

**TOWN OF LAKEWOOD VILLAGE, TEXAS**

**AMENDED ORDINANCE NO. 02-05**

**AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, REGULATING SUBDIVISIONS AND OTHER PROPERTY DEVELOPMENTS, PROVIDING FOR PRELIMINARY PLATS, FINAL PLATS, MINOR PLATS, VACATION OF PLATS, REPLATS AND AMENDMENT OF PLATS; PROVIDING FOR DEVELOPMENT PROCESS; PROVIDING FOR STANDARDS AND REQUIREMENTS; PROVIDING FOR STREETS AND DRAINAGE, WATER AND SEWER INFRASTRUCTURE; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council (“Town Council”) desires to review for approval or disapproval plan, plats, and replats filed with the Town as authorized by Chapter 212, Tex. Loc. Gov. Code (Vernon), as amended; and

**WHEREAS**, the Town Council finds that there is a public necessity requiring adoption of this Ordinance, said public necessity being the need to establish rules and regulations for subdivisions and property development; and

**WHEREAS**, the Town Council is authorized and empowered to or require the developer to (i) design, install or improve streets, roads, water and a sanitary sewer systems within the Town by constructing, extending, or enlarging such system, and is further authorized to adopt any rules and regulations appropriate to the exercise of such powers, and to (ii) protect the public health, welfare and safety of the citizens of the Town; and

**WHEREAS**, the Town Council hereby finds that the adoption of this Ordinance is in the best interests of the health, safety and welfare of the citizens of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS :**

**ARTICLE I. IN GENERAL**

**Sec. 1. Short title.**

The following regulations are hereby adopted and shall be known and may be cited as “Town of Lakewood Village Subdivision and Property Development Regulations.”

## **Sec. 2. Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words not specifically defined shall have the meanings given in Webster's Ninth New Collegiate Dictionary, as revised.

*Accessory structure or building* shall mean a subordinate structure or building customarily incident to and located on the same lot occupied by the main structure or building.

*Applicant* shall mean the owner(s) of the property to be developed.

*Bond* shall mean any form of security, including a cash deposit, surety bond, or instrument of credit in an amount and form approved by the Town.

*Building* shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind.

*Town* means Town of Lakewood Village.

*Town Council* means Town Council of the Town of Lakewood Village.

*Town standards* shall mean those standards and specifications, together with all tables, charts, graphs, drawings and other attachments hereinafter approved and adopted by the Town Council, which may be amended from time to time, and are administered by the Town staff for the construction and installation of streets, sidewalks, drainage facilities, water and sanitary sewer mains and any other public facilities. All such facilities which are to become the property of the Town upon completion must be constructed in conformance with these standards.

*Construction plans* shall mean the maps, drawings and technical specifications, including bid documents and contract conditions, where applicable, which provide a graphic and written description of the character and scope of the work to be performed prepared for approval by the Town for construction.

*Cross drainage* shall mean a defined waterway course, approximately perpendicular to the proposed roadway, which requires the construction of a bridge, pipes or box culvert, or other structure to conduct drainage under the roadway.

*Developer* shall mean any person, corporation, governmental or other legal entity engaged in the development of property by improving a tract or parcel of land for any use. The term "developer" is intended to include the term "subdivider."

*Development* shall mean the construction of one (1) or more new buildings or structures, or the structural alteration, relocation or enlargement of one (1) or more new buildings or structures

of an existing building or structure on one (1) or more building lots or sites, or the installation of site improvements.

*Easement* shall mean a grant by a property owner to the public, a corporation, or persons for a general or specific use of a defined strip or parcel of land, for such purpose as the installation, construction, maintenance and/or repair of utility lines, drainage ditches or channels, or other public services, the ownership or title to the land encompassed by the easement being retained by the owner of the property.

*Engineer* shall mean any person duly authorized under the Texas Engineering Practice Act (V.A.C.S. art. 3271a), as amended, to practice the profession of engineering.

*Engineering plans* shall mean the maps and drawings required for plat approval.

*Lot* shall mean an undivided tract or parcel of land having access to a street, which is designated as a separate and distinct tract or lot number or symbol on a duly approved plat filed of record. The terms “lot” and “tract” shall be used interchangeably.

*Off-site* shall mean any premises not located within the property to be developed, regardless of ownership.

*Owner* shall mean any persons, firm or corporation having legal title to the property.

*Plat* shall mean a map representing a tract of land showing the boundaries of individual properties and streets or a map, drawing, chart, or plan showing the layout of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainageways, easements, alleys, which an applicant submits for approval and a copy of which he intends to record with the County Clerk of Denton County.

