



City of Lucas

Planning and Zoning Commission

August 12, 2021

7:00 PM

City Hall – Council Chambers and Video Conference
665 Country Club Road – Lucas, Texas

Notice is hereby given that a meeting of the City of Lucas Planning and Zoning Commission will be held on Thursday, August 12, 2021 at 7:00 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651 and by video conference, at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the Planning and Zoning Commission may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

On March 16, 2020, Governor Abbott suspended some provisions of the Open Meetings Act in response to the COVID-19 emergency. Planning and Zoning meetings are also available through Zoom from your computer or smartphone. To join the meeting, please click this URL:

<https://us06web.zoom.us/j/92691972860?pwd=cWJxTnZGWW1hZDhDVlFNSXJwZFpTQT09> and enter your name and email address.

Join by phone: 1-346-248-7799

Webinar ID: 926 9197 2860

Passcode: 813188

If you would like to watch the meeting live, and not participate via Zoom, you may go to the City's live streaming link at <https://www.lucastexas.us/live-streaming-videos/>.

How to Provide Input at a Meeting:

Speak In Person: Request to Speak forms will be available at the meeting. Please fill out the form and give to the City Secretary prior to the start of the meeting. This form will also allow a place for comments.

Speak Remotely Via Zoom: If you would like to attend a meeting remotely and speak via Zoom, email the City Secretary at shenderson@lucastexas.us by 5:00 pm noting the item you wish to speak on and noting your attendance will be remote. Any requests received after 5:00 pm will not be included at the meeting.

Submit Written Comments: If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email the City Secretary at shenderson@lucastexas.us by no later than 5:00 pm the day of the meeting. The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made. Any requests received after 5:00 pm will not be included at the meeting.

Call to Order

- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

Public Hearing Agenda

1. Public hearing to consider a request made by Dynamic Engineering Consultants, PC on behalf of property owner James Irwin to rezone a parcel of land from Agricultural (AO) to Residential 2-acres (R2), being 22.661 acres, situated in the James Lovelady Survey, Abstract No. 538, in the City of Lucas, Collin County, Texas. **(Development Services Director Joe Hilbourn)**
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct public hearing
 - C. Take action regarding the proposed rezoning request

Regular Agenda

2. Review the City's submittal procedures and approval requirements relating to the platting process and provide direction to City staff on any recommended amendments. Receive an update from Engineer Joe Grajewski, PE, CFM regarding the approach to creating an updated stormwater manual and provide guidance to staff. **(Development Services Director Joe Hilbourn)**
3. Provide an update to the Planning and Zoning Commission on legislative bills that passed in the 87th legislative session. **(City Attorney Courtney Morris)**
4. Consider approval of the minutes of the July 8, 2021 Planning and Zoning Commission meeting. **(City Secretary Stacy Henderson)**

Executive Session Agenda

As authorized by Section 551.071 of the Texas Government Code, the Planning and Zoning Commission may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting. This meeting is closed to the public as provided in the Texas Government Code.

5. Executive Session: An Executive Session is not scheduled for this meeting.
6. Adjournment.

Certification

I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002 and on the City's website at www.lucastexas.us on or before 6:00 p.m. on August 6, 2021.

Stacy Henderson, City Secretary

In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Stacy Henderson at 972-912-1211 or by email at shenderson@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas

Planning & Zoning Agenda Request

August 12, 2021

Item No. 01

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Public hearing to consider a request made by Dynamic Engineering Consultants, PC on behalf of property owner James Irwin to rezone a parcel of land from Agricultural (AO) to Residential 2-acres (R2), being 22.661 acres, situated in the James Lovelady Survey, Abstract No. 538, in the City of Lucas, Collin County, Texas.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct public hearing
- C. Take action regarding the proposed rezoning request

Background Information

This lot is currently zoned Agricultural (AO), and the applicant is requesting a zoning change to Residential 2-acres (R2). The request complies with the City's Comprehensive Plan.

Attachments/Supporting Documentation

- 1. Location Map
- 2. Public Notice
- 3. Depiction
- 4. Legal description

Budget/Financial Impact

NA

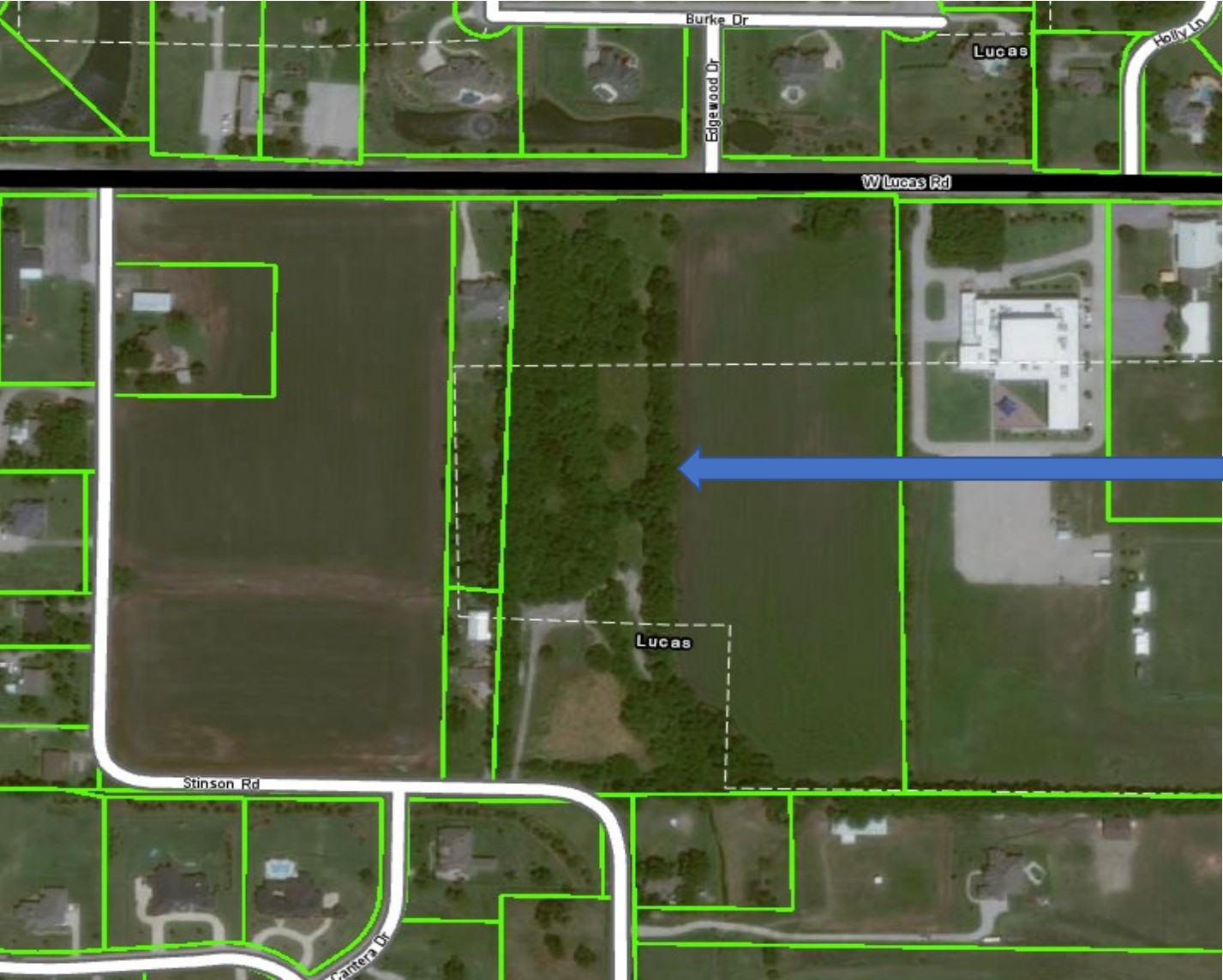
Recommendation

Staff recommends approval of the zoning request as presented.

Motion

I make a motion to recommend to the City Council to approve/deny a request by Dynamic Engineering Consultants, PC on behalf of property owner James Irwin to rezone a parcel of land from Agricultural (AO) to Residential 2-acres (R2), being 22.661 acres, situated in the James Lovelady Survey, Abstract No. 538, in the City of Lucas, Collin County, Texas.

Location Map



22.661 acre tract of land



NOTICE OF PUBLIC HEARING

Notice is hereby given, that the Planning & Zoning Commission of the City of Lucas, Texas will hold a public hearing on Thursday, August 12, 2021, at 7:00 p.m. and City Council will conduct a second public hearing on Thursday, September 2, 2021 at 7:00 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider changing the zoning on a parcel of land from AO to R-2 more particularly described as follows:

Being a tract of land, situated in the James Lovelady Survey, Abstract No. 538, in the City of Lucas, Collin County, Texas, and being all of that called 22.661 acre tract of land, described by deed to Gus Gibson, Jr. and Walter G. Bedell, as recorded in Volume 1889, Page 283, of the Deed Records, Collin County, Texas (D.R.C.C.T.), said tract being more particularly described, as follows:

BEGINNING at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" found for the northwesterly corner of said 22.661 acre tract, same being the northeasterly corner of a tract of land, described by deed to Chris Koerner and Jessica Koerner, as recorded under Document No. 20160725000950450, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), same being in the southerly monumented line of W. Lucas Road (F.M. 1378);

THENCE South 89°43'16" East, along said southerly monumented line of W. Lucas Road, a distance of 739.61' to a 5/8" iron rod found for the northeasterly corner of said 22.661 acre tract, same being the northwesterly corner of a right-of-way dedication, dedicated by plat recorded in Vol. 2009, Pg. 224, O.P.R.C.C.T. (LUCAS CHURCH ADDITION);

THENCE South 00°19'15" East, along the common line between said 22.661 acre tract and said LUCAS CHURCH ADDITION, passing a 1/2" iron rod found for the northwesterly corner of Lot 1, Block A, of said LUCAS CHURCH ADDITION, at a distance of 15.00', and continuing in all, a total distance of 1283.67' to a point for corner, being the southeasterly corner of said 22.661 acre tract, same being in the northerly line of Lot 3, of HI FLYIN' ACRES, an addition to the City of Parker, as recorded in Volume J, Page 929, of the Map Records, Collin County, Texas (M.R.C.C.T.), from which a 5/8" iron rod found bears, South 00°34'004" East, a distance of 3.60';

THENCE North 89°38'41" West, along the southerly line of said 22.661 acre tract, same being along the northerly line of said Lot 3, passing a 1/2" iron rod found, at a distance of 212.71', for the northwesterly corner of said Lot 3, same being the northeasterly corner of Lot 2, of said HI FLYIN' ACRES, and continuing along the northerly line of said Lot 2, a total distance of 516.44' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set for the northwesterly corner of said Lot 2;

THENCE North 89°49'30" West, along the southerly line of said 22.661 acre tract, a distance of 283.67' to a 1" iron rod found for the southwesterly corner of said 22.661 acre tract, same being on the southerly side of Stinson Road, said corner also being the southeasterly corner of a tract of land,

described by deed to Adagio Investments, Inc., as recorded under Document No. 20180111000049020, O.P.R.C.C.T.;

THENCE North 02°22'44" East, along the westerly line of said 22.661 acre, same being the easterly line of said Adagio Investments, LLC tract, passing a 1/2" iron rod found, at a distance of 44.70' and continuing a distance of 390.43' (total easterly line of said Adagio tract: 435.13') a 1/2" iron rod found for the northeasterly corner of said Adagio Investments, LLC tract, same being the southeasterly corner of the aforementioned Koerner tract, and continuing, in all, a total distance of 1284.29' to the POINT OF BEGINNING and containing 987,894 square feet or 22.679 acres of land, more or less.

Those wishing to speak FOR or AGAINST the above item are invited to attend. If you are unable to attend and have comments you may send them to City of Lucas, City Secretary, 665 Country Club Road, Lucas, Texas 75002, email shenderson@lucastexas.us, and it will be presented at the Hearing. If you have any questions about the above hearing you may contact jhilbourn@lucastexas.us

Metes and Bounds Description: (22.679 Acres)

Being a tract of land, situated in the James Lovelady Survey, Abstract No. 538, in the City of Lucas, Collin County, Texas, and being all of that called 22.661 acre tract of land, described by deed to Gus Gibson, Jr. and Walter G. Bedell, as recorded in Volume 1889, Page 283, of the Deed Records, Collin County, Texas (D.R.C.C.T.), said tract being more particularly described, as follows:

BEGINNING at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" found for the northwesterly corner of said 22.661 acre tract, same being the northwesterly corner of a tract of land, described by deed to Chris Koerner and Jessica Koerner, as recorded under Document No. 20160729000950450, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), same being in the southerly monumented line of W. Lucas Road (F.M. 137B);

THENCE South 85°43'16" East, along said southerly monumented line of W. Lucas Road, a distance of 739.61' to a 5/8" iron rod found for the northeasterly corner of said 22.661 acre tract, same being the northwesterly corner of a right-of-way dedication, dedicated by plot recorded in Vol. 2009, Pg. 224, O.P.R.C.C.T. (LUCAS CHURCH ADDITION);

THENCE South 00°19'15" East, along the common line between said 22.661 acre tract and said LUCAS CHURCH ADDITION, passing a 1/2" iron rod found for the northwesterly corner of Lot 1, Block A, of said LUCAS CHURCH ADDITION, at a distance of 15.00', and continuing in all, a total distance of 1283.67' to a point for corner, being the southeasterly corner of said 22.661 acre tract, same being in the northerly line of Lot 3, of HI FLYIN' ACRES, an addition to the City of Parker, as recorded in Volume 4, Page 929, of the Map Records, Collin County, Texas (M.R.C.C.T.), from which a 5/8" iron rod found bears, South 00°34'00" East, a distance of 3.60';

THENCE North 80°36'41" West, along the southerly line of said 22.661 acre tract, same being along the northerly line of said Lot 3, passing a 1/2" iron rod found, at a distance of 212.71', for the northwesterly corner of said Lot 3, same being the northeasterly corner of Lot 2, of said HI FLYIN' ACRES, and continuing along the northerly line of said Lot 2, a total distance of 516.44' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set for the northwesterly corner of said Lot 2;

THENCE North 89°49'30" West, along the southerly line of said 22.661 acre tract, a distance of 283.67' to a 1" iron rod found for the southwesterly corner of said 22.661 acre tract, same being on the southerly side of Stinson Road, said corner also being the southeasterly corner of a tract of land, described by deed to Adagio Investments, Inc., as recorded under Document No. 2018011000049020, O.P.R.C.C.T.;

THENCE North 02°22'44" East, along the westerly line of said 22.661 acre, same being the easterly line of said Adagio Investments, LLC tract, passing a 1/2" iron rod found, at a distance of 44.70' and continuing a distance of 390.43' (total easterly line of said Adagio tract: 435.13') a 1/2" iron rod found for the northeasterly corner of said Adagio Investments, LLC tract, same being the southeasterly corner of the aforementioned Koerner tract, and continuing, in all, a total distance of 1284.29' to the POINT OF BEGINNING and containing 987,894 square feet or 22.679 acres of land, more or less.

ABBREVIATIONS

I.R.F.	= Iron Rod Found
(C.M.)	= Controlling Monument
C.I.R.F.	= Capped Iron Rod Found
C.I.R.S.	= 1/2" iron rod with yellow plastic cap stamped "RPLS 5686" set
M.R.C.C.T.	= Map Records, Collin County, Texas
D.R.C.C.T.	= Deed Records, Collin County, Texas
O.P.R.C.C.T.	= Official Public Records, Collin County, Texas

General Notes:

- According to the Flood Insurance Rate Map of Collin County, Texas, Map No. 45085C0405J, Map Revised June 02, 2009, the herein described property is located in Zone "X", described by said map to be, "areas determined to be outside the 0.2% annual chance floodplain". This flood statement does not imply that the property and/or the structure thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor in any way.
- The surveyor has relied on the herein described subject deed with regard to any easements, restrictions, or rights-of-way affecting the herein described Property. No additional research regarding said easements, restrictions or rights-of-way has been performed by the surveyor.
- Bearings are based on the northerly tract of land, described by deed to Gus Gibson, Jr. and Walter G. Bedell, as recorded in Volume 1889, Page 283, of the Deed Records, Collin County, Texas.
- Easement to the State of Texas, recorded in Volume 450, Page 373, D.R.C.C.T., affects the herein described property, as shown.
- Easement to the City of Lucas, recorded in Volume 5562, Page 1941, D.R.C.C.T., affects the herein described property, as shown.

