



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

AGENDA

1. CALL TO ORDER
2. ROLL CALL
Establish a quorum
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](#)
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 STATED ABOVE.



**TOWN OF SHADY SHORES
PLANNING AND ZONING COMMISSION
MAY 12, 2016, 7:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES ROAD, 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	Alternate	Absent

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

Chairman Lea called the meeting to order and a quorum was established for the record.

3. MINUTES

Consider and act on approval of the April 14, 2016 Planning and Zoning Commission meeting minutes.

Rebecca Morgan made a motion to approve. Tom Spencer seconded the motion.

DISCUSSION: NONE

AYES: BROWN, MORGAN, LEA, NELSON, SPENCER

NAYS: NONE

The motion passed unanimously.

4. SUBDIVISION ORDINANCE AMENDMENTS:

Conduct a worksession relative to amending the subdivision ordinance to address the proper sizing of culverts.

Commissioners discussed proposed changes to the subdivision ordinance. Town Engineer presented recommended changes to section 11 of the ordinance which regulates culverts and culvert sizing.

Paul Brown made a motion to accept the revision of Section 11 as proposed by the Town Engineer. Rebecca Morgan seconded the motion.

DISCUSSION: NONE

AYES : SPENCER, NELSON,LEA,BROWN, MORGAN

NAYS: NONE

5. ADJOURN

Tom Spencer made a motion to adjourn. Rebecca Morgan seconded the motion.

DISCUSSION: NONE

AYES: SPENCER, NELSON, LEA, BROWN, MORGAN

NAYS: NONE

The motion passed unanimously and the meeting was adjourned at 8:15 pm.

PASSED AND APPROVED THIS THE _____ DAY _____, 2016.

APPROVED:

Allen Lea, Chairman

ATTEST:

Wendy Withers, Town Secretary



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.

Draft Ordinance.

Chapter and sections to be revised when codified to match Town Code of Ordinances.

The town revisions to “concept plan” and its use can be inserted in this ordinance.

Please note the use of “land study or site plan” in this ordinance

. Concept plan final provisions can replace or supplement this section. 35-15, Page 15 below.

Chapter 35 - SUBDIVISION REGULATIONS

ARTICLE I. - GENERAL PROVISIONS

ARTICLE II. - DEFINITIONS

ARTICLE III. - AUTHORITY AND JURISDICTION

ARTICLE IV. - PLATTING PROCEDURE

ARTICLE V. - REQUIREMENTS FOR PUBLIC IMPROVEMENTS, RESERVATION AND DESIGN

ARTICLE VI. - PARTICIPATION AND ESCROW POLICIES

ARTICLE VII. - FILING FEES AND CHARGES

ARTICLE VIII. - COMPLETION AND MAINTENANCE OF IMPROVEMENTS

ARTICLE IX. - MANDATORY HOMEOWNERS' ASSOCIATION

APPENDIX A - FEE SCHEDULE

Chapter 35 - SUBDIVISION REGULATIONS

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Sec. 35-2. - Policy.

Sec. 35-3. - Purposes.

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Sec. 35-5. - Pending applications.

Sec. 35-6. - Interpretation, conflict and severability.

Sec. 35-7. - Amendments.

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Sec. 35-9. - Enforcement, violations and penalties.

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ARTICLE III. - AUTHORITY AND JURISDICTION

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Sec. 35-15. - Land study or site plan.

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Sec. 35-21. - Lot design and improvements.

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ARTICLE VI. - PARTICIPATION AND ESCROW POLICIES

Sec. 35-26. - Participation policies.

Sec. 35-27. - Facilities eligible for Town participation.

Sec. 35-28. - Limitation and exceptions.

Sec. 35-29. - Procedures for Town participation.

Sec. 35-30. - Escrow policies and procedures.

Sec. 35-31. - Perimeter street fees.

Sec. 35-32. - Payment of fees, charges, and assessments.

ARTICLE VII. - FILING FEES AND CHARGES

Sec. 35-33. - Fees required to be paid before action can be taken.

Sec. 35-34. - Fees are non-refundable.

Sec. 35-35. - Development inspection fee.

Sec. 35-36. - Street improvement fund.

ARTICLE VIII. - COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Sec. 35-37. - Improvements and subdivision improvement agreement.

Sec. 35-38. - Construction procedures.

Sec. 35-39. - Inspection of public improvements.

Sec. 35-40. - Deferral of required improvements.

Sec. 35-41. - Issuance of building permits and certificates of occupancy.

Sec. 35-42. - Bonds and insurance.

ARTICLE IX. - MANDATORY HOMEOWNERS' ASSOCIATION

Sec. 35-43. - Applicability.

Sec. 35-44. - Approval.

Sec. 35-45. - Responsibilities.

Sec. 35-46. - Dedication to association.

Sec. 35-47. - Contents of agreement.

Chapter 35 - SUBDIVISION REGULATIONS

ARTICLE I. - GENERAL PROVISIONS

Sec. 35-1. - Title.

These regulations shall be officially known, cited and referred to as the Subdivision Regulations of the Town of Shady Shores (hereinafter "these regulations").

This chapter applies to all subdivisions of land located within the corporate Town limits or the extraterritorial jurisdiction of the Town of Shady Shores, Texas, as provided by law, and to all additions of land within the corporate Town limits, except as expressly stated herein.

Sec. 35-2. - Policy.

(a)

The subdivision or platting of land and the subsequent development of the land is subject to the control of the Town pursuant to the comprehensive plan, as amended, for the orderly, planned efficient, and economic development of the Town.

(b)

Land to be subdivided or platted shall be of character that can be used safely for building purposes without danger to health or peril from fire, flood, or their menace, and land shall not be developed until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and streets.

(c)

Proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan, as amended, and the capital improvement program of the Town. These regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the comprehensive plan and the capital improvement program.

(d)

Land that has been platted prior to the effective date of this chapter shall, whenever possible, be brought within the scope of these regulations to further the purposes identified in section 35-3; provided, however, it is the intent of these regulations and ordinances of the Town, to be consistent with, and be interpreted in accordance with V.T.C.A., Local Government Code Ch. 245 as amended.

Sec. 35-3. - Purposes.

These regulations are adopted for the following purposes:

(1)

To protect and provide for the public health, safety, and general welfare of the Town.

(2)

To guide the future growth and development of the Town in accordance with the comprehensive plan, as amended.

(3)

To ensure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population.

(4)

To guide public and private development in order to provide adequate and efficient transportation, water, sewerage, drainage, and other public requirements, improvements and facilities.

(5)

To provide for the safe and adequate circulation of the traffic and pedestrians required for the beneficial use of land and buildings and to avoid congestion throughout the Town.

(6)

To establish reasonable standards of design and procedures for platting and replatting to further the orderly layout and use of land, and to ensure proper legal descriptions and identification of platted land.

(7)

To ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or addition and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services.

(8)

To prevent the pollution of streams and ponds; to ensure the adequacy of drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources, and enhance the stability and beauty of the community and the value of land.

(9)

To provide for open spaces through the most efficient design and layout of the land.

(10)

To remedy the problems associated with inappropriately platted lands, including premature subdivision, incomplete subdivision and scattered subdivision.

Sec. 35-4. - Authority.

(a)

In addition to its other responsibilities, the Planning and Zoning Commission of the Town of Shady Shores (hereinafter "commission") is vested with the authority to review and recommend to the Town council that it approve, conditionally approve and disapprove applications for the platting or subdivision of land, including land studies, conveyance plats, preliminary plats, final plats, amended plats, replats, and vacation of plats. The commission may also recommend the granting of expectations from these regulations pursuant to the provision to the provision of section 35-8, subject to Town council, as provided herein.

(b)

The director is vested with the authority to approve minor plats. The director may, for any reason, elect to present a minor plat to the planning and zoning commission for approval. The director may not disapprove a minor plat and shall refer any minor plat refused for approval for to the planning and

zoning commission for consideration and action within 30 days of the filing of the minor plat as defined herein. The minor plat shall thereafter be treated, for the purposes of these regulations, as a major plat.

Sec. 35-5. - Pending applications.

All applications for plat approval, including preliminary and final plats, pending on the effective date of these regulations and which have not lapsed shall be reviewed and considered for approval, disapproval or conditional approval based upon regulations in effect at the time the original application for the permit is filed, consistent with V.T.C.A., Local Government Code Ch. 245 as amended.

Sec. 35-6. - Interpretation, conflict and severability.

(a)

Interpretation. The provisions of these regulations shall be interpreted and applied so as to satisfy the minimum requirements of these regulations and other applicable codes and regulations, for the promotion of the public health, safety, and general welfare. These regulations shall be constructed broadly to promote the purposes for which they are adopted.

(b)

Conflict with other laws. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as expressly provided in these regulations, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

(c)

Severability. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of same to other persons or circumstances.

Sec. 35-7. - Amendments.

For the purpose of protecting the public health, safety and general welfare, the staff, commission or council may from time to time propose amendments to these regulations which shall then be approved or disapproved by the Town council at a public meeting.

Sec. 35-8. - Exceptions.

(a)

General. Where it is determined that unreasonable hardships or difficulties may result from strict compliance with these regulations and/or the purpose of these regulations may be served to a greater extent by an alternative proposal, the Town council may approve exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured; provided, however, that the exception shall not have the effect of nullifying the intent and purpose of these regulations; and

further provided that the exception will not in any manner vary the provisions of the zoning ordinance or comprehensive plan, except that those documents may be amended in the manner prescribed by law.

(b)

Criteria for exceptions from development exactions. Where the Town council finds that the imposition of any development exaction pursuant to these regulations exceeds reasonable benefit to the property owner or is so excessive as to constitute confiscation of the tract to be platted, it may approve exceptions to such requirements, so as to prevent such excess.

(c)

Conditions. In approving exceptions, the Town council may require such conditions as will, in its judgment, secure substantially the purposes described in section 35-3.

(d)

Procedures.

(1)

A petition for an exception shall be submitted in writing by the property owner at the time the conveyance plat, preliminary plat or final plat is filed in accordance with these regulations for consideration by the commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(2)

An exception, in order to be of binding effect, must be approved at the time of consideration and approval of the preliminary plat and thereafter reflected on the final plat provided that no new information or reasonable alternative plan exists at time of consideration of the final plat which, at the determination of the Town council, voids the need for an exception.

Sec. 35-9. - Enforcement, violations and penalties.

(a)

Criminal penalties. Any person who violates any of these regulations for lands within the corporate boundaries of the Town shall be subject to a fine of not more than \$2,000.00 per day, pursuant to the V.T.C.A., Local Government Code § 54.001, as amended. Each day that a violation exists constitutes a separate offense, subject to the penalties provided herein. Provided, however, a fine or criminal penalty prescribed herein does not apply to a violation in the extra-territorial jurisdiction, except to the extent otherwise allowed by law.

(b)

Civil enforcement. Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose penalties, to restrain, correct, or abate a violation of these regulations, whether such violation occurs with respect to lands within the corporate

Town limits or within the Town's extra-territorial jurisdiction. The Town council may direct the Town attorney to file the appropriate legal action, seeking all available injunctive relief and civil penalties, in any court of competent jurisdiction. These remedies shall be in addition to the penalties described above.

(c)

Additional enforcement provisions. The Town may withhold the acceptance for filing of a plat, or the approval of a subdivision, or issuance of a permit, for the failure to satisfy terms and conditions of these regulations, including but not limited to payment of fees required herein, or as stated in the fee ordinance, completion of public improvements, and/or facilities, including those obligations contained within a duly executed development agreement and/or adherence to tree preservation or mitigation standards.

ARTICLE II. - DEFINITIONS

Sec. 35-10. - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Addition means any lot, tract or parcel of land lying within the corporate Town limits which is intended to be subdivided for the purpose of development.

Administrative officer is the person or persons so designated by the Town to act in an official capacity in the administration of this chapter, whether an actual employee of the Town or a consultant under contract to the Town to fulfill these duties (i.e., Town engineer may also be the Town's consulting engineer), on his duly authorized representative.

Alley shall mean a minor traffic way used primarily for vehicular service to the rear or side of properties otherwise abutting on a street.

Amending plat means a revised plat correcting errors or making minor changes to the original recorded final plat to the extent and for the purposes allowed by law.

Amenity means an improvement to be dedicated to the public or the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this chapter.

Arterial street or thoroughfare shall be a principal traffic way more or less continuous across the Town or areas adjacent thereto and shall act as a principal connecting street with state or interstate highways.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year. The base flood shall be determined by using a fully developed watershed and the Town's Drainage Design Manual criteria for 100-year storm.

Block means a tract of land bounded by streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond means any form of a surety bond, performance or payment bond, or financial guarantee, in an amount and form satisfactory to the Town and as may be requires by state law.

Building line shall be a line beyond which buildings must be set back from the street or road right-of-way line or property line.

Capital improvements program means the official proposed schedule of all future public projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project, as adopted by Town council.

Channel means generally a manmade ditch of course in which stormwater runoff flows.

Town shall mean Town of Shady Shores, Texas.

Town council shall mean to refer to duly elected governing body of the Town of Shady Shores, Texas.

Collector street shall be a street which is continuous through several residential districts and is intended as connecting street between residential districts and thoroughfares, highways or business districts.

