so that open space and/or sight visibility is maintained.

Public Utility and Storm Sewer Easement: An easement upon a private street not having the same width as the lot which is intended to contain a privately owned and maintained pavement as well as publicly owned and maintained water lines, sanitary sewer lines, and such other utility or franchise infrastructure as can be reasonably accommodated.

Replating: Replating is the resubdivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot or tract.

Resubdivision: A change in an approved or recorded subdivision plat if such change affects any street layout or area reserved thereon for public use, or any lot line.

Retention Pond: A pond or other impoundment designed to store water runoff permanently.

Right-of-Way: Lands dedicated and publicly owned for use as a street, alley or crosswalk.

Road Bed Width: Portion of street available for vehicular traffic.

Sanitary Sewer Collection System/Line: Non-pressurized, gravity flow sanitary sewer system line.

Sidewalk: A paved pedestrian way generally located within public street right-of-way, but outside of the roadway, and build in accordance with Town specifications.

Spread limits means the width of pavement covered by water based on a flood of a certain frequency (ten-year, one-hundred-year flood).

Stacking Area: A setback measured from the public street [street] right-of-way to the access controller.

Steep Slope: Areas that contain slopes over fifteen percent (15%) grade and are characterized by increased runoff and erosion hazards.

Stop Work Order: A written or verbal directive to cease construction activity.

Street: A public right-of-way, however designated which provided vehicular access to adjacent land:

- a. Arterial Streets or Major Thoroughfares provide vehicular movement from one neighborhood to another, to distant points within the urban area or to freeways leading to other communities.
- b. Collector streets provide vehicular circulation within neighborhoods and from local streets to Major Thoroughfares. Due to similarity of traffic volume and wheel loadings, streets through commercial and industrial areas are frequently constructed to same design as Arterial Streets.

- c. Local streets provide direct vehicular access to abutting residential property. Local streets include residential and residential estates designations.
- d. A “private street” is a vehicular access way under private ownership and maintenance, that has not been dedicated to the Town and accepted by the Town.

Street Crown means the highest point of a street cross-section, normally located at the centerline of the street.

Street[,] Internal: Generally any street whose entire width is contained within a development.

Street, Perimeter: Any street which abuts a development or one whose width lies partly within a development and partly without, unless otherwise defined by the Town Engineer.

Street Width: The word[s] “street width” shall be the shortest distance between the lines which delineate the rights-of-way of a street.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, and poster panels.

Subdivider: Any person or any agent thereof who, having an interest in land, causes it, directly or indirectly, to be divided or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term “subdivision” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivider’s Agreement: A written contractual agreement between the Town and the Developer establishing the terms and conditions for approval and acceptance of the public improvements required for a development.

Subdivision: Any land, vacant or improved, which is divided into two (2) or more lots, blocks, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision.

Surety Company: An entity which undertakes to pay money or to do any other act, in event that his principal fails therein and is bound with the principal for the payment of a sum of money, or for the performance of some duty or promise.

Surveyor: A person licensed by the State, or Registered Public surveyor, as authorized by the State Statutes to practice the profession of surveying.

Thoroughfare Plan: The officially adopted plan, a part of the Comprehensive Plan, that identifies and classifies the existing and proposed thoroughfares in the Town.

Town: The Town of Shady Shores, Texas, together with all its governing and operating bodies.

Town Council: The Town Council of the Town of Shady Shores, Texas.

Town Engineer: See City Engineer.

Town Inspector: See City Inspector.

Town Planner: See City Planner.

Town Secretary: See City Secretary.

Tract: An undivided parcel of land having access to a public street which can be subdivided into lots.

Utility Easement: An interest in land granted to the Town, to the public generally, and/or to a private utility corporation, for installing and maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Vacation: To cancel, rescind, or render an act that has the effect of voiding a subdivision Plat or a portion thereof as public easement, right-of-way or other dedication.

Variance: An adjustment in the application of the specific regulations of this Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Vested Rights: A right complete and consummated and of such character that it cannot be divested, defeated or canceled without the consent of the person, or by the unilateral act of another person.

Yard: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30") above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, furniture, and roof overhangs not exceeding thirty inches (30"), may be permitted in any yard subject to height limitations and requirements limiting obstructions of visibility.

(Ordinance 130 adopted 6/5/00)

ARTICLE III. ADMINISTRATION

SECTION 3.1 PLANNING AND ZONING COMMISSION

A. MEMBERSHIP:

1. There shall be a City Planning and Zoning Commission consisting of five (5) members appointed by the Mayor with approval of the Town Council. Commissioners shall be appointed for terms of two (2) years and shall be selected from the residents of the Town. Each member shall be appointed to a Place with a designated term.
 - (a) Places 1, 3, and 5 terms shall be from October 1 of each odd year to September 30 of the next odd-numbered year.

- (b) Places 2, 4, and the alternate terms shall be from October 1 of each even year to September 30 of the next even-numbered year.

- 2. The Council may appoint one alternate to a two-year term concurrent with Places 2 and 4.

B. REMOVAL FROM OFFICE: The Mayor shall have the authority, with the concurrence of the Town Council, to remove from office all persons appointed to serve on the planning and Zoning Commission who (a.) have accumulated three (3) non-excused absences in a 12-month period or (b.) any other failure to carry out the duties of a commissioner.

C. FILLING VACANCIES: It shall be the duty of the chairman of the Planning and Zoning Commission to notify the Mayor promptly of any vacancies occurring in membership, and the Mayor, with concurrence of the Council, shall promptly fill such vacancies for the unexpired term of the original appointment.

D. OFFICERS, RULES AND MEETINGS:

- 1. The Planning and Zoning Commission shall elect a chairman and vice-chairman from among its members. Terms of all elected officers shall be for one (1) year.
- 2. The Town Secretary or her designee shall serve as Secretary to the Planning and Zoning Commission.
- 3. The Planning and Zoning Commission shall adopt rules subject to ratification by Town Council for its governance for the transaction of its business, and shall keep a record of meeting attendance, resolutions, actions, findings, and determinations, showing the vote of each member on each question requiring a vote, or if absent or abstaining from voting indicating such fact. The record of the Planning and Zoning Commission shall be public record.
- 4. A quorum shall consist of three (3) members. An agenda shall be prepared by the Town Secretary or her designee for each meeting of the Planning and Zoning Commission.
- 5. Regular meetings shall be held at least once monthly, on a day and time to be established by Planning and Zoning Commission resolution.
- 6. Special meetings may be held: (1) on the call of the chairman; or (2) on request of two or more members; or (3) on the call of the Mayor. The calling and posting of such meetings shall be accordance with state law.
- 7. The commission may review and make recommendations to the Mayor and council in matters of zoning and subdivision control, including:

Review proposed plats as required.

Review proposed zoning amendments as required.

Review the comprehensive plan for the Town.

Make written recommendations to the Mayor and Council.

- E. The Town Engineer shall be a licensed Engineer, and shall:
1. Review and make recommendations regarding all Major Plat submittals and Minor Plats where public infrastructure improvements are involved.
 2. Review and recommend approval, conditional approval, or disapproval of engineering requirements for the Topography and Preliminary Drainage Plan as required on a Preliminary Plat of a Major Subdivision.
 3. Review and recommend approval, conditional approval, or disapproval of Engineering and other requirements (SECTION 4.4) for the Construction Plans and Calculations.
 4. Review and recommend approval, conditional approval, or disapproval of any other related materials as required by the Planning and Zoning Commission and/or Town Council.
 5. Issue Notice to Proceed for construction, monitor construction through the Town's Inspector and issue Stop Work orders where necessary.

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, sec. 1, adopted 9/14/09; Ordinance 271-10-14 adopted 10/6/14)

State law reference—Zoning commission, V.T.C.A., Local Government Code, sec. 211.007.

SECTION 3.2 VARIANCES

A. Where the Town Council finds that extraordinary hardships or practical difficulties may result from strict compliance with this ordinance or any regulations adopted in compliance with this ordinance, or that public interest may be best served by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured provided that such variances shall not have the effect of nullifying the general intent and purpose of these regulations; and further provided that the Town Council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to public safety, health, or Welfare, or injurious to other property;
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property; and
3. 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 land; and
4. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

5. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance.
6. In approving variances, the Town Council may impose such conditions, as will, in its judgment, substantially secure the objectives of these regulations.

B. An application for a variance shall be submitted in writing by the applicant at the time when the preliminary plat or final plat is filed for consideration by the Planning and Zoning Commission. The application shall state fully the grounds for the application and all of the facts relied upon by the applicant.

C. The Planning and Zoning Commission shall not recommend a variance unless there are special circumstances or conditions influencing the subdivision involved.

D. In the recommendation of a variance, the Planning and Zoning Commission shall set out the conditions that it finds necessary or advantageous to the public interest in proposing such variances that will not have the effect of nullifying the intent and purpose of these regulations. Financial hardship to the applicant shall not be deemed sufficient reason to constitute the recommendation of a variance.

E. The Planning and Zoning Commission, in the recommendation of a variance to the Town Council, shall submit to them a letter containing all the specific facts and pertinent data upon which such a variance has been based, and such documents shall be entered into the official minutes of the Council Meeting. The Town Council determination, after considering the material submitted by the Planning and Zoning Commission, shall be final.

(Ordinance 130 adopted 6/5/00)

SECTION 3.3 APPEALS

Any subdivider aggrieved by a finding or action of the Planning and Zoning Commission and/or Council shall appeal by filing a written Petition in a court of competent jurisdiction within thirty (30) days from the date of such finding or action, and not thereafter. (Ordinance 130 adopted 6/5/00)

SECTION 3.4 VIOLATIONS

A. In behalf of the Town, the Town Attorney shall, when directed by the Town Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof which occurs within any area subject to all or a part of the provisions of this Ordinance.

B. In addition thereto any abutting owner or lessee or other person prejudicially affected by the violation of the terms of this Ordinance may resort to any court of competent jurisdiction for any writ or writs, or to obtain such relief, either in law or equity, as may be deemed advisable in these premises.

C. If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the Town Council shall pass a resolution reciting the facts of such noncompliance and failure to secure final plat approval. The Town Secretary or designee shall when directed by the Town Council cause a certified copy of such resolution under the corporate seal of the Town to be filed in the Deed Records of the County in which such subdivision or part thereof lies. If full compliance and final plan approval are secured after the filing of such resolution, the Town Secretary or designee shall forthwith file an instrument, in the Deed Records of such county stating such.

(Ordinance 130 adopted 6/5/00)

ARTICLE IV. PLAT PROCEDURES, STANDARDS, AND SPECIFICATIONS

SECTION 4.1 GENERAL PROCEDURES

A. No preliminary or final plat for a subdivision shall be recommended for approval by the Planning and Zoning Commission, or approved by the Town Council and no completed improvements shall be accepted by the Town unless they conform to the following standards and specifications:

1. Standard Operating Procedures: The procedures established by this Ordinance and adopted by the Planning and Zoning Commission and Town Council, which detail application procedures, filing dates, review, filing fees as set by the Fee Schedule, standards for concept plats, preliminary plats, final plats, and any accompanying material.
2. Classification: The classification of subdivisions into Major, Minor, Minor with Infrastructure, Replat, or Short Form Subdivisions as established by this Ordinance.
3. Subdivision Design Criteria and Standards: The design criteria and standards as adopted by the City Council which detail the requirements regarding the physical appearance and other standards for the subdivision.
4. Standard Specifications for Construction of Public Improvements: The standards and specifications set by this Ordinance and adopted requirements for the construction of streets, drainage, and sewer facilities.
5. Other Standards: The provisions of the Town Mobile Home Ordinance, the City Building Code, and any other Town ordinances, which are applicable to the particular subdivision.

B. The applicant should confer with Planning and Zoning prior to the preparation of a concept plat and discuss the procedure for obtaining approval of a subdivision plat and the requirements as to the general layout and arrangement of lots, blocks and streets, and minimum design and construction requirements for streets, storm drainage, sewerage and water improvements.

(Ordinance 130 adopted 6/5/00)

SECTION 4.2 CLASSIFICATION OF SUBDIVISIONS

Subdivisions shall be classified as Major, Minor, Minor with Infrastructure, Replat or Short Form at the concept plat stage.

A. MAJOR SUBDIVISION

1. A Major Subdivision shall be one that has been determined to be of such character that is or may have a substantial impact on the topography, drainage, sewage, streets, and similar features and facilities both within the subdivision, its neighboring properties, and/or the community at large. As a general rule, subdivisions creating four or more new lots or any subdivision with a proposed new street or requiring extension of the sanitary sewer shall be classified as a Major Plat.
2. A Major Subdivision shall require a concept plat, a preliminary plat with the required accompanying materials, and a Final Plat with required accompanying materials.

B. MINOR SUBDIVISION; MINOR SUBDIVISION WITH INFRASTRUCTURE

1. A Minor Subdivision shall be one that has been determined to be of such character that there shall be minor measurable impact on the topography, drainage, sewage, streets, and similar features and facilities both within the subdivision, the neighboring properties, and/or the community at large. As a general rule, subdivisions creating three or fewer new lots and no new streets or other public improvements are required, shall be considered as Minor Plats.
2. A Minor Subdivision which requires connection to the sanitary sewer system shall be classified as a Minor Subdivision with Infrastructure.
3. A Minor Subdivision shall require the submittal of a concept plat and, following approval of the concept plat, shall require the submittal of a final plat with required accompanying materials. A Minor Subdivision with Infrastructure requires approval of the sanitary sewer plans by the Town Engineer.

C. REPLAT

1. A Replat shall include modification of an existing plat that creates new lots or alters any previously dedicated rights-of-way or easements, as provided in Section 212.014 and 212.015 of the Texas Local Government Code. Any Replat that meets the requirements of an amending plat (Section 212.016) including the combination of existing lots, may be processed as a Short Form Plat.
2. A Replat shall be designated as either a Major or Minor Replat using the criteria outlined in paragraphs A.1 and B.1 above.

3. A Minor Replat shall require submittal of a concept plat and, after approval of the concept plat, submittal of a final plat. A Major Replat shall require the submittal of a concept plat, preliminary plat and final plat. Approval of a Replat shall conform to the requirements of Section 212.015 of the Texas Local Government Code and this Ordinance.
- D. SHORT FORM PLAT. To facilitate the plat approval process in those instances where the highly formalized approval procedure is not necessary, the Mayor or designee may approve plats in accordance with Section 212.0065 of the Texas Local Government Code when the following conditions are met:
1. The subject property is creating a single platted lot from a single tract of Record, or is reducing the number of platted lots as provided under Section 212.016(a)(9) of the Texas Local Government Code,
 2. The submittal of a concept plat,
 3. The short form plat and supporting instruments are in compliance with the approved concept plat and the form and content for Final Plats as hereinafter provided,
 4. The Short Form plat and supporting instruments are not otherwise in contravention with Chapter 212 of the Texas Local Government Code.
 5. Each lot and block has frontage upon a dedicated and improved public street to Town specifications, and financial assurance for necessary improvements is provided in accordance with Article VII [VI] of this Ordinance.
 6. All previously dedicated easements on each lot or block have been shown on the Plat.
 7. The proposed development neither contains nor creates a significant drainage problem, and topography is not a salient development consideration,
 8. All utilities required to serve each block, or lot, are in place or arrangements to provide same have been made with the appropriate agency.
 9. Each newly created lot shall have the minimum frontage required by the Zoning Ordinance, and
 10. The Chairman of the Planning and Zoning Commission and Mayor sign the plat after Town Council approval.

The Town Secretary or designee shall file a report of all such approvals with the Planning and Zoning Commission, Town Council and in the official Town records.