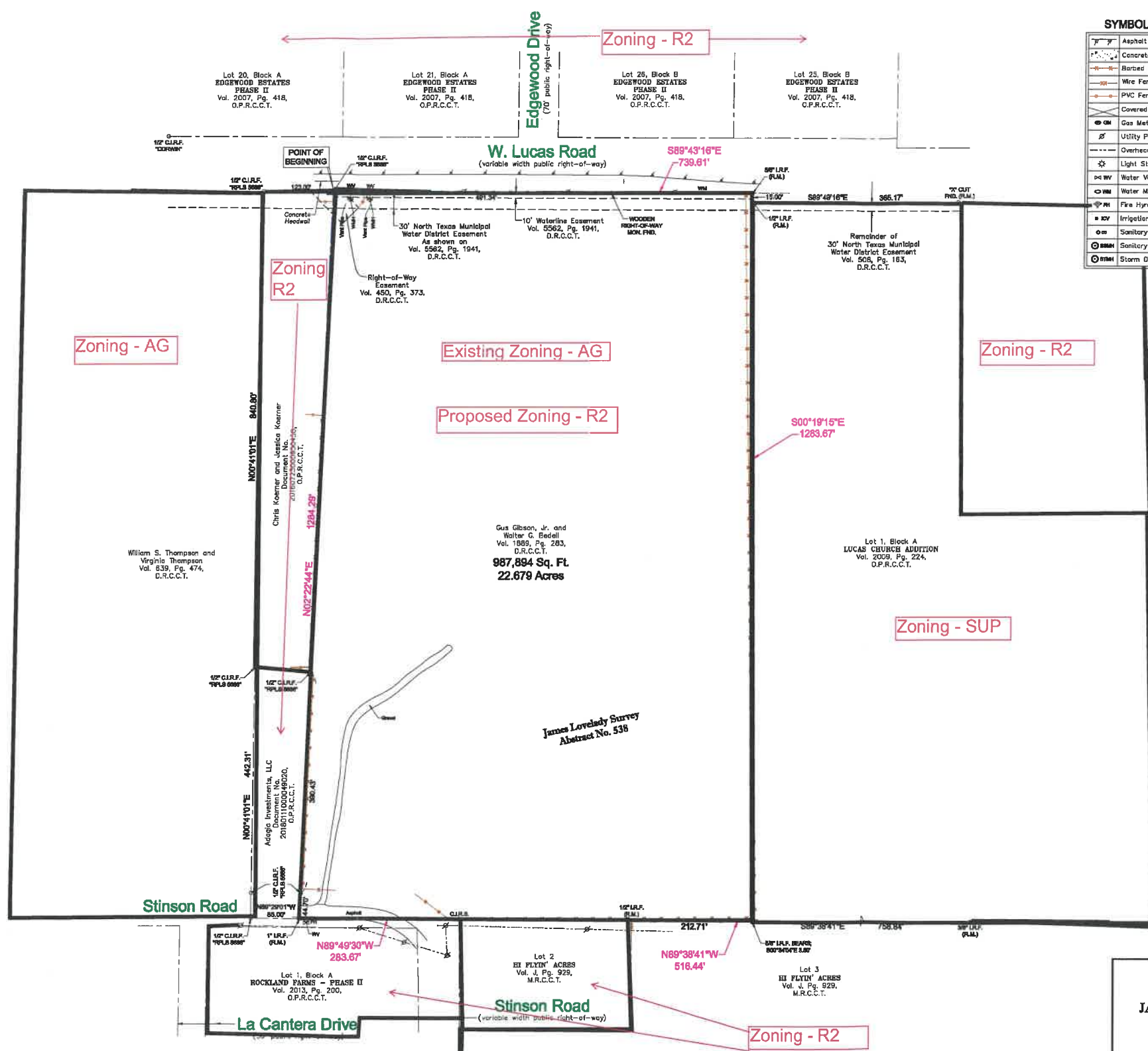
The development of the site will be in accordance with the City of Lucas development standards.

The purpose of this exhibit is to change the zoning from AG to R-2 for the use of a residential subdivision approximately 10 lots. This change will not impact transportation, water, or wastewater utilities.

Surveyor's Certification:

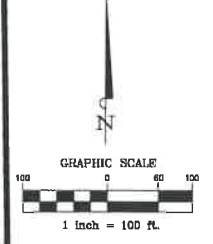
TO: Fidelity National Title Insurance Company (C.F. No. 1901332100037); James Irwin; Patricia Gibson and Walter G. Bedell;

I, Michael B. Arthur, Registered Professional Land Surveyor in and for the State of Texas, hereby certify that the plot hereon represents an actual survey made on the ground and that all lines and dimensions shown are correct to the best of my knowledge. There were no visible conflicts found during the time of this survey, except as shown.



SYMBOLS LEGEND

[Symbol]	Asphalt
[Symbol]	Concrete
[Symbol]	Barbed Wire Fence
[Symbol]	Wire Fence
[Symbol]	PVC Fence
[Symbol]	Covered Area
[Symbol]	Gas Meter
[Symbol]	Utility Pole
[Symbol]	Overhead Wires
[Symbol]	Light Standard
[Symbol]	Water Valve
[Symbol]	Water Meter
[Symbol]	Fire Hydrant
[Symbol]	Irrigation Control Valve
[Symbol]	Sanitary Sewer Cleanout
[Symbol]	Sanitary Sewer Manhole
[Symbol]	Storm Drain Manhole



BOUNDARY SURVEY
22.679 ACRES
JAMES LOVELADY SURVEY
ABSTRACT NO. 538
CITY OF LUCAS,
COLLIN COUNTY, TEXAS

North Texas
Surveying, L.L.C.
 Registered Professional Land Surveyors
 1010 West University
 McKinney, Tx. 75069
 Ph. (469) 424-2074 Fax: (469) 424-1997
 www.northtexasurveying.com
 First Registration No. 10074200

Being a tract of land, situated in the James Lovelady Survey, Abstract No. 538, in the City of Lucas, Collin County, Texas, and being all of that called 22.661 acre tract of land, described by deed to Gus Gibson, Jr. and Walter G. Bedell, as recorded in Volume 1889, Page 283, of the Deed Records, Collin County, Texas (D.R.C.C.T.), said tract being more particularly described, as follows:

BEGINNING at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" found for the northwesterly corner of said 22.661 acre tract, same being the northeasterly corner of a tract of land, described by deed to Chris Koerner and Jessica Koerner, as recorded under Document No. 20160725000950450, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), same being in the southerly monumented line of W. Lucas Road (F.M. 1378);

THENCE South 89°43'16" East, along said southerly monumented line of W. Lucas Road, a distance of 739.61' to a 5/8" iron rod found for the northeasterly corner of said 22.661 acre tract, same being the northwesterly corner of a right-of-way dedication, dedicated by plat recorded in Vol. 2009, Pg. 224, O.P.R.C.C.T. (LUCAS CHURCH ADDITION);

THENCE South 00°19'15" East, along the common line between said 22.661 acre tract and said LUCAS CHURCH ADDITION, passing a 1/2" iron rod found for the northwesterly corner of Lot 1, Block A, of said LUCAS CHURCH ADDITION, at a distance of 15.00', and continuing in all, a total distance of 1283.67' to a point for corner, being the southeasterly corner of said 22.661 acre tract, same being in the northerly line of Lot 3, of HI FLYIN' ACRES, an addition to the City of Parker, as recorded in Volume J, Page 929, of the Map Records, Collin County, Texas (M.R.C.C.T.), from which a 5/8" iron rod found bears, South 00°34'004" East, a distance of 3.60';

THENCE North 89°38'41" West, along the southerly line of said 22.661 acre tract, same being along the northerly line of said Lot 3, passing a 1/2" iron rod found, at a distance of 212.71', for the northwesterly corner of said Lot 3, same being the northeasterly corner of Lot 2, of said HI FLYIN' ACRES, and continuing along the northerly line of said Lot 2, a total distance of 516.44' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set for the northwesterly corner of said Lot 2;

THENCE North 89°49'30" West, along the southerly line of said 22.661 acre tract, a distance of 283.67' to a 1" iron rod found for the southwest corner of said 22.661 acre tract, same being on the southerly side of Stinson Road, said corner also being the southeasterly corner of a tract of land, described by deed to Adagio Investments, Inc., as recorded under Document No. 20180111000049020, O.P.R.C.C.T.;

THENCE North 02°22'44" East, along the westerly line of said 22.661 acre, same being the easterly line of said Adagio Investments, LLC tract, passing a 1/2" iron rod found, at a distance of 44.70' and continuing a distance of 390.43' (total easterly line of said Adagio tract: 435.13') a 1/2" iron rod found for the northeasterly corner of said Adagio Investments, LLC tract, same being the southeasterly corner of the aforementioned Koerner tract, and continuing, in all, a total distance of 1284.29' to the POINT OF BEGINNING and containing 987,894 square feet or 22.679 acres of land, more or less.



City of Lucas

Planning & Zoning Agenda Request

August 12, 2021

Item No. 02

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Review the City's submittal procedures and approval requirements relating to the platting process and provide direction to City staff on any recommended amendments. Receive an update from Engineer Joe Grajewski, PE, CFM regarding the approach to creating an updated stormwater manual and provide guidance to staff.

Background Information

At the direction of the City Council, on June 10, 2021, the Planning and Zoning Commission began a review of the Code of Ordinances, Article 10.03 Subdivision and Development regulations, as well as platting submission requirements to determine if any updates and/or revisions were needed.

At the July 8, 2021, Planning and Zoning Commission meeting the Commission gave City staff direction on code sections that warranted updating. City staff has made the recommended changes and are attached in supporting documents.

In addition to the proposed amendments within Article 10.03, the following recommendations were made:

- Provide developer checklist and application as separate attachment with packet
- Provide a written report to the Planning and Zoning Commission with the plat submittal stating the review comments and noting any unresolved issues in compliance with Section 10.03.037(g)
- Create a road manual for the Planning and Zoning Commission review and approval (assigned to Development Service Director Joe Hilbourn)
- Create a revised/updated stormwater manual for the Planning and Zoning Commission review and approval (assigned to Engineer Joe Grajewski, PE, CFM)
- Tree survey and topographical survey requirements be removed from platting and included with construction plans except for minor plats
- Delete Section 10.03.043 (i) and (j) related to final plat approval before the Collin County Commissioners Court
- Chairman Rusterholtz to review if building setback lines were better reflected in the construction plans and remove from the platting requirements.



City of Lucas
Planning & Zoning Agenda Request
August 12, 2021

Item No. 02

Attachments/Supporting Documentation

1. Updated redlined version of platting requirements

Budget/Financial Impact

NA

Recommendation

This item is for review and discussion by the Planning and Zoning Commission to provide feedback to City staff on recommended changes to the Code of Ordinances.

Motion

There is no motion on this item, it is for discussion purposes only.

CHAPTER 10

SUBDIVISIONS

Document Legend:
Addition
~~Deletion~~
Needs Clarification

ARTICLE 10.03 SUBDIVISION AND DEVELOPMENT ORDINANCE^{*}

Division 1. General

Sec. 10.03.001 Title

This article shall be known and may be cited as “The City of Lucas Subdivision and Development Ordinance.”

Sec. 10.03.002 Authority

This article is adopted under the authority of the city charter, and the constitution and laws of the state, including [chapters 43](#), [212](#) and [242](#) of the Texas Local Government Code, as amended.

Sec. 10.03.003 Purpose; plat required

(a) The purpose of this article is to: (i) provide for the orderly, safe and healthy development of the land within the city; (ii) protect and promote the health, safety, morals and general welfare of the city; (iii) guide the future growth and development of the city; (iv) provide for the proper location and width of streets and building lines; (v) provide adequate and efficient transportation, streets, storm drainage, water, wastewater, parks, and open space facilities; (vi) establish reasonable standards of design and procedures for platting to promote the orderly layout and use of land, and to insure proper legal descriptions and monumenting of platted land; (vii) insure that public infrastructure facilities required by city ordinances are available with sufficient capacity to serve the proposed development; (viii) require the cost of public infrastructure improvements that primarily benefit the tract of land being platted be borne by the owners of the tract.

(b) Every owner of any tract of land situated within the corporate limits of the city or within the extraterritorial jurisdiction of the city who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to the city, to lay out a building lot, or other lots, or to lay out streets, alleys, squares, parks or other parts 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 streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared and approved according to this article. A division of a tract under this article includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executing contract, or by using any other method. A division of land does not include a division of land into parts greater than 5 acres, where each part has access and no public improvement is dedicated.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(c) The procedure for approving a plat requires a preliminary plat and final plat. Except as otherwise permitted, the approval of a preliminary plat by the planning and zoning commission and city council is required for the construction of public improvements on the property. The preliminary plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring reapproval by the planning and zoning commission. Upon completion of the required public improvements, or the provision of an improvement agreement, the owner **may** submit a corrected final plat for the subdivision. Lots may be sold and building permits obtained after approval of the final plat by the planning and zoning commission, and the recording thereof. (Ordinance 2010-11-00668, sec. 1, adopted 11/4/10)

Sec. 10.03.004 Applicability

This article shall apply to all subdivisions of land within the corporate limits of the city, and all land outside the corporate limits that the city council may annex, and all land within the extraterritorial jurisdiction of the city to the full extent allowed by state law. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.005 Definitions

The following words and phrases when used in this article shall have the meaning respectively ascribed to them in this section:

Alley. A minor right-of-way, dedicated to public use, which affords only secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Channel. Any drainage system including a bar ditch.

City council. The governing body of the City of Lucas, Texas.

(Ordinance 2016-01-00827 adopted 1/7/16)

City engineer. The person or company employed or appointed as the city engineer or director of public works by the city manager.

City staff. A person currently employed by the City of Lucas.

Comprehensive plan. A plan of the city adopted by the city council, as amended from time to time. The comprehensive plan indicates the general locations recommended for various land uses, transportation routes, streets, parks and other public and private developments and improvements.

Comprehensive zoning ordinance. The city's comprehensive zoning ordinance, as amended.

Design standards. Collectively means the drainage and stormwater pollution prevention design manual, the current North Texas Council of Governments ("NTCOG") paving design standards, and water and wastewater design manual.

Developer. The owner of property or the person authorized by the owner to develop the property.

Development. The subdivision of land and/or the construction or reconstruction of one (1) or more buildings or the structural alteration, relocation or enlargement of any buildings or structures on a tract or tracts of land.

Development review committee (DRC). The DRC is comprised of staff members representing the various departments and divisions involved in the review and approval process (administration, planning, engineering, building inspection, public works, fire, parks and health). DRC is responsible for review of development and building plans, subdivision plats and zoning applications. It offers reports and recommendations to both P&Z and city council pertaining to applications and proposals requiring actions by these bodies. DRC has final approval authority for certain plats such as minor plats in compliance with [Texas Local Government Code, section 212.016](#).

(Ordinance 2012-05-00715, sec. 1, adopted 5/17/12)

Development services director. The city manager or the person appointed by the city manager as the development services director of the city who oversees the daily operations involving the development of the city. (Ordinance 2016-01-00827 adopted 1/7/16)

Drainage and stormwater pollution prevention design manual. The city drainage standards adopted by ordinance from time to time as amended.

Easement. One or more of the property rights granted by the owner to and/or for the use by the public, or another person or entity.

Engineer. A person licensed as a professional engineer duly authorized under the provisions of the Texas Engineering Practice Act, as amended, to practice the profession of engineering.

Engineering plans. The drawings and specifications prepared by a registered professional engineer submitted to the city and required for plat approval.