Commission shall mean the Planning and Zoning Commission of the Town of Shady Shores, Texas.

Comprehensive or master plan means a plan for development of the Town prepared and adopted by the Town council, in accordance V.T.C.A., Local Government Code Ch. 219 as amended, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. This plan provides guidance for the long-range development of the Town and shall generally indicate the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks and other public and private developments and improvements.

Construction plans means the maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision or addition in accordance with the requirements of the Town council or these regulations as a condition of the approval of the plat.

Contiguous means lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

Conveyance plat means an interim plat recording the subdivision of property or defining a remainder of property created by the approval of a final plat for a portion of property, where approval of final development plans is not sought.

County shall mean Denton County, Texas.

Cul-de-sac shall mean short residential street having but one vehicular access to another street and terminated by a vehicular turn-around.

Dead-end street shall mean a street other than a cul-de-sac with only one means of ingress and egress.

Dedication plat means a plat prepared for the purpose of dedicating land or easements for right-of-way to the Town.

Developer means the person, business, corporation or association responsible for the development of the subdivision or addition. In most contexts, the terms "developer" and "property owner" are used interchangeably in these regulations.

Development means any manmade change related to the subdivision of improved or unimproved real estate, including but not limited to, buildings or other structures, paving, drainage or utilities, but not agricultural activities.

Director means the individual designated by the Town council to administer this chapter and other development related ordinances. If not otherwise designated by the Mayor, the City Secretary will serve as the Director, assisted as needed by the Town Attorney and Town Engineer.

LCMUA means the Lake Cities Municipal Utility Authority.

Land study or site plan means a concept plan or sketch preparatory to the preliminary plat or final plat, to enable the property owner to save time and expense in reaching general agreements with the Town as to the form of the plat and the satisfaction of objectives and requirements of these regulations.

Lot means a tract, plot or portion of a subdivision, addition, or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession or for building development.

Major plat means all plats not classified as minor plats, including but not limited to subdivisions of more than four lots, or any new street or extension of the Town's facilities.

May shall be deemed as permissive.

Minor plat means a subdivision involving four or fewer lots fronting on an existing street, and not requiring the creation of any new street or the extension of municipal facilities.

Mobile home or manufactured housing parks means a parcel of land under single entity ownership which has been placed and improved for the placement of HUD-Code Manufactured Homes, as defined by state laws and as may be adopted by ordinance, accessory uses and service facilities, meeting all requirements of this chapter and any applicable deed restrictions and state laws.

Municipal facility means an improvement owned and maintained by the Town.

Off-site improvement means any public improvement located outside the physical boundaries of the subdivision or addition to be platted.

Perimeter street means any existing or planned street which abuts the subdivision or addition to be platted.

Plat shall mean a map or chart of a subdivision which lays out suburban, building or other lots, or lays out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to the public use or for the use of purchasers or owners of lots fronting on, or adjacent to the streets, alleys, squares, parks or other parts, and which is to be filed for record in the Town. Unless otherwise specified, it may include preliminary plat, final plat and a replat. A plat is required to be submitted by any owner of a tract of land located within the corporate Town limits or the Town's extra-territorial jurisdiction, who divides the tract in two or more parts to lay out a subdivision of the tract or an addition.

Platting means the act of preparing for approval and processing, pursuant to these regulations, the plan or map for the subdivision of the tract or an addition.

Preliminary plat shall be any plat of any lot, tract or parcel of land that is not to be recorded for record in the county but is only a proposed division of land for review and study by the Town and filed in the official records of the Town for the development.

Private street is any street, drive, throughway, thoroughfare, pavement or non-pavement surface where vehicles may travel that has not been dedicated to or accepted by the Town.

Property owner or owner means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land comprising the subdivision or addition, or any representative or agent thereto, who has express written authority to act on behalf of such owner.

Public improvement or facility means any drainageway, roadway, parkway, sidewalk, utility, pedestrian way, off-street parking area, lot improvement, open space, or other facility for which the Town or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. Public improvement shall include any tree preservation or mitigation standard contained in these regulations or in any other Town ordinance relative to tree preservation or mitigation standard.

Public way means an officially approved, privately maintained drive, constructed to Town street standards, open to unrestricted and irrevocable public access, serving two or more lots as the primary means of access.

Remainder means the residual land left after platting of a portion of a tract. Platting of a residual portion of property may be required under the provisions of this chapter.

Replat means any change in a map of an approved or recorded plat, except as permitted as an amending-plat, that affects any street layout on the map or area reserved or dedicated thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions or additions or any other purpose provided by state law and shall be filed and recorded in accordance with these regulations and applicable state law. Replatting includes the combination of lots into a single lot or subdivision of one or more lots for purposes of development.

Residential street shall be a street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is used primarily for access to abutting properties.

Right-of-way means a parcel of land dedicated as public property which is principally occupied or intended to be occupied by a street or valley. Where appropriate, right-of-way may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or any other special or authorized use. Parkways and medians outside of pavement shall be included in the right-of-way. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be dedicated public property, separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Security means the letter of credit or cash escrow provided by the applicant, owner or developer, to secure its promise in the development agreement.

Shall means deemed as mandatory.

Standard street means a highway or street which meets or exceeds the standard specifications and the thoroughfare standards of the Town or the Texas Department of Transportation.

Stream means any fairly well defined area in which a watercourse flows including creeks, rivers, channels, and ditches.

Street means a way for vehicular traffic whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, or otherwise designated in accordance with state law and Town ordinances.

Street width shall be the shortest distance between the lines which delineate the right-of-way of a street.

Subdivide means the division of a tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale or building development.

Subdivider means any person who (1) having any interest in land causes it, directly or indirectly, to be divided for the purpose of development or platted as an addition or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertise to sell, lease, or develop, any interest in more than one lot, parcel site, or unit, in a particular subdivision or addition, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or addition or any interest in more than one lot, parcel site, or unit in a particular subdivision or addition.

Subdivision means the division of any tract or parcel of land into two or more lots for the purpose, whether immediate or future, of offer, sale, or lease or for the purpose of development. Subdivision includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision also refers to the land to be so divided, as the context may indicate.

Substandard street means an existing street, or highway that does not meet the minimum specifications of 1) the thoroughfare plan; 2) the standards in these regulations; 3) the Town construction standards and specifications; 4) if a state highway or FM highway does not meet the minimum standard specifications of the Texas Department of Transportation; and/or 5) is not constructed to the standards, or to the extent required, for the type of roadway designation assigned in the major thoroughfare plan.

Temporary improvement means improvements built and maintained by an owner during construction of the development of the subdivision or addition and prior to release of the performance bond or improvements required for the short term use of the property.

Watercourse means anywhere stormwater runoff flows including rivers, streams, channels, ditches, and overland.

Will shall be deemed as mandatory.

ARTICLE III. - AUTHORITY AND JURISDICTION

Sec. 35-11. - Generally.

(a)

These regulations are adopted under the authority of, and in accordance with V.T.C.A., Local Government Code § 212.002, as amended, for the purposes of controlling the subdivision of land within the corporate limits of the Town and in the Town's extra-territorial jurisdiction in order to promote the health, safety, morals and general welfare of the Town through the safe, orderly and healthful development of the Town; and the same shall be considered cumulative to the provisions of V.T.C.A., Local Government Code § 212, as amended.

(b)

Any owner or corporation or partnership that owns land inside or within one-half mile of the corporate limits of the Town of Shady Shores (i.e., within the extraterritorial jurisdiction of the Town of Shady Shores), wishing to subdivide such land shall submit to the Town a plan of subdivision in accordance, and in conformance, with the minimum requirements and procedures set forth in these regulations. An owner subdividing his land into parcels greater than [sic].

(c)

No plat of any subdivision shall be filed or recorded and no lot in a subdivision inside of the corporate limits of the Town, or within its extra-territorial jurisdiction, shall be improved or sold until the final plat for the subdivision shall have been considered by the planning and zoning commission and approved by the Town council in accordance with the procedures set forth herein.

(d)

The Town shall have the authority to prohibit the installation of public utilities in unapproved subdivisions and to prohibit the issuance of building permits for structures on lots in an unapproved subdivision.

(e)

It shall be unlawful for any owner or agent of any owner to layout, subdivide or plat any land into lots, blocks and streets within the Town or to sell portions of the property therein which has not been laid out, subdivided and platted according to these regulations within the corporate Town limits. A fine or criminal penalty prescribed in this chapter does not apply to a violation in the extra-territorial jurisdiction, unless otherwise allowed by law.

(f)

No officer, employee or consultant of the Town shall perform or cause to be performed any work upon any streets or in any addition or subdivision of the Town unless all requirements of these regulations have been complied with by the owner of the addition or subdivision.

(g)

The Town hereby defines its policy to be that the Town will withhold improvements of any nature whatsoever, including the maintenance of streets, issuance of building permits or furnishing of sewage and water service, until the subdivision final plat has been approved by the Town council. No improvements shall be initiated nor any contracts executed until written approval has been obtained by the subdivider, from the Town council, as provided herein.

ARTICLE IV. - PLATTING PROCEDURE

Sec. 35-12. - Pre-application conference.

Prior to the filing of a land study or preliminary plat, the subdivider shall consult with the administrative officer or his duly authorized representative concerning the ultimate land-use of the proposed development, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, alleys and lots, drainage and the layout of utility lines and availability of municipal facilities. A written record of the meeting shall be kept by the Town and a copy provided to the developer

Sec. 35-13. - Application procedure.

(a)

All property that is to be subdivided and is subject to, and shall be platted in accordance with, these regulations. Prior to the filing of any site plan or plat for consideration and action as provided herein, the administrative officer, the director and/or his duly authorized representative shall review the site plan or plat and to ensure compliance with these regulations.

(b)

The preliminary review of the submittal, if substantially complete, shall include a site visit by the director to make recommendations concerning the development of subject land, including whether to recommend approval or disapproval of the submitted land study or preliminary plat.

(c)

If the director determines that the land study or preliminary plat as submitted is substantially incomplete and requires a significant amount of work by the developer's engineer, the incomplete plat will be returned to the developer's engineer, requesting that it be completed before resubmission. The developer, upon resubmittal, shall return all original sheets marked by the Town in the preliminary review. A letter shall accompany the resubmittal which explains how each comment by the Town has been addressed.

(d)

Any owner or developer of any lot, tract or parcel of land located within the corporate limits of the Town or within its ETJ who may wish to effect a subdivision of land shall conform to the procedures prescribed herein relative to the above and intended to be dedicated.

Sec. 35-14. - Subdivision classifications.

(a)

"Minor" subdivisions shall meet the following requirements:

(1)

The subdivision or addition shall consist of four or fewer lots fronting on an existing street.

(2)

The development of the lots shall not require the extension of municipal facilities including, but not limited to streets, drainage, water and sewer.

(3)

No land study shall be required with the submission of the preliminary plat.

(b)

Conveyance plats may omit the land study requirements if they conform to the above requirements for minor subdivisions.

(c)

"Major" subdivisions consist of any subdivision which does not meet the minor subdivision requirements. Conveyance plats which do not meet the requirements of minor subdivision shall also be considered major subdivisions. A land study shall be required to be submitted for all major subdivisions simultaneously with the preliminary plat as provided herein.

Sec. 35-15. - Land study or site plan. (ADD CONSIDERATIONS FOR CONCEPT PLANS)

(a)

Purpose. The purpose of the land study is to provide sufficient information to allow the Town staff to review a general plan for the development of a property and make recommendations. In determining preliminary plat requirements, the director may require a land study when sufficient information has not been provided for the preliminary plat, for all development which does not meet the definition of a "minor" subdivision, unless the development is a replat of an existing approved subdivision with no significant changes.

(b)

Special conditions. Phased development shall be indicated on the land study. If the development is to proceed in phases, the land study may be divided into two or more phases, and is subject to approval by the commission with certain conditions as deemed necessary to assure the orderly development of the land being considered for development. Said conditions must be approved by Town council.

(c)

Pre-application conference. Before preparing the land study, the applicant shall schedule an appointment and meet with the director to discuss the procedures for approval and requirements as to the general layout of streets and/or reservations of land, street, drainage, sewerage and water improvements, and similar considerations including the availability of existing municipal services.

(d)

General application requirements. If a land study is required, the developer shall file the land study, simultaneously with the preliminary plat, which shall meet the following minimum requirements:

(1)

The application and prints of all the required supporting documents and drawings shall be provided in 20 complete sets.

(2)

The study shall include all contiguous holdings of the property owner with an indication of the portion proposed for development, for sale, or lease. An affidavit of ownership shall be attached which includes the name, address and telephone number of an agent for the developer who shall be authorized to receive all notices required by these regulations.

(3)

The study shall be drawn to a scale of one inch = 200 feet or larger, to provide more detail.

(4)

The lower right hand corner shall contain a title block clearly showing the following information:

a.

Proposed name of subdivision or addition.

b.

Name and address of the owner and the engineer or surveyor who prepared the study.

c.

Scale of the drawing and an indication of true north, to the top or left.

d.

Date the drawing was prepared, and the date of revisions.

e.

The location of the tract according to the abstract and survey records of the county in which the tract is situated.

(5)

All limits of tract with scale distances.

