



AGENDA

City of Lucas Planning and Zoning Commission

September 9, 2021

6:00 PM – Training

7:00 PM – Regular Meeting

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, September 9, 2021 at 6:00 pm to have training with the City Attorney and the regular meeting will begin 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.

Effective September 1, 2021, residents are allowed to use the Zoom link below to participate in a City Council meeting; however, audio-only is no longer allowed, and full-video will be required when speaking to the City Council. 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 4:00 pm noting the item you wish to speak on and noting your attendance will be remote. Any requests received after 4:00 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 4:00 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 4:00 pm will not be included at the meeting.

Training Session with the City Attorney – 6:00 pm

The Planning and Zoning Commission will take part in a training session with the City Attorney from 6:00 pm to 7:00 pm. The public is invited to attend and observe the training session; however, no public comment will be taken. The Planning and Zoning Commission will take no formal action during the training session.

Call to Order of Regular Meeting – 7:00 pm

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

Regular Agenda

1. Discuss stormwater design criteria and provide guidance to staff regarding proposed amendments to the Stormwater Run-Off Planning and Design Criteria Manual and Floodplain Ordinance 2009-04-00646. **(Joe Grajewski, Engineer P.E., CFM)**
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. **(Development Services Director Joe Hilbourn)**
3. Consider approval of the minutes of the August 12, 2021 Planning and Zoning Commission meeting. **(City Secretary Stacy Henderson)**

Executive 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.

4. Executive Session: An Executive Session is not scheduled for this meeting.
5. 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 September 2, 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

September 9, 2021

Item No. 01

Requester: Joe Grajewski, Engineer P.E., CFM

Agenda Item Request

Discuss stormwater design criteria and provide guidance to staff regarding proposed amendments to the Stormwater Run-Off Planning and Design Criteria Manual and Floodplain Ordinance 2009-04-00646.

Background Information

The City of Lucas has been reviewing the current criteria contained in the current Stormwater Run-Off Planning and Design Criteria Manual and is considering revisions and/or additions. As reported last month, City Staff have reviewed drainage design criteria from the following organizations:

- City of Allen
- Town of Fairview
- City of Plano
- City of Garland
- NCTCOG (iSWM)

Our current task is to identify certain elements of the Lucas Stormwater Run-Off Planning and Design Criteria Manual for which revisions are recommended.

1. Rainfall intensity is a critical element in drainage design. There are generally rainfall intensities associated with the 2, 5, 10, 25, 50 & 100-yr storm events. For each storm event, rainfall intensity decreases as the Time of Concentration (T_c) increases. This information is typically displayed graphically on an Intensity Duration Frequency (IDF) curve.

Our current drainage design manual does not contain an IDF curve or provide any information as to what rainfall intensity to use. Staff recommends adopting the IDF curve used by the Town of Fairview. Their IDF curve is more conservative than some of the other neighboring municipalities, which ultimately provides the residents of Lucas with better flood protection.

2. When developers are preparing runoff calculations, they should be based upon fully developed watershed conditions in accordance with the land use projections shown in the Comprehensive Plan. The design engineer shall size drainage facilities by disregarding the detention effects of upstream property and calculating the runoff as if the offsite property was developed without detention. If an approved detention/retention facility is in operation, the design engineer may size downstream facilities based on the release rate from the detention/retention facility.



City of Lucas

Planning & Zoning Agenda Request

September 9, 2021

Item No. 01

3. Single lot construction/renovation: Staff recommends that all new home construction shall submit a grading and drainage plan prior to receiving a building permit. This grading and drainage plan must be approved by the City Engineer prior to issuance of the building permit. The City Engineer may require an engineered drainage plan to be submitted by the builder. This same process would apply to an existing home in which an addition or accessory structure or improvement is being added which is equal to or greater than 30% of the existing footprint of the main residence.
4. Most of the undeveloped tracts of land in Lucas are adjacent to, or contain, portions of floodplain. These are commonly shown as zone A or zone AE on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM). In order for property owners to have access to purchase flood insurance through the National Flood Insurance Program (NFIP), their community/municipality were required to adopt a floodplain development ordinance.