Extraterritorial jurisdiction. The unincorporated area that is contiguous to the corporate boundaries of the city, as determined by [Texas Local Government Code, section 42.001 et seq.](#)

Improvement agreement. A contract entered into by the developer and the city by which the developer promises to complete the required public improvements within the subdivision within a specific time period following final plat approval in accordance with this article (i.e., letter of credit, cash bond, facilities agreement).

Lot. An undivided tract or parcel of land under one ownership having frontage on a public street, and either occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory buildings, which parcel of land is designated as a separate and distinct tract and building site.

May. The word “may” is permissive.

Owner. The person or legal entity that holds fee simple title to the property, and the person or persons that have acquired any interest in the property by contract or purchase or otherwise; or, the owner’s authorized representative.

Paving design standards. The current North Texas Council of Governments (“NTCOG”) design standards.

Plan for development. Any formal plan, such as a plat, replat, any site plan, or concept plan which has been deemed administratively complete and contains all of the items or information required under this code and has affixed thereto a stamp or notation that the development documents are filed.

Planned development. A zoning district which accommodates planned associations of uses developed as integral land use units such as industrial districts, office, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or an appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners.

Planning and zoning commission, or commission. Appointed by the city council to develop design standards, and make recommendations concerning the platting, zoning, and use of land within the city.

Planning and zoning manager. The development services director or the person appointed by the city manager.

Plat. The graphic representation of a subdivision, resubdivision, combination of lots or tracts, or recombination of lots or tracts. Plat includes a replat, minor plat, and amending plat.

Plat, amending. A plat as described by [Texas Local Government Code, section 212.016](#), as amended.

Plat, final. The final plat of a proposed development submitted for approval by the planning and zoning commission prepared in accordance with the provisions of this article and requested to be filed with the county clerk.

Plat, minor. A plat which contains four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or extension of municipal facilities as described by [Texas Local Government Code, section 212.0065](#), as amended.

Plat, preliminary. The initial plat or working draft map or plan of a proposed development submitted to the planning and zoning commission and the city council for approval.

Public Improvements. Any land and improvements thereon dedicated to the public and accepted by a governmental entity, including but not limited to streets, parks, schools, and open space; construction, reconstruction, or upgrading of a water, sanitary sewer, or storm sewer line, public street, or undergrounding of public utilities.

Shall. The word “shall” is always mandatory and nondiscretionary.

Stormwater management plan. The master plan for the city for storm drainage facilities adopted and amended by ordinance from time to time.

Street. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, private place, or however otherwise designated, other than an alley or driveway.

Structure. Anything constructed or erected, the use of which requires location on the ground, or which is attached to something having a location on the ground.

Subdivision. The division of any tract of land situated within the corporate limits, or within the city's extraterritorial jurisdiction, in two or more parts, or the identification of a single tract, for the purpose of laying out any subdivision of any tract of land or any addition to the city, or for laying out suburban lots or building lots, or any lots, streets, alleys, squares, parks or other parts intended to be dedicated to 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 for the purpose, whether immediate or future, of creating building sites. A division of a tract includes a division regardless of whether it is made by using metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. Subdivision includes resubdivision, but it does not include the division of land into parts greater than five (5) acres, where each part has access and no public improvement is dedicated.

Surveyor. A registered professional land surveyor, as authorized by state law to practice the profession of surveying as authorized by the Professional Land Surveying Practices Act, as amended.

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

Thoroughfare master plan. The thoroughfare plan adopted by ordinance and as amended from time to time.

Vicinity location map. A small vicinity location map which shows sufficient streets, collector and arterial street names, and major features of the surrounding area to locate the area being subdivided.

Wastewater master plan. The master plan for the city for wastewater facilities adopted and amended by ordinance from time to time.

Water and wastewater design manual. The city water and wastewater standards adopted and amended by ordinance from time to time.

(Ordinance 2012-05-00715, sec. 1, adopted 5/17/12)

Water master plan. The master plan for the city for water facilities adopted and amended by ordinance from time to time. (Ordinance 2016-01-00827 adopted 1/7/16)

Sec. 10.03.006 Appeal to city council

Except as otherwise provided herein, any developer aggrieved by any finding or action of the ~~planning and zoning~~ **development services** department, or the planning and zoning commission may appeal to the city council within thirty (30) days after the date of such finding or action and not thereafter. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.007 Filing fees

(a) Filings fees for plats established by ordinance by the city council from time to time shall be paid by the developer at time of application. (Ordinance 2016-01-00827 adopted 1/7/16)

(b) Plat recordation fees which are charged by the county shall be paid by the developer to the ~~planning and zoning~~ **development services** department at the time of application.

Sec. 10.03.008 Waivers

- (a) The standards and requirements of this article may be modified by the planning and zoning commission for a subdivision zoned planned development containing several types of land uses which, in the judgment of the planning and zoning commission, provides adequate public spaces and improvements for vehicular circulation, recreation, light, air and service needs of the tract when fully developed and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.
- (b) Where existing conditions require a modification of these standards and regulations because of a unique and unusual condition not applicable generally to other property, the planning and zoning commission may, subject to city council approval, grant a waiver to these standards to permit equitable treatment of the land or tract in light of the condition.
- (c) In granting waivers and modifications, the planning and zoning commission and city council may require such conditions as will, in their judgment, secure substantially the purposes of these standards and requirements and maintain the spirit and intent of this article.
- (d) The grant of a waiver shall not in any manner vary the provisions of the city comprehensive zoning ordinance.
- (e) A request for a waiver shall be submitted in writing by the developer at the time the preliminary plat is filed.
- (f) A request for a waiver must be approved by the city council at the time of preliminary plat approval.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.009 Penalty; enforcement

- (a) Any person, firm or corporation who shall violate any of the provisions of this article or who shall fail to comply with any provision hereof within the corporate limits of the city shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided in [section 1.01.009](#) of this code, and each day that such violation continues shall constitute a separate offense. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06; Ordinance adopting Code)
- (b) Any person, firm, or corporation who shall violate any of the provisions of this article or who shall fail to comply with any provisions hereof within the corporate boundaries of the city or the extraterritorial jurisdiction of the city shall be subject to any appropriate action or proceeding by the city to enjoin, correct, abate or restrain the violation of this article including the recovery of damages and civil penalties. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Secs. 10.03.010–10.03.030 Reserved

Division 2. Platting Procedure

Sec. 10.03.031 General

- (a) Before any land is platted, the owner shall apply for and secure approval of the proposed subdivision plat in accordance with the following procedures, unless otherwise provided by these regulations. The procedure for approving a plat typically requires two steps: preliminary plat, and final plat. (Ordinance 2010-11-00668, sec. 1, adopted 11/4/10). **A preliminary plats purpose is for the design and installation of public improvements, should there be no public improvements as part of the project, a preliminary plat is not required.**
- (b) Except as otherwise permitted, the approval of the commission and city council of a preliminary plat is required prior to the construction of public improvements on the property. The preliminary plat and the associated engineering plans for the property may be amended during construction, with only major changes requiring reapproval by the planning and zoning commission. Subject to review and approval by city council.

(c) Upon completion of the required public improvements, or the provision of an improvement agreement, the owner may submit a corrected final plat for the subdivision. Lots may be sold and building permits obtained after approval of the final plat by the planning and zoning commission and filing of the signed plat. Subject to review and approval by city council.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.032 Submission dates

The ~~planning and zoning manager~~ **Development Services Director or City Manager designee** may establish official submission deadlines for the placement of plats on the agenda of the planning and zoning commission and the city council for consideration. No plat shall be considered by the planning and zoning commission until it has been determined by the ~~planning and zoning~~ **development services** department that the submittal is complete and in conformance with this article. **No plat shall be considered by the planning and zoning commission until it has been determined by the development services department that the submittal is complete and in conformance with this article.**

Sec. 10.03.033 Official filing date

For purposes of this article, the date the ~~planning and zoning~~ **development services** department has determined that: (1) the submittal is complete and in conformance with this article; (2) all required documents are submitted in a complete format; and (3) all required fees have been paid, shall constitute the official filing date of the plat, from which the statutory period requiring approval or disapproval of the plat shall commence. The planning and zoning commission and city council may not table or postpone the consideration of the approval or disapproval of a plat, but may request the applicant to withdraw. The applicant may withdraw a plat from consideration by submitting a written request, and may resubmit the plat with no additional fees if it is rescheduled within sixty (60) days of the date of withdrawal.

Sec. 10.03.034 General approval criteria

No plat shall be approved unless the following standards have been met:

(1) The plat conforms to applicable zoning, the comprehensive plan, the capital improvements plan of the city, the design standards, the major thoroughfare plan, the master park plan of the city, and other regulations in this article. If a zoning change is contemplated for the property, the zoning change must be completed before the approval of preliminary plat of the property. Any plat reflecting a condition not in accordance with the zoning requirements shall not be approved until any available relief from the board of adjustment has been obtained; (Ordinance 2010-11-00668, sec. 1, adopted 11/4/10)

(2) Adequate provision has been made for the dedication and installation of public improvements; and

(3) All required fees have been paid.

Sec. 10.03.035 Dedications

The owner of the property to be platted must provide an easement or fee simple dedication of all property needed for the construction of streets, thoroughfares, alleys, sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, public parks, and any other property necessary to serve the plat and to implement the requirements of this article. Dedications shown on plats are irrevocable offers to dedicate the property shown. Once the offer to dedicate is made, it may be accepted by an action by the city by acceptance of the improvements in the dedicated areas for the purpose intended, or by actual use by the city. No improvements may be accepted until they are constructed in accordance with this article, and the final plat is filed for recording. No dedication otherwise required by this article may be imposed upon an owner unless the property is being subdivided and the dedication related to the impact of the proposed development is roughly proportional to the needs created by the proposed development, and provides a benefit to the development.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.036 Reserved

Editor's note—Former section 10.03.036 pertaining to optional land study and deriving from section 6.206 of Ordinance 2006-07-00567 adopted by the city on July 7, 2006 has been deleted by section 1 of Ordinance 2010-11-00668 adopted by the city on November 4, 2010.

Sec. 10.03.037 Procedure for preliminary plat

- (a) Prior to the filing of a preliminary plat, the developer shall meet with the city staff. The purpose of the meeting is to familiarize the developer with the city's development regulations and the relationship of the proposed subdivision to the comprehensive plan. At such meeting, the general character of the development, the zoning, utility service, street requirements and other pertinent factors related to the proposed subdivision will be discussed.
- (b) Prior to submission of a preliminary plat, the developer shall submit to the city construction and engineering plans for the public infrastructure improvements required for the proposed subdivision unless the approval of an improvement agreement has been requested. If the city does not approve of the use of an improvement agreement, engineering and construction plans for the required public infrastructure must be submitted by the developer and approved by the city engineer prior to approval of the preliminary plat.
- (c) After the preapplication conference and completion of engineering and construction plans for all public infrastructure improvements, the developer shall file the required number of copies of the preliminary plat of the proposed subdivision with the development review committee, for submission to the planning and zoning commission, and include the required filing fees and tax certificates showing all taxes have been paid on the property being platted.
- (d) The following notice shall be stamped on the face of each preliminary plat: "Preliminary Plat - for inspection purposes only, and in no way official or approved for record purposes."
- (e) Preliminary plats shall be distributed by city staff to city departments. The owner shall be responsible for the distribution of copies of the preliminary plats to the agencies listed below. The city staff shall give the owner and such agencies a specific date by which to return written responses. The owner and the agencies listed below shall be provided an opportunity to attend a developer/city staff conference for the purpose of notifying the developer of necessary corrections.
- (1) Independent school districts affected by the plat (one copy).
 - (2) City utility departments (two copies).
 - (3) Public utility companies and franchise utility companies that serve or will provide service to the proposed subdivision (two copies).
 - (4) County commissioner and county public works director if the subdivision is outside the city limits (one copy each).
- (f) The development review committee shall accumulate the comments of the city departments and agencies, and conduct a developer/city staff conference to report the comments and requested corrections to the developer. The developer shall be allowed to make comment or make required corrections and submit the corrected preliminary plat to the development review committee for submission to the planning and zoning commission. The corrected preliminary plat shall be submitted within thirty (30) days of the date the original preliminary plat was officially filed and prior to the meeting of the planning and zoning commission at which such preliminary plat is scheduled for consideration. Upon timely receipt, the ~~planning and zoning manager~~ **Development Services Director or City Manager designee** shall submit the corrected preliminary plat to the planning and zoning commission.
- (g) A written report shall be prepared by city staff and submitted to the planning and zoning commission stating the review comments of the preliminary plat noting any unresolved issues.
- (h) Following review of the preliminary plat and other materials submitted in conformity with this article, the planning and zoning commission shall act on a preliminary plat, within thirty (30) days after the date the preliminary plat is officially filed. The planning and zoning commission may either: (i) approve the preliminary

plat as presented; (ii) approve the preliminary plat with conditions; or (iii) disapprove the preliminary plat. If disapproved, the planning and zoning commission, upon written request, shall state the reasons for disapproval. A conditional approval shall be considered a disapproval until the conditions have been satisfied.

(i) The actions of the planning and zoning commission shall be noted on two (2) copies of the preliminary plat. One (1) copy shall be returned to the developer and the other retained in the files of the development review committee.

(j) The planning and zoning commission shall, in its action on the preliminary plat, consider the physical arrangement of the subdivision and determine the adequacy of the street and thoroughfare rights-of-way and alignment and the compliance of the streets and thoroughfares with the major thoroughfare plan, the existing street pattern in the area and with any other applicable provisions of the comprehensive zoning ordinance and comprehensive plan. The planning and zoning commission, based on city staff recommendations, shall also ascertain that adequate easement for proposed or future utility service and surface drainage are provided, and that the lot sizes and area comply with the comprehensive zoning ordinance and are adequate to comply with the minimum requirements for the type of sanitary sewage disposal proposed. All on-site sewage disposal systems shall meet the minimum standards required by the city plumbing code and the regulations of the county and of the state commission on environmental quality, or their successors.

(k) After approval of a preliminary plat by the planning and zoning commission, the development review committee shall forward the preliminary plat to the city council for consideration at the next available city council meeting.

(l) The city council shall act on the 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 the planning and zoning commission. A preliminary plat shall be considered approved by the city council unless it is disapproved within that period.

(m) Approval of a preliminary plat by the planning and zoning commission and/or the city council is not approval of the final plat but is an expression of approval of the layout shown subject to satisfaction of specified conditions. The preliminary plat serves as a guide in the preparation of a final plat.

(n) Expiration of preliminary plat approval. The approval of a preliminary plat expires 5 years after the date of city council approval unless a final plat is submitted and has received approval by the planning and zoning commission for the property within such period, or the period is extended by the planning and zoning commission upon written request of the owner. If the time period is not extended, or a final plat is not submitted and approved by the planning and zoning commission within the sixty-month period, the preliminary plat approval shall be null and void, and the owner shall be required to submit a new plat for the property subject to the then-existing zoning, subdivision and other regulations.

(o) Phased development. The preliminary plat shall indicate any phasing of the proposed development with a heavy dashed line. Each phase shall be numbered sequentially and in the proposed order of development. The proposed utility, street and drainage layout for each phase shall be designed in such a manner that the phases can be developed in numerical sequence. Thereafter, plats of subsequent units of such subdivision shall conform to the approved overall layout and phasing, unless a new preliminary plat is submitted. The planning and zoning commission and city council may impose such conditions upon the filing of the phases as deemed necessary to assure the orderly development of the city. Such conditions may include but are not limited to temporary street and alley extensions, temporary cul-de-sacs, turnarounds, and off-site utility extensions. Failure to indicate phasing of the proposed development in accordance with this section prohibits the approval of a final plat for such subdivision in phases.