(Ordinance 130 adopted 6/5/00)

SECTION 4.3 PROCEDURE SUMMARY

Any owner or developer of any lot, tract, or parcel of land located within the corporate limits of the Town of within its jurisdiction who may wish to effect a subdivision of such land shall conform to the general procedure described as follows:

- A. The subdivider shall submit a Concept Plat describing the proposed subdivision.
- B. **PRELIMINARY CONFERENCE:** Following submittal of the concept plat to the Town, a preliminary conference should be held with the Planning and Zoning Commission for general comments and clarifications which are usually necessary. Prior to that time, the subdivider should obtain copies of all form[s], publications, design criteria and standards available from the Town for his reference and for the benefit of his/her engineer. The Town Engineer will review all Major Plats and Minor Plats with infrastructure.
- C. The subdivider shall prepare and submit to the Town Planning and Zoning Commission a Preliminary Plat of a Major subdivision for its study and recommendations. The preliminary Plat shall then be submitted to the Town Council for final action.
- D. Upon approval of the preliminary plat by the Town Council, the subdivider may then prepare a Final Plat and final engineering plans for review by the Town Engineer. Upon approval of the engineering plans by the Town Engineer, the subdivider may then submit the Final Plat to the Planning and Zoning Commission for action. The Final Plat shall be accompanied by the approved engineering plans.
- E. Upon approval of any such final plat by the Town Planning and Zoning Commission, the same shall be referred to the Town Council, and the Town Council shall consider such final plat for acceptance of the dedication of all public property therein set forth, provided that the plat shall in all things fully comply with the terms and provision[s] of this Ordinance, and shall take final action on acceptance of the proposed subdivision.
- F. Upon acceptance of such plat and public properties by the Town Council, the Mayor or designee shall immediately cause such plat to be recorded in the Records of Denton County, Texas. The recording of this plat shall be the responsibility of the Mayor or designee.

Flow chart indicating the sequence of the steps involved in obtaining approval for subdivision is shown on the following pages.

Subdivision Approval Flow Chart

Initial Review and Plat Determination

Submit Concept Plat Application and Fees

Check for Administrative Completeness

Determination of Plat Type

Four or more lots and/or infrastructure
Major Plat Review Process

Minor Plat Review Process
Three lots or less, no infrastructure

Replat Review Process
Subdivision of an existing platted lot

Short Form Plat Review Process
One lot plat or combination of lots

MAJOR PLAT REVIEW PROCESS

Applicant submits Preliminary Plat

Review by Planning & Zoning Commission
Planning & Zoning Commission meet
On the Second Thursday of the Month

Action by Planning & Zoning Commission

Action by Town Council
Town Council meets
On the First Monday of the Month

Applicant submits Engineering Plans,
Final Plat & Cost Estimates

Approval of Plans and Final Plat

Execution and approval of Subdivider's Agreement

Plat Filed at Denton County

Construction of Public Improvements

MINOR PLAT REVIEW PROCESS

Applicant Submits Final Plat

Public Hearing and Action by Planning & Zoning Commission

Action by Town Council

Plat Filed at Denton County

REPLAT REVIEW PROCESS

Applicant Submits Final Plat

Notice of Public Hearing Mailed and Published

Public Hearing and Action by Planning & Zoning Commission

Action by Town Council

Plat Filed at Denton County

SHORT FORM PLAT REVIEW PROCESS

Applicant Submits Final Plat

Review and Approval

Action by Town Council

Plat filed at Denton County

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, secs. 2, 3, adopted 9/14/09)

SECTION 4.4 TYPES OF PLATS; FORM AND CONTENT

A. CONCEPT PLAT: The concept plat is a plat used for discussion purposes between the subdivider/developer and the Planning & Zoning Commission, and is intended to discover any development problems prior to the subdivider making extensive commitments.

1. Before submitting the Concept plat the applicant should discuss with the Planning & Zoning Chairman the procedure set for the adoption of a subdivision plat and the requirements of the "Design Standards" and of any pertinent Town ordinances. The Town shall also advise the applicant of existing conditions which may affect the proposed subdivision, such as existing or proposed streets, adjacent subdivision or properties, floodplain and drainage, sewage, fire protection, reservation of land, and

similar matters, referring the applicant to the proper agencies if services are not provided by the Town.

The Concept Plat may be drawn in pen or pencil to a convenient scale on a sheet not larger than twenty-four inches by thirty-six inches (24" x 36") and shall show the following:

a) Name of Subdivision

- (1) Name of subdivision if property is within an existing subdivision.
- (2) Proposed name if not within a previously platted subdivision. No name shall be a duplication, either in part or in whole or be similar in spelling or pronunciation to the name of any other subdivision within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. The name of the subdivider may be incorporated in the subdivision names. Whenever possible the names shall be in keeping with the geographical location, the natural features, and/or the historical significance of the area. Final acceptance and approval of the subdivision name shall be by the Town Council.
- (3) Name of property if no subdivision name has been chosen.

b) Ownership:

- (1) Name and address, including telephone number, of legal owner or agent of property.
- (2) Name and address, including telephone number of the surveyor responsible for preparation of Plat submittal.
- (3) The signature of the owner on the concept plat, or a notarized statement from the owner, authorizing the applicant to submit a concept plat on the property.
- (4) Name and address, including telephone number, of the applicant if different from the owner. If the applicant is not the owner of the property, then written approval from the owner shall be provided by the applicant authorizing submittal of the application.

c) Description: Location of property by lot, block, or survey abstract and graphic scale, north arrow and date.

d) Features:

- (1) Location of property lines, existing easements, right-of-way, watercourse[s], and existing wooded areas; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract.

- (2) Location of significant existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings on or immediately adjacent to the site and utility rights-of-way.
 - (3) Approximate topography suitable to understand general drainage patterns. This may be obtained from previous topographic maps.
 - (4) The approximate location and proposed width of all proposed street right-of-way.
 - (5) Preliminary concept for connection with existing water and sewer system and preliminary concept for collecting and discharging surface water drainage.
 - (6) The approximate location, dimensions, and area of all parcels of land to be set aside for park or other public use, or for common use of property owners in the proposed subdivision.
 - (7) The location of temporary stakes to enable the Town to find and appraise features of the Concept Plat in the field if other landmarks are not present.
 - (8) Whenever the Concept Plat covers only a part of an applicant's contiguous holdings, the applicant shall submit a sketch of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
 - (9) A vicinity map showing streets and other general development of the surrounding area. The Concept Plan shall show all zoning district boundaries within or adjacent to the tract if proposed to be changed from current boundaries.
2. Five copies of the Concept Plat shall be required for any subdivision or replatting of a subdivision. It may be drawn at a standard scale and size suitable for discussion purposes, and shall show the location of the subdivision, number of lots, typical lot depth and width, proposed utilities and streets, and any other information which may be necessary.
 3. No concept Plat or Replat shall be accepted for processing if it is determined to be administratively incomplete by the Mayor or designee. The application and fees shall be returned to the applicant until the application is complete.
 4. Upon receiving the concept plat, the plat shall be classified as Major, Minor, Minor with infrastructure, Replat, or Short Form plat. After review and discussion with the applicant [of] the plat along with its accompanying reports and other relevant material the Town shall advise the applicant in writing of the specific changes, if any, required by Town ordinance or regulation as a prerequisite for approval and additional changes required.

5. Any applicant which disagrees with the classification of the plat or any requirements imposed on the Concept Plat may appeal first to the Planning and Zoning Commission and then to the Town Council for a review. Upon appeal, the Town Council shall have final authority on any requirements imposed.

B. PRELIMINARY PLAT: The preliminary plat is a formal document showing the detailed concept of the subdivision presented with required accompanying studies to the Planning and Zoning Commission for approval. A preliminary plat is required for all Major Subdivisions.

1. Applicant Procedure: The applicant shall file an application for preliminary plat approval on a form provided by the Mayor or designee at least thirty (30) days prior to Planning and Zoning Commission meeting at which the plat shall be considered.

The application shall be accompanied by the following:

- a) The filing fee for preliminary plat and the fee for preliminary plat Engineering review as established by Town Fee Schedule.
- b) At least twenty (20) blue-line copies of the preliminary plat, drawn in accordance with requirements set forth in this Section. Upon receipt, the Mayor or designee shall distribute copies of the preliminary plat to the following parties:

6 copies to Planning and Zoning Commission

1 copy to Mayor

1 copy to P & Z/Town Council liaison

1 copy to Town Secretary or designee

1 copy to Town files

1 copy to Town Engineer

6 copies to franchised utilities and Texas Department of Transportation

Upon approval of the preliminary plat by the Planning and Zoning Commission, the applicant shall submit an additional 11 blue-line copies revised to reflect any changes recommended by the Planning and Zoning Commission and signed by the owners and surveyor. Upon receipt, the Mayor or designee shall distribute copies of the revised preliminary to the following parties:

5 copies to the Town Council

1 copy to the Mayor

1 copy to the Town Secretary or designee

1 copy to the Town Engineer

1 copy to the Town files

- c) Three (3) blue-line copies of the Preliminary Drainage Plan.
 - d) A written request for any variances, if necessary, within the subdivision and citing the ordinance provision and section to which a variance is being requested.
 - e) If the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which may be subsequently subdivided as additional units of the same subdivision, a layout of the entire area showing the tentative proposal for streets, blocks, and drainage improvements for such areas.
2. Form and Content of Preliminary Plat: The preliminary plat will be of the form and content as described and will contain as a minimum but not be limited to the following:
- a) The preliminary plat shall be drawn to a minimum scale of 100 feet to 1 inch by a licensed surveyor on sheets of 18 x 24 inches, unless otherwise approved by the Town. Whenever the size of the subdivision is such that a full area cannot be covered on a single sheet with space for titles and other required identifications, the plans shall be drawn on separate sheets with matching lines to facilitate joining them together as a continuous composite plat. If more than one sheet is necessary, a photographic reduction of the combined sheets to show the entire subdivision shall be prepared on an 18 x 24 inch sheet.
 - b) Name and address of the subdivider, owner of record and surveyor
 - c) The signature of the owner on the preliminary plat, or a notarized statement from the owner, authorizing the applicant to submit a preliminary plat on the property.
 - d) Proposed name under which the subdivision is to be recorded. All subdivisions shall be named and the name approved by the Town before the Final Plat is submitted. No name shall be a duplication, either in part or in whole or be similar in spelling or pronunciation to the name of any other subdivision within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. The name of the subdivider may be incorporated in the subdivision name. Whenever possible the name shall be in keeping with the geographical location, the natural features, and/or the historical significance of the area. Final acceptance and approval of the subdivision name shall be by the Town Council.
 - e) Names of contiguous subdivisions and those across adjacent streets, location of contiguous lots, and the name and address of owners of contiguous parcels of land and indication of whether contiguous properties are platted and filed of record.

- f) The location of existing blocks, lots, building lines, watercourses, ravines, bridges, culverts, present structures and any pertinent natural features in the area affected, with principal dimensions and all significant information in regard to property immediately adjacent on all sides.
- g) Other conditions adjacent to the tract affecting design of the subdivision including such information as may be available from field observation, aerial photographs and available maps.
- h) The tract designation and other description according to the real estate records of the county.
- i) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred. Such primary control points shall be either a Town recorded benchmark or a USGS benchmark, if such monument is within 2,000 feet of the proposed subdivision.
- j) A location map of the proposed subdivision showing existing and proposed streets and thoroughfares covering an area of at least one (1) mile outside the proposed subdivision.
- k) Subdivision boundary lines of the total proposed for subdivision and the computed acreage of the total area.
- l) Bearing and length of each boundary line shall be shown and description by metes and bounds of the subdivision perimeter shall be placed on the plat.
- m) The location, dimensions, and name (if applicable) of all existing or recorded streets, alleys, reservations, public or private easements or other public rights-of-way within the proposed subdivision, intersecting or contiguous with its boundaries or forming such boundaries. All existing or recorded residential lots, parks, public areas, [and] permanent structures within or contiguous with the proposed subdivision shall be shown.
- n) The location, dimensions, rights-of-way, and names of all proposed streets according to current adopted Town policies. When curved streets are proposed, the radius of the curve shall be shown.
- o) Each proposed street, within the subdivision area, shall be named and shall conform with names of any existing street of which they may be or become extensions. Extensions of existing streets or roads shall use the name already established. All streets shall be named and the name approved by the Town before the Final Plat is submitted. No name shall be a duplication, either in part or in whole, or be similar in spelling or pronunciation to, the name of any other street within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. No street shall be named for a living person, but may be named for a person of historical significance, especially within the immediate area. Whenever possible the

name shall be in keeping with the geographical location, the natural features, and/or historical significance of the area. Final acceptance and approval of street names shall be by the Town Council.

- p) Topography is required to be shown at contour intervals of not more than two feet (2')
- q) The location of existing and proposed sewers, water and gas mains and other public utilities easements and improvements and any existing on-site sewage systems and absorption fields.
- r) The location of any existing buildings or other structures.
- s) The location of existing and proposed drainage structures, storm drainage easements and improvements. (A copy of all design computations shall be submitted along with the plans.)
- t) The location of proposed blocks, lots and other sites within the proposed subdivision.
- u) A number shall be used to identify each lot, site or block.
- v) The specific size of each lot, in acres, and outside dimensions, in feet.
- w) Front building setback lines on all lots and sites. Second front yard building setback lines at street intersection. For lots facing on curved streets the chord width of the lot at the front building setback line shall be shown.
- x) Location of Town's limits line and the outer border of the Town's extraterritorial jurisdiction, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.
- y) The date of preparation, and date of latest revision.
- z) The boundaries and flood elevations of all areas located in flood hazard areas as determined by the FEMA maps provided by the Flood Insurance Administration.
- aa) The location of all existing pipeline easements and information concerning the size of the pipe, type of product being transported and the pressure in the pipeline.
- bb) The name of the registered Surveyor or Engineer responsible for preparing the plat.
- cc) A list of the proposed restrictive covenants, conditions, and limitations to govern the nature and use of the property being subdivided.
- dd) A North Point arrow and graphic scale.

- ee) Data specifying the gross area of the subdivision, the proposed number of residential lots and area thereof, and the approximate area in parks and in other nonresidential uses.
- ff) All land intended to be dedicated for public use or reserved in the deeds for the use of purchasers or owners of lots in the proposed subdivision together with the purpose of conditions or limitations of such dedications, if any.
- gg) Additional requirements for Phased Development:
 - (1) The plat shall show the entire subdivision.
 - (2) The location of lots and blocks proposed for inclusion in the first section of a development.
 - (3) Proposed plans for the remainder of the subdivision.
- hh) The following notice shall be placed on the face of each preliminary plat by the subdivider. "Preliminary Plat"
- ii) The following certificate shall be placed on the preliminary plat by the subdivider:

"Recommended for Approval by Planning & Zoning Commission:

Chairman: _____

Approved by Town Council:

Mayor: _____

Attested by:

Town Secretary: _____

Date of Town Council Approval: _____"

3. Action by Town Staff, Planning & Zoning Commission and Town Council

- a) No Preliminary Plat or Replat shall be accepted for processing if it is determined to be administratively incomplete by the Mayor or designee. The application and fees shall be returned to the applicant until the application is complete.
- b) The Town Engineer shall make preliminary review comments to the Planning & Zoning Commission.
- c) No Preliminary Plat or Preliminary Replat shall be approved unless it is shown to be in compliance with the Comprehensive Plan.
- d) A Preliminary Plat or Preliminary Replat will not be accepted for processing if all or any portion of the land area encompassed within the Plat is included in or directly affected by any proposed amendment to the Comprehensive Plan, if

such amendment has been set for formal presentation to the Planning and Zoning Commission or the Town Council by placement on a formal agenda.