Lucas adopted our Floodplain Development Ordinance (2009-04-00646) on April 16, 2009 (identified as Chapter 3.14 Flood Damage Prevention). In addition to reviewing our current drainage design criteria, staff recommends a review of Chapter 3.14 and comparing it to floodplain ordinances of our neighboring communities.

Attachments/Supporting Documentation

1. Stormwater Run-Off Planning and Design Criteria Manual
2. Floodplain Development Ordinance 2009-04-00646

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.



STORMWATER RUN-OFF PLANNING AND DESIGN CRITERIA MANUAL

PLANNING AND DESIGN DRAINAGE CRITERIA

A. General

The Drainage Criteria included in this section are for the purpose of providing a set of guidelines for planning and designing storm drainage facilities in the City of Lucas, Texas and within its extraterritorial jurisdiction. These criteria will be used by the Department of Public Works, other City Departments, consulting engineers employed by the City, and engineers for private developments in the City.

B. Rational Method for Peak Storm Flows

The formula to be used for calculating peak storm flows for drainage areas less than 200 acres shall be the Rational Method, in which:

$Q = CIA$, where

Q = is the peak storm flow at a given point in cubic feet per second (cfs)

C = is the runoff coefficient that is equal to the ratio that the peak rate of runoff bears to the average rate (intensity) of rainfall;

I = is the average intensity of rainfall in inches per hour for a storm duration equal to the time of travel for run off to flow from the farthest point of the drainage area to the design point in question;

A = is the drainage area tributary to the design point, in acres.

Note: For drainage areas greater than 200 acres, peak storm flows shall be determined based on a flow routing analysis using detailed hydrographs such as the Soil Conservation Service hydrologic methods that are available in such computer programs as TR-20, HEC-1, etc.

C. Runoff Coefficient

The runoff coefficient (C) shall consider the slope of the terrain, the character of the land use, the length of overland flow and the imperviousness of the drainage area and shall be determined based on ultimate land development. The run-off coefficient for the appropriate land used shall be as follows:

Commercial	0.90	Parks and Open Space	0.35
Industrial	0.70	Schools, Churches, etc.	0.75
Single Family Residential	0.55		
Multi-Family	0.75		

D. Rainfall Intensity-Frequency

The rainfall intensity-frequency curves should be plotted from data from TXDOT or other government sources in our area. The intensity (I) in the formula $Q = CIA$, is determined from the curves by arriving at a time of concentration for the subject drainage area and adapting a storm frequency upon which to base the design of drainage improvements.

1. Time of Concentration

The time of concentration, which is the longest time of travel for runoff to flow from any point of the subject drainage area to the design point, consists of the time required for runoff to flow overland plus the time required to flow in a street gutter, storm drain, open channel or other conveyance facility. A minimum time of concentration of fifteen (15) minutes shall be used for Single Family Residential, Parks and Open Space areas and a minimum time of concentration of ten (10) minutes shall be used for Commercial, Industrial, Multi-Family Residential, School and Church areas. A nomograph, is attached for estimating the time of concentration.

2. Storm Frequency

Required design storm frequencies for storm drainage improvements in the City of Lucas are shown in the following table.

<u>Type of Facility</u>	<u>Design Frequency (years)</u>
* Storm Sewer Systems	25
* Culverts, Bridges	100

*The drainage system shall be designed to carry those flows greater than the 25-year frequency up to and including a 100-year frequency within defined rights-of-way or drainage easements.

E. Area

The drainage area used in determining peak storm flows shall be calculated by subdividing a map into the watersheds within the basin contributing storm water runoff to the system. Areas shall be determined by planimetry or digitizing.