(6)

The names of all adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.

(7)

The existing zoning classification of the subject property and adjoining land.

(8)

The location, width and names of all existing or platted streets or other public ways within or adjacent to the tract, along with existing buildings, railroad right-of-way, and existing topography including creeks, drainage channels and other important topographical features.

(9)

Political subdivisions or corporate limits and school district boundaries.

(10)

Preliminary layout with names and width of proposed thoroughfares, collector streets, and intersections along with a general configuration of proposed streets and alleys.

(11)

A general arrangement of all types of land uses considered, including but not limited to existing easements and indication of conformance with the thoroughfare plan including rights-of-way, park and school sites, municipal facilities, private open space, floodplains and drainage ways, phasing plans, and proposed non-residential and residential densities.

(12)

Layout, numbers and approximate dimensions of proposed lots and all building lines.

(13)

Screening and/or landscaping plan, and tree preservation or mitigation standards which comply with the Town's landscaping or screening and/or tree preservation ordinance.

(14)

Existing sewer lines, water mains, culverts or other underground structures within the tract and immediately adjacent thereto with sizes and locations indicated.

In the event the director determines that insufficient information or incorrect information prevents submission of the land study, one copy shall be returned to the developer or his agent noting the

missing or incorrect information. The original sheets marked by the Town and a letter explaining how each comment has been addressed shall accompany the resubmittal of the land study.

(e)

Approval standards. No land study shall be approved by the Town council for the tract intended for development unless it conforms to the Town of Shady Shores Comprehensive Plan and the development ordinances of the Town.

No land study shall be submitted for consideration and action by the commission or Town council unless the director has indicated that all necessary has been submitted.

(f)

Effect of approval/disapproval. Approval of the land study shall be made simultaneously with the preliminary plat subject to compliance with any conditions attached to approval of the land study.

Sec. 35-16. - Development plats.

(a)

Authority. This section is adopted pursuant to V.T.C.A., Local Government Code Ch. 212, Subchapter B.

(b)

Applicability. For purposes of this section, the term "development" means the construction of any building, structure or improvement of any nature (residential or nonresidential), or the enlargement of any external dimension thereof. This section shall apply to any land lying within the Town or within its extraterritorial jurisdiction in the following circumstances:

(1)

The development of any tract of land which has not been platted or replatted prior to the effective date of these subdivision regulations, unless expressly exempted herein; or

(2)

The development of any tract of land for which the property owner claims an exemption from the Town's subdivision regulations, including requirements to replat, which exemption is not expressly provided for in such regulations; or

(3)

The development of any tract of land for which the only access is a private easement or street; or

(4)

The division of any tract of land resulting in parcels or lots each of which is greater than five acres in size, and where no public improvement is proposed to be dedicated or constructed.

(c)

Exceptions. No development plat shall be required, where the land to be developed has received final plat or replat approval prior to the effective date of these subdivision regulations or a final plat or replat has been filed in accordance with these subdivision regulations.

(d)

Prohibition on development. No development shall commence, nor shall any building permit, for any development or land division subject to this section, until a development plat has been approved by the planning and zoning commission and Town council.

(e)

Standards of approval. The development plat shall not be approved until the following standards have been satisfied:

(1)

The proposed development conforms to all Town plans, including but not limited to, the comprehensive plan, utility plans and applicable capital improvements plans;

(2)

The proposed development conforms to the requirements of the zoning ordinance (if located within the Town's corporate limits) and these subdivision regulations;

(3)

The proposed development is adequately served by public facilities and services, parks and open space, to the extent necessary based on the nature of the development, and in conformance with Town regulations;

(4)

The proposed development will not create a safety hazard on a public street (such as by not providing adequate on-site parking or vehicle maneuvering space for a restricted-access/gated entrance);

(5)

Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered; and

(6)

The proposed development conforms to the design and improvement standards contained in these subdivision regulations and in the Town's design standards, and to any other applicable codes or ordinances of the Town that are related to development of a land parcel.

(f)

Conditions. The planning and zoning commission and Town council may impose such conditions on the approval of the development plat as are necessary to insure compliance with the standards in subsection (c) above.

(g)

Approval procedure. The application for a development plat shall be submitted to the Town in the same manner as a final plat, and shall be approved, conditionally approved, or denied by the planning and zoning commission and the Town council in a similar manner as a final plat.

(h)

Submittal requirements. In addition to all information that is required to be shown on a final plat, a development plat shall:

(1)

Be prepared by a registered professional land surveyor;

(2)

Clearly show the boundary of the development plat;

(3)

Show each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement involving a change therein;

(4)

Show all easements and rights-of-way within or adjacent to the development plat; and

(5)

Be accompanied by the required number of copies of the plat, a completed application form, the required submission fee (per the Town's current fee schedule), and a certificate or some other form of verification from the Collin County Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

(6)

Be submitted to the development department for review simultaneously with the plat application in the same manner as for a final plat, or the application shall be determined to be incomplete and shall be subject to expiration in the same manner as other plats under these subdivision regulations.

Sec. 35-17. - Preliminary plat requirements.

An application in writing for the approval of the preliminary plat, together with three sets of prints shall be submitted for review. No plat will be considered by the Town until the prescribed filing fees have been paid and all prerequisites to filing have been satisfied.

The preliminary plat sheets shall be drawn in ink on suitable material and submitted for review by the Town. These sheets shall not be greater than twenty-four (24) inches by thirty-six (36) inches. Two or more sheets may be used providing self-explanatory matching lines are used to connect the subdivision parts.

The developer shall submit with the preliminary plat a copy of the boundary traverse calculations of the subdivision. The error of closure of the boundary shall not be greater than one in 10,000 (1.10.000). Subdivision plats prepared using AutoCAD or other computer aided design techniques shall also provide a copy of all drawings on diskette to the Town.

The plat shall be drawn to a scale not to exceed 100 feet to the inch (1"= 100'). A graphic scale shall be provided and all figures and letters shall be of such a size that if reduced to half scale the information is readable and distinct. The information to be included and the procedure for submittals are as follows:

(1)

Existing features.

a.

The boundary line (accurate in scale and orientation) of the tract to be subdivided.

b.

The location, widths and names of all existing or platted streets or other public ways within and adjacent to the tract, existing permanent buildings, railroads, rights-of-way and other important features, such as abstract lines, political subdivision or corporation lines and school district boundaries.

c.

Existing sewer mains, water mains, drainage culverts or other underground structures and utilities within the tract and immediately adjacent thereto with pipe sizes, grades and locations indicated.

d.

Contours with intervals of two feet or less, referred to mean sea level datum, by actual field survey.

e.

The names of adjacent subdivisions and/or the names of record owners of adjoining parcels of unsubdivided land.

(2)

New features.

a.

The proposed name of the subdivision.

b.

North arrow, scale, date and approximate acreage of the proposed subdivision.

c.

The names, addresses and telephone numbers of the subdivider and of the engineer, surveyor or planner, responsible for preparation of the plat.

d.

The tract designation, zoning classification and other description according to the real estate records of the Town or proper county authority; also, designation of the proposed uses of land within the subdivision, including the number of lots of each classification.

e.

All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitation of such reservations.

f.

The layout, names and widths of proposed streets, alleys and easements, such as drainage easements, access easements, electrical easements, access easements, electrical easements and maintenance easements.

g.

The layout, numbers, setback lines and approximate dimensions of proposed lots, blocks, parks, school sites, reserved space, and other areas as determined by the Town engineer.

h.

Provision for the connection of streets with other streets adjacent to the subdivision and for extension of streets to undeveloped property. Also a circulation plan indicating how continuous ingress and egress from existing residences will be maintained.

i.

The proposed base flood floodplain limits and elevations on a one-foot contour interval for all open channels.

(3)

Utilities. A plan of the proposed water and sanitary sewer mains and proposed drainage facilities, including drainage areas, location of lines, inlets, culverts, bridges, provisions for discharging onto and crossing adjacent properties and calculated runoff and points of concentration.

(4)

Location map. A location map of the proposed subdivision on a scale of one inch to 1,000 feet (1" = 1,000') showing existing and proposed streets and thoroughfares covering an area at least one mile outside the proposed subdivision.

(5)

Cross-sections. Typical cross-sections of proposed streets showing the width and cross slope of pavement, type of pavement and locations, width and cross slope of sidewalks.

Title block shall indicate the date of the current submittal and the revision number.

(6)

Approval block. The following notice shall be placed on the face of each preliminary plat by the subdivider: "Preliminary Plat for Review Purposes Only."

The following certificate shall be placed on the preliminary plat by the subdivider:

"Not Approved"	
_____ Chairman, Planning and Zoning Commission	_____ Date
"Recommended for Approval"	
_____ Chairman, Planning and Zoning Commission	_____ Date
"Approved for Preparation of Final Plat"	

_____ Mayor, Town of Shady Shores, Texas	_____ Date
---	---------------

(7)

Approval procedure. After administrative review of the preliminary plat and a determination that all prerequisites to filing have been satisfied, the director shall place the preliminary plat for consideration and action on the agenda of a public meeting by the commission. Minor plats may be approved by the director or referred to the commission in accordance with subsection 35-4(b). Major plats can only be approved by the Town council, after review by the director and consideration and action by the commission. In the event of disapproval, reasons for disapproval shall be stated.

The approval of the preliminary plat by the Town council shall be effective for a period of 180 days after the approval date, unless reviewed by the commission and Town council in the light of new or significant

information, which would necessitate the revision of the preliminary plat, such revision being subject to the same procedures as the original preliminary plat.

If a final plat for the subdivision, or a portion thereof, has not been submitted, or if a change in requirements has not occurred which would affect the preliminary plat, at the end of the 180 days after approval by the Town council, the preliminary plat shall be null and void, with no further action by Town staff, the commission, or Town council, unless the subdivider has, in writing, requested and received an extension of time recommended by the commission and approved by the Town council.

The preliminary plat is not subject to the 30-day statutory rule for decisions relative to plats to be filed of record, which for the Town, constitutes the final plat. A preliminary plat shall not be deemed approved if no action is taken by the commission or the Town council within 30 days of filing.

Sec. 35-18. - Final plat.

(a)

General. After approval of the preliminary plat by the Town council, a final plat, prepared by a registered land surveyor bearing his seal and signature and the construction plans prepared by a registered professional civil engineer bearing his seal and signature and confirming to the minimum requirements defined herein, meeting all the prerequisites for filing, shall be filed for consideration and action by the commission.

Three sets of originals which shall be no greater than 24 inches by 36 inches with original signatures shall be submitted to the Town at least 15 consecutive calendar days prior to the meeting of the commission at which action is requested. One of the final plats shall be submitted in ink and on suitable material and shall be drawn on sheets measuring 17½ inches by 23¾ inches. Two or more sheets may be used providing self-explanatory matching lines are used to connect the subdivision parts. A graphical scale shall be provided and all figures and lettering shall be such a size that if reduced to half size all information is readable and distinct. No plat will be considered by the Town as being filed until the prescribed filing fees have been paid and all prerequisites to filing have been satisfied.

The Town's policy is to request all plat applicants to sign a waiver of the 30 day time period of the Local Government Code for action to be taken on a plat. In the event the applicant does not sign a waiver, the commission shall act on the final plat within 30 days from the date such plat was filed with the commission for its consideration and action; the Town council shall act on the plat within 30 days after the date the plat is approved by the commission or is considered approved by the inaction of the commission. The final plat may constitute all or only a portion of the approved preliminary plat, but any portion thereof shall conform to all the requirements of these regulations.

If final plats are submitted for approval for portions or sections of the proposed subdivision, or in phase each portion or section or phase shall carry the name of the entire subdivision but shall bear a distinguishing letter, number, or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivision might be finally approved in sections.

The commission will either recommend approval or disapproval of the final plat then forward it to the Town council. Any action taken by the Town council shall be final, regardless of the previous action by the commission.

The final plat shall bear all of the information specified for section 35-16 preliminary plats and the following:

(1)

Formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the Town attorney. The plat shall be marked with a notation indicating the formal offers of dedication;

(2)

The development agreement and security, if required, in a form satisfactory to the Town attorney and in an amount established by the Town council (based upon recommendation of the Town engineer);

(3)

As-built construction plans where applicable;

(4)

A description of the subdivision by metes and bounds;

(5)

Locate the subdivision with respect to a corner or the survey or tract or an original corner of the original survey of which it is a part; and

(6)

State the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park or other part.

(b)

Standards for approval. No final plat shall be approved by the director, the commission or the council unless the following standards have been met:

(1)

The plat substantially conforms to the preliminary plat.

(2)

Required public improvements have been constructed and accepted or a development agreement has been accepted by the Town council providing for the subsequent completion of improvements.

(3)

The plat conforms to applicable zoning and other regulations.

(4)

Provision has been made for adequate public facilities under the terms of this chapter.

(5)

The plat meets all other requirements of this chapter.

The commission shall recommend, and the Town council shall approve a plat if:

(1)

It conforms to the general plan and zoning of the Town and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

(2)

It conforms to the general plan for the extension of the Town and its roads, streets, and public highways within the Town and its ETJ, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;

(3)

A bond required under V.T.C.A., Local Government Code § 212.0106, as amended, if applicable, is filed with the Town; and

(4)

It conforms to these regulations.