(p) Effective period of preliminary plat approved for phased development. If a final plat has not been submitted and approved on at least one phase of the area covered by the preliminary plat 5 years after the date of preliminary plat approval, the preliminary plat shall expire and be declared null and void. If in the event that only a phase of the preliminary plat has been submitted for final plat approval, then the preliminary plat for those areas not final platted within two years of the date of preliminary plat approval shall expire and be declared null and void, unless an extension of time is granted by the planning and zoning commission. Any phase of a preliminary plat not

receiving final plat approval within the period of time set forth herein shall expire and be declared null and void, and the owner shall be required to submit a new preliminary plat for approval which shall be subject to the then-existing zoning, subdivision and other regulations, and the payment of any applicable fees.

Sec. 10.03.038 Extension and restatement of expired preliminary plats

- (a) Sixty (60) days prior to or following the lapse of approval for a preliminary plat, as provided in these regulations, the owner may request the commission to extend or reinstate the approval.
- (b) In determining whether to grant such request, the commission shall take into account the reasons for lapse, the ability of the owner to comply with any conditions attached to the original approval and the extent to which newly adopted zoning and subdivision regulations shall apply to the preliminary plat. The commission may extend or reinstate the preliminary plat, or deny the request, in which instance the owner must submit a new preliminary plat application for approval.
- (c) The commission may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations such as are necessary to issue [insure] compliance with the original conditions of approval. The commission may also specify a shorter time for lapse of the extended or reinstated preliminary plat than is applicable to original preliminary plat approval.

Sec. 10.03.039 Standards for approval of preliminary plats

No preliminary plat shall be approved unless the following standards have been met:

- (1) The engineering and construction plans for the required public infrastructure improvements have been submitted and approved by the city engineer, unless the approval of an improvement agreement has been requested and approved;
- (2) Provision for installation and dedication of public improvements has been made; and
- (3) The preliminary plat conforms to the applicable zoning and all other requirements of this article.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

THIS SECTION WILL BE ADDED TO ARTICLE 3.18 TREE CONSERVATION AND LANDSCAPING, SECTION 3.18.006 TREE SURVEY

- (4) (A) ~~A tree survey, which identifies large trees with a DBH (“diameter at breast height” measured at 4.5 feet above grade) of four and one half inches (4.5”) or greater and small trees with a DBH of two inches (2”) or greater, shall be submitted prior to submission of the engineering and construction plans. The tree survey shall include the species and caliper at DBH of each tree in a tabular form, with each tree identified by a number corresponding to a numbered tree on the tree survey site plan. The tree survey must denote which trees will be saved and which will be removed. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06; Ordinance adopting Code)~~
- (B) ~~The tree survey must be reviewed and approved by the planning and zoning commission prior to the preliminary plat being submitted and prior to staff approving the engineering and construction plans. The commission shall act on the tree survey within thirty (30) days after it is officially filed. If the commission does not approve the tree survey, that decision may be appealed to city council for consideration at the next available city council meeting, and the city council shall act on the appealed tree survey within thirty (30) days after the date the tree survey was denied by the commission. Inaction by the city council within this period shall be considered as approval.~~
- (C) ~~The commission, or the council upon appeal, shall approve the tree survey if it finds and determines that the developer has made a good faith effort to save as many trees, 6” caliper or greater at DBH, as possible, given the subdivision layout, lot size, and topography of the proposed development.~~

(D) ~~As part of the final plat application, the developer must submit to the planning department a spreadsheet that summarizes, for each lot, the number of trees that were to be saved per tree survey, as well as the number of trees to be saved that were lost during construction. The spreadsheet must denote the~~

caliper inch and species of each tree saved, as well as for the trees to be saved, but lost during development. This will allow staff to verify how many replacement trees are needed for each lot at the building permit stage. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(E) — Except as provided in [section 3.18.005](#), no person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging any protected tree situated on property regulated by [article 3.18](#) without first obtaining a tree removal permit, unless otherwise specified in [article 3.18](#). (Ordinance adopting Code)

(F) — Then, prior to the final inspection in connection with a building permit, any tree(s) shown on the tree survey as being retained on the lot, and which is removed or lost during development of the lot or home, shall be replaced by the developer or builder by planting a tree or trees of equivalent caliper inches. The trees used as replacement trees must each have a caliper of at least one and one half inches (1 1/2") and be container grown. Trees used as replacement trees must be from the large tree list found on the approved list in section 3.18.019 or approved by the planning and zoning manager. The replacement tree(s) must be planted on the same lot where the tree(s) it is replacing was, provided that the planning and zoning manager **Development Services Director or City Manager designee** may approve placement of the tree(s) on another lot(s) in the subdivision, if he finds it to be in the public interest. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06; Ordinance adopting Code)

Sec. 10.03.040 Data requirement for preliminary plat

(a) The owner shall submit the required number of copies of the preliminary plat an [and] 8-1/2" x 11" and a 11" x 17" reduction of copies of the preliminary plat, as determined by the development review committee, to allow for the distribution of the proposed preliminary plat for review. Each copy of the preliminary plat shall be folded so that the title block for the subdivision may be read in the lower righthand corner. The preliminary plat shall be drawn to a scale of one inch equals one hundred feet (1" = 100') or larger on 24" x 36" sheet size. In cases of large developments which would exceed the dimensions of the required sheet at the 100-foot scale, preliminary plats may be submitted at a scale of one inch equals two hundred feet (1" = 200') on multiple sheets, properly registered. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(b) The preliminary plat shall contain or be accompanied by the following:

(1) The required number of copies of the preliminary plat and the approved engineering and construction plans for all public infrastructure improvements in accordance with the design standards of the city, to include all streets, water mains and services, sewer system and services, and drainage systems required to develop the proposed subdivision.

(Ordinance 2016-01-00827 adopted 1/7/16)

(2) The name, address and telephone number of the owner, the surveyor, and engineer responsible for the preparation of the final plat.

(3) The name of the subdivision, vicinity location map showing adjacent subdivisions, street names (which shall conform, whenever possible, to existing street names) and lot and block numbers in accordance with a systematic arrangement.

(4) An accurate boundary survey description of the property, with bearings and distances, referenced to survey lines, existing property descriptions and established subdivisions, and showing the lines of adjacent tracts, the layout, dimensions and names of adjacent streets and alleys and lot lines shown in dashed lines.

(5) Scale, north point, date, lot and block numbers.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(6) The name and location of adjacent subdivisions or unplatted tracts drawn to scale shown in dotted lines and in sufficient detail to accurately show the existing streets, alleys and other features that may influence the layout and development of the proposed subdivision. The abstract name and number, and name of the owner of the adjacent unplatted tracts shall be shown. (Ordinance 2016-01-00827 adopted 1/7/16)

- (7) Exact location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimal fractions of feet, with the length of radii and of arcs of all curves, internal angles, points of curvatures, length and bearings of the tangents, and with all other surveyor information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points. All lots on building sites shall conform to the minimum standards for area, width and depth prescribed by the zoning district or districts in which the subdivision is located, and state the area size of each lot.
- (8) Building setback lines and the location of utility easements.
- (9) Topographic information showing contour lines with intervals up to one foot (1') indicating the terrain, the drainage pattern of the area, and the drainage basin areas within the proposed subdivision. Topographic information showing contour lines with intervals up to two (2) feet indicating the terrain, the drainage pattern of the area, and the drainage basin areas outside the boundaries of the proposed subdivision.
- (10) The layout and dimensions of proposed storm drainage areas, easements and rights-of-way necessary for drainage within and outside the boundaries of the proposed subdivision.
- (11) The location and purpose of all proposed parks or other areas offered for dedication to public use.
- (12) The location of all existing property lines, buildings, sewer or water mains, storm drainage areas, water and wastewater facilities, fire hydrants, gas mains or other underground structures, easements of record or other existing features.
- (13) The location, size and identification of any physical features of the property, including watercourses, ravines, bridges, culverts, existing structures, drainage or other significant topographic features located on the property or within one hundred fifty feet (150') of the proposed subdivision.
- (14) Copy of any deed restrictions, restrictive covenants, special use permit or planned development district ordinance regulating the property.
- (15) The angle of intersection of the centerlines of all intersecting streets which are intended to be less than ninety degrees (90°).
- (16) In accordance with the city floodplain management regulations, of the Code of Ordinances, as amended, the floodplain and floodway lines and base flood elevations as shown on the current effective flood insurance rate maps for the city shall be shown, where applicable. A notation shall be shown on the face of the preliminary plat stating: "Lots or portions of lots within the floodplain or areas of special flood hazard require a development permit prior to issuance of a building permit or commencement of construction including site grading, on all or part of those lots."
- (17) For a preliminary plat of land located outside the city limits where sanitary sewer does not exist or where street improvement standards vary from those specified by the city, such differences shall be noted.
- (18) A certificate of ownership and dedication of all streets, alleys, easements, parks and other land intended for public use, signed and acknowledged before a notary public by the owner and lienholders of the property, along with complete and accurate metes and bounds description of the land subdivided and the property dedicated to public use.
- (19) Receipt showing all taxes on the subject property are paid.
- (20) Certification by a surveyor, to the effect that the preliminary plat represents a survey made by the surveyor, and that all the necessary survey monuments are correctly shown thereon.
- (21) A preliminary plat provided in multiple sheets shall include a key map showing the entire subdivision at smaller scale with lot and block numbers and street names on one (1) of the sheets or on a separate sheet of the same size.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(22) Copy of any proposed property owner or homeowners' association agreements, covenants and restrictions. (Ordinance 2016-01-00827 adopted 1/7/16)

Sec. 10.03.041 Effect of preliminary plat approval

Approval of a preliminary plat by the commission and city council constitutes authorization for the city engineer to release construction plans and to permit the owner to commence construction of the public improvements. Approval of a preliminary plat also authorizes the owner, upon fulfillment of all requirements and conditions of approval, to submit a final plat for approval. Upon release of the construction plans, the city engineer may, upon request of the applicant, issue a certificate indicating the construction plans have been released and construction of the improvement is thereafter authorized. The certificate shall read as follows:

“The Preliminary Plat for (insert name of the subdivision or addition) as approved by the City Council for the City of Lucas on (insert date of approval) is authorized for use with engineering plans for the construction of public improvements as approved by the City Engineer. A Final Plat shall be approved by the Planning and Zoning Commission upon the completion of all public improvements or the provision of an Improvement Agreement under the terms of the Subdivision and Development Ordinance and submission of a Final Plat in compliance with the Subdivision and Development Ordinance of the City of Lucas.”

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.042 Amendments to optional land study or preliminary plat

(a) At any time following the approval of a preliminary plat, and before the lapse of such approval, the owner may request an amendment. No amendment may be approved pursuant to this section which amends or changes any condition, regulation, or development required by a planned development ordinance or specific use permit which governs the development of such subdivision. The rerouting of streets, addition or deletion of alleys, or addition or deletion of more than ten percent (10%) of the approved number of lots shall be considered a major amendment. The adjustment of street and alley alignments, lengths, and paving details; the addition or deletion of lots within ten percent (10%) of the approved number and the adjustment of lot lines shall be considered minor amendments. (Ordinance 2010-11-00668, sec. 1, adopted 11/4/10)

(b) The director of development services may approve or disapprove a minor amendment. Disapproval may be appealed to the commission. Major amendments may be approved by the commission at a public meeting in accordance with the same requirements for the approval of a preliminary plat. (Ordinance 2016-01-00827 adopted 1/7/16)

(c) Approval. The commission shall approve, conditionally approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment.

(d) Retaining previous approval. If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the commission, the applicant may withdraw the proposed major amendment or appeal the action of the commission to the city council in accordance with section 10.03.006.

Sec. 10.03.043 Procedure for final plat

(a) After approval of the preliminary plat by the planning and zoning commission and the city council and upon completion of the required public improvements or the provision of an improvement agreement as allowed herein, the owner shall submit a final plat for the property for approval.

(b) The final plat shall conform substantially to the approved preliminary plat and, if desired by the developer, may cover only a phase of the approved preliminary plat; provided, however, such phase conforms to all the requirements of this article and the approved preliminary plat indicated the phasing of such development.

(c) The final plat shall be distributed to the city departments and other agencies for review and comment in the same manner as a preliminary plat.

- (d) The development review committee shall accumulate the comments of the city departments and agencies and conduct a developer/city staff conference to report the comments and requested corrections to the developer. The developer shall make comment or make the required corrections and submit the corrected final plat to the development review committee for submission to the planning and zoning commission. The corrected final plat shall be submitted within thirty (30) days of the date the original final plat was officially filed and prior to the meeting of the planning and zoning commission at which the original final plat is scheduled for consideration.
- (e) The final plat shall be submitted to the planning and zoning commission at the next available meeting with any appropriate comments and recommendations by the development review committee. The planning and zoning commission shall act on the final plat within thirty (30) days after the official filing date. If no action is taken by the planning and zoning commission within such period, the final plat shall be deemed approved. A certificate showing the filing date and failure to take action thereon within the thirty-day period shall, on request, be issued by the planning and zoning commission, which shall be sufficient in lieu of a written endorsement of approval. The planning and zoning commission shall be the final approval authority for final plats. The denial of approval of a final plat shall not be appealable to the city council.
- (f) The planning and zoning commission shall consider the final plat, including all proposals by the owner with respect to the dedication of right-of-way for public use, the construction of utilities, streets, drainage and other improvements.
- (g) The approval of the final plat by the planning and zoning commission shall authorize the planning and zoning commission chairperson to execute the certificate of approval on the final plat.
- (h) The approved final plat shall then be filed of record in the plat records of the county.
- ~~(i) The final plat for any subdivision located outside the city limits shall be submitted to the commissioner's court of the county for approval and the execution of any applicable agreements.~~
- ~~(j) After action by the commissioner's court, the final plat shall be returned to the city for filing by the development review committee.~~
- (k) Final plats disapproved by the planning and zoning commission shall be returned to the developer by the development review committee.
- (l) In the event a final plat is approved by the planning and zoning commission for a subdivision in phases, the final plat of each phase shall carry the same name throughout the entire subdivision, but bear a distinguishing letter, number or subtitle. Lot and block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in phases.

Sec. 10.03.044 Standards for approval of final plat

No final plat shall be approved unless the following standards have been met:

- (1) The final plat substantially conforms to the preliminary plat;
- (2) Required public improvements have been constructed and are ready to be accepted, and/or an improvement agreement has been approved by the city for the subsequent completion of the public improvements;
- (3) The final plat conforms to the applicable zoning and all other requirements of this article;
- (4) Provisions have been made for adequate public facilities under the terms of this article; and
- (5) All required fees have been paid.

Sec. 10.03.045 Data requirement for final plat

The owner shall prepare a final plat in accordance with the conditions of approval for the preliminary plat drawn to a scale of one inch equals one hundred feet (1" = 100') on 24" x 36" sheet size. For large developments, the final plat may be submitted on multiple sheets properly registered to match with the surrounding sheets and a small-scale key map showing all sheets of the final plat have been [shall be] provided. The owner shall submit the

required number of “copies” of the final plat and 8-1/2" x 11" and an 11" x 17" reduction copies of the final plat as determined by the development review committee with three (3) copies of the approved construction plans for the public infrastructure improvements for the proposed subdivision. Each copy of the final plat shall be folded so that the title block for the subdivision may be read in the lower righthand corner. The final plat shall contain or be accompanied by the following:

- (1) Record drawings, construction plans including one set of mylars and a digital copy in DWG or DGN format, and two sets of blueines, where applicable.
- (2) All information required for a preliminary plat.
- (3) The improvement agreement and security, if required, in a form satisfactory to the city attorney and in an amount established by the city council upon recommendation of the city engineer and shall include a provision that the owner shall comply with all the terms of the final plat approval as determined by the commission.
- (4) Formal irrevocable offers of dedication to the public of all streets, alleys, utilities, easements and parks in a form approved by the city attorney.
- (5) The following certificates shall be placed on the final plat in a manner that will allow them to be clearly visible on the final plat.

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF LUCAS, TEXAS, ON THE ____ DAY OF _____, ____.

ATTEST:

Chairperson, Planning and Zoning Commission

Zoning Secretary

- (6) An owner may, at the discretion of the commission, obtain approval of a phase of a subdivision for which a preliminary plat was approved provided such phase meets all the requirements of this article in the same manner as is required for a complete subdivision.
- (7) If applicable, copy of agreements, covenants and restrictions establishing and creating the homeowners’ association approved by the commission based on recommendation of the city attorney.