F. Spread of Water

During the design storm, the quantity of storm water that is allowed to collect in the streets before being intercepted by a storm drainage system is referred to as the "spread of water". In determining the limitations for carrying storm water in the street, the ultimate development of the street shall be considered. The use of the street for carrying storm water shall be limited to the following:

Spread of Water:

Major thoroughfares (divided)	One traffic lane on each side to remain clear.
Thoroughfares (not divided)	Two traffic lanes to remain clear.
Collector streets	One traffic lane to remain clear.
Residential streets	Six-inch depth of flow at curb and one traffic lane to remain clear

G. Storm Sewer Design

Storm water in excess of that allowed to collect in the streets shall be intercepted in inlets and conveyed in a storm sewer system. Storm sewer capacity shall be calculated by the Mannings-formula –

$$Q = AV, \text{ and}$$
$$Q = \frac{1.486 AR^{2/3}S^{1/2}}{n [sic]}$$

where

- Q is the discharge in cubic feet per second;
- A is the cross-sectional area of the conduit in square feet;
- V is the velocity of flow in the conduit in feet per second;
- R is the hydraulic radius in feet, which is the area of flow divided by the wetted Perimeter.
- S is the slope of the hydraulic gradient in feet per foot;
- n is the coefficient of roughness.

The recommended roughness coefficients to use in the design of a storm sewer system are as follows:

<u>Type of Storm Drain</u>	<u>Manning's Coefficient</u>
Concrete Box Culvert	0.015
New Concrete Pipe	0.013
Standard, unpaved, with or without bituminous coating corrugated metal pipe	0.024
Paved invert, 25% of periphery paved corrugated metal pipe	0.021
Paved invert, 50% of periphery paved corrugated metal pipe	0.018
100% paved and bituminous coated corrugated metal pipe	0.013

In the design of the storm sewer system, the elevation of the hydraulic gradient of the storm sewer shall be a minimum of 0.5 feet below the elevation of the adjacent street gutter. Storm sewer pipe sizes shall be so selected that the average velocity in the pipe will not exceed 15 feet per second nor less than 3 feet per second. The minimum grade recommended for storm sewer pipe is 0.30%. Closed storm sewer systems shall be installed in all areas where the quantity of storm runoff is 300 cubic feet per second, or less at the discretion of the city. A closed storm sewer system may be constructed when the quantity exceeds 300 cfs, at the discretion of the City. Hydraulic gradients shall be calculated and lines drawn for each storm sewer.

H. Intentionally left blank for future use

I. Open Channel Design

Storm water runoff in excess of that allowed to collect and be conveyed in the streets in developed areas and runoff in undeveloped areas may be carried in grass lined, concrete lined or weathered rock open channels. Earthen, non-vegetated or unlined open channels are not acceptable. Open channel capacity shall be calculated by the Manning's Formula, and roughness coefficients shall be as follows:

Type of Lining	Roughness Coefficient "n"	Maximum Permissible Mean Velocity
Earth (Bermuda grass)	0.035	6 ft. per sec.
Concrete Lined	0.015	15 ft. per sec.
Weathered Rock	0.030	10 ft. per sec.

Open channels shall be constructed with a trapezoidal cross-section and shall have side slopes no steeper than 3: 1 when grass lined and 1.5: 1 when lined with concrete. A right-of-way for all channels of sufficient width shall be dedicated to provide for excavation of the open channel of proper width, plus ten feet on each side to permit ingress and egress for maintenance. Additional width may be considered if sanitary sewer mains are proposed to follow the channel alignment.

J. Culvert Design

At locations of stream or open channel crossings with proposed roadway improvements, it is sometimes necessary to receive and transport storm water under the roadway in culverts. The quantity of flow shall be determined by the appropriate method, and the friction loss through of the culvert shall be calculated by Manning's Formula.

Design of culverts shall include the determination of upstream backwater conditions as well as downstream velocities and flooding conditions. Consideration shall be given to the discharge velocity from culverts, and the limitations specified culverts with the limitation that culvert pipe diameter shall be a minimum 18". A headwall is required at exposed ends. Under private driveways, permanent culverts (those with reinforced concrete, asphalt, or AASHTO #3 gravel paving over the culvert) and temporary culverts (those without paving over the culvert) shall be constructed with reinforced concrete or minimum 16 gauge galvanized corrugated steel pipe. Temporary culverts and driveways must be removed within 18 months of permit issuance and the open channel reconstructed to its original design. Under public roads reinforced concrete culverts are required. Permanent culvert design shall include minimum embedment of Class B+ per the North Central Texas Council of Governments (NCTCOG) design manual drawing 3020 dated October 2004.