(c)

Approval procedure. After administrative review of the final plat, and a determination made that all technical requirements of these regulations are satisfied, the director shall file the final plat, and place the final plat for consideration and action on the agenda of a public meeting of the commission. Minor plats may be approved by the director or referred to the commission in accordance with section 35-4(b). In the event of disapproval, reasons for disapproval shall be stated. Major plats can only be approved by the Town council, after review by the director and consideration and action (or inaction) by the commission. One copy of the final subdivision plat shall be returned to the applicant with the date of approval or disapproval noted on the final plat, and, if the final plat is disapproved, the reasons for disapproval accompanying the final plat.

The final plat shall be approved if it satisfies the requisites set forth in subsection (b) above.

(d)

Certificate of compliance. Upon final approval of a final plat required by these regulations, the Town shall issue to the person applying for approval a certificate stating that the final plat has been approved by the Town council. For purposes of this section, final approval shall not occur until all conditions of approval have been met as stated herein.

(e)

Signing and recording of final plat.

(1)

For subdivisions which do not require a development agreement security or installation of public dedicated facilities, the mayor, shall endorse approval on the final plat after all the conditions pertaining to the final plat have been satisfied.

(2)

When a development agreement and/or security are required, the mayor, shall endorse approval on the final plat after the development agreement and security have been approved by the Town council, and all the conditions pertaining to the final plat have been satisfied.

(3)

When installation of public dedicated facilities are required prior to recordation of the final plat, the mayor shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements satisfactorily completed as provided herein. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the Town as shown by a certificate signed by the Town engineer stating that the necessary dedication of public lands and installation of public improvements has been accomplished.

(4)

After signatures are in place, the Town shall return one Mylar to the developer or applicant. The applicant shall obtain aperture cards and an original tax certificate from the Town/county tax assessor and the Shady Shores Independent School District. Upon submission of the requisite information to the Town, the Mylar will be filed with the county and one original returned to the applicant. The applicant shall be responsible for all filing fees which shall have been tendered prior to filing of the final plat for consideration and action by the commission.

(5)

It shall be the responsibility of the Town to file the final plat with the county clerk. Simultaneously with the filing of the final plat, the Town shall record such other agreements of dedication and legal documents as shall be required to be recorded by the Town attorney. One copy of the recorded final plat, with street addresses assigned, will be forwarded to the property owner by the Town.

The above prerequisites to signature and recordation shall generally have occurred prior to filing with the Town for consideration and action by the commission and Town council, unless other provisions have been made consistent and in accordance with these regulations.

(f)

Effect of approval. Approval of a final plat shall indicate compliance with these and other regulations of the Town of Shady Shores pertaining to the subdivision of land. An approved and signed final plat as filed with the county as a record of the subdivision of land shall be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.

(g)

Signature blocks. The following notice and certificate shall be placed on the plat, in a manner that will allow the filing of the certificate by the proper party.

"Selling a portion of this addition by metes and bounds is a violation of Town ordinance and state law and is subject to fines and withholding of utilities and building permits."

"Recommended for Approval"	
_____ Chairman, Planning and Zoning Commission Town of Shady Shores, Texas	_____ Date
"Approved"	
_____ Mayor, Town of Shady Shores, Texas	_____ Date

CERTIFICATE OF COMPLETION

"Accepted"	
_____ Mayor, Town of Shady Shores, Texas	_____ Date

The undersigned, the Town Secretary of the Town of Shady Shores, Texas, hereby certifies that the foregoing final plat of the _____ Subdivision or addition to the Town of Shady Shores was submitted to the Town Council on the _____ day of _____ 20 _____, and the Council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public placed, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this _____ day of _____, A.D., 20_____.

_____ Town Secretary Town of Shady Shores, Texas
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Minor Plats

"Approved by Minor Plat Procedure"	Date: _____
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_____, Director	
Town of Shady Shores, Texas	

Sec. 35-19. - Construction plans.

The Town engineer shall require the submission of construction plans and profiles drawn on sheets measuring 22 inches or 24 inches by 36 inches, the same size as the final plat, and including the following information.

(1)

A plan and profile of each street with top of curb grades shown. Each sheet shall include north point, scale, date and benchmark description to sea level datum. Unless otherwise approved by the Town, scales shall be one inch equals 40 feet horizontally and one inch equals five feet or six feet vertically. Each plan shall show the seal and signature of the registered professional civil engineer who prepared the plans.

(2)

The cross-sections of proposed streets showing the width of roadways and type of pavement and location and width of sidewalk.

(3)

A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated and showing locations of manholes, cleanouts, etc., and a plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings, etc., in conformance with the Town's design standards. Unless otherwise approved by the Town, scales shall be one inch equals 100 feet horizontally and one inch equals five or six feet vertically. Each 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 the mean sea level datum.

(4)

A plan and profile of the proposed storm sewers, showing hydraulic data and gradients, pipe grades and sizes, manholes, inlets, pipe connections, outlet structures, etc., in conformance with the applicable criteria as shown in the Town's design standards. Unless otherwise approved by the Town, scales shall be one inch equals 40 feet horizontally and one inch equals five feet or six feet vertically. Each 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.

ARTICLE V. - REQUIREMENTS FOR PUBLIC IMPROVEMENTS, RESERVATION AND DESIGN

Sec. 35-20. - General requirements.

(a)

Plats straddling municipal boundaries. Whenever access to the subdivision or addition is required across land in another municipality, the Town shall require evidence through legal documentation, such as an access easement, that access is legally established, and from its engineer that the access road is adequately improved, or that a bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal, county or school district boundary lines.

(b)

Character of the land. Land that the Town finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility 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 addition and/or its surrounding areas, shall not be subdivided or platted unless adequate methods are formulated by the owner and approved by the Town, to solve the problems created by the unsuitable land conditions.

(c)

Adequate public facilities policy. The policy of the Town of Shady Shores is that all land proposed for subdivision must be adequately served by essential public facilities and services. These services include (1) street access, (2) water, (3) wastewater disposal, and (4) drainage as contained in this chapter and in the design manuals. No plat or replat may be approved unless it conforms to this policy and its standards. This policy may be further defined and supplemented by other ordinances adopted by the Town of Shady Shores. This policy does not apply to the approval of conveyance plats. All materials and practices shall be as specified in the North Central Texas Council of Governments Standard Specifications for Public Works Construction (with most recent amendments) and the Town of Shady Shores Design Standards. The following are general requirements for public facilities:

(1)

Street access. All platted lots must have safe and reliable street access for daily use and emergency purposes, including but not limited to the following:

a.

All platted lots must have direct access from an approved public street or an approved public way, and connected by improved public streets to an improved public thoroughfare.

b.

Except for lots which are provided access from an approved cul-de-sac, all subdivisions must have two means of access or approach. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the Town may accept a temporary street connection, or a median divided street or divided entry to satisfy this requirement.

(2)

Water. All platted lots must be connected to a public water system which is capable of providing water for health and emergency purposes, including but not limited to the following:

a.

Water lines shall be designed in accordance with the Town design standards, and shall be in compliance with state and federal regulations.

b.

Except for lots along an approved cul-de-sac, all lots must be provided service connections from a looped water main providing water flow from two directions or sources.

c.

Water service must be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved in writing by the Town.

d.

The Town may accept development phasing, development restrictions, and/or the construction of improvements to maintain adequate fire protection.

(3)

Wastewater. All platted lots must be served by an approved means of wastewater collection and treatment, including but not limited to the following:

a.

Sanitary sewer lines shall be designed in accordance with the Town design standards, and shall be in compliance with state and federal regulations.

b.

On-site wastewater treatment systems will not be permitted, except for the pretreatment of waste, if required by LCMUA.

c.

The projected wastewater discharge of a proposed development shall not exceed the capacity of the wastewater system of LCMUA.

d.

The Town may accept the phasing of development and/or improvements to the systems so as to maintain adequate wastewater capacity, as determined by the Town, or LCMUA.

(4)

Drainage. Increased stormwater runoff attributable to new development must not exceed the capacity of the downstream drainage system or adversely affect adjoining property. Where the projected runoff would exceed capacity, the Town may accept the phasing of development, the use of control methods

such as retention or detention, and or the construction of off-site drainage improvements as means of mitigation. Drainage facilities shall be designed in accordance with the Town design standards, and shall be in compliance with state and federal regulations.

(d)

Subdivision or addition name. The proposed name of the subdivision or addition shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or addition in the area covered by these regulations and shall, where possible correspond to named subdivisions or additions in the immediate vicinity. The commission shall recommend approval or denial of the proposed name of the subdivision or addition. The Town council shall have final authority to approve the name of the subdivision or addition.

(e)

Corner and reference markers.

(1)

All lot corners shall be located and marked with one-half inch reinforcing bar, 18 inches in length, and shall be placed flush with the ground or preferably counter sunk, in order to avoid being disturbed.

(2)

Iron rods, one inch in diameter and 24 inches long, shall be placed on all boundary corners, block corners, curve points, and angle points in public rights-of-way. Monuments shall be located as required by the Town engineer and shall be located along all drainage/floodway boundaries at all curve points, angle points and at least one monument at lot corners. One monument may serve two lots if located at a common corner.

Sec. 35-21. - Lot design and improvements.

(a)

Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance, building code and other applicable ordinances, laws and regulations. Driveway access shall be provided to buildings on the lots from an approved street, alley or public way.

(b)

Lot dimensions. Lot dimensions shall comply with the minimum standards of the zoning ordinance. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking, landscaping, and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance.

(c)

Double frontage residential lots. Double frontage and reversed frontage lots shall be avoided except where necessary to separate residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

(d)

Blocks.

(1)

Blocks shall generally have sufficient width to provide for two tiers of lots of appropriate depths.

(2)

The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,200 feet, and should not exceed 600 feet in business districts.

(e)

Non-residential plats.

(1)

General. A non-residential plat shall be subject to all the requirements of these regulations, except those that clearly pertain only to residential properties, and shall conform to the proposed land use and standards established in the comprehensive plan and zoning ordinance. Site plan approval and preliminary plat approval shall proceed simultaneously.

(2)

Design principles. In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles shall be observed:

a.

Proposed non-residential parcels shall be suitable in area and dimensions to the types of non-residential development anticipated.

b.

Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

c.

Residential areas shall be protected from potential nuisance from a proposed non-residential plat.

d.

Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or future residential areas.

(3)

Frontage and access standards. All non-residential lots established following the effective date of this chapter shall meet the following frontage and access criteria:

a.

Frontage. All non-residential lots abutting a secondary or higher thoroughfare shall have a minimum 175 linear feet of frontage. All non-residential lots abutting a collector or lower thoroughfare shall have a minimum of 100 feet of frontage.

b.

Curb cuts. All non-residential lots shall have, at a minimum, direct access to one curb cut per street front, except where prohibited.

c.

When adjacent to a median divided street, all lots shall have access to a median opening. Direct access should be provided where possible. If direct access is not available, a corner lot shall have indirect access through a shared access easement between it and adjacent properties. The owner is solely responsible for obtaining a shared access easement. All off-corner lots shall have direct access, or indirect access by platting a minimum of one-half of the intersecting drive as a shared access easement.

(4)

Residential lots may be platted upon approval by the Town council under one or more of the following conditions where recommend by the Commission, Town Engineer , and/or Town Attorney:

(a)

Soil preservation and final grading. Top soil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six inches of cover on the lots and parkways. Permanent erosion control measures, such as grassed parkways, shall be provided throughout the development prior to final acceptance of the improvements.

(b)

Lot drainage. Drainage for lots shall be designed in accordance with the Town's design standards. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. The land shall be platted with appropriate regard for all topographical features. Contours shall be provided at an interval of two feet or less.

(c)

Debris and waste. No cut trees, timber, debris, large rocks or stones, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of final acceptance by the Town engineer, and removal of those items and materials shall be required prior to such acceptance. No items and materials as herein described shall be left or deposited in any area of the subdivision or addition at the time of expiration of any improvement agreement or acceptance of dedication of public improvements, whichever is sooner.

(d)

Development agreement and security to include lot improvements for residential subdivisions. The subdivider shall enter into a development agreement secured by suitable surety to guarantee completion of all lot improvement requirements including, but not limited to, soil preservation, removal of debris and waste, and all other lot improvements required by the Town engineer. Whether a building permit or certificate of occupancy has been issued, the Town may enforce the provisions of the improvement agreement where the provisions of this section or any other applicable law, ordinance, or regulation have not been met.

(e)

Landscaping and fencing. The following requirements shall be satisfied prior to the issuance of a certificate of occupancy for a single-family use:

(1)

Sod. The required front, side and rear yards shall be sodded and have established grass areas. Grass areas shall be established with complete coverage within a six-month period from time of planting, and shall be re-established, if necessary, to ensure grass coverage of all areas.

(2)

Landscaping. A minimum landscaping along the front building line shall include ground covering, shrubs, perennial plantings that shall be approved at time of final plat submission.

(3)

Tree planting. The following tree planting requirements shall be satisfied prior to issuance of a certificate of occupancy for residential use:

a.

Minimum of one tree, with a minimum caliper width of two inches and at least eight feet in height, shall be provided on each residential lot prior to the issuance of a certificate of occupancy. At least one tree shall be located in the required front yard.

b.