Sec. 10.03.046 Execution and recordation of final plat

- (a) When an improvement agreement and security are required, the city council shall endorse approval on the final plat after the improvement agreement and security have been approved by the city attorney, and all the conditions pertaining to the final plat have been satisfied. A final plat for which an improvement agreement has been approved shall contain the following notation on the final plat:
“This Subdivision is subject to an Improvement Agreement pursuant to the City of Lucas, Texas Subdivision and Development Ordinance. All or some of the public infrastructure were not constructed and accepted by the City of Lucas, Texas prior to approval of this Final Plat.”
- (b) When installation of public improvements is required prior to recordation of the final plat, the city council shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements are satisfactorily completed. There shall be written evidence that the required public improvements have been installed and have been completed in a manner satisfactory to the city as shown by a certificate signed by the city engineer stating that the necessary dedication of public lands and installation of public improvements and [sic] have been accomplished.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

- (c) City staff shall be responsible for filing the final plat with the county clerk. Simultaneously with the filing of the final plat, the city staff shall record such other agreements of dedication and legal documents as shall be required to be recorded by the city secretary or the city attorney. The final plat, bearing all required signatures,

shall be recorded after final approval and within five working days of its receipt. One (1) copy of the recorded final plat, with street addresses assigned, will be forwarded to the owner by the city staff. (Ordinance 2016-01-00827 adopted 1/7/16)

(d) Approval of a final plat shall certify compliance with the regulations of the city pertaining to the subdivision. An approved and signed final plat may be filed with the county as a record of the subdivision and may be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.

Sec. 10.03.047 Administrative approval of certain amending plats, minor plats and replats

(a) The development review committee is authorized to approve the following:

- (1) Amending plats described by [section 212.016 Tex. Loc. Gov't Code](#);
- (2) Minor plats involving four or fewer lots fronting an existing street and not requiring the creation of any new street or extension of municipal facilities; and
- (3) A replat under section [212.0145 Tex. Loc. Gov't Code](#) that does not require the creation of any new street or the extension of municipal facilities.

(b) The ~~planning and zoning manager~~ **Development Services Director or City Manager designee** may for any reason elect to present an amending plat, minor plat or replat meeting the requirements of (a) above to the planning and zoning commission for approval.

(c) Any amending plat, minor plat or replat meeting the requirements of (a) above which the ~~planning and zoning manager~~ **Development Services Director or City Manager designee** fails or refuses to approve shall be submitted to the planning and zoning commission for approval.
(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.048 Vacating plats, replats and amendment of plats

(a) Vacating plats.

(1) The owners of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. Subject to review and approval by both the planning and zoning commission and the city council.

(Ordinance 2016-01-00827 adopted 1/7/16)

(2) If lots have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat. Subject to review and approval by city council.

(3) The planning and zoning commission shall disapprove any vacating instrument which abridges or destroys public rights in any of the public uses, improvements, streets or alleys.

(4) Upon approval and recording with the county clerk, the vacated plat has no effect.

(b) Replating without vacating preceding plat.

(1) A replat of a subdivision or part of a subdivision may be recorded and is controlled over the preceding plat without vacation of that plat if the replat: (i) is signed and acknowledged by only the owners of the property being platted; (ii) does not attempt to amend or remove any covenants or restrictions; and (iii) and is approved, after a public hearing on the matter, by the planning and zoning commission. Subject to review and approval by city council.

(2) An application for a replat shall follow the same procedure required for preliminary and final plats.

(c) Additional requirements for certain replats.

(1) In addition to compliance with [section 10.03.048\(b\)](#), a replat without vacation of the preceding plat must conform to the requirements of this section if:

(A) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or

(B) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

(2) Notice of the public hearing, as required in [section 10.03.048\(b\)](#), shall be given before the fifteenth (15th) day before the date of the public hearing by: (1) publication in the official newspaper; and (2) by written notice, with a copy of [Tex. Loc. Gov't Code section 212.015\(c\)](#) attached, forwarded to the owners of lots that are in the original subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently approved city tax rolls or[, in] the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested.

(3) If the proposed replat requires a waiver and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths (3/4) of the members present at the meeting of the planning and zoning commission. For a legal protest, written instruments signed by owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred feet (200') from that area, but within the original subdivision, must be filed with the planning and zoning commission prior to the close of the public hearing.

(4) In computing the percentage of land area under subsection (3), the area of streets and alleys shall be included.

(5) Compliance with subsections (3) and (4) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(d) Plat amendments and corrections.

(1) The director of development services is allowed to approve the following:

(A) Amending the plats described in [section 212.016 of the Texas Local Government Code](#);

(B) Minor plats involving four or fewer lots fronting an existing street and not requiring the creation of any new street or extension of facilities; and

(C) A replat under [section 212.0145 of the Texas Local Government Code](#) that does not require the creation of any new street or the extension of municipal facilities.

(2) The director of development services may for any reason elect to present an amending plat, minor plat or replat meeting the requirements of subsection (1) above to the planning and zoning commission for approval.

(3) Any amending plat, minor plat or replat meeting the requirements of subsection (1) above which the ~~planning and zoning manager~~ **Development Services Director or City Manager designee** fails or refuses to approve shall be submitted to the planning and zoning commission for approval.

Sec. 10.03.049 Expiration of final plat approval

(a) If public improvements for a subdivision have not been constructed and accepted by the city and the corresponding final plat for said subdivision has not been filed in the county plat records within two (2) years after the date of final plat approval by the planning and zoning commission, said final plat shall be null and void and shall conclusively be deemed to be withdrawn without further action by the city. This provision shall not apply to final plats approved by the city prior to the effective date of this section (ordinance adopted July 7, 2006). (Ordinance 2016-01-00827 adopted 1/7/16)

(b) Final plats approved prior to the effective date of this section [ordinance adopted July 7, 2006] shall become null and void and shall be conclusively deemed to be withdrawn without further action by the city in 5 years if the public improvements for the subdivision have not been constructed and accepted by the city and the corresponding final plat for said subdivision filed in the county plat records.

(c) An approved, unexpired final plat may be extended by the planning and zoning commission upon written request, once for a period not to exceed twelve (12) months provided:

- (1) Good cause is shown by the developer; and
- (2) There has been no significant change in development conditions affecting the subdivision; and
- (3) The final plat continues to comply with all applicable regulations, standards and this article.

Sec. 10.03.050 Nonresidential property

A nonresidential subdivision shall be processed for approval in the same manner as a residential subdivision, except that no individual lots need be drawn on such plat. Only streets, blocks, drainage easements and minimum building lines need be shown.

Secs. 10.03.051–10.03.080 Reserved

Division 3. Completion and Maintenance of Public Improvements

Sec. 10.03.081 Construction plan procedure

(a) General application requirement. Construction plans shall be prepared by or under the supervision of a professional engineer or architect registered in the state as required by state law governing such professions. Plans submitted for review by the city shall be dated and bear the responsible engineer's or architect's name, serial number and the designation of "engineer," "professional engineer" or "P.E." or "architect" and an appropriate stamp or statement near the engineer's or architect's identification, stating that the documents are for preliminary review and are not intended for construction. Final plans acceptable to the city shall bear the seal and signature of the engineer or architect and the date signed on all sheets of the plans. Public works construction in streets, alleys or easements which will be maintained by the city shall be designed by a professional engineer registered in the state.

(b) Construction plan review procedure. Copies of the construction plans, and the required number of copies of the preliminary plat, shall be submitted to the city engineer for final approval. The plans shall contain all necessary information for construction of the project, including screening walls and other special features. All materials specified shall conform to the standard specifications and standard details of the city. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made. The city engineer will release the plans for construction, after approval of the preliminary plat by the commission subject to review and approval by city council and payment of all inspection fees. Upon such release, each contractor shall maintain one set of plans, stamped with city release, at the project site at all times during construction.

(c) Failure to commence construction. If commencement of construction has not occurred within one (1) year after approval of the plans, resubmittal of plans may be required by the city engineer for meeting current standards and engineering requirements. For purposes of this section "commencement of construction" shall mean (i) issuance of construction permit(s); and (ii) grading of the land.

Sec. 10.03.082 Improvement agreements

(a) Completion of improvements. Except as provided below, before the final plat is approved by the commission or planning and zoning manager, all applicants shall be required to complete, in accordance with the city's direction and to the satisfaction of the city engineer, all street, sanitary, and other public improvements, including lot improvements on the individual residential lots of the subdivision as required in these regulations and specified in the final plat, and to dedicate those public improvements to the city. 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.

(1) Agreement. The city council, considering the recommendation of the commission, may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final plat, and may permit the owner to enter into an improvement agreement by which the owner covenants to complete all required public improvements no later than two (2) years following the date on which the final plat is signed. The city council may also require the owner to complete and dedicate some required public improvements prior to approval of the final plat and to enter into an improvement agreement for completion of the remainder of the required improvements during such two-year period. The improvement agreement shall contain such other terms and conditions as are agreed to by the owner and the city.

(2) Improvement agreement required for oversize reimbursement. The city shall require an improvement agreement pertaining to any public improvement for which the developer shall request reimbursement from the city for oversize costs.

(3) Security. The improvement agreement 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 city, a letter of credit, or other security acceptable to the city attorney. Security shall be in an amount equal to one hundred percent (100%) of the city's estimated cost of completion of the required public improvements and lot improvements. In addition to all other security, for completion of those public improvements where the city participates in the cost, the owner shall provide a performance bond from the contractor, with the city as a co-obligee. The issuer of any surety bond and letter of credit shall be subject to the approval of the city attorney.

(4) Letter of credit. If the city council authorizes the owner to post a letter of credit as security for its promises contained in the improvement 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 (2) years; and

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

(5) Letter of credit reductions. As portions of the public improvements are completed, the developer may make application to the city engineer to reduce the amount of the original letter of credit.

(A) The city engineer, if satisfied that such portion of the improvements has been completed in accordance with city standards, may cause the amount of the letter of credit to be reduced by such amount deemed appropriate, so that the remaining amount of the letter of credit adequately insures the completion of the remaining public improvements.

(B) Upon the dedication of and acceptance by the city of all required public improvements, the city shall authorize a reduction in the security to 10% of the original amount of the security if the owner is not in breach of the improvement agreement. The remaining security shall be security for

the owner's covenant to maintain the required public improvements and the warrant that the improvements are free from defect for two (2) years thereafter.

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

(D) Units of government. Governmental units may file, in lieu of the contract and security, a certified resolution or ordinance agreeing to comply with the provisions of this section.

(E) Failure to complete improvements. For plats for which no improvement agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the city, the preliminary plat approval shall be deemed to have expired. In those cases where an improvement agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the city may:

- (1) Declare the 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 improvement agreement is declared to be in default;
- (2) Suspend final plat approval 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 or cause the public improvements to be completed;
- (4) Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision 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 in the subdivision; and
- (5) Exercise any other rights available under the law.

(F) Acceptance of dedication offers. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by authorization of the city engineer. The approval by the commission of a plat, whether preliminary or final, shall not in [and] of itself be deemed to constitute or imply the acceptance by the city of any street, easement, or park shown on plat. The commission may require the plat to be endorsed with appropriate notes to this effect.

(G) Maintenance of public improvements. The owner shall maintain all required public improvements for a period of two (2) years following the acceptance by the city and shall provide a warranty that all public improvements shall be free from defect for a period of two (2) years following such acceptance by the city.

Sec. 10.03.083 Construction procedures

- (a) Permit required. A permit is required from the city prior to commencement of any subdivision development work in the city which affects erosion control, vegetation or tree removal, or a floodplain.
- (b) Preconstruction conference. The city engineer may require that all contractors participating in the construction meet for a preconstruction conference to discuss the project prior to release of a permit.

(c) Conditions prior to authorization. Prior to authorizing release of a construction permit, the city engineer shall be satisfied that the following conditions have been met:

- (1) The preliminary plat shall be approved by the commission subject to the review and approval by council.
- (2) All required contract documents shall be completed and filed with the city engineer.
- (3) All necessary off-site easements or dedications required for city infrastructure and not shown on the final plat must be conveyed solely to the city, with proper signatures affixed. The original of the documents shall be returned to the engineering department prior to approval and release of the engineering plans and issuance of a permit.
- (4) All contractors participating in the construction shall be provided, at the developer's cost, with a set of approved plans bearing the stamp of release of the engineering department. One set of these plans shall remain on the job site at all times.
- (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 city engineer at least twenty-four (24) hours prior to the preconstruction meeting which is optional.
- (6) All applicable fees must be paid to the city.
- (7) Subject to the approval by city council.

Sec. 10.03.084 Inspection of public improvements

(a) General procedure. Construction inspection shall be supervised by the city engineer. Construction shall be in accordance with the approved plans and the design standards. 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 the engineer who sealed the original plans if those revisions are noted on the plans or documents. All revisions shall be approved by the city engineer. If the city engineer's inspection finds that any of the required public improvements have not been constructed in accordance with the city's construction standards and specifications, the owner shall be responsible for completing and/or correcting the public improvements.

(b) Certificate of satisfactory completion. The city will not accept dedication of required public improvements until the applicant's engineer or surveyor has certified to the city engineer, through submission of record drawings, indicating location, dimensions, materials, and other information required by the commission or city engineer, that all required public improvements have been completed. The record drawings 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 a record drawing stamp bearing the signature of the engineer and the date. The engineer or surveyor shall also furnish a copy of the final plat and engineering plans, if prepared on a computer assisted design drawings (CADD) system, in such a format that is compatible with the city's CADD system. The developer shall provide a maintenance bond executed by a corporate surety duly authorized to do business in the state, payable to the city and approved by the city as to form, to guarantee the maintenance of the construction for a period of two (2) years after its completion and acceptance by the city. In lieu of a maintenance bond the developer may submit either an irrevocable letter of credit payable to the city and approved by the city as to form, or a cash bond payable to the city and approved as to form. The amount of the maintenance bond, letter of credit or cash bond shall be at least ten percent (10%) of the full cost of the infrastructure in the subdivision, as determined by the estimate of construction costs. When such requirements have been met the city engineer shall thereafter accept the public improvements.

(c) Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the city for use and maintenance.

(d) Upon acceptance of the required public improvements, the city engineer shall submit a certificate to the developer stating that all required public improvements have been satisfactorily completed.

Sec. 10.03.085 Deferral of required improvements

(a) The commission, subject to the review and approval of city council, may, upon petition of the owner, defer at the time of final approval, subject to appropriate conditions, the provision of any or all public improvements [that] are not required in the interests of the 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 commission, the owner shall deposit in escrow the developer's share of the costs of the future public improvements with the city prior to approval of the final plat, or the owner may execute a separate improvement agreement secured by a cash escrow or, where authorized, a letter of credit guaranteeing completion of the deferred public improvements upon demand of the city.

Sec. 10.03.086 Issuance of building permits and certificates of occupancy

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

(1) Building permits may be issued for nonresidential developments provided that a preliminary plat is approved by the city and civil construction plans have been released by the city engineer. Building construction will not be allowed to surpass the construction of fire protection improvements.

(2) The city 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 city has been recorded.

(b) No certificate of occupancy 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 city has been recorded. Notwithstanding the above, the city building official 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 city for the completion of all remaining public improvements.

Sec. 10.03.087 Utility connections

Utility connections for individual lots are not authorized until a final plat has been approved in accordance with this article.

Sec. 10.03.088 Withholding improvements

The city shall withhold all city improvements of whatsoever nature, including the furnishing of water facilities and service, from any subdivision which has not been constructed and approved in accordance with this article.

Secs. 10.03.089–10.03.120 Reserved

Division 4. Standards and Requirements

Sec. 10.03.121 Lots and blocks

(a) All lots of a plat shall front on a dedicated public street, or an approved private street.

(b) Lot dimensions shall comply with the standards required by the comprehensive zoning ordinance.

(c) The area of the lots shall be computed by taking the total area measured on a horizontal plane, included within the lot lines.