- e) Whenever a Preliminary Plat is submitted covering an area encompassing five (5) acres or greater, or a Preliminary Replat of an existing subdivision is submitted for consideration by the Planning and Zoning Commission, written notice of the consideration of such submission shall be mailed to the owners of all property located within two hundred feet (200') of the exterior boundaries of the Plat or Replat, exclusive of public street rights-of-way. The notice shall identify the location of the property being platted or replatted and shall specify the time and place where the Planning and Zoning Commission will formally consider action on the platting or replatting. Notice shall be given no earlier than twenty (20) days prior to such hearing and not less than ten (10) days prior to such hearing, and will be mailed to the property owner at their address as reflected in the municipal tax records. This notice requirement shall not apply to proposed Plats or Replats lying within the extraterritorial jurisdiction of the Town.
- f) The Planning and Zoning Commission shall act on a plat within thirty (30) days after the plat is filed. The preliminary plat shall be considered filed on the date on which formal application to the Planning and Zoning Commission is made and the requisite fees paid. A plat that is denied for administrative incompleteness shall not be subject to the thirty (30) day review. The Planning and Zoning Commission shall recommend approval, conditional approval, or disapproval of the Preliminary Plat. The preliminary plat is considered approved by the Planning and Zoning Commission unless it is disapproved within thirty (30) days after the date the preliminary plat is filed.
- g) The Town Council shall act on a preliminary plat within thirty (30) days after the date the preliminary plat is approved by the Planning and Zoning Commission or is considered approved by the inaction of same. The Town Council shall grant approval, conditional approval or disapproval of the Preliminary Plat. The preliminary plat is considered approved by the Town Council unless it is disapproved within thirty (30) days after the date the preliminary plat is approved by the Planning and Zoning Commission.
- h) If a Preliminary Plat is approved by the Town Council subject to certain conditions three (3) copies of a revised Preliminary Plat reflecting those conditions shall be submitted to the Mayor or designee within thirty (30) days after approval or the approval lapses unless the applicant demonstrates good cause for delay in submitting the revised Preliminary Plat. Submission of a Final Plat within thirty (30) days reflecting the conditions approved shall meet the requirements of this provision.
- i) Approval of a preliminary plat by the Council shall be deemed an expression of approval of the layout submitted on the preliminary drawings as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final or recorded plat. Approval of the Preliminary Plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with preparation of the Final Plat for record.

- j) Approval or conditional approval of a preliminary plat by the Town Council shall be valid for a period of six (6) months from the date of approval. Failure to prepare a final plat and have it recorded in accordance with the provisions of this Ordinance within six (6) months from the date of preliminary plat approval shall result in the expiration of the previous approval. The six (6) month period for Final Plat submission may be extended up to six (6) months upon a majority vote of the Planning and Zoning Commission if a developer demonstrates good cause why the authorization should continue. The Preliminary Plat extends authorization of the remaining portion of the Preliminary Plat by an additional six (6) month from filing the latest Final Plat.
 - k) No construction, including grading, shall be commenced on the subdivision prior to acceptance of the final plat and a Notice to proceed is issued by the Town Engineer.
4. Variance: If a variance has been granted, a statement from the Town Council which describes the modification approved, as a part of the conditional approval shall be filed[.]

C. FINAL PLAT

1. Application Procedures: After obtaining approval of any required construction plans by the Town Engineer, the applicant shall file an application for approval of the final plat on forms available at the office of the Town. The application shall be accompanied by the appropriate filing fee. Patching and pasting of paper attachments is not acceptable. All figures and lettering shall be neat and easily legible. For final approval, the final plat must comply in all respects with the approved preliminary plat.
- a) Major Subdivision
 - (1) The applicant shall submit at least six (6) blue-line copies of a Final Plat meeting all the requirements as to Form and Content listed below for review by the staff.
 - (2) The Final Plat shall be accompanied by the following:
 - (a) The required review and filing fees for Final Plat Approval as set by Town Fee Schedule.
 - (b) A completed form of Performance and/or Surety Bonds or other Surety Funds as prescribed in Article VI, Section 6.2, for submittal to the Town Attorney for approval.
 - (c) One copy of private deed restrictions, if any, as filed in the records of Denton County.
 - (d) Three copies of the Final Drainage Plans, Final Water and Sewer Plans, and Final Street Paving Plans as further defined in Sections 5.5, 5.6 and 5.7 [5.4 C, D and E.].

- (e) At least one copy of any other reviews, plans or studies.
 - (f) The Town Council shall approve all Subdivider's Agreements prior to filing of the Final Plat.
 - (g) The final plat applications shall be considered complete only upon receipt of all items required in paragraphs (a) through (f) above. Upon approval of all submittals by the Town, the applicant shall submit two Mylar and six blue-line copies measuring 18" x 24" of the plat, signed and suitable for filing purposes.
- b) Minor Subdivision
- (1) Following the review and classification of the concept plat as a Minor Subdivision by the Town, if the applicant wishes to proceed with the subdivision, he shall file a request on a form provided by the Town to appear before the Planning and Zoning Commission. This request must be filed at least thirty (30) days prior to the Planning and Zoning Commission meeting at which he wishes to appear.
 - (2) The applicant shall submit at least 13 blue-line copies of a Final Plat meeting all requirements as to Form and Content listed below, at least thirty (30) days prior to the Planning and Zoning Commission meeting at which he wishes to appear.
 - (3) The Final Plat shall be accompanied by the following:
 - (a) The required review and filing fees for Final Plat Approval as set by the Town Fee Schedule.
 - (b) One copy of the private deed restrictions, if any, as filed in the records of Denton County.
 - (c) Three copies of Topography and Preliminary Drainage Plan, as described in this Section.
 - (d) An approved financial assurance instrument for paving of any perimeter streets, in accordance with Article VII [VI] of this Ordinance.
 - (4) Upon recommendation of approval from the Planning and Zoning Commission, the applicant shall submit at least eleven (11) revised blue-line copies of the final plat for review by the Town Council. The revised blue-lines shall reflect any changes required to meet conditions imposed by the Planning and Zoning Commission and all copies shall be signed by the owners and surveyor.
 - (5) Upon approval by the Town Council, the applicant shall submit two (2) mylars and six (6) blue-line copies of the revised Final Plat, signed and suitable for filing with the County.

c) Replat

- (1) Following the review and classification of the concept plat as a Replat by the Town, the applicant shall file a request on a form provided by the Town to appear before the Planning and Zoning Commission. This request must be filed at least thirty (30) days prior to the Planning and Zoning Commission meeting at which he wishes to appear. Processing of a Replat shall conform to the requirements of Sections 212.014 and 212.015 of the Texas Local Government Code.
- (2) The applicant shall submit at least 13 blue-line copies of a Final Plat meeting all requirements as to Form and content listed below, at least thirty (30) days prior to the Planning and Zoning Commission meeting at which he wishes to appear.
- (3) The Final Plat shall be accompanied by the following:
 - (a) The required review and filing fees for Final Plat Approval as set by the Town Fee Schedule.
 - (b) One copy of the private deed restrictions, if any, as filed in the records of Denton County.
 - (c) Three copies of Topography and Preliminary Drainage Plan, as described in this Section.
 - (d) An approved financial assurance instrument for paving of any perimeter streets, in accordance with Article VII [VI] of this Ordinance[.]
 - (e) The names and mailing addresses of all owners of lots within 200 feet of the proposed replat; as indicated on the most recently approved tax roll.
- (4) The Mayor or designee shall cause the publication of a notice of the public hearing in the official newspaper at least 16 days prior to the hearing and mail written notice of the hearing to all property owners within the original subdivision whose lots are within 200 feet of the proposed Replat.
- (5) Upon recommendation of approval from the Planning and Zoning Commission following the public hearing, the applicant shall submit at least eleven (11) revised blue-line copies of the final plat for review by the Town Council. The revised blue-lines shall reflect any changes required to meet conditions imposed by the Planning and Zoning Commission and all copies shall be signed by the owners and surveyor.
- (6) Upon approval by the Town Council, the applicant shall submit two (2) mylars and six (6) blue-line copies of the revised Final Plat, signed and suitable for filing with the County.

d) Short Form Plat

- (1) Following the review and classification of the concept plat by the Town, the applicant shall submit eleven (11) signed blue-line copies of a Final Plat meeting all requirements as to Form and Content listed below.
- (2) The Final Plat shall be accompanied by the following:
 - (a) The required review and filing fees for Final Plat Approval as set by the Town Fee Schedule.
 - (b) One copy of the private deed restrictions, if any, as filed in the records of Denton County.
 - (c) Three copies of Topography and Preliminary Drainage Plan, as described in this Section.
- (3) Upon approval by the Town and the Town Council, the applicant shall submit two (2) mylars and six (6) blue-line copies of the revised Final Plat, signed and suitable for filing with the County.
- (4) Any applicant aggrieved by a decision or condition imposed by the Town may appeal to the Planning and Zoning Commission and Town Council. In such event, the applicant shall file the number of copies required for a Minor Plat, along with a written appeal of the requirement by the Town.

2. Form and Content: The final plat shall comply in all respects with the approved Preliminary Plat for a Major Subdivision or the approved Concept Plat for a Minor Subdivision, Replat or Short Form Plat. The applicant shall submit the Final Plat drawn by a licensed surveyor and shall include the following:

- a) The final plat shall be drawn to a minimum scale of 100 feet to 1 inch by a licensed surveyor on sheets of 18 x 24 inches, unless otherwise approved by the Town. Whenever the size of the subdivision is such that a full area cannot be covered on a single sheet with space for titles and other required identifications, the plans shall be drawn on separate sheets with matching lines to facilitate joining them together as a continuous composite plat. If more than one sheet is necessary, a photographic reduction of the combined sheets to show the entire subdivision shall be prepared on an 18 x 24 inch sheet.
- b) A blank 3-inch by 3-inch block shall be provided at the lower right-hand corner of each sheet for the recording stamp by the Denton County Clerk.
- c) Name and address of the subdivider, owner of record, and surveyor.
- d) The signature of the owner on the final plat, or a notarized statement from the owner, authorizing the applicant to submit a final plat on the property.
- e) Proposed name under which the subdivision is to be recorded. All subdivisions shall be named and the name approved by the Town Council before the Final Plat is submitted. No name shall be a duplication, either in part or in whole or

be similar in spelling or pronunciation to the name of any other subdivision within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. The name of the subdivider may be incorporated in the subdivision names. Whenever possible the name shall be in keeping with the geographic location, the natural features, and/or the historical significance of the area. Final acceptance and approval of the subdivision name shall be by the Town Council.

- f) Names of contiguous subdivisions, location of contiguous lots, and indication of whether contiguous properties are platted and filed of record.
- g) The tract designation and other description according to the real estate records of the county.
- h) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred. Such primary control points shall be either a Town recorded benchmark or a USGS benchmark, if such monument is within 2,000 feet of the proposed subdivision.
- i) A location map of the proposed subdivision showing existing and proposed streets and thoroughfares covering an area of at least one (1) mile outside the proposed subdivision.
- j) Subdivision boundary lines of the total area proposed for subdivision and the computed acreage of the total area.
- k) Bearing and length of each boundary line shall be shown and description by metes and bounds of the subdivision perimeter shall be placed on the plat.
- l) The location, dimensions, and name (if applicable) of all existing or recorded streets, alleys, reservations, public or private easements or other public rights-of-way within the proposed subdivision, intersecting or contiguous with its boundaries or forming such boundaries. All existing or recorded residential lots, parks, public areas, [and] permanent structures within or contiguous with the proposed subdivision shall be shown.
- m) The location, dimensions, rights-of-way, and names, of all proposed streets according to current adopted Town policies. When curved streets are proposed, the radius of the curve shall be shown.
- n) Each proposed street, within the subdivision area, shall be named and shall conform with names of any existing street of which they may be or become extensions. Extensions of existing streets or roads shall use the name already established. All streets shall be named and the name approved by the Town before the Final Plat is submitted. No name shall be duplication, either in part or in whole, or be similar in spelling or pronunciation to, the name of any other street within the Town or within any distance outside the Town, which might result in confusion to operators of emergency vehicles. No street shall be named for a living person, but may be named for a person of historical significance, especially within the immediate area. Whenever possible the

name shall be in keeping with the geographical location, the natural features, and/or the historical significance of the area. Final acceptance and approval of street names shall be by the Town Council.

- o) The location of existing and proposed public utilities easements and improvements.
- p) The location of existing and proposed drainage structures, storm drainage easements and improvements.
- q) The location of proposed blocks, lots, and other sites within the proposed subdivision.
- r) A number shall be used to identify each lot, site or block.
- s) The specific size of each lot, in acres, and outside dimensions, in feet.
- t) Front building setback lines on all lots and sites. Second front yard building setback lines at street intersection. For lots facing on curved streets the chord width of the lot at the front building setback line shall be shown.
- u) Location of Town limits line and the outer border of the Town's extraterritorial jurisdiction, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.
- v) The date of preparation, and date of latest revision.
- w) The location of all existing pipeline easements and information concerning the size of pipe, type of product being transported and the pressure in the pipeline.
- x) The name of the registered Surveyor or Engineer responsible for preparing the plat.
- y) A list of the proposed restrictive covenants, conditions, and limitations to govern the nature and use of the property being subdivided.
- z) A North Point arrow.
- aa) Data specifying the gross area of the subdivision, the proposed number of residential lots and area thereof, and the area in parks and in other nonresidential uses.
- bb) All land intended to be dedicated for public use or reserved in the deeds for the use of purchasers or owners of lots in the proposed subdivision, together with the purpose of conditions or limitations of such dedications, if any.

cc) The following certificate shall be placed on the final plat by the subdivider:

“Recommended for Approval by Planning and Zoning Commission:

Chairman: _____

Approved by Town Council:

Mayor: _____

Attested by:

Town Secretary: _____

Date of Town Council Approval: _____”

dd) “FINAL PLAT” Designation listed on face of all copies.

ee) Metes and bounds description including total acreage according to County Deed Records.

ff) For a phased development the dedication shall be only for the section approved. A statement signed and acknowledged by the owner dedicating all street, alleys, easements, parks and other open spaces to public use, and the developer’s certification that all parties with any interest in the title to the subject property have joined in such dedication, duly executed, acknowledged and sworn to by said developer before a Notary Public. When applicable, an agreement showing the subdivider has made provision for perpetual maintenance thereof to the inhabitants of the subdivision should be shown or referenced on the fact of the Plat. An example of such a dedication instrument would read as follows:

STATE OF TEXAS
COUNTY OF DENTON

OWNER’S ACKNOWLEDGEMENT AND DEDICATION

I (we), the undersigned, owner(s) of the land shown on this plat Within the area described by metes and bounds as follows:

(Metes and Bounds Description of Boundary)

are designated herein as the _____ subdivision to the Town of Shady Shores, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, watercourses, drains, easements[,] rights-of-way and public places thereon shown for the purpose and consideration therein expressed

Owner

Date: _____

STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to be the person whose name is subscribed to the foregoing instruments, and acknowledge[d] to me that he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this _____ day of _____ 20____

Notary Public

_____ County

- gg) A notation of [on] the Plat indicating that “Any public utility, including the Town of Shady Shores, shall have the right to move and keep moved all or part of any buildings, fences, trees, shrubs, other growths, or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of the easements shown on the Plat. Any public utility, including the Town of Shady Shores, shall have the right at all times of ingress and egress to and from and upon said easements for the purposes of constructing, reconstructing, inspection, patrol[,] maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.”
- hh) Public open space easements (P.O.S.E.) shall be indicated on all lots adjoining two (2) intersecting public streets and shall have a minimum dimension of Twenty-five feet (25') along each portion adjacent to a public street right-of-way.
- ii) Certificate, including the original seal and the original signature of the surveyor responsible for surveying the subdivision area.