Trees utilized to satisfy this requirement must be selected from the tree pallet located in the Town's landscaping ordinance, as it may be amended.

- **Sec. 35-22. - Thoroughfare screening.**

Where subdivisions or additions are platted so that the rear yards of residential lots are adjacent to a dedicated roadway or separated from a roadway by an alley or service road, the owner shall provide screening at his sole expense. A screening plan, including elevations and materials, shall be submitted with the preliminary plat. All forms of screening shall conform to the requirements of the ordinances of the Town governing the sight distance for traffic safety and other Town ordinances.

- **Sec. 35-23. - Streets and thoroughfares.**

(a)

Adequacy of streets and thoroughfares. All streets and alleys shall be designed and platted in conformance with these regulations, the comprehensive plan, the thoroughfare (or street) plan, the thoroughfare standards ordinance, and other valid development plans and policies approved pursuant to these regulations. Access to all lots must be suitably improved or secured as required by provisions contained in these regulations.

(b)

Design standards.

(1)

General. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and street-maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, an adequate street and thoroughfare system shall be designed in accordance with the standards set forth in these regulations, the Geometric Design Guidelines established by the American Association of State Highway and Transportation officials (AASHTO), and the Texas Manual of Uniform Traffic Control Devices (TMUTCD) latest editions. In the event of a conflict between these or other regulations and those contained in such documents, the more specific and/or restrictive provisions between these or other regulations and those contained in such documents, the more specific and/or restrictive provisions shall be applied. Other street or alley sections may be used if approved by the Town council.

(2)

Street paving and improvements. After sewer and water utilities have been installed by the owner, the owner shall construct roadways to the widths prescribed in these regulations. Adequate provision shall be made for culverts, drains, and bridges. All street pavement, drainage improvements and structures, turnarounds, and sidewalks shall conform to all construction standards and specifications contained or referenced in these regulations and shall be incorporated into the construction plans required for plat approval.

(3)

Alleys. If required or to be provided---Alleys for front entry lots shall be constructed a minimum of ten feet in width within a minimum 15-foot right-of-way. Alleys for rear entry lots shall be constructed a minimum 12 feet in width within a minimum 20-foot right-of-way. Wider alleys, required for drainage or other purposes, shall be constructed in right-of-ways approved by the Town engineer. Alley turnouts shall be a minimum of 12 feet in width at the street right-of-way line or the width of the alley, whichever is greater. Paving in alleys adjacent to masonry screening walls shall be constructed a minimum of 12.5 feet width and shall abut the screening wall. Alleys for other than residential uses shall be dedicated and paved a minimum of 20 feet in width. The owner shall construct the full width of the alley at his own cost.

(4)

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Median openings. Median openings, median pavers and left-turn lanes, including channelizing buttons, constructed to serve dedicated streets in a development, or to serve private drives, shall be installed and paved to Town standards by the owner.

(5)

Acceleration and deceleration lanes. Acceleration or deceleration lanes shall be installed by the owner when required by the thoroughfare standards ordinance and constructed to the same standards as the adjoining street.

(6)

Gradient. Streets and alleys shall be designed with a minimum gradient of 0.5% and a maximum gradient of 5.0% unless otherwise approved by the Town engineer.

(7)

Intersections. The intersections of streets, alleys and officially approved places shall be laid out and constructed in accordance with the specifications in the thoroughfare standards ordinance.

(8)

Traffic buttons. The owner shall be responsible for the installation of traffic buttons which are necessary for the safe transition or channelization of traffic. When required by the Town engineer, such as on a collector or wider thoroughfares, the owner shall install traffic buttons for lane dividers. All traffic buttons shall be installed per Town standards.

(9)

Reserve strips. The creation of reserve strips shall not be permitted in such a manner as to deny access from adjacent property to any street, alley or officially approved place.

(10)

Grading and improvement plan. Streets shall be graded and improved in conformance with the Town's construction standards and specifications and shall be approved as to design and specifications by the Town engineer, in accordance with the construction plans required to be submitted prior to final plat approval.

(11)

Topography and arrangement.

a.

Streets shall be related appropriately to topography. Local streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain building sites when possible at, or above, the grades of the streets. Grades of

streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.

b.

All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established on the Town's thoroughfare plan. Collector and local streets shall be designed to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

c.

Proposed streets shall be extended to the boundary lines of the tract to be platted, unless prevented by topography or other physical conditions, or unless in the opinion of the commission such extension is not necessary or desirable for the coordination of the layout of the subdivision or addition with the existing layout or the most advantageous future development of adjacent tracts.

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(12)

Continuation of streets and culs-de-sac.

a.

Continuation of streets. The arrangement of streets shall provide for the continuation of principal streets between adjacent developed properties by aligning the principal streets to avoid offsets.

b.

If the adjacent property is undeveloped and the street must temporarily be a dead end street the right-of-way shall be extended to the property line.

c.

Culs-de-sac. For greater convenience to traffic and more effective police and fire protection, permanent dead end streets shall, in general, be prohibited. However, the Town may require the reservation or dedication of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead end street in accordance with Town construction standards and specifications.

d.

Temporary dead end streets. The Town may require the construction of temporary dead end streets in order to provide for the future connection of subdivisions and to ensure reasonable access and avoid excessive street length.

(13)

Street and alley length.

a.

Local streets and alleys shall not exceed 1,200 feet in length between intersections (outlets).

b.

No cul-de-sac shall exceed 600 feet in length, which is to be measured from the centerline of the street with which it intersects to the center point of the cul-de-sac, unless otherwise authorized.

c.

Streets and alley lengths longer than those specified in this section shall require approval of a variance. In reviewing a variance, the commission shall consider the following:

- Alternative designs which would reduce street or alley length;
 - The effect of over length streets or alleys on access, congestion and delivery of municipal services;
- and

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- Means of mitigation, including but not limited to increased street width, mid-block turnarounds, limitation on the number of lots to be created and served, temporary points of access, and additional fire protection measures

(14)

Street names and signs.

a.

Street names must be submitted to the engineering department for approval in accordance with the Town's guidelines for the naming of streets. The engineering department will maintain an index of street names which will contain these guidelines.

b.

The property owner shall provide payment for street and traffic control signs for the development. The price of each street sign installation shall include cost of the sign assembly, pole, and installation. Payment by the property owner will be due prior to approval of the engineering plans by the Town engineer and/or filing for consideration and action on the final plat as stated herein.

c.

Street name signs shall be installed in accordance with the Town's guidelines before issuance of building permit for any structure on the streets approved.

(15)

Street lights. If required by the City, or offered by the subdivider----Street lighting shall conform to the latest edition of the Illumination Engineering Society Handbook. Round tapered standards with bracket arms shall be used. Lighting levels, as recommended, shall be provided for very light traffic in residential areas, medium traffic on collector streets and heavy traffic on thoroughfares. Initial cost of installation of street lighting and conduit for street lights and traffic signals shall be borne by the subdivider. Also, the Town shall assess the subdivider, in advance, for the first 24 months of electrical expenses.

(c)

Street dedications and reservations.

(1)

Dedication of right-of-way. The property owner shall provide all right-of-way required for existing or future streets, including perimeter streets, as shown in the thoroughfare plan or other valid development plans approved by Town council. A minimum parkway width of ten feet shall be provided along existing constructed thoroughfares. In such cases, no additional right-of-way will be required, except at intersections or other locations when deemed necessary by the Town engineer. Standard right-of-way width for Town streets are specifically set forth as follows: (JS-THIS SECTION WILL NEED MODIFICATION FOR SHADY SHORES)

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Major	Urban Divided	100'	2-24'
Secondary	Urban Undivided	100'	44'
Collector	Urban Undivided	60'	36'
Local	Residential	50'	31'
Type of Street	Minimum R.O.W.	Paving Width	

(2)

Perimeter streets. Where an existing half-street is adjacent to a new subdivision or addition, the other half of the street shall be dedicated and improved by the developer of the addition. However, in some instances more than half shall be required depending on the actual or proposed alignment of the street.

(3)

Slope easements. The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three feet horizontal to one foot vertical.

(d)

Street construction. The owner shall construct all streets or thoroughfares to Town standards in rights-of-way as required by the thoroughfare plan and the Town design standards and construction details as it exists or may be amended in the future, subject to participation policies stated in these regulations. Streets (including sidewalks) which dead end at power lines, railroad, or similar rights-of-way, and are intended for future extension shall be constructed in the full right-of-way as required by the thoroughfare plan for half the distance across such right-of-way for each side. Developers of property abutting only one side of a street are responsible for the minimum paving widths shown below. The minimum paving widths for the various types of streets shall be as shown in paragraph (c)(1), above.

(e)

Improvement, widening and realignment of existing and proposed streets. Where a subdivision or addition borders a substandard street or when the thoroughfare plan indicates plans for realignment, widening or constructing a street that would require use of some of the land in the subdivision or addition, the applicant shall be required to improve and dedicate those areas for widening or realignment of those streets, as follows:

(1)

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When a proposed subdivision or addition abuts or will abut both sides of a substandard street or a proposed street in the major thoroughfare plan, the owner shall be required to improve the substandard street or proposed street so that it will be a standard street, including sidewalks.

(2)

If the proposed subdivision or addition is located along only one side of a substandard street or a proposed street in the major thoroughfare plan, the owner shall be required to improve his side of the substandard street or proposed street, including sidewalks, so that it will be a standard street. The owner may, however, petition the Town council to construct the improvements herein required, subject, upon approval, to the Town's escrow policies.

(3)

When a major or secondary street is to be extended through a property to intersect with another major or secondary street, the full four lanes shall be constructed for a minimum distance of 350 feet from the point of intersection. From that point the pavement width may be decreased, with provision of an appropriate transition in paving width. If property abutting only one side of the proposed thoroughfare is to be developed, then three full lanes will be constructed, including left turn lane and transition. This provision will not require widening an existing intersection that already provides four through lanes.

(f)

Access from residential subdivisions or additions. Residential lots must have a minimum frontage of 24 feet on a dedicated street, except where varied through approval of a planned residential development. Where subdivisions or additions are platted so that the front yards of single-family residential lots are adjacent to a dedicated roadway, the owner shall provide at his sole expense one of the following types of treatment:

(1)

For thoroughfares designated as major no residential lot shall have direct access to the thoroughfare unless a service road is provided adjacent to the thoroughfare.

(2)

For thoroughfares designated as secondary, lots may have direct driveway access to the street provided that the following development standards are complied with:

a.

A minimum lot width of 100 feet.

b.

A minimum front yard setback of 50 feet.

c.

A circular driveway shall be provided with a minimum of six off-street paved parking spaces.

(3)

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For lesser streets, lots may have direct access to the street if other requirements of the thoroughfare plan are met.

Sec. 35-24. - Sidewalks and bikeways. (NEEDS DISCUSSION)

(a)

Sidewalks. Sidewalks shall be constructed in accordance with the thoroughfare plan of the Town of Shady Shores for all lots adjoining dedicated streets, along major thoroughfares where lots do not adjoin the street, along power line easements and in other areas where pedestrian walkways are necessary. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the subdivision or addition. Sidewalks adjacent to screening walls shall generally be placed against the screening walls to the subdivision or addition. Routing to clear poles, trees or other obstacles shall be subject to approval by the Town engineer.

Concrete sidewalks shall have a width of not less than four feet and a thickness of not less than four inches and shall be constructed of 2,000 PSI concrete on both sides of all streets and thoroughfares within the subdivision. Sidewalks shall be constructed one foot from the property line within the street or thoroughfare right-of-way and shall extend along the street frontage including the side of corner lots and block ends. Construction of sidewalks adjacent to curb in residential areas will be considered only where driveway entrances are constructed from the rear of lots on both sides of the street for the full length of the block. In these instances, the sidewalks shall be five feet wide. The available one foot area between the property line and the rear edge of the sidewalk shall be the location of the required sewer cleanout. The area between the front edge of the sidewalk and the curb shall be the proper location for the water meter box.

Sidewalks in commercial areas shall be a minimum width of five feet or extend from the back of the curb to the building line as required by the Town.

Sidewalks in industrial areas and planned developments will be as required by the Town.

All concrete for sidewalks shall be placed on two-inch sand cushion and shall be reinforced with six by six No. ten gauge welded wire fabric.

Longitudinal slope of sidewalks shall be that of the curb adjacent to the sidewalk. The transverse slope of the sidewalk shall be one-fourth inch per foot starting at the back of the curb. The maximum ground slope from the edge of the sidewalk on the property line side shall not exceed 11 percent. Instead of exceeding a grade of 11 percent a retaining wall shall be provided on the property line that is acceptable to the Town engineer.

Sidewalks shall be constructed by the individual home builder and shall be in accordance with the Town approved plans.

(b)

Pedestrian accesses. The Town council may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least 15 feet in width. Easements shall be indicated on the plat.

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(c)

Bikeways. Hike and bike sidewalks, designed and located according to Town standards, shall be constructed along streets designated for hike and bike trails. Such sidewalks shall be built by the owner at the time of site development, or, the owner may petition for the Town council to construct such facilities, subject to escrow policies stated in article ___ of these regulations.