*Plat, final*, shall mean the map or plan of a proposed development submitted for approval by the Town Council, where required, prepared in accordance with the provisions of this chapter and requested to be filed with the County Clerk of Denton County.

*Plat, preliminary*, shall mean the initial map or plan of a proposed development showing the general layout of streets, blocks and lots, utility systems, and drainage systems.

*Right-of-way* shall mean a strip of land acquired by dedication, prescription or condemnation and intended to be occupied by a road, sidewalk, railroad, electric transmission facility, water mains, sewer mains, storm drainage or other similar facility. Rights-of-way intended for streets, sidewalks, water mains, sewer mains, or any other use involving maintenance by a public agency shall be dedicated to the public use by the plat applicant either by easement or in fee simple title.

*Streets and alleys* shall mean a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, alley, place or however otherwise designated. Town streets shall conform to the following classifications:

- (1) Arterial streets and highways are those which are used primarily for higher speed and higher volume traffic. Routes for such streets shall provide for cross-town circulation and through-town movements.
- (2) Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance, circulation streets of a residential development and streets for circulations within such a development of a residential subdivision.
- (3) Minor streets are those, which are used primarily for access to abutting properties.
- (4) Marginal access streets are minor streets located parallel to and adjacent to arterial streets and highways, providing access to abutting properties and protection from the traffic of the thoroughfares.
- (5) Alleys are minor ways used primarily for access to abutting properties for vehicle service usually to the back or side of a property.

*Structural alterations* shall mean the installation or assembly of any new structural components, or any change to existing structural components, in a system, building or structure.

*Structure* shall mean anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, buildings of all types and ground signs, but exclusive of customary fences or boundary or retaining walls.

*Subdivision* shall mean dividing a tract in two (2) or more parts for the purpose of creating lots, including an addition to the Town, to lay out suburban, building or other lots or to lay 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. "Subdivision" refers to any division irrespective of whether the actual division is made by metes and bounds description in a deed of conveyance or a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A subdivision does not include a division of land into parts greater than five (5) acres, where each part has access and no public improvement is being dedicated.

### **Sec. 3. Purpose.**

The purpose of this ordinance is to set forth the procedures and standards for development of property, layout and design of subdivisions or real property within the corporate limits of the Town which are intended to promote the health, safety and general welfare of the Town and the safe, orderly, and healthful development of the Town.

**Sec. 4. Compliance required.**

(a) Any owner of land who proposes the development of a lot or tract of land located within the corporate limits of the Town or the subdivision of a lot or tract located in the corporate limits of the Town shall have a plat of the lot or tract of land or subdivision prepared and approved in accordance with all Ordinances of the Town and recorded with the County Clerk of Denton County.

(b) Notwithstanding paragraph (a) above, a plat shall not be required where the development of the lot or tract of land is for the sole purpose of performing alteration(s) or improvements to an existing single-family residence or the auxiliary uses thereto. All such alterations or improvements must be permitted in compliance with all applicable codes and ordinances of the Town.

**ARTICLE II. PLATS**

**DIVISION 1. GENERALLY**

**Sec. 5. Fees.**

The applicant for approval of a preliminary plat, final plat, replat, amended plat, minor plat or modified final plat shall, upon submission of the plat application and all required documentation, pay a nonreturnable fee, as established by the Town Council, for the review and processing of the plat application. Upon approval of the final plat, replat, amended plat or final minor plat, the applicant shall pay an additional recording fee established by the county for recording the plat with the county clerk.

1. Preliminary, Replat and Final Plat Review Fees. A preliminary plat review fee and final plat review fee shall be paid to the Town upon the filing of the preliminary and final plat in accordance with the following schedule:

- (a) Plats that are platted by the acre:
  - (1) \$300 per plat plus \$10.00 per acre when there are less than three (3) acres; or
  - (2) \$400 per plat plus \$20.00 per acre when there are three (3) or more acres.
- (b) For purposes of this section, the term “lot” shall mean any tract of land which is one (1) acre.

**Sec. 6. Process for approval.**

(a) The plat shall be scheduled for consideration at the next regular meeting of the Town Council.

(b) If the plat is disapproved by the Town Council, the applicant may correct the items of concern and resubmit the plat for approval one (1) time within six (6) months without paying any additional fees. If the plat is disapproved a second time or if a second request is not received within six (6) months of the first disapproval, the applicant will be required to repeat the plat application process from the beginning and pay all standard application fees.

(c) An applicant may withdraw his plat application from consideration at any time during the application process by filing a written notice of withdrawal with the Town. Upon filing the notice to withdraw, the Town shall discontinue processing the plat application. The applicant must file a written request to proceed with further consideration of the plat within six (6) months of withdrawal and the Town shall continue the application process. If the request to proceed with further consideration of the plat is filed more than six (6) months after filing the notice of withdrawal, the applicant shall be required to repeat the plat application process from the beginning and pay the standard application fees.