K. Stormwater Detention Pond Design

The basic concept underlying the use of stormwater detention ponds (SOP) involves providing temporary storage of stormwater runoff so that peak rates of runoff can be reduced. Runoff is released from storage at a controlled rate which cannot exceed the capacities of the existing downstream drainage systems or the pre developed peak runoff rate of the site, whichever is less. Stormwater detention ponds may be of two (2) basic types: On-site and Regional. In general, on-site ponds are those which are located off-channel and provide stormwater detention for a particular project of development. Regional ponds are designed to provide stormwater detention

in conjunction with other improvements on a watershed-wide basis. The performance and safety criteria in this section apply to all ponds which provide management of peak rates of stormwater runoff, regardless of type.

Performance Criteria for On-Site SDP's

1. On-site SDP's are further classified as either small or large, as follows:

<u>On-Site SDP Pond Class</u>	<u>Drainage Area</u>
Small	<25 acres
Large	25-64 acres

For design purposes, any pond with a drainage area larger than [sic] 64 acres shall be classified as a regional pond.

2. On-site SDP ponds shall be designed to reduce post-development peak rate of discharge to existing pre-development peak rates of discharge for the 2-, 10-, 25- and 100-year storm events at each point of discharge from the project or development site. In addition, the capacity of the existing downstream systems must be considered in determining the need for managing the 100-year storm event. For the post-development hydrologic analysis, any offsite areas which drain to the pond shall be assumed to remain in the existing developed condition.
3. The Rational Method (RM) may be used for the design of small on-site ponds only. The maximum contributing drainage area to a pond designed with the RM is 50 acres when using this equation.
4. A design method approved by the City Engineer.

Performance Criteria for Regional SDP's

1. Regional SDP's are classified as small or large, based on the following criteria:

<u>Regional Pond Class</u>	<u>Impounded Volume, Ac-Ft</u>
Small	0-150
Large	>150

Any regional pond with a height of dam over 15 feet shall be classified as a large regional pond.

2. Performance criteria for regional detention ponds shall be determined by the City on a project-by-project basis. The determination shall be based on a preliminary engineering study prepared by the project engineer.

Safety Criteria for SDP's

All ponds shall meet or exceed all specified safety criteria. Use of these criteria shall in no way relieve the engineer of the responsibility for the adequacy and safety of all aspects of the design of the SDP.

1. The spillway, embankment, and appurtenant structures shall be designed to safely pass the design storm hydrograph with the freeboard shown in the table below. All contributing drainage areas, including on-site and off-site area, shall be assumed to be fully developed. Any orifice with a dimension smaller than or equal to twelve (12) inches shall be assumed to be fully blocked.

Detention Pond Class		Design Storm Event	Freeboard to Top of Embankment, Ft.
On-site:	Small	100 year	0
	Large	100 year	1.0
Regional:	Small	100 year	2.0
	Large	100 year	*

*Design storm event and required freeboard for large regional ponds shall be determined in accordance with Chapter 299 of the Texas Administrative Code (Dam Safety Rules of the Texas Natural Resource Conservation Commission).