Sec. 35-25. - Drainage and storm sewers.

(a)

General requirements. All plats shall conform to the Town's adequate public facilities policies as they exist or may exist in the future, for drainage facilities.

(b)

Design of facilities.

(1)

Standards: Design of storm sewer systems shall be in accordance with the Town's design standards. Materials and construction shall conform to the standard specifications and standard construction details of the Town. Plans shall be submitted with the plat.

(2)

Accommodation of upstream drainage areas: A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or addition. The owner's engineer shall initially determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the comprehensive land use plan, subject to approval by the Town engineer.

(3)

Effect on downstream drainage areas: The owner's engineer, subject to approval by the Town engineer, shall study the effect of each addition's storm runoff on the existing underground drainage facilities immediately downstream of the addition. Where it is determined that existing capacity is not available immediately downstream, the owner's engineer shall design a drainage system, detention facility, or parallel system to mitigate the deficiency. If oversize improvements are required, then the Town shall participate in the cost as prescribed by this chapter and subject to the availability of funds from current revenues.

(4)

Location: In general, drainage shall be provided in an underground system constructed in streets, alleys, or in easements. If approved by the Town engineer, the owner may provide, at his own expense, a drainage easement of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The subdivider shall complete all necessary excavation on the channel and shall sod or seed the channel and obtain a strand of grass to prevent erosion. Unless the excavation channel bottom is Austin Chalk, limestone, or other similar acceptable rock, a reinforced concrete pilot

channel of sufficient width may be required by the Town engineer to prevent erosion and/or for access purposes.

(5)

Construction of underground facilities: A subdivider shall install drainage facilities underground to save land space, unless an open channel has been approved by the Town engineer and subject to participation policies as prescribed by these regulations.

(6)

Detention facilities: Lakes, detention ponds, and retention ponds may be constructed in all areas provided they are approved by the Town engineer. Easements shall be provided to ensure protection of these areas for maintenance purposes.

(7)

Alternate facilities: Other innovative drainage concepts will be considered if approved by the Town engineer. Any Town costs must be approved by the Town council subject to the availability of funds from current revenues.

(c)

Creeks and floodplains.

(1)

Floodplain restrictions: The Town council shall, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, or where prohibited by floodplain designation, prohibit development of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste or material, or stumps.

(2)

Creek restrictions: Major creeks have a drainage basin greater than 100 acres and shall remain in open natural condition; smaller creeks or drainageways may be channelized provided they meet the criteria of the design standards. When a creek or excavated channel is to remain open, or in its natural condition, it shall meet one of the following requirements:

a.

For abutting single-family residential lots, dedication of drainage and maintenance easements for the creek or drainageway to the Town, pursuant to subsection (c). The Town council may waive this dedication requirement only for the following exceptions:

- Plats which were originally platted prior to the dedication requirement, if allowed by the Town engineer.
- Subdivisions of five lots or less, as approved by the Town engineer.

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b.

Creeks and drainageways may be retained as a part of a non-residential lot, and it shall be the property owner's responsibility to maintain this area, except as otherwise provided. A maintenance easement shall be granted to the Town and shall grant the right but not the obligation to maintain and construct drainage facilities if the creek or drainageway is not being properly maintained and shall provide that a lien may be filed against the property in favor of the Town to secure payment of any expenses incurred by the Town for maintenance. The maintenance easement together with its covenants shall run with the land and be binding upon subsequent owners of the real estate.

c.

Creek or drainageways may be owned and maintained by an approved maintenance entity, other than individual residential lot owners provided the maintenance area is set forth by easement. A maintenance entity may include homeowner's associations, apartment complexes, or similar uses. The maintenance entity's by-laws and covenants filed of record, if any, shall provide for ongoing maintenance as provided by article IX, herein. The easement shall authorize a lien against individual abutting lots in favor of the Town to secure the payment to the Town for any expenses incurred by the Town for maintenance in the event of default by the maintenance entity. The maintenance easement together with its covenants shall run with the land and be binding upon subsequent owners of the real estate.

d.

Non-residential properties may create an entity to maintain creeks or drainageways, provided the maintenance area is set forth by easement and the entity's by-laws, filed of record, provide for on-going maintenance, as provided by article IX, herein. Such easements shall authorize a lien against individual abutting properties in favor of the Town to secure payment for any expenses incurred if the maintenance entity is not properly maintaining the creek or drainageway. Adequate floodway easements and drainage easements shall be required that give the Town the right but not the obligation to maintain and construct drainage facilities if, in the Town's sole opinion, the maintenance entity is not properly maintaining the creek or drainageway.

e.

Where the Town has designated a floodway or floodplain as part of the Town park system, one of the following shall be provided:

- Parallel streets fronting along the park.
- Culs-de-sac which provide public access fronting on the park.
- Loop streets which provide public access fronting on the park.

In all cases, the Town may approve the proposed street alignment fronting on Town parks.

(d)

Dedication of drainage easements.

(1)

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General requirements: When a subdivision or addition is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater or drainage easement conforming substantially to the line of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the watercourse be maintained as an open channel with landscaped banks and of adequate width for maximum potential volume of flow.

(2)

Access easements: The property owner must provide sufficient access on each side of and parallel to creeks or drainageways for maintenance purposes. The access shall be above the base flood elevation and accessible to vehicles and equipment. Access must also be provided at a maximum 1,200-foot spacing along streets or alleys. The location and size of the access easement shall be determined by the Town engineer. The minimum width of the access easement shall be 15 feet. Permanent monuments, the type and locations of which are to be determined by the Town engineer, shall be placed along the boundaries of the access easement and private property. This access easement shall be included in the dedication requirements of this section.

(3)

Drainage easements on-site: Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual, unobstructed easements as wide as the drainage course or at least ten to 15 feet in width, depending on slopes shall be provided for drainage facilities across property outside the street lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall extend from the street to a natural watercourse or to other drainage facilities. Drainage easements shall also be provided for the natural watercourse or other drainage facilities.

(4)

Drainage easements off-site: When a proposed drainage system will carry water across private land outside the subdivision or addition, appropriate drainage easements allowing for such passage, must be secured in advance of approval of the final plat for the subdivision.

ARTICLE VI. - PARTICIPATION AND ESCROW POLICIES

Sec. 35-26. - Participation policies.

(a)

Town's share of improvement costs. the Town shall participate in the costs of public improvements which are not for the primary benefit of the development and which have been oversized to serve developments other than for which the plan has been submitted for approval, only to the extent and according to the standards stated in this chapter, the Town's fee ordinance and pursuant to the procedures herein set forth and only if an development agreement is entered into between the Town and owner as provided in these regulations which conforms to the requirements of V.T.C.A., Local Government Code §§ 252.021, 252.041, 252.042, 252.043, 252.049, and 271.021, as amended.

(b)

Owner's responsibility.

(1)

The property owner shall be responsible for the entire costs of designing and installing all public improvements which primarily serve the subdivision or addition. Facilities required by these regulations, unless listed in section 35-26, or as otherwise determined by the Town council, shall be considered as primarily serving the subdivision or addition.

(2)

The property owner shall also be responsible for its share of the costs of oversized or off-site public improvements needed to assure adequacy of public facilities and services for the addition or subdivision, subject to participation and escrow policies contained in this section.

(3)

The property owner shall be responsible for extending streets, water, and sewer or drainage facilities off-site to his property as required by the Town council and/or required to ensure adequacy of public facilities.

(4)

Should the subdivision or addition abut an existing water or sanitary sewer line installed by someone other than the Town, the owner shall pay to the Town a "developer's liability" charge to be refunded to the original installed of the line, as prescribed in the pro-rata provisions of the fee ordinance and/or development agreement with the Town.

(5)

Should a lift station, either temporary or permanent, be necessary to provide a sanitary sewer service to the subdivision or addition, the property owner shall construct the station and all appurtenances, at his own expense. If and when the lift station is no longer needed, the installation will, unless other provisions are made, remain the property of the Town of Shady Shores for reuse or disposal. A "developer's liability" charge for such lift stations and appurtenances may be established as prescribed in the pro-rata provisions of the fee ordinance or development agreement.

Sec. 35-27. - Facilities eligible for Town participation. (NEEDS DISCUSSION)

The Town shall participate in the costs of installing public improvements according to the following schedule:

(1)

The Town shall reimburse the property owner or developer for 100 percent of the following costs if funds are available from current revenues or as otherwise provided herein:

a.

Costs of paving streets and thoroughfares for the portion of the width of pavement exceeding 37 feet for internal streets and 24 feet (per side) for divided thoroughfares. Costs include those for pavement,

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lime stabilization and excavation to a depth equal to the distance from the top of the curb to the top of stabilized subgrade for that width of street paving wider than 37 feet or 24 feet on each side in the case of a divided thoroughfare.

b.

Paving costs for streets and thoroughfares for that portion of the required paving thickness exceeding eight inches.

c.

The costs of left-turn lanes and median openings on Type "D" or wider thoroughfares intersecting Type "D" or wider thoroughfares.

d.

Costs of the portion of grade-separated intersections which require paving in excess of 37 feet in width (18.5 feet per side).

e.

Costs of installing conduit for street lights and traffic signals along Type "D" or wider thoroughfares.

f.

A portion of the costs of all water or sanitary sewer pipelines larger than 12 inches, subject to the pro-rata provisions of the fee ordinance or development agreement with the Town. Town participation shall be based upon the difference in cost between a standard 12-inch diameter pipeline and the size pipeline actually installed, including embedment, manholes, special fittings and other appurtenances necessary for complete sanitary sewer pipeline installation.

(2)

The Town shall reimburse the property owner or developer 25 percent of the following costs if funds are available from current revenues or as otherwise provided herein:

a.

Street crossings (bridges or culverts), for residential developments, with an opening larger than that of a double 72 inches pipe culvert. The cost of the structure shall be based on a standard, basic culvert or bridge including rip-rap, if required by the Town engineer, for erosion control.

b.

That portion of storm sewers, for residential developments, exceeding 72 inches in diameter.

c.

The costs of constructing a pilot channel lining, for residential developments, if approved by the Town engineer.

d.

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Costs of constructing railroad crossings and signals, which are charged by the railroad company. The remaining 75 percent of the costs shall be borne equally by the owners of the four quadrants of the intersection of the street and the railroad.

(3)

The Town shall reimburse the property owner or developer ten percent of the following costs if funds are available from current revenues or as otherwise provided herein:

a.

Street crossings (bridges or culverts) for non-residential developments, with an opening larger than that of a double 72-inch pipe culvert. The cost of the structure shall be based on a standard, basic culvert or bridge including rip-rap, if needed, for erosion control.

b.

That portion of storm sewers, for non-residential developments, exceeding double 72 inches in diameter.

Sec. 35-28. - Limitation and exceptions.

Notwithstanding section 35-26, the Town shall not participate in the following costs:

(1)

Those portions of the costs of any public improvements not expressly described in section 35-27.

(2)

Costs of clearing and grubbing for streets and thoroughfares and preparation of right-of-way.

(3)

Costs of constructing streets built wider than called for in the thoroughfare plan.

(4)

Costs of lights, decorative finishes or other similar expenses, unless required by the Town engineer.

(5)

Costs of pipe headwalls, regardless of pipe size, or the costs of retention/detention ponds or slope protection, except rip-rap under a bridge.

Sec. 35-29. - Procedures for Town participation.

(a)

Definitions. For purposes of article VI, the following terms shall have the following meanings:

(1)

Contiguous: The term "contiguous" shall mean that the reimbursable improvements are within the boundaries of, or abutting the perimeter of, a developed subdivision or addition.

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(2)

Developed subdivision or addition: Property for which a final plat has been filed for record in the county in which the property is located, and the public improvements required by the Town have been installed by the property owner and have been accepted by the Town.

(b)

Application for participation. In order to initiate a reimbursement request, the owner must establish a front foot oversize cost for the reimbursable public improvements. Requests for reimbursement to the subdivider of cost of oversized public dedicated facilities shall include the subdivider's name and mailing address. The request must include as-built drawing showing the reimbursable items, a copy of the contractor's bid for construction, final payment with quantities and unit costs, oversize calculations for all reimbursement items, and a project location map.

(c)

Precondition to processing request. Participation requests will be processed after the public improvements are accepted by the Town. Reimbursement requests for on-site oversizing will be processed in the order of their receipt and subject to Town council approval as appropriate and subject to the availability of funds from current revenues or as otherwise provided herein. Requests exceeding funds available shall be scheduled for payment as a part of the next year's capital improvements program, subject to available funding. However, all oversize participation shall be funded no later than five years following the date of final acceptance of the public infrastructure improvements. In the case of off-site public improvements, participation will be processed after a development is accepted which contains or abuts the off-site improvements. All participation will be determined in accordance with paragraph (d) of this section.

(d)

Town engineer determination. The Town engineer shall determine the Town's participation in the cost of public improvements, in accordance with the criteria in sections 35-25 through 35-28. Payments shall be allocated to a development on a front foot basis and shall be made as follows:

(1)

As property is platted and developed adjacent to the off-site public infrastructure improvements, the Town will reimburse oversize costs for that portion contiguous to the property. Oversize costs will be reimbursed to the initial developer after final acceptance by the Town of the public improvements. Oversize reimbursement will not be made with filing of a conveyance plat.