STATE OF TEXAS
COUNTY OF DENTON

CERTIFICATE OF SURVEYOR

I, the undersigned, a (public surveyor) in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Surveyor’s Seal)

Registered Public Surveyor

Date: _____

- jj) Deed restrictions for the subdivision shall be shown on the plat or on 8-1/2 x 11 inch paper attached as a supplement to the plat.

- kk) A statement on the face of the final plat requiring the lot owners to connect to a sewage collection system when made available.
- ll) Five sets of Engineering Plans and Specifications where applicable.

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, sec. 4, adopted 9/14/09)

SECTION 4.5 VACATING AND AMENDING PLATS

A. A recorded plat may be vacated in accordance with the procedures and requirements set forth in Section 212.013 of the Local Government Code.

B. An amended plat may be filed in accordance with the procedures and requirements set forth in Section 212.016 of the Local Government Code. The Planning and Zoning Commission may approve and issue an amending plat, which may be recorded and controlling over the preceding plat without vacation of that plat and without notice and hearing, if the amending plat is signed and acknowledged by the owners of the property being replatted and is solely for one or more of the following purposes:

1. to correct an error in any course or distance shown on the preceding plat;
2. to add a course or distance that was omitted on the preceding plat;
3. to correct an error in a real property description shown on the preceding plat;
4. to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.
5. to show the location or character of a monument which has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
6. to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
7. to correct an error in courses and distances of lot lines between two (2) 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; and
 - d) the amendment does not have a materially adverse effect on the property rights of the other owners in the plat;

8. to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
9. to relocate 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; and
 - c) the amendment does not increase the number of lots; or
10. to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - a) the changes do not affect applicable zoning and other regulations of the municipality
 - b) the changes do not attempt to amend or remove any covenants or restrictions; and
 - c) the area covered by the changes is located in an area that the Planning and Zoning Commission or Town Council has approved, after a public hearing, as a residential improvement area.
11. To replat one or more lots fronting on an existing street 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; and
 - d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

C. PROCEDURE

1. An application for vacating or amending a plat shall be filed with the Planning and Zoning Commission on forms provided by the Town.
2. The appropriate filing fee as set forth in the Fee Schedule shall be paid at the time of application.
3. Amended plats should meet the same requirements set forth in the Ordinance as for Short Form plats.

4. The Planning and Zoning [Commission] may recommend and the Town Council may approve, conditionally approve or disapprove any amended plat or vacation request in accordance with the procedures for plat approval set forth in this article.

(Ordinance 130 adopted 6/5/00)

SECTION 4.6 SIGNING AND RECORDING OF SUBDIVISION PLAT

A. SIGNING OF PLAT

1. The Chairman of the Planning & Zoning Commission and the Mayor shall sign all copies of the approved Final Plat.
2. If Public Improvements are to be installed and a surety required, the Chairman of the Planning and Zoning Commission and the Mayor shall endorse approval only after the Subdivider's Agreement has been approved by the Town Council, and all fees have been paid.
3. The signature of the Chairman of the Planning and Zoning Commission and the Mayor indicate approval of the platting of the land, not the improvements to be placed thereon.

B. RECORDING OF PLAT

1. It shall be the responsibility of the Town Secretary or designee to file the plat with the County Clerk's office.
2. A copy of the approved plat with all signatures shall be returned to the applicant. Additional copies can be provided upon prior arrangement with the Town.

(Ordinance 130 adopted 6/5/00)

SECTION 4.7 PROCESSING OF FINAL PLAT AND CONSTRUCTION PLANS

A. No Final Plat or Replat shall be accepted for processing if it is determined to be administratively incomplete by the Town. The application and fees shall be returned to the applicant until the application is complete.

B. Upon receipt of the final plat with construction plans and the required filing fees, the Town shall check the plat as to its conformity with the Town Comprehensive Plan, Land Use Plan, zoning districts, lot size requirements, subdivision and street names and other applicable Town standards.

C. The Town shall transmit copies of the final plat and construction plans to the 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 Engineer shall submit a written report to the Town with his/her suggestions as to modifications[,], additions, alterations or other matters pertinent to the plat.

D. The Planning and Zoning Commission shall act on a plat within thirty (30) days after 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[.]

E. 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.

F. If a final 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.

G. 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 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.

H. If the final plat is approved the Town shall have the approval certificate on the plat executed by the Mayor and attested by the Town Secretary or designee, contingent to the developer paying all inspection fees, impact fees, assessment charges and pro-rata charges.

I. After the final plat and plans have been approved by the Town Council, but before the construction of water, sewer, street or drainage improvements are started, the Subdivider shall furnish the Town with six (6) sets of the completed plans and specifications.

J. 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.

K. The final plat shall be recorded by the Town 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.

L. Upon filing the plat in the County Records, the Town shall have two (2) photostatic copies made by the County Recording Clerk on standard 18-inch by 24-inch sheets showing the Volume and Page where filed. One (1) copy will be placed in the permanent plat record book at the Town Hall.

M. 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 prior to issuance of a Notice to Proceed to commence construction by the Town Engineer.

(Ordinance 130 adopted 6/5/00)

SECTION 4.8 WHERE A SUBDIVISION IS A UNIT OF A LARGER TRACT

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, the Preliminary Plat shall cover the entire area of common ownership or joint development, showing the tentative proposed layout of streets, blocks[,] drainage, and other improvements for such areas. Thereafter, Final Plats of subsequent units of such subdivision shall conform to such approved preliminary Plat, unless changed by the Planning and Zoning Commission. However, except where the subdivider agrees to such change, the Planning and Zoning Commission may change such approved Preliminary Plan only when it finds:

- A. That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance; or
- B. That adherence to the previously approved overall layout will be detrimental to the public health, safety, or welfare; or will be injurious to other property in the area.

If a Final Plat or any combination of Final Plats comprises ninety percent (90%) or more of the unplatted property in common ownership on the Preliminary Plat and the remaining unplatted land would be three (3) acres or less, then a Final Plat for the entire remainder of the property shall be submitted for approval.

(Ordinance 130 adopted 6/5/00)

ARTICLE V. ENGINEERING PLANS AND STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

SECTION 5.1 PRELIMINARY DRAINAGE PLAN

For a Major Subdivision, this sheet shall be submitted with the Preliminary Plat. For a Minor Subdivision, Replat or Short Form Plat, this sheet shall be submitted with the Final Plat when required by the Town Engineer. This sheet shall be prepared on a reproducible copy of the Plat so that the same information shall be repeated together with the following:

- A. Topographical information including contour lines on a basis of two-foot (2') intervals for all Major Subdivisions and Minor Subdivisions as recommended. All elevations shall be on U.S. Geologic Survey datum or referenced to a Town benchmark on the same datum. The datum used shall be specified on the drawing.
- B. Any proposed changes in topography shown by contour lines on a basis of two-foot (2') vertical intervals.
- C. Areas contributing drainage to the proposed plat shall be shown on small scale supplemental drawings. The information to be submitted shall include the area, slope and type of development in the contributing area.

- D. The locations of drainage from the proposed plat including contributing areas shall be shown together with the quantity of drainage. All drainage must be planned in the best interests of the immediate and adjacent properties.
- E. Drainage arrows shall be shown for all streets and drainage easements. When the maximum permissible capacity of streets to carry stormwater is exceeded the location of storm sewers, curb inlets and open channels shall be shown.
- F. Supplemental information showing the preliminary design calculations for drainage shall be furnished on 8-1/2 x 11 inch paper attached to the Preliminary Drainage Plan.
- G. The exact location, dimension, description, and flow lines of existing drainage structures, including road and driveway culverts, and the location, flow line and floodplain of existing watercourses within the subdivision or contiguous tracts.
- H. The width of drainage and other easements shall be shown.
- I. A preliminary erosion and sedimentation plan shall be provided.

(Ordinance 130 adopted 6/5/00)

SECTION 5.2 PRELIMINARY WATER AND SEWER PLAN

This sheet shall be submitted with the Preliminary Plat for Major Subdivisions and shall be prepared from the Preliminary Plat, but shall also include topographical contours at the intervals specified for Preliminary Drainage Plan, and shall show the following:

- A. Existing sewers, water mains, gas mains, electric and telephone lines, culverts, or other underground structures or utilities within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated.
- B. Indicate the direction and distance to, and size of the nearest water mains and sewers in the event they are not on or adjacent to the tract, showing invert elevation of sewers, if any.
- C. The size and location of all proposed sewer mains and proposed easements, if required, including manholes. Preliminary grades for each main between manholes and the depth at each manhole shall be shown. Preliminary sewer plans are required to determine location of easements.
- D. The size and location of all proposed water distribution mains including valves and fire hydrants.
- E. The size of water mains according to requirements of the LCMUA.

In the event water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of the nearest ones, showing invert elevation of sewers.

(Ordinance 130 adopted 6/5/00)

SECTION 5.3 PRELIMINARY STREET AND GRADING PLAN

This sheet shall be submitted with the Preliminary Plat for Major Subdivisions and shall be prepared from the Preliminary Plat, showing topographical contours as applicable, and showing the following:

- A. Type of street to be constructed (i.e. Hot Mix Asphalt Concrete (HMAC) or Portland cement).
- B. Classification (i.e. arterial, collector, residential).
- C. Additional easement or right-of-way requirements.
- D. Design Standards used.
- E. Relationship of existing and planned streets, to topographical conditions, if applicable.
- F. Planned grading contours, elevations, earthworks, slopes, retaining walls, or other grading information required by the Town Engineer.

(Ordinance 130 adopted 6/5/00)

SECTION 5.4 CONSTRUCTION PLANS FOR PUBLIC IMPROVEMENTS

These plans shall be submitted along with a copy of the Final Plat to the Town Engineer for review and approval for Major Subdivisions, and for Minor Subdivisions with Infrastructure when required.

A. GENERAL REQUIREMENTS

- 1. Prior to the commencement of any construction of public works improvements, the developer or person who intends to construct such project shall present plans, specifications, and projections of probable cost setting forth in detail all elements of construction to the Town for approval. In the case of public improvements associated with subdivision development, the engineering plans (including descriptions of all necessary off-site easements) must be approved in accordance with all requirements of this Subdivision Ordinance prior to approval of the final plat.
- 2. The developer shall retain a registered Civil Engineer, licensed to practice in the State of Texas, for all design in new subdivisions or developments, including streets, storm drains, water and sanitary sewers. Each plan shall show the seal and signature of the registered professional Engineer who prepared the plan.
- 3. These plans shall be submitted on standard 24 x 36 inch sheets, and shall include the information required herein. Plan and profile sheets shall be oriented with the plan view at the top portion of the sheet.

4. Two (2) copies of the engineering plans and a copy of the Final Plat shall be submitted to the Town Engineer for review and approval.
5. Five (5) copies of complete and approved plans, specifications, engineering calculations, and detailed cost estimates for streets, drainage, sanitary sewers, water distribution, and any other improvements to be performed are required for submission with the Final Plat for approval by the Planning and Zoning Commission and shall be based on studies approved by the Planning and Zoning Commission at the time of preliminary plat approval.
6. Five (5) copies of complete and approved plans, specifications, engineering calculations, and detailed cost estimates for streets, drainage, sanitary sewers, water distribution, and any other improvements to be performed are required for submission with the Final Plat for approval by the Town Council.
7. Upon approval of the plans, the Developer shall furnish two (2) sets of signed final approved plans to the Town.

B. CONTENT OF PLANS, SPECIFICATIONS AND COST ESTIMATES

1. The plans shall include plan view, profile and section views of the proposed improvements. Construction details of all structures and appurtenances including dimensions, reinforcing, and components such as grate and manhole covers shall be shown. The proposed curb and gutter type and location in relation to the centerline and right-of-way, the proposed sidewalk dimension and the proposed parkway grading shall be shown on street plans. This information shall be given for each of the different types of streets and alleys in the subdivision. Soils test by an approved soil testing laboratory shall be submitted with the plans to determine the limits and amount of lime or cement stabilization required.
2. The plans shall include the alignment of each street, alley, crosswalk and drainage and any other easement, and a beginning and end station of the point of intersection of each curve. The station and angle of each intersection with another street, alley, or drainage easement, the station and radius of each curb return, the location of all monuments and the length, width, thickness of base, subgrade and surface material of each street.
3. The plans shall also include the location, description and elevation of all benchmarks, the direction of storm drainage flow at each intersection, the flow line elevation of each drainage structure, the flow line elevation of each storm sewer at each point of change of grade and each end and the intervening gradient, the profiles of streets, alleys, and drainage structures shall show the natural ground at adjacent property lines and the proposed centerline.
4. The plans and profiles should be drawn at a scale of one inch (1") to forty feet (40') horizontal and one inch (1") to four feet (4') vertical on sheets no larger than eighteen inches by twenty-two inches (18" x 22") in size. North arrow and date of preparation must be shown on each sheet. All public work improvement plans shall bear the seal and signature of a Professional Engineer registered in the State of Texas.

5. The applicant shall also submit an Engineering Report that includes all calculations and assumptions used in the design of the proposed improvements.
 6. Cost projections shall be prepared using quantities shown on the construction plans and recent unit prices from bids on similar projects. Reasonable contingencies should be included to cover uncertainty in the projection. Actual bids supported by bid and performance bonds may be used in lieu of projections of probable cost.
 7. Upon approval of the construction plans, specifications and projections of probable cost by the Town Engineer, approval of the contract documents, bonds and financial assurance; acquisition of all necessary off-site easements, and upon receipt of the inspection fees, the Town shall issue a permit for the construction of public improvements.
- C. FINAL DRAINAGE PLANS: Upon approval of the preliminary drainage study, the Developer shall submit detailed plans, specifications and cost projections prepared by a registered Professional Engineer registered in the State of Texas and experienced in municipal drainage work. Existing and proposed flow lines of all improvements shall be shown. Unless otherwise specified herein, drainage requirements shall be based on the City of Denton Drainage Design Criteria. The Hydraulic Manual prepared and compiled by the Texas Department of Transportation Bridge Division, with current revisions, may be used in cases not covered by the of Denton City Drainage Design Criteria.
1. Five (5) copies of final grading and drainage plans, indicating two foot (2') contours. All street width and grades shall be indicated on the plan, and runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and all points in the street at changes of grade or where the water enters another street or storm sewer or drainage ditch. Drainage easements shall be indicated. Upon approval, four (4) copies of the construction plans shall be submitted.
 2. A general location map of the subdivision showing the entire watershed (a 7-1/2 minutes USGS Quadrangle is satisfactory).
 3. Calculations showing the anticipated design stormwater flow, including watershed area slope, volume and percent runoff, and time of concentration. When a drainage ditch, culvert, channel or storm sewer is proposed, hydraulic calculations including flow routes and rates for the design storm shall be submitted showing the basis for design.
 4. When a drainage channel or storm sewer is proposed, complete plans, profiles and specifications shall be submitted showing complete construction details. Scales shall be 1 inch equal to 40 or 50 feet horizontally and 1 inch equal 4, 5, or 10 feet vertically.
 5. Sufficient copies of detailed cost estimates.

6. A plan of the development shall be submitted depicting the final grading contours, and elevators [elevations], earthwork, slopes, retaining walls, minimum finished floor elevations of all structures, and any other information considered necessary by the Engineer for the Town at a scale of 1" = 100' minimum.