2. All SDP's (except small on-site ponds) shall be designed using a hydrograph routing methodology. The Rational Method (RM) may be used only for contributing drainage areas less than fifty (50) acres.
3. The minimum embankment top width of earthen embankments shall be as follows:

Total Height of Embankment, Ft.	Minimum Top Width, Ft.
0-6	4
6-10	6
10-15	8
15-20	10
20-25	12
25-35	15

4. The constructed height of an earthen embankment shall be equal to the design height plus the amount necessary to ensure that the design height will be maintained once all settlement has taken place. This amount shall in no case be less than five (5%) percent of the total fill height. All earthen embankments shall be compacted to 95% of maximum density.
5. Earthen embankment side slopes shall be no steeper than three (3) horizontal to one (1) vertical. Slopes must be designed to resist erosion, to be stable in all conditions and to be easily maintained. Earthen side slopes for regional facilities shall be designed on the basis of appropriate geotechnical analyses.
6. Detailed hydraulic design calculation shall be provided for all SDP's. Stage-discharge rating data shall be presented in tabular form with all discharge components, such as orifice, weir, and outlet conduit flows, clearly indicated. A stage-storage table shall also be provided.

7. When designing SPD's in a series (i.e., when the discharge of one pond becomes the inflow to another), the engineer must submit a hydrologic analysis which demonstrates the system's adequacy. This analysis must incorporate the development of hydrographs for all inflow and outflow components.
8. No outlet structures from SDP's, parking detention, or other concentrating structures shall be designed to discharge concentrated flow directly onto arterial or collector streets. Such discharges shall be conveyed by a closed conduit to the nearest existing storm sewer. If there is no existing storm sewer within 300 feet, the outlet design shall provide for a change in the discharge pattern from concentrated flow back to sheet flow, following as near as possible the direction of the gutter.
9. Stormwater runoff may be detained within parking lots. However, the engineer should be aware of the inconvenience to both pedestrians and traffic. The location of ponding areas in a parking lot should be planned so that this condition is minimized. Stormwater ponding depths (for the 100-year storm) in parking lots are limited to an average of eight (8) inches with a maximum of twelve (12) inches.
10. All pipes discharging into a public storm sewer system shall have a minimum diameter of twelve (12"). In all cases, ease of maintenance and/or repair must be assured.
11. All concentrated flows into a SOP shall be collected and conveyed into the pond in such a way as to prevent erosion of the side slopes. All outfalls into the pond shall be designed to be stable and non-erosive.

Outlet Structure Design

There are two (2) basic types of outlet control structures: those incorporating orifice flow and those incorporating weir flow. Weir flow is additionally broken down into two (2) categories: rectangular and V-notch. In each type, the bottom edge of the weir over which the water flows is called the crest. Sharp-crested and broad-crested weirs are the most common types. Generally, if the crest thickness is more than 60% of the nappe thickness, the weir should be considered broad-crested. The coefficients for sharp-crested and broad-crested weirs vary. The respective weir and orifice flow equations are as follows:

1. Rectangular Weir Flow Equation

$$Q = CLH^{3/2}$$

where

Q = Weir discharge, cubic feet per second

C = Weir coefficient

L = Horizontal length, feet

H = Head on weir, feet

2. V-notch Weir Flow Equation

$$Q = C_v \tan(0/2) H^{2.5}$$

where

Q = Weir Flow, cubic feet per second

C_v = Weir Coefficient

O = Angle of the Weir notch at the apex (degrees)

H = Head on Weir, feet

3. Orifice Flow Equation

$$Q = C_o A (2gH)^{0.5}$$

where

Q = Orifice Flow, cubic feet per second

C_o = Orifice Coefficient (use 0.6)

A = Orifice Area, square feet

g = Gravitation constant, 32.2 feet/sec²

H = Head on orifice measured from centerline, feet

Analytical methods and equations for other types of structures shall be approved by the City prior to use.

Detention Pond Storage Determination

The method to be used for determining detention pond volume requirements is governed initially by the size of the total contributing drainage area to the pond.

For contributing areas up to fifty (50) acres, the Rational Method (RM) may be used.

For contributing areas greater than fifty (50) acres, a flow routing analysis using detailed hydrographs must be applied. The Soil Conservation Service hydrologic methods (available in TR-20, HEC-1) can be used. The engineer may use other methods but must have their acceptability approved by the City engineer. These methods may also be used for the smaller areas.