**Sec. 7. Requirements for approval of application by Town Council.**

(a) Within thirty (30) days of the date that the application is deemed administratively complete, the Town Council shall approve a plat if it complies with the requirements of this chapter, the applicant is not in arrears in the payment of any debts owed the Town required by this chapter on a previous plat, it conforms to the general plan of the Town and its current and future streets, alleys, parks, playgrounds, and public utility facilities plans, and it conforms to the Town's general plan for the extension of roads, streets, and public highways, taking into account access to and extension of sewer and water mains and instrumentalities of public utilities.

(b) A plat is considered approved by the Town Council unless it is disapproved within such thirty-day period.

**Sec. 8. Recordation.**

(a) Preliminary plats are not recorded with the county clerk.

(b) All plats shall be recorded with the county clerk upon the Town's approval of the plat and the applicant's submission of the required recording fee.

(c) All other plats shall be recorded with the county clerk upon the Town Council's approval of the plat and the applicant's submission of the required recording fee.

### **Sec. 9. Approval of preliminary plats.**

Approval of a preliminary plat shall be deemed to be an expression of approval to the layout submitted as a guide to the preparation of the final plat and shall not constitute approval of a final plat.

## **DIVISION 2. PRELIMINARY PLATS**

### **Sec. 10. Form, contents and required documentation.**

(a) Preliminary plats shall be filed with the town secretary. The town secretary shall stamp the following notice on the face of each preliminary plat: "Preliminary plat for inspection purposes only and in no way official or approved for record purposes and not approved for construction."

(b) When filing a preliminary plat application, it shall be accompanied by the following minimum documentation:

- (1) Completed preliminary plat application;
- (2) Eight (8) copies of the plat;
- (3) Eight (8) copies of engineering plans;
- (4) Deed showing current ownership of the platted property;
- (5) Tax certificates showing property owner is not in arrears in payment of taxes; and
- (6) Nonrefundable application fee, as established by the Town Council.

(c) Preliminary plats must meet the following criteria and contain the following information:

- (1) Scaled drawing no smaller than 1" = 200' on a sheet size no greater than twenty-four (24) inches by thirty-six (36) inches (multiple sheets may be submitted; however, each sheet must be registered and match lines to allow assembly of the multiple sheets);
- (2) Boundary of the subject tract;

- (3) All existing and/or proposed streets and alleys with street names, widths and relation to surrounding existing street patterns;
  - (4) Approximate width and depth of all proposed lots;
  - (5) Layout, in dotted lines, of all adjacent lots to the property being platted showing lot size, lot and block numbers, name of existing subdivision or property owner if undeveloped property;
  - (6) FEMA designated 100-year floodplain boundary;
  - (7) Date, scale, north point, and small scale location map;
  - (8) Name and address of all property owners of the property being platted;
  - (9) Name and address of engineer and surveyor; and
  - (10) Signed statement of the engineer and/or surveyor who prepared the preliminary plat indicating the records or survey from which the property description of the boundary of the proposed plat was developed.
- (d) The engineering plans shall be in compliance with the current adopted construction standards of the Town and shall consist of the following:
- (1) Layout of all needed off-site utilities;
  - (2) Water system layout, including size of line and fire hydrant location;
  - (3) Sewer system layout, including size of line, location of manholes and cleanouts;
  - (4) Drainage plan prepared in accordance with standard 100 year flood frequencies rainfalls which shows the overall analysis of the change of existing condition to fully developed condition and identify approximate location where water will exit the subdivision. Drainage plan shall show all contours for proposed development; and
  - (5) As-built drawings of existing structures, if applicable.

### DIVISION 3. FINAL PLATS

#### **Sec. 11. Form, contents and required documentation.**

- (a) Final plats are mandatory.