D. FINAL WATER AND SEWER PLANS

1. Five (5) copies of the Final Water and Sewer Plans as submitted to the Town of Shady Shores. The plans shall show the location and dimension of existing and proposed right-of-way or easements in which the lines are to be located and the location of fire hydrants. These plans shall be submitted with the Final Plat for Major Subdivisions and shall be prepared from the Preliminary Plat, but shall also include topographical contours and shall show the following
 - a) Existing sewers, water mains, gas mains, electric and telephone lines, culverts, or other underground structures or utilities within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated.
 - b) A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated and showing locations of manholes, cleanouts, etc. And a plat of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, and fittings, etc., in conformance with the criteria as shown in the part of the Ordinance listed as "Design Provisions." Each plan shall show the seal and signature of the registered Professional Civil Engineer who prepared the plans. Each sheet shall include north point, scale, date, and benchmark description to sea level datum. If the applicant does not propose to install a sewage collection system, a preliminary sewage collection plan may be required, suitable for determination of easement requirements.
 - c) Indicate the direction and distance to, and size of the nearest water mains and sewers in the event they are not on or adjacent to the tract, showing invert elevation of sewers, if any.
 - d) A plan and profile of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, and fittings and other facilities. A profile is required for all water lines 6 inches in diameter and larger. Each sheet shall include north point, scale, date, and benchmark description to sea level datum.
 - e) The size and location of all proposed sewer mains and proposed easements, if required, including manholes. Grades for each main between manholes and the depth at each manhole shall be shown. Sewer plans are required to determine location of easements.
 - f) The size and location of all proposed water distribution mains including valves and fire hydrants.
 - g) The size of water mains according to requirements of the LCMUA.

- h) Scales shall be 1 inch equal to 40 or 50 feet horizontally and 1 inch equal 4, 5 or 10 feet vertically.
- E FINAL STREET PAVING PLANS: Five (5) copies of plans and profiles of all streets, alleys, sidewalks, crosswalk ways, and monuments, and sufficient copies of detailed cost estimates. Upon approval (4) copies of the construction plans shall be submitted.
 - 1. A plan and profile of each street with centerline and top curb grades, existing and proposed ground line shown. Each street shall include north point, scale, date, and benchmark description to sea level datum and showing the following:
 - a) Type of street to be constructed (i.e. Portland cement, H.M.A.C.).
 - b) Classification (i.e. arterial, collector, residential).
 - c) Additional easement or right-of-way requirements.
 - d) Design Standards used.
 - e) Relationship of existing and planned streets, to topographical conditions, if applicable.
 - f) Planned grading contours, elevations, earthworks, slopes, retaining walls, or other grading information required by the Town Engineer.
 - 2. Scales shall be 1 inch equal to 40 or 50 feet horizontally and 1 inch equal 4, 5 or 10 feet vertically.
 - 3. The typical cross-section of proposed streets showing the width of roadways and type of surface shall be shown.
 - 4. All other requirements of the current street standards shall be included in the plans.
 - 5. The plans shall contain a certificate of approval for signature of the Town Secretary or designee and Town Engineer.

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, sec. 5, adopted 9/14/09)

SECTION 5.5 OTHER UTILITIES

The Subdivider must furnish a written statement to the Town designating that the subdivision will be served with gas or will be total electric service. If a gas distribution system is to be installed then all distribution main and service lines shall be installed before street construction is complete.

The Subdivider must furnish a written statement to the Town designating how the subdivision will be served by electrical, natural gas, telephone and cable television. Utility construction shall be coordinated with street construction to avoid unnecessary pavement cuts.

(Ordinance 130 adopted 6/5/00)

SECTION 5.6 DESIGN SUMMARY

A separate document of report entitled “Engineering Report” shall be submitted with final plans and specifications. This report shall summarize calculations and other Engineering information pertaining to the major items of design significance as may be necessary in the Town’s review of the plans and specifications to determine whether the facilities proposed for construction have been designed in accordance with the intent of the Design Standards contained or referenced herein. Calculations should include drainage facilities, water demand, sewage flows, and any others which are considered necessary by the Town. (Ordinance 130 adopted 6/5/00)

SECTION 5.7 STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

The Town of Shady Shores, Texas, herein has adopted the Standard Specifications for Public Works Construction (1995, as amended) as published by the North Central Texas Council Governments (NCTCOG), plus any local amendments adopted by the Town of Shady Shores, for use in public works or facilities construction within the Town of Shady Shores and its Extraterritorial jurisdiction. These specifications are adopted in their entirety. All builders, developers, and contractors are to utilize said specifications in the construction of any public facilities or projects which are anticipated to be dedicated to, accepted by, or utilized by the public within the Town of Shady Shores and its extraterritorial jurisdiction. To the extent that any of the provisions of these standard specifications are in conflict with any other Town ordinances, the most restrictive or exacting standard shall apply. (Ordinance 130 adopted 6/5/00)

SECTION 5.8 DRAINAGE REQUIREMENTS AND DESIGN STANDARDS

A. PURPOSE: The standards and requirements of this section are adopted for the following purposes:

1. To protect human life, health and property;
2. To provide for the sound use and development of all areas in such a manner as to minimize flood impacts;
3. To retain natural floodplains in a condition that minimizes interference with floodwater conveyance, floodwater storage, aquatic and terrestrial ecosystems, and groundwater and surface water;
4. To minimize erosion and sedimentation problems and enhance water quality; and
5. To minimize future operational and maintenance expenses.

B. DEFINITIONS: The words defined herein shall apply to any word used in this section which is not otherwise defined.

Access ramp: means a route used to provide entry for vehicles and machinery into a channel.

Access road: means a route parallel to and at the top of the bank of a channel used to allow maintenance of channels from the top of the bank.

Base flood: means the flood have [having] a one (1) percent chance of being equaled or exceeded in any given year. Also known as the one-hundred-year flood.

Channel: means an open conduit, both natural and man-made, in which water flows with a free surface.

Conduit: means any open or closed device for conveying flowing water.

Culvert: means a transverse conduit beneath streets and driveways connecting channels.

Detention: means the storage of storm runoff for a controlled release during or immediately following the design storm.

Development: means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Drainage area or basin: means the land area upon which all rainfall that falls on that area is directed towards or flows to a given point or stream.

Drainage Design Manual: means the latest Denton Drainage Design Criteria as amended.

Drainage facilities or system: means one (1) or more conduits, channels, ditches, swales, pipes, detention devices or any other device, work or improvement, natural or man-made, which is used, designed or intended to be used to carry, direct, detain or otherwise control stormwater.

Drainageway: means an existing river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.

Flood boundary and Floodway map (FBFM): means an official map of a community issued by the Federal Emergency Management Agency, where areas within the boundaries of areas of special flood hazard have been designated.

Flood insurance rate map (FIRM): means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study: means the official report provided by the Federal Emergency Management Agency containing flood profiles, the water surface elevation of the base flood and the flood hazard boundary map.

Floodplain: means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood.

Freeboard: means the vertical distance between the design water surface level (base flood) and the top of an open conduit left to allow for wave action, floating debris or any other conditions or emergence without overtopping the structure.

Grade: means the inclination or slope of a conduit, channel or natural ground surface, usually expressed in terms of the percentage of number of feet of vertical rise or fall per one hundred (100) feet horizontal distance.

Hydrograph: means a graph showing stage, flow, velocity or other property of water versus time at a given point on a stream or conduit.

Inlet: means an opening into a storm drain system for the entrance of surface storm runoff.

Lane: means a driving surface of a street with a width as specified in the street standards.

Off-site: means located outside the boundary of a development.

On-site: means located within the boundary of a development.

Pipe: means a closed conduit through which water flows.

Spread limits: means the width of pavement covered by water based on a flood of a certain frequency (ten-year, one-hundred-year flood).

Street crown: means the highest point of a street cross-section, normally located at the centerline of the street.

C. GENERAL REQUIREMENTS: General requirements for development of an area shall include the following drainage considerations:

1. Drainage study required. All drainage studies, calculations and designs both off-site and on-site shall be based upon the full development of the drainage basin.
2. Drainage improvements required. All developments shall provide for any new drainage facilities, the improvement of any existing drainage facilities, channel improvement or grading, driveway adjustments, culvert improvements or any other improvements, drainage facility or work which is necessary to provide for the stormwater drainage needs of the development in accordance with the requirements and design standards of this section, including but not limited to any drainage facilities, improvements or other work which is necessary to:
 - a) Adequately protect the development from flooding, including the effects of the one-hundred-year flood;
 - b) Provide for the conveyance of all stormwater from the development when fully developed to an adequate discharge point.
 - c) Provide for the conveyance of existing storm drainage flowing through the development.

- d) Properly control any increase in the upstream or downstream stage, concentration or water surface elevation caused by the development to a minimum.
3. Off-site drainage. Off-site drainage facilities and improvements shall be provided by the development wherever additional stormwater runoff from the development would adversely affect any off-site property or would overload an existing drainage facility, whether natural or man-made. If the developer cannot obtain the necessary easements to make required off-site drainage improvements, upon the request of the developer after compliance with the provisions contained herein, the Town may bring condemnation proceedings to obtain the off-site drainage easements.
4. Detention facilities. Detention facilities may be used to reduce peak discharges. All detention facilities shall comply with the design criteria of this section. Detailed engineering studies of the entire basin shall be required to ensure that the timing of peak flows has not been altered to create higher peak flow elsewhere in the basin. Detention facilities may be constructed in phases, if phased so as to provide for the timely needs of the development.
5. Development in Floodplains. Development within a floodplain as defined by the base flood is prohibited.
6. Floodplain modification and permitting. When any development desires to redefine the floodplain area as defined by the Federal Emergency Management Agency within the development, the necessary engineering studies shall be submitted. The studies will demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community and the limits of the revised floodplain area. The area within the floodplain which will be necessary to provide for the drainage needs of the development shall be dedicated to the public as a drainage easement on the final plat.
7. Drainageways and improvements
 - a. Generally, drainageways which are still functioning primarily in a natural and adequate state shall not be altered or improved to provide for the drainage needs of a development, unless there is no other reasonable means or method to provide for such drainage as determined by the Town Engineer.
 - b. As part of the required improvements, all debris, small brush, vines and other obstructions shall be cleared from that portion of any channel located within or on the perimeter of the development, as directed by the Town Engineer, prior to the connection of any utilities for any building within a development. A development may also be required to provide clearing of off-site floodways to the extent necessary to adequately receive or convey stormwater runoff from the development, based on the roughness coefficient approved during the design process for the final plat.
 - c. Development discharging stormwater runoff into a floodway shall provide supplemental vegetation, on-site and off-site, when necessary to preserve or restore any disruption to the natural state. The vegetation planted shall be as

approved by the Town Engineer. The vegetation requirement shall apply to any portion of any floodway, on-site or off-site, which would be affected by runoff from the development.

8. Minimum finished floor elevation. Minimum finished floor elevations for proposed development areas subject to flooding shall be two (2) feet above the one-hundred-year flood elevation based on ultimate watershed development conditions, and shall be substantiated by an elevation certificate, certified by a licensed professional engineer. The elevation certificate must be presented before the issuance of a building permit.

[9.] General design manual adopted. General design standards shall be as follows:

1. Drainage design manual adopted. The City of Denton Drainage Criteria as amended is adopted. In addition to meeting the requirements expressly set out herein, all drainage systems shall comply with the design requirements contained in the drainage design manual adopted by ordinance. Where there is any conflict between a provision set forth herein this ordinance and a provision of the drainage design manual, the provisions herein shall apply.
2. Drainage computation data. Design of drainage facilities and improvements shall be based on hydraulic and hydrologic computations prepared by the developer engineer. Computations and data shall be submitted to the Town Engineer for approval.
3. Street access crossing channels. No development shall be designed to access a public street across a channel without providing adequate clearance for the channel. Channels serving drainage areas greater than one (1) square mile in an area shall have one (1) foot of freeboard between the design water surface and the lowest beam of the bridge or structure. Channels serving drainage areas less than one (1) square mile in area shall have one (1) foot of freeboard between the design water surface and the lowest top of curb or pavement elevation of the street.
4. Channel requirements. Channel regulations and improvement shall be in accordance with the following:
 - a) Channels which serve as drainageways shall be maintained in a natural state as provided for in this section. Undeveloped branches of natural channels and creeks of local drainage systems should remain in a natural state unless maintenance and hydraulic considerations require improvements.

It shall be the policy of the Town to discourage the destruction of natural drainageways by construction of lined channels and other structural measures, where non-structural flood control is feasible.

- b) Open Channel Design: Open channel capacity shall be calculated by Manning’s Formula and roughness coefficients shall be as follows:

TYPE OF LINING	ROUGHNESS COEFFICIENT “N”	MAXIMUM PERMISSIBLE MEAN VELOCITY
Mowed Grass	0.035	8 ft./sec.
Natural Vegetation	0.080	5 ft./sec.
Concrete Lined	0.015	15 ft./sec.

Side slopes of channels shall be no steeper that [than] 3:1 in earth and 2:1 when lined with concrete[.]

- c) The minimum grade allowed on a channel or ditch shall be 0.5% (five-tenths foot per one hundred feet) for a concrete-lined channel or ditch and 1.0% (one foot per one hundred feet) for a grass-lined channel or ditch unless otherwise approved by the Town Engineer.
 - d) Channels shall have one (1) foot of freeboard above the one-hundred-year flood.
 - e) The design for all open channels shall be based on geotechnical investigations, unless determined to be unnecessary by the Town Engineer.
5. Lot drainage. Generally, each lot shall be designed or graded to direct stormwater into and abutting street, channel or inlet. If drainage is provided in the rear of any lot by channel or closed storm drainage system the facilities shall be designed for the one-hundred-year flood. Where it is not practical to provide abutting drainage facilities for each lot, drainage facilities shall generally be required whenever the stormwater runoff from more than two (2) lots is directed across a third residential lot.

[10.] Design criteria. Design criteria shall be as follows:

1. Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, there shall be provided an easement and/or right-of-way conforming substantially to the limit of the one hundred (100) year flood. In the new subdivisions the developer shall provide all the necessary easement and right-of-way required for drainage structures, including storm drain piping and open channels. Easement width for storm sewer pipe shall not be less than twenty (20) feet.
2. Drainage structures are to be constructed at all street crossings over the major streams in the Town and shall accommodate the 100-year design discharge.
3. Curb height on all streets are to be not more than six (6) inches and at least equal to the depth of water at design flow.
4. In determining the most feasible flood control method, consideration shall be give to non-structural measures as well as structural measures.

5. The combined capacity of storm drain pipe, street and surface drainage shall contain the one hundred (100) year design flow within Street Rights-of-way and/or drainage easements.
6. In developments adjacent to floodplains, all floor elevations shall be at least two (2) feet above the one hundred (100) year flood elevations and shall be substantiated by an elevation certificate, certified by a licensed professional engineer. The elevation certificate must be presented before the issuance of a building permit.
7. In areas where the 100-year flood elevation has been previously determined the 100-year flood elevation shall not be increased due to new development.
8. Design flood frequencies. The following listed facilities shall be designed to handle the flood frequencies indicated:

Facility	Flood Frequency (Years)
Enclosed pipe system, if needed	10
Driveway culverts and roadside ditches	25
Street right-of-way	100
Improved and natural channels	100
Culverts	100
Bridges	100
Floodplain	100

9. Street drainage requirements
 - a. The permissible water spreads for curbed streets are based on the ten-year flood. A minimum of one lane of traffic shall remain open during a ten-year flood. Drainage flows across intersections will not be allowed during a ten-year flood except at valley crossings.
 - b. Street crowns for curbed streets shall be reduced for approximately one hundred (100) feet on each side of valleys, and only one (1) valley crossing for each street shall be used at an intersection.
 - c. Concrete valley gutters shall be provided where the gutter flow must be carried across intersections of curbed streets, minimum width of valley gutters shall be eight (8) feet.
10. Pipe system requirements
 - a. Storm drain systems capable of conveying the ten-year frequency flood are required when water spread and intersection cross flow limits are exceeded for curbed streets. Closed pipe systems shall be required for discharges up to and including the equivalent flow of a forty-eight (48) inch pipe, unless the grade of the natural ground is less than 0.5 percent,

then an enclosed pipe system shall be required for discharges up to and including one hundred (100) c.f.s.