Detention Pond Maintenance and Equipment Access Requirements

1. Silt shall be removed and the pond returned to original lines and grades when standing water conditions occur or the pond storage volume is reduced by more than 10%.
2. To limit erosion, no unvegetated area shall exceed 10 sq. ft in extent.
3. Accumulated paper, trash and debris shall be removed every 4 weeks or as necessary to maintain proper operation.
4. Ponds shall be mowed monthly between the months of May and September.
5. Corrective maintenance is required any time a pond does not drain completely within 60 hours of cessation of inflow (i.e., no standing water is allowed).
6. Structural integrity of pond embankments shall be maintained at all times.
7. Upon completion of development the owners/Homeowners association shall be required to maintain the detention basin in its original designed and approved condition.

<input type="checkbox"/>	Annexation
<input type="checkbox"/>	Disannexation
<input checked="" type="checkbox"/>	Code of Ordinances
<input type="checkbox"/>	Other

**ORDINANCE # 2009-04-00646
[Flood Damage Prevention]**

AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 3, "BUILDING REGULATIONS" BY AMENDING AND RESTATING ARTICLE 3.14 "FLOOD DAMAGE PREVENTION"; BY ADOPTING REGULATIONS DESIGNED TO MINIMIZE FLOOD LOSSES; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR OFFENSES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses; and,

WHEREAS, the City Council of the City of Lucas has determined that it is in the best interest of the City and its citizens to amend Chapter 3, "Building Regulations" by amending Article 3.14 "Flood Damage Prevention" by adopting regulations designed to minimize flood losses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS:

SECTION 1. That Chapter 3 "Building Regulations" of the City of Lucas Code of Ordinances be, and the same is hereby amended by amending and restating Article 3.14 "Flood Damage Prevention" to read as follows:

"ARTICLE 3.14 FLOOD DAMAGE PREVENTION

Division 1. Generally

Sec. 3.14.001 Statutory authorization

The Legislature of the State of Texas has in Section 16.315 of the Flood Control Insurance Act, Texas Water Code, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council of Lucas, Texas does ordain as follows:

Sec. 3.14.002 Findings of fact

(a) The flood hazard areas of the City are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Sec. 3.14.003 Statement of purpose

The purpose of this Article is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

Sec. 3.14.004 Methods of reducing flood losses

In order to accomplish its purposes, this ordinance uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 3.14.005 Definitions

Unless specifically defined below, words or phrases used in this Article shall be interpreted to give them the meaning they have in common usage and to give this Article its most reasonable application.

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appeal board means the City of Lucas Zoning Board of Adjustments.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

Area of future conditions flood hazard means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a 1 percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

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

Elevated building means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

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

Flood insurance study (FIS) - see *Flood Elevation Study*.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain administrator means the City Manager or his designee.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - see *Regulatory Floodway*.

Functionally dependent use means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior or;
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area - see *Area of Special Flood Hazard*.

Start of construction means (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first

alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 3.14.006 Lands to which this article applies

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of the City.

Sec. 3.14.007 Basis for establishing the areas of special flood hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Collin County, Texas And Incorporated Areas," dated June 2, 2009, with accompanying Flood Insurance Rate Maps dated June 2, 2009, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance, with said copies on file and maintained by the City Secretary.

Sec. 3.14.008 Establishment of development permit

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

Sec. 3.14.009 Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Sec. 3.14.010 Abrogation and greater restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 3.14.011 Interpretation

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 3.14.012 Warning and disclaimer of liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Secs. 3.14.013-3.14-030 Reserved

Division 2. Administration

Sec. 3.14.031 Designation of floodplain administrator

The City Manager or his designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate Sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

Sec. 3.14.032**Duties of floodplain administrator**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this ordinance.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with Section 3.14.007, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 3.14.
- (9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

Sec. 3.14.033 Permit procedure

- (1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
- (a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 3.14.062(2);
 - (d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
 - (e) Maintain a record of all such information in accordance with Section 3.14.032(1);
- (2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Article and the following relevant factors:
- (a) The danger to life and property due to flooding or erosion damage;
 - (b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (c) The danger that materials may be swept onto other lands to the injury of others;
 - (d) The compatibility of the proposed use with existing and anticipated development;