(2)

Reimbursement funds for the Town's share of the public infrastructure improvements will be as scheduled in the annual capital improvements program. However, all oversize participation shall be refunded no later than five years following the date of final acceptance of the public infrastructure improvements.

(e)

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Funding. The Town will annually prepare a capital improvement program, a component of which will generally identify funds for payment of oversized participation. Funds will be designed individually from the appropriate source for both street and drainage and water and wastewater projects. Requests in excess of available funding will be deferred for future allocations.

Sec. 35-30. - Escrow policies and procedures.

(a)

Deposit with Town. Whenever the Town agrees to accept escrow deposits in lieu of construction by the owner of the property under these regulations, the property owner or developer shall deposit an amount equal to his share of the cost of design and construction in escrow with the Town. Such amount shall be paid prior to release of construction plans, by the Town engineer. In lieu of such payment at such time, the Town may permit the property owner to contract with the Town and shall agree in such contract that no building permit shall be issued for any lot included within said plat, or increment thereof, until the full amount of the escrow is paid, or a pro-rata part thereof for the full increment if developed incrementally. The obligations and responsibilities of the property owner shall become those of property owner's transferees, successors and assigns; and the liability therefore shall be joint and several.

(b)

Determination of escrow amount. The amount of the escrow shall be determined by using the average of the comparable bids awarded by the Town in the preceding six months or, if none exist, then in the preceding year or, if none exists current market value of construction as determined by an estimate by the Town engineer. Such determination shall be made as of the time the escrow is due hereunder.

(c)

Termination of escrow. Escrows which have been placed with the Town under this section which have been held for a period of ten years from the date of such payment or agreement, in the event that the Town has not authorized the preparation of plans and specifications for construction of such roadway facilities for which the escrow was made, shall upon written request be returned to the property owner, with accrued interest. Such return does not remove any obligation of the owner for construction of the required facilities if a building permit has not been issued on the subject lot or if a new building permit is applied for.

(d)

Refund. If any street or highway for which escrow is deposited for, is contracted, or is reconstructed by another governmental authority at no cost to the Town, the escrowed funds and accrued interest shall be refunded to the property owner or developer after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the Town and the other portion of the cost by another governmental authority, the difference between the owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.

(e)

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Interest limitation. If money is refunded within six months of deposit, only the principal will be refunded. Monies returned after this date will be refunded with interest accrued, calculated at one percent less than the rate of actual earnings.

Sec. 35-31. - Perimeter street fees.

Special escrow policies for perimeter street fees are set out in section 35-35 of this chapter and are subject to the general rules of this section except when said section 35-35 provides otherwise.

Sec. 35-32. - Payment of fees, charges, and assessments.

As a condition of plat approval, the property owner shall pay all fees, charges and assessments required to assure adequacy of public facilities to the subdivision or addition, as may be imposed under these or other regulations of the Town, including but not limited to the fee ordinance.

ARTICLE VII. - FILING FEES AND CHARGES

Sec. 35-33. - Fees required to be paid before action can be taken.

A subdivider and/or developer is hereby required to pay the current fees, as established by the Town council through a separate ordinance, when any plat is tendered to the Town for filing for consideration and action in accordance with these regulations. Each of the required fees and charges shall be paid in advance and no plat shall be deemed filed for purposes of consideration and action until the fee or fees shall have been paid to the Town administrative official designated to receive said fee or fees.

Sec. 35-34. - Fees are non-refundable.

The fees shall be charged on all plats regardless of the action taken by the commission or the Town council.

Sec. 35-35. - Development inspection fee.

Before commencing construction, the developer shall pay development inspection fee as specified by the Town of Shady Shores's Fee Schedule. No construction or development work may commence until such fee has been paid in full for the entire development or for the phase which is under construction. Permits may be withheld for failure to pay the requisite fee. This fee is paid to cover the cost of inspections made during the construction of the public facilities which are anticipated to be dedicated to the Town upon completion of final acceptance. Such fee does not cover any of the cost associated with the testing or laboratory work which may be required of the developer in order to establish that such construction satisfies Town specifications or standards, which fees shall be independently assessed by the Town as provided herein or in the Town's fee ordinance.

The Town may employ the services of an engineering testing laboratory to make inspections, perform services related to checking the quality of the work, and to sample and test the materials to be used in the work. The owner or developer shall furnish, at his own expense, all necessary specimens for testing of the materials and when requested shall furnish a complete written statement of the origin, composition, and/or manufacturer of any or all materials that are used in the work. The inspections and quality control service does not relieve the developer of his responsibility with regard to constructing

the work in accordance with design standards. If the contractor fails to meet the specified conditions by the second test, further tests to demonstrate compliance with the design standards shall be at the sole expense of the developer.

Sec. 35-36. - Street improvement fund.

The subdivider shall, at his own expense, pay for constructing all streets and alleys within the subdivision and one-half of all perimeter streets including the integral curb on the side adjacent to the subdivision, along with all required drainage facilities, utilities, and other improvements as determined by the Town. If the Town determines that such construction is not feasible or practical at the time of development of the subdivision, the subdivider shall pay to the Town a monetary amount equal to the cost of the required improvements. The amount shall be determined by the Town engineer and the cost calculations shall be available to the subdivider. The funds shall be placed by the Town into a fund labeled "Street Improvement Fund" and shall be specifically used for improvements related to paving, drainage and/or utilities required for the particular road or street. The payment of the funds for required improvements shall be prerequisite for the acceptance for filing of any plat for the subdivision.

On those occasions when the perimeter streets of a subdivision are also state or U.S. highways, the responsibility for perimeter street paving or payment in lieu of paving shall be calculated in the same manner mentioned in the preceding paragraph. However the responsibility shall be for only one traffic lane or 12 feet of street paving multiplied by the running front footage of the subject property.

If improvement to said road or street does not occur within a 10-year period from the date the money is so placed on deposit with the Town, said money including any earned interest thereon shall be returned to the property owners of record at that time. Should the Town make said improvement within the period specified then the Town is entitled to use all funds including earned interest in order to accomplish the required paving project. Said earned interest shall be considered to offset the cost of inflation to a project. In no case, except the 10-year default provision made above, shall any developer be entitled to a refund of any amount or portion thereof.

ARTICLE VIII. - COMPLETION AND MAINTENANCE OF IMPROVEMENTS

• **Sec. 35-37. - Improvements and subdivision improvement agreement.**

(a)

Completion of improvements. Except as provided below, before building permits are issued, all applicants shall be required to complete, in accordance with the Town council's decision and to the satisfaction of the Town engineer, all the street, sanitary, and other public improvements, as well as lot improvements on the individual residential lots of the subdivision or addition as required in these regulations, specified in the final plat, and as approved by the Town council, and to dedicate those public improvements to the Town. As used in this section, "lot improvements" refers to grading and installation of improvements required for proper drainage and prevention of soil erosion.

(b)

Improvement agreement and guarantee.

(1)

Agreement. The Town council, upon recommendation of the director, may waive the requirement that the applicant complete and dedicate all public improvements prior to issuance of a building permit, and may permit the property owner to enter into a development agreement by which the

property owner covenants to complete all required public improvements no later than two years following the date on which the final plat is signed and approved. The Town council may also require the property owner to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a development agreement for completion of the remainder of the required improvements during such two-year period. The owner shall covenant to maintain the required public improvements for a period of one year following the acceptance by the Town of all required public improvements and warrants that the public improvements will be free from defect for a period of one year following such acceptance by the Town. Nothing in this section shall nullify the Town's obligation to participate in the construction of oversized facilities.

(2)

Development agreement required for oversized reimbursement. The Town shall require a development agreement pertaining to any public improvement for which the developer shall request reimbursement from the Town for oversized costs as provided in article VI. The Town council shall authorize the approval of such agreement as meeting the requirements of the Town.

(3)

Covenants to run with the land. The development agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs and assignees of the property owner. The development agreement shall be recorded in the land records of the county. All existing lienholders shall be required to subordinate their liens to the covenants contained in the development agreement.

(4)

Security. Whenever the Town council permits a property owner to enter into a development agreement, it shall require the owner to provide sufficient security, covering the completion of the public improvements. The security shall be in the form of cash escrow or, where authorized by the Town council, a letter of credit, as security for the promises contained in the development agreement. In addition to all other security, for completion of those public improvements, where the Town participates in the cost, the owner shall provide a performance bond from the contractor, with the Town as a co-obligee. Security shall be in an amount equal to 115 percent of the estimated cost of completion of the required public improvements and lot improvements. The issuer of any surety bond and letter of credit shall be subject to the approval of the Town attorney.

(5)

Letter of credit. If the Town council authorizes the property owner to post a letter of credit as security for its promises contained in the development agreement, the letter of credit shall:

a.

Be irrevocable.

b.

Be for a term sufficient to cover the completion, maintenance and warranty periods but in no event less than two years.

c.

Require only that the Town present the issuer with a slight draft and a certificate signed by an authorized representative of the Town certifying the Town's right to draw funds under the letter of credit.

d.

The letter of credit shall only be from a financial institution approved by Town attorney.

(6)

As portions of the public improvements are completed in accordance with the standard specifications and the engineering plans, the developer may make application to the Town council to reduce the amount of the original letter of credit. If the Town engineer or his designee is satisfied that such portion of the improvements has been completed in accordance with Town standards, he may recommend (but is not required to recommend) to the Town council that the amount of the

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letter of credit to be reduced by such amount that it deems appropriate, so that the remaining amount of the letter of credit adequately insures the completion of the remaining public improvements.

(c)

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

(d)

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

(e)

Failure to complete improvements. For plats for which no development agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the Town, the land study or preliminary plat approval shall be deemed to have expired and/or the final plat will not be accepted for filing for purposes of consideration and action. In those cases where a development agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the development agreement, the Town council may:

(1)

Declare the development agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;

(2)

Suspend the filing of the final plat for consideration and action until the public improvements are completed and record a document to that effect for the purpose of public notice;

(3)

Obtain funds under the security and complete the public improvements itself or through a third party;

(4)

Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision or addition for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the tract;

(5)

Exercise any other rights available under the law.

(f)

Acceptance of dedication offers. Acceptance of formal offers of dedication of street, public areas, easements, and parks shall be by authorization of the Town engineer. The approval by the Town council of a plat, whether land study, conveyance, preliminary or final shall not in of itself be deemed to constitute or imply the acceptance by the Town of any street, easement, or park shown on plat. The Town council may require the plat to be endorsed with appropriate notes to this effect.

● **Sec. 35-38. - Construction procedures.**

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(a)

Preconstruction conference. The Town engineer may require that all contractors participating in the construction shall meet for a preconstruction conference to discuss the project prior to beginning work.

(b)

Conditions prior to authorization. Prior to authorizing construction, the Town engineer shall be satisfied that the following conditions have been met:

(1)

The preliminary plat shall be completed to the requirements of the Town council at the time of approval.

(2)

All required contract documents shall be completed and filed with the Town engineer.

(3)

All necessary off-site easements or dedications required for Town maintained facilities, not shown on the final plat must be conveyed solely to the Town, with proper signatures affixed. The original of the documents, and filing fees as determined by the engineering department, shall be returned to the engineering department prior to approval and release of the engineering plans.

(4)

All contractors participating in the construction shall possess a set of approved plans bearing the stamp of release of the engineering department. These plans shall remain accessible on the job site at all times during construction.

(5)

A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the Town engineer.

(6)

All applicable fees must be paid to the Town.

• **Sec. 35-39. - Inspection of public improvements.**

(a)

General procedure. Construction inspection shall be supervised by the Town. Construction shall be in accordance with the approved plans and specifications and Design Standards of the Town of Shady Shores. Any change in design required during construction should be made by the engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans and if those revisions are noted on the plans or documents. All revisions shall be approved by the Town engineer. If the Town engineer finds upon inspection that any of the required public improvements have not been constructed in accordance with the Town's construction standards and specifications, the property owner shall be responsible for completing and/or correcting the public improvements.

(b)

Certificate of satisfactory completion.

(1)

Subdivider's certification of satisfactory completion. The Town will not accept dedication of required public improvements until the subdivider's engineer or surveyor has certified to the Town engineer, through submission of a detailed "as-built" survey plat of the property that the location, dimensions, materials, and other required public improvements have been completed as required. The "as-built" shall also include a complete set of drawings of the paving, drainage, water, sanitary sewer, or other public improvements, showing that the layout of the line and grade of all public improvements is in accordance with construction plans for the plat, and all changes made in the plans during construction and containing on each sheet an as-built stamp bearing the signature of

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the subdivider's engineer and the date. One reproducible drawing of the utility plan sheets containing the as-built information shall be submitted. The subdivider's engineer or surveyor shall also furnish a copy of the final plat and engineering plans, if prepared on a CADD system, in such a format that is compatible with the Town's CADD system.

(2)

Town engineer's certification of satisfactory completion. If in the opinion of the Town engineer all requirements relating to public improvements have been fully met then the Town engineer, on behalf of the Town, shall thereafter accept the public improvements for dedication in accordance with the established procedure. Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the Town for use and maintenance. Upon acceptance of the required public improvements, the Town engineer shall submit a certificate to the developer stating that all required public improvements have been satisfactorily completed and filing a copy of same with the Town.