- (b) In cases where a preliminary plat was previously approved, the final plat shall conform to the approved preliminary plat.
- (c) Final plats shall be filed with the town secretary and shall be accompanied by the following minimum documentation:
  - (1) Completed final plat application;
  - (2) Eight (8) copies of the plat;
  - (3) Eight (8) copies of engineering plans;
  - (4) Deed showing current ownership of the platted property;
  - (5) Tax certificates showing property owner is not in arrears in payment of taxes;
  - (6) A statement on the plat application showing that all fees owed the Town on any prior projects has been paid in full at the time the application was filed; and
  - (7) Nonrefundable application fee, as established by the Town Council.
- (d) Final plats must meet the following criteria and contain the following information:
  - (1) Scaled drawing no smaller than 1" = 100' on a sheet size no greater than twenty-four (24) inches by thirty-six (36) inches (multiple sheets may be submitted; however, each sheet must be registered and match lines to allow assembly of the multiple sheets and an index sheet shall be drawn on a sheet twenty-four (24) inches by thirty-six (36) inches showing the entire property being platted);
  - (2) The shape and the exterior boundaries of the property being platted shall be indicated by the use of a distinctive and individual symbol;
  - (3) The length of all straight lines, deflection angles, radii, arcs, and central angles of all curves shall be given along the property lines of each street or tabulated on the same sheet showing all curve data with its symbol. All dimensions along the lines of each lot with the angles of intersections which they make with each other shall be indicated;
  - (4) The names of all adjoining subdivisions, the side lines of abutting lots, lot and block numbers, all in dotted lines, and where possible, accurate reference ties to at least two (2) adjacent recognized land corners shall be clearly indicated;
  - (5) The description and location of all survey monuments placed on the property being platted shall be indicated;

- (6) A title shall be indicated, including the name of the property being platted, the name of the applicant and scale and location of the property being platted with reference to original surveys and a north point which may be magnetic or true north, with notation stating which.
- (7) FEMA designated 100-year floodplain boundary, including finish floor elevation established a minimum of two (2) feet above the calculated 100 year flood. A surveyor's certificate shall be placed on the final plat:

KNOW ALL MEN BY THESE PRESENTS:

That I, \_\_\_\_\_, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision and Property Development Regulations of the Town of Lakewood Village, Texas.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Texas Reg. No.

- (9) A certificate of ownership and of dedication of all streets, alleys, easements and lands to public use forever, signed and acknowledged before a notary public by the owner of the land, shall appear on the face of the map, containing complete and accurate description of the property being platted and the streets dedicated;
- (10) The applicant will furnish the Town a copy of the dedication at the same time the final plat is submitted for approval; and
- (11) A certificate of approval by the Town Council shall be placed on the plat:

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the Town Council of the Town of Lakewood Village, Texas.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Secretary

(e) The engineering plans shall be in compliance with the current adopted construction standards of the Town and shall consist of the following:

- (1) Street layout and grades;

- (2) Water system layout, including size of line and fire hydrant location;
- (3) Sewer system layout, including size and grade of lines, location of manholes and cleanouts, and lift station design;
- (4) All drainage structure designs, analysis of as-is and full development for where the water exits the subdivision, analysis of all streets to determine if they meet drainage criteria, FEMA floodplain and floodway boundaries (if applicable), and letter(s) of release from property owners affected by diversion of water (except for watercourse(s) designated on current Town topography maps); and
- (5) As-built drawings of existing structures, if applicable.

**DIVISION 4. VACATION OF PLATS, REPLATS AND AMENDMENT OF PLATS\***

**Sec. 13. Vacation of plats.**

(a) Any plat, replat or amended plat previously recorded with the county clerk may be vacated by the property owner(s) at any time prior to the sale of any lot therein by filing a written signed and acknowledged instrument declaring the same to be vacated and recorded with the county clerk.

(b) If the one (1) or more lots have been sold, the plat, replat or amended plat may be vacated by the property owners by filing a written signed and acknowledged instrument with the town secretary. The vacating instrument must be approved by the Town Council in the same manner as the original plat, replat or amended plat. The Town Council shall disapprove the vacating instrument which abridges or destroys public rights in any of its public uses, improvements, streets, or alleys. Upon approval by the Town Council, the vacating instrument may be recorded with the county clerk and the vacated plat, replat or amended plat shall have no effect.

**State law reference(s)**--Vacating plats, V.T.C.A., Local Government Code § 212.013.

**Sec. 14. Replats without vacating preceding plat.**

A replat may be recorded and controls over a previously recorded plat without vacation of that plat if the replat is signed and acknowledged by the owners of the property being platted, does not attempt to amend or remove any covenants or restrictions, and is approved, after a public hearing on the matter, by the Town Council.

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\***State law reference**--Vacating plats, amending plats, etc., V.T.C.A. Local Government Code § 212.013 et seq.