- b. The minimum velocity with the pipe flowing full shall be three (3) c.f.s. per second.
- c. The minimum storm drain pipe diameter shall be eighteen (18) inches.
- d. Pipe upper inverts at changes in pipe sizes should be set at the same elevation.
- e. Vertical curves in the conduit will not be permitted, and horizontal curves will be permitted only with the approval of the Town Engineer.
- f. Manholes shall be place[d] at the connection of two (2) or more laterals, at pipe junctions having pipe sizes greater than twenty-four (24) inches, at alignment changes and at the beginning of the storm drain system. Maximum manhole spacing shall be as follows:

Pipe Size (inches)	Maximum Spacing (feet)
18-36	600
42-60	1,000
Larger than 60	No limit

11. Culverts. All street culverts shall meet the following requirements:

- a. Culverts shall be of sufficient size (minimum 18") to carry the expected water flow within the channel, be made of approved classes of reinforced concrete pipe (RCP) or corrugated metal pipe (CMP), and shall be jointed together properly by materials approved by the Town Engineer.
- b. Culvert discharge - velocity limitations

Culvert Discharging On To:	Maximum Allowable Velocity (F.P.S.)
Native soil	5
Sod Earth	8
Paved or Riprap Apron	15
Rock	15

- c. Headwalls shall be provided at all culverts.

12. Detention ponds. The following requirements and design standards shall apply to detention ponds to the extent they do not conflict with any applicable federal or state laws or regulations, as amended:

- a. The one-hundred-year flood shall be used to determine the volume of detention storage required. Detention facilities shall be designed so that any additional runoff generated by the proposed development will not

- increase the amount of original discharge for storm frequencies from the five-year to the one-hundred-year flood.
- b. The modified rational method shall be used to construct runoff hydrographs for detention storage design when the contributing drainage area is two hundred (200) acres or less. The procedures outlined in Soil Conservation Service Technical Release No. 20 (TR-20) or in the U.S. Corps of Engineers' Flood Hydrographs Package (HEC-1) shall be used to determine runoff hydrographs for detention storage design when the contributing drainage area exceeds two hundred (200) acres. The Town Engineer may approve the use of other methods for runoff hydrographs when appropriate.
 - c. The outflow structure of a detention basin discharging water into any natural stream or unlined channel shall discharge at a culvert discharge rate.
 - d. Detention basins resulting from excavation shall provide positive drainage. The side slopes for any excavated detention basin, which is not in rock, shall not exceed 4:1.
 - e. Earthen embankments used for water impoundments must be constructed according to specifications for fill material and be designed based upon geotechnical investigations of the site.
 - f. Detention basins shall be designed with adequate ingress and egress to allow for regular maintenance, including periodic desilting and debris removal.
13. Easements. In addition to any other provisions herein relating to easements for improvements, the following requirements for easements for drainage improvements, channels and facilities required for any development by this section shall apply:
1. All drainage systems and facilities which are not to be included within an existing or proposed public street right-of-way shall be located within easements to be dedicated to the town and shall have adequate access to a public street. Prior to acceptance of any public drainage facilities, all easements within which the facilities are located shall be cleared of all buildings, structures, or other obstacles that would interfere with access to the easements.

(Ordinance 130 adopted 6/5/00; Ordinance 217-9-2009, sec. 6, adopted 9/14/09)

SECTION 5.9 MONUMENTATION AND BENCHMARKS

The boundaries of any subdivision presented for review and filing shall be monumented and such monuments shall be duly noted on said plat and within the accompanying dedication instrument according to Rule 663.11 of the Texas Board of Land Surveying (Certification and

Monumentation of Surveys), in no case shall a boundary course of said subdivision to be monumented in intervals greater than 1,300 feet.

Subsequent to installation of utilities and pavements, all lot corners, curve points and changes in course in any line with [within] the subdivision shall be monumented in accordance with said Board of Land Surveying Rule 663.11 by the platting surveyor under the sponsorship of the developer.

- A. All monuments shall be of materials recognizable as being those property boundary monuments by professional surveying standards, and shall be of sufficient length and girth and placed in locations sufficiently stable to withstand abuse of normal conditions with significant movement.
 - 1. Under most circumstances no steel rods smaller than 1/2" in diameter and shorter than 13" in length should be used nor should pipes smaller than 1/2" inside diameter and shorter than 13" in length be used.
 - 2. No monument made of a wood material shall be used.
- B. The point of beginning for land in a subdivision described by metes and bounds should be clearly defined on the plat, and any plat shall be clearly related to the survey, tract, or subdivision of which it is a part.
- C. All distances shown on the final plat shall be horizontal ground lengths.
- D. A minimum of three (3) elevation benchmarks shall be installed in all Major subdivision reflecting elevation using North American Datum of 1927 and the National Geodetic Vertical Datum of 1929. The Town Engineer may require the installation of additional benchmarks in unusually large or complex site.

(Ordinance 130 adopted 6/5/00)

SECTION 5.10 EROSION AND SEDIMENTATION CONTROL

All construction projects shall include temporary erosion and sedimentation controls in accordance with item 3.12 of the Standard Specifications and Storm Water Quality Best Management Practices for Construction Activities published by the North Central Texas Council of Governments. Storm Water Pollution Prevention Plans shall be submitted for approval by the Town Engineer prior to approval of construction projects. (Ordinance 130 adopted 6/5/00)

ARTICLE VI. SUBDIVIDER'S AGREEMENT, FINANCIAL ASSURANCE AND CONSTRUCTION CONTRACTS FOR PUBLIC IMPROVEMENTS

SECTION 6.1 PROCEDURES

- A. **CONTRACT REQUIRED:** The owners shall be required to execute a Subdivider's Agreement as a condition of plat approval whenever the installation of community facilities or public improvements is required. The Town Attorney shall prepare the Subdivider's Agreement after the final engineering plans and cost estimates have been approved.

B. APPROVAL OF CONTRACT

1. After the contract has been signed by the developer and the required performance bond, payment bond, surety, or irrevocable letters of credit, and maintenance bonds meeting the requirements of Article 5160, Tex. Rev. Civ. Stat. Ann. have been posted with the Town, the Town Secretary or designee shall forward the Subdivider's Agreement to the Town Attorney for review and approval.
2. The Mayor shall review and sign the contract on behalf of the Town after receiving comments of the Town Attorney and approval by the Town Council.
3. If any special provisions or deviations from established policies are included in the contract, specific approval of only the special provisions or deviations by the Town Council is required.
4. No construction work shall begin on the subdivision before the Subdivider's Agreement is approved and signed by the Mayor. This provision shall preclude the moving of dirt except in conditions covered in other development regulations.
5. The Town will use its best effort to expedite all necessary instruments and documents within the Town administration.

C. CHANGES IN CONTRACT: Any subsequent changes in the plans and specifications of the approved project proposed by the developer shall necessitate an amendment to the Subdivider's Agreement and amendments to all required financial assurance instruments. An increase in the project scope shall also require an increase in the Inspection Fee, as authorized in paragraph 6.3.A below. The Developer shall bear the full cost of any additional work required by the Town Attorney and/or Town Engineer in revising and/or reviewing the revised documents and approval shall not be granted until such additional fees are paid.

(Ordinance 130 adopted 6/5/00)

SECTION 6.2 PERFORMANCE BONDS AND MAINTENANCE BONDS

A. Performance bonds, sureties or irrevocable letters of credit in forms provided by the Town Attorney meeting the requirements of Article 5160, Tex. Rev. Civ. Stat. Ann. shall be required for any required public improvements or community facilities prior to the filing of the Final Plat and issuing of any building permits. Bonds, irrevocable letters of credit, certificates of deposit or cash deposits will be for 100% of the value, as determined by the Town Engineer, of the construction costs of all facilities to be constructed by the developer.

B. The developer shall provide a maintenance bond meeting the requirements of Article 5160, Tex. Rev. Civ. Stat. Ann. guaranteeing and agreeing to pay any necessary maintenance for a period of two (2) years in an amount equal to 100 percent of the value of the construction costs of all facilities to be constructed by the developer.

(Ordinance 130 adopted 6/5/00)

SECTION 6.3 INSPECTIONS AND APPROVAL OF PUBLIC IMPROVEMENTS

A. The Town Council shall establish fees for the inspection of public improvements as part of the Fee Schedule. No person shall be granted notice to proceed to construct, reconstruct, cut or repair any street, drainage or sanitary sewer facility without paying the fees for the inspection of such work.

B. The Subdivider's contractor shall give at least twenty-four (24) hours' notice in writing to the Town of intent to commence actual construction of the facilities in order for inspection personnel to be made available.

C. The Subdivider shall delay connection of buildings to service lines of sewer and water mains until said sewer and water mains and service lines have been completed and accepted by the Town.

D. It shall be the duty of the Subdivider to notify all contractors and subcontractors working for him that all of their work is subject to inspection by the Town inspector at any time. Certification of materials being used may be required by the Town inspector.

E. Laboratory tests required by the Town inspector shall be performed by approved independent testing laboratories and will be at the discretion of the Town inspector. Approved laboratories are laboratories that are members of the American Council of Independent Laboratories and shall comply with standard recommended practice for inspection and testing agencies for concrete, steel, and bituminous materials as used in construction, ASTM Designation E 329. All costs for laboratory tests shall be borne by the Subdivider or his Contractor.

F. Should any point not be covered in the plans, or Subdivider's Agreement, the Subdivider shall be required to contact the Town Engineer for a determination as to the Town's requirements.

G. Any work, which in the opinion of the Town inspector that does not meet the Town requirements or has not had proper Town inspection shall be corrected. The inspector shall notify the contractor and subdivider in writing, of the reasons for requiring the contractor to cease all operations until the defect has been corrected in order to comply with Town requirements and receive proper inspection.

(Ordinance 130 adopted 6/5/00)

SECTION 6.4 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

A. The Planning and Zoning Commission may recommend and the Town Council may defer, reduce, or waive at the time of plat approval, subject to appropriate conditions, the provision of any of all such improvements as, in its judgment, are not necessarily in the interest of the public health, safety, and general welfare[.]

B. Whenever it is deemed necessary by the Planning and Zoning Commission and Town Council to defer the construction of any improvements required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the subdivider shall pay his share of the costs of the future improvements prior to approval and recording of the final plat.

(Ordinance 130 adopted 6/5/00)

SECTION 6.5 PUBLIC CONSTRUCTION CONTRACTS

For projects where the Town of Shady Shores will act as owner, plans and specifications shall be prepared by the Town Engineer and projects bid according to requirements of the Texas Local Government Code. Contractors will be required to provide performance bonds, payment bonds, insurance and a two-year maintenance bond in accordance with Town requirements. The developer shall be required to pay a cash deposit to cover the work in accordance with the terms of the Developer's Agreement.

- A. Since the developer is providing a financial assurance surety to cover performance under Section 6.2 A, a separate performance and payment bond is not required from the contractor. However, it may be in the developer's best interest to require those from his/her contractors since the Town will not release the financial assurance until work is complete and a release of lien is provided by subcontractors.
- B. **MAINTENANCE BOND:** The contractor will be required to make a Maintenance Bond of not less than one hundred percent (100%) of the contract price conditioned upon the maintenance of and the repairs to the construction under contract for a period of two (2) years from the date of acceptance of the project. All contractors employed by the subdivider shall furnish the Town a good and sufficient maintenance bond, in an amount equal to one hundred (100%) percent of the costs of the improvements required for the first year and twenty-five percent (25%) for the second year, executed by a reputable and solvent corporate surety, holding a license to do business in the State of Texas, in favor of the Town to indemnify the Town against any repairs which may become necessary to any part of the construction work performed in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of two (2) years from the date of final acceptance of the entire project. Final acceptance will be withheld until said maintenance bond is furnished to the Town. Such Bond to be approved as to form and legality by the Town Attorney.
- C. **STATE SALES TAX:** This contract is for the improvement of streets, storm sewers and utilities in right-of-way which has been dedicated to the Public and the Town of Shady Shores, an organization which qualifies for exemption pursuant to the provisions of Article 20.04 (F) of the Texas Limited Sales, Excise and Use Tax Act.

The Contractor performing this contract can probably purchase, rent or lease all material, supplies and equipment used or consumed in the performance of this contract by issuing to his supplier an exemption certificate in lieu of the tax, said exemption certificate complying with State Comptroller's ruling #95-0.07. Any such exemption certificate issued by the Contractor in lieu of the tax shall be subject to the provisions of the State Comptroller's ruling #95-0.09 as amended to be effective October 2, 1976.

- D. **INSURANCE:** Prior to commencing the work, the Contractor shall furnish to the Town of Shady Shores and/or Owner proof of satisfactory carriage of insurance in accordance with the standard requirements of Contractors doing work of the nature herein proposed.

- E. INDEMNIFICATION: Approval by the Town Engineer, of any plans, designs or specifications submitted by the developer pursuant to the commencing of work shall not constitute or be deemed to release the responsibility or liability of the developer, contractor, their engineers, employees, officers or agents for the accuracy and competency of their design and specifications prepared by the developer's consulting engineer, his officers, agents, servants or employees, it being the intent of the developer and the Town that the approval by the Town Engineer, signifies the Town's approval on only the general design concept of the improvements to be constructed. In addition the Developer shall indemnify and hold harmless the Town, its officers, agents, servants and employees, from any loss, damage, liability or expense on account of any damages to property and injuries, including death, to all and all persons which may arise out of any defect, deficiency or negligence of the Developer's engineer's designs and specifications incorporated into any improvements constructed in accordance therewith, and the Developer shall defend at his own expense any suits or other proceedings brought against the Town, its officers, agents, servants or employees, or any of them, rendered against them or any of them in connection with the development plans, designs, or specifications. All responsibility and liability for drainage to adjacent and downstream properties from the development will accrue to the Developer or his/her Contractors. The Contractor further agrees to comply with all applicable laws, regulations, ordinances, buildings and construction codes of the Town of Shady Shores and the State of Texas, and with any regulations for the protection of workers which may be promulgated by the government, and shall protect such work with all necessary lights, barriers, safeguards, and warnings as are provided for in said specifications and in the ordinance[s] and regulations of said Town.

(Ordinance 130 adopted 6/5/00)

SECTION 6.6 GENERAL CONSTRUCTION REQUIREMENTS

Prior to initiating any construction work, the contractor and all subcontractors shall conduct a preconstruction conference with the Town, Town Engineer, Town inspector, and all affected franchised utilities. Prior to the Conference, the contractor shall provide a proposed construction sequence and schedule and a traffic safety plan, if required, for review and approval by the Town Engineer. As a general rule, the following construction sequence shall be employed.

- Step 1. Install temporary erosion sedimentation controls
- Step 2. Excavate detention ponds
- Step 3. Rough cut streets
- Step 4. Install utilities
- Step 5. Final grading
- Step 6. Paving
- Step 7. Finish detention ponds
- Step 8. Hydro-mulch, final cleanup

(Ordinance 130 adopted 6/5/00)

SECTION 6.7 APPROVAL OF WORK

All work performed in construction, reconstruction, cutting and repairing of streets, storm sewer and other public improvements shall be subject to the approval of the Town Engineer, whose decision shall be final.

The Town shall not release the obligations of any financial assurance, including performance bonds, until the improvements have been approved and accepted by the Town. The Developer is strongly urged to withhold final payment to the Contractor until such acceptance occurs, since the Town shall hold the Developer responsible for completion of the project. The Town shall not approve or arbitrate quantities for which payment is to be based.