(d) All side lines of lots shall be at right angles to straight street lines or radial to curved street lines, unless a waiver from this rule would, in the opinion of the planning and zoning commission, subject to review and approval by council, produce a better lot plan and better utilize the proposed development.

(e) Block lengths between intersecting cross streets shall be no more than one thousand six hundred feet (1,600') and no less than two hundred fifty feet (250').

Sec. 10.03.122 Park sites

(a) Whenever a final plat is submitted to the city or is required to be approved by the city for development of a residential area consisting of ten (10) or more single-family residences in accordance with the ordinances of the city, such plat shall contain a clear fee simple dedication of an area of land to the city for park purposes, which area shall equal one acre for each 30 proposed dwelling units. No plat showing a dedication of less than one (1) acre shall be approved, except as hereinafter provided.

(b) The city council declares that development of an area smaller than one acre for public park purposes is impractical. Therefore, if a proposed subdivision consists of fewer than 35 units, the developer shall be required to pay a sum of money in lieu of a dedication of land [land in] the amount provided in this subsection. In lieu of dedication, the developer may make payment at a per-acre price set from time to time by resolution of the city council, sufficient to acquire land and provide for adjacent streets and utilities for a neighborhood park to serve the park zone in which such development is located. The zones are hereby illustrated in exhibit A. Unless changed hereafter by the city council, such per-acre price shall be computed on the basis of fewer than 35 lots and basis of \$1,000.00 per dwelling unit/lot. Such funds may be used for acquisition, improvement, or maintenance of a park within a same zone as a development. The city council may establish a special fund for the deposit of all sums paid in lieu of any land dedication. These sums must be expended within two (2) years of the completion of the subdivision for the acquisition, development, or maintenance of a neighborhood park. If the funds are not expended, the funds shall be refunded to the property owners in the subdivision on a pro-rata basis. For proposed subdivisions of 35 or greater family dwellings, the developer may elect to pay cash, subject to city council approval, in lieu of any land dedication requirement.

Editor’s note—Exhibit A, referred to in the above section, is not printed herein but is on file in the city secretary’s office. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

Sec. 10.03.123 Streets and drainage

(a) Streets.

(1) All street widths shall conform to the master thoroughfare plan and shall be as follows:

Street or Thoroughfare Type	Minimum Right-of-Way Width	Pavement Width (measured from edge to edge)
Arterial (type A)	120 ft.	39 ft. (each direction)
Major collector (type B)	90 ft.	64 ft.
Collector (type C)	60 ft.	34 ft.
Residential	50 ft.	24 ft.
Private drive (type D)	50 ft.*	24 ft.

*Private drives shall not be in ROW but within an access, drainage, and utility easement.

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

(Ordinance 2016-01-00827 adopted 1/7/16)

(3) Existing streets shall be continued with the same or greater right-of-way and pavement widths as the existing streets being connected where practical, as determined by the planning and zoning commission. Street names shall also be continued for extended streets. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(4) Dead-end streets may be platted where the land adjoining the proposed plat has not been developed and the opportunity exists for future extension of the proposed street and shall not exceed one hundred fifty feet (150'). In the event that such proposed street exceeds one hundred fifty feet (150') in length or one lot width, from the nearest street intersection, the street will be provided with an approved cul-de-sac, turnaround either permanent or temporary (defined as permanent quality and made of asphalt), having a minimum right-of-way radius of sixty feet (60'). (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06; Ordinance adopting Code)

(5) Where streets within the proposed subdivision are dictated by lot design to be cul-de-sacs, such cul-de-sac streets shall be provided with a permanent cul-de-sac having a minimum right-of-way radius of sixty feet (60') and shall not exceed six hundred feet (600') in length except in circumstances dictated by topography and existing development. Future streets that may offer a second point of access shall not be considered when measuring the length of cul-de-sac until the street is actually constructed. In situations where cul-de-sacs exceed the prescribed length by more than five percent (5%), a combination of the following based on the number of lots and dwelling units will be considered as a mitigating measure:

- (A) A secondary emergency entrance/exit;
- (B) Widening of the street and enlarging the cul-de-sac turnaround;
- (C) Addition of fire hydrants; and
- (D) Looped water system.

(6) A secondary point of access, meeting the fire code, will be required for any subdivision, or any part of a subdivision, to prevent more than 10 lots from having only one point of access or emergency access. The secondary point of access shall not be routed through existing subdivisions.

(7) Roadways shall be designed with regard for all topographical features lending themselves to treatment and layout of utilities.

(8) In platting the subdivision, the developer shall dedicate all the necessary right-of-way for the existing and proposed streets as shown on the proposed plat in accordance with the major thoroughfare plan or other plans approved by the city, at no cost to the city.

(9) All streets shall be constructed in the dedicated right-of-way as required by the major thoroughfare plan. If a street as shown on the major thoroughfare plan is located in the interior of the subdivision, the developer shall construct the entire width of the roadway. Streets which dead-end at utility rights-of-way, intended for future extension across these rights-of-way, shall be constructed to the center of the right-of-way as required by the major thoroughfare plan for half the distance across the rights-of-way. Where streets are dedicated adjacent to undeveloped land and the property line is normally the centerline of the street, the developer shall dedicate the necessary right-of-way.

(10) All new streets and median openings and left-turn lanes, constructed in existing streets to serve dedicated streets in a development, or to serve private drives, shall be paved to city standards, inspected by city inspectors and paid for by the developers.

(11) Acceleration and deceleration lanes shall be constructed to the same standards as the adjoining streets, and cost of construction shall be the developer's responsibility.

(12) All handicap ramps shall be constructed by the developer in accordance with the paving design manual prior to acceptance of the subdivision.

(13) At a signalized intersection in which one public street terminates at the intersection of a connecting cross street, a private driveway shall not be placed on the cross street so as to be in alignment with the terminating street. However, an exception to this requirement may be considered when it is demonstrated that the location of the proposed drive, at the intersection, is the only acceptable access point due to spacing requirements and other design standards.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(14) A public cross-access easement shall be required between adjacent lots fronting on an arterial street in order to minimize the number of access points and facilitate access between and across individual lots and at any other location where existing lot widths are not sufficient to allow individual driveways per the city's driveway criteria as determined by the city engineer. The location shall be approved by the city[.] Minimum easement width shall be twenty-four (24) feet and the length shall be the full width of the lot fronting the roadway[.] This standard is required and must be shown on all optional studies, preliminary plats and final plats. (Ordinance 2014-05-00780 adopted 5/1/14)

(15) Subdivision streets shall be tied to an existing paved public street by pavement built to city standards. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(16) Residential lots shall not face arterial streets or thoroughfares and driveways shall not be permitted on arterial streets unless approved by the city engineer.

(b) Private drives. The following are required for private drives.

(1) A minimum pavement width of twenty-four (24) feet constructed in accordance with the paving design manual;

(2) Within an access, drainage, and utility easement with a minimum width of fifty (50) feet;

(3) Shall be in a separated lot dedicated to and maintained by an HOA; and

(4) Shall be all the same design, engineering, and planning elements as a city street.

(Ordinance 2014-05-00780 adopted 5/1/14)

(c) Sidewalks.

(1) Concrete sidewalks are required for all streets (residential R1 and any commercial or retail zoning), unless waived by the city council at time of preliminary plat approval.

(2) Sidewalks located on residential streets shall be five feet (5') in width, located within the street right-of-way and constructed in accordance with the paving design manual.

(3) Sidewalks located adjacent to commercial property and all designated arterial or collector streets, as shown in the major thoroughfare plan, shall be eight feet (8') in width within the street right-of-way and constructed in accordance with the paving design manual.

(4) Sidewalks adjacent to arterial or collector streets shall be constructed at the time the street is constructed. All other sidewalks shall be constructed at the time the residence or development is permitted.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(d) Street name signs.

(1) Street name signs and all traffic-control devices shall conform to the Texas Manual on Uniform Traffic-Control Devices and the standards adopted by the city street name signs shall be required at each intersection.

(2) The cost of the street name signs, poles and installation shall be paid by the developer prior to acceptance of the subdivision. The city shall install the signs upon receipt of payment. The city engineer may allow the developer to install the street name signs and traffic-control devices.

(Ordinance 2014-05-00780 adopted 5/1/14)

(e) Storm sewers—Residential developments.

(1) An adequate storm sewer system consisting of inlets, pipes, and/or excavated channels or natural

creeks and other drainage structures shall be constructed with [within] the subdivision. The developer shall bear the cost of all channel excavation, inlets, laterals, headwalls, manholes, junction structures, and all other items required to complete the system.

(2) The developer shall be responsible for all the costs of storm drainage systems where a pipe of seventy-two inches (72") in diameter, or less, is installed.

(3) In cases where the storm drain is larger than seventy-two inches (72"), twenty-five percent (25%) of the cost of providing the additional pipe larger than seventy-two inches (72") may be borne by the city and reimbursed to the developer, if a part of the capital improvement plan for the city and if funds become available. In such event, the developer shall be responsible for the remaining seventy-five percent (75%) and the cost of constructing the seventy-two-inch diameter pipe.

(4) In general, underground drainage shall be constructed in streets, alleys and drainage easements. As an alternate, and upon approval by the city engineer, the developer may construct, excavate, or reconstruct, at the developer's expense, an open channel. The proposed channel shall be constructed in accordance with the drainage and stormwater pollution prevention design manual.

(5) All channels shall be provided with dedicated drainage easements covering the floodway areas as defined by the drainage and stormwater pollution prevention design manual. All lots platted adjacent to the channel shall include the required drainage easement. Where possible, the property line division between lots shall be the center of the constructed channel.

(6) If a developer chooses to construct an open channel or maintain a channel in its existing condition, the following conditions shall be met:

(A) Creeks or excavated channels with side slopes of 4:1, or less, shall be maintained by the adjacent owner(s); and

(B) Creeks or channels with greater slopes shall be maintained by the adjacent owners through an organized entity, owner association, public improvement district, condominium agreement, or other means. The city shall, through written agreement with the operating entity, have access for emergency purposes.

(7) In street crossings over drainage systems with a cross-section exceeding the dimension of an opening larger than that of a two (2) seventy-two-inch culvert pipe culvert, the city may participate in such crossings in an amount not to exceed twenty-five percent (25%) of the construction costs if a part of the capital improvement plan and if funds become available.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(8) Drainage ditches located within the public right-of-way or drainage easements shall have a minimum of 2% slope, if a drainage ditch has less than 2% slope the drainage ditch shall be concrete lined. The concrete lining shall be a minimum of 2' wide but not less than the width of the base of the ditch, the concrete lining shall be 5 inches thick, have a minimum of 2500 psi compressive strength and have grid pattern of 12" with 3/8" rebar with a minimum of two bars in any direction. (Ordinance 2014-05-00780 adopted 5/1/14)

(f) Storm sewers–Nonresidential developments.

(1) An adequate storm drainage system consisting of inlets, pipes, underground structures, and/or channels or creeks shall be constructed by the developer in accordance with the drainage and stormwater pollution prevention design manual.

(2) The developer shall pay the total cost of all underground systems which are constructed where a double seventy-two-inch diameter or smaller pipe will carry the runoff. The city may participate to the extent of ten percent (10%) of the difference between two seventy-two-inch pipes and any larger diameter pipes, and reimburse the developer for such costs if a part of the capital improvement plan and if funds become available.

- (3) In general, underground drainage shall be constructed in rights-of-way. As an alternate, if approved by the city engineer, the developer may construct, excavate, or reconstruct, at the developer's expense, an open channel in accordance with the drainage and stormwater pollution prevention design manual.
- (4) In street crossings over drainage systems with a cross-section exceeding the dimension of an opening larger than that of a two (2) seventy-two-inch culvert pipe culvert, the city may participate in such crossings in an amount not to exceed twenty-five percent (25%) of the construction costs if a part of the capital improvement plan and if funds become available.
- (g) Lakes, detention ponds, and retention ponds may be constructed in all areas to be maintained by the owner, subject to approval by the city engineer. Dedication of an easement to the city is required to provide access for emergency purposes.
- (h) Other innovative drainage concepts will be considered, subject to review and approval by the city engineer and city council.

(Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

(i) Street lighting.

- (1) Street lighting shall be provided at street intersections at the request of the city engineer within new subdivisions and at streets connecting to new subdivisions. Street lighting shall conform to the latest edition of the Illuminating Engineering Society Handbook and the city's regulations as provided in the Code of Ordinances and zoning regulations. When a conflict exists between the two, the city's Code of Ordinances shall take precedent. The use of sodium vapor lights for street and parking lot illumination shall not be allowed in the city.
- (2) Cost of installation of street lighting shall be borne by the subdivider. Cost of ongoing service and utilities shall be borne by the subdivider and included in a maintenance agreement as part of the homeowners' association documents approved by the city attorney.
- (3) The city may install lights at existing intersections that the city engineer deems necessary.
- (4) The city engineer may, based on field conditions, modify the requirements of this section.
- (5) A request for street lighting that is denied by the city engineer may be appealed to the planning and zoning commission. The request for an appeal must be made in writing to the development services director explaining why a streetlight in the proposed location is warranted and further citing factors as to why the city engineer's decision should be overturned. This request for an appeal must be received by the development services department no less than 20 days prior to the scheduled planning and zoning commission meeting in which the appeal will appear on the agenda. A recommendation for approval from the planning and zoning commission shall then be forwarded to the city council for final action. A recommendation of denial by the planning and zoning commission will only be forwarded to the city council for final action upon written request of the applicant. Such written request must be received within thirty (30) days of the commission denying the request. The decision of the city council is final.
- (6) All streetlights shall conform to the city's lighting regulations and be the same or similar in nature to the examples of streetlights as shown on figure 1, figure 2 and figure 3:

FIGURE 1



FIGURE 2



FIGURE 3



(Ordinance 2016-10-00843 adopted 11/3/16)

Sec. 10.03.124 Water and utility extensions

(a) Water and utility, general provisions.

(1) 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 water and sewer plans for the city. Properties already served by water and sewer shall not be required to install additional facilities unless the current lines are not of adequate capacity to serve the proposed development, in which case the developer shall be required to install adequate facilities.

(2) Every lot of the plat shall have direct access to the water. Utility service shall be from a water main located in an abutting right-of-way or through easements from the lot to a water main.

(b) Water.

(1) No water main shall be extended unless the diameter of any such extended main is a minimum of eight inches (8") in diameter. Larger mains may be required per the water master plan.

(2) The water system shall be looped. Dead-end mains, if permitted, shall not exceed six hundred feet (600'). Single feeds may be permitted with the approval of the city engineer. Single feeds shall provide for looping in the future.

(3) The spacing and location of all fire hydrants shall comply with the provisions of the fire code and the water and wastewater design manual adopted by the city.

(4) The developer will bear the total cost of on-site mains, with sizes to be determined by the city, except that the city may pay for the increment of cost of water and sewer mains over twelve inches (12") in diameter provided that such mains are required as a part of the water master plan, and if a part of the capital improvement plan for the city, and if funds become available. The increment of the cost borne by the city shall be determined on the basis of percentage difference between the twelve-inch water or sewer mains and the larger size required.

(c) Wastewater. In locations where wastewater service is not available, as determined by the city engineer, an individual sewage disposal system of a type approved by the building official may be installed, in conformance with the plumbing code adopted by the city, as applicable, and the requirements of the county and the state commission on environmental quality.

Sec. 10.03.125 Provision of amenities

(a) When amenities are proposed as a part of a subdivision and are owned and maintained by owners in common or through an association of owners, or where the amenities are to be dedicated to the city and are to be maintained publicly or privately through agreement with the city, the city may require the following:

(1) Plans and illustration of the proposed amenities;

- (2) Cost estimates of construction, maintenance and operating expenses;
- (3) Association documents, deed restrictions, contracts and agreements pertaining to the amenities; and
- (4) Provision of surety as required for maintenance and other expenses related to the amenities.

(b) The design of amenities shall conform to the city's guidelines for residential amenities as adopted by the city council.

(c) All amenities to be placed on land dedicated to the city, or involving the potential use of public funds for maintenance and/or operation, shall require city council approval prior to approval of the preliminary plat. The city council may deny any such amenities at its sole discretion.