**Sec. 15. Plat amendments or corrections.**

(a) The Town Council may approve and issue an amended plat, which may be recorded with the county clerk and controls over the preceding plat without vacation of the plat, if the amended plat is signed by the applicant(s) and is solely for one (1) or more of the following purposes:

- (1) To correct an error in a 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 the description of the real property shown on the preceding plat;
- (4) To indicate monuments set forth after death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (5) To show the proper location or character of any monument which has been changed in location or character or which originally was shown incorrectly as to location or character on the preceding plat;
- (6) To correct any other type of scrivener's or clerical error or omission previously approved by the planning and zoning commission and/or Town Council, 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 where both lot owners join in the application for plat amendment and neither lot is abolished; provided, that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
- (8) To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
- (9) To relocate one (1) or more lot lines between one (1) or more adjacent lots where the owner(s) of all such lots join in the application for the plat amendment; provided, that such amendment does not attempt to remove recorded covenants or restrictions and does not increase the number of lots; or
- (10) To make necessary changes to the preceding plat to create six (6) or fewer lots in the plat if the changes do not affect applicable zoning and other regulations of the Town, and the changes do not attempt to amend or remove any covenants or restrictions and the area covered by the changes is located in an area that the 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 the owners of all those lots join in the application for the amendment; the amendment does not attempt to remove recorded covenants or restrictions or increase the number of lots; and, the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(b) Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amended plat.

### **ARTICLE III. DEVELOPMENT PROCESS**

#### **Sec. 16. Construction of infrastructure.**

(a) Following approval of the final plat, the plat applicant shall submit full construction plans for all proposed infrastructure to be constructed for the platted property. Construction plans submitted shall be in conformance with the approved plat. The Town engineer shall review the submitted plans for compliance with the construction standards adopted by the Town.

(b) Upon approval of construction plans by Town Council, the plat applicant and/or the plat applicant's contractor will provide written notification to the Town engineer of the intent to commence construction of the required infrastructure. No work may be performed unless written notification has been provided to the Town engineer. The written notification shall contain the following information:

- (1) Name of the plat or subdivision;
- (2) Plat applicant's name;
- (3) Contractor's name, address and phone number;
- (4) Type of construction to be performed; and
- (5) Estimated value of construction contract.

(c) The Town engineer shall issue an acknowledgment of receipt of notification to the developer and/or his contractor.

#### **Sec. 17. Acceptance of infrastructure.**

(a) Upon completion of all required infrastructure, prior to the acceptance of the subdivision by the Town for maintenance, the applicant shall post, or cause to be posted, a maintenance bond executed by a corporate surety or corporate sureties duly authorized to do business in this state,

payable to the Town and approved by the Town as to form, to guarantee the maintenance of the construction for a period of one (1) year after its completion and acceptance by the Town. In lieu of a maintenance bond, the applicant may submit either an irrevocable letter of credit payable to the Town and approved by the Town as to form or a cash bond payable to the Town and approved by the Town as to form. The actual value of the maintenance bond or letter of credit or cash bond shall be ten (10) percent of the full cost of the water and sewer system and fifteen (15) percent of the full cost of the cost of street and drainage construction, as determined by the estimate of construction costs.

(b) Upon receipt of the approved maintenance bond, irrevocable letter of credit or cash bond, the Town engineer shall issue a written letter of acceptance of the infrastructure and notify the building and development department that the subdivision has been accepted by the Town.

### **Sec. 18. Building permits issued prior to completion of infrastructure.**

(a) In the event an applicant wishes to obtain building permits prior to acceptance of the subdivision by the Town, the applicant shall post with the Town a completion bond executed by a corporate surety or corporate sureties duly authorized to do business in this state, payable to the Town and approved by the Town as to form for all construction included in the approved construction plans that has not been completed. In lieu of a completion bond, the applicant may submit either an irrevocable letter of credit payable to the Town and approved by the Town as to form or a cash bond payable to the Town and approved by the Town as to form.

(b) Under no circumstances shall building above the foundation be permitted until adequate fire protection is available. Adequate fire protection means:

- (1) Town utilities are installed;
- (2) Fire hydrants providing protection are operational; and
- (3) Streets are open and driveable, street subgrades worked to proper compaction and base course installed, graded and leveled, to facilitate vehicle movement.

(c) After the plat has been recorded and the completion bond, irrevocable letter of credit or cash bond has been received and approved by the Town, the Town engineer shall notify the building and development department, by lot and block numbers, that building permits may be issued.

**Sec. 19. Agreements with the Town.**

(a) All agreements entered into between the Town and the developer and/or applicant, as a condition of plat approval, shall be recorded along with the final plat.

(b) The executed agreement shall be submitted to the Town Council in conjunction with the original drawings required for filing and recordation.

**ARTICLE IV. STANDARDS AND REQUIREMENTS**

**DIVISION 1. GENERALLY**

**Sec. 20. Lots and blocks.**

(a) All lots of the plat shall front on a dedicated street.

(b) In general, lots shall conform in width, depth, and area to the pattern already established in the adjacent areas, having due regard to the character of the neighborhood, its particular suitability for residential purposes, and also taking into consideration the natural topography of the ground, drainage, sanitary sewage facilities, and the proposed layout of the streets.