(3)

Acceptance of public dedicated facilities by Town engineer. The Town engineer may, at his discretion, accept dedication of a portion of the required public improvements, if the remaining public improvements are not required for health and safety reasons and the owner has posted a performance bond, letter of credit or cash bond in the amount of 115 percent of the estimated cost of those remaining improvements. Provided, however, that the remaining public improvements be dedicated in the time determined by the Town council.

(c)

Final warranty inspection procedure. Not less than 30 days prior to the end of a given warranty period for any publicly dedicated facilities which have been required by these subdivision regulations to be installed within a subdivision and subsequently dedicated and accepted by the Town of Shady Shores, the Town of Shady Shores shall inspect those facilities and call for any necessary repairs prior to the termination of the warranty period. The results of this inspection shall be kept by the Town as a written record for a period not less than five years. The results of this inspection, any repairs noted and the subsequent action of the developer or contractor concerned shall be a part of this record. Copies of this documentation will be delivered to the developer and/or contractor concerned. This notification and inspection procedure shall extend the warranty period until all specified repairs and inspections are completed and accepted by the Town engineer.

- **Sec. 35-40. - Deferral of required improvements.**

(a)

The Town council may, upon petition of the property owner and favorable recommendation of the director and Town engineer, defer at the time of final approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not required in the interest of public health, safety, and general welfare.

(b)

Whenever a petition to defer the construction of any public improvement required under these regulations is granted by the Town council, the property owner shall deposit in escrow his share of the costs (in accordance with article VI of this chapter) of the future public improvements with the Town prior to filing of the final plat for consideration and action or the property owner may execute a separate development agreement secured by a cash escrow or, where authorized, a letter of credit guaranteeing completion of the deferred public improvements upon demand of the Town.

- **Sec. 35-41. - Issuance of building permits and certificates of occupancy.**

(a)

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No building permit shall be issued for a lot or building site within a subdivision unless the lot or site has been officially recorded by a final plat approved by the Town council and all public improvements as required for final plat approval have been completed, except as permitted below.

(1)

Building permits may be issued for non-residential and multi-family (apartments) development provided that a preliminary plat is approved by the Town council and construction plans have been released by the Town engineer. Building construction will not be allowed to surpass the construction of fire protection improvements.

(2)

The Town engineer may authorize residential building permits for a portion of a subdivision, provided that a preliminary plat has been approved and all public improvements have been completed for that portion of the development, including but not limited to those required for fire and emergency protection. Notwithstanding, no lot may be sold or title conveyed until a final plat approved by the Town council has been recorded.

(3)

Conditional building permits, conditional occupancy permits and temporary utility service may be permitted by the Town engineer for residential developments and the Town council for commercial development. Such conditional building permits shall only be granted in unique circumstances and upon the execution of a development agreement ensuring completion for all public improvements.

(b)

No certificate of occupancy (or approved final inspection) shall be issued for a building or the use of property unless all subdivision improvements have been completed and a final plat approved by the Town council has been recorded. Notwithstanding the above, Town engineer may authorize the occupancy of a structure provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved by the Town for the completion of all remaining public improvements as provided herein.

• **Sec. 35-42. - Bonds and insurance.**

(a)

Any developer shall furnish security in an amount equal to 100 percent of the total cost of the public improvements (including, without limitation, streets, drainage, and water/sewer lines) for said development in order to indemnify the Town against any repairs which may be necessary in connection with the construction of said improvements arising from defective workmanship for materials for a period of two full years from final acceptance of each phase of the development. Said security shall be in one of the following forms:

(1)

A maintenance bond.

(2)

An irrevocable letter of credit.

(3)

A cash escrow deposit.

Final acceptance of a subdivision or a phase of a subdivision will be withheld until said maintenance bond or proof of establishment of escrow account has been furnished to the Town.

(b)

Prior to the project being approved for construction the subdivider or developer shall furnish a labor and materials payment bond equal to 50 percent of the cost of the public improvements.

(c)

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Prior to the project being approved for construction the subdivider's or developer's contractor shall submit proof of liability insurance according to NCTCOG standards to cover any and all accidents that are attributable to the construction activity both onsite and offsite.

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 REQUIRMENTS OF LAND WITHIN THE TOWN OF SHADY SHORES, TEXAS; REGULATING PRELIMINARY PLAN EXHIBITS, PROTECTIVE COVENANTS, FINAL PLATS, STREET LOCATION AND ARRANGEMENT, STREET DESIGN, CONSTRUCITON 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:

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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.

SECTION 1.2 SHORT TITLE

This Ordinance shall be known as the SUBDIVISION ORDINANCE of the Town of Shady Shores, Texas.

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 non-conformance 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.

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 through-out 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 re-subdivisions, 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.

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.

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.

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.

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.

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 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

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.

SECTION 1.11 AMENDMENTS

The Town Council may from time to time amend this Ordinance, in accordance with appropriate procedures provided by law.

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 the word "may" is permissive.

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 Set-Back 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 free-standing. And should be constructed with materials and in such a way so as to architecturally co-ordinate with the main structure.

Channel means an open conduit, both natural and manmade, 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.

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

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

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 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 non-residential in use.

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

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.

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 lay out 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.

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

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

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.

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

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.

E.T.J.-Extra Territorial 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, comers 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.

Flood Plain: An area identified by the Federal Emergency Management Agency as a one-percent or greater chance of flooding (the 100-year flood plain). The channel of a river or other watercourse and the adjacent land areas 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 flood prone areas, etc.

Floodway: The channel of a river or other water course 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 flood plain 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.

Green belt: 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.

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.

Off-site means located outside the boundary of a development

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

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.

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.

Pipe means a closed conduit through which water flows.

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, set back 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 with 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.

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

Re-subdivision: 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 right-of-way to the access controller.

Steep Slope: Areas that contain slopes over fifteen percent (15%) grade and are characterized by increased run-off 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 “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 principle 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.

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ARTICLE III. ADMINISTRATION

SECTION 3.1 PLANNING AND ZONING COMMISSION

A. MEMBERSHIP

1. There shall be a City Planning and Zoning Commission consisting of six (6) members appointed by the Mayor with approval of the Town Council for terms of two (2) years from among the qualified voters of the Town. Members shall be appointed during the month of October, three (3) members to be appointed in every odd numbered year, and three (3) members to be appointed in every even numbered year.
2. The Mayor and one (1) member of the Town Council shall be ex-officio members of the Planning and Zoning Commission, but shall not make or second motions or have a vote.

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 have accumulated three (3) non excused absences in a 12-month period. The action of the Mayor shall be final.

C. FILING VACANCIES: It shall be the duty of the chairman of the Planning and Zoning Commission to notify the Mayor promptly of any such 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 those of its members who are not appointed ex-officio, and may create such other offices as it may determine. Terms of all elected officers shall be for one (1) year.
2. The Town Secretary or designee shall function 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 and 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 designee for each meeting of the Planning and Zoning Commission.
5. Regular meetings shall be held at least once monthly, the exact day and time to be established by the Planning and Zoning Commission rules.
6. Special meetings for any purpose may be held: (1) on the call of the chairman; or (2) on request of two or more members or by notice at any previous Planning and Zoning Commission meeting; or (3) on the call of the Mayor. The time and place of the special meeting shall be determined by the convening authority. The calling and posting of such meetings shall be in accordance with state law.
7. Discuss with any subdivider/developer the procedures for the approval of a subdivision plat.
8. Review the Concept plat, tentatively classify the subdivision as to Minor or Major and recommend in writing to the Town Council, any land or park reservation.

9. Present a written report of recommendations as to classification of the subdivision, approval of the concept plat, report of the Engineering requirements and other related materials.
 10. Review all plats to determine compliance with the regulations and any previous plat approvals and conditions.
 11. Make other recommendations in writing as required by these regulations.
- 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 in writing, 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 in writing, approval, conditional approval or disapproval of Engineering and other requirements (SECTION 4.4) for the Construction Plans and Calculations.
 4. Review and recommend in writing, 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.

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.

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.

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 non-compliance 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.

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.

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 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.

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 Denton 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 forms, 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 planning information by the Town Council, the subdivider may then prepare a Final Plat of all of the land included in the preliminary plat for submission to and consideration by the Planning and Zoning Commission for action. The Final Plat shall be accompanied by required 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 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

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, flood plain 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, 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 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 pre-requisite 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) blueline 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 blueline 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) blueline 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, water courses, 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-or-way within the proposed subdivision, intersecting or contiguous with its boundaries or forming such boundaries. All existing

- or recorded residential lots, parks, public areas, 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 show.
 - 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 non-residential 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.
 - (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 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 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, 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 non-residential 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)(
OWNER’S ACKNOWLEDGEMENT
 AND DEDICATION
 COUNTY OF DENTON)(

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, water courses, 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 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 the of the Plat indicating that "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 on any of the easements show on the Plat. Any franchised 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)(
CERTIFICATE OF SURVEYOR
COUNTY OF DENTON)(

I, the undersigned, a (pubic 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) Dead 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.

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 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.

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.

SECTION 4.7 PROCESSING OF FINAL PLAT AND CONSTRUCTIONS 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.

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.

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 storm water 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 flood plain of existing water courses 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.

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.

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, earth works, slopes, retaining walls, or other grading information required by the Town Engineer.

SECTION 5.4 CONSTRUCTION PLANS FOR PUBLIC IMPROVEMENTS

These plans shall be submitted with the Final Plat for Major Subdivisions, and for Minor Subdivisions with Infrastructure when required.

A. GENERAL REQUIREMENTS

1. Five (5) copies of complete plans, specifications, engineering calculations, and detailed cost estimates for streets, drainage, sanitary sewers, water distribution, and any other improvements to be performed, with the Engineer's seal affixed, are required for submission after the final plat approval and shall be based on studies approved by the Planning and Zoning Commission at the time of final plat approval.
2. 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.
3. Each plan shall show the seal and signature of the registered professional Engineer who prepared the plan. The subdivider 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.
4. Upon approval of the plans, the Developer shall furnish two (2) sets of final approved plans to the Town for the Subdivider's Agreement.

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 the Subdivision Ordinance prior to approval of the final plat.

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 center line 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 center line.
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 constructions 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 run-off 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 storm water flow, including watershed area slope, volume and percent run-off, 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, 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 bench mark 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 distributions 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 constructions 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 (ie. 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, earth works, 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.

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.

SECTION 5.6 DESIGN SMMARY

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.

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.

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

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

Drainageway: means an existing river, creek or other water course 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): mean 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 manmade. 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 flood plain 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.

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 drainage ways 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	MAXIMUM
	COEFFICIENT "N"	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 than 3:1 in earth and 2:1 when lined with concrete

c) The minimum grade allowed on an outfall channel or ditch shall be three-tenths foot per one hundred (100) feet for concrete lined channels and five-tenths foot per one hundred (100) feet for grass lined channels.

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.

Design criteria. Design criteria shall be as follows:

1. Where a subdivision is traversed by a water course, drainage way, 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:

<u>Facility</u>	<u>Flood Frequency (Years)</u>
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
- 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.
 - 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.
 - 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
- 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
 - The minimum velocity with the pipe flowing full shall be three (3) c.f.s. per second.
 - The minimum storm drain pipe diameter shall be eighteen (18) inches.
 - Pipe upper inverts at changes in pipe sizes should be set at the same elevation.
 - Vertical curves in the conduit will not be permitted, and horizontal curves will be permitted only with the approval of the Town Engineer.
 - Manholes shall be placed 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:

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

11. Culverts. All street culverts shall meet the following requirements:
- 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.
 - Culvert discharge – velocity limitations

Culvert Discharging On To:	Maximum Allowable
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	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.

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 the subdivision shall be monumented in accordance with said Board of Land Surveying Rule 663.11 by the plating 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 ½" in diameter and shorter than 13" in length should be used nor should pipes smaller than ½" 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.

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.

**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.

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.

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 sub-contractors 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.

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.

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 Developers 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 and regulations of said Town.

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 clean-up

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.

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.

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.

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 included 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 un-subdivided 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.

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.

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, re-subdivided 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.

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 drainage way 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.

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 arteriales. Those local streets designed 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 in accordance with Town standards.

C. DESIGN REQUIREMENTS

Design requirements are summarized in Table 7.1. The Planing 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.

**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	6
a. Stabilized subgrade (in)	6/5
b. Asphalt/Concrete Pavement (in)	
3. Number of Traffic Lanes	2
4. Lane widths (feet)	2
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 HMAC 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 drainage ways 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 center line radius, collector streets not less than four hundred feet (400') along the center line 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) 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, Onsite 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 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 identifications 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. 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.

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 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 (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 shopping center are planned, 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 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 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 runoff from the building site across sidewalks, and onto the street. Swales may be needed to provide drainage from backyards.
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.

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 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.

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.

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 distributions 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.

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.

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.

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.

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.

SECTION 6
(EFFECTIVE DATE)

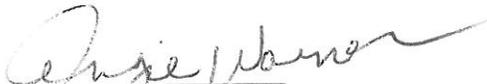
This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

DULY ADOPTED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES ON THIS THE 5 DAY OF June, 2000.

APPROVED:


MAYOR

ATTEST:


Town Secretary