(d) All such amenities must be completed and in place prior to acceptance of the public improvements and prior to final release of certificate of occupancy and occupying of residential structures.

(e) Any subdivision creating an area or amenity to be owned in common by the owners of lots within the subdivision shall require the establishment of a mandatory owners' and/or homeowners' association prior to the approval of the final plat.

Sec. 10.03.126 Mandatory homeowners' association

(a) Applicability. When a subdivision contains streets, sewers, sewage treatment facilities, water supply systems, drainage systems or structures, parks, landscaping systems or features, irrigation systems, screening walls, living screens, buffering systems, subdivision entryway features (including monuments or other signage), or other physical facilities or grounds held in common that are not to be maintained by the city, the city may require the establishment and creation of a mandatory homeowners' association to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities or grounds.

(b) Responsibilities. Such mandatory homeowners' associations shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of landscape systems, features or elements located in parkways, lighting, [and] common areas between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainageways or drainage structures, or at subdivision entryways. Subdivision entryway treatments or features shall not be allowed unless a mandatory homeowners' association as required herein is established and created. The city shall be responsible for the repair of landscape systems, features or elements damaged by city-initiated utility work in dedicated easements. Other damage occurring during utility repairs will be the responsibility of the appropriate utility company.

(c) Purpose. A homeowners' association shall be established and created to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of landscape systems, features or elements located in parkways, common areas between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainageways or drainage structures or at subdivision entryways, open space common areas or properties including but not limited to: landscape features and irrigation systems, subdivision entryway features and monuments, private amenity center, playgrounds, pavilions, ponds, detention ponds, off-street parking for the private amenity center, swimming pool, exercise trail, private neighborhood park and related amenities.

(d) Dedications to homeowners' association. All open space and common properties or areas, facilities, structures, improvements systems, or other property that are to be operated, maintained and/or supervised by the homeowners' association shall be dedicated by easement or deeded in fee simple ownership interest to the homeowners' association after construction and installation as applicable by the owner and shall be clearly identified on the record final plat of the property.

(e) Approval. A copy of the agreements, covenants and restrictions establishing and creating the homeowners' association must be approved by the planning and zoning commission based on recommendation of city attorney prior to the approval of the final plat of the subdivision and must be filed of record with said final plat in the plat records of the county. The final plat shall clearly identify all facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by the homeowners' association.

(f) Contents of homeowners' association agreements. At a minimum, the agreements, covenants and restrictions establishing and creating the homeowners' association required herein shall contain and/or provide for the following:

(1) Definitions of terms contained therein;

(2) Provisions acceptable to the city for the establishment and organization of the mandatory homeowners' association and the adoption of bylaws for said homeowners' association, including provisions requiring that the owner(s) of any lot or lots within the applicable subdivision and any successive purchaser(s) shall automatically and mandatorily become a member of the homeowners' association;

(3) The initial term of the agreement; covenants and restrictions establishing and creating the homeowners' association shall be for a twenty-five-year period and shall automatically renew for successive ten-year periods, and the homeowners' association may not be dissolved without the prior written consent of the city;

(4) Provisions acceptable to the city to ensure the continuous and perpetual use, operation, maintenance and/or supervision of all facilities, structures, improvements, systems, open space or common areas that are the responsibility of the homeowners' association and to establish a reserve fund for such purposes;

(5) Provisions prohibiting the amendment of any portion of the homeowners' association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, area or grounds that are the responsibility of the homeowners' association without the prior written consent of the city;

(6) The right and ability of the city or its lawful agents, after due notice to the homeowners' association, to remove any landscape systems, features or elements that cease to be maintained by the homeowners' association; to perform the responsibilities of the homeowners' association and its board of directors if the homeowners' association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the homeowners' association or of any applicable city codes or regulations; to assess the homeowners' association for all costs incurred by the city in performing said responsibilities if the homeowners' association fails to do so; and/or to avail itself of any other enforcement actions available to the city pursuant to state law, city codes or regulations; and

(7) Provisions indemnifying and holding the city harmless from any and all costs, expenses, suits, demands, liabilities or damages including attorney's fees and costs of suit, incurred or resulting from the city's removal of any landscape systems, features or elements that cease to be maintained by the homeowners' association or from the city's performance of the aforementioned operation, maintenance or supervision responsibilities of the homeowners' association due to the homeowners' association's failure to perform said responsibilities.

(g) Notice to purchasers. Builders are required to post notice in a prominent place in all model homes, sales offices and on all open space areas larger than 20,000 square feet stating that a property association has been established and membership is mandatory for all property owners. The notice shall state at a minimum that the builder shall provide any person upon their request the association documents and a five-year projection of dues, income and association expenses.

(h) Maintenance reserve fund. Prior to the transfer of the control of the homeowners' association to the lot owners, the developer must provide a reserve fund equivalent to two months' dues based on full homeowners' association membership.

(i) Property association activation. Concurrent with the transfer of the homeowners' association, the developer must transfer to the homeowners' association control over all utilities related to property and amenities to be owned by the homeowners' association. The developer must also disclose to the homeowners' association the total cost to date related to the operation and maintenance of common property and amenities.

Sec. 10.03.127 Design standards

The following design standards and specifications are incorporated by reference into this article:

- (1) The city drainage and stormwater pollution prevention design manual, paving design manual, and water and wastewater design manual adopted by ordinance from time to time.
- (2) The city water master plan, wastewater master plan and storm drainage master plan.

Sec. 10.03.128 Payment of fees, charges and assessments

As a condition of plat approval, the developer shall pay all fees, charges, and assessments established by resolution or ordinance of the city council, as may be imposed under this article or other regulations of the city. (Ordinance 2006-07-00567, sec. 1, adopted 7/7/06)

ARTICLE 10.04 STORMWATER RUNOFF REGULATIONS AND CONTROL

Sec. 10.04.001 Purpose

The purpose of this article is to diminish threats to the public health and safety caused by the runoff of excess stormwater, to minimize movement of soils resulting from development, to reduce the possibilities of hydraulic overloading of the storm sewer drainage system, to reduce economic losses to individuals and the community at large as a result of erosion and the runoff of excess stormwater, and to protect and conserve land and water resources, while at the same time ensuring orderly development. The provisions of this article are specifically intended to supplement existing ordinances regulating the following:

- (1) The subdivision, layout, and improvement of lands located within the city;
- (2) The excavating, filling, and grading of lots and other parcels or areas;
- (3) The construction of buildings, including related parking and other paved areas, and the drainage of the sites on which those structures and their related parking and other paved areas are located; and
- (4) The design, construction, and maintenance of erosion control and stormwater drainage facilities and systems.

Sec. 10.04.002 Definitions

For the purposes of this article, the following definitions are adopted:

Base flood elevation. The elevation delineating the flood level having a one-percent probability of being equaled or exceeded in any given year (also known as the 100-year flood elevation), as determined from flood insurance rate maps (FIRMS) or the best available information.

Channel. A natural or manmade open watercourse with definite bed and banks which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.

City. The City of Lucas.

City engineer. The city engineer or his designee.

City manager. The city manager or his designee.

Conduit. Any channel, pipe, sewer, or culvert used for the conveyance of movement of water, whether open or closed.

Control elevation. Contour lines and points of predetermined elevation used to denote a detention storage area on a plat or site drawing.

Design standards for public improvements. Standards on file in the city's offices to which all designs and the resulting public improvements, must conform.

Detention facility. A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to concurrently detain the excess waters that accumulated behind the outlet.

Detention storage. The temporary detaining or storage of stormwater in storage basins, on rooftops, in streets, parking lots, school yards, parks, open space, or other areas under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

Discharge. The rate of outflow of water from any source.

Drainage area. The area from which water is carried off by a drainage system, i.e., a watershed or catchment area.

Excess stormwater runoff. The rate of flow of stormwater discharged from an urbanized drainage area which is or will be in excess of that volume and rate which represented or represents the runoff from the property prior to the date of this article.

Floodplain. The special flood hazard lands adjoining a watercourse, the surface elevation of which is lower than the base flood elevation and is subject to periodic inundation.

Hydrograph. A graph showing, for a given point on a stream or conduit, the runoff flow rate with respect to time.

Land disturbance. Any manmade change to improve or unimprove real estate including but not limited to building structures, filling, grading, excavation, clearing, or removal of vegetation.

(Ordinance 2009-04-00645 adopted 4/2/09)

Municipal separate storm sewer system {MS4}. A conveyance or system of conveyances including roads with drainage systems, municipal city streets, catchbasins, curbs, gutters, ditches, manmade channels or storm drains and similar means of collecting or conveying water runoff. (Ordinance 2020-06-00914 adopted 6/4/20)

One-hundred-year storm. A precipitation event of 24-hours' duration, having a one-percent chance of occurring in any one year.

Peak flow. The maximum rate of flow of stormwater at a given point or in a channel or conduit resulting from a predetermined storm or flood.

Sediment. Any particulate matter that can be transported by fluid flow, and which eventually is deposited.

Stormwater drainage facility. Any element in a stormwater drainage system which is made or improved by man.

Stormwater drainage system. All means, natural or manmade, used for conducting stormwater to, through, or from a drainage area to the point of final outlet including, but not limited to, any of the following: open and closed conduits and appurtenant features, canals, channels, ditches, streams, swales, culverts, streets, and pumping stations.

Stormwater runoff. The waters derived from precipitation within a tributary drainage area flowing over the surface of the ground or collected in channels or conduits.

Time of concentration. The elapsed time for stormwater to flow from the most distant point in a drainage area to the outlet or other predetermined point.

Two-year storm. A precipitation event having a fifty percent chance of occurring in any one year.

Two-year storm runoff. The stormwater runoff having a fifty percent probability of occurring in any one year.

Unprotected channel. A channel which receives stormwater discharge and which is not paved, riprapped, or otherwise improved by addition of manmade materials so as to reduce the potential for erosion.

Upland area. Any land whose surface drainage flows toward the area being considered for development.

Urbanization. The development, change, or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational, or public utility purposes.

Waterbody. Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernable shoreline.

Watercourse. Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale, or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, or banks.

Wet bottom detention basin. A basin designed to retain a permanent pool of stormwater after having provided its planned detention of runoff during a storm event.

Sec. 10.04.003 Permit

Before initiating any activity regulated by this article, an applicant shall be required to obtain a permit from the city which indicated that the requirements of this article have been met. Permit fees shall be located in the city fee schedule for permits.

Sec. 10.04.004 Other requirements

In addition to meeting the requirements of section [10.04.003](#) and the more specific requirements of sections [10.04.005–10.04.031](#) of this article and before starting any activity regulated by this article, an applicant shall comply with the requirements set forth in all other related ordinances and state statutes and regulations. (Ordinance 2009-04-00645 adopted 4/2/09)

Sec. 10.04.005 Specific requirements; general

Sediment shall be maintained on site and excess stormwater runoff shall be detained in connection with any new construction, development, redevelopment, or land use change occurring within the city in accordance with the requirements set forth in this article. (Ordinance 2020-05-00911 adopted 5/7/20)

Sec. 10.04.006 Discharge rate

The peak discharge rate after full development resulting from the proposed development shall not exceed the corresponding peak discharge rate prior to development during storms of 2-year, 5-year, 10-year, and 25-year return frequencies.

Sec. 10.04.007 Flood elevation

There shall be no detrimental effect on the floodway or the flood elevation during a 100-year storm upstream or downstream of the proposed development area as a result of the proposed development.

Sec. 10.04.008 Allowable detention facilities

The increased stormwater runoff resulting from proposed development shall be detained by providing for appropriate detention storage as required by this article. Where streets or parking areas are used for temporary storage of stormwater runoff all manholes for sanitary sewers shall be of a type which prevent the infiltration of the ponded water. Where streets are used for the temporary storage of stormwater runoff, in no case shall the maximum design depth exceed six (6) inches.

Sec. 10.04.009 Detention storage

Designs for detention storage and related appurtenances shall be submitted to the city for approval. Upon submittal of designs of detention storage the city shall make a determination as to whether any or all of the facilities proposed are to become part of the public drainage system. The city shall, at the same time, in the case of a proposed subdivision make a determination as to those control elevations that shall be entered on the final plat or make a determination as to the necessity for deed restrictions on any particular lot in said subdivision requiring the preservation of mandatory drainage facilities. Where a non-subdivided parcel of land is proposed for development, the city shall make a determination as to the need for covenants to maintain responsibility for mandatory drainage facilities. All of said facilities shall be designed and constructed in accordance with the city specifications, and shall be subject to continuing inspection during the construction period in the same manner as any other improvement regulated under this article. Detention facilities associated with residential subdivisions shall be in a separate lot that shall be deeded to the HOA after 75% of the lots in the subdivision are occupied and the lot soil

stabilized. Prior to acceptance of the detention facility the city and the developer will inspect the facility to assure it meets all of the requirements of this article. If any deficiencies are found, the developer will be responsible to make the necessary changes at his expense. Wet bottom detention basin shall be aerated or designed to drain within 60 hours.

Sec. 10.04.010 Sizing of detention storage and outlet

Detention storage shall meet the requirements of this article and the city drainage manual.

Sec. 10.04.011 Discharge velocity

The discharge velocity from detention facilities shall not exceed three feet per second unless it is determined by the city that greater velocities will not be harmful to the receiving channel. Where the city's determination is requested, the developer shall make available such hydraulic or hydrologic computations as will adequately support the course of action being requested.

Sec. 10.04.012 Emergency spillway

Emergency spillways shall be provided to permit the safe passage of runoff generated from rainfall events in excess of the 100-year rainfall event.

Sec. 10.04.013 Freeboard

Detention storage areas shall have adequate capacity to contain the storage volume of tributary stormwater runoff with at least one foot of freeboard above the water surface during the 100-year rainfall event.

Sec. 10.04.014 Joint development of control system

Stormwater control systems may be planned in coordination by two or more property owners as long as the potential for damage from stormwater is not increased at intervening locations.

Sec. 10.04.015 Early installation of control systems

Stormwater control measures shall be installed prior to undertaking other grading of site and a schedule of construction for this purpose shall be submitted by the owner(s)/developer(s) prior to construction in the city.

Sec. 10.04.016 Flows from upland areas

The total drainage area must be used in calculating the allowable release rate. The required storage volume will be based on the project area only, with extraneous flows from upland areas being bypassed or discharged via overflow spillways or other devices. Where storm sewers are required they shall be of such size as will provide sufficient capacity to receive the flow generated by five-year storm from upland areas. As to the latter and regardless of whether it has occurred in fact, such upland area shall be deemed to have been fully developed for all purposes of this requirement.

Sec. 10.04.017 Land disturbance of five acres or more

The developer shall comply with the Texas Commission on Environmental Quality or TPDES and federal NPDES permit for stormwater discharges associated with construction activity and provide a copy to the city prior to starting construction.

Sec. 10.04.018 Land disturbance of more than two acres and less than five acres

The developer shall submit to the city a sediment and erosion control plan that meets the requirements of the Texas Commission on Environmental Quality or TPDES and federal NPDES permit for stormwater discharges associated with construction activity prior to starting construction.

Sec. 10.04.019 All land disturbances

Land disturbances associated with any new construction, development, redevelopment, or land use change on any site of 2,500 square foot or larger or requiring a building permit shall incorporate into the development plan the

following elements as minimum:

- (1) Stone construction entrance.
- (2) Silt fence or other sediment retaining device on the low side of the site.
- (3) Temporary seeding of disturbed areas remaining open more than three weeks.
- (4) Immediate removal of soil tracked into the public right-of-way.
- (5) Permanent turf established. A copy of the development plan shall be submitted to the city prior to starting construction.

Sec. 10.04.020 Preliminary plats

Information indicating the manner in which the provisions of this article are to be met shall be submitted with the preliminary plats.

Sec. 10.04.021 Requirements for construction plans

Information indicating the manner in which the provisions of this article are to be met shall be submitted with all construction plan submissions or any other plan for improvements which falls under the requirements of [section 10.04.005](#) of this article. All computations, plans, and specifications shall be prepared and sealed by a professional engineer registered in the state.