(c) Lots shall have the width measurements, front, rear, and side yard requirements required by Town Ordinance 83-1.

(d) The area of the lots shall be computed by taking the average width of the lot times the average depth of the lot measured from the street line to the rear lot line.

(e) All sidelines of lots shall be at right angles to straight street lines or radial to curved street lines, unless a variation from this rule would, in the opinion of the Town Council, produce a better lot plan and better utilize the proposed development.

**Sec. 21. Park sites.**

The Town Council shall consider offers of land for parks or playgrounds which conform to the current master plan adopted by the Town, provided such plan exists.

**Sec. 22. Use of Town condemnation authority.**

(a) Water and sewer mains, force mains and lift stations, streets and drainageways shall be located in easements or rights-of-way secured and paid for by the applicant. Such easements shall be properly assigned to the Town before service is extended to the subdivision.

(b) In cases where easements cannot be secured by the applicant, the applicant may file a

written petition with the Town engineer, accompanying the plat application, requesting that the Town Council utilize its condemnation authority. The written petition must satisfy all of the following criteria:

- (1) The applicant must establish that clear evidence of public need exists;
- (2) The applicant must establish that the proposed extension is in accordance with the current adopted master utility plan(s), if such plan(s) exists;
- (3) The applicant must establish that the proposed extension will be able to serve other development areas;
- (4) The applicant must agree to pay all costs of the condemnation; and
- (5) The applicant must present written evidence that every practical attempt to secure the needed easements and/or right-of-way has been made by submitting the following:
  - a. A condemnation appraisal by an independent appraiser as to the current market value and damages, if any, of acquiring the easement and/or right-of-way; and
  - b. Documentation that a written offer has been made to purchase the easement and/or right-of-way for the appraised value and the offer was rejected.

(c) The petition shall be forwarded to the Town for review and recommendation and scheduled for consideration by the Town Council.

## DIVISION 2. STREETS AND DRAINAGE

### **Sec. 23. Streets.**

(a) Street widths in subdivisions shall conform to:

Designation	Right-of-Way (feet)	Paving (feet)
A + major arterial	110	86
A major arterial	110	90
B + minor arterial	90	66
B minor arterial	80	56
C major collector	70	44
D minor collector	60	38
E minor local	50	31

(b) Existing streets shall be continued where practical, as determined by the Town Council. Continuations of existing streets shall have the same or greater right-of-way and pavement widths as the existing streets being connected. Street names shall be continuous.

(c) All necessary street rights-of-way shall be dedicated as part of the platting process and shall be dedicated to the Town without cost.

(d) Dead-end streets may be platted where the land adjoining the plat has not been platted. In the event that such dead-end street exceeds one hundred fifty (150) feet in length or one (1) lot width, from the nearest street intersection, the street will be provided with a cul-de-sac, either permanent or temporary, having a minimum right-of-way radius of fifty (50) feet.

(e) Where dead-end streets are dictated by lot designs, such dead-end streets shall be provided with a permanent cul-de-sac having a minimum right-of-way radius of fifty (50) feet.

(f) No street intersection shall be designed having an inside angle of less than thirty (30) degrees between the two (2) intersecting street lines, nor more than one hundred fifty (150) degrees.

(g) Block lengths between intersecting cross streets or to the end of a cul-de-sac shall be no more than one thousand two hundred (1,200) feet.

(h) Streets, where practical, shall be designed and platted with appropriate regard to topographical features, i.e., creeks and drainageways, wooded areas, etc., with the aim of creating desirable and attractive treatments of significant existing features.  
(Ord. No. 95-38, § I, 4-25-95)

#### **Sec. 24. Alleys, reserve strips.**

(a) Alleys and/or easements shall be laid in the rear of lots fronting on adjoining streets where practicable. In residential subdivisions, the minimum width of right-of-way of an alley shall not be less than twenty (20) feet. All alleys shall be paved for the entire width of the right-of-way to the same specifications as minor residential streets. The rear or side line easement, where alleys are not provided, shall be a minimum of twenty (20) feet wide, arranged such that each lot shall have an equal ten-foot easement.

(b) No plat showing reserve strips of land controlling access to public ways or adjoining properties will be approved.

#### **Sec. 25. Drainage in special flood hazard areas.**

Drainage structures in areas of special flood hazard in the Town shall comply with the provisions of the Town Ordinances.

**Sec. 26. Drainage not in special flood hazard areas.**

(a) Design of all improved open drainage courses and enclosed drainage structures shall be by a registered professional engineer in accordance with the current drainage design standards approved by the Town Council. A review of the downstream drainage system capacity to a point of discharge into the lake area shall be made. The rate of storm water discharge from the proposed development shall not exceed flow capacity of any existing structure or drainage system. This may require storm water detention or retention on site of the project.