- (e) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (h) The necessity to the facility of a waterfront location, where applicable; and
- (i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Sec. 3.14.034 Variances

- (1) The Zoning Board of Adjustment shall be the appeal board which shall hear and render judgment on requests for variances from the requirements of this Article.
- (2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Article.
- (3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- (4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
- (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 3.14.033(2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

- (7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Section 3.14.003).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (10) Prerequisites for granting variances:
 - (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Section 3.14.034, subsections (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 3.14.035-3.14.060 Reserved

Division 3. Provisions for Flood Hazard Reduction

Sec. 3.014.061 General standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 3.14.062 Specific standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.14.007, Section 3.14.032(8), or Section 3.14.063(3), the following provisions are required:

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to two (2) feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section 3.14.033 (1)(a) is satisfied.

- (2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to two (2) feet above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
- (3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
- (a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than 1 foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) Manufactured homes.
- (a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

- (b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two (2) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraphs (4)(a) and (4)(b) of this Section be elevated so that either:
 - (i) the lowest floor of the manufactured home is at two (2) feet above the base flood elevation, or
 - (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) Recreational vehicles. Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Section 3.14.033(1), and the elevation and anchoring requirements for "manufactured homes" in subsection (4) of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Sec. 3.14.063 Standards for subdivision proposals

- (1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 3.14.002, 3.14.003, and 3.14.004 of this Article.
- (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Section 3.14.008 and Section 3.14.033 and the provisions of this Division.

- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 3.14.007 or Section 3.14.032(8) of this Article.
- (4) Base flood elevation data shall be generated by a detailed engineering study for all Zone A areas, within 100 feet of the contour lines of Zone A areas, and other streams not mapped by FEMA, as indicated on the community's FIRM.
- (5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (6) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Sec. 3.14.064 Standards for areas of shallow flooding (AO/AH zones)

Located within the areas of special flood hazard established in Section 3.14.007, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated to two (2) feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).
- (2) All new construction and substantial improvements of **non-residential** structures:
 - (a) have the lowest floor (including basement) elevated to two (2) feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or
 - (b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with

structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

- (3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 3.14.033(1)(a) are satisfied.
- (4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

3.14.065 Floodways

Floodways located within areas of special flood hazard established in Section 3.14.007, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
- (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** completes all of the provisions required by Section 65.12.”

SECTION 2. That all provisions of the ordinances of the City of Lucas, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other

than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction in the municipal court shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.


PASSED AND APPROVED by the City Council of the City of Lucas, Texas, on the 16th day of April, 2009.





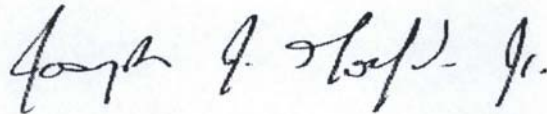
Bill Carmickle, Mayor

ATTEST:



Kathy Wingo, TRMC, City Secretary

APPROVED AS TO FORM:



Joe Gorfida, Jr., City Attorney
(JJG/cgo/35555)



City of Lucas

Planning & Zoning Agenda Request

September 9, 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.

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 and August 12, 2021 Planning and Zoning Commission meetings 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.

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 may requires a preliminary plat as applicable, a minor plat as applicable, and a 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,~~ paving design manual, stormwater design manual, 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~~ licensed 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 Central Texas Council of Governments (“NCTCOG”) 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. Improvement Agreement shall be 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~~ development services department. 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.

I 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 PI-t - 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.~~-(move to Chapter 3)
- (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 (Need legal determination as to whether this can be changed to 2 years rather than 5 years)** 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 (Need legal determination as to whether this can be changed to 2 years rather than 5 years)** 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) Adequate provision has been made for the dedication and installation of public improvements; 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-development services** 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:

(Development Services Director needs to determine where physical elements of property such as building and setback lines will be placed since they cannot go onto the final plat).