Sec. 10.04.022 Requirements for final plats

The easements or separate lots required for detention facilities shall be shown on the final plat. The control elevation for each detention facility shall be shown on the plat near the detention facility.

Sec. 10.04.023 Drainage and detention design requirements

All subdivisions and other proposed improvements which are subject to the provisions of [section 10.04.005](#) of this article shall incorporate such design features as are required in this article. Variation from these requirements shall require the approval of the city planning commission whose action shall be conditioned upon the following:

- (1) That a petition be submitted describing in detail the rationale for the proposed designs change.
- (2) That there are special circumstances or conditions affecting the property under consideration such that strict compliance with the provisions of this article would deprive the applicant of the reasonable use of his land.
- (3) That the variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor.
- (4) That the granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the territory in which said property is located.

Sec. 10.04.024 Maintenance

Designs of detention facilities will incorporate features which facilitate their inspection and maintenance. The designer shall submit an operation and maintenance (O&M) plan for any detention facility prior to its approval by the city. All privately owned detention facilities may be inspected by representatives of the city at such times as they deem necessary. If deficiencies, or conditions creating nuisances, are found, the owner or homeowners' association shall be required to initiate the necessary corrections within fourteen (14) days, and all deficiencies shall be corrected within forty-five (45) days.

Sec. 10.04.025 Safety features

Designs of detention facilities shall incorporate safety features, particularly at inlets, outlets, on steep slopes, and at any attractive nuisances. These features shall include, but not be limited to, fencing, handrails, lighting, steps, grills, signs, and other protective or warning devices so as to restrict access.
(Ordinance 2009-04-00645 adopted 4/2/09)

Sec. 10.04.026 Specific prohibition and illicit discharges

- (a) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the city to violate a water quality standard, the city's TPDES permit, or any state-issued discharge permit

for discharges from its MS4.

(b) No person shall dump, drain, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, throw, place or otherwise introduce or cause, allow, or permit to be introduced any of the following substances in or on any public street, alley, storm sewer, drainage structure, drainage channel, stream, river, pond or any other public property. The following are illicit discharges:

- (1) Any used motor oil, antifreeze, grease, solvents, toxic chemicals, paint, stain or any other petroleum product or waste;
- (2) Any industrial waste;
- (3) Any hazardous waste or infectious waste, including household hazardous waste;
- (4) Any garbage, trash, filth, junk, domestic sewage or septic tank waste, cooking oil, grease trap waste, or grit trap waste;
- (5) Any trash, rubbish, refuse, or wastepaper;
- (6) Any wastewater from a commercial car wash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business that operates more than two (2) such vehicles;
- (7) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building or mechanical equipment exterior that contains any soap, detergent, degreaser, solvent, other harmful cleaning substance;
- (8) Any wastewater from commercial floor, rug, or carpet cleaning;
- (9) Any wastewater from the saw cutting, wash down or cleaning of pavement that contains soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the washing or cleaning of pavement where any spill, leak, or other release of petroleum based products, hazardous material, hazardous substance, hazardous waste or other pollutant has occurred, unless all such released material has been previously removed;
- (10) Any effluent, overflow or blow down, from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or boiler;
- (11) Any ready-mixed concrete, mortar, ceramic, asphalt base material, hydro mulch material, or any wastewater or substance from the cleaning of any vehicle or equipment containing, or used in transporting or applying, such material;
- (12) Any runoff or wash down water from an animal pen, kennel, or fowl or livestock containment area;
- (13) Any filter backwash from a swimming pool or fountain;
- (14) Any swimming pool, hot tub water, or public interactive water fountain containing disinfectants;
- (15) Any discharge from water line disinfection by hyperchlorination or other means unless the disinfecting chemical has been removed or attenuated to the point where it is not a pollutant;
- (16) Any fire protection water, not including firefighting water used by the fire department, containing “hazardous materials” as defined in the fire protection and prevention ordinance of the city;
- (17) Any wastewater from a water curtain in a spray room used for painting vehicles or equipment;
- (18) Any contaminated or unpermitted stormwater discharge associated with an industrial activity;
- (19) Any substance or material that will damage, block, or clog the MS4;

- (20) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release;
- (21) Any petroleum oil, non-biodegradable cutting oil, transmission fluid, hydraulic fluid, brake fluid, power steering fluid, antifreeze or other household hazardous wastes;
- (22) Any rubble, debris, rubbish, tile, concrete, brick, asphalt, or other building material resulting from demolition activities;
- (23) Any ashes or burn refuse;
- (24) Any weeds, grass cuttings, brush, or other yard debris;
- (25) Solid or liquid substances which may cause obstruction to the flow in storm sewers or other interference with the proper operation of the stormwater system;
- (26) Any wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;
- (27) Any wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;
- (28) Fuels, oils, or other, pollutants used in vehicle and equipment operation and maintenance;
- (29) Any discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs; and
- (30) Any kind of other matter that will cause damage to the MS4 or any receiving bodies of water.

(c) Sediment and erosion control:

- (1) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, landfilling, or other construction activities (including any placement, movement, removal, or disposal of soil, rock, or other earth materials) in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.
- (2) No person shall implement erosion or sediment control measures not currently approved by the city.
- (3) A construction project (commercial, residential, or capital improvement) shall not be considered complete and acceptable by the city until permanent erosion control measures have been installed to the city's satisfaction.
- (4) No person shall conduct any land disturbing or construction activities:
 - (A) On property over one (1) acre in area without a director-approved erosion control design plan and a TCEQ submitted stormwater pollution prevention plan (SWPPP) for that area on properties 5 acres or greater; or
 - (B) On property less than one (1) acre in area that constitutes more than 50% of the site without a director approved erosion control design plan.
- (5) No person shall knowingly fail to install or to maintain erosion control devices as shown or represented in the approved erosion control design plan and/or stormwater pollution prevention plan (SWPPP), including maintenance of grass or sod and sediment cleaning of erosion control devices.
- (6) No person shall allow the build-up of off-site sediment from above or below ground construction related activities in any open space areas.

- (d) No person shall connect or maintain a line conveying sewage, domestic or industrial, to the MS4.
- (e) Any wash water from the service area, garage, or enclosure of a minor auto repair or fuel service station shall not discharge into the MS4.
- (f) Regulation of pesticides, herbicides, and fertilizers:
- (1) No person shall use or cause to be used any pesticide, herbicide, or fertilizer contrary to any directions for use on any labeling required by state or federal law.
 - (2) No person shall use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.
 - (3) No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.
 - (4) If provided with a display notice containing the provisions of this subsection, pertaining to the regulation of pesticides, herbicides, and fertilizers (or a reasonable description thereof), and the information that any user of the product may obtain further information from the director or designated individual, any person selling pesticides, herbicides, or fertilizers at retail or wholesale shall post the notice prominently where it may be read by purchasers of the product.
- (g) Used oil regulation:
- (1) No person shall:
 - (A) Pour, spill, leak, pump, empty, leach, dispose, or otherwise discharge used oil into the MS4 or a sewer, drainage system, septic tank, surface water, groundwater, or watercourse;
 - (B) Knowingly mix or commingle used oil with solid waste that is to be disposed of in a landfill or knowingly directly dispose of used oil on land or in a landfill; or
 - (C) Apply used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil into the environment.
 - (2) All businesses that change motor oil for the public and municipal waste transfer stations are encouraged to serve as public used oil collection centers as provided by [V.T.C.A., Health and Safety Code § 371.024](#), as amended.
 - (3) A retail dealer who annually sells directly to the public more than five hundred (500) gallons of oil in containers for use off-premises shall post in a prominent place a sign provided by the city or by the state informing the public that improper disposal of used oil is prohibited by law. The sign shall prominently display the toll-free telephone number of the state used oil information center.
- (h) No person shall have inadequate or unsanitary sewage or plumbing facilities, contrary to the public health, safety or welfare or in violation of the codes and ordinances of the city and state that could pollute the MS4 sewer system.
- (i) No person shall introduce or cause to be introduced into the sanitary sewer system any discharge of stormwater, polluted or unpolluted, or any discharge that causes or contributes to causing the city to violate a water quality standard, its agreements associated with the regional sewage treatment plants, or any state issued permit.
- (j) Any person that causes a spill, release, or other discharge of a prohibited substance or other pollutant to the MS4 is responsible for the cleanup and removal of the substance from the MS4 or any area adjacent to the MS4 that is exposed to stormwater runoff. The owner of the property on which the spill, release, or discharge occurred is responsible for the cleanup or removal of the substance from the MS4 or any area adjacent to the MS4 if the person that caused the spill release, or discharge to the MS4 is unknown.

- (k) Sanitary sewer overflows shall be prevented in any way possible. All sanitary sewer overflows shall be reported to the city as soon as the owner, occupant, or person otherwise having control of the sanitary sewer becomes aware of the overflow and to the appropriate federal and state agencies within twenty-four (24) hours.
- (l) No person shall store items segregated for separate collection, disposal, recycling or reuse in a manner that allows pollutants to enter the MS4. Drums, dumpsters and polycarts shall be closed, not leaking, and in good condition.
- (m) Parking lot storm drain inlets shall be maintained free of trash, litter, garbage, rubbish, grass clippings, leaves, and other debris material.
- (n) Trash and litter on any parcel of land shall be collected for appropriate disposal prior to mowing.
- (o) The owner, owner's representative, operator, contractor or developer of property shall comply with the TXR150000 general construction permit, Industrial TXR050000 permit or city approved erosion control design plan relating to said property.

Sec. 10.04.027 Prohibition of illicit connections

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited, including, but not limited to, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (b) A person violates this article if such person connects or maintains a line conveying sewage to the MS4.
- (c) Connections in violation of this article must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the director.
- (d) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the director requiring that such location be completed. Results of these locations are to be documented and provided to the director.

Sec. 10.04.028 Responsibility

The administration of this article shall be the responsibility of the city.

Sec. 10.04.029 Interpretation

In the interpretation and application of this article, the provisions expressed herein shall be held to be the minimum requirements and shall be liberally construed in favor of the city.

Sec. 10.04.030 Appeals

The city council is hereby designated as the appeals board for disputes arising from the application of this article. The council's responsibility shall be to hear appeals where it is alleged by an appellant that there is error in any order, requirement, decision, grant or refusal made by the city in the enforcement of the provisions of this article.

Sec. 10.04.031 Penalties

- (a) General. Any person, firm, organization, association, or corporation violating any of the provisions of this article, including violation of any variances granted under the authority of this article, shall be deemed guilty of a violation of a municipal ordinance and each such person or other entity shall be deemed guilty of a separate offense for each and every day or portion thereof that any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of such violation, such person or other entity may be punished by a fine of not less than two hundred and fifty dollars (\$250.00) and not more than two thousand dollars (\$2,000.00).

(b) Additional corrective actions. Any building or structure constructed in violation of the provisions of this article or any use carried on in violation of this article is hereby declared to be a nuisance per se, with any court of competent jurisdiction having the authority to determine that the owner or developer is guilty of maintaining a nuisance per se and to order such nuisance abated. In this connection, the city is hereby authorized to institute any appropriate action or proceeding in any appropriate court to prevent, restrain, correct, or abate any violations of this article.

(Ordinance 2020-06-00914 adopted 6/4/20)



City of Lucas Planning & Zoning Agenda Request August 12, 2021

Requester: City Attorney Courtney Morris

Agenda Item Request

Provide an update to the Planning and Zoning Commission on legislative bills that passed in the 87th legislative session.

Background Information

City Attorney Courtney Morris will provide the Planning and Zoning Commission with updates on bills that have passed during the 87th legislative session.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

There is no motion on this item, it is for discussion only.



City of Lucas Planning & Zoning Agenda Request August 12, 2021

Item No. 04

Requester: City Secretary Stacy Henderson

Agenda Item Request

Consider approval of the minutes of the July 8, 2021 Planning and Zoning Commission meeting.

Background Information

NA

Attachments/Supporting Documentation

1. July 8, 2021 Planning and Zoning Commission minutes.

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve the minutes of the July 8, 2021 Planning and Zoning Commission meeting.



City of Lucas
Planning and Zoning Commission

Regular Meeting
City Hall Council Chambers
and Video Conference

July 8, 2021

7:00 PM

City Hall – 665 Country Club Road – Lucas, Texas

MINUTES

Call to Order

Chairman Rusterholtz called the meeting to order at 7:00 pm. It was determined that Alternate Member Chris Bierman would serve as a voting member. A quorum was present, and the Pledge of Allegiance was recited.

Commissioners Present:

Chairman Peggy Rusterholtz
Commissioner Tommy Tolson
Commissioner Adam Sussman
Alternate Commissioner Chris Bierman

Staff Present:

City Manager Joni Clarke
Development Services Director Joe Hilbourn
City Secretary Stacy Henderson
City Attorney Courtney Morris
Contract City Engineer Joe Grajewski

Commissioners Absent:

Vice Chairman Joe Williams
Commissioner Dusty Kuykendall
Alternate Commissioner James Foster

City Council Member Absent:

Mayor Jim Olk, Liaison

Public Hearing Agenda

1. **Public hearing to consider the request by HomeRun Alley to amend an existing specific use permit to reduce the area from the entire site of 3.08-acres to 0.51-acres consisting only of the outdoor batting cages and an area for the outdoor infield located in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas located at 573 South Angel Parkway.**

The applicant requested to withdrawal their request. There was no action taken on this agenda item.

Regular Agenda

2. **Discuss adding to the Code of Ordinances, Schedule of Use Chart, allowing a moving company with office space and storage of moving trucks, determine allowable zoning districts, designation by right or with a specific use permit, and other incidental uses related to the proposed use.**

Development Services Director Joe Hilbourn gave a presentation.

After some discussion, a majority of the Commission present was in agreement to not amend the Code of Ordinances Schedule of Use chart allowing the use of a moving company office, and storage of moving trucks. There was no formal action taken on this item, it was for discussion purposes only.

3. **Review the City's submittal procedures and approval requirements relating to the platting process; review stormwater planning and design criteria, stormwater runoff regulations, and provide direction to staff on any recommended amendments.**

The Commission directed staff to update the following items related to the platting process requirements:

- Provide developer checklist and application as separate attachment with packet
- Provide a written report to the Planning and Zoning Commission with the plat submittal stating the review comments and noting any unresolved issues in compliance with Section 10.03.037(g)
- Create a streets/road manual for the Planning and Zoning Commission review and approval
- Tree survey and topographical survey requirements be removed from platting and included with construction plans except for minor plats
- Delete Section 10.03.043 (i) and (j) related to final plat approval before the Collin County Commissioners Court
- Create definition of public improvements, including when no public improvements are being completed, a preliminary plat is not required.
- Update the following language in in the following Sections:
 - Change planning and zoning committee to Planning and Zoning Commission
 - Change planning and zoning manager to Development Services Director or City Manager designee.
 - Change Planning department to Development Services

The Commission noted the following items that should occur at the August Planning and Zoning Commission meeting:

- Discuss Article 10 Stormwater Runoff
- Chairman Rusterholtz meet with contract City Engineer Joe Grajewski to discuss talking points related to stormwater runoff for the August meeting.
- Chairman Rusterholtz to review if building setback lines were better reflected in the construction plans and remove from the platting requirements.

A streets/roads manual will be brought back to the Commission for review at a later date.

4. Consider approval of the minutes of the June 10, 2021 Planning and Zoning Commission meeting.

MOTION: A motion was made by Alternate Commissioner Bierman seconded by Commissioner Tolson to approve the minutes of the June 10, 2021 Planning and Zoning Commission meeting. The motion passed unanimously by a 4 to 0 vote.

Executive Session Agenda

5. Executive Session.

An Executive Session was not held at this meeting.

6. Adjournment.

MOTION: A motion was made Commissioner Sussman, seconded by Alternate Commissioner Bierman to adjourn the meeting at 8:32 pm. The motion passed unanimously by a 4 to 0 vote.

Peggy Rusterholtz, Chairman

Stacy Henderson, City Secretary