(b) The design and construction of all improved open drainage courses and enclosed drainage structures shall provide for adequate access for the performance of necessary maintenance by the Town.

(c) All improved drainage courses and enclosed drainage structures shall be dedicated to the Town and accepted for maintenance by the Town upon approval of the construction by the Town engineer.

(d) The Town shall maintain all improved drainage courses, provided that the original design and construction has been approved by the Town engineer and accepted by the Town for maintenance.

(e) Improved open drainage courses shall conform as follows:

- (1) Open drainage courses which carries runoff from a street, between two (2) lots, to a drainage course running behind lots shall be a concrete-lined flume.
- (2) Open drainage courses running behind lots may be of earthen channel or concrete-lined channel, provided the type of channel used satisfies the design criteria (velocity, type of soil, etc.) in accordance with the current drainage design standards approved by the Town Council.
- (3) Where the open drainage course is a concrete-lined flume, the width of the easement shall be equal to the width of the flume. All other open drainage courses require the width of the easement to be equal to the width from top-of-bank to top-of-bank plus maintenance way needs as given in the drainage design standards.

(f) Enclosed drainage courses shall conform as follows:

- (1) Cross drainage for right-of-way needs shall be designed to meet the same requirements as its channel.
- (2) Permanent structures and improvements may be constructed upon and across improved enclosed drainage courses in business zoning districts and manufacturing

zoning districts. Design shall be to accommodate the 100-year frequency flood.

- (3) The width to the easement shall be equal to the width of the structure plus a width on each side of the structure to allow maintenance and/or repairs.

### **Sec. 27. Street name signs.**

Street name signs and markers and traffic control signs, in accordance with standards adopted by the Town, will be required at each intersection. The developer will provide street signs and posts for the markers and make the installations when the subdivision is accepted by the Town for maintenance.

## **DIVISION 3. WATER AND SEWER INFRASTRUCTURE**

### **Sec. 28. General Provisions.**

(a) The intent and purpose of this division is to provide equitable charges for water and sewer connections as a proportionate distribution of the cost of the water and sewer main extensions to serve property within the Town. If the existing Town utility facilities are not within or adjacent to a subdivision, the developer shall construct the necessary extension of water and sewer mains, force mains, force mains, and lift stations, including all valves, manholes, and piping necessary to serve any future development of abutting property as specified in this chapter. The developer's engineer shall prepare a proposed plan of service for the subdivision and property along the extension which shall be reviewed by the Town engineer. These facilities shall be constructed in accordance with both the master plan and the Technical and Administrative Manual for Water and Sewer System Development ("Manual").

(b) It is the general policy of the Town that:

- (1) Water and sewer mains should be large enough to serve all the lots platted and, should the Town determine oversizing is necessary, the Town may participate in those lines greater than 8" for water and greater than 10" for sewer.
- (2) All utilities shall be required to extend across the full width of the last lot platted on each street proposed within the subdivision, in such an alignment that it can be extended to the next property in accordance with the master sewer and water plans for the Town, provided such plan(s) exist. Properties already served by water and sewer shall not be required to install additional facilities unless:
  - (I) The current lines are not of adequate capacity to serve the proposed development; in which case the applicant will be required to install adequate facilities.

(c) Every lot of the plat shall have direct access to the water and sewer system. Utility service shall be from a water/sewer main located in an abutting right-of-way or

through easements from the lot to a water/sewer main.

(d) Water and/or sewer service may not be extended outside the Town limits.

(e) (1) The terms of this division shall be cumulative of all other ordinances regulating subdivisions, and such other ordinances are not repealed by this division, except to the extent that such other provisions conflict with the terms of this chapter, in which event this chapter shall prevail.

(2) The status of any previously designated line extension, lift station, or main shall be unaffected by this ordinance, save and except the Clear Creek pro rata line, designated in CCM #95-121R. The Clear Creek pro rata line designation is hereby rescinded.

(f) In addition to any other remedy provided by law, the Town and its officers shall have the right to enjoin any violation of this chapter by injunction issued by a court of competent jurisdiction.

### **Sec. 29. Water.**

(a) No water main shall be extended unless the diameter of any such extended main is a minimum of six (6) inches inside the subdivision. Larger mains may be required per the water master plan, provided such plan exists.

(b) Water system layout shall be looped whenever possible. Dead-end mains shall not exceed one thousand eight hundred (1,800) feet or include three (3) fire hydrants. Single feeds may be permitted at the discretion of the Town engineer; however, any such denial may be appealed to the Town Council. Single feeds should include provisions for looping in future development.