(Ordinance 130 adopted 6/5/00)

SECTION 6.8 OWNERSHIP AND MAINTENANCE OF COMPLETED PUBLIC FACILITIES

Upon acceptance of completed construction, all street improvements including construction of streets, alleys, thoroughfares, curbs, gutters, storm sewers, and drainage channels within dedicated right-of-way and easements shall be and remain the property of the Town of Shady Shores. The Contractor shall be responsible for maintenance of the completed public improvement for a two (2) year period, following acceptance by the Town. After expiration of the two (2) year maintenance period, the improvements shall be maintained by the town. (Ordinance 130 adopted 6/5/00)

SECTION 6.9 RECORDS

The Town shall maintain a record of the project, front foot basis determined by the Town Engineer, refund limit, date construction was completed, limits upon which front foot fee may be Collected, and the name of the developer entitled to refund. (Ordinance 130 adopted 6/5/00)

ARTICLE VII. DESIGN STANDARDS AND REQUIREMENTS

SECTION 7.1 GENERAL DESIGN PRINCIPLES

The quality of design of the Town is dependent on the design quality of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the community. Therefore the design of each subdivision shall be prepared in accordance with the design principles, concepts and standards in the Comprehensive Plan, and in accordance with the following provisions:

- A. **PHYSICAL CONDITIONS:** The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Trees and native vegetation should be preserved. The system of streets and sidewalks, and the layout and arrangement of blocks and lots should be designed to take advantage of the natural and scenic qualities of the area. Land which the Town finds to be unsuitable for subdivision or development due to flooding, improper drainage, adverse earth formation, utility or pipeline easements or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or its surroundings,

shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning and Zoning Commission and Town Council that will solve the problems created by the unsuitable land conditions.

- B. The following general design requirements ensure that the proposed subdivision is coordinated with its immediate neighbors with respect to land use, street constructions, utilities, drainage facilities and the possible dedication of parks and open spaces.
1. Conformity with Comprehensive Plan: The subdivision shall conform to the Comprehensive Plan of the Town and elements thereof.
 2. When a tract is subdivided into larger than normal building lots, such lots shall be so arranged as to permit the logical location and opening of future streets and possible resubdivision of lots with provision for adequate easements and connections.
 3. When the plat to be submitted includes only part of the contiguous property owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.
 4. The subdivision plat shall provide for the logical extension of abutting and proposed utilities and drainage easements and improvements in order to provide for system continuity and to promote future development of adjacent areas.
 5. Provision for Future Subdivision: If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.
 6. Reserve Strips Prohibited: There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.
 7. Access to Lots: Each lot shall abut on a dedicated public street or an approved private street.
 8. Public Improvements: All public improvements shall be designed and constructed in a manner to meet or exceed the Town of Shady Shores Specifications.
 9. Access to Subdivision: Each subdivision shall be designed to have at least two points of access.

(Ordinance 130 adopted 6/5/00)

SECTION 7.2 PRESERVATION OF TREES AND NATIVE VEGETATION

A. Landscape shall be preserved in its natural state to the greatest extent feasible. Structures, driveways, and parking areas shall be designed and located to fit harmoniously with the natural environment and to minimize the necessity for removing trees, native vegetation, and soil, or the

addition of fill. Site clearing, beyond what is necessary to provide locations for structures, driveways, parking, or small yard areas not visible from the street, shall not be permitted. The developer shall leave undisturbed native tree growth to the maximum extent feasible. (Ordinance 130 adopted 6/5/00)

SECTION 7.3 LAND UNSUITABLE FOR SUBDIVISION

Any land which, in its natural state is subject to a 100-year flood or which cannot be properly drained shall not be subdivided, resubdivided or developed until receipt of evidence that the construction of specific improvements proposed by the Developer can be expected to yield a usable building site. Thereafter the Town Council may approve plats; however, construction upon such land shall be prohibited until the specific improvements have been planned and construction guaranteed. (Ordinance 130 adopted 6/5/00)

SECTION 7.4 EASEMENTS

A. GENERAL POLICY: All utilities shall be provided in street right-of-ways except for special circumstances approved by the Planning and Zoning Commission. In such cases, the following standards shall prevail:

1. All utility easements shall be fifteen (15) feet unless special circumstances warrant additional or reduced easements which can be recommended by the Planning and Zoning Commission and approved by the Town Council. The Planning and Zoning Commission may require easements of greater width for the extension of storm sewers, water lines or sanitary sewers and other utilities when it is deemed necessary.
2. Employees of the Town of Shady Shores and its agents shall have the authority to enter premises at any time for the purpose of inspecting, repairing or construction within any easement.
3. Where not adjacent to a public way, easements at least 15 feet wide of utility construction service, and maintenance shall be provided where necessary in locations approved by the Planning and Zoning Commission. Easements of at least seven and one half (7-1/2) feet in width shall be provided on each side of all rear lot lines and along side lot lines, where necessary, for utilities such as electric, telephone, street lights and natural gas. Easements having greater width dimensions may also be required along or across lots where engineering design or special conditions make it necessary for the installation of utilities outside public rights-of-way.
4. When the town finds that easements in areas adjoining a proposed subdivision are necessary to provide adequate easement and/or to provide utilities, the subdivider shall obtain such easement or make arrangement with the Town to obtain them[.]
5. Drainage easements shall generally be located along the existing drainageway and should be of sufficient width for the designed improvements to be installed and enough extra width for maintenance equipment to be able to work.
6. Emergency access easements and fire lanes will be provided where required by the Town inspector, acting as the Fire Marshal. These easements shall have a minimum width of twenty (20) feet and a minimum height clearance of fourteen (14) feet and have a minimum inside turning radius of twenty-five feet (25'). Any emergency

access and fire lane easement more than one hundred (100) feet in length shall either connect at each end to a dedicated public street or be provided with a cul-de-sac having a minimum diameter of eighty (80) feet with an additional distance of ten (10) feet on all sides clear of permanent structures. These easements shall be paved to Design Standards and Specifications recommended by the Town Engineer.

7. All easements shall be so designed to allow maintenance equipment to enter the easement and be able to perform the necessary work.

B. UTILITY EASEMENTS

1. Any franchised public utility, including the Town of Shady Shores, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system and any of the easements shown on the plat; and any public utility, including the Town of Shady Shores, shall have the right at all times, of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, Patrolling, maintaining and adding to or removing all or part of its respective system without the necessity at any time, of procuring the permission of anyone.
2. All easements which will be used for water and/or sewer facilities, or which may potentially be used in the future for water and/or sewer facilities shall be designed to meet those required by LCMUA.

C. PUBLIC OPEN SPACE RESTRICTION: Visibility triangles shall be provided at all street intersections, either as dedicated right-of-way or as public open space easement. The minimum triangle shall be thirty-five feet (35') along each right-of-way line, though additional open space easement may be required when necessary to achieve the necessary sight distances.

(Ordinance 130 adopted 6/5/00)

SECTION 7.5 STREETS

A. GENERAL: The arrangement, classification, character, extent, width, grade and location of all streets shall conform to the Official Thoroughfare Plan and the official street construction standards and shall be designed in accordance with the following provisions:

1. The subdivider shall be required to dedicate appropriate right-of-way for all streets required within or abutting said subdivision in accordance with the adopted Official Thoroughfare Plan.
2. Where a residential subdivision borders on or contains an existing or proposed arterial street, the Planning and Zoning Commission shall require that access to such streets be limited where possible by:
 - a) The subdivision of lots so as to back into the primary arterial and front onto a parallel local street with no access from the arterial;

- b) Providing a series of cul-de-sac, U-shaped local streets, or short loops entered from and designed generally at right angles to a parallel street, with the rear lot lines of their terminal lots backing into the arterial street.
3. The arrangement, character, extent, width, grade and location of all proposed streets shall be related to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relations to the proposed uses of the land to be served by such streets.
4. Relation to Adjoining Street System: The proposed street system shall extend all existing major streets and such collector streets up to logical termination. Local access streets are to be extended as may be desirable for public safety and convenience of circulation. Where possible, the width and the horizontal and vertical alignment of extended streets shall be preserved. All streets should be designed to be in line with existing streets in adjoining subdivisions. Street layout shall provide for continuation of collector streets in areas between arterials. Those local streets designed [designated] by the Planning and Zoning Commission shall be extended to the tract boundary to provide future connection with adjoining unplatted lands. In general, these extensions should be at such intervals as necessary to facilitate internal vehicular circulation with adjoining unplatted lands.
5. Projection of Streets: Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.
6. The reservation in private ownership of strips of land at the end of proposed or existing streets and intended solely or primarily for the purpose of controlling access to property not included in the subdivision shall be prohibited.
7. Design of Local Streets: Local streets shall be laid out so as to serve only local traffic and discourage their use by through traffic. Local streets in residential subdivision shall be designed in a curvilinear manner, except when:
 - a) In the determination of the Planning and Zoning Commission, the shape or topography of the subdivision, existing zoning or the pattern of the adjacent street would make the provision of such curvilinear streets impractical; or
 - b) The subdivision is part of and conforms to an unexpired Preliminary Plat approved prior to the adoption of these Rules, Regulations and Procedures.
8. Adequate Access: To insure adequate access to each subdivision, there should be at least two (2) planned points of ingress and egress.
9. Relation to Lots: All streets should be planned so that all resulting lots shall be sufficient size and shape to conform to applicable zoning regulations.
10. Street Names: Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of, or in alignment with existing streets, in which case names of existing streets shall be used. Streets shall be named to provide continuity with existing streets.

B. **STREET COSTS AND TOWN PARTICIPATION:** The owner or developer shall be responsible and pay all costs for the design and construction of streets within the proposed development. The developer shall build these street[s] in accordance with Town standards.

C. **DESIGN REQUIREMENTS:** Design requirements are summarized in Table 7.1. The Planning and Zoning Commission may require curb and gutter for some street classifications. Curb, gutter and paving requirements for streets, unless otherwise specified in Standard Specifications for Public Works Construction, shall follow the Standard Specifications for Public Work Construction (latest edition) of the North Central Texas Council of Governments.

1. **Pavement Width:** Streets shall be designed to the width required by the Thoroughfare Plan, Table 7.1 or as may be specified by the Planning and Zoning Commission and Town Council. All pavement widths shall be measured from the face of one curb to the face of the opposite curb. Wider pavement widths shall be provided when required by the Planning and Zoning Commission and Town Council to handle increased or unusual traffic conditions.

[TABLE 7.1]
SUMMARY OF RECOMMENDED THOROUGHFARE DESIGN STANDARDS FOR
COLLECTOR AND RESIDENTIAL THOROUGHFARES

	Residential Streets
1. Pavement Width (Feet) (Face to face)	27 x 2
2. Pavement Section	
a. Stabilized subgrade (in)	6
b. Asphalt/Concrete Pavement (in)	6/5
3. Number of Traffic Lanes	2
4. Lane widths (feet)	2 [sic]
5. Right-of-way width (feet)	50
6. Vehicle Capacity Policy (Vehicles/hr. Vehicles/day)	400/5,250
7. Design speed (mph)	30
8. Minimum grade (%)	0.5
9. Maximum grade (%)	-
10. Minimum Centerline Radius (feet)	-
11. Stopping Sight Distance (feet)	200
12. Minimum Median Width (feet)	N/A
13. Minimum Spacing Median Opening (feet)	N/A
14. Minimum Radius for curb Returns at intersection (feet)	N/A

2. **Street Section:** The Town of Shady Shores minimum street section for a local residential street or rural collector shall be not less than six inches (6") of lime stabilized subgrade and five inches (5") of reinforced concrete, with a minimum crown of five inches (5"). The minimum section for collector and thoroughfare streets is six inches (6") of lime or cement-stabilized concrete. As a part of the soils test for determining lime or cement content, a pavement design shall be provided for thoroughfares. The design shall be in accordance with AASHTO Guidelines and shall

be based upon a 20-year design life. Commercial and industrial-use roadways shall have a minimum section of six inches (6") of lime or cement stabilized subgrade and eight inches (8") of HMA pavement.

A parabolic crown shall be provided in accordance with the Town's standard details. A five-inch (5") crown is required for a local residential street. Any concrete for street sections shall have a minimum compressive strength of 3000 pounds per square inch (psi). The Town Engineer may require more stringent design requirements in locations of unusual soil or traffic conditions. Any deviations from the typical sections shall require the approval of the Town Engineer.

When required, twenty-four-inch (24") monolithic concrete curb and gutter shall be provided in accordance with the Town's standard details. In all cases, the developer's engineer shall conduct geotechnical tests which may dictate an increase in the pavement section. Any deviations from the typical section shall require the approval of the Town Engineer.

The developer's engineer shall provide soil tests to determine by recommendation of a reputable soil testing laboratory, if lime stabilization of the subgrade is needed in conjunction with the reinforced concrete pavement. The recommendations shall address the percentage (%) of lime to be applied. As a part of the soils test for determining lime or cement content, a pavement design shall be provided for thoroughfares. The design shall be in accordance with AASHTO Guidelines and shall be based upon a 20-year design life. A pavement design shall be provided for commercial and industrial use roadways. A parabolic crown shall be provided in accordance with the Town's standard details. The distance between expansion joints shall not exceed 600 feet. A five-inch (5") crown is required for a local residential streets. The concrete for all street sections shall have a minimum compressive strength of 3000 pounds per square inch (psi). The Town Engineer may require more stringent design requirements in locations of unusual soil or traffic conditions. Any deviations from the typical sections shall require the approval of the Town Engineer.

Consideration may be given to permitting a different subgrade and pavement thickness from the foregoing provided that the developer's engineer provides soils test and design calculations based on the Texas Twinaxial Method and all such soils test and calculations are approved by the Town Engineer.

All materials furnished for the paving of streets and all construction methods shall fully conform to the appropriate sections of the Standard Specifications for Public Works Construction (NCTCOG).

3. Street Alignment: A curved street pattern which follows the topography is preferred to a grid pattern imposed upon the land. This provides use of the streets for drainage purposes, a more interesting pattern of development, and slows traffic driving through residential neighborhoods. Streets should traverse the topography in the following manner:
 - a) Cross streams and drainageways at a right angle; this minimizes bridge and culvert costs.

- b) Streets on sloping terrain should gradually cross hills rather than directly up and down.
 - c) Cul-de-sacs and loop streets should curve with the flow of the topography to best handle drainage.
 - d) Where possible, drainage should be away from the cul-de-sac or loop street.
 - e) Property boundaries should not serve as the primary basis for street layout, with other property features (topography, soils, vegetation, etc) serving as the overall guide.
4. Intersections: Intersections should have only two streets intersecting at right angles. This provides the safest type of intersection. Another type of intersection is the "T" intersection. These are useful for discouraging through traffic and should be used more than 125 feet away from any other intersection.

Intersections shall be designed to as near right angles as possible and in no case shall vary from ninety degrees by more than 5 degrees with specific authorization by the Planning and Zoning Commission and Town Council. The intersection of two local streets shall have a minimum curb return radius of fifteen feet (15'). The intersection of a local street or collector street with collector street shall have a minimum curb return radius of twenty-five feet (25'). Intersection of a collector street or thoroughfare with a thoroughfare shall have a minimum curb return radius of thirty-five feet (35'). If the intersection angle between any two streets varies by more than 5 degrees from a right angle, the minimum curb return shall be determined and approved by the Town Engineer.

Visibility triangles shall be provided at all street intersections either as dedicated right-of-way or as public open space easement. The minimum triangle shall be thirty-five feet (35') along each right-of-way line, though additional open space easement may be required when necessary to achieve the necessary sight distance.