(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 by the city ~~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 if required;
- (2) Required public improvements have been constructed and are ready to be accepted by the planning and zoning commission, and/or an improvement agreement has been approved by the city council 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) Adequate provision has been made for the dedication and installation of public improvements; 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 PDF, DWG or DGN format, and two sets of bluelines, 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

City ~~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. 10.03.049–10.03.080 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~~ licensed 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~~ licensed 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.

I 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~~ Development Services Director, 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 an approved 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 September 9, 2021

Item No. 03

Requester: City Secretary Stacy Henderson

Agenda Item Request

Consider approval of the minutes of the August 12, 2021 Planning and Zoning Commission meeting.

Background Information

NA

Attachments/Supporting Documentation

1. August 12, 2021 Planning and Zoning Commission minutes.

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve the minutes of the August 12, 2021 Planning and Zoning Commission meeting.



City of Lucas
Planning and Zoning Commission

Regular Meeting
City Hall Council Chambers
and Video Conference

August 12, 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 James Foster would serve as a voting member due to the absence of a regular member. A quorum was present, and the Pledge of Allegiance was recited.

Commissioners Present:

Chairman Peggy Rusterholtz
Vice Chairman Joe Williams
Commissioner Dusty Kuykendall
Commissioner Tommy Tolson
Alternate Commissioner Chris Bierman
Alternate Commissioner James Foster

Commissioners Absent:

Commissioner Adam Sussman

Staff Present:

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

City Council Liaison Present:

Mayor Jim Olk

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.**

Chairman Rusterholtz opened the public hearing at 7:03 pm.

The following emails received were read into the record:

- Michael King, 1200 Bloom Street, Lucas
- Ken Bird, 4 Orchard Drive, Lucas

The following individual came forward to speak:

- Warren Hill, Dynamic Engineering representing the applicant, spoke in favor of the request.

The public hearing was closed at 7:06 pm.

MOTION: A motion was made by Vice Chairman Williams, seconded by Alternate Commissioner Foster to recommend approval 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. The motion passed unanimously by a 5 to 0 vote.

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.**

The Planning and Zoning Commission reviewed each page of Chapter 10 Subdivision regulations discussing proposed amendments. An updated redlined version of the amendments will be brought forward to the Commission at their September 9, 2021, meeting for further review.

The Commission ended their review on page 21 of 39 of the subdivision regulations, reviewing up to Division 4, Section 10.03.088. The remainder of the section will be reviewed at the September 9, 2021, meeting.

The Commission took a break at 9:13 pm. and reconvened at 9:17 pm.

City of Lucas Engineer Joe Grajewski discussed his review of the City's current stormwater manual, his recent meeting with the City of Allen regarding their drainage design manuals, and that he would also be conducting a review of the Town of Fairview's drainage designs. Mr. Grajewski noted that he would not recommend a new drainage design manual, but certain elements within the existing manual need to be addressed.

The following recommendations were made related to the stormwater manual:

- Engineer Joe Grajewski review the Town of Fairview stormwater manual
- Mr. Grajewski to identify key elements that are lacking within the City's stormwater manual and offer suggestions for improvements at the September 9, 2021 meeting
- Continue to review and analyze any new developments to ensure all drainage elements are being met

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

City Attorney Courtney Morris discussed bills that passed in the last two legislative sessions that directly affected the Planning and Zoning Commission, and in particular HB 3167 relating to platting approvals with conditions or disapproval.

The Commission asked for further information relating to SB 1090, which will be brought back and discussed by the City Attorney at a later date.

There was no formal action on this item, it was for discussion purposes only.

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

MOTION: A motion was made by Vice Chairman Williams seconded by Commissioner Tolson to approve the minutes of the July 8, 2021, Planning and Zoning Commission meeting. The motion passed unanimously by a 5 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 Vice Chairman Williams, seconded by Commissioner Tolson to adjourn the meeting at 10:05 pm. The motion passed unanimously by a 5 to 0 vote.

Peggy Rusterholtz, Chairman

Stacy Henderson, City Secretary