(c) The location of fire hydrant(s) shall comply with and be approved by the Town Engineer and/or Fire Marshall and insurance requirements.

(d) Long water service taps shall be installed while the subdivision is being developed. Short water service taps shall be installed when needed for development. Long water service taps locations shall be clearly marked with a plastic valve box directly above the tap. A ½ inch x 2 foot steel rod shall be driven vertically 6” inches below the ground surface for the location of each water tap. No water service taps smaller than six (6) inches in diameter shall be allowed on water mains larger than twelve (12) inches in diameter.

### **Sec. 30. Sewer.**

(a) No sewer main shall be extended unless the diameter of any such extended main is a

minimum of six (6) inches inside the subdivision. Larger mains may be required per the sewer master plan, provided such plan exists.

(b) Manholes are required any time the alignment, slope, or diameter of the sewer main changes, or when two or more sewer mains intersect. In no case will the maximum spacing between manholes, or from a manhole to cleanout, exceed 500 feet.

(c) Sewer services for sewer mains located in roadways shall be installed while the subdivision is being developed. Sewer services with direct access to the sewer main without encroaching on a roadway may be installed when needed for development. Sewer tap locations shall be clearly marked with a plastic valve box directly above the tap. A ½ inch x 2 foot steel rod shall be driven vertically 6” inches below the ground surface for the location of each water tap. Sewer services six (6) inches and larger require a manhole where they intersect the sewer main. The sewer service shall extend a minimum of ten feet (10’) into the lot area.

(d) Minimum lift station capacity shall be one hundred (100) gallons per minute and shall have at least two (2) pumps, each of which shall be capable of pumping the design capacity of the lift station. The minimum size of the wetwell shall be such that with any combination of inflow and pumping, the cycle of operation for each pump shall not be less than five (5) minutes and the maximum retention time in the wetwell shall not average more than thirty (30) minutes.

(e) Septic system holding tanks or any other sewage retainage facilities for the storage or removal of sewage are prohibited.

### **Sec. 31. Costs of Extensions.**

a. *Developer initiated.* All costs of all water and sewer main extensions, force mains, and lift stations initiated by a developer in order to provide required service for their development area, shall be paid for by the developer. Such costs may include; but is not necessarily limited to, right-of-way acquisition, pipes, motors, pumps, engineering, construction costs, inspection fees, and all weather access.

In no event shall the Town pay for any costs associated with water and/or sewer improvements.

### **Sec. 32. Use of Water and Sewer Tap Fees and Rate Revenues.**

Tap fees and rate revenues shall be set in an amount sufficient to maintain and operate the system, with due regard for anticipated needs to improve, update, construct, and maintain the system.

**Sec. 33. Use of Town Condemnation Authority.**

a. Water and sewer mains, force mains, and lift stations shall be located in easements, secured and paid for by the developer, and assigned to the Town before service is extended to the subdivision. For the Town to consider to using condemnation authority to assist a developer in extension of the system, the applicant must show clear evidence that every practical attempt to secure the easement has failed and there is a public need and interest for condemnation. Specific criteria and procedures shall be as stated in the manual.

b. Upon compliance with all procedures by the developer, the Town, at least 10 days prior to the hearing shall notify all property owners within the proposed easement and 200 feet therefrom. A hearing of facts by the Town Council is required. Determination of the Town Council shall be final.

**Sec. 34. Severability.**

It is hereby declared to be the intention of the Town Council that if any of the sections, paragraphs, sentences, clauses, and phrases of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not effect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance of unconstitutional or invalid phrases, clauses, sentences paragraphs or sections.

**Sec. 35. Savings.**

This Ordinance shall be cumulative of all other ordinances of the Town and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that Ordinance No. 93-1 (Revised) of the Town are hereby repealed, but provided that any complaint, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to Ordinance No. 93-1 (Revised) shall continue to be governed by the provisions of that Ordinance and for that purpose Ordinance No. 93-1 (Revised) shall be deemed to remain and shall continue in full force and effect.

**Sec. 36. Penalty.**

Any person who should violate any provision of this Ordinance or should fail to comply herewith shall for each and every violation or noncompliance be deemed guilty of a misdemeanor and shall be fined not more than \$2,000.00 (two thousand dollars) and each day such violation shall be permitted to exist shall be construed a separate offense.

**Sec. 37. Effective Date.**

This Ordinance shall become effective from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** the 14<sup>th</sup> day of **NOVEMBER** , 2002.

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Vincent R. Webb, Mayor

ATTEST:

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Dawn Sendziak, Town Secretary

APPROVED AS TO FORM:

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Chris Raesz, Town Attorney