5. Cul-de-sacs and Loop Streets: Streets designated to be dead-ended permanently shall be platted and constructed with a paved cul-de-sac, in accordance with the following provisions:
- a) The maximum length of a cul-de-sac with a permanent turnaround shall be six hundred (600) feet, unless specifically recommended by the Planning and Zoning Commission and approved by the Town Council. The Planning & Zoning Commission and Town Council may approve longer cul-de-sacs for developments with extra-wide lots and fewer than 20 lots fronting on the cul-de-sac.
 - b) A street ending permanently in a cul-de-sac less than six hundred (600) feet in length shall be provided at the closed end with a turn-around having an outside roadway diameter of at least ninety (90) feet, and a street right-of-way diameter of at least one hundred ten (110) feet. On cul-de-sacs which have been approved for lengths greater than six hundred feet (600'), the turn-around shall have an outside roadway diameter of at least one hundred feet (100') and a street right-of-way diameter of one hundred twenty feet (120').

- c) When the Town Council determines that there is a reasonable expectation that a dead-end street will be extended within two (2) years, construction of a temporary cul-de-sac may be approved. The Town Council upon recommendation by the Planning and Zoning Commission, may waive temporary cul-de-sac requirements for dead-end streets when the street is less than two hundred (200) feet in length. Any dead-end street of a temporary nature, if longer than two hundred (200) feet, shall have a paved turning area of ninety (90) feet in diameter for a cul-de-sac. Any temporary cul-de-sac over six hundred feet (600') in length shall have a paved turning area of one hundred feet (100') in diameter. Temporary dead-end streets shall provide for the future extension of the street and utilities and, if a temporary cul-de-sac is utilized, a reversionary right to the land abutting the turn-around for excess right-of-way shall be provided. The portion of the temporary cul-de-sac which will serve as the extension of the street shall be constructed in accordance with the Town standards, while the remaining portion of the temporary cul-de-sac may be constructed with an all-weather surface adequate to accommodate, fire, sanitation and school bus vehicles.
 - d) Cul-de-sacs and loop streets shall drain to other streets or dedicated drainage easements[.]
6. One-Way Streets: One-way streets are generally prohibited in the Town.
7. Minimum and Maximum Grades: Street and alley grades should conform to the natural terrain where possible and shall conform to the requirements in Table 7.1.
8. Horizontal Curves: Horizontal curves for local streets shall not be less than two hundred fifty feet (250') along the centerline radius, collector streets not less than four hundred feet (400') along the centerline radius, and thoroughfares not less than one thousand two hundred feet (1,200') along the centerline radius. Local streets should be designed in a curvilinear manner to the extent possible, and avoid long street segments with a maximum centerline radius less than eight hundred feet (800'). These requirements may be made more stringent by the Town Engineer if deemed necessary to provide minimum stopping distance, sight distance, design speeds, and other safety requirements consistent with good engineering practices.
9. Design Speeds: Unless otherwise approved by the Town Council, design speeds shall be in conformance with Table 7.1.
10. Driveways and Median Openings:
 - a) Each land owner is entitled to access to the Town street and thoroughfare system. On the other hand, it is Town policy to limit the number of driveways entering streets and thoroughfares to protect public safety and maintain traffic efficiency. Therefore each land owner is entitled to only one driveway for each lot or parcel. Additional drive approaches shall be approved only when it has been determined that the additional driveway is necessary for adequate traffic circulation and that street efficiency and safety are preserved. Circle drives will be generally permitted when the Town Inspector determines that traffic safety is not hindered.

- c) [b)] No driveway shall be located within seventy-five feet (75') of a street intersection unless no other point of access can be provided. Likewise, driveways shall be located a minimum of seventy-five feet (75') from any median opening unless the median opening directly serves the driveways. The minimum separation between driveways shall be seventy-five feet (75') unless for low density residential access onto a local street. Deviation from these standards shall be allowed only upon approval of the Town Engineer. Driveways should be located directly opposite each other to minimize the potential points of conflict. The use of common driveways for adjacent property shall be encouraged.

Driveways entering onto access roads of controlled access highways shall be prohibited for a distance of one hundred feet (100') before the intersection of roadway surfaces on exit ramps to a point three hundred feet (300') after the intersection of the travelways. Driveways are prohibited for a distance of one hundred feet (100') before the intersection of travelways on any entry ramp to a point one hundred feet (100') beyond the intersection of roadway surfaces and otherwise meet or exceed all other requirements of the Texas Department of Transportation.

- c) Minimum Spacing between Driveways

(1) <u>Street Classification</u>	<u>Number of Curb Cuts</u>
Primary Arterials (P6D)	One per 300 feet of frontage
Secondary Arterials (M4U)	One per 200 feet of frontage
Collector (RC)	One per 100 feet of frontage
Local (residential)	10-foot separation unless joint access

- d) Sight Distance, On-site Maneuvering and Parking Lot Design: Adequate site distance and on-site maneuvering should be available from every driveway. Any movement for which adequate sight distance is not available or any parking lot design that does not provide adequate on-site maneuvering should not be permitted. For example, if parking is within twenty-five (25) feet of driveway for commercial or multifamily developments under three (3) acres or within fifty (50) feet of driveway for commercial or multifamily development over three (3) acres, either the parking should be rearranged or joint access should be considered or access to another street should be sought.

- e) Median Openings: If and when medians are constructed on any arterial street, spacing between median opening should be at least four hundred (400) feet. The spacing may be reduced to three hundred (300) feet if a competent traffic study shows that a lesser spacing will still safely and efficiently accommodate left-turn movements to existing and projected future development in the immediate vicinity.

- f) Width of Driveway Approaches:

- (1) Residential: Residential driveways to serve single car garages, carports, and/or storage areas shall be not less than ten (10) feet nor more than twenty (20) feet in width, measured at the property line. Residential

driveways to serve two (2) car garages, carports, and/or storage areas shall be no less than eleven (11) feet, not [nor] more than twenty-four feet in width, measured at the property line. When residential driveways are required to serve three or more car garages, carports, and/or storage areas, the size and location of the driveway(s) shall be subject to the approval of the Town Engineer, after an adequate engineering analysis of the parking, maneuvering and access requirements. A driveway should not begin less than five (5) feet from the point of tangency of the corner radius of an intersection.

Driveways shall provide a minimum of eighteen feet (18') between the property line and any garage door, gate, or other obstruction to provide for safe parking or stack space off of the public right-of-way.

The radius of all driveway returns shall be a minimum of five (5) feet. Residential driveways shall not be constructed closer than ten (10) feet apart. If permitted, low density residential driveways entering onto collector or thoroughfare streets shall have a minimum curb return radius of ten feet (10').

- g) Permit Procedure: The location of any driveway ingress or egress from any lot onto any public street or right-of-way shall be approved by the Town.
11. Traffic-Control and Street Signs: The developer shall provide all street identification signs and attachment hardware for streets within the subdivision. The street identification signs shall be constructed of extruded aluminum and shall have black reflective letters on a white background indicating the street name and block numbers. The Developer shall provide poles and any necessary traffic-control signs (such as stop signs) as directed by the Town Engineer.
12. Sidewalks: Sidewalks shall be provided in locations required by the Planning and Zoning Commission and Town Council. Sidewalks shall be constructed of concrete. Sidewalks shall have a minimum width of four feet (4') and a minimum pavement thickness of four inches (4") of reinforced concrete. In location where sidewalks must be located immediately adjacent to the curb and gutter, the minimum width shall be five feet (5'). Sidewalks shall have a minimum cross slope of one-fourth inch per foot for drainage.
13. Parking lots: The required number of parking and loading spaces shall be provided in accordance with the Town's Zoning Ordinance. Parking shall be designed to facilitate efficient traffic movement with a minimum conflict. All parking maneuvers shall be accomplished off of public right-of-ways. Off-street parking layouts shall afford the driver the ability to accomplish all maneuvers to enter or exit the parking spaces on private property. Off-street parking areas shall be maintained by the Owner.

Nothing in this section shall require the changing of existing driveways and/or parking except under one or more of the following conditions:

- a) During widening and/or reconstruction of streets, the driveways will be brought into conformity with the present standards.

- b) During new building construction or major additions and remodeling of existing buildings all driveways and parking requirements will be brought into conformity with the present standards.
12. [14.] Medians: Medians shall not be constructed in dedicated public right-of-way unless specifically required by and/or approved by the Planning and Zoning Commission and Town Council. Medians approved for aesthetic purposes shall be maintained by, and at the expense of, the dedicator in accordance with specific contractual arrangements with the Town. Medians required for traffic shall be designed for minimum maintenance.

(Ordinance 130 adopted 6/5/00)

SECTION 7.6 BLOCKS AND LOTS

A. BLOCKS

1. The length of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face of greatest dimension, or on which the greatest number of lots face. The width of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face or [of] least dimension, or on which the fewest number of lots face. The length, width and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated, zoning requirements as to lot sizes and dimensions, and needs for convenient access, circulation, control and safety of street traffic.
2. In general, intersecting streets should be provided at such intervals as to serve traffic adequately and to meet existing streets or customary subdivision practices. Where no existing subdivision controls, the block lengths should not exceed one thousand three hundred twenty (1,320) feet. Where no existing subdivision controls, the blocks should not be less than five hundred (500) feet in length; however, in cases where physical barrier, property ownership, or individual usage creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet existing conditions, having due regard for connecting streets, circulation of traffic and public safety.
3. Where long blocks in the vicinity of a school, park or [or] shopping center are platted, the Planning and Zoning Commission may require a public walkway near the middle of long blocks or opposite a street that terminates between the streets at the ends of the block. If required, the walkway shall be not less than four (4) feet nor more than eight (8) feet in width, and shall have a concrete walk of a minimum width of four (4) feet through the block from sidewalk to sidewalk, or curb to curb, or if no street, to the property line adjacent to school, park or shopping center.

B. LOTS

1. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
2. All side lines of lots shall be at approximately right angles to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout. Rear lot lines should be straight and avoid acute angles with side yard lines. Odd-shaped lots should be avoided. Where utility easements are to be located along rear lot lines, these lines should be as straight as possible for long lengths.
3. No lot shall have less area of [or] width at the building line than is required by the zoning regulations that apply to the area in which it is located.
4. Lots shall be consistent with zoning regulations. When the specific proposed use of a lot or tract depends upon future action by the Town Council or other property [properly] designated authority, lot lines shall also be shown on the preliminary plat appropriate to a use which does not require such action. Proposed uses shall be shown on the preliminary plat.
5. Generally lots should be deeper than they are wide. It is recommended to have the depth twice the width. The important consideration is to assure that the lots are neither too deep or too shallow to allow for good placement of a dwelling unit on a lot.
6. Corner lots shall be larger than interior lots so that dwellings can be placed further from the street. Corner lots shall be 10 to 20 percent larger than interior lots. Lots facing onto heavy traffic streets shall be avoided. This can be accomplished by providing deeper lots with the houses backing onto the heavy traffic street. Other methods include, a) providing an access street parallel to the major street, b) cul-de-sac if the property has sufficient depth, or c) provide a loop street, if the property has sufficient depth and width.
7. Surface drainage must be diverted away from house sites. Sufficient slope must exist on the lot to enable drainage to run off from the building site across sidewalks, and onto the street. Swales may be needed to provide drainage from back yards.
8. Building Lines: Front and second front building lines shall be shown on all lots in the subdivision. The building lines shall be listed in accordance with the applicable zoning ordinances.
9. [Reserved]

(Ordinance 130 adopted 6/5/00; Ordinance adopting Code)

SECTION 7.7 DRAINAGE

A. GENERAL: The Planning and Zoning Commission shall not recommend for approval any plat of a subdivision which does not make adequate provisions for storm or floodwater runoff

channels or basins. Drainage provision shall ensure that [the] health and safety of the public and the property in times of flood. Development shall not increase the peak flow discharge or velocities over natural conditions, particularly to adjacent and downstream properties. Storm drainage facilities shall be designed in accordance with the City of Denton Drainage Design Criteria (1990) unless otherwise specified herein. For drainage requirements and design standards see Article 5, Section 5.8 of this ordinance. (Ordinance 130 adopted 6/5/00)

SECTION 7.8 SANITARY SEWER

A. **GENERAL:** All subdivisions developed subsequent to this Ordinance shall be provided with an approved sewerage disposal system conforming to the current criteria adopted by the LCMUA and the requirements of the Texas Natural Resources Conservation Commission "Design Criteria for Sewerage Systems" or "Construction Standards for Private Sewerage Facilities." Materials and construction shall meet the requirements of Standard Specifications for Public Works Construction.

B **CONNECTION TO THE SANITARY SEWER SYSTEM:** Subdividers shall be responsible for providing any approved public sanitary sewer system consistent with the Comprehensive Plan, throughout the entire subdivision such that all lots, parcel, or tracts of land will be capable of connecting to the sanitary sewer system except as otherwise approved by the Town Engineer. Where an approved public sanitary sewer collection main or outfall line is within a reasonable distance of the subdivision as determined by the Town Council, but in no case less than one-half mile away and connection to the system is both possible and permissible, the subdivider shall be required to bear the cost of connecting his/her subdivision to such sanitary sewer system.

C. SEPTIC TANKS

1. Septic tank systems and other sewerage disposal facilities must comply with all Town of Shady Shores requirements and Ordinances.
2. Septic tanks shall be installed in accordance with the most current standards established by the Texas Natural Resources Conservation Commission and other applicable Town Ordinances.

D. **OTHER INDIVIDUAL SYSTEMS:** Other individual septic systems can be considered if satisfactory evidence is submitted certifying that the system meets all requirements and standards of the Texas Natural Resources Conservation Commission and The Town of Shady Shores.

(Ordinance 130 adopted 6/5/00)

SECTION 7.9 WATER SUPPLY AND DISTRIBUTION

A. **BASIC POLICY:** Water systems shall be planned, designed and constructed in accordance with the most current set of rules and regulations of the LCMUA. The design of water distribution systems, if needed, must be approved by the LCMUA. Proof of approval in writing must be provided to the Town before plat approval is granted.

All developments within the jurisdiction of the Town of Shady Shores shall be required to have approved water supply and sanitary sewerage facilities and shall be required to connect to the

LCMUA facilities, where available, unless alternative arrangements have been approved by the Town.

B. WATER WELLS (INDIVIDUAL): Developments may be approved with alternative water facilities according to the following criteria:

- 1. Water well operation and quality meet the minimum requirements of the Texas Natural Resources Conservation Commission and The Town of Shady Shores.
- 2. Water wells are not utilized in any commercial sale of the water.

C. PUBLIC OR PRIVATE WATER AND/OR SEWER COOPERATIVE SYSTEMS: All new public or private water and/or sewer cooperative systems are expressly prohibited under this Ordinance, if Town or other approved services are available as provided for in this Ordinance.

(Ordinance 130 adopted 6/5/00)

SECTION 2
(PENALTY CLAUSE)

Any person, firm, or corporation that violates, disobeys, neglects or refuses to comply with, or that resists the enforcement of the provisions of this ordinance, shall be fined Two thousand dollars (\$2,000.00) for each offense. Each offense that occurs shall constitute a separate violation and shall be punishable as such. (Ordinance 130 adopted 6/5/00)

SECTION 3
(CUMULATIVE CLAUSE)

This ordinance shall be cumulative of all provisions of Ordinances of the Town of Shady Shores, Texas except where the provisions of this ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. (Ordinance 130 adopted 6/5/00)

SECTION 4
(SEVERABILITY CLAUSE)

It is hereby declared to be the intention of the Town of Shady Shores that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section. (Ordinance 130 adopted 6/5/00)

SECTION 5
(SAVINGS CLAUSE)

All rights and remedies of the Town of Shady Shores are expressly saved as to any and all violations of the provisions of any Ordinances affecting zoning which may have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending

litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts. (Ordinance 130 adopted 6/5/00)

SECTION 6
(EFFECTIVE DATE)

This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides. (Ordinance 130 adopted 6/5/00)